

Attachment 3. Impacts Resulting from Revised Project (Option B)

Background and Purpose of Review

On Wednesday, October 23, 2024, at the City of Santa Clara Planning Commission Meeting, the Commission considered staff recommendations to adopt a resolution to recommend the City Council certify the Final Environmental Impact Report (FEIR) prepared for the Mission Point Project (the Project, also referred to below as **Option A**) and adopt a Mitigation Monitoring and Reporting Program (MMRP), California Environmental Quality Act (CEQA) Findings, and a Statement of Overriding Considerations (SOC).

During the presentation by Kylli, Inc. (Project Sponsor), the U.S. real estate subsidiary of Genzon Investment Group, the Project Sponsor asked the Planning Commission whether it would be interested in permitting additional residential units (up to 800) in Area C, in the southeast quadrant of the Project Site, bringing the total residential units from the Project to 2,600 with an offset reduction in the commercial area by up to 800,000 square feet. Hereafter, these revisions are referred to as the Revised Project, or **Option B**. The Planning Commission indicated that it would be open to considering such a proposal.

The City has therefore identified two possible development scenarios:

- **“Option A”, or the Project**, which would allow for up to 1,800 units (approximately 1.8 million square feet) of residential uses, up to 3 million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities.
- **“Option B”, or the Revised Project**, which is similar to Option A but would also allow for the flexibility to develop up to an additional 800 dwelling units (for a grand total of up to 2,600 residential units) with a corresponding reduction in office square footage on Area C. If the maximum amount of residential is constructed under Option B, then the maximum office/research-and-development (R&D) component would be 2.2 million square feet. Option B would also contain approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities (the same as Option A).

Option B would be essentially the same as the Reduced Office/Increased Housing Alternative that was analyzed in the Draft Environmental Impact Report (DEIR) published November 2023 (State Clearinghouse No. 2018072068). Therefore, the purpose of this review is to:

- 1) compare the Revised Project proposed by Kylli, Inc. with what was analyzed as the Reduced Office/Increased Housing Alternative in the DEIR,
- 2) compare the impacts between the Reduced Office/Increased Housing Alternative that were disclosed in the DEIR and the impacts of the Revised Project, and

- 3) verify that the Revised Project's impacts would not be greater than those identified for the Project and provide evidence to support a conclusion that the Revised Project's impacts have been fully assessed in the Final EIR.

Each of these 3 items is described further below.

1. Comparison of Revised Project and Reduced Office/Increased Housing Alternative

Revised Project (Option B)

Under Option B, the overall office square footage would be reduced by up to 800,000 sq. ft and the number of housing units would increase by up to an additional 800 more than the Project amount of 1,800 units, resulting in a total of 2,600 residential units at the Project Site. Overall, Class A Commercial Office/Lab space would be reduced to 2,200,000 square feet (sq. ft.). The amount of retail (100,000 sq. ft.) and childcare space (10,000 sq. ft.) would remain the same as the Project.

Parking under Option B would be the same as that proposed for Option A and would be provided in a mix of subsurface and aboveground parking facilities. Also, Option B would provide the same acreage of parks/open space as proposed under Option A, which would include up to approximately 16 acres of publicly accessible open space at grade level as well as approximately 10 acres of private open space for residential and office uses; new bicycle, pedestrian, and vehicular circulation routes; and upgraded and expanded infrastructure. Also, just as Option A did not consider parking adequacy in the EIR as an impact under CEQA, this analysis does not consider aesthetics or the adequacy of parking in determining the significance of project impacts under CEQA, pursuant to Public Resources Code Section 21099, which states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment."

Reduced Office/Increased Housing Alternative

As described in the DEIR, under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase compared to the Project. This would be accomplished by removing all 789,000 gsf of office/R&D space in Area C and replacing it with 800 multi-family housing units. The retail uses, amenities, open space, and potential substation in Area C would all remain the same as under the Project. In addition, all other land use and development assumptions for Areas A, B, and D would remain the same as under the Project. Thus, the Reduced Office/Increased Housing Alternative would result in up to 4,913,000 gsf of new development, including up to 2,600 housing units (approximately 2,600,000 gsf); approximately 2,211,000 gsf of office/R&D space; approximately 100,000 gsf of neighborhood retail uses; and approximately 10,000 gsf of childcare facilities.

Given the similarities, the Revised Project is essentially the same as the Reduced Office/Increased Housing Alternative described in the DEIR.

2. Comparison of Impacts

Land Use

Land Use impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. As with the Reduced Office/Increased Housing Alternative, the Revised Project would not physically disrupt or divide an established community, resulting in no impact. (NI)

Conflicts with Adopted City Land Use Plans and Policies Regarding the Jobs/Housing Balance. As with the Reduced Office/Increased Housing Alternative, employment growth associated with operation of the Revised Project would improve the jobs/housing balance in the city to a greater extent than the Project because fewer jobs would be created and more housing would be constructed.

As with the Reduced Office/Increased Housing Alternative, the Revised Project would provide mixed-use development in proximity to transit and would be within walking distance of multiple VTA light rail stations as well as Great America Station, which is served by Amtrak's Capitol Corridor and Altamont Corridor Express. Likewise, as with the Reduced Office/Increased Housing Alternative, the Revised Project would be largely consistent with surrounding uses, including Levi's Stadium, the Hilton Santa Clara Hotel, Convention Center, California's Great America Amusement Park, and the Patrick Henry Specific Plan adjacent to the site.

As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in fewer employees and more housing. Both the alternative and the Revised Project would have a greater effect on the jobs/housing imbalance than the Project, and it would improve the jobs/housing ratio compared to what is expected to result from the current City General Plan projections in 2035 (2.15) and ABAG's projections in 2040 (2.99). Therefore, the Revised Project would result in a greater improvement in the jobs/housing imbalance as the Reduced Office/Increased Housing Alternative, and there would be no impact. (NI)

Consistent with Airport Land Use Plan. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be consistent with CLUP policies regarding safety, heights, and noise, as well as FAA Regulation Part 77 notification requirements, and would result in a less-than-significant land use impact with respect to CLUP policies, the same as the Reduced Office/Increased Housing Alternative. (LTS)

Conflicts with Adopted City Land Use Plans and Policies Other than the Jobs/Housing Balance and Airport Land Use Plan. Because of the general consistency with land use policies, any potential conflicts with the General Plan related to the new land use classification under the Revised Project, would be similar to the Reduced Office/Increased Housing Alternative and would be less than significant. (LTS)

Cumulative Impacts. As with the Reduced Office/Increased Housing Alternative, the Revised Project would introduce a project with fewer employees and more housing but the same amount of total floor area as the Project. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would not contribute to a significant cumulative impact, and any conflicts with the General Plan and CLUP would be less than significant. (LTS)

Transportation

Transportation impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Adopted Plans, Ordinances, and Policies Regarding Roadways and Transit, Bicycle, and Pedestrian Facilities. As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing roadways and transit, bicycle, and pedestrian facilities, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Vehicle Miles Traveled. As with the Reduced Office/Increased Housing Alternative, under the Revised Project average daily traffic from new development within the Project site would decrease compared to the Project and would qualify as a transit-supportive project and thus be assumed to have a less-than-significant impact on VMT. (LTS)

Hazards Due to Design Features or Incompatible Uses and Emergency Access. The Revised Project would include design features similar to those of the Project and the Reduced Office/Increased Housing Alternative, which are intended to reduce conflicts between vehicles and alternative modes of travel. Emergency access to the Project site would be similar to access under the Reduced Office/Increased Housing Alternative because site circulation would be the same, resulting in less-than-significant impacts. (LTS)

Construction Impacts.¹ The Revised Project would generate a similar number of truck trips during construction and about the same number of trips by construction workers as the Reduced Office/Increased Housing Alternative. Similar to the Reduced Office/Increase Housing Alternative, the Revised Project would require preparation of a construction management plan that would be reviewed and approved by the Public Works Department, similar to requirements under Project Mitigation Measure TRA-1.1 (Construction Management Plan). Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be less than significant with mitigation. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project combined with cumulative projects would not result in cumulative impacts for any

¹ Construction impacts are applicable to topics such as conflicts with adopted plans, ordinances, or policies addressing roadways and transit, bicycle, and pedestrian facilities; hazardous design features or incompatible uses; and emergency access.

transportation topic. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project in combination with cumulative projects would have a less-than-significant cumulative transportation impact with mitigation, similar to the Project. (LTS/M)

Air Quality

Air Quality impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as, similar to, or less than those identified for the Project, as described in the DEIR and summarized below.

Conflict with or Obstruct Implementation of the Air Quality Plan. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, would include energy saving features and sustainability measures, such as LEED certification, alternative transit options, landfill diversion techniques, and water-saving features. The Revised Project would not disrupt implementation of any of the measures for the BAAQMD's 2017 Clean Air Plan. Thus, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not conflict with the applicable regional air quality plans. Therefore, impacts are considered less than significant, the same as the Project. (LTS)

Construction Criteria Air Pollutant Emissions. Similar to the Project, implementation of Mitigation Measures AQ-2.1 and AQ-2.2 would reduce the impact and would bring daily nitrous oxides (NO_x) construction emissions below the BAAQMD threshold. Therefore, with implementation of Mitigation Measures AQ-2.1 and AQ-2.2, the Revised Project's impacts would be less than significant with mitigation, similar to the Project. (LTS/M)

Operational Criteria Air Pollutant Emissions. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in 17 percent fewer vehicle trips than the Project and thus the operational air quality impacts would be reduced. However, even with Mitigation Measures AQ-2.3 through AQ-2.6, the operational-only emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would exceed the BAAQMD thresholds of significance. Assuming that emissions of ROG and NO_x would roughly decrease by 17 percent,² the Revised Project would likely still result in emissions of ROG and NO_x that would be above the thresholds of significance, because of the magnitude of the threshold exceedances.

Similar to the Reduced Office/Increased Housing Alternative, emissions of PM₁₀ and PM_{2.5} for the Revised Project would be roughly 20 percent above the threshold; thus, it is possible that the Revised Project would result in emissions that would be closer to the PM₁₀ and PM_{2.5} thresholds but most likely would not be below. Similar to the Project, Mitigation Measures AQ-2.3 through AQ-2.6 would reduce the Revised Project's impact but not to below the BAAQMD thresholds. Operational emissions of the Revised Project would be significant and unavoidable, resulting in a slightly lower impact than the Project. (SU/M)

Exposure of Sensitive Receptors to Carbon Monoxide Hot-spots. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would generate less traffic than the

² The actual decrease in emissions would be less than 17 percent because there are non-mobile sources of emissions as well.

Project, thus, the CO concentrations at potential hot-spots would be less than what is anticipated for the Project. As evaluated in the DEIR Table 3.3-13, worst-case CO concentrations from Project implementation are well below the CAAQS and NAAQS. Thus, CO concentrations with implementation of the Revised Project are not expected to contribute to any new localized violations of the 1-hour or 8-hour ambient air quality standards, resulting in less-than-significant impacts, which is reduced compared to the Project. (LTS)

Construction and Operational TAC Emissions. During operations of the Revised Project, the same types of fine particulate matter (PM_{2.5}) and diesel particulate matter (DPM) sources would be present but to a lesser degree. For example, there would be approximately 17 percent fewer vehicle trips, and most likely, fewer emergency generators.³

New receptors would live and work at the Project area while subsequent phases of construction are on-going. Construction of the Revised Project may result in a shorter construction duration, but that is not known for certain. If that were the case, the Revised Project would reduce the duration of exposure compared to the Project. As shown in Table 3.3-14, for construction-only impacts, the Project would not cause any significant health risks or PM_{2.5} concentrations; thus, it is likely that the Revised Project would not result in significant health-related impacts during the construction-only period. However, for Project operations, construction and operations overlap, so there would be a significant cancer risk in one scenario and a significant PM_{2.5} impact in six scenarios, which is similar to the Project

The significant cancer risk for the Project would occur at onsite receptors during the period for the construction and operations overlap. It is conservatively assumed that the construction period for the Revised Project would be the same as the Project's construction period. Thus, health risks for the Revised Project are conservatively assumed to be the same as the health risks from the Project and above the threshold.

The significant PM_{2.5} concentrations for the Project would occur at offsite and onsite receptors and would cause impacts that are much greater than the BAAQMD threshold. At some receptors, the PM_{2.5} concentration would be 10 times the threshold; as such, even with reduced vehicle traffic and emergency generators, the Revised Project would result in PM_{2.5} concentrations that are above the BAAQMD threshold.

Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 would be implemented to reduce Project-related impacts and would also be required for the Revised Project. However, even with this mitigation, impacts for the Revised Project would be above the thresholds and thus significant. Therefore, this impact would be significant and unavoidable, resulting in a slightly lower impact than the Project. (SU/M)

Exposure of Sensitive Receptors to Asbestos During Construction. As with the Project, asbestos impacts could occur if demolition of existing buildings containing asbestos or disturbance of any features exposes workers. The Revised Project would comply with BAAQMD Regulation 11, Rule 2, which would control emissions of asbestos to the atmosphere during demolition activities. Accordingly, this impact would be less than significant, the same as the Project. (LTS)

³ Commercial uses are more likely to have emergency generators than residential uses.

Objectionable Odors. Similar to the Project, potential odor sources from construction of the Revised Project include diesel exhaust from heavy-duty equipment, diesel exhaust from delivery vehicles and weekly trash pick-up, and the use of architectural coatings during maintenance activities; limited odors may also result from residential cooking appliances during operations. Given mandatory compliance with BAAQMD regulations, no construction or operational activities for the Revised Project would create a significant level of objectionable odors. Accordingly, this impact would be less than significant, the same as the Project. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in less criteria air pollutant emissions than the Project but would still contribute considerably to significant cumulative regional air pollutant levels, because the thresholds of significance, which are inherently cumulative, would be exceeded. (SU/M)

As noted in the cumulative discussion in Section 3.3, *Air Quality*, the analysis for consistency with BAAQMD's Clean Air Plan is inherently cumulative. Thus, the discussion above for the Revised Project's consistency with the Clean Air Plan (CAP) is also representative of cumulative impacts. (LTS)

The Revised Project would result in DPM and PM_{2.5} emissions that would contribute to cumulative exposure for onsite and offsite sensitive receptors, including future receptors at the site of the Patrick Henry Specific Plan. The amount of emissions would be less than the Project under the Revised Project, as noted above. As evaluated in Tables 3.3-15 through 3.3-18, the cumulative exposure during Project operations and construction and operation overlap would be greater than BAAQMD cumulative thresholds for PM_{2.5} at onsite and offsite receptors. Due to the magnitude of exceedances for the cumulative exposure to PM_{2.5}, the Revised Project would not prevent significant impacts. Like the Project, no feasible mitigation has been identified that would eliminate the significant cumulative impact on sensitive receptors, but the Revised Project's contribution to this impact would be less than the Project's contribution. (SU/M)

Greenhouse Gas Emissions

Greenhouse Gas Emission impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Generation of GHG Emissions during Construction and Operation. It is likely that overall construction activities for the Revised Project would be similar to construction activities for the Project and Reduced Office/Increased Housing Alternative. GHG emissions from construction were determined to be less than significant with Mitigation Measure GHG-1.1 for the Project, because implementation of construction-related measures, as recommended by BAAQMD, would reduce GHG emissions. This mitigation measure would also be required for the Revised Project. Therefore, the impact would be less than significant with mitigation. (LTS/M)

For operations, vehicle traffic would include daily trips from residents, employees, customers, delivery trucks, and waste management trucks. The Revised Project would result in 17 percent fewer vehicle trips than the Project and thus the operational GHG emissions would be reduced.

As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would be consistent with the City's CAP. Because consistency with the City's CAP requires a detailed assessment of a project's features, it cannot be determined whether future development would be consistent or conflict with the plan. The level of detail necessary to determine consistency with the City's CAP is greater than the level of detail that is appropriate for analyzing a project's alternatives under CEQA. However, it is likely that the Revised Project would result in design features similar to those of the Project and be consistent with the City's CAP, and introducing more residential units under Option B would be more closely aligned with the CAP goals and policies. This impact would be less than significant. (LTS)

Conflicts with Applicable Plans and Policies. As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would conflict with any applicable plans or policies adopted to reduce GHG emissions because the specific design features of this alternative have not been determined. Because consistency with the City's CAP,⁴ CARB's 2022 Scoping Plan, and Plan Bay Area 2050 require a detailed assessment of a project's features, it cannot be determined with certainty whether the Revised Project would be consistent or conflict with these plans. The level of detail necessary to determine consistency with these plans is greater than the level of detail appropriate for analyzing a project's alternatives under CEQA. However, it is likely that the Revised Project would result in design features similar to those of the Project and introducing more residential units under Option B would be more closely aligned the CAP goals and policies be consistent with the CAP, 2022 Scoping Plan, and Plan Bay Area 2050. This impact would be less than significant. (LTS)

Energy

Energy impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources. As with the Reduced Office/Increased Housing Alternative, the Revised Project energy usage during construction would be reduced through the use of energy-efficient construction equipment and trucks as well as alternative fuels. Design features and Mitigation Measure GHG-1.1 would reduce the amount of fossil fuel consumed during construction as well as the energy intensiveness associated with building materials, including discarded construction and demolition waste. As with the Reduced Office/Increased Housing Alternative, impacts would be less than significant with mitigation. (LTS/M)

Operations under the Revised Project would comply with CALGreen and LEED building requirements and the implementation of a TDM program which would reduce impacts to a less than significant level, similar to the Reduced Office/Increased Housing Alternative. (LTS)

⁴ The CAP checklist notes that projects involving General Plan amendments may not use the CAP checklist and should quantify emissions. Similar to the Project, the Reduced Scale Alternative would involve a General Plan amendment. Nonetheless, the CAP checklist measures would be applicable to the Revised Project and, if implemented, would reduce Project-generated GHG emissions.

Conflict with Energy Plan. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be required to comply with State and local renewable energy and energy efficiency plans and impacts would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Therefore, impacts would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Noise

Noise impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Construction Impacts. As with the Reduced Office/Increased Housing Alternative, the Revised Project would include 26 percent less office space and 44 percent more residential units. Overall, the intensity and location of construction under the Revised Project would be very similar to that of the Project, because the Revised Project would involve the same types of construction equipment and similar worst-case distances to noise sensitive land uses as the Project. Thus, construction noise impacts for the Revised Project would be significant during daytime hours because of the greater than 10 dB increase above existing levels and during the nighttime hours from exceedance of the City Code noise limit. Implementation of Mitigation Measures NOI-1.1 from the EIR would reduce construction noise but not to a to less-than-significant level, because it cannot be determined with certainty that the construction noise reduction control plan would sufficiently reduce noise in all circumstances. Noise from construction haul trucks would be less than significant for the Revised Project, because there would be fewer haul trucks than the Project. Because of the construction equipment noise, the overall construction impact would be significant and unavoidable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (SU/M)

For vibration impacts during construction, the Revised Project may require the use of pile drivers, which would result in significant annoyance-related impacts even with Mitigation Measure NOI-3.1. Like the Reduced Office/Increased Housing Alternative, damage-related impacts would be less than significant, but annoyance-related impacts would be significant and unavoidable with mitigation. (SU/M)

Traffic Noise Impacts. The Revised Project are estimated to generate up to 30,428 external vehicle trips, which is the same as the Reduced Office/Increased Housing Alternative and approximately 17 percent less than the 36,981 vehicle trips from the Project. As evaluated in the EIR, the greatest increase in noise at any roadway from Project-related traffic would be 2.9 dB, which is less than what is considered noticeable and does not constitute a significant noise impact. Since the Revised Project would result in 17 percent less traffic than the Project, the increase in noise at all roadway segments would very likely be less than that of the Project. Therefore, the Revised Project would not exceed the 3 dB threshold, resulting in a less-than-significant impact, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Operational Noise Impacts from Stationary Sources and Other Operational Sources. In general, noise impacts from operational sources would be very similar for the Project, Reduced Office/Increased Housing Alternative, and the Revised Project, because the worst-case distances between noise source and receptor could be approximately the same. Impact NOI-2 for the Project notes that, at a distance of 50 feet, onsite noise-sensitive land uses could experience a noise limit exceedance from the operation of mechanical equipment and testing of emergency generators. For the Revised Project, onsite land uses may also be within 50 feet of mechanical equipment and/or emergency generators. As such, the impact is significant but would be less than significant with implementation of Mitigation Measure NOI-2.1. With the noise reduction plan, impacts from stationary noise equipment would be less than significant with mitigation, same as the Reduced Office/Increased Housing Alternative. Implementation of Mitigation Measure NOI-2.1 would reduce this impact to a less-than-significant level, similar to the Project. (LTS/M)

Noise from other sources associated with operations, such as amplified music and sound from events, human speech and music at the outdoor balconies, truck loading, and parking garage activity, would be similar in magnitude to noise as the Reduced Office/Increased Housing Alternative. The impact would be less than significant. (LTS)

Aircraft Noise Impacts. The Project site is adjacent to but outside the AIA of SJC and does not fall within the 65 dBA CNEL noise contour (i.e., the lowest noise contour for aircraft noise presented) for SJC, and would thus not be exposed to aircraft noise above 65 dBA.⁵ Therefore, people living and working at the Project site for the Revised Project would not be greatly affected by aircraft noise. Impacts from aircraft noise would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cumulative Impacts. Construction noise for the Project and Reduced Office/Increased Housing Alternative would be cumulatively considerable because Project construction noise could exceed the City's exterior noise limits at sensitive land uses or result in an increase of 10 dB or more over the ambient noise level. In addition, future residences at the Patrick Henry Specific Plan site would also be affected by a substantial increase in noise from construction at the Project site. The Revised Project would use the same types of construction equipment as the Project and Reduced Office/Increased Housing Alternative and have similar worst-case distances to noise-sensitive land uses. Consequently, the Revised Project would also result in a cumulatively considerable contribution to a cumulative noise impact. Mitigation Measure NOI-1.1 would reduce construction noise levels by incorporating practices that would minimize noise; however, noise controls may not reduce noise enough in all instances to prevent an increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to a level that would be in compliance with City Code noise limits. The contribution to this impact would be significant and unavoidable, the same as the Reduced Office/Increased Housing Alternative. (SU/M)

Construction of the Project and Reduced Office/Increased Housing Alternative were found to result in significant and unavoidable cumulative vibration impacts during construction. The same conclusion would apply to the Revised Project because the same types of equipment and worst-case

⁵ Windus, Walter B. 2011. *Comprehensive Land Use Plan for San José International Airport*. Santa Clara County Airport Land Use Commission. Adopted: May 25, 2011. Amended: November 16, 2016.

distances would apply. Mitigation Measure NOI-3.1 would be implemented to minimize this impact, but it cannot be determined whether vibration levels would be reduced to below the strongly perceptible threshold in all circumstances at the cumulative receptors. The contribution to this impact would be significant and unavoidable, the same as the Reduced Office/Increased Housing Alternative. (SU/M)

As noted for the Reduced Office/Increased Housing Alternative, non-traffic operational noise impacts would require implementation of Mitigation Measures NOI-2.1 to be less than significant. These cumulative impacts would be the same as the Revised Project, because the same general types of noise sources would be present (e.g., HVAC fans, chillers, emergency generators), resulting in similar noise levels. Future residences at the Patrick Henry Specific Plan site would also be affected by operational noise. The approximate distances to onsite and offsite sensitive land uses, as noted above, would be similar to those under the Reduced Office/Increased Housing Alternative. (LTS/M)

With regard to traffic noise effects, future regional growth in the Project vicinity would result in increases in traffic that would cumulatively increase traffic noise. As evaluated in Table 3.3-14 of the EIR, the Project-only contribution to cumulative noise impacts (i.e., relative to future conditions without the Project) would be 2.2 dB, which would not be noticeable. As with the Reduced Office/Increased Housing Alternative, the Revised Project would have approximately 17 percent fewer vehicle trips in the cumulative conditions than the Project, and the contribution of traffic noise would thus be less than 2.2 dB and thus not noticeable. Therefore, the contribution to the cumulative traffic noise impact would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cultural Resources

Cultural Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as those identified for the Project, as described in the DEIR and summarized below.

Impact Not Evaluated in Detail. As with the Reduce Office/Increased Housing Alternative, the Revised Project would not cause a substantial adverse change in the significance of a historic structure because none exist on the Project Site. Therefore, there would be no impact on historic structures. (NI)

Impacts on Archaeological Resources and Human Remains. Similar to the Reduce Office/Increased Housing Alternative, the Revised Project could uncover previously undiscovered prehistoric archaeological resources or human remains in the Project area that could be affected by ground-disturbing activities during construction and implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would reduce this impact to a less-than-significant level. (LTS/M)

Cumulative Impacts. As with the Reduce Office/Increased Housing Alternative, compliance with Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would lessen the Revised Project contribution to the cumulative impact to less than cumulatively considerable and reduce the significant cumulative impacts associated with the loss of archaeological resources and the disturbance of human remains to a less-than-significant level, similar to the Project. (LTS/M)

Biological Resources

Biological Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in no impact related to special-status species, habitats, or communities, similar to the Reduced Office/Increased Housing Alternative (and for the same reasons described for the Project). (NI)

Impacts on Special Status Species. Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would not result in significant impacts to birds and bats with the implementation Mitigation Measure BIO-1.1 and BIO-4.1. Therefore, as with the Reduced Office/Increased Housing Alternative, impacts on special-status species during construction would be less than significant with mitigation. (LTS/M)

Impacts on State or Federally Protected Wetlands. Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would not result in significant impacts on State- or federally protected wetlands. Compliance with the SWPPP during construction, as well as post-construction measures and design features required by the MRP, would reduce the potential impact from the Revised Project on Calabazas Creek to a less-than significant level. Impacts would be the same as the Reduced Office/Increased Housing Alternative. (LTS)

Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species. Construction and operational activities for the Revised Project would be the same the Reduced Office/Increased Housing Alternative and with implementation of Mitigation Measure BIO-4.1 impacts would be less than significant. (LTS).

It is expected that the proposed buildings under the Revised Project would be the same general height as the Reduced Office/Increased Housing Alternative and the Project. Regardless, the area of a building that poses the greatest risk for avian collisions is the lower portion because the majority of daily routine activities (e.g., foraging, roosting, nesting) occur relatively close to the ground. Therefore, bird collisions would occur at a similar rate as under the Reduced Office/Increased Housing Alternative. Although bird collisions cannot be completely avoided, the Project Sponsor would incorporate the City's standard condition of approval for bird safety into the final design of the Revised Project to reduce potentially significant impacts related to bird collisions. As with the Reduced Office/Increased Housing Alternative, implementation of Mitigation Measure BIO-4.2 would reduce impacts due to bird collisions during operation to less than significant, resulting in similar impacts compared to the Reduced Office/Increased Housing Alternative. (LTS/M)

Conflicts with Local Policies or Ordinances Protecting Biological Resources. Operation of the Revised Project would not result in conflicts with any local policies or ordinances protecting biological resources. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would result in less-than-significant impacts related to conflicts with policies or ordinance protecting biological resources, similar to the Project. (LTS)

Cumulative Impacts. Cumulative impacts with respect to biological resources would be less than significant with the implementation of Mitigation Measures BIO-1.1, BIO-4.1, and BIO-4.2, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Geology and Soils

Geology and Soils impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not include septic tanks/alternative wastewater disposal systems and would not be susceptible to landslides and would result in no impacts related to these topics. (NI)

Fault Rupture, Seismic Hazards, Erosion, and Expansive Soils. Construction and operation of the Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would be subject to the same seismic and soil conditions. Therefore, the Revised Project would result in less-than-significant impacts related to surface fault rupture, ground shaking, liquefaction, lateral spreading, soil erosion and loss of topsoil, and expansive soils for the same reasons described for the Project. (LTS)

Unstable Soil. Construction of the Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would include a similar amount of excavation and dewatering, with the implementation of Mitigation Measure GEO-3.1 would not contribute to collapse, subsidence, or settlement of unstable soil. (LTS/M)

Paleontological Resources. The Revised Project would be located on the same site as the Reduced Office/Increased Housing Alternative and include similar below-grade excavation for the parking garages. Therefore, with implementation of Mitigation Measure GEO-6.1, impacts related to paleontological resources would be reduced to a less-than-significant level, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Cumulative Impacts. Cumulative construction impacts with respect to geology and soils and paleontological resources for the Revised Project would be less than significant with implementation of Mitigation Measures GEO-3.1 and GEO-6.1. Therefore, impacts would be less than cumulatively considerable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Hydrology and Water Quality

Hydrology and Water Quality impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Surface Water Quality. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be required to comply with existing regulations that protect surface water quality during construction and operation and, therefore, would result in less-than-significant impacts

related to surface water quality for the same reasons described for the Reduced Office/Increased Housing Alternative. (LTS)

Groundwater Quality and Supply. The Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would include excavation dewatering and redevelopment in areas where contaminated soil or groundwater and water wells may be present, and would require implementation of Mitigation Measures GEO-3.1, HAZ-2.1, WQ-1.1, WQ-1.2, and WQ-2.1, which would reduce impacts to a less than significant level. (LTS/M)

Drainage Patterns. As with the Reduced Office/Increased Housing Alternative, construction and operation of the Revised Project would alter drainage patterns on the Project site; however, with implementation of Mitigation Measures WQ-3.1 and WQ-3.2, impacts would be reduced to a less than significant level. (LTS/M)

Release of Pollutants Due to Inundation. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be subject to the same risks for inundation during construction and operation and with implementation of Mitigation Measures WQ-3.2 would be reduced to a less than significant level. (LTS/M)

Conflict with a Water Quality Control Plan or Groundwater Management Plan. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project could affect groundwater quality, supply, and management during construction and operation; however, with implementation of Mitigation Measures WQ-1.1, WQ-1.2, GEO-3.1, and HAZ-2.1 impacts would be reduced to a less than significant level. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, cumulative impacts for the Revised Project with respect to hydrology and water quality would be less than significant with implementation of Mitigation Measures WQ-1.1, WQ-1.2, GEO-3.1, and HAZ-2.1. (LTS/M)

Hazards and Hazardous Materials

Hazards and Hazardous materials impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not be located within 0.25 mile of schools or on a hazardous materials release site and would result in no impacts related to these topics. (NI)

Aviation Hazards, Emergency Response and Evacuation, and Routine Transport, Use, or Disposal of Hazardous Materials. Similar to the Reduced Office/Increased Housing Alternative, construction and operation of the Revised Project would be required to comply with existing regulations and policies that address aviation hazards, emergency response and evacuation, and hazardous materials management and result in less than significant impacts. (LTS)

Accidental Release of Hazardous Materials. Similar to the Reduced Office/Increased Housing Alternative, construction of the Revised Project would include potential disturbance of

contaminated soil and groundwater; however, With implementation of Mitigation Measure HAZ-2.1 these would be reduced to a less than significant level. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, cumulative impacts from the Revised Project with respect to aviation hazards, emergency response and evacuation, and hazardous materials management would be less than significant and therefore would be less than cumulatively considerable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (LTS or LTS/M)

Population and Housing

As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in approximately 5,590 residents on the Project site. Because 6,667 employees were assumed in the General Plan for the Project site, the Revised Project would generate fewer employees than planned for, resulting in 1,207 fewer net new employees than assumed in the General Plan. Population and Housing impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or less than those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Like the Reduced Office/Increased Housing Alternative, the Revised Project would demolish the existing buildings at the Project site. No existing residential units would be demolished. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would not displace housing or people. (NI)

Population Growth. As with the Reduced Office/Increased Housing Alternative, construction employment for the Revised Project would most likely be met within the existing and future labor market in the city and the county, in a less-than-significant impact related to population growth.

Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would result in a direct population increase due to onsite residents of approximately 5,590 people, approximately 25.1 percent of the city's population growth over this 15-year period, the same as under the Reduced Office/Increased Housing Alternative.

Because the Revised Project would generate fewer employees onsite than was planned for in the General Plan, the result would be a decrease in anticipated demand for housing units to support employment in the city and county. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in a lesser population increase in the city and region than the Project. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, in combination with other projected growth in the city, would not increase population and housing in the city and the contribution to a cumulative impact would be less than significant. (LTS)

Public Services and Recreation

Public Services and Recreation impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Impact on Fire Services and Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers for the Revised Project are not expected to put an additional strain on fire protection services and impacts related to fire protection during construction would be less than significant. (LTS)

Similar to the operation of the Reduced Office/Increased Housing Alternative, the Revised Project would result in additional employees and residents on the Project site; however similar to the Reduced Office/Increased Housing Alternative, impacts related to fire protection would be less than significant. (LTS)

Impact on Polices Services and Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to increase the SCPD's service population and impacts related to police protection during construction would be less than significant.

Similar to operation of the Reduced Office/Increased Housing Alternative, the Revised Project could affect the SCPD by intensifying site activity; adding new employees, residents, and visitors; increasing square footage; and increasing traffic incidents; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives and impacts related to police protection would be less than significant. (LTS)

Impact on School Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to trigger a need for new schools or require expansion or rehabilitation of existing facilities. Therefore, similar to the Reduced Office/Increased Housing Alternative, impacts related to schools during construction would be less than significant. (LTS)

Similar to the Reduced Office/Increased Housing Alternative, during operation, the Revised Project would generate approximately 5,590 onsite residents and, therefore, would have a direct impact on schools; however, as with the Reduced Office/Increased Housing Alternative, the Revised Project would be subject to SB 50 School Impact Fees. Therefore, the Revised Project would not trigger the need for the expansion or construction of new schools, resulting in a less-than-significant impact. (LTS)

Impact on Parks and Recreation Facilities. Implementation of the Revised Project could contribute to an increase in demand for parkland because it would add new residents to the city; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be required to dedicate public parkland and/or pay a fee in lieu and would therefore result in a less-than-significant impact on park and recreational land. (LTS)

Similar to the Reduced Office/Increased Housing Alternative, the Revised Project is expected to include the same amount of dedicated parkland and private recreational amenity space as the Reduced Office/Increased Housing Alternative (i.e., approximately 10 acres of dedicated parkland and approximately 4 acres of private active recreational amenity space). Under the Revised Project, there would be an incrementally increased park demand compared to the Project, but impacts related to parks would be less than significant, similar to Reduced Office/Increased Housing Alternative. (LTS)

Impact on Library Facilities. Similar to the Reduced Office/Increased Housing Alternative, the October would not put additional strain on library services that would require the rehabilitation of existing or the construction of new library facilities and would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita. Therefore, the Revised Project would result in a less-than-significant impact related to libraries. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita, cumulative development in the city associated with the Revised Project would result in increased demand for fire services, police services, school facilities, parks, recreational facilities, and library facilities to accommodate growth; however, as with the Reduced Office/Increased Housing Alternative's cumulative impacts on public service providers, the Revised Project's cumulative impacts would be less than cumulatively considerable. (LTS)

Tribal Cultural Resources

Tribal Cultural Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Impacts on Tribal Cultural Resources. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would have no impacts on tribal cultural resources during operation. However, significant impacts related to tribal cultural resources could result from construction of Revised Project, but with implementation of the Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, these would be reduced to a less-than-significant level. (LTS/M)

Cumulative Impacts. Cumulative development in the city would result in demolition or alteration of non-archaeological and archaeological resources that may qualify as tribal cultural resources under CEQA. Therefore, Revised Project, similar to the Reduced Office/Increased Housing Alternative, could contribute to a cumulative loss of tribal cultural resources. However, implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which require an archaeological monitoring plan, cultural resources sensitivity training for all construction crews participating in ground-disturbing activities, and stopping work if archaeological deposits are encountered during ground-disturbing activities, would reduce impacts to less than significant. (LTS/M)

Utilities and Service Systems

Utilities and Service Systems impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in the generation of unique types of solid waste that would conflict with existing regulations regarding solid waste disposal. Therefore, there would be no impact related to complying with applicable federal, State, and local statutes and regulations. (NI)

Utility Relocation, Construction, or Expansion. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would upgrade all utilities to meet the demand for the increased number of onsite residents and employees. In addition, implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential construction impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems would be less than significant with mitigation. Therefore, similar to the Reduced Office/Increased Housing Alternative, this impact would be less than significant with mitigation. (LTS/M)

Water Supply. Construction activities under the Revised Project would be served by existing water systems and infrastructure. and impacts on water supplies during construction would be less than significant, similar to the Project. (LTS)

During operation, the Revised Project total water demand would be 646.4 acre-feet per year, same as the Reduced Office/Increased Housing Alternative. Therefore, as with the Reduced Office/Increased Housing Alternative, implementation of the Revised Project would have a less-than-significant impact on water supplies. (LTS)

Wastewater Treatment Capacity. Construction activities associated with the Revised Project would be served by the existing sewer system and infrastructure and would result in a less-than-significant impact on wastewater treatment providers during construction, same as the Reduced Office/Increased Housing Alternative. (LTS)

During operation, the Revised Project estimated BWF would be 51,533 gpd by 2035, same as the Reduced Office/Increased Housing Alternative and therefore impacts on wastewater facilities would likewise be less-than-significant. (LTS)

Solid Waste Capacity. Demolition under the Revised Project would be the same as under the Reduced Office/Increased Housing Alternative and would not constitute a substantial portion of the solid waste facilities' daily permitted capacity. Therefore, the solid waste facilities that would serve the Project site during construction would be able to accommodate the construction waste generated by the Revised Project and would be served by a landfill with adequate permitted capacity to accommodate its solid waste disposal needs. (LTS)

Cumulative Impacts. The Revised Project would result in utilities and service system impacts similar to those of the Reduced Office/Increased Housing Alternative. Therefore, cumulative impacts under the Revised Project, including impacts related to utility relocation, water supply, wastewater treatment capacity, and solid waste capacity, would be less than cumulatively considerable. (LTS)

3. Conclusions and Findings Regarding Recirculation of the Draft EIR

As described above, the Revised Project (Option B) would result in impacts that are the same as or similar to those of the Project (Option A) and some Air Quality and Population and Housing impacts would be less than those caused by the Project. No impacts under the Revised Project would be greater than the Project. Therefore, neither a new significant environmental impact nor a substantial increase in the severity of an environmental impact as disclosed in the EIR would result from Option B. Thus, the impacts of Option B are fully within the scope of the analysis in the Final EIR.

With respect to whether Option B triggers a recirculation of the EIR, Section 15088.5 of the State CEQA Guidelines requires recirculation “when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review” but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting as well as additional data or other information. (State CEQA Guidelines Section 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (State CEQA Guidelines Section 15088.5[a].) “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from a project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (State CEQA Guidelines, Section 15088.5).

The analysis of impacts from Option B, as detailed above, shows that the first two conditions requiring recirculation are **not** met because:

1. Option B would **not** result in any new significant environmental effects and
2. Option B would **not** cause a substantial increase in the severity of previously identified significant effects.

Further, the third condition requiring recirculation is **not** met because:

3. The project proponent is proposing the Revised Project (Option B), which, as detailed above, is essentially the same as the Reduced Office/Increased Housing Alternative, which was fully analyzed in the DEIR.

Finally, the fourth condition is **not** met because:

4. All Project modifications or amendments to the EIR are either environmentally benign or environmentally neutral, and thus represents the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works toward its conclusion; Comments provided on the EIR have not shown the EIR to be inadequate or conclusory.

Therefore, inclusion of this analysis as Attachment 3 to the FEIR does not constitute “significant new information” that would trigger recirculation because the analysis does not result in any new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the Project that Kylli has declined to adopt. This analysis clarifies and amplifies the conclusions of the Project and Reduced Office/Increased Housing Alternative and concludes that the Revised Project is within the scope of the EIR.