December 2024 | Addendum to the Environmental Impact Report
State Clearinghouse Number 2019070377

Westport Mixed-Use Project Environmental Impact Report Addendum No. 1

City of Cupertino

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1. Introduction and Purpose

On August 19, 2020, the City of Cupertino certified Westport Mixed-Use Project Environmental Impact Report (EIR), State Clearinghouse Number 2019070377, and approved the Westport Mixed-Use Project. This document is an Addendum to the 2020 EIR. For the purposes of this Addendum, the 2020 EIR is considered the "Certified EIR." Following EIR certification, minor changes were made to the 2020 project (see Table 3-2, *Changes Following Certification of the EIR)* and approved by City Council. The 2020 project with these changes is considered the "Approved Project." This document is the first Addendum to the Certified EIR.

Since the time of the Certified EIR and Approved Project, the developer, Related Companies, has proposed modifications to the Approved Project from what was evaluated in the Certified EIR. For the purposes of this Addendum, the proposed modifications to the Approved Project are considered the "proposed Modified Project." The purpose of this Addendum is to analyze the impacts of the construction and operation of the proposed Modified Project.

Based on the information provided in this Addendum, construction and operation of the proposed Modified Project would not result in any new impacts or increase the severity of previously identified significant impacts analyzed in the Certified EIR. The proposed modifications to the Approved Project would not result in a substantial change to the project and, therefore, additional environmental review is not necessary. Detailed discussions of the standards for the preparation of an Addendum, the proposed modifications, and the environmental analysis of the proposed modifications are provided in Chapter 2, *Standard for Preparation of an Addendum;* Chapter 3, *Project Description;* and Chapter 4, *Environmental Analysis,* of this Addendum, respectively.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City of Cupertino is the lead agency charged with the responsibility of deciding whether or not to approve the proposed action.

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2. Standard for Preparation of an Addendum

Pursuant to Section 21166, *Subsequent or Supplement Impact Report; Conditions,* of CEQA and Section 15162, *Subsequent EIRs and Negative Declarations*, of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified was adopted shows any of the following:
    - The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
    - Significant effects previously examined will be substantially more severe than identified in the previous EIR or negative declaration.
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
    - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present,[1] the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (CEQA Guidelines Section 15162[b]). An Addendum is appropriate where some minor technical changes or additions to the previously certified EIR are necessary, but there are no new or substantially more severe significant impacts (CEQA Guidelines Section 15164, *Addendum to an EIR or Negative Declaration*).

[1] See also Section 15163 of the State CEQA Guidelines, which applies the requirements of Section 15162 to supplemental EIRs.

STANDARDS FOR PREPARATION OF AN ADDENDUM

In accordance with the CEQA Guidelines, the City has determined that an Addendum to the Certified EIR is the appropriate environmental document for the Modified Project. This Addendum reviews the changes proposed by the Modified Project and examines whether, as a result of any changes or new information, a subsequent EIR may be required. This examination includes an analysis pursuant to the provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines concerning their applicability to the proposed Modified Project.

3. *Project Description*

This chapter provides a detailed description of the proposed Modified Project as it compares to the Approved Project, including the location, setting, and characteristics of the project site, as well as the proposed project features, approximate construction schedule, and required permits and approvals.

3.1 OVERVIEW AND SETTING

3.1.1 LOCATION AND SETTING

The 8.1-acre project site evaluated in the Certified EIR is at 21267 Stevens Creek Boulevard in the central portion of Cupertino, in Santa Clara County. Cupertino is approximately 46 miles southeast of San Francisco and is one of the cities that make up the area commonly known as Silicon Valley. Cupertino is north of the city of Saratoga, east of unincorporated Santa Clara County, south of the city of Sunnyvale, and west of the city of San José. Cupertino also shares a boundary with the city of Los Altos to the north. Regional access to the project site is provided by Interstate 280 (I-280), State Route 85 (SR-85), Stevens Creek Boulevard, Santa Clara Valley Transportation Authority (VTA) bus service, and by Caltrain via the Sunnyvale, Lawrence, and Santa Clara Caltrain Stations. The site is within the regional *Plan Bay Area* VTA City Cores, Corridors, & Station Areas priority development area (PDA). The closest VTA bus stop (Line 81) is at the Mary Avenue/Stevens Creek Boulevard intersection, approximately 200 feet east of the site, and bus stops are at De Anza College, approximately 1,900 feet to the east at the Stevens Creek Boulevard/South Stelling Road intersection. The nearest Caltrain station to the project site is the Sunnyvale station, which is approximately 4 miles to the north.

The project site is bounded by Mary Avenue to the north and east, Stevens Creek Boulevard to the south, and a SR-85 onramp to the west, off Stevens Creek Boulevard. The project site is surrounded by the Glenbrook Apartments to the north, the Cupertino Senior Center and Cupertino Memorial Park to the east, De Anza College to the south, and residential and industrial land uses to the west beyond SR-85. The project site is directly accessible from Stevens Creek Boulevard and Mary Avenue.

3.1.2 EXISTING SITE CONDITIONS

Since the time of the Certified EIR and Approved Project, the existing development (Oaks Shopping Center) on the project site has been demolished and each of the components of the Approved Project are developed and occupied except for the proposed Building 1, which is the subject of the proposed Modified Project. The eastern portion of the project site is dedicated to Building 1 and is currently graded and is a vacant dirt lot (see Figure 3-1, *Aerial View of Project Site*). No other aspects of the site conditions, including the General Plan Land Use designation or zoning district, have changed since the time of the Certified EIR.

PROJECT DESCRIPTION

Source: ESRI, 2017; PlaceWorks, 2024

Building 1
Project Site
Cupertino City Limit

Figure 3-1 Aerial View of Project Site

3.2 APPROVED PROJECT

The Approved Project includes rowhouses, townhomes, and two residential/retail buildings to be developed across the entire 8.1-acre site. The development that was analyzed in the Certified EIR is shown in Table 3-1, *Development Analyzed in the Certified EIR.*

TABLE 3-1 DEVELOPMENT ANALYZED IN THE CERTIFIED EIR

			Square Footage			
Building Type	Buildings	Units	Residential	Garage	Retail	Common Open Space
Rowhouses	3	19	34,245	10,840		155 square feet per unit
Townhomes	13	69	139,850	39,450		
Residential-Retail Building 1	1	115	193,500	97,750	17,600	
Residential-Retail Building 2	1	39	38,800	n/a	2,400	
Total	**18**	**242**	**406,395**	**148,040**	**20,000**	**37,601**

Note: Square footages are rounded up and include residential and parking.
Source: C2K Architecture Inc. , November 2018.

As previously described in Chapter 1, *Introduction and Purpose*, since the time of the Certified EIR, revisions were made to the development shown in Table 3-1. Table 3-2, *Changes Following Certification of the EIR,* shows the revisions made after EIR certification. As shown, the changes include an increase of 8 units in Building 1 and 9 units in Building 2 for a total increase of 17 units, which represents a 7 percent increase in overall units.

TABLE 3-2 CHANGES FOLLOWING CERTIFICATION OF THE EIR

	Project Approved Under Certified EIR			Approved Project			
Building Type	Units	Residential (sf)	Retail (sf)	Units	Residential (sf)	Retail (sf)	Difference
Rowhouses and Townhomes	88	174,095	0	88	174,095	0	0
Building 1	115 + 35 non-residential memory units	193,500	17,600	123 + 35 non-residential memory units	199,800	17,600	+8 units
Building 2	39	38,800	2,400	48	47,760	2,400	+9 units
Total	**242**	**406,395**	**20,000**	**259**	**421,655**	**20,000**	**+17 units**

Notes: sf = square feet
Source: City of Cupertino, 2020.

3.3 PROPOSED MODIFIED PROJECT

The proposed Modified Project would result in the following changes to Building 1:

- Increase the senior assisted living dwelling unit count to 136 dwelling units from 123 dwelling units;
- Reduce the ground floor retail in Building 1 to 4,000 square feet from 17,600 square feet;
- Eliminate the two subterranean parking levels to be located below Building 1.

Table 3-3, *Approved Project Compared to Proposed Modified Project,* shows the modifications proposed for Building 1. No changes are proposed to the landscaping, access and circulation, bird safe design, or utilities connections. Thus, this Addendum includes an evaluation of the potential impacts associated with the differences shown in Table 3-3. The proposed Modified Project is shown on Figure 3-2, *Proposed Site Plan for Building 1*.

TABLE 3-3 APPROVED PROJECT COMPARED TO PROPOSED MODIFIED PROJECT

Building 1 Only	Approved Project	Proposed Modified Project	Difference between Approved and Proposed Modified Project
Residential	123 senior living units 35 memory care units	136 senior living units 35 memory care units	+ 13 senior living units
Retail	17,600 sf	4,000 sf	- 13,600 sf
Vehicular Parking Spaces	191	0	-191
Entire Project Site			
Open Space	37,601 sf	47,780 sf	+10,179 sf

Notes: sf = square feet
Source: Related Companies. (project applicant), April 2024

3.3.1 RESIDENTIAL

The 117,303-square-foot building would be six stories tall with an overall height of 78 feet, 8 inches. This would be 8 feet and 8 inches taller than what was included in the Approved Project, but still within the allowable height of 80 feet with the Density Bonus. There would be a total of 171 units (136 senior living units and 35 memory care units). Of the 136 senior living units, 27 would be studios, 79 would be one bedroom, and 30 would be two bedrooms, as shown in Table 3-4, *Units in Building 1.*

TABLE 3-4 UNITS IN BUILDING 1

Level	Gross Area (SF)	Studio 530 SF	1 Bedroom 710 SF	2 Bedroom 1,110 SF	Memory Care	Total Units
6	27,562	0	11	5	0	16
5	34,979	9	21	7	0	37
4	34,709	9	21	7	0	37
3	34,716	9	21	7	0	37
2	35,742	0	5	4	35	44
1	27,728	0	0	0	0	0
Total	**195,253**	**27**	**79**	**30**	**35**	**171**

Notes: SF= square feet
Source: Related Companies. (project applicant), April 2024.

Building 1 would also include residential facilities including a memory care outdoor terrace on the second level; communal terrace on the sixth level; and pool/wellness center/gym on the ground level, all for resident use only; and a dining facility on the ground level, for use by residents and their guests only.

3.3.2 RETAIL

The proposed Modified Project includes modifications to the retail component on the ground level of Building 1. Building 1 would have 4,000 square feet of retail space compared to the 17,600 square feet under the Approved Project. There would be 2,400 square feet on the southwest corner of Building 1 along Stevens Creek Boulevard and 1,600 square feet would be on the southeast corner of Building 1 at the corner of Stevens Creek Boulevard and Mary Avenue. At-grade parking for these retail uses would be provided along Mary Avenue. There would be no subterranean parking garage as originally described under the Approved Project.

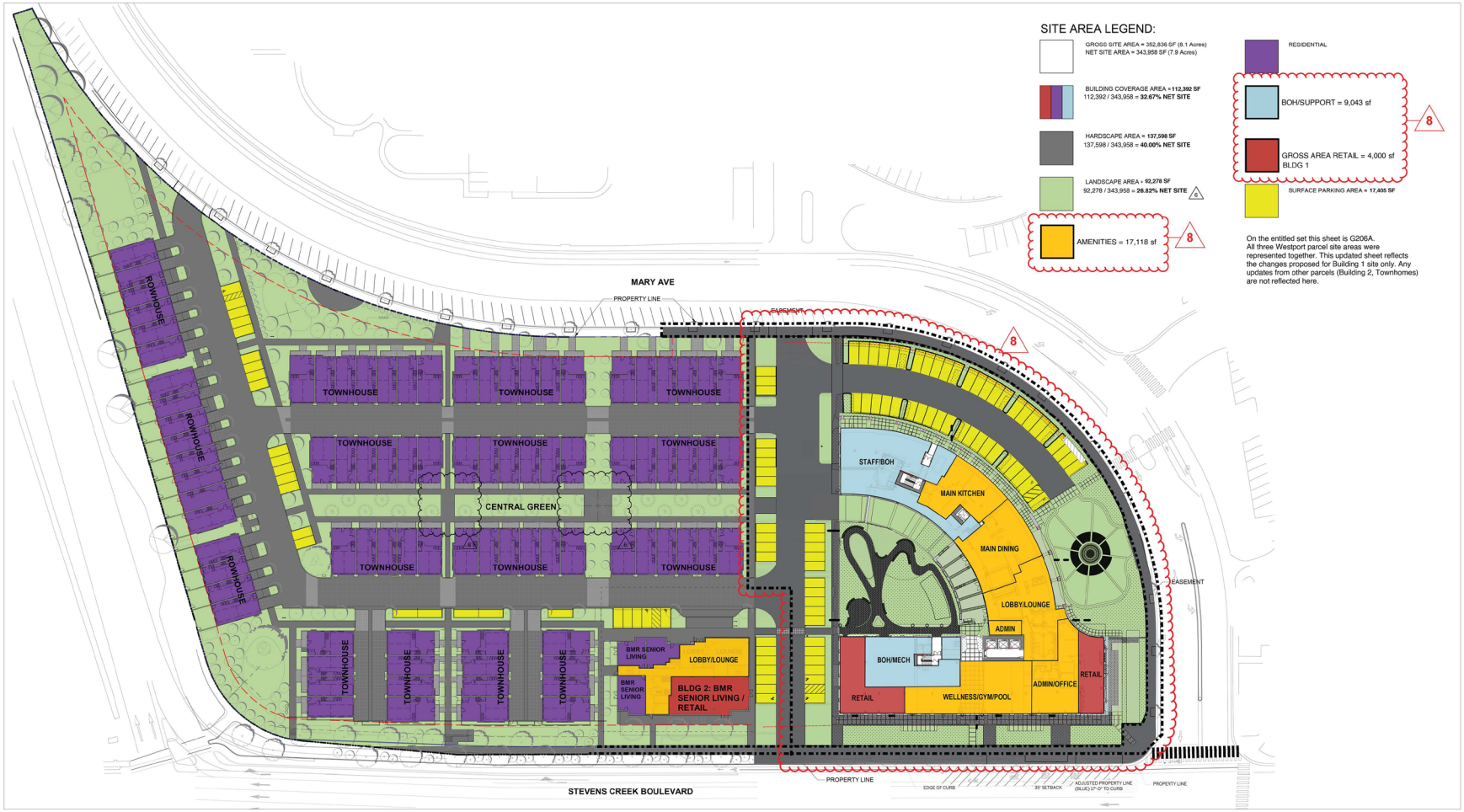
3.3.3 VEHICULAR PARKING

The proposed Modified Project would not include the subterranean parking garage under Building 1 but otherwise would not change access and circulation as is described under the Approved Project. All parking would be provided at grade. Residents and visitors of Building 1 would be provided with valet parking and staff parking would be coordinated off-site. Access to Building 1 would be from Mary Avenue to the north and Stevens Creek Boulevard to the south.

3.3.4 OPEN SPACE

Private open space areas would be provided for each residential unit either as a balcony or patio. Building 1 would include private balconies that range in size from 60 to 132 square feet per unit. Common open space areas would be provided to residents of Building 1 throughout the project site, including the central green space. The proposed Modified Project would include 47,789 square feet of common open space, an increase of 10,188 square feet of total project site open space from the Approved Project.

PROJECT DESCRIPTION



Source: Architect: Steinberg Hart; Civil: Kimley-Horn, 2024.

Figure 3-2 Proposed Site Plan for Building 1

3.3.5 CONSTRUCTION

Construction of the proposed Modified Project would occur over an approximately 16-month period and is anticipated to be completed by the year 2027. Because the project site is currently graded, no demolition or haul of materials would occur.

3.3.6 POPULATION AND EMPLOYMENT PROJECTIONS

The proposed Modified Project would add 13 additional units to Building 1 compared to the Approved Project. Therefore, based on an average household size of 2.94 persons,[2] the proposed Modified Project would generate about 38 new residents. The proposed Modified Project would decrease retail space by 13,600 square feet compared to the Approved Project. Using the generation rates applied in the General Plan EIR,[3] of 450 square feet of commercial space per employee, the proposed Modified Project would generate 30 fewer employees for the proposed retail uses.[4] It is anticipated that future residents and employees would be drawn largely from Cupertino and other communities in the San Francisco Bay Area.

3.3.7 REQUIRED PERMITS AND APPROVALS

Following the approval of this Addendum and the proposed Modified Project, the following discretionary permits and approvals from the City would be required:

- Development Permit
- Architectural and Site Approval Permit
- Use Permit

[2] Population is calculated by applying the City's generation rate used in the General Plan EIR of 2.94 persons per household

[3] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, (December 2014) and approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007 (October 2015).

[4] 17,600 square feet of retail divided by 450 square feet per employee equals 39 employees for the Approved Project. 4,000 square feet of retail divided by 450 square feet per employee equals 9 employees.

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4. Environmental Analysis

As previously described in Chapter 2, *Standard for Preparation of an Addendum*, this Addendum has been prepared pursuant to CEQA Guidelines Sections 15162 and 15164 to determine whether implementation of the proposed Modified Project would result in any new impacts or substantially more severe significant environmental impacts than were previously analyzed in the Certified EIR. As described in the Certified EIR, due to the proposed project's location in an urbanized setting and a qualified infill site in a Transit Priority Area (TPA), the project would not have a significant effect on agriculture, forestry, mineral resources, or aesthetics. It was determined through the preparation of an Initial Study that development of the Approved Project would also not result in significant environmental impacts for the listed environmental issues and these issues were not evaluated further in the Certified EIR. The following provides an explanation of why the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts in these topics.

- Energy. The proposed modifications to Building 1 would involve the same energy-conserving features of the Approved Project, would be on the same site, and would have less energy demand by eliminating the subterranean parking levels.
- Hydrology and Water Quality. The proposed modifications to Building 1 would occur on the same site and general footprint as that of the Approved Project and associated impacts to groundwater recharge would be similar under either scenario. The same regulatory setting as that of the Approved Project applies to the proposed Modified Project and compliance with the National Pollutant Discharge Elimination System Permit and Stormwater Pollution Prevention Plans identified in the Certified EIR would ensure that water quality standards would not be violated. The proposed Modified Project would be connected to the same municipal water supplies and would generate less water demand due to the elimination of the subterranean parking component.
- Land Use and Planning. The proposed modifications to Building 1 would occur on the same site and general footprint as Building 1 as that of the Approved Project and would include the same land uses. The proposed Modified Project would remain consistent with existing land use and zoning and the site's Density Bonus pursuant to Cupertino Municipal Code (CMC) Chapter 19.56, *Density Bonus*. Therefore, the proposed Modified Project, same as the Approved Project, would not physically divide an established community or conflict with any land use plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect.
- Population and Housing. The proposed modifications to Building 1 would occur on the same site and same general footprint as the Approved Project and would result in about the same percentage of population growth with 13 additional senior living units (38 additional residents).
- Public Services. The proposed modifications to Building 1 would be on the same site, include the same land uses, and would generally generate the same population growth (38 additional residents and 30 fewer employees) as the Approved Project.

- Recreation. The proposed modifications to Building 1 would be on the same site near existing parks and provide the same facilities as the Approved Project, would roughly generate the same population growth (38 additional residents and 30 fewer employees). Therefore, the proposed Modified Project would create the need for new or improved recreational facilities, which could cause an environmental impact.
- Wildfire. The proposed modifications to Building 1 would be on the same site as the Approved Project and not in or near State Responsibility Areas or lands classified as high fire hazard severity zones.

Accordingly, this Addendum only considers the extent to which the proposed modifications could result in new or substantially more severe significant impacts; it does not reevaluate impacts that would remain consistent with the analysis in the Certified EIR. The environmental topic areas analyzed in the Certified EIR include:

- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise
- Transportation
- Utilities and Service Systems

The sections below provide an evaluation of the environmental impacts of the proposed Modified Project and are organized to correspond with the standards of significance in the Certified EIR, consistent with Appendix G, *Environmental Checklist Form*, of the CEQA Guidelines. Because the Initial Study determined that construction and operation of the Approved Project would not result in significant environmental impacts for some of the environmental checklist questions, the topics are presented as "Standards Determined to Have No Significant Impact in the Initial Study," and "Standards Evaluated in the Certified EIR." Each section contains a summary of the findings of the evaluation, organized into the following columns:

- Level of Impact in the Certified EIR presents the level of significance identified for the project analyzed in the Certified EIR, using the following acronyms:
  - NI = No Impact. For these topics, there is no adverse effect on the environment.
  - LTS = Less than Significant. These effects are noticeable but do not exceed established or defined thresholds, and no mitigation is required.
  - LTS/M = Less than Significant with Mitigation. For these circumstances, an established or defined threshold would be exceeded, and a significant impact would occur; mitigation is required and would reduce the impact to a less-than-significant level.
- Environmental Effects of the Proposed Modified Project presents the level of significance identified for the proposed Modified Project based on the evaluation in this Addendum, using the following categories:
  - New Less-than-Significant Impact. The proposed Modified Project would have a noticeable but less-than-significant effect on the environment that was not identified in the Certified EIR.
  - Same Impact as Certified EIR. The proposed Modified Project would create the same level of impact identified in the Certified EIR.

- Less Impact than in Certified EIR. The proposed Modified Project would create a noticeable effect on the environment, with a lesser level of impact than was identified in the Certified EIR.
- Topic Not Applicable to the Proposed Modified Project. The proposed Modified Project would not have the potential to create an impact on an environmental topic that was evaluated in the Certified EIR.

4.1 AIR QUALITY

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	NI		X		
Standards Evaluated in the Certified EIR					
AQ-1: Conflict with or obstruct implementation of the applicable air quality plan?	LTS		X		
AQ-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards?	LTS/M			X	
AQ-3: Expose sensitive receptors to substantial pollutant concentrations?	LTS			X	
AQ-4: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS			X	

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topic of other emissions, such as those leading to odors, adversely affecting a substantial amount of people has been screened out from further evaluation in this Addendum because the type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g.,

auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Residential and retail uses are not associated with foul odors that constitute a public nuisance. Accordingly, no further analysis regarding this standard of significance is required, and this issue is not discussed further in this Addendum.

Standards Evaluated in the Certified EIR

AQ-1: The Certified EIR identified a less-than-significant impact with respect to conflicting with or obstructing the applicable air quality plan (2017 *Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan) based on consistency with the General Plan's land use designation and zoning district for the site, as well as the location within a PDA and a TPA. The proposed Modified Project would not change the location, nor the General Plan land use designation and zoning district of the project site. Additionally, the Approved Project was not considered a regionally significant project that would affect regional vehicle miles traveled (VMT) and warrant intergovernmental review by Association Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), nor would it exceed the Bay Area Air Quality Management District's (BAAQMD's) emissions thresholds. The proposed Modified Project, with minor changes to the residential units and nonresidential space, is not significant enough to change these findings. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR related to conflicting with or obstructing implementation of the applicable air quality plan.

AQ-2: The Certified EIR identified a less-than-significant impact with mitigation during the construction phase and less than significant during operation for impacts associated with an increase in criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change. The site has already been graded in preparation for construction of the Approved Project, and the subterranean parking garage has been removed from the proposed Modified Project, so the impact due to fugitive dust would be lessened for the remainder of the construction activities. The Approved Project would be required to comply with the BAAQMD Basic Construction Measures as described in Mitigation Measure AQ-2 in the Certified EIR. Mitigation Measure AQ-2 has been replaced by compliance with CMC Section 17.04.050(A)(1), which requires the project applicant to implement the BAAQMD Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter [$PM_{2.5}$ and PM_{10}]) during demolition, ground-disturbing activities, and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit. As a result, the proposed Modified Project must control fugitive dust during construction in accordance with CMC Section 17.04.050(A)(1) and Mitigation Measure AQ-2 as presented in the Certified EIR is no longer warranted. BAAQMD considers all impacts related to fugitive dust emissions from construction to be less than significant with implementation of BAAQMD's best management practices. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to construction-related fugitive dust.

Operational emissions for residential developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling, heating, and cooking); and area sources (landscape

equipment and household products). The Certified EIR found that none of the emission sources analyzed would create pollutant levels exceeding the BAAQMD thresholds under the Approved Project. The proposed Modified Project would include the same types of uses as the Approved Project and would eliminate the subterranean parking for residents and guests of Building 1. The residents and visitors would rely on valet parking. This would decrease the mobile source emissions estimated under the Approved Project. Based on a trip generation study conducted by Hexagon Transportation Consultants for the proposed Modified Project, there would be 839 fewer daily trips under the proposed Modified Project (see Appendix A, *Trip Generation Study,* of this Addendum).[5] The number of residential units in Building 1 under the proposed Modified Project would increase by 8 percent, though retail space would decrease by 30 percent. Overall, this would decrease the energy source and area source emissions under the proposed Modified Project. As mobile source emissions would generate the majority of increases in long-term criteria air pollutants, the decrease in daily vehicle trips due to the loss of parking would result in a decrease in operation-related emissions as well. As a result, like the Approved Project, the proposed Modified Project would not exceed the BAAQMD regional significance threshold. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the operational air quality impacts identified in the Certified EIR.

AQ-3: The Certified EIR identified a less-than-significant impact associated with construction- and operational-related health risks (i.e., exposure of sensitive receptors to substantial pollutant concentrations). Construction-related activities of the Approved Project would result in emissions of diesel particulate matter (DPM) from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., demolition, clearing, grading); paving; application of architectural coatings; on-road truck travel; and other miscellaneous activities. The Certified EIR found that the maximum concentration of $PM_{2.5}$ during construction of the Approved Project was 0.011 micrograms per cubic meter ($\mu g/m^3$), which is below the BAAQMD significance threshold of 0.3 $\mu g/m^3$. The highest calculated carcinogenic risk from project construction was 2.23 per million based on an annual PM_{10} concentration of 0.012 $\mu g/m^3$. Non-cancer hazards for DPM was below the BAAQMD threshold of 1.0, with a chronic hazard index computed at 0.001 and an acute hazard index of 0.01. Construction of the proposed Modified Project would reduce the amount of DPM emissions, since site grading is complete and the subterranean parking garage is not included in the proposed Modified Project. The Certified EIR found that operation of the Approved Project would not be a source of toxic air contaminants. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to the exposure of sensitive receptors to substantial pollutant concentrations.

AQ-4: The Certified EIR identified a less-than-significant cumulative impact associated with air quality under the Approved Project. The cumulative setting for the Approved Project is all development within the San Francisco Bay Area Air Basin contributes to regional emissions of criteria pollutants and basin-wide projections of emissions. There have not been significant changes in cumulative setting and the proposed Modified Project would result in less development. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

[5] Hexagon Transportation Consultants, 2024, September 20, *Trip Generation Study for the Proposed Assisted Living and Retail Development for the Westport Development at 21267 Stevens Creek Boulevard in Cupertino, CA*.

4.2 BIOLOGICAL RESOURCES

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Have a substantial adverse effect on any riparian habitat or other sensitive natural community type.	NI		X		
Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	LTS		X		
Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors, or nursery sites.	LTS		X		
Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan.	NI		X		
Standards Evaluated in the Certified EIR					
BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species.	LTS/M		X		
BIO-2: Conflict with any local ordinances or policies protecting biological resources.	LTS/M		X		
BIO-3: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS/M		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation; SU = significant and unavoidable

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topics regarding sensitive habitat, wetlands, migratory movement, and an adopted Habitat Conservation Plan have been screened out from further evaluation since the project site and surrounding area are urbanized and support roadways, structures, other impervious surfaces, and ornamental landscaping. The project site is bound by roadways on all sides and property beyond the roadways is developed with residential, senior services, and educational land uses. Thus, there is no riparian habitat or other sensitive natural community type or State or federally protected wetlands on the project site. The site contains no creeks or aquatic habitat that would support fish, and development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nurseries. No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan includes the project site. Accordingly, no further analysis regarding these standards of significance is required, and these issues are not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

BIO-1: The Certified EIR identified a less-than-significant impact with mitigation with respect to having a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined candidate, sensitive, or special-status species. Though there are no known occurrences of special-status plant or animal species and no suitable habitat for such species on the project site, there is a possibility that birds that are protected by the Migratory Bird Treaty Act and California Fish and Game Code could nest in trees and other landscaping near the project site that could be disturbed during construction of Building 1. Implementation of Mitigation Measure BIO-1 in the Certified EIR would require preconstruction surveys and protective measures for active nests. Mitigation Measure BIO-1 has been replaced by CMC Section 17.04.050(D)(1), which requires the project applicant to avoid nesting birds during construction and describes the procedures to be implemented to ensure avoidance and CMC Section 17.04.050(D)(2), which requires the project applicant to avoid special-status roosting bats during construction and describes the procedures to be implemented to ensure avoidance. Additionally, the Approved Project included designs to minimize the risk of bird collisions through the use of bird-safe design for window treatments, rooftop equipment, and night-time lighting. The applicant has committed to implementing bird-safe design measures in the new buildings, which would further address the low risk of collision.

Further, bat species found in the Cupertino vicinity may forage and occasionally roost in the site vicinity, but suitable habitat conditions for maternity roots is absent from the project site. The potential for any special-status bat species to be present on the site is considered highly remote, given the urbanization of the site vicinity and intensity of human activity, which typically discourages possible occupation by special-status bats.

Like the Approved Project, the proposed Modified Project would adhere to CMC Section 17.04.050(D)(1), which outlines steps to avoid disturbance or removal of bird nests protected under the federal Migratory Bird Treaty Act and California Fish and Game Code and special-status bats. Further, the project site would

remain the same, is already graded, and would have similar construction activities as under the Approved Project. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to having a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined candidate, sensitive, or special-status species.

BIO-2: The Certified EIR identified a less-than-significant impact with mitigation with respect to local ordinances and policies protecting biological resources. The Approved Project would not conflict with any relevant goals and policies in the General Plan related to the protection of biological resources. CMC Chapter 14.18, *Protected Trees Ordinance*, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes. The Certified EIR described 14 trees that were proposed for removal under the Approved Project that qualified as *Specimen* trees pursuant to the Protected Trees Ordinance. Implementation of Mitigation Measure BIO-2 in the Certified EIR would ensure the project complies with the City of Cupertino's Protected Trees Ordinance.

The proposed Modified Project would also be required to adhere to Mitigation Measure BIO-2; however, since the site is already graded, the removal of these required trees has already occurred. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to local ordinances and policies protecting biological resources.

BIO-3: The Certified EIR identified a less-than-significant with mitigation cumulative impact associated with biological resources under the Approved Project. The cumulative setting for the Approved Project considers the surrounding incorporated and unincorporated lands. Cumulative development projects within the city are in urbanized areas of the city and contain limited biological resource value. Redevelopment and infill projects, including those in built-out urban areas, would remove vegetation that could be used for nesting by birds protected under various laws and would remove buildings and trees that could be used for roosting by sensitive bat species. However, these development projects would be required to follow applicable local and State regulations and impacts to nesting birds and the removal of protected trees, and for those in Cupertino, would be required to comply with CMC Section 17.04.050(D)(1) and CMC Section 17.04.050(D)(2). There have not been significant changes in cumulative setting since the certification of the Certified EIR and the proposed Modified Project would result in less development on the same project site. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.3 CULTURAL AND TRIBAL CULTURAL RESOURCES

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	LTS		X		
Standards Evaluated in the Certified EIR					
CULT-1: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	LTS/M			X	
CULT-2: Disturb any human remains, including those interred outside of formal cemeteries?	LTS			X	
CULT-3: Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: ▪ Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ▪ A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe.	LTS/M			X	
CULT-4: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS			X	

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topic regarding historic resources has been screened out from further evaluation since there are no local, State, or federally recognized historic properties on the project site or in the immediate vicinity. The historical building (Le Petit Trianon) at 21250 Stevens Creek Boulevard is within 1 mile of the project site; however, construction of the Approved Project would not affect this structure. Accordingly, no further analysis regarding this standard of significance is required, and this issue is not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

CULT-1: The Certified EIR identified a less-than-significant impact with mitigation with respect to archaeological resources. The Certified EIR referenced the General Plan EIR and stated that the cultural resources study did not identify any known archaeological deposits on the project site.[6] The project site and the surrounding area is already developed, though it could still contain subsurface archaeological deposits, including unrecorded Native American prehistoric archaeological materials. Implementation of Mitigation Measure CULT-1 in the Certified EIR would provide protection protocols should prehistoric or historic subsurface cultural resources be discovered during ground disturbance. Mitigation Measure CULT-1 has been replaced by CMC Section 17.04.050(E)(1), *Protect Archaeological Resources and Tribal Cultural Resources*, which contains cultural resources permit requirements that are necessary to protect archaeological resources, including tribal cultural resources. Same as Mitigation Measure CULT-1, the CMC requirements include providing written verification to the City that contractors and construction crews have been notified of basic archaeological site indicators, the potential for discovery of archaeological resources, laws pertaining to these resources, and procedures for protecting cultural and tribal cultural resources.

Since the time of the Certified EIR, work on the Approved Project has begun, the site is fully graded and most of the construction is complete. The discovery of archaeological resources during ground disturbance is less likely to occur under the proposed Modified Project since minimal ground disturbance would be required under the proposed Modified Project, the project site location has not changed, and the subterranean parking garage has been removed from the proposed Modified Project. Further, the proposed Modified Project would be required to comply with CMC Section 17.04.050(E)(1) (i.e., Mitigation Measure CULT-1), which outlines what to do should an archaeology resource be discovered. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to archaeological resources.

CULT-2: The Certified EIR identified a less-than-significant impact with respect to disturbing human remains. The Certified EIR found that there are no known human remains on the project site; however, the potential to unearth unknown remains during ground-disturbing activities associated with the construction of the proposed project could occur. Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of

[6] City of Cupertino General Plan EIR, Chapter 4.3, Cultural and Tribal Cultural Resources.

human remains. As previously described, work on the Approved Project has begun, the site is fully graded and most of the construction is complete with the exception of Building 1. The discovery of human remains during ground disturbance is less likely to occur at this remaining location under the proposed Modified Project since minimal ground disturbance would be required under the proposed Modified Project, the project site location has not changed, and the subterranean parking garage has been removed from the proposed Modified Project. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to disturbing human remains.

CULT-3: The Certified EIR identified a less-than-significant impact with mitigation with respect to tribal cultural resources. As described under Impact CULT-1 and Impact CULT-2, no known archaeological resources, ethnographic sites, or Native American remains are located on the project site; however, the project site could contain undiscovered subsurface archaeological deposits, including unrecorded Native American prehistoric archaeological materials. Compliance with CMC Section 17.04.050(E)(1) would provide protection protocols should resources with traditional or cultural significance to Native American or other descendant communities cultural resources be discovered during ground disturbance. As previously described, work on the Approved Project has begun, the site is fully graded, and most of the construction is complete with the exception of Building 1. The discovery of tribal cultural resources during ground disturbance is less likely to occur under the proposed Modified Project since minimal ground disturbance would be required under the proposed Modified Project, the project site location has not changed, and the subterranean parking garage has been removed from the proposed Modified Project. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to tribal cultural resources.

CULT-4: The Certified EIR identified a less-than-significant cumulative impact associated with cultural and tribal cultural resources under the Approved Project. Impacts to cultural resources tend to be site specific and are assessed on a site-by-site basis. The significance of the impacts would depend largely on what, if any, cultural resources occur on or near the sites of related projects that are developed in the cumulative setting. Through compliance with CMC Section 17.04.050(E)(1) (i.e., Mitigation Measures CULT-1 and CULT-3), the Approved Project would not be cumulatively considerable. There have not been significant changes to the project site or cumulative setting and the proposed Modified Project would result in less ground disturbance and less development than evaluated in the Certified EIR for the Approved Project. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.4 GEOLOGY AND SOILS

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Directly or indirectly cause potential substantial adverse effects including the risk of loss, injury or death involving: ▪ Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. ▪ Strong seismic ground shaking. ▪ Seismic-related ground failure, including liquefaction. ▪ Landslides, mudslides or other similar hazards.	NI		X		
Result in substantial soil erosion or the loss of topsoil.	LTS		X		
Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LTS		X		
Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	LTS		X		
Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	NI		X		
Standards Evaluated in the Certified EIR					
GEO-1: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	LTS/M			X	
GEO-2: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS			X	

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topics regarding risk of loss, injury, or death involving ground shaking and liquefaction, substantial soil erosion or loss of topsoil, unstable soil, expansive soil, and alternative wastewater disposal systems have been screened out from further evaluation because development on the project site is subject to compliance with State and City building requirements and CMC Section 16.08.110, which requires the preparation and submittal of Interim Erosion and Sediment Control Plans. Further, the project site is not in a seismically induced liquefaction hazard zone and development of the Approved Project would not require the construction or use of septic tanks or alternative wastewater disposal systems. Accordingly, no further analysis regarding these standards of significance is required, and these issues are not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

GEO-1: The Certified EIR identified a less-than-significant impact with mitigation with respect to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. The certified EIR found that the geology and soils on the project site are common throughout the city and region and are not considered to be unique. Further, no paleontological resources have been identified within the project site. However, ground-disturbing construction associated with development of the Approved Project, specifically the excavation of the subterranean parking facilities, could cause damage to, or destruction of, unique paleontological resources. Implementation of Mitigation Measure GEO-1 would protect paleontological resources if they are discovered during ground disturbance. Mitigation Measure GEO-1 has been replaced by CMC Section 17.04.050(H), *Paleontological Resources Permit Requirements,* which provides protocols to protect paleontological resources during construction that the project applicant must adhere to in the event that there is a find. The proposed Modified Project would remove the subterranean parking garage from the project, thus reducing ground-disturbing activities and lessening the likelihood that paleontological resources are discovered during construction of Building 1. Further, since the time of the Certified EIR, work on the Approved Project has begun, the site is fully graded, and most of the construction is complete. The proposed Modified Project would require minimal ground disturbance, and the project site location has not changed. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to paleontological resources.

GEO-2: The Certified EIR identified a less-than-significant with mitigation cumulative impact associated with geology and soils under the Approved Project. The cumulative setting for the Approved Project considers the buildout of the city and the region. Impacts to paleontological resources tend to be site specific and are assessed on a site-by-site basis and CMC Section 17.04.050(H) would be adhered to. There have not been significant changes to the project site or cumulative setting and the proposed Modified Project would result in less ground disturbance and less development than evaluated in the Certified EIR. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.5 GREENHOUSE GAS EMISSIONS

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Standards Evaluated in the Certified EIR					
GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	LTS		X		
GHG-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	LTS		X		
GHG-3: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Topics Evaluated in the Certified EIR

GHG-1: The Certified EIR identified a less-than-significant impact with respect to generating greenhouse gas (GHG) emissions. Construction of the Approved Project would result in direct emissions of carbon dioxide (CO_2), nitrous oxide (N_2O), and methane (CH_4) from the operation of construction equipment and the transport of materials and construction workers to and from the project site. The Certified EIR found that emissions from the Approved Project would be 58 million metric tons of carbon dioxide equivalent ($MTCO_2e$) per year and would not exceed BAAQMD's threshold.

Construction associated with the proposed Modified Project would use a similar type of construction equipment and transport of materials. The modifications to Building 1 would not alter the overall GHG emissions from construction on the project site, and the subterranean parking garage would not be included in the proposed Modified Project. Thus, the proposed Modified Project would result in less development and less construction emissions.

Operational GHG emissions of the Approved Project would result from direct emissions such as project-generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, and would also result from indirect sources, such as off-site generation of electrical power over the life of the project, the energy required to convey water to, and wastewater from the project site, the emissions associated with solid waste generated from the project site, and any fugitive refrigerants from air conditioning or refrigerators. The Certified EIR found that the Approved Project would generate 1,843 $MTCO_2e$ per year and the previous 71,250-square-foot shopping center on the project site generated 1,484 $MTCO_2e$ per year. The Approved Project's emissions would represent a net increase in GHG emissions of 359 $MTCO_2e$ per year that would not exceed the BAAQMD's screening threshold. The proposed Modified Project would increase residential units in Building 1 by 8 percent, decrease retail space by 30 percent, and eliminate the subterranean parking garage. Based on a trip generation study conducted by Hexagon Transportation Consultants for the proposed Modified Project, there would be 839 fewer daily trips under the proposed Modified Project (see Appendix A, *Trip Generation Study,* of this Addendum).[7] As a result, there would be a decrease in GHG emissions compared to the Approved Project and therefore would not increase emissions beyond what was evaluated in the Certified EIR. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to generating GHG emissions.

GHG-2: The Certified EIR identified a less-than-significant impact with consistency with California Air Resources Board's (CARB's) 2017 Scoping Plan, MTC/ABAG's *Plan Bay Area*, and the Cupertino Climate Action Plan (CAP). The Approved Project would be required to achieve the latest Building Energy Efficiency Standards, comply with CMC Chapter 16.58, *Green Building Ordinance*, and would be required to build to LEED or an alternative reference standard and would be consistent with CARB's 2017 Scoping Plan. Further, because the Approved Project is an infill residential mixed-use development it would be consistent with the overall goals of *Plan Bay Area*. Lastly, as an infill redevelopment priority housing development on a designated PDA and TPA, the Approved Project would be consistent with the overall intent of the CAP to support reductions in GHG emissions, and the Approved Project would not conflict with any goals or measures to reduce GHG emissions in the CAP.

The proposed Modified Project would result in less development and continue to be consistent with CARB's 2017 Scoping Plan, MTC/ABAG's *Plan Bay Area*, and Cupertino's Climate Action Plan (CAP) as an infill development project in a PDA and TPA. Thus, the proposed Modified Project would not result in a new impact or substantial increase in the magnitude of the impact identified in the Certified EIR with respect to consistency with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

GHG-3: The Certified EIR identified a less-than-significant cumulative impact associated with GHG emissions under the Approved Project. The cumulative setting for the Approved Project is not confined to a particular air basin since GHG emissions are dispersed worldwide. The impact of the Approved Project is addressed in Impacts GHG-1 and GHG-2. There have not been significant changes in cumulative setting and the proposed Modified Project would result in less development. Therefore, the proposed Modified

[7] Hexagon Transportation Consultants, 2024, September 20. *Trip Generation Study for the Proposed Assisted Living and Retail Development for the Westport Development at 21267 Stevens Creek Boulevard in Cupertino, CA*.

Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.6 HAZARDS AND HAZARDOUS MATERIALS

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS		X		
Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.	NI		X		
For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people living or working in the project area.	NI		X		
Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS		X		
Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	NI		X		
Standards Evaluated in the Certified EIR					
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS			X	
HAZ-2: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	LTS			X	
HAZ-3: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS/M		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topic regarding the release of hazardous materials into the environment has been screened out from further evaluation since the Approved Project, a mixed-use commercial and residential development, is not a type of project that would create a hazardous materials threat to the users of the site or the surrounding land uses. Furthermore, strict adherence to all emergency response plan requirements set forth by the Santa Clara County Hazardous Materials Compliance Division would be required through the duration of the construction of the Approved Project. The topics regarding the location of the site on a hazardous materials site and within an airport land use plan have also been screened out from further evaluation since the Approved Project is not on a hazardous materials site or in an airport land use plan. The Approved Project would not block roads and would not impede emergency access to surrounding properties or neighborhoods nor is it in a very high fire hazard severity zone in the Local Responsibility Areas of Cupertino or in the General Plan designated Wildland-Urban Interface Area. Thus, the topics regarding interfering with an emergency response plan or risk involving wildland fires have been screened out. Accordingly, no further analysis regarding these standards of significance is required, and these issues are not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

HAZ-1: The Certified EIR identified a less-than-significant impact with respect to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction. The use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner to minimize the potential for safety impacts. Further, none of the soils at the project site that were proposed to be excavated for off-site disposal contain elevated concentrations exceeding federal or State hazardous waste levels. Like the Approved Project, construction under the proposed Modified Project would be required to conform to existing laws and regulations regarding the use, storage, transport, and disposal of construction-related hazardous materials. Further, less soil would be exported from the project site since the proposed Modified Project no longer includes the subterranean parking garage. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

HAZ-2: The Certified EIR identified a less-than-significant impact with respect to hazardous emissions within 0.25 miles of a school. De Anza College is directly south of Stevens Creek Boulevard, within 140 feet of the project site. In addition, one preschool is within 0.25 miles of the project site. The Certified EIR described that since Impacts HAZ-1 and AQ-3 were both less than significant, there would be no hazardous emissions released near the schools under the Approved Project.

The proposed Modified Project would be on the same project site and construction of the proposed Modified Project would not greatly alter construction emissions and would be required to conform to existing laws and regulations regarding the use, storage, transport, and disposal of construction-related hazardous materials. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to emitting hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

HAZ-3: The Certified EIR identified a less-than-significant cumulative impact associated with hazards and hazardous materials under the Approved Project. Under the Approved Project, the excavation, hauling, and disposal of potentially contaminated soils would not contribute to a cumulative increase in hazards in the city. Like the Approved Project, the proposed Modified Project would include similar construction activities and materials. Thus, the excavation, hauling, and disposal of potentially contaminated soils under the proposed Modified Project would not contribute to a cumulative increase in hazards in the city. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.7 NOISE

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	NI		X		
Standards Evaluated in the Certified EIR					
NOISE-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.	LTS/M			X	
NOISE-2: Generation of excessive groundborne noise levels.	LTS			X	
NOISE-3: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS/M		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topic regarding the location of the project site near an airport has been screened out from further evaluation since the proposed project is not within an airport land use plan or within two miles of an airport. The nearest public airports are San José International Airport, approximately 7 miles to the northeast, and Palo Alto Airport, approximately 9.5 miles to the northwest. Accordingly, no further analysis regarding this standard of significance is required, and this issue is not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

NOISE-1: The Certified EIR identified a less-than-significant with mitigation impact with respect to increasing ambient noise levels in the vicinity of the project site. Sensitive receptors near the project site include residences approximately 90 feet north of the site, the Cupertino Senior Center approximately 80 feet east of the site, and De Anza College approximately 140 feet south of the site, across Stevens Creek Boulevard. The Certified EIR found that during construction of the Approved Project, the highest noise levels would occur during the grading and demolition phases and would be 75.9 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq}) during the grading phase and 79.5 dBA L_{max} during the demolition phase at the nearest receptor. Thus, implementation of Mitigation Measure NOISE-1 in the Certified EIR would ensure construction noise levels do not exceed the City's standard of 80 dBA. This includes requiring appropriate work timing, notifications, and noise-reducing measures. Mitigation Measure NOISE-1 has been replaced with CMC Section 17.04.050(G)(2), *Manage Noise During Construction,* which requires the applicant and contractor to submit a Construction Noise Control Plan to the City's Planning Department for review and approval prior to issuance of the first permit. The Construction Noise Control Plan would demonstrate compliance with daytime and nighttime decibel limits based on the type of construction equipment, distance of construction activities from sensitive receptors, site terrain, and other project features.

Construction of the proposed Modified Project would likely use the same equipment and type of construction at the same location. Therefore, noise generated by construction of the proposed Modified Project would likely be the same as the Approved Project; however, the grading and demolition have already been completed and noise from those activities would be less for the proposed Modified Project. Further, the subterranean parking garage is not included in the proposed Modified Project, so no excavation and soil haul would be required. Thus, impacts would be less than evaluated in the Certified EIR with compliance with CMC Section 17.04.050(G)(2) (i.e., Mitigation Measure NOISE-1).

Operational noise issues evaluated in the Certified EIR include vehicle traffic noise as well as stationary source noise (e.g., mechanical equipment, on-site trucks/loading docks). The Certified EIR found that the new trips from the Approved Project would not have a significant impact on traffic noise levels as the increase would be less than 3 dBA. Based on a trip generation study conducted by Hexagon Transportation

Consultants for the proposed Modified Project, there would be 839 fewer daily trips under the proposed Modified Project (see Appendix A, *Trip Generation Study,* of this Addendum).[8] Stationary noise from the Approved Project would be similar to typical residential, mixed-use development with most noise occurring in the daytime. Noise from heating, ventilation, and air conditioning (HVAC) units, landscaping maintenance, parking, and truck deliveries would be likely but would not create greater noise levels than currently exist in the vicinity.

The proposed Modified Project would include 13 more senior living units, 13,600 square feet less commercial space resulting in 30 fewer employees, and elimination of the subterranean parking garage, which would reduce traffic noise when compared to the Approved Project. Further, operation of the proposed Modified Project would include similar noise-generating activities, typical of residential development as evaluated in the Certified EIR. Therefore, the proposed Modified Project would not result in any new significant impacts or a substantial increase in the severity of a previously identified significant impact.

NOISE-2: The Certified EIR identified a less-than-significant impact with respect to generating excessive groundborne noise levels. Increases in groundborne vibration levels attributable to the Approved Project would be primarily associated with construction-related activities such as jackhammering and using bulldozers or large trucks. Pile drivers were not included for construction under the Approved Project. The nearest off-site sensitive receptors would be the building 82 feet to the north. Based on typical vibration levels, ground vibration generated by other heavy-duty equipment could reach levels of 0.035 inches per second (in/sec) Peak Particle Velocity (PPV) at 82 feet. The use of construction equipment would not result in a groundborne vibration velocity level above the established threshold of 0.20 in/sec PPV. Further, operation of the Approved Project would not generate substantial levels of vibration because there are no notable sources of vibrational energy associated with the Approved Project, such as heavy industrial machinery, railroad, or subway operations.

Construction of the proposed Modified Project would use the same construction equipment as the Approved Project. Additionally, without the inclusion of the subterranean parking garage, there would be less groundborne vibration during project construction. Therefore, the proposed Modified Project would not result in any new significant impacts or a substantial increase in the severity of a previously identified significant impact.

NOISE-3: The Certified EIR identified a less-than-significant with mitigation cumulative impact associated with noise under the Approved Project. At the time of the Certified EIR, the nearest cumulative project was the Loc-N-Stor project at 10655 Mary Avenue about 0.5 miles to the north. This project was under preliminary review and no construction timeline had been established. With compliance with CMC Section 17.04.050(G)(2) (i.e., Mitigation Measure NOISE-1), construction noise levels would not exceed 80 dBA for the surrounding off-site sensitive receptors.

Like the Approved Project, the proposed Modified Project would include similar construction activities and materials and would implement CMC Section 17.04.050(G)(2) (i.e., Mitigation Measure NOISE-1). Since certification of the Certified EIR, the Loc-N-Stor project still has not begun construction. Even if the Loc-N-

[8] Hexagon Transportation Consultants, 2024, September 20, *Trip Generation Study for the Proposed Assisted Living and Retail Development for the Westport Development at 21267 Stevens Creek Boulevard in Cupertino, CA*.

Stor project were to be constructed at a similar time as the proposed Modified Project, it would be considered too far away to cause a cumulative construction noise impact. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.8 TRANSPORTATION

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS		X		
Result in inadequate emergency access.	LTS		X		
Standards Evaluated in the Certified EIR					
TRANS-1: Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	LTS		X		
TRANS-2: Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	LTS		X		
TRANS-3: In combination with past, present, and reasonably foreseeable projects, result in additional cumulatively considerable impacts.	LTS		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topics regarding an increase in road hazards or inadequate emergency access have been screened out from further evaluation since the Approved Project, a mixed-use commercial and residential development, would not modify any design features to a public road or introduce a potentially unsafe feature that would increase hazards and access for emergency vehicles would be provided from access points off Stevens Creek Boulevard and Mary Avenue. The circulation pattern on the project site would

allow emergency vehicles full access to all internal streets. Accordingly, no further analysis regarding these standards of significance is required, and these issues are not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

TRANS-1: The Certified EIR identified a less-than-significant impact with respect to consistency with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Certified EIR found that the Approved Project would generate 3 fewer (or negative 3) inbound trips and 50 new outbound trips during the AM peak hour, and 4 new inbound and 26 fewer (or negative 26) outbound trips during the PM peak hour. In regard to pedestrian facilities, the Approved Project would be expected to increase the number of pedestrians using the existing sidewalks and crosswalks in the area by 20 percent, so the Approved Project would include an internal sidewalk and bicycle network, in addition to sidewalk modifications along Stevens Creek Boulevard and Mary Avenue. Thus, the Approved Project would not eliminate or impede any existing pedestrian facilities, nor would it conflict with any of the goals and policies in the City's Pedestrian Plan. The Approved Project would also install a Class IV separated bikeway on the portion of Stevens Creek Boulevard and a Class I bike path on the western portion of the project site to connect Stevens Creek Boulevard to Mary Avenue. Further, the Approved Project would include a total of 117 bicycle parking spaces and would be consistent with the City's bike plan. Lastly, the Approved Project would also install a bus stop on the section of Stevens Creek Boulevard west of Mary Avenue and east of the SR-85 northbound ramp and the new transit trips generated by the Approved Project are not expected to create a significant demand in excess of the capacity of the transit service that is currently provided.

The proposed Modified Project only includes modifications to Building 1 and would not impact the pedestrian, bicycle, and transit facilities included under the Approved Project. The subterranean parking garage would not be included in the proposed Modified Project and parking for residents and visitors of Building 1 would be off-site. With respect to generated trips, based on a trip generation study conducted by Hexagon Transportation Consultants for the proposed Modified Project, there would be 839 fewer daily trips under the proposed Modified Project (see Appendix A, *Trip Generation Study,* of this Addendum). [9] As described in Appendix A, the increase in residential units under the proposed Modified Project would increase trip generation for the residential portion by 32 daily trips and the reduction in retail in Building 1 would reduce trip generation by 871 daily trips. Overall, there would be less trips generated by the proposed Modified Project compared to the Approved Project. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to conflicts with policies addressing the circulation network.

TRANS-2: The Certified EIR identified a less-than-significant impact with respect to consistency with CEQA Guidelines Section 15064.3(b). The Approved Project is a residential mixed-use development on an infill site recognized as a PDA and TPA by the regional *Plan Bay Area*. The Certified EIR found that the Approved Project would produce an approximate annual VMT of 2,662,683 miles, or a daily VMT of 7,295 miles. This would be a reduction of approximately 120,064 miles annually, or 329 miles daily from existing conditions at the time of the Certified EIR.

[9] Hexagon Transportation Consultants, 2024, September 20, *Trip Generation Study for the Proposed Assisted Living and Retail Development for the Westport Development at 21267 Stevens Creek Boulevard in Cupertino, CA*.

As described in Impact TRANS-1, the proposed Modified Project would increase residential units by 8 percent and decrease retail space by 30 percent. This would generate 839 fewer trips under the proposed Modified Project compared to the Approved Project. Pursuant to CEQA Guidelines Section 15064.3(b)(1), projects within 0.25 miles of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. On February 16, 2021, the City adopted CMC Chapter 17.08, *Evaluation of Transportation Impacts Under the California Environmental Quality Act*, which provides screening criteria and VMT thresholds for land-use development projects, transportation projects, and other projects pursuant to CEQA. As previously described, the location of the project site meets this criterion. Accordingly, no transportation impacts related to VMT from the proposed Modified Project are presumed. Therefore, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to conflicts with CEQA Guidelines Section 15064.3, subdivision (b).

TRANS-3: The Certified EIR identified a less-than-significant cumulative impact associated with transportation under the Approved Project. Impact TRANS-1 and Impact TRANS-2 in the Certified EIR addresses cumulative impacts to the transportation network in the city and its surroundings; accordingly, cumulative impacts would be the same as those discussed previously and no additional analysis is warranted.

Like the Certified EIR, Impact TRANS-1 and Impact TRANS-2 address cumulative impacts to the transportation network in the city and its surroundings under the proposed Modified Project. Fewer trips would be generated under the proposed Modified Project compared to the Approved Project and the proposed Modified Project does not include any changes to the pedestrian, bicycle, and transit facilities described in the Approved Project. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

4.9 UTILITIES AND SERVICE SYSTEMS

Would the Proposed Modified Project:	Level of Impact in the Certified EIR	Environmental Effects of the Proposed Modified Project			
		New Less-Than-Significant Impact	Same Impact as Certified EIR	Less Impact Than Certified EIR	Topic Not Applicable to the Proposed Modified Project
Standards Determined to Have No Significant Impact in the Initial Study					
Require or result in the construction of new water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects.	LTS		X		
Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	LTS		X		
Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LTS		X		
Comply with federal, state, and local statutes and regulations related to solid waste.	LTS		X		
Standards Evaluated in the Certified EIR					
UTIL-1: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LTS/M		X		
UTIL-2: In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to wastewater treatment.	LTS/M		X		

Key: NI = no impact; LTS = less than significant; LTS/M = less than significant with mitigation

Summary of Analysis

No new significant or more severe impact than analyzed in the Certified EIR.

Discussion

Standards Determined to Have No Significant Impact in the Initial Study

The topics regarding the construction of new water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunication facilities; insufficient water supplies; and generating solid waste have been screened out from further evaluation. The Approved Project would connect to existing City infrastructure and demand would not exceed existing capacity of the infrastructure. Further, the General Plan EIR considered development in the city through the 2040 buildout horizon and found

that the buildout of the General Plan would not result in insufficient water supplies or other utilities.[10] Accordingly, no further analysis regarding these standards of significance is required, and these issues are not discussed further in this Addendum. The topic regarding regulations related to solid waste has also been screened out from further evaluation since the Approved Project would be required to follow the City's CAP and Zero Waste Policy regarding operational waste and CMC Chapter 16.7 regarding construction waste. Accordingly, no further analysis regarding this standard of significance is required, and this issue is not discussed further in this Addendum.

Topics Evaluated in the Certified EIR

UTIL-1: The Certified EIR identified a less-than-significant impact with mitigation with respect to wastewater capacity. Wastewater would be treated at the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP). The General Plan EIR found that the estimated wastewater generation from the Approved Project and from other potential projects, as established by the General Plan and other approved projects, is the total capacity needed to serve the General Plan buildout.[11] Thus, implementation of Mitigation Measure UTIL-1 of the Certified EIR would ensure that no building permits shall be issued by the City for the Approved Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8 million gallons per day (mgd) through the Santa Clara sanitary sewer system and would require the applicant to demonstrate that the Approved Project would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system. Mitigation Measure UTIL-1 has been replaced by CMC Chapter 17.04, *Standard Environmental Protection Requirements*, which includes Utilities and Service Systems Permit Requirements in Section 17.04.050(I) to manage wastewater inflow and infiltration to the sewer system. The proposed Modified Project would increase the residential units of Building 1 by 8 percent but decrease the retail space by 30 percent. Thus, there would a decrease in overall wastewater created by the proposed Modified Project. Further, the proposed Modified Project would be required to comply with CMC Section 17.04.050(I) (i.e., Mitigation Measure UTIL-1), which would ensure that modifications to Building 1 would not exceed the permitted peak wet weather flow capacity through the Santa Clara sanitary sewer system. Accordingly, the proposed Modified Project would not result in a new impact or substantial increase in magnitude of the impacts identified in the Certified EIR related to wastewater treatment provider capacity.

UTIL-2: The Certified EIR identified a less-than-significant cumulative impact associated with utilities and service systems with respect to wastewater treatment under the Approved Project. Impact UTIL-1 in the Certified EIR addresses cumulative impacts to wastewater treatment since it considers the impacts of the proposed project in conjunction with the citywide wastewater generation and demand and all development in Cupertino is bound to the same treatment allocation contractual limits and contributes to demand on the SJ/SCWPCP wastewater treatment capacity.

Like the Certified EIR, Impact UTIL-1 addresses cumulative impacts to wastewater generation and treatment capacity. Further, less wastewater would be created with the decrease in retail space under the proposed Modified Project. Therefore, the proposed Modified Project would not result in a new impact or a substantial increase in the magnitude of the impacts identified in the Certified EIR related to cumulative impacts.

[10] City of Cupertino General Plan EIR, Chapter 4.9, *Utilities and Service Systems.*
[11] City of Cupertino General Plan EIR, Chapter 4.9, *Utilities and Service Systems*.

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5. Conclusion

As summarized in the following sections and for the reasons described in Chapter 4, *Environmental Analysis,* the City has concluded that the proposed Modified Project would not result in any new significant impacts not previously identified in the Certified EIR; nor would it result in a substantial increase in the severity of any significant environmental impact previously identified in the Certified EIR. For these reasons, a subsequent EIR is not required, and an Addendum to the Certified EIR is the appropriate CEQA document to address the proposed Modified Project.

5.1 SUBSTANTIAL CHANGES TO THE PROJECT

The proposed Modified Project is not a substantial change to the Certified EIR because it is on the same project site as the Approved Project, makes minor modifications to Building 1, and removes the subterranean parking garage. It does not significantly alter what was evaluated in the Certified EIR and most impacts would be less than evaluated in the Certified EIR. Consequently, there are no substantial changes proposed that will require major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

5.2 SUBSTANTIAL CHANGES IN CIRCUMSTANCES

As described in Chapter 4, *Environmental Analysis*, of this Addendum, the proposed Modified Project would not result in new significant environmental impacts beyond those identified in the Certified EIR, would not substantially increase the severity of significant environmental effects identified in the Certified EIR, and thus would not require major revisions to the Certified EIR. The proposed Modified Project, therefore, is not substantial and does not require major revisions to the Certified EIR or preparation of a subsequent EIR. In addition, beyond the site preparations and construction to the rest of the Approved Project, the physical conditions of the project site and vicinity have not changed substantially since the certification of the Certified EIR.

5.3 NEW INFORMATION

There has been no new information of substantial importance, which was not known and could not have been known when the Certified EIR was certified in 2020, that shows that the proposed Modified Project would be expected to result in: (1) new significant environmental effects not identified in the Certified EIR; (2) substantially more severe environmental effects than shown in the Certified EIR; (3) mitigation measures or alternatives previously determined to be infeasible that would in fact be feasible and would

substantially reduce one or more significant effects of the project, but the project sponsor declines to adopt the mitigation or alternative; or (4) mitigation measures or alternatives that are considerably different from those identified in the Certified EIR that would substantially reduce one or more significant effects of the project, but the project sponsor declines to adopt the mitigation measure or alternative.

6. *List of Preparers*

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APPENDIX A

TRIP GENERATION STUDY

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: September 20, 2024

To: Ms. Rachel Goren, PlaceWorks

From: Gary Black, Jonathan Chang

Subject: Trip Generation Study for the Proposed Assisted Living and Retail Development for the Westport Development at 21267 Stevens Creek Boulevard in Cupertino, CA

Hexagon Transportation Consultants, Inc. has completed a trip generation study for the proposed assisted living and retail development at 21267 Stevens Creek Boulevard in Cupertino, California. The proposed project consists of 136 units for assisted living and 4,000 square feet (s.f.) of retail space. This newly proposed plan will replace a previously approved project with 124 units for assisted living and 20,000 s.f. of retail space.

Project Trip Generation

Through empirical research, data have been collected that quantify the amount of traffic produced by many types of land uses. The research is compiled in the manual entitled *Trip Generation, 11th Edition,* published by the Institute of Transportation Engineers' (ITE). The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. The ITE trip generation rates for Assisted Living (Land Use 254) and Strip Retail Plaza (Land Use 822) were used for this study.

As shown in Table 1, the proposed project is estimated to generate 839 fewer daily vehicle trips than the previously approved project, with 22 fewer trips occurring during the AM peak hour and 52 fewer trips during the PM peak hour. In conclusion, the new proposed project would generate fewer trips than the previously approved project, so there is no need for additional traffic analysis.

Table 1
Project Trip Generation Estimates

			Daily		AM Peak Hour					PM Peak Hour				
Land Use	**Size**		**Rate**	**Trips**	**Rate**	**In %**	**In**	**Out**	**Total**	**Rate**	**In %**	**In**	**Out**	**Total**
Proposed Uses														
Assisted Living[1]	136.0	d.u.	2.60	354	0.18	60%	14	10	24	0.24	39%	13	20	33
Retail[2]	4.0	ksf	54.45	218	2.36	60%	5	4	9	6.59	50%	13	13	26
Approved Uses														
Assisted Living[1]	124	d.u.	2.60	(322)	0.18	60%	(13)	(9)	(22)	0.24	39%	(12)	(18)	(30)
Retail[2]	20	ksf	54.45	(1,089)	2.36	60%	(28)	(19)	(47)	6.59	50%	(66)	(66)	(132)
Net Project Trips				**-839**			**-22**	**-14**	**-36**			**-52**	**-51**	**-103**

Notes:
d.u. = dwelling unit
ksf = 1,000 square feet

[1] Assisted Living (Land Use 254) average rates published in ITE's Trip Generation Manual, 11th Edition, 2021.
[2] Strip Retail Plaza (Land Use 822) average rates published in ITE's Trip Generation Manual, 11th Edition, 2021.