

## Revisions to the Text of the Initial Study

The following section contains text revisions to the *Topgolf @ Terra Project Initial Study*, dated September 2016.

Underlining depicts text added, while ~~strikeouts~~ depict text deleted.

Page 5: **REPLACE** *Figure 2.0-2* with the attached revised figure.

Page 65: **REVISE** *Table 4.3-4* as shown.

<b>Table 4.3-4: Construction Criteria Pollutant Emissions</b>				
<b>Scenario</b>	<b>ROG</b>	<b>NOx</b>	<b>PM<sub>10</sub> Exhaust</b>	<b>PM<sub>2.5</sub> Exhaust</b>
Topgolf Entertainment Complex construction emissions (tons)	<del>4.46 tons</del> <u>3.75 tons</u>	<del>7.76 tons</del> <u>10.27 tons</u>	<del>0.38 tons</del> <u>0.52 tons</u>	<del>0.35 tons</del> <u>0.49 tons</u>
Hotel/Retail construction emissions (tons)	<del>3.27 tons</del> <u>2.75 tons</u>	<del>6.07 tons</del> <u>7.05 tons</u>	<del>0.28 tons</del> <u>0.33 tons</u>	<del>0.26 tons</del> <u>0.31 tons</u>
Total construction emissions (tons)	<del>7.73 tons</del> <u>6.50 tons</u>	<del>13.83 tons</del> <u>17.32 tons</u>	<del>0.66 tons</del> <u>0.85 tons</u>	<del>0.61 tons</del> <u>0.80 tons</u>
Average daily emissions (pounds) <sup>1</sup>	<del>39.0 lbs.</del> <u>25.0 lbs.</u>	<del>69.8 lbs.</del> <u>66.6 lbs.</u>	3.3 lbs.	3.1 lbs.
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs.	54 lbs.	82 lbs.	54 lbs.
<b>Exceed Threshold?</b>	No	<b>Yes</b>	No	No
<b>With Tier 4 Construction Mitigation</b>				
Topgolf Entertainment Complex construction emissions (tons)	<del>3.97 tons</del> <u>3.07 tons</u>	<del>2.57 tons</del> <u>3.02 tons</u>	<del>0.06 tons</del> <u>0.07 tons</u>	<del>0.05 tons</del> <u>0.07 tons</u>
Hotel/Retail construction emissions (tons)	<del>2.90 tons</del> <u>2.30 tons</u>	<del>2.31 tons</del> <u>2.43 tons</u>	<del>0.03 tons</del> <u>0.04 tons</u>	<del>0.03 tons</del> <u>0.04 tons</u>
Total construction emissions (tons)	<del>6.87 tons</del> <u>5.37 tons</u>	<del>4.88 tons</del> <u>5.45 tons</u>	<del>0.09 tons</del> <u>0.11 tons</u>	<del>0.08 tons</del> <u>0.11 tons</u>
Average daily emissions (pounds) <sup>1</sup>	<del>34.7 lbs.</del> <u>20.7 lbs.</u>	<del>24.6 lbs.</del> <u>21.0 lbs.</u>	<del>0.5 lbs.</del> <u>0.4 lbs.</u>	<del>0.4 lbs.</del> <u>0.4 lbs.</u>
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs.	54 lbs.	82 lbs.	54 lbs.
<b>Exceed Threshold?</b>	No	No	No	No
Notes: <sup>1</sup> Assumes <del>396</del> <u>520</u> workdays.				

Page 65: **REVISE** Section 4.3.3, Impacts Evaluation, as shown.

**MM AQ-1.1:** All diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two (2) continuous days shall meet U.S. EPA NOx and particulate matter emissions standards for Tier 4 engines or equivalent.

Page 67: **REVISE** Section 4.3.3, Impacts Evaluation, as shown.

The maximum modeled annual residential diesel particulate matter (DPM) concentration (i.e., from construction exhaust) was ~~0.243~~ 0.208  $\mu\text{g}/\text{m}^3$ , which is below the threshold of  $0.3 \mu\text{g}/\text{m}^3$ . The maximum computed hazard index (HI) based on this DPM concentration is ~~0.05~~ 0.04, which is below the significance threshold of 1.0. The maximum HI for a school child would be ~~0.02~~ 0.016, which is also below the significance threshold.

Results of the assessment indicate that the maximum increased residential cancer risks would be ~~47.9~~ 63.4 in one million for an infant exposure and ~~0.8~~ 1.1 in one million for an adult exposure. The maximum increased cancer risk for a school child exposure at the George Mayne Elementary School was ~~2.8~~ 3.6 in one million. The maximum residential excess cancer risk would be greater than the significance threshold of 10 in one million.

The maximum-modeled annual  $\text{PM}_{2.5}$  concentration, which is based on combined exhaust and fugitive dust emissions, was  $0.4 \mu\text{g}/\text{m}^3$ , occurring at the residential MEI. The maximum annual  $\text{PM}_{2.5}$  concentration at the George Mayne Elementary School was ~~0.2~~ 0.1  $\mu\text{g}/\text{m}^3$ . The maximum annual  $\text{PM}_{2.5}$  concentration at the MEI residential receptor location would exceed the significance threshold of  $0.3 \mu\text{g}/\text{m}^3$ .

**Impact AQ-2:** Construction of the proposed project could expose offsite sensitive receptors to substantial risks and hazards related to TACs. [**Significant Impact**]

**Mitigation Measures:** Implementation of mitigation measures MM AQ-1.1 and MM AQ-1.2, identified above, would reduce construction TAC impacts to a less than significant level. Implementation of Mitigation Measure AQ-1.1 is considered to reduce exhaust emissions by five percent. Implementation of Mitigation Measure AQ-1.2 would further reduce on-site diesel exhaust emissions. This would reduce the cancer risk proportionally, such that the mitigated risk would be ~~less than 3.4~~ 4.7 in one million and the maximum annual  $\text{PM}_{2.5}$  concentration would be reduced to  $0.1 \mu\text{g}/\text{m}^3$ . [**Less Than Significant Impact With Mitigation**]

Page 68: **REVISE** Section 4.3.3, Impacts Evaluation, as shown.

Cumulative TAC impacts associated with construction of the project were assessed by predicting the combined community risk impacts from the project and nearby sources at the sensitive receptor most affected by project construction. A review of the project area identified traffic on N. First Street and operation of the Midpoint @ 237 (Trammel Crow) project as the only other sources of TAC emissions that could adversely affect the project construction MEIs. No additional stationary sources of TACs (e.g., emergency backup generators or gas stations) were identified within 1,000 feet of the site. All other roadways near the construction MEIs are assumed to

have average daily traffic (ADT) volumes of below 10,000 or below the BAAQMD screening criteria.

For local roadways, BAAQMD has provided a screening calculator to determine if roadways with traffic volumes of over 10,000 vehicles per day may have a significant effect on a proposed project. Based on the cumulative plus project volumes obtained from the project traffic report, and assuming that ADT is approximately ten times the peak hour volume, N. First Street would have an ADT volume of 11,820 in the project area. Using the BAAQMD *Roadway Screening Analysis Calculator* for Santa Clara County for east-west directional roadways and at a distance of approximately 50 feet north of the roadway, estimated cancer risk from N. First Street at the construction MEIs would be 5.0 per million and PM<sub>2.5</sub> concentration would be 0.1 µg/m<sup>3</sup>. Chronic or acute HI for the roadway would be below 0.03.

A community risk assessment completed for the Midpoint @ 237 project found that incremental residential cancer risk from operation of the project would be 1.4 in one million. Incremental cancer risk at the George Mayne Elementary School would 0.6 in one million. Annual PM<sub>2.5</sub> concentrations for both residential and school receptors were found to be <0.01 µg/m<sup>3</sup>.<sup>2</sup>

Therefore, when ~~added to the community risk from construction~~ all cumulative sources are added together, cumulative cancer risk would be ~~52.9-69.8~~ in one million, ~~and~~ PM<sub>2.5</sub> concentration would be 0.5 µg/m<sup>3</sup>, and the maximum HI would be 0.08, which would be below the significance thresholds of 100 in one million, ~~and~~ 0.8 µg/m<sup>3</sup>, and 10.0, respectively. **[Less Than Significant Impact]**

Page 84: **REVISE** Section 4.4.3, *Impacts Evaluation*, as shown.

**MM BIO-1.2:** If a population of Congdon's tarplant is identified in the project impact area, mitigation for loss of individuals shall be conducted. Mitigation shall be achieved by establishing a new population of Congdon's tarplant in the diked brackish marsh and California annual grassland habitats that occur in the basins at the south portion of the site. ~~These naturally-occurring~~ This areas shall not be developed by the ~~are located outside of the Project's proposed development area~~ and contain suitable habitat types for establishing a new population. Mitigation shall be a 1:1 ratio (impact:mitigation) of plant establishment on an acreage basis.

Annual monitoring ~~for a period of three years~~ shall include quantitative sampling of the Congdon's population to determine the number of plants that have germinated and set seed. This monitoring shall continue annually ~~for a period of at least three years post construction, or until success criteria have been met; once annual monitoring has documented that~~ when a self-sustaining population of this annual species has been successfully established on site ~~this mitigation measure shall be determined to have been met and the project applicant released from further responsibility.~~

Establishment of the plant population shall be subject to a Habitat Mitigation and Monitoring Plan (HMMP). To ensure the success of mitigation sites required for

---

<sup>2</sup> Illingworth & Rodkin, Inc. Midpoint at 237 Project – Construction and Operational Health Risk Assessment San Jose, California. February 6, 2014.

compensation of permanent impacts on Congdon's tarplant, the Project proponent shall retain a qualified biologist to prepare an HMMP. The HMMP shall be submitted to the City's Supervising Environmental Planner for review and approval prior to the start of construction. The HMMP shall include, at a minimum, the following information:

- A summary of habitat and species impacts and the proposed mitigation for each element
- A description of the location and boundaries of the mitigation site(s) and description of existing site conditions
- A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special-status species
- Identification of an adequate funding mechanism for long-term management
- A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance)
- A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. Monitoring will document compliance with each element requiring habitat compensation or management. At a minimum, performance criteria will include a minimum 1:1 mitigation ratio for the number of plants in the impacted population (at least one plant preserved for each plant impacted).
- A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan will include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur
- A requirement that the project proponent will be responsible for monitoring the replanted area, as specified in the HMMP, for at least three (3) years post-construction. ~~; during this period a~~ Annual reporting ~~will~~shall be provided to the City's Supervising Environmental Planner.

Page 90: **REVISE** Section 4.4.3, *Impacts Evaluation*, as shown.

**MM BIO-3.2:** If it is not possible to schedule construction activities between September 1 and January 31, a qualified ornithologist shall conduct a preconstruction survey for nesting raptors and other migratory breeding birds within all potential nesting substrates (e.g., trees, shrubs, buildings) onsite ~~trees~~ as well as all ~~trees~~ nesting substrates within 250 feet of the site to identify active bird nests that may be disturbed during project construction.

**MM BIO-3.3:** If an active nest is found in or close to work areas to be the construction area to be disturbed by these work activities, the ornithologist shall, ~~(in~~

consultation with the California Department of Fish and Wildlife (CDFW), ~~shall~~ designate a construction-free buffer zone (typically 300 feet for raptors and 100 feet for non-raptors) ~~to be established~~ around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged and/or nest is no longer active.

Page 92: **REVISE** Section 4.4.3, Impacts Evaluation, as shown.

**MM BIO-4.3:** Following construction of the proposed project, temporary impact zones, on any disturbed ground that will not be under hardscape, landscaped, or maintained, shall be reseeded with a native seed mixture approved by the Supervising Environmental Planner. Seed mixtures applied for erosion control shall be composed of native species appropriate for the site in order to provide long-term erosion control and slow colonization by invasive nonnatives.

Page 95: **REVISE** Section 4.4.3, Impacts Evaluation, as shown.

**MM BIO-5.1:** The project proponent shall implement Conditions 3 and 12 of the HCP to reduce construction impacts to streams, wetlands, and riparian habitat. These HCP conditions require avoidance of wetlands and require construction setbacks for streams and riparian area during construction.

Condition 3. This condition consists of avoidance and minimization measures outlined in Table 6-2 of the Habitat Plan. All personnel working within or adjacent to the stream setback (i.e., those people operating ground-disturbing equipment) will be trained by a qualified biologist in these avoidance and minimization measures, in the permit obligations under ~~USAVE~~U.S. Army Corps of Engineers (USACE), and permit obligations under the HCP. Training materials shall be submitted to the City's Supervising Environmental Planner upon request.

Condition 12. The following conditions shall be printed on all plans and contract documents for the Project, and implemented by the project proponent or contractors during construction:

- All wetlands and ponds to be avoided by covered activities shall be temporarily staked in the field by a qualified biologist to ensure that construction equipment and personnel avoid these features.
- Fencing shall be erected along the outer edge of the project area, between the project area and a wetland or pond.
- Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh shall be of material that will not trap reptiles and

amphibians. Erosion control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.

- Erosion-control measures shall be placed between the wetland or pond and the outer edge of the project site. Fiber rolls used for erosion control shall be certified as free of noxious weed seed.
- Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas.
- No construction or maintenance vehicles shall be refueled within 200 feet of avoided wetlands and ponds unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill.
- All organic matter shall be removed from nets, traps, boots, vehicle tires, and all other surfaces that have come into contact with ponds, wetlands, or potentially contaminated sediments. Items should be rinsed with clean water before leaving each site.
- Used cleaning materials (e.g., liquids) shall be disposed of safely, and if necessary, taken off site for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

Page 97: **REVISE** *Section 4.4.3, Impacts Evaluation*, as shown.

**MM BIO-6.1:** The project proponent shall incorporate the following bird-safe features into the building design, in accordance with City Council Policy 6-34, Riparian Corridor Protection and Bird-Safe Design to the satisfaction of the Director of PBCE:

- Façade Treatments. No more than 10 percent of the surface area of façades between the ground and 60 feet above ground shall have untreated glazing. Examples of bird-friendly glazing treatments include the use of opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns, and the use of external screens over non-reflective glass.
- Funneling of flight paths. The design of the buildings shall avoid the funneling (i.e., directing) of flight paths along buildings or trees towards a building façade.
- Skyways, walkways, or glass walls. Glass skyways or walkways and freestanding glass walls shall not be incorporated into the buildings' design.

Page 100: **REVISE** *Section 4.4.3, Impacts Evaluation*, as shown.

**MM BIO-7.1:** Net marking devices, such as FireFlies or BirdMark BM-AG that glow in the dark, shall be placed along all sections of the netting perimeter rope and rib lines to form vertical rows of flight diverters in the center of each area of netting

between support poles. The maximum distance between such marking devices, and/or between such marking devices and support poles, shall be 15 feet. **[Less Than Significant Impact With Mitigation]**

Page 162: **REVISE** *Section 4.12.1.1, Existing Noise Conditions*, as shown.

A noise monitoring survey was completed at various locations near the site on Wednesday December 16, ~~2016~~ 2015 and Thursday December 17, ~~2016~~ 2015.

Page 238: **REVISE** *Section 4.18.2.3, Cumulative Noise Impacts*, as shown.

Operational noise generated by the project would be more than 10 dBA Ldn below existing ambient noise levels at the nearest sensitive receptors (refer to Table 4.12-4). A difference of nine dB or less between a noise source and existing ambient noise levels that are higher than the noise source is required in order for the noise source to increase ambient noise levels by one dB.<sup>3</sup> Operational noise from the project, therefore, would not increase existing average ambient noise levels at the nearest sensitive receptors. As a result, ~~the~~ primary way the project would contribute to cumulative noise impacts is through an increase in traffic noise on surrounding roadways. As discussed in Section 4.12 Noise, traffic trips associated with the proposed project would increase ambient noise levels on the adjacent residential streets. The proposed project, combined with other pending and approved projects in the immediate area would further increase ambient noise levels over existing conditions. It should be noted that the Midpoint at 237 project, otherwise known as the Trammel Crow project, is of particular concern to local residents for its effect on cumulative noise levels at George Mayne Elementary School. A noise analysis completed for the Trammel Crow project determined that average project-generated noise levels at the school would be 50 dB Ldn, which is more than 10 dB below existing ambient noise levels. Additionally, traffic generated by the Trammel Crow project is included in the cumulative traffic volumes utilized in the cumulative noise analysis for the proposed project. Please note that truck routes established for the Trammel Crow project require trucks accessing the facility to use Disk Drive and Nortech Parkway, meaning that trucks from this facility would not pass by the school.

A significant cumulative traffic noise impact would be identified if existing sensitive receptors would be exposed to substantial cumulative traffic noise levels and if the project would make a “cumulatively considerable” contribution to the overall traffic noise level increase. A substantial increase would occur if: a) the noise level increase is five dBA Ldn or greater, where the resulting future noise level is below what is considered “normally acceptable” for the affected land use in the General Plan, or b) the noise level increase is three dBA Ldn or greater, where the resulting future noise level is higher than what is considered “normally acceptable” in the General Plan. Sensitive receptors in the project vicinity include residential uses, a school, a library, and a community center. The City considers “normally acceptable” exterior noise levels to be 60 dBA Ldn for residential and institutional uses (such as schools,

---

<sup>3</sup> Michael Thill, Illingworth & Rodkin, Inc. Personal Communication. August 15, 2016.

libraries, and community centers), and 65 dBA Ldn for outdoor sports and recreation, neighborhood parks, and playgrounds. The City's General Plan states that for sites with exterior noise levels of 60 dBA Ldn or more, such as the sensitive receptors in the project vicinity, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that the 45 dBA Ldn interior noise standard would be met.

A detailed analysis of cumulative traffic noise levels, both with and without the project, is provided in Appendix H. ~~The two~~ three roadway segments to which the project would contribute the most traffic noise under cumulative conditions are on N. First Street between Trinity Park Drive and Nortech Parkway, on N. Taylor Street between Gold Street and Liberty Street, and on Nortech Parkway between N. First Street and Disk Drive. Since no sensitive receptors are located along the frontage of Nortech Parkway, no further discussion of cumulative traffic noise along this segment is warranted. ~~The project would increase cumulative traffic noise levels on along those roadway segments by 1.9 and 1.8 dBA Ldn, respectively, which are both below the significance threshold of three dBA Ldn.~~

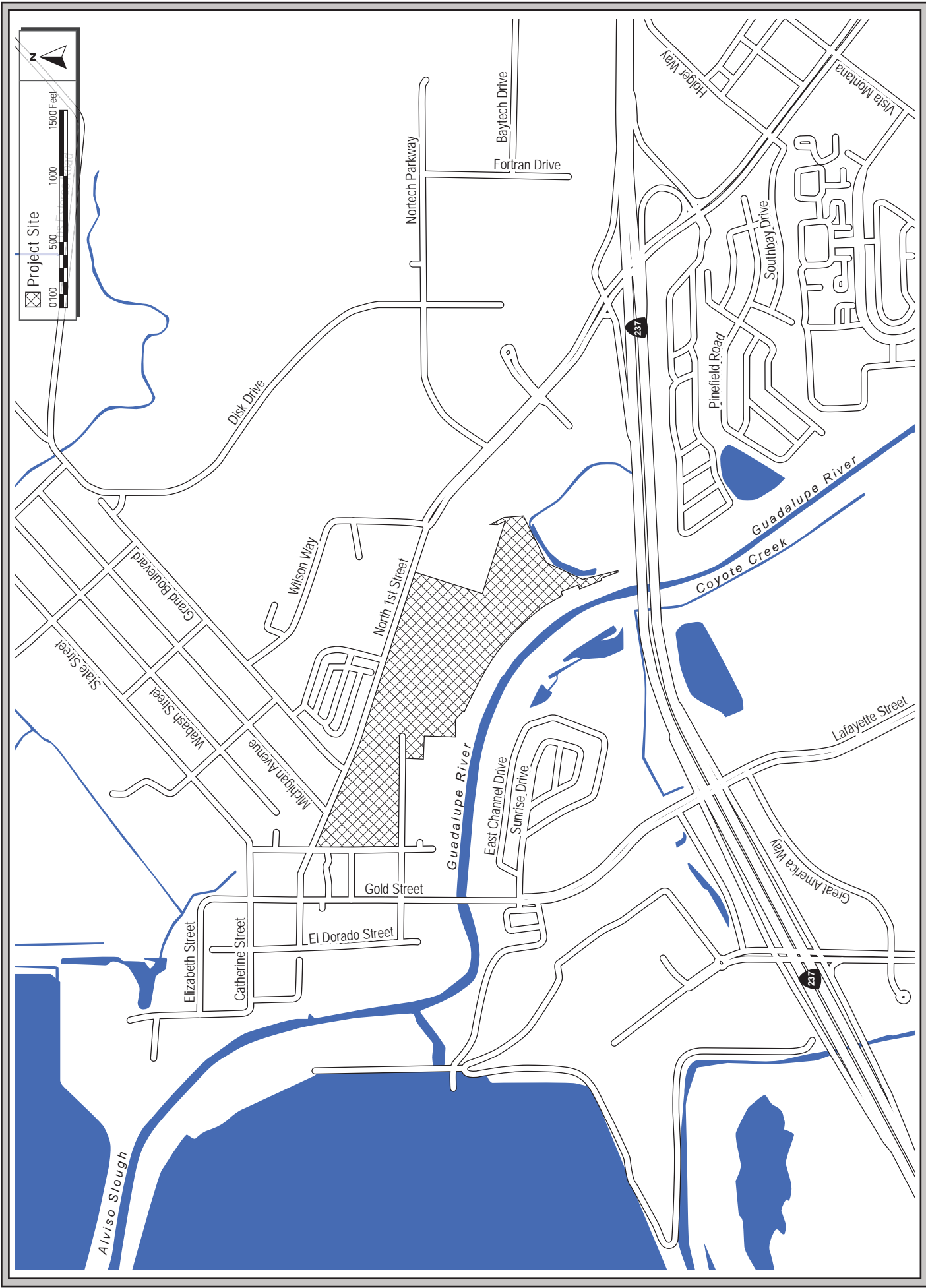
On N. Taylor Street between Gold Street and Liberty Street, sensitive receptors along the roadway frontage consist of single-family residences. The cumulative plus project traffic noise level on this roadway segment is estimated to be 67 dB Ldn at a distance of 50 feet from the center of the roadway. As discussed previously, standard construction practices reduce residential interior noise levels by 25 dB Ldn compared to exterior noise levels. As a result, interior spaces in residences along this roadway segment would not experience noise levels in excess of the City's 45 dB Ldn standard. Sensitive receptors along this roadway segment, therefore, would not be exposed to a significant cumulative traffic noise impact.

On N. First Street between Trinity Park Drive and Nortech Parkway, the existing sensitive receptors along the roadway segment consist of a school, a library, and a community center. Cumulative plus project traffic noise levels along this roadway segment are estimated to be 68.1 dB Ldn at a distance of 50 feet from the center of the roadway. It should be noted that the building facades of these uses are located at distances of at least 85 feet from the center of the roadway and, therefore, actual noise levels at these receptors would be lower than 68.1 dB Ldn. Utilizing the same calculation methodology, traffic noise levels were estimated at distances further than 50 feet from the center of the roadway to more accurately determine noise levels at the sensitive uses. At a distance of 85 feet, existing traffic noise levels are estimated to be 60.5 dB Ldn, and cumulative plus project traffic noise levels are estimated to be 64.6 dB Ldn. Using a conservative assumption of 20 dB Ldn in noise attenuation achieved by standard construction practices for institutional uses such as libraries, community centers, and schools, interior noise levels in these uses would be reduced to at least 44.6 dB Ldn in the areas closest to the roadway, resulting in a less than significant cumulative traffic noise impact to the interior spaces of these land uses. To analyze the cumulative traffic noise levels experienced by sensitive receptors utilizing outdoor common recreation areas associated with these land uses, cumulative plus project traffic noise levels were calculated at the closest common outdoor use areas to the roadway. A communal gardening area is located roughly 85



feet from the center of the roadway, and a children's playground is located roughly 100 feet from the center of the roadway. As mentioned previously, at a distance of 85 feet, existing traffic noise levels are estimated to be 60.5 dB Ldn, and cumulative plus project traffic noise levels are estimated to be 64.6 dB Ldn, which is below the City's "normally acceptable" noise level of 65 dB Ldn for outdoor sports and recreation, neighborhood parks, and playgrounds. Similarly, existing traffic noise levels are estimated to be 59.5 dB Ldn at a distance of 100 feet, and cumulative plus project traffic noise levels are estimated to be 63.6. Both locations would experience an increase of 4.1 dB Ldn under cumulative plus project conditions, which is below the five dB Ldn threshold and would be considered a less than significant cumulative impact.

The project, therefore, would not result in or make a considerable contribution to significant cumulative noise impacts. **[Less than Significant Impact]**



VICINITY MAP (REVISED)

FIGURE 2.0-2