

*First Amendment to the
Draft Environmental Impact Report*

**4300 Stevens Creek
Boulevard Mixed-Use Project
File No. PDC16-036, PD17-014, PT17-23**

Prepared by the



January 2019

PREFACE

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (FEIR) for the 4300 Stevens Creek Boulevard Mixed-Use project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from August 31, 2018 to October 15, 2018. This volume consists of comments received by the City of San José (City), the Lead Agency on the Draft EIR, during the public review period, responses to those comments, and revisions to the text of the Draft EIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects.

According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available to the public prior to consideration of the Environmental Impact Report. All documents referenced in this FEIR

are available for public review in the office of the Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, Third Floor, San José, California, on weekdays during normal business hours.

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**SECTION 1.0 LIST OF AGENCIES AND ORGANIZATIONS TO WHOM NOTICE
OF THE DRAFT EIR WAS SENT**

State Agencies (via California State Clearinghouse)

California Resources Agency
California Office of Historic Preservation
California Department of Parks & Recreation
California Department of Resources, Recycling, and Recovery
California Department of Water Resources
California Department of Fish & Wildlife, Region 3
California Department of Housing and Community Development
California Native American Heritage Commission
California Public Utilities Commission
California Department of Transportation (Caltrans), District 4
California Department of Transportation (Caltrans), Division of Aeronautics
California Department of Toxic Substances Control
Regional Water Quality Control Board, Region 2

Regional Agencies

San Francisco Bay Conservation and Development Commission (via State Clearinghouse)
Association of Bay Area Governments
Metropolitan Transportation Commission
Bay Area Air Quality Management District

Local, Public, and Quasi-Public Agencies

Santa Clara County, Planning Department
Santa Clara County, Roads and Airports Division
City of Campbell
City of Cupertino
City of Fremont
City of Milpitas
City of Morgan Hill
City of Santa Clara
City of Saratoga
Town of Los Gatos
Santa Clara Valley Transportation Authority
Santa Clara Valley Water District

Organizations

Santa Clara Valley Audubon Society
San Jose Downtown Association
San Jose Preservation Action Council
SPUR
Greenbelt Alliance
Sierra Club, Loma Prieta Chapter
Santa Clara Valley Open Space Authority

State Agencies

A. California Department of Transportation October 9, 2018

Regional Agencies

B. Santa Clara County Roads and Airports October 12, 2018

C. City of Cupertino October 15, 2018

D. City of Santa Clara October 15, 2018

E. Santa Clara Valley Transportation Authority October 15, 2018

Organizations and Individuals

F. Carlin Black – SCAG September 5, 2018

G. Ling Zhang September 19, 2018

H. Eve Hanson, The Casa View Oaks Neighborhood Traffic Committee October 11, 2018

I. Lozeau Drury LLP October 11, 2018

J. Adams Broadwell Joseph and Cardozo October 15, 2018

K. Jennifer Griffin October 15, 2018

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments on the Draft EIR that were received by the City in letters and emails during the 45-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters or emails are presented as “Comment” with each response to that specific comment directly following. Each of the letters submitted to the City of San José are attached in their entirety in Section 5.0 of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section 1.0 of this document lists all of the recipients of the Draft EIR.

Five comment letters were received from public agencies, none of whom are Responsible Agencies under CEQA for the proposed project.

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

The CEQA Guidelines state that the lead agency shall evaluate comments on the environmental issues received from persons who reviewed the DEIR and shall prepare a written response to those comments. The lead agency is also required to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This FEIR contains written responses to all comments made on the Draft EIR received during the advertised 45-day review period. Copies of this FEIR have been supplied to all persons and agencies that submitted comments.

A. RESPONSE TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, October 9, 2018:

Comment A1: Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the DEIR.

Project Understanding

The applicant proposes to change the zoning from Commercial General to Planned Development which would allow the development of a mixed-use project and subdivision of three existing parcels into four buildable and ten common lots. The project includes demolition and removal of all existing buildings, existing surface parking lots, ancillary structures, relocation of utilities and a public street (Lopina Way), removal of all trees and other landscaping to prepare the site for new construction. The project proposes four main buildings including office/retail (Building A), a parking garage (Building B), eight-stories of residential/retail (Building C), and eight-stories of residential (Building D).

- Office/Retail (Building A): Up to 300,000 square-feet (sf) of office space, with an option to accommodate up to 7,000 sf of retail facing Stevens Creek Boulevard.
- Residential/Retail (Building C): Up to 289 residential units and up to 15,000-sf ground-floor retail along Stevens Creek Boulevard.
- Residential (Building D): Up to 293 residential units.
- Parking garage (Building B): 1,238 parking spaces for the required on-site parking for office and retail tenant spaces in Office/Retail Building A.

Residential/Retail Building C would have two levels of below-grade and eight levels of above-grade parking for the residential units and retail spaces, providing up to 425 parking spaces total. Residential Building D would have one level of below-grade and eight levels of above-grade parking for residential units, providing up to 380 parking spaces total.

The applicant proposes to vacate existing Lopina Way and relocate it to the east property line along with associated utilities, lighting, and landscaping, as well as the removal of existing easements on the site and provide right-of-way dedication along Stevens Creek Boulevard. This project is in a Priority Development Area (PDA) in the City of San Jose. Priority Development Areas are identified by the Association of Bay Area Governments as areas for investment, new homes, and job growth. To support PDA goals, the proposed project should provide connections to the existing and planned Class II Bike Lanes on Stevens Creek Boulevard.

Access to the project site will be provided via proposed driveways on Stevens Creek Boulevard and Lopina Way, and two driveways on Albany Drive. Regional access to the site is provided either at the US 101/Saratoga Avenue interchange approximately 0.7 miles southeast of the site or at the US101/Lawrence Expressway interchange approximately 0.9 miles west of the site.

Response A1: The commenter has correctly summarized the proposed project.

Comment A2: *Travel Demand Fees*

The project should be conditioned to contribute fair share traffic impact fees as conditions of approval to the following to mitigate project related impacts:

- Existing and planned Class II Bike Lanes on Stevens Creek Boulevard
- I-280/Winchester Boulevard new westbound off-ramp project;
- Signal Modification at the Saratoga Avenue/Harker Driveway/I-280 Northbound On-Ramp; and
- Traffic control device modification at the Saratoga Avenue/I-280 Northbound Loop Off-Ramp.

Please submit a copy of the final staff report to Caltrans for our review.

Response A2: The project applicant is contributing to the Voluntary Mitigation Program to address impacts to the freeways. In addition, the project applicant will be required to contribute a fair share contribution to the Stevens Creek Urban Village streetscape plan which includes Class IV bike lanes along Stevens Creek. The project applicant will also be modifying Saratoga Avenue from Kiely Boulevard south toward the I-280 Saratoga Ramps to improve traffic flow. The improvement includes modification of the traffic signal at the intersection of Kiely Boulevard and Saratoga Avenue to improve both the pedestrian and vehicle circulation.

Comment A3: *Sustainable Communities Strategy*

We commend the City of San Jose for its Inclusionary Housing Policy (San Jose Municipal Code Title 5, Chapter 5.08 Inclusionary Housing) and the applicant's willingness to provide at least 15 percent of the total number of dwelling units as affordable housing.

Response A3: Caltrans support of the affordable housing component of the project is acknowledged. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment A4: *Vehicle Trip Reduction*

In Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, this project falls under **Place Type 1b Urban Centers**, which includes areas with high density, mixed-use places with high jobs/housing ratios, well-connected street networks, high levels of transit service and pedestrian supportive environments with major activity centers and full range of horizontally-and-vertically mixed land uses and with high capacity transit stations/corridors present/planned.

Given the intensification of use and the opportunities to reduce VMT, we encourage the City to establish a Transportation Management Association (TMA) in partnership with other developments in the area to pursue aggressive trip reduction targets with Lead Agency monitoring and enforcement. Please include the Transportation Demand Management (TDM) program including the elements described below to promote smart mobility and reduce regional VMT and traffic impacts to the STN. Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

- Commuter subsidy for transit, carpool, and vanpool for residents, employees, and patrons on an ongoing basis;
- Free shuttles for residents, employees, and patrons to regional transportation stations;
- Electric vehicle (EV) charging stations and designated parking spaces for EVs and clean fuel vehicles;
- Ten percent vehicle parking reduction;
- Carpooling incentives and dedicated parking spaces for carpooling employees;
- Unbundled parking;
- Encourage membership in a carshare program such as Getaround;
- Temporary bicycle valet parking;
- Secured bicycle storage facilities;
- Bicycle share membership;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement; and
- Emergency Ride Home programs.

For additional TDM options, please refer to Chapter 8 of the Federal Highway Administration’s *Integrating Demand Management into the Transportation Planning Process: A Desk Reference, regarding TDM at the local planning level*. The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>. For information about parking ratios, see the MTC report, *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

Response A4: As outlined in the Draft EIR Summary (page vii) and Mitigation Measure GHG-1.1 (page 85), the project applicant is required to implement a TDM program with specific measures for the office/retail component of the project and specific measures for the residential component. Additionally, the City is supportive of TMA’s and in the future will be exploring adoption of a TMA ordinance.

Comment A5: Lead Agency

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN or reduction in VMT. The project’s fair share contribution, financing, scheduling, implementation, responsibilities and Lead Agency monitoring should be fully discussed for all proposed mitigation measures. Mitigation that includes the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

Response A5: All required information regarding the project mitigation will be provided in the Mitigation Monitoring or Reporting Program consistent with CEQA requirements. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

B. RESPONSE TO COMMENTS FROM COUNTY OF SANTA CLARA ROADS AND AIRPORTS DEPARTMENT, October 12, 2018:

Comment B1: The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the Notice of Availability of a Draft Environmental Impact Report and is submitting the following comments:

- We have noted that the TIA did not include all the intersections that were asked for in the scope. The missing intersections are as follows:
 - San Tomas/El Camino Real, San Tomas/Hamilton
 - Lawrence/Reed, Lawrence/Benton, Lawrence/Moorpark, Lawrence/Calvert, Lawrence/I-280.

Response B1: Study intersections were selected based on the amount of peak hour trips estimated at intersections where the project is adding traffic. In conformance with the CMP guidelines, the above intersections were not selected because the project did not add a substantial amount of traffic (10 trips per hour per lane or more) to warrant analysis.

Comment B2: Please provide Queueing analysis for Lawrence Expressway I-280 Offramp/Stevens Creek Blvd and Lawrence Expressway Off-Ramp/Stevens Creek Blvd. The County is particularly interested of queue at Lawrence Expressway NB connector to Stevens Creek Blvd.

Response B2: Please refer to Response B1. Based on the project's assignment and distribution of traffic, the project will not add substantial traffic to these ramps.

Comment B3: Traffix Files Comments (County intersections only), County can provide timing info as requested:

- Saturation flow module adjustment and lane values do not match values found in County Expressway Planning Study or CMP 2016. Please use approved values for Traffic files.
- Existing AM & Existing PM (non-CMP) intersections:
 - Min green values must match timing for count date. Please contact County to request timing to match timing for count date.
- Existing PM (CMP) intersections:
 - Min green values must match timing for count date. Please contact County to request timing to match timing for count date.
 - San Tomas Expressway/Stevens Creek Blvd Existing PM & San Tomas Expressway/Saratoga Ave Existing PM does not have correct User Adj value for SBT movement. Please use approved values for Traffix files.

Response B3: The intersection LOS for these County intersections were updated to include the latest intersection timing information provided by the County. These updates are included in the updated TIA dated December 2018 (Attachment 2).

Comment B4: Expressway Plan 2040 Tier 2 & 3 proposed improvements are not funded and construction times have not been identified. The proposed project should consider intersection level mitigation measures to address impacts (Pages iv-v, TIA).

Response B4: The proposed fair contribution toward impacts at intersections along San Tomas Expressway was coordinated with County staff during the preparation and review of several transportation analyses prepared for projects in San Jose. This mitigation is consistent with other projects impacting the San Tomas Expressway including Santana West (at Winchester Boulevard and Olsen Drive) and The Reserve (at Winchester Boulevard and Williams Road).

Comment B5: Please provide TDM Program analysis and details if trip reduction is claimed.

Response B5: Because the TDM Program is not fully defined, no trip reduction credit was taken for the purposes of the traffic analysis. The analysis did, however, take trip credits for the internalization of trips from the mix of uses on-site, as well as proximity to transit and pass-by trips as shown in Table 5 of the TIA. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

C. RESPONSE TO COMMENTS FROM CITY OF CUPERTINO, October 15, 2018:

Comment C1: Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the above referenced project. Please find below comments from the City of Cupertino as well as attached comments from the Cupertino community.

1. Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) should be included in the Draft Environmental Impact Report (DEIR). The project should incorporate the “Standard Permit Conditions” listed in the report that serve as de facto mitigations for the project as conditions of approval for the project to ensure their implementation. Additionally, the MMRP should include details on the party responsible for implementation, implementation timing/occurrence, agency responsible for monitoring, monitoring action, and monitoring frequency. This will provide more input on implementation since the mitigation measure proposed are not informative.

Response C1: The MMRP shall be available with the Final EIR to ensure that all mitigation measures are accurately accounted for. Consistent with San Jose standards, the MMRP will include the impact, the mitigation, parties responsible for implementation, parties responsible for oversight, and the timing of implementation. Standard permit conditions and conditions of project approval will be provided in the Staff Report and draft resolutions.

Comment C2: 2. Greenhouse Gas Emissions

The analysis indicates that the proposed project implementation will result in GHG emissions in excess of the “Substantial Progress” efficiency metric of 2.6 Metric Tons CO₂ per service population per year established by the California Air Resources 2017 Climate Change Scoping Plan to meet the 2030 Reduction targets in Senate Bill SB 32. In order to reduce the Significant Unavoidable Impact, the project proposes to include a Transportation Demand Management (TDM) plan that is to be finalized and approved by the City prior to occupancy.

However, the mitigation does not require the applicant to make a commitment on how much the TDM plan would reduce trips to the site and therefore, GHG emissions. Additionally, the applicant is only required to include a combination of three (3) of fourteen TDM strategies. There is no indication by how much GHG emissions will be reduced by the any (sic) of the TDM strategies, or if some TDM measures result in a higher or lower GHG reduction. For example, it is unclear whether offering free high-speed Wi-Fi for all tenants to allow for telecommuting would reduce GHG emissions more than or less than providing carshare and/or bikeshare programs on site.

It is also unclear how the TDM plan will be implemented and/or enforced. Also, there are no clear mitigations on what enforcement action the City will take in the event that the applicant is unable to meet the TDM goals. For e.g., the TDM plans currently being implemented in Cupertino, a hefty per trip penalty is being imposed to motivate compliance with the TDM goals. Please include details on implementation and enforcement of the TDM program in the mitigation measures.

Response C2: Please note that each land use type (commercial/office and residential) must include a minimum of three of the listed TDM measures for the specific land use.

The City of San Jose has no specific policy requirements for TDM trip reductions to address GHG emissions. The project would generate 2.96 metric tons of CO₂e per year per service population with standard building techniques and no trip reductions. It is reasonable that with the TDM requirements outlined in the DEIR and compliance with the City's Green Building policy, the project would be able to reduce its GHG emissions below the substantial progress threshold of 2.6 metric tons of CO₂e per year per service population. Nevertheless, because no tenant is known for the proposed office/commercial space and no performance standard has been applied to the TDM Program, the City conservatively assumed the impact to be significant and unavoidable.

Comment C3: 3. Household Size

The analysis in the DEIR references two (2) different household sizes. In Section 3.12.2.5, Parks, in the footnote of Page 150, the household size is listed as 2.86 persons per household. In Section 3.10 2.8, Population and Housing Impacts, in the footnote on Page 126, the household size is listed as 3.21 persons per household. Please clarify this discrepancy in the number of persons per household.

Response C3: The analysis in the DEIR was based on 2.86 persons per household. The reference in Section 3.10 is not a basis for analysis, but is noting the average in 2017 based on approximate numbers of housing units and total population.

D. RESPONSE TO COMMENTS FROM CITY OF SANTA CLARA, October 15, 2018:

Comment D1: Thank you for including the City of Santa Clara in the environmental review process for the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”). City staff has reviewed the Environmental Impact report (EIR) prepared for 1) a proposed Planned Development Rezoning to allow the development of a mixed use project with approximately 315,000 square feet of office/commercial space and up to 582 residential units 2) a Planned Development Permit to allow the demolition of five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-size trees, development of four buildings including a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 10,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight-story residential building with approximately 293 residential units (including up to 88 affordable units), and development of an approximately 1.4-acre landscaped promenade.

The following comments are provided following our review of the EIR.

Transportation/Traffic

The proposed midblock crosswalk across Stevens Creek Boulevard, landscaped median island and bulbouts will impact properties in Santa Clara and potentially corridor operations along Stevens Creek Boulevard. The northern portion of Stevens Creek Boulevard is located within the City of Santa Clara’s jurisdiction and will require our approval which has not been obtained. The installation of the median island, bulbouts and crosswalk will impact operations of the auto dealership on the northside which may cascade into the adjacent residential area immediately north. The median island will also limit access and circulation to properties on the north side of Stevens Creek. Consequently, the City does not support the installation of the median island in the City of Santa Clara as described above and this improvement should be removed from the project description.

Response D1: Please note that while the roadway improvements were shown on the Conceptual Site Plan, they are not included in the Project Description and were not analyzed as part of the proposed project. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment D2: The intersection of Winchester Boulevard and Stevens Creek Boulevard goes from 80.3 secs of Delay at LOS F to 98.0 secs of Delay at LOS F under cumulative conditions, causing a critical change in delay of 34.6 seconds and a V/C change of 8.9 percent. This should be identified as a significant impact. As this is a protected intersection, we understand that San Jose will not propose capacity-increasing mitigation; however, San Jose cannot avoid its obligation to adopt feasible mitigation measures for significant impacts at protected intersections. Santa Clara requests that San Jose identify the offsetting improvements that will be required pursuant to the Protected Intersection Policy, and explain how fees will be collected and programmed toward funding of improvements along the Stevens Creek Boulevard corridor per the terms of the Santana West Settlement Agreement with Santa Clara.

Response D2: After further review, the City found that the project would have a cumulatively considerable contribution to the protected intersection of Stevens Creek Boulevard and Winchester Boulevard. The TIA and EIR have been updated to reflect this (see the Text Edits in Section 4.0 of the First Amendment and the revised TIA [Attachment 2]). The intersection of Stevens Creek Boulevard and Winchester Boulevard was previously overridden with the 2005 update to the City's Transportation Impact Policy (Council Policy 5-3). Pursuant to this policy, the project will be required to construct or pay for offsetting improvements for 69 project trips that contribute to the protected intersection.

Comment D3: We concur with the conclusion in the EIR that the Project should pay a fairshare to the County towards the 8 lane widening of San Tomas Expressway at Saratoga Avenue due to impacts at this intersection.

We concur with the conclusion in the EIR that the Project should pay a fairshare to the County towards the 8 lane widening of San Tomas Expressway at Stevens Creek due to impacts at this intersection.

Response D3: The commenters opinion regarding the proposed traffic mitigation is acknowledged. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment D4: The EIR states that the project is eligible for a 20 percent reduced parking requirement due to its location in the Stevens Creek Urban Village area. With the reduced parking requirements, there is the potential for parking shortages and cars spilling out into adjacent residential areas and along Stevens Creek Boulevard, affecting nearby businesses in Santa Clara. The project should be required to conduct regular parking surveys as part of the TDM monitoring to identify parking issues. Corresponding (sic), the project should be required to mitigate parking issues if they occur.

Response D4: The commenters recommendation for parking surveys as part of the TDM monitoring is acknowledged and will be presented to the decision-makers for consideration. As discussed in Section 3.13.4.2 of the DEIR on page 161, the project will comply with the parking requirements in Chapter 20.90.060 of the San Jose Municipal Code. Please note that the project is within a transit priority area as defined in Section 21099(a)(7) of the California Public Resources Code as the project site is located within a half-mile of a major transit stop (VTA's 23 and 323 bus stop at Stevens Creek Boulevard and Kiely Boulevard is less than 1,000 feet east of the project site). As the project is a mixed-use residential project on an infill site within a transit priority area, parking and aesthetic issues shall not be considered significant impacts for the purposes of CEQA pursuant to Section 21099(d) of the California Public Resources Code.

Comment D5: Aesthetic Impacts

As previously requested in the comments submitted on the NOP from the Thomas Law Group on behalf of the City of Santa Clara on February 9, 2018, the analysis of aesthetic impacts should be expanded to include consideration of the potential for the project to have shadow impacts as a result of the proposed building heights. Please conduct a shadow analysis.

Please revise the EIR and technical reports per the comments above. Should you have any questions regarding this letter, please contact Reena Brilliot, Planning Manager, via email at rbrilliot@santaclearaca.gov or phone at 408-615-2452.

Response D5: The City of San Jose only has a significance threshold for increased shading within the downtown area. The City of Santa Clara does not have a significance threshold for shading. Therefore, no formal assessment of shading was provided in the DEIR as there is no threshold to determine a potential impact.

For informational purposes, a shade and shadow study prepared as part of the planning application for the project has been provided (see Attachment 1 to the First Amendment). As shown on the attachment, for most of the year the only properties that would be shaded would be commercial development to the east and west of the site on Stevens Creek Boulevard. In the winter months, shadows would extend to the commercial properties north of Stevens Creek Boulevard but would not extend into residential neighborhoods. Areas shaded in winter are parking lots and auto dealership buildings, not private or public open spaces used for public gatherings (like outdoor cafes or playgrounds). These businesses will not be shaded by the project from spring through autumn. Residences within Santa Clara are north of the businesses on Stevens Creek Boulevard and are approximately 350 feet north of the project site, too far away to be shaded by the proposed project.

As discussed in Response D.4, above, the project is within a designated transit priority area. The project is a mixed-use residential project on an infill site within a transit priority area, parking and aesthetic issues shall not be considered significant impacts for the purposes of CEQA pursuant to Section 21099(d) of the California Public Resources Code.

**E. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, October 15, 2018:**

Comment E1: Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for 582 residential units, 22,000 square feet of ground floor retail, and 300,000 square feet of office use on 9.9 acres at 4300-4340 Stevens Creek Boulevard. We have the following comments.

Site Design

VTA supports the proposed curb bulb-out and proposed mid-block crossing across Stevens Creek Boulevard. These improvements will improve safety, supports Vision Zero goals, and enhance access to transit as recommended by the Stevens Creek Urban Village Plan. Without the mid-block crossing it will be difficult for transit customers to access the westbound pair bus stop for VTA Bus Route 23. VTA suggests the following modifications to the curb bulb-out:

- Lengthen the curb to provide space for bike racks, crosswalk and a 40 foot bus to allow curbside boarding (See Exhibit A – VTA *Draft* Bus Stop – Cycle Track Design Guide.
- “Bend-in” and “Bend-out” the bike lanes below the curb bulb-out to provide a protected space for bicycles, this could be at grade or raised to match the sidewalk height. This would not preclude future bicycle facilities on Stevens Creek Boulevard per the Urban Village Plan.

Response E1: The curb bulb-out and mid-block crossing designs shown in the DEIR are only conceptual plans. These features are not listed in the project description, are not proposed by the project, and were not analyzed in the DEIR. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment E2: Impacts to CMP Freeway Segments

The TIA/DEIR identifies 6 HOV freeway segment impacts, per Section 3.13.3.5. The DEIR notes that VTA has Voluntary Contribution Program and that the project has the option to contribute toward such program (p.159).

VTA recommends providing a Voluntary Contribution toward two potential transportation improvements:

- Saratoga Avenue/I-280 interchange improvements; or
- John Mise Park pedestrian/bike bridge

It was discussed during a meeting on September 21, 2018 between the project applicant, City of San Jose and VTA staff that a potential contribution toward a pedestrian/bicycle/transit improvement proposed in the vicinity of the project area that provides a significant local/regional connectivity improvement within the neighborhood. The nearby proposed John Mise Park pedestrian/bicycle bridge could successfully meet this criteria.

VTA disagrees with the DEIR Transportation Conclusion, per Section 3.13.5, that “There are no feasible mitigation measures to reduce identified freeway segments” (p. 162). VTA notes that Voluntary contributions for transportation improvements can be included as mitigation measures in CEQA absence (sic) of a comprehensive funding strategy. This strategy was recently included as part of the County’s Civic Center Master Plan FEIR to mitigate for traffic impacts on nearby

facilities. We encourage the City of San Jose to pursue this strategy moving forward to address impacts.

Response E2: The EIR identifies significant unavoidable impacts to the affected freeway segments. The Voluntary Contribution program improvements do not specifically add capacity to the identified freeway segments and thereby will not reduce the impact to less than significant. The City respectfully disagrees that payment of a Voluntary Contribution is a mitigation. There was no fee study prepared for the Voluntary Mitigation Program that demonstrates a nexus between the project and the mitigation.

Comment E3: Transportation Demand Management/Trip Reduction

VTA recommends a TDM plan that establishes a trip reduction target, third party monitoring and enforcement would be the strongest strategy for reducing trips. VTA recommends that the City and project applicant peruse the following TDM/Trip Reduction strategies:

- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area
- **Parking pricing and parking cash-out programs**
- **Transit fare incentives such as free or discounted transit passes, such as VTA SmartPASS, on a continuing basis or pre-tax commuter benefits**
- Dockless scooters, bicycles, and other micro-transit solutions
- Bicycle lockers and bicycle racks
- Bicycle storage integrated into the residential units
- Showers and clothes lockers for bicycle commuters
- On-site or walk-accessible services (day-care, dry-cleaning, fitness, banking, convenience store)
- Preferentially located carpool parking
- Employee carpool matching services
- Parking for car-share vehicles

Response E3: Many of the recommended TDM strategies listed by VTA are included in the mitigation for the project, including bicycle storage, showers, preferred carpool parking, free or discounted transit passes, unbundled parking, etc. Please see mitigation measure GHG-1.1, page 85 of the DEIR.

VTA's recommendations for third party monitoring and enforcement of the TDM Plan is acknowledged and will be provided to the decision makers.

Comment E4: Parking

VTA supports a 20-percent parking reduction per the Stevens Creek Urban Village Plan. Reducing the parking ratio will support and incentivize alternative transportation options versus solo vehicle trips and maximize transit when combined with a robust Transportation Demand Management program.

VTA also recommends activating the ground floor of the parking garage facing Albany Drive with active uses, such as a leasing facility, community room, workout studio, bike parking or bike

maintenance room. Providing an active ground floor treatment along Albany Drive will provide a continual and cohesive street-level urban experience from Building D ‘Residential’ to Building B ‘Garage’.

Response E4: VTAs recommendations for a 20 percent parking reduction and activation of the ground floor of the parking structure are acknowledged and will be provided to the decision makers. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment E5: Ongoing Coordination between City of San Jose and VTA

VTA appreciates the early coordination and opportunity to discuss the project and transportation improvements at a meeting on September 21, 2018. VTA looks forward to additional opportunities to discuss Transportation Demand Management and the Voluntary Contribution Program.

Response E5: This comment is acknowledged. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment E6: Bus Service

In order to provide convenient access to transit, VTA recommends the project include the following bus stop improvements.

Eastbound Stevens Creek Boulevard & Lopina Way

VTA recommends the existing bus stop adjacent to the project site be relocated. To improve bus stop spacing for Line 23, VTA recommends the bus stop be relocated approximately 20 feet west of the proposed relocation of Lopina Way. The new bus stop should include:

- A passenger & shelter pad to VTA specifications
- A 12’x55’ bus pad to VTA specifications
- A new bus shelter to VTA specifications

VTA would like the opportunity to review any revisions to the site plans to ensure the placement of driveways, landscaping and any other features do not conflict with bus operations.

VTA’s Transit Passenger Environmental Plan provides design guidelines for bus stops. VTA’s Bus Stop & Passenger Facilities Standards provides bus stop specifications. Both documents can be downloaded at <http://www.vta.org/tpep>.

VTA has a Bus Stop Placement, Closures and Relocations Policy. Prior to any construction or bus stop impact, please contact bus.stop@vta.org.

Response E6: VTAs recommendations for modifications to the existing bus stop are acknowledged and will be provided to the decision makers. The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

F. RESPONSE TO COMMENTS FROM CARLIN BLACK, September 5, 2018:

Comment F1: An glaring omission in the EIR traffic study is through traffic and mechanic test drives on Albany which increase traffic volume and speed both on Albany and Kiely. An easy fix for this would be to prohibit through traffic on Albany; No left turn signs on Richfield and Palace to discourage mechanics; and a no through traffic sign on Albany at Stevens Creek. As additional traffic speed mitigation Albany from Del Mar to Kiely should be designated as a bike route with sharrows in both directions on the existing traffic lanes. Note that a shared traffic/bike lane does not interfere with parking on both sides of Albany.

The bike lane could be continued Eastbound using sharrows on Kiely in the through Eastbound lane. The lightly used middle westbound lane on Kiely could be also marked with sharrows with a no left turn except bikes on Albany.

A Bike/Ped 280 overcrossing at Mise park which is a part of the Stevens Creek Urban Village Plan should make using Albany as a shared bike lane part of any new development proposal in the area.

Response F1: The commenter's suggestions for traffic restrictions in the project area are acknowledged. The commenter is primarily concerned with existing conditions and not the effect of project traffic. The project's effect on surrounding streets is discussed in the Traffic Impact Analysis in Appendix F of the DEIR, starting on page 54. Albany Way is a designated collector street and is designed to serve both residential and commercial uses with between 2,000 and 16,000 average daily trips. It is not considered a residential street.

G. RESPONSE TO COMMENTS FROM LING ZHANG, September 19, 2018:

Comment G1: My name is Ling Zhang and I am a resident of Santa Clara where my house is very close to this project. I am strongly against this project based on the following reasons:

- 1, Traffic will be terrible on Stevens Creek Blvd. Right now, during rush hour, the traffic is already very congested on Stevens Creek Blvd. With these high density buildings, I can image (sic) the traffic will be much worse, especially on the intersection of Stevens Creek Blvd/Lawrence/highway 280.
- 2, Schools are overflow already, where will the new families send their kids to?
- 3, Since this area is on junction of Santa Clara/San Jose/Cupertino. Any investigation between cities? Cupertino city is also planning to re-build Vallco shopping mall.
- 4, These buildings are too tall and don't fit along with the area only has low buildings.

Hope city planner can review all feedbacks and make good decision for us.

Response G1: The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required. The commenter's concerns are acknowledged and will be provided to the decision makers.

Traffic associated with the project was addressed in Section 3.13 of the Draft EIR and school capacity was addressed in Section 3.12. The proposed building heights are consistent with the adopted Urban Village Plan, as discussed in Section 3.10 of the Draft EIR. Cumulative impacts from San Jose, Santa Clara, and Cupertino projects is addressed in Section 4.0 of the Draft EIR.

H. RESPONSE TO COMMENTS FROM THE CASA VIEW OAKS NEIGHBORHOOD TRAFFIC COMMITTEE, October 22, 2018:

Comment H1: As residents of the Casa View Oaks housing development, located west of the proposed 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay Development), we anticipate a significant increase in non-residential vehicular traffic on our residential streets. This will result from the increase of housing and office density and the routing of traffic from the project onto Albany Drive. This is mentioned in the EIR where it states there will be a significant increase in neighborhood traffic (although no corrective actions are suggested). As the new Cupertino Apple Headquarters begins to fill with employees, less than two miles away, there will be another 8,000 to 10,000 new employees added to the daily commute.

The 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay) plan does not allow for a traffic signal that facilitates a left hand turn from the development property onto Stevens Creek. Instead all west bound traffic is routed to Albany Drive, to turn left onto Stevens Creek. In addition, there is no dedicated left hand turn lane and signal onto Stevens Creek from Albany Drive. This causes traffic back up at all times and especially during peak commute hours. To avoid delays, drivers on Albany Drive currently utilize the residential streets in the Casa View Oaks neighborhood to travel west to Loma Linda Drive, so they can use the Loma Linda/Stevens Creek signal to turn left onto Stevens Creek. This commute traffic on our residential streets is already evident and will significantly increase when Fort Bay is complete. Without the changes, in effect, our residential streets become part of the Stevens Creek Transit Corridor, diminishing our neighborhood experience. This is unacceptable. Our recommendations to avoid this outcome, in order of priority are:

A traffic signal from 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay) for west bound travel must be required.

The existing signal at Albany Drive and Stevens Creek must be amended to allow for a dedicated left turn lane and left turn signal.

Blocking left hand turns from Albany Drive into the neighborhood and consideration/development of other traffic abatement measures in the neighborhood to slow traffic.

Response H1: For the purpose of determining an environmental impact under CEQA, the Transportation Impact Analysis (TIA) used the thresholds under City Council Policy 5-3 (the City's Transportation Impact Policy), which is based on intersection level of service. As discussed in Section 3.13.3.4 of the DEIR (Background Plus Project Intersection Operations), the project would not result in a significant impact at the intersection of Stevens Creek Boulevard and Albany Drive. For informational purposes, the TIA (Appendix F of the DEIR) on pages 54 – 56 discusses the effect of project traffic on adjacent streets, including Albany Drive.

As discussed in the TIA, Albany Drive is a collector street designed for 2,000 to 16,000 average daily trips. Currently, the volumes along Albany are approximately 5,000 vehicles per day which is typical for a collector which serves both residential and commercial land uses. With the added project traffic, the projected volumes increase to approximately 6,000 vehicles per day, which still within an acceptable range for a collector street. Based on the

projected traffic volumes at Stevens Creek Boulevard and Albany Drive, the project would not contribute enough vehicle trips to warrant a signal modification.

The City of San Jose, City of Santa Clara, and VTA are currently working on a Stevens Creek Streetscape Master Plan. The goal of the plan is to develop a uniform design for the corridor. That plan will include new signal locations, existing signal upgrades, and improved pedestrian and bicycle facilities and will likely include upgrades to all existing intersections along Stevens Creek Boulevard, including Albany Drive. With regard to Lopina Way, factors such as intersection spacing, side street traffic volumes, and pedestrian safety are all factors that would be evaluated in the Master Plan when determining new signal locations.

I. RESPONSE TO COMMENTS FROM LOZEAU DRURY LLP, October 11, 2018:

Comment I1: I am writing on behalf of Laborers International Union of North America, Local Union No. 380 and its members living in and around the City of San Jose, California (“LIUNA”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Project known as 4300 Stevens creek Boulevard Mixed-Use Project (SCH# 2017022058, File Nos. PDC16-036, PD17-014, and PT17-023) including all actions related or referring to the proposed demolition of five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-sized trees, development of four buildings including a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 10,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight story residential building with approximately 293 residential units located at 4300 – 4360 Stevens Creek Boulevard, between Stevens Creek Boulevard and Albany Drive on either side of Lopina Way on APNs: 296-38-013, 296-38-014, and 295-40-009 in the City of San Jose (“Project”).

After reviewing the DEIR, we conclude that the DEIR fails as an information document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. LIUNA request that the Planning Department address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for this Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Response I1: The commenter has provided no specific comment related to the environmental analysis in the DEIR or the alleged deficiencies regarding the analysis and identification of mitigation measures. Therefore, no response is possible. Furthermore, the commenter has provided no substantial evidence as a basis for recirculation of the document.

J. RESPONSE TO COMMENTS FROM ADAMS BROADWELL JOSEPH & CARDOZO, October 15, 2018:

Comment J1: On behalf of San Jose Residents for Responsible Development, we submit these comments on the Draft Environmental Impact Report (“DEIR”) prepared by the City of San Jose (“City”) for the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”).

The 10-acre Project site is located on the south side of Stevens Creek Boulevard between Palace Drive and Kiely Boulevard, and is bisected by Lopina Way. The site is currently developed with a group of three two-story and one one-story office buildings, a one-story commercial building, and surface parking lots. The Project site is accessed by a driveway on Stevens Creek Boulevard, two driveways on Albany Drive, three driveways on the west side of Lopina Way, and three driveways on the east side of Lopina Way.

The proposed Project includes a Planning Development Permit that would allow demolition of the existing buildings and construction of a six-story office/commercial building, a six level parking garage, and two eight-story residential buildings, one with up to 15,000 square feet of ground floor retail. The residential buildings would have a combined total of 582 residential units and would be located on the west side of the project site. In addition, the Project proposes to vacate the existing Lopina Way and relocate it to the eastern property line. This existing Lopina Way would be replaced with a landscaped promenade.

As these comments demonstrate, the DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It overwhelmingly fails to perform its function as an information document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”

Substantial evidence shows that the Project is likely to cause significant adverse impacts that are not adequately analyzed and mitigated in the DEIR. Specifically, the DEIR is legally defective due to its failure to adequately identify, evaluate and mitigate the following impacts:

- Failure to adequately disclose, analyze, and mitigate significant air quality and health risk impacts;
- Failure to adequately mitigate significant greenhouse gas emissions;
- Failure to adequately disclose, analyze, and mitigate significant impacts related to hazardous site conditions;
- Failure to adequately disclose, analyze, and mitigate significant traffic impacts;
- Failure to adequately disclose, analyze, and mitigate significant vibration impacts.

The DEIR must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the DEIR, revisions that are necessary to comply with CEQA will be, by definition, significant. Therefore, a revised DEIR will need to be circulated for public comment.

We prepared our comments with the assistance of hazard experts James J.J. Clark of Clark & Associates and air quality experts Mr. Matthew Hagemann and Ms. Hadley Nolan of SWAPE. Their

comments are attached to this letter along with each expert's curriculum vitae. The City must respond to these expert comments separately and individually.

I. INTEREST OF THE COMMENTERS

San Jose Residents for Responsible Development ("San Jose Residents") is an unincorporated association of individuals and labor unions that may be adversely affected by the potential public and worker health and safety hazards, and environmental and public service impacts of the Project. The association includes local residents as well as International Brotherhood of Electrical Workers Local 332, Plumbers & Steamfitters Local 393, Sheet Metal Workers Local 104 and Sprinkler Fitters Local 483, their members, their families and other individuals that live and/or work in the City of San Jose and Santa Clara County.

Individual members of San Jose Residents and the affiliated unions live, work, recreate and raise their families in the City of San Jose and Santa Clara County. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there. Finally, San Jose Residents' members are concerned about projects that present environmental and land use impacts without providing countervailing economic and community benefits.

II. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT ITS CONCLUSIONS IN THE DEIR REGARDING THE PROJECT'S SIGNIFICANT IMPACTS AND FAILS TO INCORPORATE ADEQUATE MITIGATION

CEQA has two basic purposes. First, CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project. Except in certain limited circumstances, CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR. An EIR's purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, an EIR "protects not only the environment but also informed self-government."

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure." CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project. In addition, an adequate EIR must contain the facts and analysis necessary to support its conclusions.

The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives. If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts, it must then propose and evaluate mitigation measures to minimize these impacts. CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or

mitigation measures. Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

Furthermore, under CEQA, it is improper to defer the formulation of mitigation measures. Courts have imposed several parameters for the adequacy of mitigation measures. First, the lead agency may not defer the formulation of mitigation measures until a future time unless the EIR also specifies the specific performance standards capable of mitigating the project's impacts to a less than significant level. Deferral is impermissible where an agency "simply requires a project applicant to obtain a...report and then comply with any recommendations that may be made in the report. Second, a public agency may not rely on mitigation measures of uncertain efficacy or feasibility. Third, "[m]itigation measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments." Fourth, mitigation measures that are vague or so undefined that it is impossible to evaluate their effectiveness are legally inadequate.

As discussed in detail below, the DEIR fails to meet either of these two key goals of CEQA. The DEIR fails to disclose and evaluate all potentially significant environmental impacts of the Project. In addition, it proposes mitigation measures that are inadequate, unenforceable, deferred, or so undefined that it is impossible to evaluate their effectiveness. Therefore, the City must revise and circulate a new DEIR to adequately address these deficiencies.

Response J1: The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment J2: A. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Air Quality and Health Risks

The DEIR includes a Health Risk Assessment ("HRA") to evaluate the Project's health risk impact from diesel particulate matter ("DPM") emissions generated during the Project's construction as well as impacts from nearby freeway exhaust to new on-site sensitive receptors. The DEIR then concludes that those impacts would be less than significant with mitigation. However, SWAPE explains that the DEIR fails to fully analyze and mitigate the health risks posed by the Project because it fails to conduct an *operational* HRA to evaluate the health risk posed to existing sensitive receptors near the Project site from additional emissions generated during operation. As a result, SWAPE finds that "the DEIR fails to project a comprehensive review of all the Project's potential health-related impacts."

According to SWAPE, the City's failure to prepare an operational HRA is inconsistent with recommendations set forth by the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015. This guidance documents describes the types of projects that warrant the preparation of an HRA, which would include this Project.

SWAPE notes that once construction of this Project is complete, the Project will generate 7,030 daily operational vehicle trips, which will generate additional exhaust emissions, "thus continuing to expose nearby sensitive receptors to emissions." OEHHA recommends that exposure from projects

lasting more than 30 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk. Assuming a conservative Project duration of at least 30 years (a Project duration was not provided in the DEIR), SWAPE concludes that “an assessment of health risks to nearby sensitive receptors from operation should be included in a revised [CEQA] evaluation for the Project.”

To demonstrate the potential risk posed by the Project to nearby sensitive receptors, SWAPE prepared a simple screening-level HRA. The results of SWAPE’s assessment demonstrate that “operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DEIR.” SWAPE based its analysis on the DEIR’s own CalEEMod PM10 exhaust estimates, as well as guidance and methodologies from OEHHA, Bay Area Air Quality Management District (“BAAQMD”), and the Environmental Protection Agency (“EPA”). After determining the closest sensitive receptors, SWAPE used AERSCREEN to prepare a preliminary HRA of the Project’s health-related impact on those sensitive receptors. Further detail on SWAPE’s calculations and AERSCREEN output files can be found in Attachment B of these comments.

SWAPE’s conservative analysis demonstrates that “the excess cancer risk to adults, children, infants, and 3rd trimester gestations at a sensitive receptor located approximately 25 meters away, over the course of Project operation, are approximately **8.1, 87, 79, and 3.3 in one million**, respectively. Furthermore, SWAPE explains that “the excess cancer risk posed by operation over the course of a residential lifetime is approximately **177 in one million**. In sum, SWAPE finds that the “infantile, child, and lifetime cancer risks all greatly exceed the BAAQMD’s threshold of 10 in one million,” resulting in a significant impact not identified, analyzed, or mitigated in the DEIR.

Therefore, SWAPE concludes that “an updated DEIR should be prepared to adequately evaluate the Project’s health risk impact and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

Response J2: This comment summarizes the conclusions made by the commenter’s technical consultant SWAPE. Detailed responses addressing this comment are provided to the SWAPE letter. Please refer to Response J17.

Comment J3: B. The DEIR Fails to Adequately Mitigate Significant Greenhouse Gas Emissions
The DEIR evaluates the Project’s per service population GHG emissions and concludes that the Project will exceed applicable GHG thresholds and thus result in a significant impact. The DEIR then provides a list of mitigation measures to reduce emissions, but determines that impacts would be significant and unavoidable “if the project is not completed until after January 1, 2021” or that the project would “have a less than significant operational GHG impact if the project is fully constructed and operational by January 1, 2021. The DEIR states that because the project is consistent with the City’s General Plan and GHG Reduction Strategy land use designations, “projects that are fully constructed and operational by January 1, 2021 and consistent with the GHG Reduction Strategy would not interfere with the implementation of AB 32 and would have a less than significant impact related to GHG emissions. The DEIR notes that based on information provided by the Applicant, the Project is expected to be fully operational by January 1, 2021 and therefore, the “current 2020 GHG thresholds would apply.” SWAPE finds the DEIR’s reasoning to be “entirely incorrect.”

BAAQMD has developed thresholds of significance for proposed land use developments. For developments such as the proposed Project, SWAPE notes that the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 MT CO₂e/ye; or 4.6 MT CO₂e/sp/yr. SWAPE finds that the DEIR fails to demonstrate how the Project is compliant with the GHG Reduction Strategy. Furthermore, according to SWAPE, the Project would generate GHG emissions that exceed both the bright-line threshold of 1,100 MT CO₂e/ye and the 4.6 MT CO₂e/sp/yr threshold, regardless of the year that the Project is actually completed. As such, SWAPE explains that “the Project’s GHG impact would be significant.” However, the measures provided in the DEIR to mitigate this impact are flawed for various reasons. Furthermore, the conclusion that the impacts (sic) is significant *and unavoidable* is also flawed, as explained below.

The DEIR lists a transportation demand management plan (“TDM”) as a mitigation measure, stating that “[t]he TDM Plan will be finalized and approved by the City prior to issuance of occupancy permits and would include a combination of at least three or more” of the measures listed in the DEIR. The DEIR then clearly states that “the TDM Plan has not yet been fully developed and quantified” and that as part of the deferred mitigation, the Applicant must provide “an on-site TDM coordinator who will be responsible for implementing and managing the TDM Plan.” This is counter to CEQA’s prohibition against deferred mitigation unless the EIR also specifies the specific performance standards capable of mitigating the project’s impacts to a less than significant level. The TDM is clearly deferred with no standards by which the success of the measures listed can be determined. The implementation and management plan would be developed later by a person unknown. This mitigation plan is unacceptable under CEQA. Furthermore, not only is this measure unlawfully deferred, but SWAPE finds the potential measures listed in the DEIR to be utterly lacking.

To conclude that an impact is significant and unavoidable, an EIR must include all feasible mitigation, as required under CEQA. SWAPE reviewed the Project’s proposed mitigation measures and finds that “not all feasible mitigation is being implemented” and that “[u]ntil all feasible mitigation is reviewed and incorporated into the Project’s design, impacts from GHG emissions cannot be considered as significant and unavoidable.” SWAPE identifies a list of viable mitigation measures in Attachment B that are applicable to the Project. Feasible mitigation measures can also be found in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, which can reduce GHG levels.

SWAPE explains that the combined measures “offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation.” Therefore, SWAPE concludes that an “updated DEIR must be prepared to include mitigation measures to ensure that the necessary [measures] are implemented to reduce operational GHG emissions to below thresholds.” Furthermore, the Applicant must demonstrate commitment to the implementation of these measures prior to Project approval, “to ensure that the Project’s operational significant emissions are reduced to the maximum extent possible.”

Response J3: This comment summarizes the conclusions made by the commenter’s technical consultant SWAPE. Detailed responses addressing this comment are provided to the SWAPE letter. Please refer to Responses I18-I21.

Comment J4: C. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Impacts Related to Hazardous Site Conditions

1. *Failure to Consider the Potentially Significant Impacts from Residual Pesticides, Asbestos, and Lead*

The DEIR acknowledges that the Project site had been in agricultural use for over 40 years, and that “possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site.” In addition, the DEIR states that there is likely asbestos containing materials and lead-based paint in the building materials of the buildings to be demolished. Furthermore, the DEIR states that Project construction could “disturb on-site soils with residual agricultural pesticide contamination, and expose construction workers and/or nearby residential receptors to elevated concentrations of pesticide chemicals.” However, the DEIR proposes mitigation measures and concludes that the Project “would have a less than significant impact to construction workers and nearby residential receptors.” The mitigation measures proposed in the DEIR include:

MM HAZ-1.1: After demolition but prior to the issuance of grading permits, a qualified environmental specialist shall collect shallow soil samples, from the native soil layers within the surface lots and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

MM HAZ-1.2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the applicant shall enter into the Santa Clara County Department of Environmental Health’s (SCCDEH) Voluntary Cleanup Program (VCP) to formalize regulatory oversight for remediation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil in order to achieve detection levels acceptable to the SCCDEH. With approval of the SCCDEH, some of the contaminated soil may be allowed to be left in place buried under hardscape and/or several feet of clean soil. The project applicant shall prepare and implement a Removal Action Plan, Soil Mitigation Plan or other similar report describing the remediation process and to document the removal and/or capping of contaminated soil. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH.

Regarding MM Haz-1.1, Mr. Clark notes that the measure’s analytical testing of the soils and building waste “will be performed *only after* the demolition of the buildings and disturbance of the shallow soils, which can generate large amounts of dust containing hazardous materials which will migrate off-site.” Mr. Clark states that “[t]his contaminated dust directly impacts the health of construction workers and the surrounding community.” Therefore, deferring the tests until after the waste materials have been generated and the soil has been disturbed “is counter to CEQA and only

ensures that any substantive mitigation measure that would prevent the exposure of workers or the surrounding community members will not be effective or even implemented.”

Regarding MM HAZ-1.2, Mr. Clark finds again that the measure is “improperly deferred” and fails to identify what environmental screening levels will be utilized, “leaving uncertainty as to whether the clean-up levels will be sufficiently health protective for the development of the site as a residential facility.”

Mr. Clark notes that according to the California Department of Toxic Substances Control August 2008 Interim Guidance for Sampling Agricultural Properties, the most commonly detected pesticides at former agricultural sites have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. These substances have been labeled carcinogens or known to cause developmental health effects by the State of California. Furthermore, Mr. Clark states that “the historical use of arsenical herbicides in many agricultural properties is known to be the source of elevated arsenic levels and lead levels in the properties evaluated.” Arsenic and lead are also listed by the State of California as carcinogens and causes for developmental health effects, and “[e]xposure to lead is a serious concern for decreases in intelligence scores for young children and for increased blood pressure in adults. Mr. Clark further explains that “[e]xposure through impacted soils via incidental ingestion or dermal absorption and through the inhalation of fine dust (particulate matter) impacted with the chemicals is the primary route of exposure for community members and sensitive receptors near the project site.”

CEQA requires that DEIR (sic) demonstrate a good faith effort at full disclosure. Under CEQA, an EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. Given the volume of soils to be graded on site and the volume of soils to be excavated in the construction of the underground parking lots, Mr. Clark states that “it is imperative that the public be given an opportunity to understand and assess the extent of any soil contamination prior to beginning the project, as required under CEQA.” Here, not only does the DEIR fail to provide basic information regarding the state of soil contamination, but it unlawfully defers any further analysis and mitigation that could remedy contamination that harms workers and community members.

Therefore, Mr. Clark concludes that the “lack of a cogent sampling and analysis plan, screening level determination [prior to Project approval], and the planned disturbance of materials on site prior to sampling are serious deficiencies in the DEIR” and that a revised DEIR is necessary.

Response J4: This comment summarizes the conclusions made by the commenter’s technical consultant Clark & Associates. Detailed responses addressing this comment are provided to the Clark & Associates letter. Please refer to Response J13.

Comment J5: *2. Failure to Identify Sensitive Receptors*

The DEIR not only fails to analyze and mitigate hazardous soil conditions, but it fails to identify all sensitive receptors that could be impacted by the disturbance of contaminated soil during construction. The DEIR clearly states that an impact from the project is significant if the Project will “[e]mit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.” The DEIR then lists the nearest school as Sierra Elementary School located at 220 Blake Avenue in Santa Clara (approximately 0.3 miles north of the site).

However, the DEIR fails to accurately identify the closest school. Mr. Clark states that the closest school to the site is the Starbright School located at 4645 Albany Drive, approximately 0.23 miles from the edge of the Project site boundary. According to Mr. Clark, the generation of s=dusts containing toxic materials from the Project site (e.g., pesticides from historical land uses, lead in paints used on site, or asbestos bearing materials) “can easily migrate to the nearby residences and to the previously unidentified sensitive receptors at the Starbright School...[and] [e]xposure of young children to toxic metals is a significant concern.”

Therefore, Mr. Clark concludes that “it is clear that the project will have a potentially significant impact on the community that has not been adequately analyzed or mitigated in the DEIR.

Response J5: This comment summarizes the conclusions made by the commenter’s technical consultant Clark & Associates. Detailed responses addressing this comment are provided to the Clark & Associates letter. Please refer to Response J14.

Comment J6: *3. Failure to Identify All Relevant Hazardous Waste Sites Within One Mile of the Project Site*

Given that EIRs must describe existing environmental setting in enough detail to enable a proper impact analysis, Mr. Clark notes that “[i]t is vital to the CEQA process that accurate information be compiled to describe the current conditions of the community in which the proposed project is to be sited.” The DEIR lists two sources of off-site contamination. However, according the (sic) Mr. Clark’s review of the Geotracker website, maintained by the State Water Quality Control Board, there are 56 different cases of hazardous waste sites within a mile of the project site. Furthermore, Mr. Clark notes that “[a]t least 5 of the sites are still open and may have active remediation or verification monitoring being performed.” According to Mr. Clark, the chemicals of concern at the active sites include chlorinated solvents (perchloroethylene, trichloroethylene, 1,2-dichloroethylene, etc...), petroleum hydrocarbons from USTs releases (sic) (gasoline, diesel, waste oils), or polychlorinated biphenyls (PCBs),” with the closest active site being less than 900 feet away from the Project. Mr. Clark provides detailed evidence of these sites in his comments.

The DEIR fails to satisfy CEQA’s requirements that EIRs include a full description of the physical environmental conditions in the vicinity of the Project and adequately evaluate the Project’s impacts based on those conditions. Mr. Clark finds that the DEIR fails to “accurately describe the conditions surrounding the site” and thus should “update the hazard assessment in a revised DEIR.”

Given the above facts, Mr. Clark concludes that “the Project could result in significant unmitigated impacts that were not identified in the DEIR” and that to protect public health, “the City must prepare a revised DEIR for the Project to address the deficiencies identified above.”

Response J6: This comment summarizes the conclusions made by the commenter’s technical consultant Clark & Associates. Detailed responses addressing this comment are provided to the Clark & Associates letter. Please see Response J15.

Comment J7: *D. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Traffic Impacts*

The DEIR identifies significant impacts related to an increase in traffic caused by the Project. Traffic in the area is already a major issue of public concern and controversy, as acknowledged in the DEIR. Specifically, the DEIR identifies the following significant impact:

Impact TRAN-1: Implementation of the proposed project would have a significant impact on the San Tomas Expressway and Saratoga Avenue intersection during the AM Peak Hour under background plus project conditions.

To mitigate this impact to less than significant levels, the DEIR provides the following mitigation measure:

MM TRAN-1.1: Prior to issuance of any building permits, the project applicant shall pay fair share fees to the County of Santa Clara based on the August 2015 update of the County Expressway Plan 2040, which identifies the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. Payment of the fee would reduce the impact to a less than significant level.

There are several flaws with the City's approach to mitigating this significant traffic impact.

First, the DEIR's conclusion that the impact will be less than significant after this mitigation is in direct conflict with the conclusions found in the Traffic Impact Analysis ("TIA") prepared by the City's consultants. The TIA recommends the same fee payment mitigation measure, but clearly states "payment of a fair-share toward improvement costs alone would not guarantee the timely construction of the identified improvement to mitigate the project impact." Therefore, the TIA concludes that "in the event that the developer makes a fair-share contribution rather than constructing the improvement, this impact would be considered significant and unavoidable." There is no indication that the Applicant plans to construct the improvement itself, and the DEIR provides no explanation as to why it presents a conflicting conclusion regarding the Project's impact to this intersection.

Second, the TIA offered another potential mitigation measure for this impact, which is not mentioned at all in the DEIR. This "Alternative Mitigation Measure" states:

Alternatively, the project could implement a transportation demand management (TDM) program for the office and residential developments to reduce the vehicle trips generated by the project during the peak hours. To eliminate the significant impact at the intersection, the project would need to implement a TDM program to reduce the vehicle trips by 20 percent.

The DEIR does incorporate a TDM into the traffic mitigation plan; it only mentions it with regard to the Project's impacts from GHG emissions. The DEIR fails to mention whatsoever the consultants' suggestion to implement the TDM program to reduce vehicle trips by 20 percent and therefore properly reduce the Project's significant traffic impact. The DEIR provides no explanation for failing to incorporate or even mention this potential mitigation measure in the DEIR's traffic analysis. Furthermore, the TDM mitigation measure for GHG impacts is flawed in itself, and therefore cannot be adequately relied upon, as discussed above in our comments on GHG impacts.

Third, regardless of the DEIR's inconsistency with the conclusions in the TIA, the City cannot lawfully rely upon the payment of fair share fees to the County of Santa Clara to adequately mitigate the Project's impacts. As the DEIR clearly acknowledges in the discussion of another traffic impact, Impact TRAN-2, payment of fees is not adequate mitigation under certain circumstances. Impact TRAN-2 states that "[i]mplementation of the proposed project would have a significant impact on six HOV freeway segments on I-280." According to the DEIR, mitigation cannot be proposed for this impact:

Mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lanes. Because it would not be feasible for the project to bear the responsibility for implementing such improvements, it is recommended the project make a fair share contribution towards the VTA Voluntary Mitigation Program for the impacted freeway segments. Because no freeway widening project has been developed by Caltrans or VTA, the impacts on the HOV freeway segments identified would be significant and unavoidable.

The DEIR's conclusion that payment of fees for Impact TRAN-2 is not acceptable mitigation is consistent with case law, which has found that fee-based mitigation programs must meet certain conditions under CEQA to be viable. However, the DEIR's analysis regarding Impact TRAN-1 fails to follow this same logic and is therefore inconsistent with CEQA. Specifically, the DEIR provides no evidence that the County of Santa Clara's plan to widen San Tomas Expressway, as discussed in MM TRAN-1.1, has been sufficiently analyzed and funded, or is even certain to occur.

The CEQA Guidelines generally allow the payment of fees to mitigate impacts such as cumulative impacts. However, California courts have consistently found that "...a commitment to pay fees without any evidence that mitigation will actually occur is inadequate." Furthermore, courts have held that in order for a project to rely on a fee program for mitigation of impacts, the fee program itself also had to be analyzed in an EIR.

In *Napa Citizens for Honest Government v. Board of Supervisors*, a California court of appeal found that a pre-existing fee program failed to provide the "mitigation cover" to avoid a significance determination for a project's traffic impacts. The County had previously adopted a traffic fee program and had collected over \$2 million pursuant to this fee. However, the improvements necessary to fulfill the program totaled over \$70 million and although the current project was obligated to pay its fair share of fees, the evidence showed that the necessary improvements would not be funded. As a result, there was no evidence that impacts would be mitigated simply by paying the adopted fee.

Here, as in *Napa Citizens*, there is no evidence that the plan to widen the San Tomas Expressway to eight lanes between Homestead Road and Stevens Creek Boulevard will be funded. Although Santa Clara County recently approved another section of that highway north of the Project for widening (between El Camino Real and Homestead), regarding widening between Homestead and Stevens Creek the Santa Clara County's website merely states that it may happen "[w]hen additional money becomes available." This indicates that funding is not currently available for this project, and there is no information provided about when funding would be available in the future.

Furthermore, the Santa Clara County website contains CEQA analysis only for widening the section between El Camino Real and Homestead. The DEIR has provided no evidence that the rest of the

plan to widen from Homestead to Stevens Creek has undergone CEQA analysis, nor has the DEIR identified any final CEQA analysis on a programmatic level for a fee-based traffic mitigation program that would cover this highway section, as required by CEQA.

The DEIR fails to adequately demonstrate that the mitigation program relied upon will occur and, specifically, whether it has been analyzed under CEQA and is sufficiently funded. Therefore, the City failed to require feasible mitigation to reduce the Project's significant impacts from increased traffic to less than significant levels. The DEIR must be revised and recirculated to reflect accurate analysis and conclusions.

Response J7: As discussed in the DEIR and the TIA, the 2008 update of the Comprehensive County Expressway Planning Study identifies 1) the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between El Camino Real and Williams Road, and 2) regional Expressway Category projects in Measure B which identifies the widening of San Tomas Expressway to eight lanes between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. This includes the impacted intersection of San Tomas Expressway and Saratoga Avenue.

Resolution No. 2016.06.17 adopted by the Board of Directors of the Santa Clara Valley Transportation Authority in June 2016 established improvements to be funded by Measure B, which was approved by the voters in November 2016. This resolution included the San Tomas Widening from Cupertino to San Jose as a Tier 1 transportation project.

Comment J8: E. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Vibration Impacts

The DEIR identifies significant impacts related to vibrations causes during Project construction. Specifically, the DEIR identifies the following significant impact:

Impact NOI-1: Construction of the proposed project could expose the adjacent automotive dealership to vibration levels in excess of City standards in General Plan Policy EC- 2.3.

To mitigate this impact to less than significant levels, the DEIR provides the following mitigation measures:

MM NOI-1.1: A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The plan shall be submitted to the Supervising Environmental Planner of City of San José Department of Planning, Building, and Code Enforcement for review and approval. The Plan shall address vibration impacts to adjacent structures. The plan shall include, but is not limited to:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.)
- Avoidance methodology to avoid and/or reduce impact to the adjacent property.

MM NOI-1.2: The project applicant shall include the following measures as part of the approved construction plans prior to the issuance of any demolition or grading permits:

- Construction crews shall avoid dropping heavy objects or equipment within 30 feet of any adjacent structure.
- The project applicant shall ensure that all contractors follow the prescribed vibration mitigation measures.
- The project applicant shall designate a specific person responsible for registering and investigating claims of excessive vibration. The contact information shall be clearly posted on the construction site so as to be seen from all street frontages.
- If cosmetic or structure damage to the adjacent buildings is caused directly or indirectly by project construction, the project applicant shall make the necessary repairs and provide adequate documentation of the repairs to the Director of Planning, Building and Code Enforcement prior to issuance of any occupancy permits.

A closer inspection of these mitigation measures reveals that mitigation for significant vibration impacts are in fact unlawfully deferred. As stated above, deferral is impermissible where an agency “simply requires a project applicant to obtain a...report and then comply with any recommendations that may be made in the report.

Here, the DEIR clearly defers the development of “[a]voidance methodology to avoid and/or reduce impact” in a future Construction Vibration Monitoring Plan. Indeed, the only real measure described is found in MM NOI-1.2, which requires that “construction crews shall avoid dropping heavy objects or equipment within 30 feet of any adjacent structures.” Confusingly, this measure is required to be included in seemingly separate (also apparently deferred) “approved construction plans.” It is unclear whether this measure is also required to be included in the Construction Vibration Monitoring Plan. The DEIR appears to anticipate the development of further measures because MM NOI-1.2 also requires that the Applicant “ensure that all contractors follow the prescribed vibration mitigation measures.” However, no other measures are included in the mitigation and no specific performance standards are identified as requirements in the Construction Vibration Monitoring Plan, as required under CEQA.

The Noise and Vibration Assessment prepared by the City’s consultants provides analysis of the vibration impacts and recommended a more specific measure than what is included in the DEIR. Specifically, the noise consultant recommends that the City “[p]rohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building.” The DEIR provide no explanation as to why it did not include these specific limitations in MM NOI-1.1 or 1.2. Specific measures to reduce impacts, or at the very least performance standards to include in a mitigation plan, are required under CEQA. After-the-fact damage control, as described in MM NOI-1.2, is insufficient to reduce the Project’s impacts to less than significant levels.

The DEIR fails to demonstrate that the Project’s significant vibration impacts during construction have been mitigated to less than significant levels. Therefore, the DEIR must be reviewed and recirculated to include adequate mitigation.

Response J8: Contrary to the assertion of the commenter, implementation of a Construction Vibration Monitoring Plan is proven and acceptable mitigation to establish baseline conditions, address impacts that arise, and remediate those impacts. Prior to completion and approval of full building plans by the City, it would be speculative to assume the specific type of equipment that would be used on-site, the duration, and the location. Without this information, only broad-based restrictions can be applied to the project. For these reasons, the City has determined that a Construction Vibration Monitoring Plan provides the best project-specific mitigation and avoidance measures to address the nuances of individual projects and project sites.

The commercial building in question is approximately 25 feet from the property line of the project site. As disclosed in the DEIR and the supporting Noise and Vibration Study (Appendix E of the DEIR), vibration levels due to construction activities would be up to 0.21 in/sec Peak Particle Velocity (PPV) at the nearest off-site commercial building, which is just over the threshold of 0.20 PPV for structures of conventional construction established as a threshold in General Plan Policy EC-2.3. The mitigation recommendations from the noise consultant is based on assumed construction equipment that could be utilized on-site. As shown on the site plan (Figure 2.2-4 of the DEIR) the nearest hardscape to the shared property line is set back 11 feet. The nearest building, including the below-grade parking level, is approximately 14 feet from the shared property line. As a result, the City concluded that the prohibition of construction equipment outlined in Mitigation Measure 2 of the Noise and Vibration Study was not warranted. The City did, however, include a measure that requires construction crews to avoid dropping heavy objects or equipment within 30 feet of any adjacent structure. The project applicant will also be required to make any necessary repairs to the structure resulting directly or indirectly from project construction. No recirculation of the DEIR is required.

Comment J9: III. CONCLUSION

It is essential that the City's DEIR adequately identify and analyze the Project's foreseeable direct, indirect and cumulative impacts. It is also imperative that any and all feasible mitigation measures be presented and discussed. Indeed, CEQA requires nothing less. As discussed above, the Project will result in significant impacts in a number of areas, including public health, air quality, traffic, and impacts from vibration. The DEIR continues to mischaracterize, underestimate, or fail to identify many of these impacts. Furthermore, many of the mitigation measures relied upon by the DEIR are improperly deferred or will not mitigate impacts to the extent claimed.

The DEIR must be recirculated if: (1) it reveals new substantial environmental impacts not disclosed in the DEIR; (2) it reveals a substantial increase in the severity of impacts (unless mitigated); (3) comments have been received that identify new feasible mitigation measures, but the feasible mitigation measures are not adopted; or (4) it is so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless.

The courts have held that the failure to recirculate an EIR turns the process of environmental evaluation into a "useless ritual" which could jeopardize "responsible decision-making". Both the opportunity to comment and the preparation of written responses to those comments are crucial parts of the EIR process.

These comments have identified substantial environmental impacts that were again not discussed at all in the DEIR or were not meaningfully considered.

These comments have also identified feasible mitigation measures for significant, unmitigated impacts that have not been evaluated or proposed for adoption by the DEIR. Under CEQA Guidelines, a DEIR must be revised and recirculated to allow for public comment on these unadopted, feasible mitigation measures. These deficiencies result in a DEIR ‘so fundamentally inadequate and conclusory in nature that public comment on the draft was in effect meaningless.’ Therefore, the DEIR must be withdrawn, revised and recirculated to properly evaluate these impacts.

Response J9: Please refer to Responses J7, J8, and J13-J21.

Attachment A – Clark & Associates

Comment J10: At the request of San Jose Residents for Responsible Development (San Jose Residents), Clark and Associates (Clark) has reviewed materials related to the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”), including the August, 2018 4300 Stevens Creek Boulevard Mixed-Use Project Draft Environmental Impact Report (DEIR), including Appendix D to the DEIR (Phase I Environmental Site Assessment), and the Revised Notice of Preparation with comments, dated January, 2018.

The DEIR has serious flaws regarding the potential for hazardous materials in construction debris, and the presence of pesticide residues that are likely in place based upon the historical land use (former orchards), which may significantly impact the surrounding community including previously unidentified sensitive receptors within ¼ mile of the project site. These flaws must be addressed in a Revised Draft EIR (RDEIR), which must identify concrete areas of concern, including the level of contamination on the site, and proscribe clean up levels for the project a prior (sic).

PROJECT DESCRIPTION

The approximately 10.0 gross acre project site is located on the south side of Stevens Creek Boulevard, north of Albany Drive, and is bounded to the east and west by commercial developments. Lopina Way connects Stevens Creek Boulevard and Albany Drive, bisecting the project site. The project site is comprised of three Assessor’s Parcel numbers (APNs): 296-38-013 (4360 Stevens Creek Boulevard), 296-38-014 (4340 Stevens Creek Boulevard), and 296-40-009 (4300 Stevens Creek Boulevard).

The current project site configuration includes a total of five buildings; three two-story office buildings, one one-story office building, a one-story commercial building, with surface parking lots adjacent to the buildings, and landscaping. The project site abuts commercial properties to the north, west, and east. Residential properties abut the project site to the south, southeast and southwest.

Description of Proposed Project

The project Proponent proposes the rezoning of the site from CG – Commercial General Zoning District to a Commercial Pedestrian Planned Development [CP(PD)] Zoning District to allow a mixed use project and subdivision of three existing parcels into four buildable lots and ten common lots. The project includes the demolition and removal of all existing buildings, existing surface

parking lots, ancillary structures, relocation of utilities and a public street (Lopina Way), removal of all trees and other landscaping to prepare the site for new construction.

According to the DEIR, the completed project will consist of two eight-story residential buildings (combined total of 582 residential units), a six-story, 300,000 square foot office building, and a five-level parking garage. The project proposes four main buildings: an office/retail Building A, a parking garage Building B, an eight-story residential/retail Building C, and eight-story residential Building D.

- **Office/Retail Building A:** located on the northeast side would have up to approximately 300,000 square foot of office space, with an option to accommodate up to approximately 7,000 square feet of retail space facing Stevens Creek Boulevard.

- **Residential/Retail Building C:** located on the northwest side of the site would have up to 289 residential units and approximately 11,000 - 15,000 square feet of ground floor retail along Stevens Creek Boulevard.

- **Residential Building D:** located on the southwest side of the site would have up to 293 residential units.

Parking

Parking garage Building B on the southeast side of the site would provide approximately 1,238 parking spaces for the required on-site parking for office and retail tenant spaces in Office/Retail Building A. Residential/Retail Building C would have two levels of below-grade parking and eight levels of above-grade parking for the residential units and retail spaces, providing up to 425 parking spaces. Residential Building D would have one level of below-grade parking and eight levels of above-grade parking for residential units, providing up to 380 parking spaces.

Landscape and Promenade

The project proposes the removal of all existing landscaping, including on-site trees and street trees, and replacement landscaping. The area vacated by the existing Lopina Way is planned as a central feature with an approximately 1.6-acre landscaped promenade as a privately owned publicly accessible open space. Additionally, the landscape plan also includes street trees and other landscape features and furniture along Stevens Creek Boulevard, Lopina Way, and Albany Drive per the intent and guidance within the Stevens Creek Boulevard (mid) Urban Village Plan.

Response J10: The comment does not raise any specific environmental issues under CEQA; therefore, no further response is required.

Comment J11: Specific Comments:

1. Failure To Consider The Potentially Significant Impacts From Residual Pesticides, Asbestos, and Lead That May Have Been Used At The Site

The Proponents of the Project have failed to adequately analyze and mitigate the considerable impact on nearby residences and businesses from the entrainment of pesticide impacted, lead impacted or

asbestos impacted dust that will be generated during construction activities. The DEIR acknowledges the Project site had been in agricultural use for over 40 years, and “the possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site” as well as likely having asbestos containing materials (ACMs) and lead-based paint in the building materials of the buildings to be demolished. The DEIR goes on to conclude, however, that Project construction “would not be expected to expose the public or the environment to hazardous materials,” and therefore this impact “would be less than significant.”

Response J11: The commenter states that the DEIR concludes that project construction would not be expected to expose the public or the environment to hazardous materials, and therefore, this impact would be less than significant. The commenter references page 88 of the DEIR for this statement. It should be noted that this statement is not made on page 88 of the DEIR, on pages 91-92 of the DEIR where the discussion of construction impacts relative to hazardous materials is provided, or anywhere else in the document.

Comment J12: According to the California Department of Toxic Substances Control August 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) the most commonly detected pesticides at former agricultural sites have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. These organochlorine pesticides (COPS) [sic – the correct acronym is OCPs] are biopersistent and bioaccumulate in the environment. The historical use of arsenic herbicides in many agricultural properties is known to be the source of elevated arsenic levels and lead levels in the properties evaluated. DDT and its derivatives DDD and DDE, toxaphene, dieldrin and aldrin are all listed on Proposition 65 as either being a carcinogen or known to cause developmental health effects by the State of California. Arsenic and lead are also listed by the State of California, under Proposition 65, as carcinogens and causes for developmental health effects. Exposure to lead is a serious concern for decreases in intelligence scores for young children and for increased blood pressure in adults. Exposure through impacted soils via incidental ingestion or dermal absorption and through the inhalation of fine dust (particulate matter) impacted with the chemicals is the primary route of exposure for community members and sensitive receptors near the project site. Given the volume of soils to be graded on site and the volume of soils to be excavated in the construction of the underground parking lots it is imperative that the public be given an opportunity to understand and assess the extent of any soil contamination prior to beginning the project, as required by CEQA.

Response J12: The commenter is correct that the California Department of Toxic Substances Control (DTSC) August 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) states that DDT is biopersistent and bioaccumulates in the environment. However, the DTSC document referenced by the commenter also explicitly states that their guidance for sampling agricultural properties “does not apply to disturbed land, such as, land that has been graded in preparation for construction, areas where imported soil has been brought in, or any other activity that would redistribute or impact the soil, other than normal agricultural practices, such as disking and plowing.”

The chemical DDT was banned in the United States in 1972. As discussed in Section 3.8.1.3 of the DEIR, agricultural activities on the site were halted in the early 1970s and the current buildings built around 1973. The site was previously disturbed for construction of the existing buildings and there has been no agricultural activity on the site for 45 years. DDT

has a half-life¹ of two to 15 years.² Assuming the longer half-life of 15 years, after 45 years the levels of DDT remaining in the soil would be less than 12 percent of the original level at the time chemical use was stopped.³ Despite the reduced level of DDT and history of previous site disturbance for construction of existing buildings, the DEIR still identifies exposure of construction workers and nearby sensitive receptors as a potentially significant impact, with appropriate mitigation including soil testing after demolition of existing structures and compliance with remediation measures pursuant to applicable State laws and Santa Clara County Department of Public Health requirements.

Comment J13: To address the concern regarding residual pesticides in the shallow soils, the proponent identifies Mitigation Measure HAZ-1.1 and HAZ-1.2 as the solutions to potential exposure of the community. Mitigation measure 1 (MM HAZ-1.1) states that after demolition but prior to the issuance of grading permits, a qualified environmental specialist shall collect shallow soil samples from the native soil layers within the surface lots and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of findings will be provided to the Supervising Environmental Planner of the City of San Jose Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San Jose Environmental Services Department for review. The essence of the MM Haz-1.1 is that analytical testing of the soils and building waste will be performed only after the demolition of the building and disturbance of the shallow soils, which can generate large amounts of dust containing hazardous materials which will migrate off-site. This contaminated dust directly impacts the health of construction workers and the surrounding community. Waiting for the analytical tests to be performed after the waste materials have been generated and the soil have been disturbed is counter to CEQA and only ensures that any substantive mitigation measure that would prevent the exposure of workers or the surrounding community members will not be effective or even implemented. This improperly deferred measure is equivalent to closing the barn door after the horses have escaped.

Mitigation Measure HAZ-1.2 states that if contaminated soils are found in concentrations above established regulatory environmental screening levels, the applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP) to formalize regulatory oversight of remediation of contaminated soil to ensure the site is safe for construction workers and the public after development. The measure is improperly deferred and does not identify what environmental screening levels will be utilized, leaving uncertainty as to whether the clean-up levels will be sufficiently health protective for the development of the site as a residential facility. CEQA requires specific standards against which to measure the success of a mitigation measure.

The lack of a cogent sampling and analysis plan, screening level determination a priori (sic), and the planned disturbance of materials onsite prior to sampling are serious deficiencies in the DEIR. Prior to issuing a revised DEIR for the project, the Proponent should be required to complete a sampling

¹ A half-life is the time it takes for a certain amount of a pesticide to be reduced by half.

² U.S. Department of Health and Human Services. Public Health Service Agency for Toxic Substances and Disease Registry ToxGuide for DDT/DDD/DDE. <https://www.atsdr.cdc.gov/toxguides/toxguide-35.pdf>

³ National Pesticide Information Center. <http://npic.orst.edu/factsheets/half-life.html>

and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the site.

Response J13: The Phase I Environmental Impact Assessment for the proposed project (Appendix E to the DEIR) found the presence of potential residual agricultural chemicals in the soil to be a *de minimis* condition and did not consider it as a recognized environmental condition (REC). While the technical expert made this finding, the City choose to take a more conservative estimate of the potential contamination on-site by finding a significant impact.

The commenter states that dust from soil disturbance during demolition could be contaminated. This is unlikely as the site has been developed and the soils disturbed, and it is reasonable to assume that fill was used during construction of the existing buildings and hardscape. Given the length of time since agricultural activities have occurred on-site and the development of the site since cessation of the agricultural use more than 45 years ago, the likelihood of surface soils having residual agricultural contamination is negligible. Nevertheless, the project applicant would be required to implement standard dust control measures during all phases of construction which would abate any dust generated during demolition. The mitigation proposed as part of the project is acceptable practice for addressing subsurface residual contamination.

Mitigation measure MM HAZ-1.1 in the DEIR requires the project applicant to collect and test soils using established construction/trench worker and residential thresholds. Furthermore, regulatory oversight would be provided by SCCDEH. As stated in the DEIR, the mitigation must be completed prior to issuance of grading permits. Therefore, there is no deferral of mitigation as the project cannot proceed until the mitigation is completed to the satisfaction of the City and the regulatory agency. Furthermore, as the potential for agricultural contaminants on-site is not an REC, there is no specific need or requirement to complete soil sampling prior to demolition.

With regard to the building materials, pages 92-93 of the DEIR list the specific OSHA requirements that are mandatory by law that the project would implement to address potential asbestos containing materials and lead based paint.

This comment does not raise any issues that would require recirculation of the DEIR or inclusion of additional mitigation measures.

Comment J14: 2. Failure To Identify Sensitive Receptors That Could Be Impacted By Releases Of Hazardous Waste From The Project Site.

Based upon the definition of Thresholds of Significance in the DEIR, the Proponents have failed to identify relevant sensitive receptors. In bullet point three of Section 3.8.2.1, Thresholds of Significance, the proponent states that an impact from the project is significant if the project “Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.” In the DEIR, the proponent lists the nearest

school as Sierra Elementary School located at 220 Black Avenue in Santa Clara (approximately 0.3 miles north of the site). The Proponents have failed to accurately identify the closest school. The closest school to the site is actually the Starbright School which is located at 4645 Albany Drive. As detailed below in Figure 3, it is clear that the preschool is located approximately 0.23 miles from the edge of the project boundary. Given the requirements for identifying significance for emissions of hazardous wastes it is clear that the project will have a potentially significant impact on the community that has not been adequately analyzed or mitigated in the DEIR.

The proponent must re-evaluate the potential impacts from hazardous wastes generated at the exiting site, including lead, asbestos, and residual pesticides applied historically when the site was an orchard, on the Starbright School in a revised DEIR. As noted previously, the generation of dusts containing toxic materials from the project site (e.g., pesticides from historical land uses, lead in paints used on site, or asbestos bearing materials) can easily migrate to the nearby residences and to the previously unidentified sensitive receptors at the Starbright School. Exposure of young children to toxic metals is a significant concern given the known association between exposure to lead and decrease in intelligence scores.

Response J14: The threshold noted by the commenter is in reference to facilities that would emit or utilize hazardous emissions/substances/waste during operation to ensure compatibility of land uses. As noted on page 91 of the DEIR, operation of the proposed project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to the operations of the existing buildings, as well as nearby businesses and residences. Therefore, the impact to any nearby school would be less than significant.

Regarding construction impacts to the Starbright School, construction impacts are typically addressed for properties within 1,000 feet of a project site. As the school is more than 1,200 feet from the project site, construction impacts would be the same or less than the nearby residential impacts and would not require additional mitigation.

Comment J15: 3. Failure To Identify All Relevant Hazardous Waste Sites Within One Mile Of The Project Site

It is vital to the CEQA process that accurate information be compiled to describe the current conditions of the community in which the proposed project is to be sited. In Table 3.9-1: Off-Site Contamination (Within One Mile of Project Site), the proponent lists two sites. The first site is described as 4343 Stevens Creek Boulevard and located 79 feet north (down-gradient) of the project site. The issues listed for the site include multiple leaking gasoline and waste oil USTs (underground storage tanks). The contaminated soil was excavated and the case was closed in 1996.

The second site listed in Table 3.9-1 is 4250 Stevens Creek Boulevard. The 4343 Stevens Creek Boulevard site is described as being 264 feet east (cross-gradient) of the project site. The issues listed for the site include a 500-gallon waste oil tank and a waste antifreeze tank located between 4202 and 4250 Stevens Creek Boulevard. A subsurface investigation of the site found oil and grease at a maximum of 85 milligrams per kilogram (mg/kg). The case was closed in 1995.

A review of the Geotracker website, maintained by the State Water Quality Control Board (SWRQCB), indicates a 56 (sic) different cases of hazardous waste sites within a mile of the project site. At least 5 of the sites are still in open and may have active remediation of verification monitoring being performed. The chemicals of concern at the active sites include chlorinated solvents (perchloroethylene, trichloroethylene, 1,2-dichloroethylene, etc...), petroleum hydrocarbons from USTs releases (gasoline, diesel, waste oils), or polychlorinated biphenyls (PCBs). The closest active site is less than 900 feet away from the project site boundary.

The proponent must accurately described (sic) the conditions surrounding the site and should update the hazard assessment in the revised DEIR.

Response J15: The commenter is correct that there are additional sites within one mile of the project site not listed in the DEIR. Consistent with the Phase I Environmental Site Assessment, only the two sites listed in the DEIR had any potential to effect the project site. The other sites were not considered recognized environmental conditions and were not discussed.

As noted on page 94 of the DEIR, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” (December 17, 2015) holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project’s future users unless the project risks exacerbating those environmental hazards or risks that already exist. Therefore, the potential effect of off-site contaminants on future site users is not an impact under CEQA. Nevertheless, the potential effects of off-site contaminants on future site users was addressed relative to City Policy EC-7.2. The City concluded that the project would be consistent with Policy EC-7.2 and would not, therefore, pose a health risk to future site users.

The information provided by the commenter does not constitute a new environmental impact under CEQA or require additional mitigation measures. This comment does not raise any issues that would require recirculation of the DEIR.

Comment J16: Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts that were not identified in the DEIR. To protect public health the City must prepare a revised DEIR for the Project to address the deficiencies identified above.

Response J16: Please refer to Responses I13-I15.

Attachment B - SWAPE

Comment J17: We have reviewed the August 2018 Draft Environmental Impact Report (DEIR) for the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”) located in the City of San Jose (“City”). The Project Applicant proposes to construct two eight-story residential buildings (combined total of 582 residential units), a six-story, 315,000 square foot office building (including 15,000 to 22,000 square feet of ground-floor retail), and a five-level parking garage on a 10.0-acre site. The Project site is currently developed with a group of three two-story and one one-story office

buildings, a one-story commercial buildings, and surface parking lots, which the Project Applicant Proposes to demolish during construction.

Our review concludes that the DEIR fails to adequately evaluate the Project's Air Quality and Greenhouse Gas (GHG) impacts. As a result, emissions and health impacts associated with the construction and operation of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate the potential health risk and GHG impacts the Project may have on the surrounding environment.

Air Quality

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The Air Quality Assessment, found in Appendix A, evaluated the Project's construction-related health risk impact by evaluating the health risk posed to nearby sensitive receptors from diesel particulate matter (DPM) emissions generated during the Project's construction phases, and concluded that impacts were less than significant with mitigation (Appendix A, pp.17). Additionally, the DEIR evaluated the health risk posed to new, on-site receptors from exposure to toxic air contaminant (TAC) emissions from traffic on nearby freeways and high traffic volume roadways including Stevens Creek Boulevard and Kiely Boulevard, and from two stationary permitted sources – Plant G4436 Tosco and Plant 3721 Smythe European – and also concluded the impacts would be less than significant (Appendix A, pp. 11-15).

While the DEIR's HRAs are adequate, the DEIR fails to conduct an HRA to evaluate the health risk posed to existing sensitive receptors near the Project site from emissions generated by the proposed Project during operation. As a result, the DEIR fails to provide a comprehensive review of the all of (sic) the Project's potential health-related impacts.

By failing to prepare an operational HRA, the DEIR is inconsistent with recommendations set forth by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015. This guidance document described the types of projects that warrant the preparation of a health risk assessment. Once construction of the Project is complete, the Project will generate 7,030 daily operational vehicle trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to emissions (Appendix A, pp. 50). The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR). Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, health risks from Project operation should have also been evaluated by the DEIR, as a 30-year exposure duration vastly exceeds the 2-month and 6-month requirements set forth by OEHHA. These recommendations reflect the most recent health risk policy, and as such, an assessment of health risks, to nearby sensitive receptors from operation should be included in a revised California Environmental Quality Act (CEQA) evaluation for the Project. In an effort to demonstrate the potential risk posed by the Project to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, demonstrate that

operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DIER (sic).

Updated Analysis Indicates Potentially Significant Health Related Impact

In an effort to demonstrate the potential risk posed by Project operation to nearby existing sensitive receptors, we prepare a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project's operational DPM emissions may result in a potentially significant health risk impact that was not previously identified.

In order to conduct our screening level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model. The model replaced SCREEN3, and AERSCREEN is included in the OEHHA and the California Air Pollution Control Officers Associated (CAPCOA) guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project's health-related impact to sensitive receptors using the mitigated annual PM10 exhaust estimates from the DEIR's annual CalEEMod output files. Using Google Earth, we determined that the closest sensitive receptor is approximately 25 meters from the Project site. Consistent with recommendations set forth by OEHHA, we used a residential exposure duration of 30 years, starting after completion of construction. The DEIR's CalEEMod model's annual emissions indicate that construction activities will generate approximately 236 pounds of DPM over the approximately 27.9-year operational period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. We calculated an average DPM emission rate by the following equation.

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{236 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.003395 \text{ g/s}$$

Using this equation, we estimated an operational emission rate of 0.003395 g/s. Operational activity was simulated as a 10.0-acre rectangular area source in AERSCREEN, with dimensions of 235 meters by 173 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%. For example, for the MEIR the single-hour concentration estimated by AERSCREEN for Project operation is approximately 2.404 µg/m³ DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.2404 µg/m³ for Project operation at the MEIR.

We calculated the excess cancer risk to the residential receptors located closest to the Project site using applicable HRA methodologies prescribed by OEHHA and the Bay Area Air Quality Management District (BAAQMD). Consistent with OEHHA guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution. According to the updated guidance, quantified cancer risk should be multiplied by a factor of ten during the 3rd trimester of pregnancy and the first two years of life (infant), and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used 95th percentile breathing rates for infants.⁹ Finally, consistent with the DEIR’s HRA, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester, infant, and child receptors, and 0.73 for the adult receptors. We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown below.

Parameter	Description	Units	3rd Trimester	Infant	Child	Adult
Cair	Concentration	µg/m ³	0.2404	0.2404	0.2404	0.2404
DBR	Daily breathing rate	L/kg-day	361	1090	572	261
EF	Exposure Frequency	days/year	350	350	350	350
ED	Exposure Duration	years	0.25	2.00	14.00	11.67
AT	Averaging Time	days	25550	25550	25550	25550
	Inhaled Dose	(mg/kg-day)	3.0E-07	7.2E-06	2.6E-05	1.0E-05
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1	1.1	1.1
ASF	Age Sensitivity Factor	-	10	10	3	1
FAH	Fraction of Time At Home	-	1	1	1	0.73
	Cancer Risk		3.3E-06	7.9E-05	8.7E-05	8.1E-06
Total Operational Cancer Risk			1.77E-04			

As demonstrated above, the excess cancer risk to adults, children, infants, and 3rd trimester gestations at a sensitive receptor located approximately 25 meters away, over the course of Project operation, are approximately 8.1, 87, 79, and 3.3 in one million, respectively. Furthermore, the excess cancer risk posed by operation over the course of a residential lifetime is approximately 177 in one million. Consistent with OEHHA guidance, exposure was assumed to begin in the 3rd trimester stage of pregnancy to provide the most conservative estimates of air quality hazards. The infantile, child, and lifetime cancer risks all greatly exceed the BAAQMD’s threshold of 10 in one million, thus resulting in a potentially significant impact not previously identified by the DEIR. It should be noted that our analysis represents a screening-level HRA, which is known to be more conservative, and tends to err on the side of health protection. The purpose of a screening-level HRA, however, is to determine if a more refined HRA needs to be conducted. If the results of a screening level health risk are above applicable thresholds, then the Project needs to conduct a more refined HRA that is more representative of site specific concentrations. Our screening-level HRA demonstrates that operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. As a result, refined operational HRA must be prepared to examine air quality impacts generated by Project operation using site-specific meteorology. An updated DEIR should be prepared to adequately evaluate the Project’s health risk impact and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

Response J17: It should be noted that the commenter states the project will generate 7,030 daily operational vehicle trips. This statement is misleading and incorrect. As shown in Table 3.13-7 of the DEIR and Table 5 of the TIA, the project would result in a net increase of 5,793 daily vehicle trips. The project's total trips would be 7,260, but the existing trips generated by the existing uses on-site is 1,467, resulting in a net increase of 5,793 trips.

OEHHA's *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* is specifically referred to as the *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. The guidance manual was developed by OEHHA, in conjunction with the Air Resources Board (ARB) for use in implementing the Air Toxics Hot Spots Program. The ARB states that the Air Toxics Hot Spots Information and Assessment Act requires stationary sources to report the types and quantities of certain substances routinely released into the air.

The Air Toxics Hot Spots Information and Assessment Act specifically defines a facility as follows:

44304. "Facility" means every structure, appurtenance, installation, and improvement on land which is associated with a source of air releases or potential air releases of a hazardous material.

ARB specifically notes that applicability for the HRA assessment is based on the following types of facilities.

- Facilities that emit >10 tons per year of Total Organic Gasses (TOG), Particulate Matter (PM), Nitrogen Oxides (NO_x), or Sulfur Oxides (SO_x)
- Facilities that emit >5 tons/year of any Federal Hazardous Air Pollutant (HAP)
- Facilities that emit <10 tons/year like gas stations, dry cleaners, hazardous waste incinerators, metal platers using cadmium or chromium, waste water treatment facilities, etc.

The PM₁₀ emissions identified in the air quality analysis for the DEIR would result from passenger vehicles entering and exiting the site. These emissions are not stationary and are not considered a source of TACs as defined by BAAQMD.

The commenter's assumptions for their own assessment demonstrate that the analysis they recommend is intended for stationary sources. Specifically, the comment above states that "Operational activity was simulated as a 10.0-acre rectangular area source in AERSCREEN, with dimensions of 235 meters by 173 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release." Based on this information the commenter is assuming a fixed source of emissions with equipment exhaust stacks and the regular use of heavy-duty vehicles on-site. Whereas the commenter also clearly notes that the PM₁₀ emissions cited were from passenger vehicles.

The project does not propose significant operational sources of TACs, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, or gasoline stations. The project would generate passenger vehicle traffic, which is not a substantial TAC source. Only diesel delivery or landscape service trucks would be considered an operational source of TACs, of which the project would generate a small amount. Furthermore, the loading areas serving both the ground floor commercial and office building will be located toward the front half of the site, away from existing residences (the nearest sensitive receptors) south of Albany Drive. Because passenger vehicles are not a significant source of TACs, a quantitative operational TAC impact assessment was not completed for the Draft EIR, consistent with City practice in its environmental documents. This is also consistent with BAAQMD guidance, which states that passenger vehicles are not a substantial source of TACs.

Given the lack of TAC emission sources included in the project, the commenters assessment has been inappropriately applied to the project and inaccurately stated that the project would result in significant operational health risk impacts. The information provided by the commenter is not substantial evidence of an actual project impact. Operational health risk impacts at adjacent sensitive receptors would be less than significant. No recirculation of the DEIR is required.

Comment J18: Greenhouse Gas

Failure To Adequately Evaluate And Mitigation Project's Greenhouse Gas Emissions

The DEIR evaluates the Project's per service population GHG emissions and concludes that the Project will generate 2.98 metric tons of carbon dioxide equivalents per year (MT CO₂e/sp/year), which is above the 2.6 MT CO₂e/sp/year threshold, thus resulting in a significant impact (pp. 96). In order to lessen the Project's impacts, the DEIR lists several mitigation measures to reduce emissions but determines that impacts would be significant and unavoidable "if the project is not completed until after January 1, 2021" but states that the Project would "have a less than significant operational GHG impact if the project is fully constructed and operational by January 1, 2021" (pp. 97-98). The DEIR reasons that because the Project is consistent with the City's General Plan and GHG Reduction Strategy land use designations "projects that are fully constructed and operational by January 1, 2021 and consistent with the GHG Reduction Strategy would not interfere with the implementation of AB 32 and would have a less than significant impact related to GHG emissions" (pp. 96). The DEIR notes that based off of information provided by the Project Applicant the Project is expected to be fully operational by January 1, 2021 and therefore, the "current 2020 GHG thresholds would apply" (pp. 96). The DEIR continues on to state,

"The State has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for the State and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a "Substantial Progress" efficiency metric of 2.6 MT CO₂e/year/service population has been calculated for 2030 based on the GHG reduction goals of Senate Bill 32 and Executive Order B-30 15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels. Assuming no additional GHG reduction measures would be included in the

project, the project would generate approximately 2.96 MT CO₂e/SP per year and would be above the 2.6 MT CO₂e/year/service population threshold” (pp. 96).

Response J18: The commenter did not include the full text of the DEIR, which conservatively identifies the projects’ contribution to cumulative GHG emissions to be significant and unavoidable based on the “Substantial Progress” efficiency metric established by the California Air Resources Board in the 2017 Climate Change Scoping Plan. While the DEIR states that its analysis is mostly based on information provided by the project applicant, it is estimated that the project would be fully constructed and operational by January 1, 2021. It also states within the same paragraph that “Given the size of the project and the potential unforeseen delays in permitting or construction activities, there is the potential for the project to extend beyond January 1, 2021.” For this reason, the City assessed the project under the 2030 substantial progress threshold to provide the most conservative estimate of potential project impacts, and identified a significant and unavoidable impact in the DEIR.

Comment J19: The DEIR continues on to state, “The General Plan FEIR (as amended) concluded that Citywide 2035 GHG emissions, which encompass emissions from the current project, are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals... The City’s projected 2035 GHG emissions, without further substantial reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05 and remain significant and unavoidable. Based on this conclusion, the City found that build out of the General Plan would have a significant and unavoidable GHG emissions impact beyond 2020... The project is consistent with the development assumptions in the General Plan. As such, post-2020 GHG emissions from the project have been accounted for and already disclosed as a significant and unavoidable impact and accepted by the City Council in adopting the General Plan” (pp. 96-97).

Response J19: There is no discussion of GHG emissions on pages 96-97 of the DEIR. The commenter did not include the full text of the DEIR. Page 85 explains that based on the City’s conclusion that Citywide emissions (based on General Plan build out) would not meet statewide 2050 goals established by Executive Order S-3-05, the City adopted overriding considerations for development assumed under the General Plan.

Comment J20: Thus, it appears that the DEIR reasons that if the Project is fully operational by January 1, 2021 then the Project’s GHG emissions would have a less than significant impact through 2020; however, if the Project is not operational until after January 1, 2021 then because “operational emissions were estimated to be above the 2030 substantial progress threshold” the Project would result in a significant project level GHG impact (pp. 187). This reasoning, however, is entirely incorrect. The BAAQMD has developed thresholds of significance for proposed land use developments. For land use developments, such as the proposed Project, the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 MT CO₂e/yr; or 4.6 MT CO₂e/sp/yr. The Project fails to demonstrate how the Project is compliant with the GHG Reduction Strategy. Furthermore, based on the Project’s estimated emissions, the Project would generate GHG emissions that exceed both the bright-line threshold of 1,100 MT CO₂e/yr and the 4.6

MT CO₂e/sp/yr threshold, regardless of the year that the Project is actually completed. As such, the Project's GHG impact would be significant.

Response J20: It should be noted that there is no discussion of GHG impacts on page 187 of the DEIR.

The commenters representation of the analysis and conclusion are incorrect. As stated on page 84 of the DEIR, the proposed project would generate approximately 2.96 MT CO₂e/Service Population per year, which is below the 2020 GHG threshold. In addition, page 82 provides a discussion of the project's consistency with the City's GHG Reduction Strategy mandatory and voluntary criteria. Specifically, the project complies with the City's GHG Reduction Strategy because it is a high-density, mixed-use development located within a designated growth area in the Envision San José 2040 General Plan (the Stevens Creek Boulevard Urban Village), the project is served by high-frequency transit services (VTA bus routes 23 and 323), the project incorporates pedestrian and bicycle infrastructure improvements, and the project will be required to comply with the City's Green Building Ordinance (including minimum LEED certification consistent with City Council Policy 6-32). The City's GHG Reduction Strategy was re-adopted by the San José City Council in December 2015, and the environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR and a 2015 Supplement to the General Plan FEIR. The City's projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

Even though the operation of the project would generate GHG emissions below the 2020 threshold, would be consistent with the General Plan, and would be consistent with the GHG Reduction Strategy, as noted in Response J20, the City assessed the project under the 2030 substantial progress threshold to provide the most conservative estimate of potential project impacts. Using the 2030 substantial progress threshold, the project would result in a significant contribution to cumulative GHG emissions.

Comment J21: However, this impact cannot be considered significant and unavoidable until all available, feasible mitigation is implemented. According to CEQA,

“CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted.”

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project's proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project's air quality impacts to

the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project's design, impacts from GHG emissions cannot be considered as significant and unavoidable.

In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the Project. Feasible mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels. Therefore, to reduce the Project's operational GHG emissions, consideration of the following measures should be made.

- Incorporate Bike Lane Street Design (On-Site)
 - Incorporating bicycle lanes, routes, and shared-use paths into street systems, new subdivisions, and large developments can reduce VMTs. These improvements can help reduce peak-hour vehicle trips by making commuting by bike easier and more convenient for more people. In addition, improved bicycle facilities can increase access to and from transit hubs, thereby expanding the “catchment area” of the transit stop or station and increasing ridership. Bicycle access can also reduce parking pressure on heavily-used and/or heavily-subsidized feeder bus lines and auto-oriented park-and-ride facilities.
- Limit Parking Supply
 - This mitigation measure will change parking requirements and types of supply within the Project site to encourage “smart growth” development and alternative transportation choices by project residents and employees. This can be accomplished in a multi-faceted strategy:
 - Elimination (or reduction) of minimum parking requirements
 - Creation of maximum parking requirements
 - Provision of shared parking
- Price Workplace Parking
 - The project should implement workplace parking pricing at its employment centers. This may include: explicitly charging for parking for its employees, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available alternatives.
 - Though similar to the Employee Parking “Cash-Out” strategy, this strategy focuses on implementing market rate and above market rate pricing to provide a price signal for employees to consider alternative modes for their work commute.
- Implement Employee Parking "Cash-Out"
 - The project can require employers to offer employee parking “cash-out.” The term “cash-out” is used to describe the employer providing employees with a choice of forgoing their current subsidized/free parking for a cash payment equivalent to the cost of the parking space to the employer.

Additional mitigation measures that could be implemented to reduce GHG emissions include, but are not limited to, the following:

- Use passive solar design, such as:
 - Orient buildings and incorporate landscaping to maximize passive solar, heating during cool seasons, and minimize solar heat gain during hot seasons.
 - Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.

- Develop and follow a “green streets guide” that requires:
 - Use of minimal amounts of concrete and asphalt;
 - Use of groundcovers rather than pavement to reduce heat reflection.
- Implement Project design features such as:
 - Shade HVAC equipment from direct sunlight;
 - Install high-albedo white thermoplastic polyolefin roof membrane;
 - Install high-efficiency HVAC with hot-gas reheat;
 - Install formaldehyde-free insulation; and
 - Use recycled-content gypsum board.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site.

Finally, the Kimball Business Park Project Final Environmental Impact Report includes various feasible mitigation measures that would reduce on-site area emissions that are applicable to the proposed Project’s retail land use, and include, but are not limited to:

- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Installation of dual-paned or other energy efficient windows.
- Installation of automatic devices to turn off lights where they are not needed.

When combined, these measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation. An updated DEIR must be prepared to include mitigation measures to ensure that the necessary mitigation measures are implemented to reduce operational GHG emissions to below thresholds. The Project Applicant also needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s operational significant emissions are reduced to the maximum extent possible.

Response J21: The SWAPE-suggested measures are found in the California Air Pollution Control Officers Associate’s (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures, which offers a menu of options for reducing GHG emissions. It is not intended that all projects comply with every measure but rather they should implement appropriate measures on a site-by-site basis. The project’s consistency with the suggested measures is discussed below.

With regard to the SWAPE-suggested measure to incorporate bike lane street design: the project does not involve new street systems; though, it is anticipated that bicycles could use shared-use paths on-site to access parking areas.

Regarding the following measures:

1. Limit parking supply
2. Price workplace parking
3. Employee parking “cash-out”

The project already accounts for these measures to the extent feasible with implementation of the TDM program for residents and employers outlined in mitigation measure MM GHG-1.1 of the DEIR. The ultimate measures included in the Office/Retail TDM Plan would be dependent on the end users as the buildings are not be constructed for a specific user, but the plan must include three or more of the measures outlined in the mitigation. The residential component would also have its own TDM plan specifically tailored to residential development.

Regarding the measures related to building design, the project would be required to build to the California Green Building Code (CALGreen) and the project would be designed to achieve minimum LEED certification as required by San Jose Council Policy 6-32 as discussed on page 84 of the DEIR. The DEIR also notes that no specific reduction in emissions was taken as part of the analysis because the specific building measures have not yet been identified.

Clearly, with implementation of the TDM plans and the required Green Building measures, the project would ultimately result in less GHG emissions than was assumed in the DEIR. Nevertheless, because final plans for building permits are completed after approval of Planning entitlements and would not be complete at the time the DEIR was prepared, the City based the analysis on the most conservative emission rates and did not assume what level of reduction would be possible with the mitigation and building code requirements. For these reasons, the project was found to have a significant and unavoidable GHG emissions impact for which the City has already adopted overriding considerations. No recirculation of the DEIR is required.

K. RESPONSE TO COMMENTS FROM JENNIFER GRIFFIN, October 15, 2018:

Comment K1: San Jose has a large construction project in West San Jose at the Meridian Quad Shopping Center site (4300 Stevens Creek Blvd). It will have several multistory towers and will have a large number of housing units. These children will be going to Cupertino schools. It is anticipated this construction will perhaps take over a year. San Jose and Santa Clara have many auto dealerships along this section of Stevens Creek Blvd. There will probably be many road closures from this construction and the construction is also moving an existing road on the site of the development. Lapa Drive is being moved. The dialysis clinic will most likely have to be moved also. There is also a plan to close Albany Drive later on.

Response K1: The comment is acknowledged. As there are no specific comments related to the DEIR, no additional response is possible.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains revisions/additions to the text of the *Draft Environmental Impact Report, 4300 Stevens Creek Boulevard Mixed Use Project*, dated August 2018. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Page ix Mitigation Measure TRAN-1.1; the mitigation measure will be **REVISED** as follows:

Prior to issuance of ~~any building permits~~ Department of Public Works Clearance, the project applicant shall pay fair share fees to the County of Santa Clara based on the August 2015 update of the County Expressway Plan 2040, which identifies the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. Payment of the fee would reduce the impact to a less than significant level.

Page xi Reduced Density Alternative; the second paragraph will be **REVISED** as follows:

Based on the traffic data developed for the proposed project, the total number of net new daily traffic trips would need to be reduced by ~~15~~ 21 percent (from ~~5,563~~ 5,982 to 4,729) to avoid the intersection impact. This could be accomplished by reducing the overall size and density of one or more of the proposed land uses. To avoid the identified freeway impacts, the total number of net new daily traffic trips would need to be reduced by ~~25~~ 30 percent (from ~~5,563~~ 5,982 to 4,172).

Page 3 Section 2.1.2, Planned Development Rezoning; the first paragraph will be **REVISED** as follows:

The project site is currently zoned CG – Commercial General. As proposed, the project would rezone the site to CP(PD) – Planned Development zone district to allow for the development of a mixed-use project with up to approximately 315,000 square feet of office/commercial space (including 15,000 to 22,000 square feet of ground-floor retail) and up to ~~528~~ 582 residential units.

Page 11 Section 2.3, Uses of the EIR; the third bullet point will be **REVISED** as follows:

- ~~Planned~~ Vesting Tentative Map

Page 34 Table 3.2-6, Operational Criteria Pollutant Emissions from the Project; the table will be **REVISED** as follows:

Table 3.2-6: Operational Criteria Pollutant Emissions from the Project				
Description	ROG	NO_x	PM₁₀	PM_{2.5}
Annual Project Emissions (tons per year)	5.87	7.07 7.56	5.46	1.54
Existing Emissions (tons per year)	<1.02>	<1.34>	<1.01>	<0.29>
Total Net Project Emissions (tons per year)	4.85	5.73 6.22	4.45	1.25
BAAQMD Thresholds	10	10	15	10
Total Project Emissions (pounds per day)	26.6	31.4 34.1	24.4	6.8
BAAQMD Thresholds	54	54	82	54
Impact	No	No	No	No

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Section 3.3.2.5, Impacts of Project on Trees; second paragraph, third bullet point will be **DELETED** as follows:

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site will be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- ~~A donation may be made to Our City Forest or similar organization for in-lieu tree planting in the community. Such donation will be equal to the cost of the required replacement trees, including associated installation costs, for off-site tree planting in the local community. A receipt for any such donation will be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.~~

Page 65

Section 3.5.2.3, Site Transportation-Related Energy Use; the section will be **REVISED** as follows:

The proposed project would result in an increase of ~~5,222~~ 5,982 net new daily trips (refer to *Section 3.13.3.2*). The total annual VMT for the project would be approximately ~~14,366,413~~ 15,443,893. Using the U.S. EPA fuel economy estimates (for 2015, the estimated average fuel economy of 22.0 mpg, the proposed development results in the consumption of approximately ~~653,019~~ 701,995 gallons of gasoline per year.

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Table 3.5-4, Estimated Annual Energy Use of Existing and Proposed Development; the table will be **REVISED** as follows:

Table Error! No text of specified style in document.-1: Estimated Annual Energy Use of Existing and Proposed Development			
Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline (gallons)
Existing Development	2,034,240	3,150,790	121,108
Proposed Project	10,939,520	10,926,110	653,019 701,995
Increase:	8,905,280	7,775,320	531,911 580,887
Source: Illingworth & Rodkin, Inc. <i>4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment</i> . February 24, 2018.			

Page 66 Section 3.5.2.4, Operational Impacts from the Proposed Project; the first paragraph will be **REVISED** as follows:

As shown in the table, implementation of the proposed project would increase electricity use by approximately 8,905,280 kWh per year, natural gas usage by approximately 7,775,320, and gasoline consumption by approximately ~~531,911~~ 580,887 gallons.

Page 66 Section 3.5.2.4, Operational Impacts from the Proposed Project; the fourth paragraph will be **REVISED** as follows:

Implementation of the project would increase annual gasoline demand by approximately ~~531,911~~ 580,887 gallons. New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. The nearest bus stop locations are located at Stevens Creek Boulevard (Route 23) and at the Kiely Boulevard/Stevens Creek Boulevard intersections (Routes 23, 323, 57, and 58). As discussed in *Section 3.12.3.6*, existing bus services would be able to accommodate the increase in new riders generated by the proposed project. As a result, implementation of the proposed project would not result in a substantial increase on transportation-related energy uses. **(Less Than Significant Impact)**

Page 72 Section 3.6.1.2, Existing Conditions – Table 3.7-1; the table title will be **REVISED** as follows:

Table ~~3.7-1~~ 3.6-1: Active Faults Near the Project Site

The table reference in the corresponding text will also be revised as follows: Active faults near the project site are shown in Table ~~3.7-1~~ 3.6-1.

Page 84 Section 3.7.2.3, Greenhouse Gas Emissions Impacts; the third paragraph will be **REVISED** as follows:

The State has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for the State and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a “Substantial Progress” efficiency metric of 2.6 MT CO₂e/year/service population has been calculated for 2030 based on the GHG reduction goals of Senate Bill 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels. Assuming no additional GHG reduction measures would be included in the project, the project would generate approximately ~~2.96~~ 2.64 MT CO₂e/SP per year and would be above the 2.6 MT CO₂e/year/service population threshold.

Page 84 Footnote 46; the footnote will be **REVISED** as follows:

Per the updated Air Quality Analysis, the total GHG emissions of the project would be ~~8,033~~ 7,134 MT CO₂e annually based on an updated CalEEMod model run for 2030. This was divided by a service population of 2,705 persons which conservatively assumes 1,665 residents (2.86 persons per unit), one employee per 300 gross square feet of office space, and one employee per 250 gross square feet of retail.

Page 125 Section 3.11.2.3, Project-Generated Traffic Noise; the first paragraph will be **REVISED** as follows:

Based upon the traffic study (see Section 3.13, Transportation/Traffic), the proposed development would generate approximately ~~5,563~~ 5,982 net new daily trips. A noise increase is considered substantial by the City of San Jose if it would increase the ambient noise level by three dB or more in sensitive noise areas. Typically, a three dB traffic noise increase requires a doubling of traffic on local roadways.

Page 125 Section 3.11.2.4, Construction Impacts; the first paragraph will be **REVISED** as follows:

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 decibels measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction-generated noise levels drop off at a rate of about six decibels per doubling of distance between the source and receptor. ~~Table 4.5-5 shows the calculated construction noise, based on equipment specified for the project, at the nearest receptors.~~

Table 3.13-3, Study Intersection Level of Service – Existing Conditions; the table will be **REVISED** as follows:

Table 3.13-3: Study Intersection Level of Service – Existing Conditions				
No.	Intersection	Peak Hour	Average Delay	LOS
1	I-280 SB Ramp and Stevens Creek Boulevard (CMP, SC)	AM PM	24.4 18.7	C B
2	Lawrence Expressway SB and Stevens Creek Boulevard (CMP, SC)	AM PM	20.6 23.6	C C
3	Lawrence Expressway NB and Stevens Creek Boulevard (CMP, SC)	AM PM	32.3 28.6	C C
4	Albany Drive and Stevens Creek Boulevard (SC)	AM PM	24.1 17.5	C B
5	Woodhams Road and Stevens Creek Boulevard (SC)	AM PM	14.4 10.5	B B
6	Kiely Boulevard and Stevens Creek Boulevard (CMP, SJ)	AM PM	37.7 39.2	D D
7	Saratoga Avenue and Stevens Creek Boulevard (CMP, SJ)	AM PM	34.7 39.0	C D
8	San Tomas Expressway and Stevens Creek Boulevard (CMP, SJ)	AM PM	81.8 <u>73.3</u> 61.3	F <u>E</u> E
9	Winchester Boulevard and Stevens Creek Boulevard (CMP,SJ)	AM PM	35.2 48.0	D D
10	Saratoga Avenue and Moorpark Avenue (CMP, SJ)	AM PM	41.2 47.6	D D
11	Saratoga Avenue and I-280 SB Ramp (CMP, SJ)	AM PM	41.6 35.3	D D
12	Saratoga Avenue and I-280 NB Ramp (CMP, SJ)	AM PM	29.2 22.9	C C
13	Saratoga Avenue and Kiely Boulevard (CMP, SJ)	AM PM	38.2 43.9	D D
14	San Tomas Expressway and Moorpark Avenue (CMP, SJ)	AM PM	85.3 <u>80.2</u> 48.8	F <u>D</u> D
15	San Tomas Expressway and Saratoga Avenue (CMP, SC)	AM PM	61.3 <u>53.9</u> 56.8	E <u>D</u> E
16	San Tomas Expressway and Pruneridge Avenue (SC)	AM PM	68.3 60.3 57.2 55.2	E E
17	San Tomas Expressway and Homestead Road (CMP, SC)	AM PM	70.9 <u>68.9</u> 49.7	E D
18	Lawrence Expressway and Pruneridge Avenue (SC)	AM PM	62.1 <u>57.6</u> 37.0 33.1	E D <u>C</u>

19	Lawrence Expressway and Homestead Road (CMP, SC)	AM	59.5	E
		PM	<u>55.8</u>	
			74.4	
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José, (SC) City of Santa Clara Bold represents intersection operating under unacceptable conditions.				

Page 150 Table 3.13-4, Study Intersection Level of Service – Background Conditions; the table will be **REVISED** as follows:

No.	Intersection	Peak Hour	Existing		Background	
			Average Delay	LOS	Average Delay	LOS
1	I-280 SB Ramp and Stevens Creek Boulevard (CMP, SC)	AM	24.4	C	27.9	C
		PM	18.7	B	19.0	B
2	Lawrence Expressway SB and Stevens Creek Boulevard (CMP, SC)	AM	20.6	C	38.2	D
		PM	23.6	C	25.9	C
3	Lawrence Expressway NB and Stevens Creek Boulevard (CMP, SC)	AM	32.3	C	34.2	C
		PM	28.6	C	29.5	C
4	Albany Drive and Stevens Creek Boulevard (SC)	AM	24.1	C	23.9	C
		PM	17.5	B	17.3	B
5	Woodhams Road and Stevens Creek Boulevard (SC)	AM			14.1	
		PM	14.4	B	<u>14.0</u>	B
6	Kiely Boulevard and Stevens Creek Boulevard (CMP, SJ)	AM			37.8	
		PM	37.7	D	<u>37.7</u>	D
7	Saratoga Avenue and Stevens Creek Boulevard (CMP, SJ)	AM	34.7	C	34.7	C
		PM	39.0	D	40.3	D
8	San Tomas Expressway and Stevens Creek Boulevard (CMP, SJ)	AM	81.8	F	87.8	F
		PM	<u>73.3</u>	<u>E</u>	<u>81.0</u>	<u>F</u>
9	Winchester Boulevard and Stevens Creek Boulevard (CMP, SJ)	AM			38.5	
		PM	48.0	D	<u>90.6</u>	<u>F</u>
10	Saratoga Avenue and Moorpark Avenue (CMP, SJ)	AM	41.2	D	41.8	D
		PM	47.6	D	48.7	D
11	Saratoga Avenue and I-280 SB Ramp (CMP, SJ)	AM	41.6	D	42.9	D
		PM	35.3	D	35.3	D
12	Saratoga Avenue and I-280 NB Ramp (CMP, SJ)	AM	29.2	C	28.9	C
		PM	22.9	C	<u>22.5</u>	C
13	Saratoga Avenue and Kiely Boulevard (CMP, SJ)	AM	38.2	D	37.3	D
		PM	43.9	D	44.1	D
14	San Tomas Expressway and Moorpark Avenue (CMP, SJ)	AM	85.3	F	87.3	F
		PM	<u>80.2</u>	<u>D</u>	<u>82.4</u>	<u>F</u>
15	San Tomas Expressway and Saratoga Avenue (CMP, SC)	AM	61.3	E	109.0	F
		PM	<u>53.9</u>	<u>D</u>	<u>98.7</u>	<u>F</u>
			56.8	E	<u>90.4</u>	<u>F</u>

16	San Tomas Expressway and Pruneridge Avenue (SC)	AM	68.3	E	127.1	F
		PM	60.3		<u>115.1</u>	F
			57.2		118.4	
			<u>55.2</u>	E	<u>111.5</u>	F
17	San Tomas Expressway and Homestead Road (CMP, SC)	AM	70.9	E	132.0	F
		PM	68.9		<u>130.9</u>	F
			49.7	D	103.4	F
			<u>49.7</u>		<u>103.4</u>	
18	Lawrence Expressway and Pruneridge Avenue (SC)	AM	62.1	E	83.1	F
		PM	57.6		<u>81.0</u>	F
			37.0	D	47.9	
			<u>33.1</u>	C	<u>42.1</u>	D
19	Lawrence Expressway and Homestead Road (CMP, SC)	AM	59.5	E	77.1	E
		PM	55.8		<u>74.2</u>	E
			74.4	E	90.8	F
			<u>74.4</u>		<u>90.8</u>	F

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José, (SC) City of Santa Clara
Bold represents intersection operating under unacceptable conditions.

Page 155 Table 3.13-7, Project Trip Generation Estimates; the table will be **REVISED** as follows:

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<i>Proposed Land Uses</i>							
Apartments	3,870	59	238	297	235	126	361
Retail	880	18	8	26	40	39	79
Office	3,309	412	56	468	76	371	447
Mixed-Use and Transit Reduction	-799	-27	-21	-48	-39	-41	-80
<i>Existing Land Uses</i>							
Office/Restaurant	-1,467	-125	-15	-140	-78	-192	-265
	<u>-1,278</u>	<u>-109</u>	<u>-13</u>	<u>-122</u>	<u>-64</u>	<u>-168</u>	<u>-232</u>
Net New Trips	5,793	337	266	603	239	303	542
	<u>5,982</u>	<u>353</u>	<u>268</u>	<u>621</u>	<u>248</u>	<u>327</u>	<u>575</u>

Page 156 Table 3.13-8, Study Intersection Level of Service – Existing Plus Project Conditions; the table will be **REVISED** as follows:

No.	Intersection	Peak Hour	Existing		Existing Plus Project	
			Average Delay	LOS	Average Delay	LOS
1	I-280 SB Ramp and Stevens Creek Boulevard (CMP, SC)	AM	24.4	C	24.9	C
		PM	18.7	B	19.5	B

2	Lawrence Expressway SB and Stevens Creek Boulevard (CMP, SC)	AM	20.6	C	20.4	C
		PM	23.6	C	23.2 23.1	C
3	Lawrence Expressway NB and Stevens Creek Boulevard (CMP, SC)	AM	32.3	C	32.6	C
		PM	28.6	C	28.7	C
4	Albany Drive and Stevens Creek Boulevard (SC)	AM	24.1	C	24.0	C
		PM	17.5	B	18.3	B
5	Woodhams Road and Stevens Creek Boulevard (SC)	AM	14.4	B	13.1	B
		PM	10.5	B	9.9	A
6	Kiely Boulevard and Stevens Creek Boulevard (CMP, SJ)	AM	37.7	D	37.0	D
		PM	39.2	D	39.2 39.1	D
7	Saratoga Avenue and Stevens Creek Boulevard (CMP, SJ)	AM	34.7	C	35.7	D
		PM	39.0	D	39.0	D
8	San Tomas Expressway and Stevens Creek Boulevard (CMP, SJ)	AM	81.8 <u>73.3</u>	F <u>E</u>	84.1 <u>75.7</u>	F <u>E</u>
		PM	61.3 <u>62.0</u>	E <u>E</u>	62.1 <u>62.1</u>	E <u>E</u>
9	Winchester Boulevard and Stevens Creek Boulevard (CMP, SJ)	AM	35.2	D	35.2	D
		PM	48.0	D	48.2 48.3	D
10	Saratoga Avenue and Moorpark Avenue (CMP, SJ)	AM	41.2	D	41.3	D
		PM	47.6	D	47.8	D
11	Saratoga Avenue and I-280 SB Ramp (CMP, SJ)	AM	41.6	D	43.9	D
		PM	35.3	D	36.0 36.1	D
12	Saratoga Avenue and I-280 NB Ramp (CMP, SJ)	AM	29.2	C	28.7 28.6	C
		PM	22.9	C	22.4	C
13	Saratoga Avenue and Kiely Boulevard (CMP, SJ)	AM	38.2	D	39.0 38.9	D
		PM	43.9	D	45.6 45.8	D
14	San Tomas Expressway and Moorpark Avenue (CMP, SJ)	AM	85.3 <u>80.2</u>	F <u>F</u>	86.4 <u>81.2</u>	F <u>F</u>
		PM	48.8	D	48.9 49.0	D
15	San Tomas Expressway and Saratoga Avenue (CMP, SC)	AM	61.3 <u>53.9</u>	E <u>D</u>	62.5 <u>54.6</u>	E <u>D</u>
		PM	56.8	E	57.3 57.4	E
16	San Tomas Expressway and Pruneridge Avenue (SC)	AM	68.3 <u>60.3</u>	E <u>E</u>	69.7 <u>61.2</u>	E <u>E</u>
		PM	57.2 <u>55.2</u>	E <u>E</u>	57.5 <u>55.4</u>	E <u>E</u>
17	San Tomas Expressway and Homestead Road (CMP, SC)	AM	70.9 <u>68.9</u>	E <u>E</u>	72.5 <u>70.5</u>	E <u>E</u>
		PM	49.7	D	50.5 50.6	D

18	Lawrence Expressway and Pruneridge Avenue (SC)	AM	62.1 <u>57.6</u>	E	64.1 <u>59.4</u>	E
		PM	37.0 <u>33.1</u>	D <u>C</u>	37.1 <u>33.2</u>	D <u>C</u>
19	Lawrence Expressway and Homestead Road (CMP, SC)	AM	59.5 <u>55.8</u>	E	60.5 <u>57.0</u>	E
		PM	74.4 <u>74.4</u>	E	74.8 <u>74.8</u>	E

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José, (SC) City of Santa Clara
Bold represents intersection operating under unacceptable conditions.

Page 157 Table 3.13-9, Background Plus Project Intersection Level of Service, the table will be **REVISED** as follows:

No.	Intersection	Peak Hour	Background		Background Plus Project			
			LOS	Delay	LOS	Delay	Critical Delay	V/C
1	I-280 SB Ramp and Stevens Creek Boulevard (CMP/SC)	AM	27.9	C	29.3 <u>29.4</u>	C	2.0 <u>2.1</u>	0.022 <u>0.023</u>
		PM	19.0	B	20.0	B	1.2 <u>1.3</u>	0.015 <u>0.016</u>
2	Lawrence Expressway SB and Stevens Creek Boulevard (CMP/SC)	AM	38.2	D	39.8	D	2.8	0.012
		PM	25.9	C	25.7	C	0.1	<u>0.014</u>
3	Lawrence Expressway NB and Stevens Creek Boulevard (CMP/SC)	AM	34.2	C	34.5	C	0.5	0.016
		PM	29.5	C	29.7	C	0.4	<u>0.016</u>
4	Albany Drive and Stevens Creek Boulevard (SC)	AM	23.9	C	23.8 <u>23.7</u>	C	0.4	0.033
		PM	17.3	B	18.1	B	0.8	0.039
5	Woodhams Road and Stevens Creek Boulevard (SC)	AM	14.1 <u>14.0</u>	B	12.8 <u>12.7</u>	B	-0.8	0.016 <u>0.017</u>
		PM	10.3	B	9.8 <u>9.7</u>	A	-0.4	0.023
6	Kiely Boulevard and Stevens Creek Boulevard (CMP/SJ)	AM	37.8 <u>37.7</u>	D	37.0	D	-0.3	0.024 <u>0.025</u>
		PM	39.2	D	39.2	D	-0.1	0.016 <u>0.018</u>
7	Saratoga Avenue and Stevens Creek Boulevard (CMP/SJ)	AM	34.7	C	35.6	D	1.5	0.032 <u>0.033</u>
		PM	40.3	D	40.3 <u>40.4</u>	D	-0.1	0.010 <u>0.011</u>
8	San Tomas Expressway and Stevens Creek Boulevard (CMP/SJ)	AM	87.8 <u>81.0</u>	F	90.6 <u>83.9</u>	F	3.7 <u>3.6</u>	0.008
		PM	64.2 <u>64.4</u>	E	65.1 <u>65.4</u>	E	0.8 <u>0.9</u>	0.007
9	Winchester Boulevard and Stevens Creek Boulevard (CMP/SJ)	AM	38.5 <u>39.3</u>	D	38.5 <u>39.2</u>	D	0.0	0.000
		PM	80.3 <u>90.6</u>	F	80.9 <u>92.6</u>	F	2.1 <u>0.5</u>	0.006 <u>0.001</u>

10	Saratoga Avenue and Moorpark Avenue (CMP/SJ)	AM PM	41.8	D	41.8	D	0.2	0.006
			48.7	D	48.8	D	0.3	<u>0.007</u>
11	Saratoga Avenue and I-280 SB Ramp (CMP/SJ)	AM PM	42.9	D	45.3	D	4.6 <u>4.7</u>	0.016
			35.3	D	36.0 <u>36.1</u>	D	1.2 <u>1.3</u>	<u>0.022</u>
12	Saratoga Avenue and I-280 NB Ramp (CMP/SJ)	AM PM	28.9	C	28.4	C	0.2	0.011
			22.6 <u>22.5</u>	C	22.1 <u>22.0</u>	C	-0.7	<u>0.016</u> <u>0.017</u>
13	Saratoga Avenue and Kiely Boulevard (CMP/SJ)	AM PM	37.3	D	38.7 <u>38.6</u>	D	13.8	0.063
			44.1	D	46.0 <u>46.2</u>	D	1.8 <u>2.0</u>	<u>0.066</u> <u>0.072</u>
14	San Tomas Expressway and Moorpark Avenue (CMP/SJ)	AM PM	87.3 <u>82.4</u>	F	88.5 <u>83.5</u>	F	2.0 <u>1.9</u>	0.006
			52.0	D	52.2	D	0.0	<u>0.001</u> <u>0.002</u>
15	San Tomas Expressway and Saratoga Avenue (CMP/SC)	AM PM	109.0 <u>98.7</u>	F	111.9 <u>101.3</u>	F	5.0 <u>4.3</u>	0.012
			90.4 <u>90.4</u>	F	91.6 <u>91.7</u>	F	3.0	-0.001
16	San Tomas Expressway and Pruneridge Avenue (SC)	AM PM	127.1 <u>115.1</u>	F	129.0 <u>117.2</u>	F	3.5 <u>3.4</u>	0.007
			118.4 <u>111.5</u>	F	120.3 <u>113.3</u>	F	3.2	<u>0.006</u> <u>0.007</u>
17	San Tomas Expressway and Homestead Road (CMP/SC)	AM PM	132.0 <u>130.9</u>	F	134.2 <u>133.0</u>	F	4.0	0.007
			103.4 <u>103.4</u>	F	105.3 <u>105.4</u>	F	3.8 <u>3.9</u>	0.006
18	Lawrence Expressway and Pruneridge Avenue (SC)	AM PM	83.1 <u>81.0</u>	F	86.0 <u>83.7</u>	F	4.9 <u>4.6</u>	0.009
			47.9 <u>42.1</u>	D	49.3 <u>42.7</u>	D	-0.3	0.005
19	Lawrence Expressway and Homestead Road (CMP/SC)	AM PM	77.1 <u>74.2</u>	E	79.0 <u>76.3</u>	E	3.5 <u>3.9</u>	0.007
			90.8 <u>90.8</u>	F	92.0 <u>92.0</u>	F	0.0	<u>0.004</u> <u>0.005</u>

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José, (SC) City of Santa Clara
Bold represents intersection operating under unacceptable conditions.
 indicates a significant project impact.

Page 159 Mitigation Measure TRAN-1.1; the mitigation will be **REVISED** as follows:

Prior to issuance of ~~any building permits~~ Department of Public Works Clearance, the project applicant shall pay fair share fees to the County of Santa Clara based on the August 2015 update of the County Expressway Plan 2040, which identifies the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. Payment of the fee would reduce the impact to a less than significant level.

Project Name	Address	Distance from Proposed Project (miles)	Project Description	Estimated Construction Schedule	
				Start	End
Garden City Mixed-Use	Multiple (Southeast corner of Stevens Creek Blvd and Saratoga Ave)	0.4 miles	871 residential units, 457,000 square feet of office, 15,043 square feet of retail, and 2.5-acre public park and private amenities for future occupants.	December 2018	October 2021
Volar Mixed-Use	350 Winchester Boulevard	1.53 miles	307 residential units, 26,999 square feet of office, 16,516 square feet of retail, and 8,652 square feet of restaurant	April 2017	October 2018

Section 4.1, Cumulative Analysis; the fourth paragraph will be **DELETED**:

~~Additionally, the Volar Mixed Use Project (Volar) was approved in June 2017, in between the publication of the original PON for the project in February 2017 and publication of the revised NOP in January 2018. The cumulative analysis for the project initially included the Volar project as the Volar project was pending at the time the first NOP was issued. However, since the Volar project was approved prior to publication of the revised NOP, staff evaluated the Volar project as background conditions and concluded that the identified impacts would remain the same.~~

Table 4.0-2, Intersection Level of Service – Cumulative Conditions; the table will be **REVISED** as follows:

No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1	I-280 SB Ramp and Stevens Creek Boulevard (CMP/SC)	AM			28.3	C	29.8 29.9	C	2.2 2.3	0.022 0.023
		PM			19.0	B	19.9 20.0	B	1.2 1.3	0.015 0.016
2	Lawrence Expressway SB and Stevens Creek Boulevard (CMP/SC)	AM			40.4	D	42.2	D	3.1	0.012
		PM			25.9	C	25.8 25.7	C	0.1	0.013 0.014
3	Lawrence Expressway NB and Stevens Creek Boulevard (CMP/SC)	AM			34.2	C	34.5	C	0.5	0.016
		PM			29.6	C	29.8	C	0.3 0.4	0.015 0.016

4	Albany Drive and Stevens Creek Boulevard (SC)	AM PM			23.6	C	23.5	C	0.5	0.033
					17.0	B	17.8	B	0.8	0.039
5	Woodhams Road and Stevens Creek Boulevard (SC)	AM PM			13.6	B	12.4	B	-0.7	0.016
							9.4		-0.8	0.017
					10.0	B	9.5	A	-0.4	0.023
6	Kiely Boulevard and Stevens Creek Boulevard (CMP/SJ)	AM PM	D D	37.8 39.2			36.9	D	-0.1	0.033
							39.0	D	-0.1	0.029
7	Saratoga Avenue and Stevens Creek Boulevard (CMP/San José)	AM PM	C D	34.7 40.3			36.1	D	1.8	0.044
							41.9	D	3.1	0.079
8	San Tomas Expressway and Stevens Creek Boulevard (CMP/SJ)	AM PM	F E	87.8 <u>81.0</u> 64.2 <u>64.4</u>			96.9		12.9	0.028
							<u>89.1</u>	F	<u>10.8</u>	<u>0.025</u>
							68.1 <u>68.3</u>	E	3.0 2.9	0.026 0.022
9	Winchester Boulevard and Stevens Creek Boulevard (CMP/SJ)	AM PM	D F	38.5 39.9 80.3 <u>90.6</u>			39.5		0.9	0.024
							39.3	D	0.2	0.007
							98.0 <u>96.7</u>	F	34.6 3.4	0.089 <u>0.008</u>
10	Saratoga Avenue and Moorpark Avenue (CMP/SJ)	AM PM	D D	41.8 48.7			42.2	D	0.8	0.025
							49.5	D	1.3	0.026
11	Saratoga Avenue and I-280 SB Ramp (CMP/SJ)	AM PM	D D	42.9 35.3			48.1	D	11.6	
							36.7	D	<u>11.7</u>	0.040
									2.4 2.5	0.041 0.043
12	Saratoga Avenue and I-280 NB Ramps (CMP/SJ)	AM PM	C C	28.9 22.6 <u>22.5</u>			28.0	C	-23.2	0.025
										0.026
							21.6	C	-1.3	0.031 0.033
13	Saratoga Avenue and Kiely Boulevard (CMP/SJ)	AM PM	D D	37.3 44.1			38.0		0.8	0.048
							37.9	D	0.7	0.047
							48.3 <u>48.5</u>	D	5.0 5.3	0.099 0.105
14	San Tomas Expressway and Moorpark Avenue (CMP/SJ)	AM PM	F D	87.3 <u>82.4</u> 52.0			92.0		7.8	
							<u>86.8</u>	F	<u>7.5</u>	<u>0.023</u>
							53.1 <u>53.0</u>	D	0.9 0.5	0.017 0.016
15	San Tomas Expressway and Saratoga Avenue (CMP/SC)	AM PM					134.6		5.1	
							<u>124.0</u>	F	<u>4.6</u>	<u>0.012</u>
							101.0 <u>101.2</u>	F	4.5 4.6	0.010
16	San Tomas Expressway and Pruneridge Avenue (CMP/SC)	AM PM					153.2		3.6	
							<u>141.5</u>	F	<u>3.5</u>	0.007
							132.7 <u>126.8</u>	F	134.5 <u>128.6</u>	0.006 0.007
17	San Tomas Expressway and Homestead Road (CMP/SC)	AM PM					158.6		4.1	0.007
							<u>157.7</u>	F	<u>159.9</u>	3.7
							107.8	F	109.6 <u>109.7</u>	3.9 0.006

18	Lawrence Expressway and Pruneridge Avenue (CMP/SC)	AM PM			85.4	F	88.2	F	5.0	0.009
					<u>83.1</u>		<u>85.8</u>		<u>4.8</u>	
					53.7		54.9		-0.3	
					<u>48.3</u>		<u>49.0</u>		<u>-0.4</u>	
19	Lawrence Expressway and Homestead Road (CMP/SC)	AM PM			84.2	F	86.3	F	4.0	0.007
					<u>81.9</u>		<u>84.1</u>		<u>4.3</u>	
					97.4		98.6		2.1	
					<u>97.4</u>		<u>98.6</u>		<u>2.2</u>	
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José, (SC) City of Santa Clara <u>Bold</u> represents intersection operating under unacceptable conditions. <u>Outline</u> Denotes a significant project impact.										

Page 172 Section 4.1.1.2, Cumulative Intersection Level of Service Impacts; the text following Table 4.0-2 will be **REVISED** as follows:

Of the impacted intersections, the project would contribute more than 25 percent of the increased delay at the following City of San José intersections:

San Tomas Expressway and Stevens Creek Boulevard (AM Peak Hour): This intersection would continue to operate at LOS F during the AM Peak Hour under cumulative plus project conditions with a ~~12.9~~ 10.8 second increase in critical delay and a ~~0.28~~ 0.025 increase in V/C. The project would contribute ~~38~~ 41 percent of the increase in traffic volume in the AM Peak Hour under cumulative conditions.

San Tomas Expressway and Moorpark Avenue (AM Peak Hour): This intersection would continue to operate at LOS F during the AM Peak Hour under cumulative plus project conditions with a ~~7.8~~ 7.5 second increase in critical delay and a 0.023 increase in V/C. The project would contribute 31 percent of the increase in traffic volume in the AM Peak Hour under cumulative conditions.

Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour): This intersection would continue to operate at LOS F during the AM Peak Hour under cumulative plus project conditions with a 3.4 second increase in critical delay and a 0.008 increase in V/C. The project would contribute 29 percent of the increase in traffic volume in the PM Peak Hour under cumulative conditions.

Page 172 Section 4.1.1.2, Impact TRAN(C)-1; the impact statement will be **REVISED** as follows:

The proposed project would result in a cumulatively considerable contribution to the significant impact at the San Tomas Expressway/Stevens Creek Boulevard, Winchester Boulevard/Stevens Creek Boulevard, and San Tomas Expressway/Moorpark Avenue intersections. **(Significant Impact)**

Page 173 Mitigation Measure TRAN(C)-1.1; the mitigation measure will be **REVISED** as follow:

The August 2015 update of the County Expressway Plan 2040 identifies the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. The project applicant shall pay fair share fees towards the identified improvement. Payment of the fee would reduce the impact to a less than significant level prior to the issuance of ~~occupancy permits~~ Department of Public Works Clearance.

Page 173 Section 4.1.1.3, Mitigation Measures for Cumulative Transportation Impacts; the following text will be **ADDED** after MM TRAN(C)-1.1:

Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to the Winchester Boulevard/Stevens Creek Boulevard intersection, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site to improve system-wide roadway capacity or to enhance non-auto travel modes in furtherance of General Plan goals and policies.

Page 184 Section 8.5, Reduced Density Alternative; the fourth paragraph will be **REVISED** as follows:

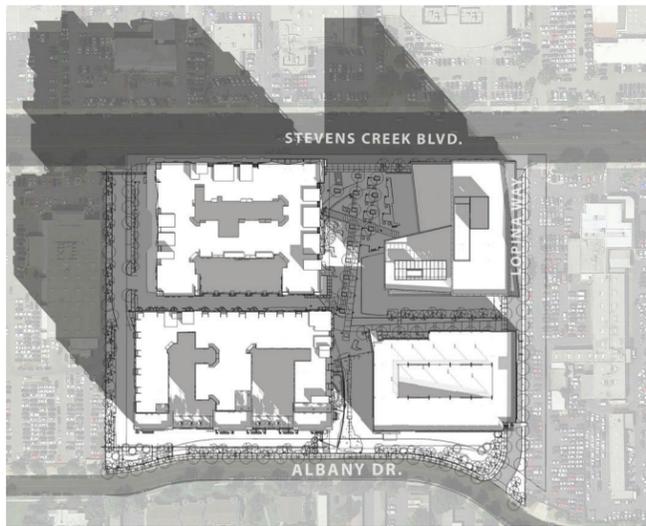
Based on the traffic data developed for the proposed project, the total number of net new daily traffic trips would need to be reduced by ~~45 21~~ percent (from ~~5,563 5,982~~ to 4,729) to avoid the intersection impact. This could be accomplished by reducing the overall size and density of one or more of the proposed land uses. To avoid the identified freeway impacts, the total number of net new daily traffic trips would need to be reduced by ~~25 30~~ percent (from ~~5,563 5,982~~ to 4,172).

Page 185 Footnote 86; the footnote will be **REVISED** as follows:

A ~~45 21~~ percent reduction in traffic trips would equate to a reduction of ~~126 188~~ residential units or ~~76,000 113,600~~ square feet of office.

Page 185 Footnote 87; the footnote will be **REVISED** as follows:

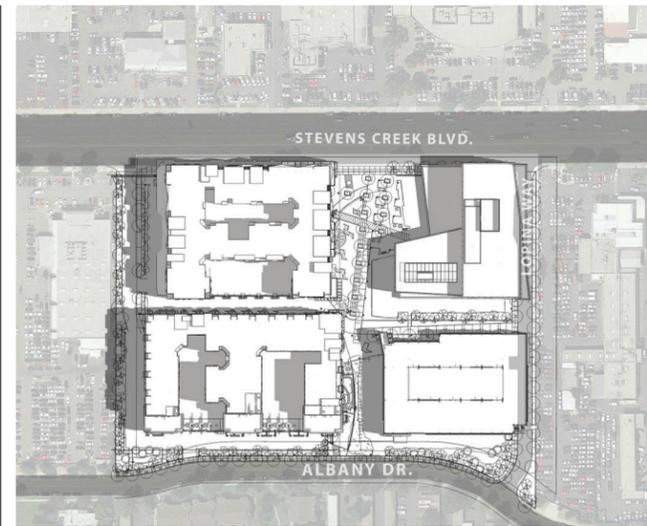
A ~~25 30~~ percent reduction in traffic trips would equate to a reduction of ~~209 272~~ residential units or ~~126,000 164,100~~ square feet of office.



DECEMBER 9 - 10 AM



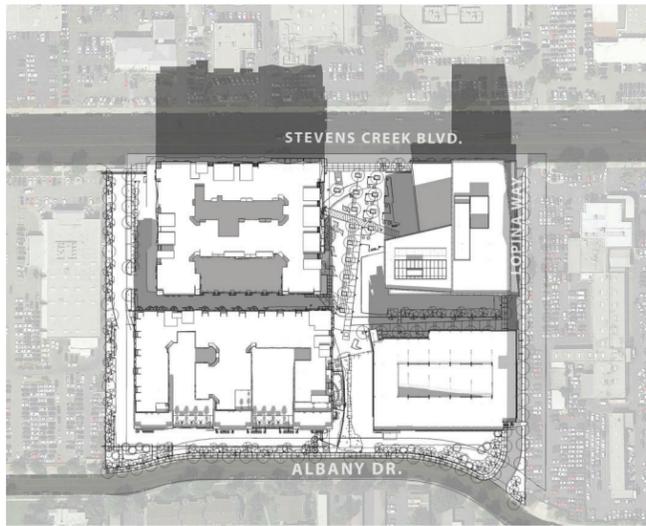
MARCH 9 - 10 AM



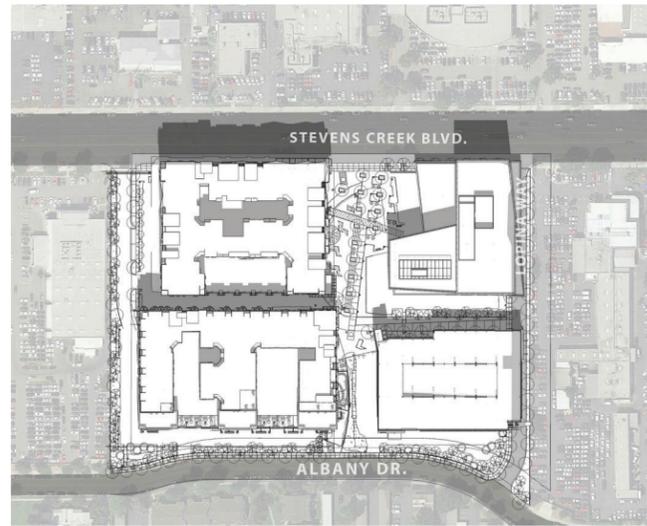
JUNE 9 AM



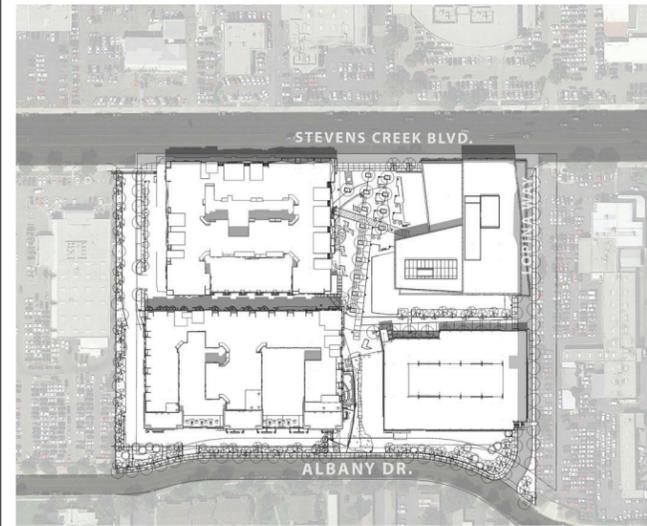
SEPTEMBER 9 - 10 AM



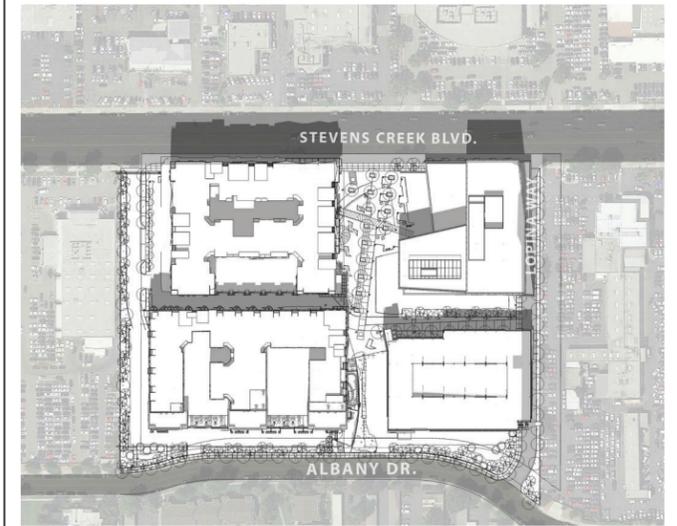
DECEMBER 11 - 1 PM



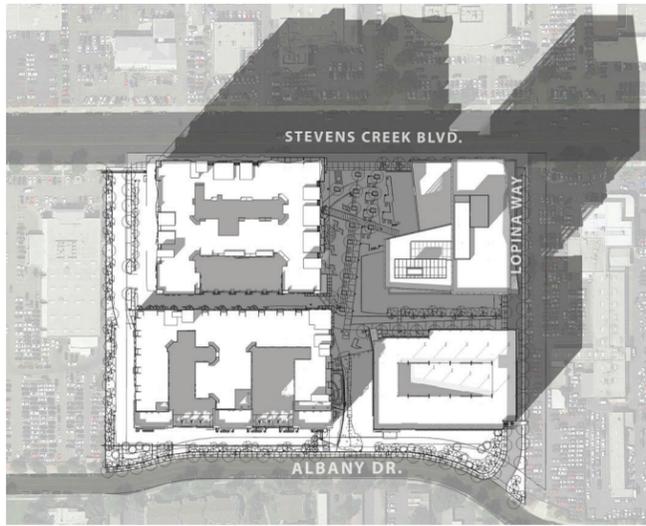
MARCH 11 - 1 PM



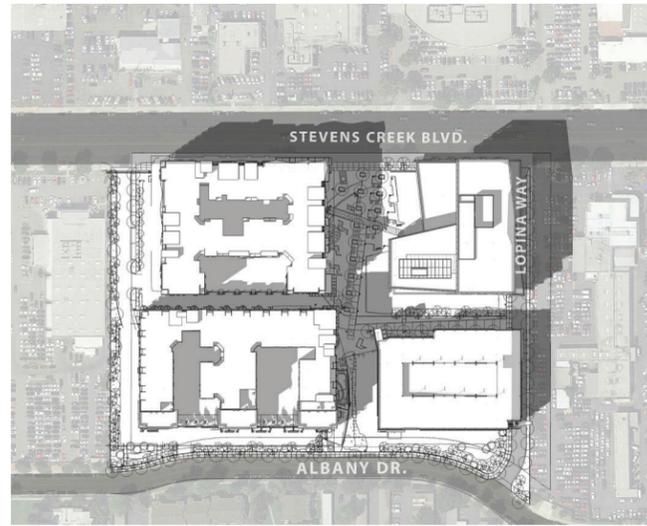
JUNE 10 - 2 PM



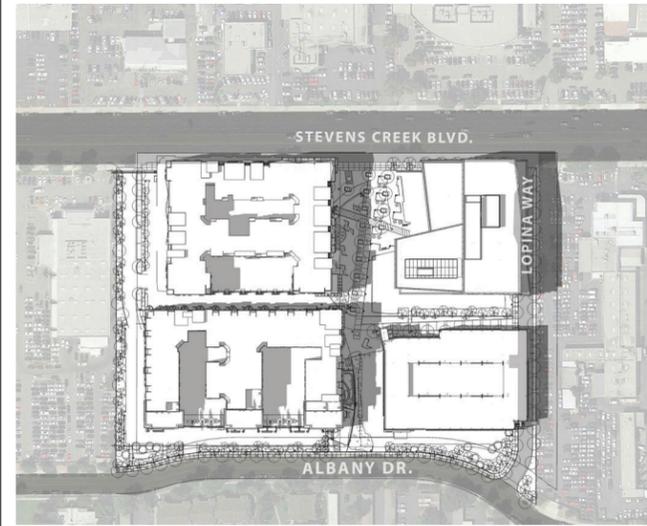
SEPTEMBER 11 - 1 PM



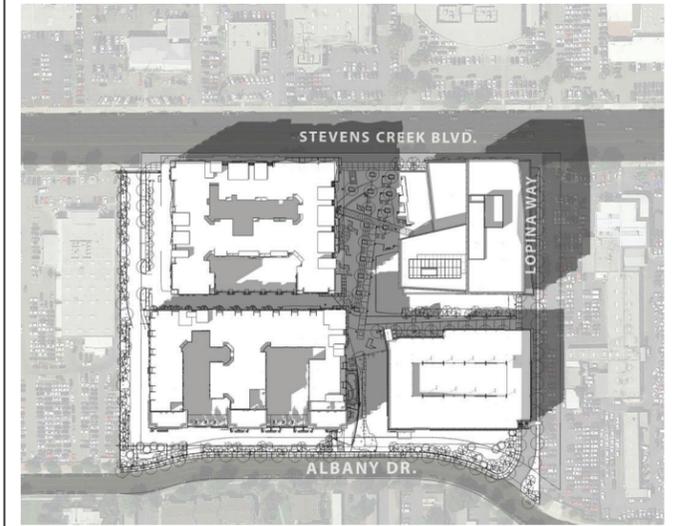
DECEMBER 2 - 4 PM



MARCH 2 - 5 PM



JUNE 3 - 6 PM



SEPTEMBER 2 - 5 PM

SECTION 6.0 COPIES OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

October 9, 2018

SCH# 2017022058
04-SCL-2016-00465
Project ID: 1844

Mr. David Keyon
City of San Jose
Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

Dear Mr. Keyon:

**Stevens Creek Promenade Mixed-Use Project (4300 Stevens Creek Blvd) – Draft
Environmental Impact Report (DEIR)**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the DEIR.

Project Understanding

The applicant proposes to change the zoning from Commercial General to Planned Development which would allow the development of a mixed-use project and subdivision of three existing parcels into four buildable and ten common lots. The project includes demolition and removal of all existing buildings, existing surface parking lots, ancillary structures, relocation of utilities and a public street (Lopina Way), removal of all trees and other landscaping to prepare the site for new construction. The project proposes four main buildings including office/retail (Building A), a parking garage (Building B), eight-stories of residential/retail (Building C), and eight-stories of residential (Building D).

- Office/Retail (Building A): Up to 300,000 square-feet (sf) of office space, with an option to accommodate up to 7,000 sf of retail facing Stevens Creek Boulevard.
- Residential/Retail (Building C): Up to 289 residential units and up to 15,000-sf ground-floor retail along Stevens Creek Boulevard.
- Residential (Building D): Up to 293 residential units.
- Parking garage (Building B): 1,238 parking spaces for the required on-site parking for office and retail tenant spaces in Office/Retail Building A.

Residential/Retail Building C would have two levels of below-grade and eight levels of above-grade parking for the residential units and retail spaces, providing up to 425 parking spaces total. Residential Building D would have one level of below-grade and eight levels of above-grade parking for residential units, providing up to 380 parking spaces total.

The applicant proposes to vacate existing Lopina Way and relocate it to the east property line along with associated utilities, lighting, and landscaping, as well as the removal of existing easements on the site and provide right-of-way dedication along Stevens Creek Boulevard. This project is in a Priority Development Area (PDA) in the City of San Jose. Priority Development Areas are identified by the Association of Bay Area Governments as areas for investment, new homes, and job growth. To support PDA goals, the proposed project should provide connections to the existing and planned Class II Bike Lanes on Stevens Creek Boulevard.

Access to the project site will be provided via proposed driveways on Stevens Creek Boulevard and Lopina Way, and two driveways on Albany Drive. Regional access to the site is provided either at the US 101/Saratoga Avenue interchange approximately 0.7 miles southeast of the site or at the US 101/Lawrence Expressway interchange approximately 0.9 miles west of the site.

Travel Demand Fees

The project should be conditioned to contribute fair share traffic impact fees as conditions of approval to the following to mitigate project related impacts:

- Existing and planned Class II Bike Lanes on Stevens Creek Boulevard
- I-280/Winchester Boulevard new westbound off-ramp project;
- Signal Modification at the Saratoga Avenue/Harker Driveway/I-280 Northbound On-Ramp; and
- Traffic control device modification at the Saratoga Avenue/I-280 Northbound Loop Off-Ramp. Please submit a copy of the final staff report to Caltrans for our review.

Sustainable Communities Strategy

We commend the City of San Jose for its Inclusionary Housing Policy (San José Municipal Code Title 5, Chapter 5.08 Inclusionary Housing) and the applicant's willingness to provide at least 15 percent of the total number of dwelling units as affordable housing.

Vehicle Trip Reduction

In Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, this project falls under **Place Type 1b Urban Centers**, which includes areas with high density, mixed-use places with high jobs/housing ratios, well-connected street networks, high levels of transit service and pedestrian supportive environments with major activity centers and full range of horizontally-and-vertically mixed land uses and with high capacity transit stations/corridors present/planned.

Given the intensification of use and the opportunities to reduce VMT, we encourage the City to establish a Transportation Management Association (TMA) in partnership with other developments in the area to pursue aggressive trip reduction targets with Lead Agency monitoring and enforcement. Please include the Transportation Demand Management (TDM) program including the elements described below to promote smart mobility and reduce regional VMT and traffic impacts to the STN. Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

- Commuter subsidy for transit, carpool, and vanpool for residents, employees, and patrons on an ongoing basis;
- Free shuttles for residents, employees, and patrons to regional transportation stations;
- Electric vehicle (EV) charging stations and designated parking spaces for EVs and clean fuel vehicles;
- Ten percent vehicle parking reduction;
- Carpooling incentives and dedicated parking spaces for carpooling employees;
- Unbundled parking;
- Encourage membership in a carshare program such as Getaround;
- Temporary bicycle valet parking;
- Secured bicycle storage facilities;
- Bicycle share membership;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.
- Emergency Ride Home program;

For additional TDM options, please refer to Chapter 8 of the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference, regarding TDM at the local planning level*. The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

For information about parking ratios, see the MTC report, *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

Mr. David Keyon, City of San Jose
October 9, 2018
Page 4

Lead Agency

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN or reduction in VMT. The project's fair share contribution, financing, scheduling, implementation responsibilities and Lead Agency monitoring should be fully discussed for all proposed mitigation measures. Mitigation that includes the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

Should you have any questions regarding this letter, please call Stephen Conteh at 510-286-5534 or stephen.conteh@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Keyon, David

From: Aghegnehu, Ben <ben.aghegnehu@rda.sccgov.org>
Sent: Friday, October 12, 2018 2:59 PM
To: Keyon, David
Cc: Talbo, Ellen
Subject: NOA-DEIR for 4300 Stevens Creek Boulevard Mixed-Use Project

October 12, 2018

David Keyon
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

**SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for
4300 Stevens Creek Boulevard Mixed-Use Project**

Dear Mr. David Keyon:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the Notice of Availability of a Draft Environmental Impact Report and is submitting the following comments:

- We have noted that the TIA did not include all the intersections that were asked for in the scope. The missing intersections are as follows:
 - San Tomas/El Camino Real, San Tomas/Hamilton
 - Lawrence/Reed, Lawrence/Benton, Lawrence/Moorpark, Lawrence/Calvert, Lawrence/I-280
- Please provide Queuing analysis for Lawrence Expressway I-280 Offramp/Stevens Creek Blvd and Lawrence Expressway Off-Ramp/Stevens Creek Blvd. The County is particularly interested of queue at Lawrence Expressway NB connector to Stevens Creek Blvd.
- Traffic Files Comments (County intersections only), County can provide timing info as requested:
 - Saturation flow module adjustment and lane values do not match values found in County Expressway Planning Study or CMP 2016. Please use approved values for Traffic files.
 - Existing AM & Existing PM (non-CMP) intersections:
 - Min green values must match timing for count date. Please contact County to request timing to match timing for count date.
 - Existing PM (CMP) intersections:
 - Min green values must match timing for count date. Please contact County to request timing to match timing for count date.
 - San Tomas Expressway/Stevens Creek Blvd Existing PM & San Tomas Expressway/Saratoga Ave Existing PM does not have correct User Adj value for SBT movement. Please use approved values for Traffic files.
- Expressway Plan 2040 Tier 2 & 3 proposed improvements are not funded and construction times have not been identified. The proposed project should consider intersection level mitigation measures to address impacts. (Pages iv-v, TIA).
- Please provide TDM Program analysis and details if trip reduction is claimed.

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you,

Ben Aghegnehu

Associate Transportation Planner
County of Santa Clara | Roads & Airports
101 Skyport Rd | San Jose, CA, 95110
408-573-2462 (o)



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333
CUPERTINO.ORG

October 15, 2018

David Keyon
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113

Re: Comments regarding City of San Jose File No. H17-023
Project: Stevens Creek Promenade, 4300-4360 Stevens Creek Blvd. (APN:
296-38013, 296-38-014, and 295-40-009)

Dear Mr. Keyon,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the above referenced project. Please find below comments from the City of Cupertino as well as attached comments from the Cupertino community.

1. Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) should be included in the Draft Environmental Impact Report (DEIR). The project should incorporate the "Standard Permit Conditions" listed in the report that serve as de facto mitigations for the project as conditions of approval for the project to ensure their implementation. Additionally, the MMRP should include details on the party responsible for implementation, implementation timing/occurrence, agency responsible for monitoring, monitoring action, and monitoring frequency. This will provide more input on implementation since the mitigation measures proposed are not informative.

2. Greenhouse Gas Emissions

The analysis indicates that the proposed project implementation will result in GHG emissions in excess of the "Substantial Progress" efficiency metric of 2.6

Metric Tons CO₂ per service population per year established by the California Air Resources Board 2017 Climate Change Scoping Plan to meet the 2030 Reduction targets in Senate Bill SB 32. In order to reduce the Significant Unavoidable Impact, the project proposes to include a Transportation Demand Management (TDM) plan that is to be finalized and approved by the City prior to occupancy.

However, the mitigation does not require the applicant to make a commitment on how much the TDM plan would reduce trips to the site and therefore, GHG emissions. Additionally, the applicant is only required to include a combination of three (3) of fourteen TDM strategies. There is no indication by how much GHG emissions will be reduced by the any of the TDM strategies, or if some TDM measures result in a higher or lower GHG reduction. For example, it is unclear whether offering free high-speed Wi-Fi for all tenants to allow for telecommuting would reduce GHG emissions more than or less than providing carshare and/or bikeshare programs on site.

It is also unclear how the TDM plan will be implemented and/or enforced. Also, there are no clear mitigations on what enforcement action the City will take in the event that the applicant is unable to meet the TDM goals. For e.g., the TDM plans currently being implemented in Cupertino, a hefty per trip penalty is being imposed to motivate compliance with the TDM goals. Please include details on implementation and enforcement of the TDM program in the mitigation measures.

3. Household Size

The analysis in the DEIR references two (2) different household sizes. In Section 3.12.2.5, Parks, in the footnote on Page 150, the household size is listed as 2.86 persons per household. In Section 3.10.2.8, Population and Housing Impacts, in the footnote on Page 126, the household size is listed as 3.21 persons per household. Please clarify this discrepancy in the number of persons per household.

4. Transportation/Traffic: Impact TRAN-1

Impact TRAN-1 indicates that the project would have a significant impact on San Tomas Expressway and Saratoga Avenue intersection during the AM Peak Hour under background plus project. The proposed mitigation measure is to pay “fair share fees” to the County of Santa Clara to widen San Tomas Expressway to eight (8) lanes from the current six (6).

However, the analysis does not indicate the amount of the “fair share” contribution for the project or how the fair share will be calculated. Please include an estimate of the “fair share” contribution.

5. Transportation/Traffic Impact TRAN-2

Impact TRAN-2 indicates that the project would have a significant impact on six (6) HOV freeway segments on I-280. The analysis indicates that since the only mitigation is to add freeway lanes, and since there is no right of way to do this, there are no feasible mitigation measures. However, a recommendation that the project make a fair share contribution toward the VTA Voluntary Mitigation Program for the impacted freeway segments.

Because payment of a fair share contribution is “recommended”, it is unclear whether the fair share contribution is included as a mitigation and how it can be considered a mitigation. It should be noted that identifying expansion of the freeway as the only way to mitigate traffic impacts is inconsistent with the City of San Jose’s philosophy of making better use of existing transportation infrastructure. VTA’s VTP 2040 identifies several projects that offer methods to enhance vehicular travel choices, and make more efficient use of the transportation roadway network. Examples of VTA VTP 2040 transportation projects toward which fair share contributions could be made to improve efficient use of existing transportation roadway network in the region include, but are not limited to, the following:

- VTP ID H11: I-280 Express Lanes: Leland Avenue to Magdalena Avenue.
- VTP ID H13: I-280 Express Lanes: Southbound El Monte Avenue to Magdalena Avenue.
- VTP ID H15: I-880 Express Lanes: US 101 to I-280
- VTP ID H35: I-280 Northbound: Second Exit Lane to Foothill Expressway
- VTP ID H45: I-280 Northbound Braided Ramps between Foothill Expressway and SR 85.
- VTP ID H1: SR 85 EXPRESS Lanes: US 101 (South San Jose to Mountain View).

6. Public Services/Recreation

Cupertino has received a comment from a concerned resident about the school impacts of the proposed development. This has been included in this letter.

If you have any questions about the comments above, please do not hesitate to contact me at aartis@cupertino.org.

Sincerely,

Aarti Shrivastava
Assistant City Manager

Enclosure
Email from the Cupertino residents

City of San Jose, Planning Division
Attn: David Keyon, Senior Planner
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

October 15, 2018

Re: Comments on Draft Environmental Impact Report (EIR) for the 4300 Stevens
Creek Boulevard Mixed-Use Project

Dear David Keyon:

Thank you for including the City of Santa Clara in the environmental review process for the 4300 Stevens Creek Boulevard Mixed-Use Project ("Project"). City staff has reviewed the Environmental Impact Report (EIR) prepared for 1) a proposed Planned Development Rezoning to allow the development of a mixed use project with approximately 315,000 square feet of office/commercial space and up to 582 residential units 2) a Planned Development Permit to allow the demolition of five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-sized trees, development of four buildings including a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 10,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight-story residential building with approximately 293 residential units (including up to 88 affordable units), and development of an approximately 1.4-acre landscaped promenade.

The following comments are provided following our review of the EIR.

Transportation/Traffic

The proposed midblock crosswalk across Stevens Creek Boulevard, landscaped median island and bulbouts will impact properties in Santa Clara and potentially corridor operations along Stevens Creek Boulevard. The northern portion of Stevens Creek Boulevard is located within the City of Santa Clara's jurisdiction and will require our approval which has not been obtained. The installation of the median island, bulbouts and crosswalk will impact operations of the auto dealership on the northside which may cascade into the adjacent residential area immediately north. The median island will also limit access and circulation to properties on the north side of Stevens Creek. Consequently, the City does not support the installation of the median island in the City of Santa Clara as described above and this improvement should be removed from the project description.

The intersection of Winchester Boulevard and Stevens Creek Boulevard goes from 80.3 secs of Delay at LOS F to 98.0 secs of Delay at LOS F under cumulative conditions, causing a critical change in delay of 34.6 seconds and a V/C change of 8.9%. This should be identified as a significant impact. As this is a protected intersection, we understand that San Jose will not propose capacity-increasing mitigation; however, San Jose cannot avoid its obligation to adopt feasible mitigation measures for significant impacts at protected intersections. Santa Clara requests that San Jose

David Keyon, Senior Planner
October 15, 2018
Page 2

identify the offsetting improvements that will be required pursuant to the Protected Intersection Policy, and explain how fees will be collected and programmed toward funding of improvements along the Stevens Creek Boulevard corridor per the terms of the Santana West Settlement Agreement with Santa Clara.

We concur with the conclusion in the EIR that the Project should pay a fairshare to the County towards the 8 lane widening of San Tomas Expressway at Saratoga Avenue due to impacts at this intersection.

We concur with the conclusion in the EIR that the Project should pay a fairshare to the County towards the 8 lane widening of San Tomas Expressway at Stevens Creek due to impacts at this intersection.

The EIR states that the project is eligible for a 20 percent reduced parking requirement due to its location in the Stevens Creek Urban Village area. With the reduced parking requirements, there is the potential for parking shortages and cars spilling out into adjacent residential areas and along Stevens Creek Boulevard, affecting nearby businesses in Santa Clara. The project should be required to conduct regular parking surveys as part of TDM monitoring to identify parking issues. Corresponding, the project should be required to mitigate parking issues if they occur.

Aesthetic Impacts

As previously requested in the comments submitted on the NOP from the Thomas Law Group on behalf of the City of Santa Clara on February 9, 2018, the analysis of aesthetic impacts should be expanded to include consideration of the potential for the project to have shadow impacts as a result of the proposed building heights. Please conduct a shadow analysis.

Please revise the EIR and technical reports per the comments above. Should you have any questions regarding this letter, please contact Reena Brilliot, Planning Manager, via email at rbrilliot@SantaClaraCA.gov or phone at 408-615-2452.

Best regards,



Andrew Crabtree
Director of Community Development



October 15, 2018

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: David Keyon

Subject: City File No. PDC16-036 / 4300 Stevens Creek Boulevard

Dear Mr. Keyon:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 582 residential units, 22,000 square feet of ground floor retail, and 300,000 square feet of office use on 9.9 acres at 4300-4340 Stevens Creek Boulevard. We have the following comments.

Site Design

VTA supports the proposed curb bulb-out and proposed mid-block crossing across Steven Creek Boulevard. These improvements will improve safety, support Vision Zero goals, and enhance access to transit as recommended by the Stevens Creek Urban Village Plan. Without the mid-block crossing it will be difficult for transit customers to access the westbound pair bus stop for VTA Bus Route 23. VTA suggests the following modifications to the curb bulb-out:

- Lengthen the curb to provide space for bike racks, crosswalk and a 40 foot bus to allow curbside boarding (See Exhibit A - VTA *Draft Bus Stop – Cycle Track Design Guide*).
- “Bend-in” and “Bend-out” the bike lanes below the curb bulb-out to provide a protected space for bicycles, this could be at grade or raised to match the sidewalk height. This would not preclude future bicycle facilities on Stevens Creek Boulevard per the Urban Village Plan.

Impacts to CMP Freeway Segments

The TIA/DEIR identifies 6 HOV freeway segment impacts, per Section 3.13.3.5. The DEIR notes that VTA has Voluntary Contribution Program and that the project has the option to contribute toward such program (p.159).

VTA recommends providing a Voluntary Contribution toward two potential transportation improvements:

- Saratoga Avenue/I-280 interchange improvements; or
- John Mise Park pedestrian/bike bridge

It was discussed during a meeting on September 21, 2018 between the project applicant, City of San Jose and VTA staff that a potential contribution toward a pedestrian/bicycle/transit

improvement proposed in the vicinity of the project area that provides a significant local/regional connectivity improvement within the neighborhood. The nearby proposed John Mise Park pedestrian/bicycle bridge could successfully meet this criteria.

VTA disagrees with the DEIR Transportation Conclusion, per Section 3.13.5, that “There are no feasible mitigation measures to reduce the identified freeway segments” (p. 162). VTA notes that Voluntary contributions for transportation improvements can be included as mitigation measures in CEQA in absence of a comprehensive funding strategy. This strategy was recently included as part of the County’s Civic Center Master Plan FEIR to mitigate for traffic impacts on nearby facilities. We encourage the City of San Jose to pursue this strategy moving forward to address impacts.

Transportation Demand Management/Trip Reductions

VTA recommends a TDM plan that establishes a trip reduction target, third party monitoring and enforcement would be the strongest strategy for reducing trips. VTA recommends that the City and project applicant peruse the following TDM/Trip Reduction strategies:

- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area
- **Parking pricing and parking cash-out programs**
- **Transit fare incentives such as free or discounted transit passes, such as VTA SmartPASS, on a continuing basis or pre-tax commuter benefits**
- Dockless scooters, bicycles, and other micro-transit solutions
- Bicycle lockers and bicycle racks
- Bicycle storage integrated into the residential units
- Showers and clothes lockers for bicycle commuters
- On-site or walk-accessible services (day-care, dry-cleaning, fitness, banking, convenience store)
- Preferentially located carpool parking
- Employee carpool matching services
- Parking for car-sharing vehicles

Parking

VTA supports a 20-percent parking reduction per the Stevens Creek Urban Village Plan. Reducing the parking ratio will support and incentivize alternative transportation options versus solo vehicle trips and maximize transit when combined with a robust Transportation Demand Management program.

VTA also recommends activating the ground floor of the parking garage facing Albany Drive with active uses, such as a leasing facility, community room, workout studio, bike parking or bike maintenance room. Providing an active ground floor treatment along Albany Drive will

provide a continual and cohesive street-level urban experience from Building D ‘Residential’ to Building B ‘Garage’.

Ongoing Coordination between City of San Jose and VTA

VTA appreciates the early coordination and opportunity to discuss the project and transportation improvements at a meeting on September 21, 2018. VTA looks forward to additional opportunities to discuss Transportation Demand Management and the Voluntary Contribution Program.

Bus Service

In order to provide convenient access to transit, VTA recommends the project include the following bus stop improvements.

Eastbound Stevens Creek Boulevard & Lopina Way

VTA recommends the existing bus stop adjacent to the project site be relocated. To improve bus stop spacing for Line 23, VTA recommends the bus stop be relocated approximately 20 feet west of the proposed relocation of Lopina Way. The new bus stop should include:

- A passenger & shelter pad to VTA specifications
- A 12’x55’ bus pad to VTA specifications
- A new bus shelter to VTA specifications

VTA would like the opportunity to review any revisions to the site plans to ensure the placement of driveways, landscaping and any other features do not conflict with bus operations

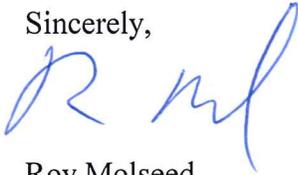
VTA’s Transit Passenger Environment Plan provides design guidelines for bus stops. VTA’s Bus Stop & Passenger Facilities Standards provides bus stop specifications. Both documents can be downloaded at <http://www.vta.org/tpep>.

VTA has a Bus Stop Placement, Closures and Relocations Policy. Prior to any construction or bus stop impact, please contact bus.stop@vta.org.

City of San Jose
October 15, 2018
Page 4

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Ryan Do, San Jose Development Services
Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

SJ1623

Date: September 28, 2018
Current Meeting: November 7, 2018
Board Meeting: N/A

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Bicycle & Pedestrian Advisory Committee

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director - Planning & Programming, Chris Augenstein

SUBJECT: Proposed Design Guidance for Bike Lanes and Cycle Tracks at Bus Stops

FOR INFORMATION ONLY

BACKGROUND:

Over the past few years, new types of bicycle facilities such as green bike lanes, buffered bike lanes, and cycle tracks have been constructed in Santa Clara County. VTA recognizes the need to provide design guidance for how these facilities interface with bus stops - especially for cycle tracks.

Cycle tracks are designated for bicycle-only travel and are protected from vehicular traffic. The types of separated bikeways include, but are not limited to, grade separations, flexible posts, inflexible physical barriers, and on-street parking. Cycle tracks can operate one-way or two-way configurations. Since, in most cases, cycle tracks are located next to the curb, they can conflict with bus stops and other curbside uses. Both the Federal Highway Administration's Separated Bike Lane Planning and Design Guide (2015) and the Caltrans Design Information Bulletin 89 (2018), also known as DIB 89, identify bus boarding islands as a treatment for bus stop and cycle track conflict areas.

Providing design guidance for these new types of bikeways and bus boarding islands will help to:

- Create consistency in projects implemented by VTA's Member Agencies.
- Create clearer expectations for bicyclists, bus operators, and transit passengers on how to walk, bike, or drive around these facilities.

DISCUSSION:

Attachment A shows VTA's draft recommended design guidelines for accommodating bicycle lanes and cycle tracks at bus stops. It includes guidelines for:

- Standard bicycle lanes (with and without on-street parallel parking)

- Bicycle lanes with a painted buffer
- Cycle tracks and bus boarding islands (one-way and two-way cycle tracks)
- Buffered bicycle lanes/cycle tracks and bus bulb outs

Bus Boarding Islands

VTA's recommendations for cycle tracks and bus boarding islands are based on Caltrans DIB 89 [<www.dot.ca.gov/design/stp/dib.html>](http://www.dot.ca.gov/design/stp/dib.html).

VTA's key design recommendations for bus boarding islands are summarized below:

- At minimum, bus boarding islands and transit passenger access must be in compliance with the Americans with Disabilities Act (ADA) of 1990. This includes dimensions of the island, crosswalk to the island, and bus shelter. The minimum required dimension for the front door clear zone on the bus boarding island is 5 feet wide by 8 feet deep.
- If the crosswalk is at a lower grade than the sidewalk and bus boarding island, curb ramps are required to make the bus boarding island ADA accessible. The minimum required width for the crosswalk to the bus boarding island is 6 feet.
- The length of the bus boarding island is determined by the size of the buses used in each route (standard or articulated buses), and how many buses are expected to use the stop at the same time.
- Reflective curb paint on bus boarding islands is recommended to increase their visibility for drivers and bicyclists during dark hours. VTA recommends colored paint on the cycle track where it is adjacent to a bus boarding island to raise bicyclists' and transit passengers' awareness of these potential conflict areas.
- For bus stops with higher passenger activities, VTA recommends guard railings at the edge of the island adjacent to the cycle track to prevent passengers from entering the cycle track at locations other than the crosswalk.
- For signing and markings, VTA recommends following the guidelines contained in the California Manual on Unified Traffic Control Devices (CAMUTCD).

Impacts on Local Agencies

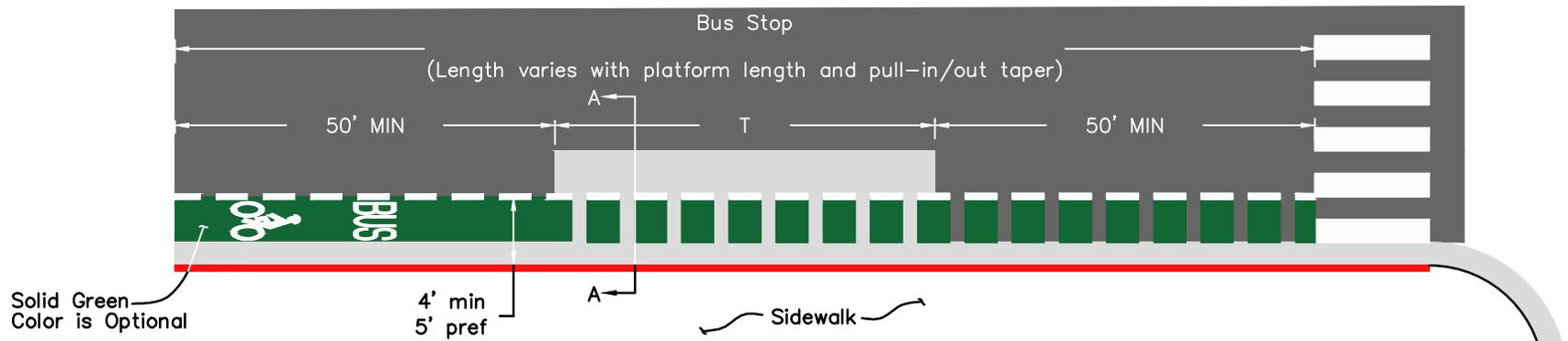
After finalizing the recommended design guidelines for bicycle lanes and cycle tracks, VTA will incorporate them into VTA's Bus Stop Design and Passenger Facilities Standards (this update is in-progress) and VTA's Bicycle Technical Guidelines. VTA staff will refer Member Agencies to these documents for projects that interact with VTA bus stops. Due to the potentially significant impact on the transit customer experience, Member Agencies are encouraged to contact VTA early in the design process. VTA staff will review and coordinate with Member Agencies on their projects on an as needed basis.

VTA recognizes bus boarding islands as a component or extension of the sidewalk. Maintenance of bus boarding islands and adjacent cycle tracks remain the responsibility of local jurisdictions.

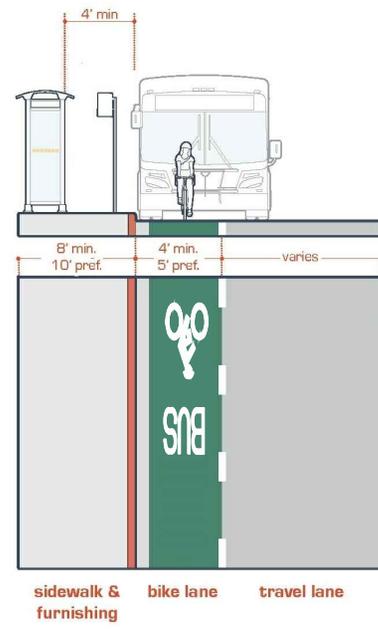
NEXT STEPS:

After receiving comments from VTA's Advisory Committees and associated Working Groups, VTA staff will revise the recommended design guidelines for accommodating bike lanes and cycle tracks at bus stops. The revised design guidelines will be incorporated into the updated Bus Stop Design and Passenger Facilities Standards and VTA's Bicycle Technical Guidelines.

Prepared By: Malahat Owrang
Memo No. 6609



PLAN VIEW



SECTION A-A

- T = 50' For Standard Bus
- T = 70' For Articulated Bus
- T = 110' For Transfer Point
- Bus Pad

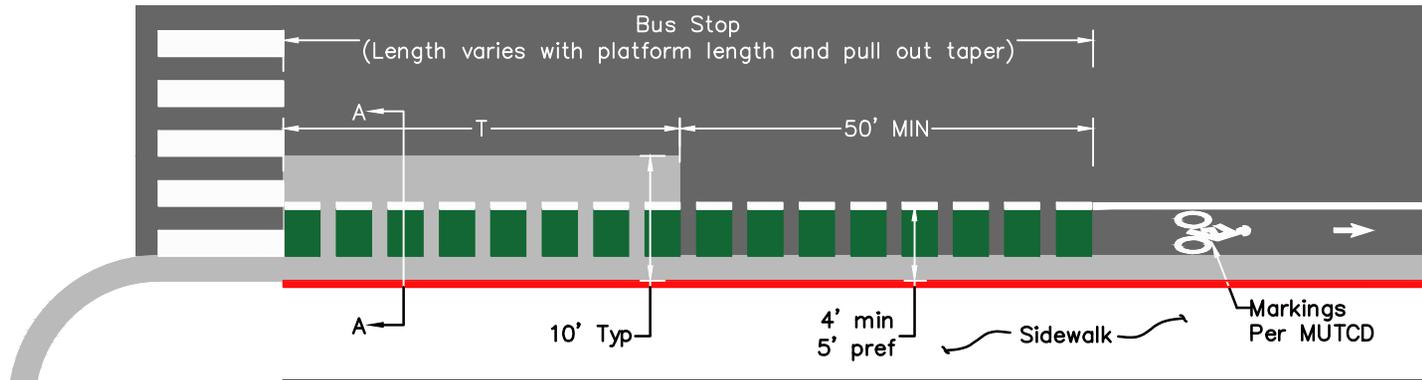
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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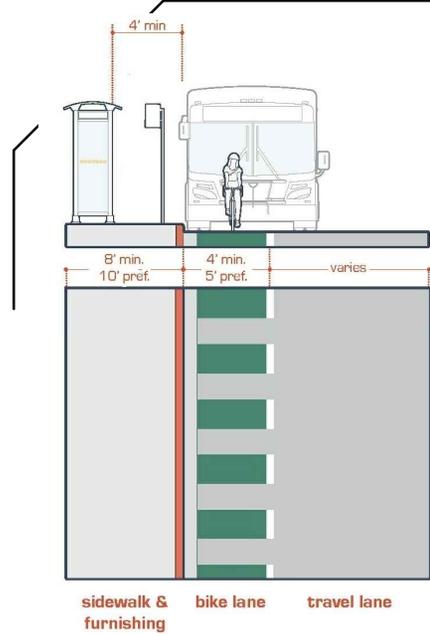
**BIKE LANE
THROUGH NEAR SIDE BUS PAD
DASHED LINE**

FIGURE
14
DATE
AUG 2018



PLAN VIEW

T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point
 ■ Bus Pad



SECTION A-A

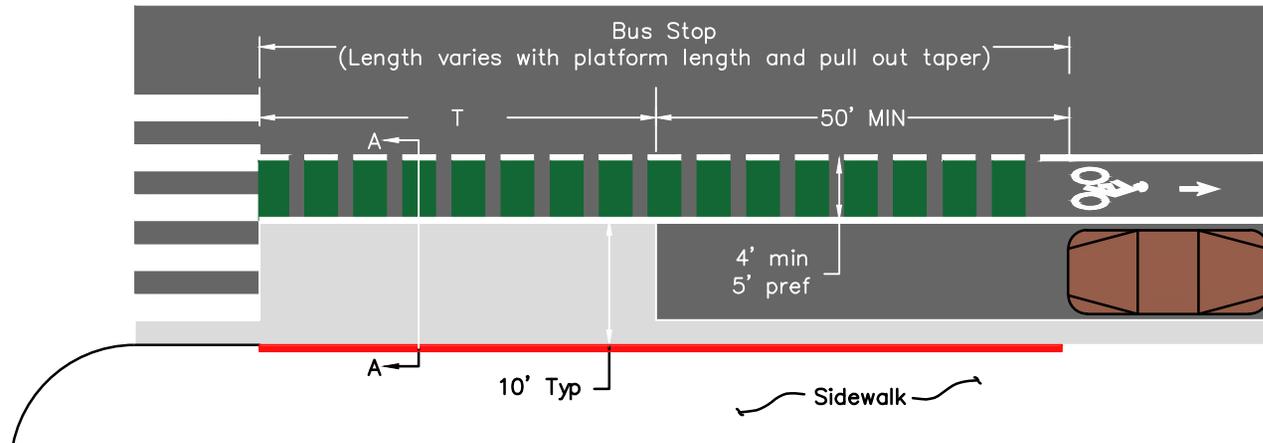
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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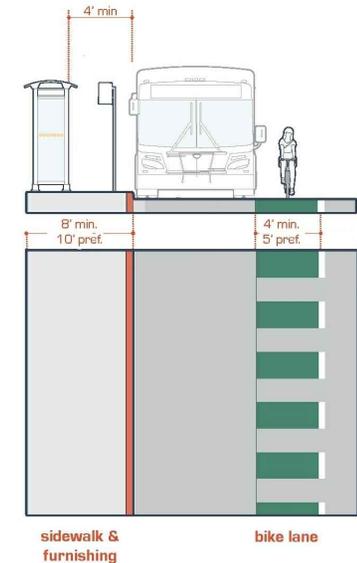
BIKE LANE THROUGH FAR SIDE BUS PAD DASHED LINE

FIGURE
 15
 DATE
 AUG 2018



PLAN VIEW

- T = 50' For Standard Bus
- T = 70' For Articulated Bus
- T = 110' For Transfer Point
- Bus Pad



SECTION A-A

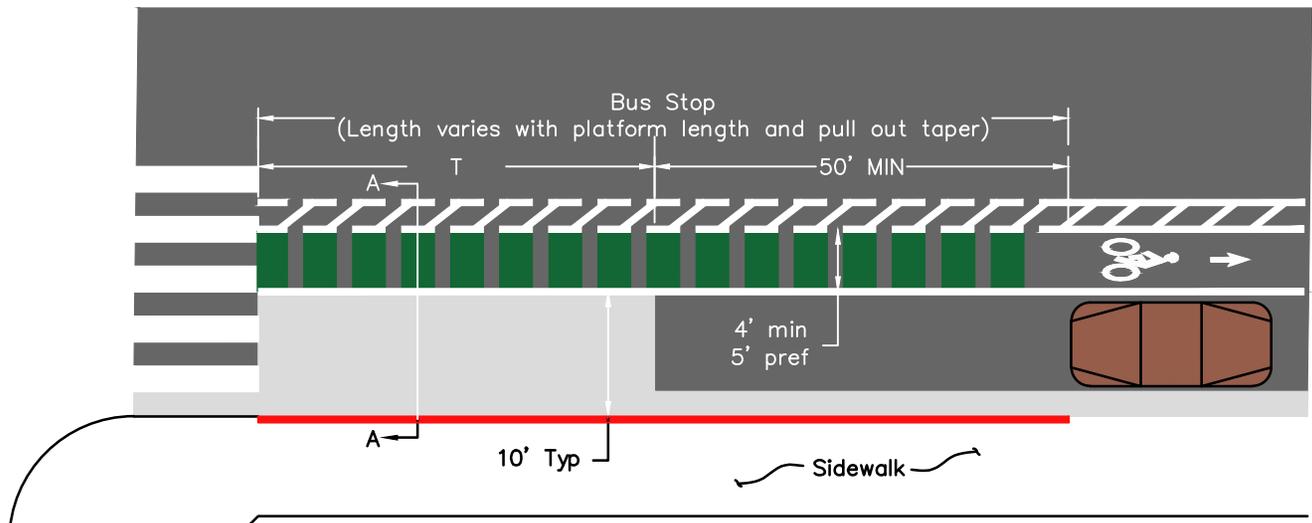
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



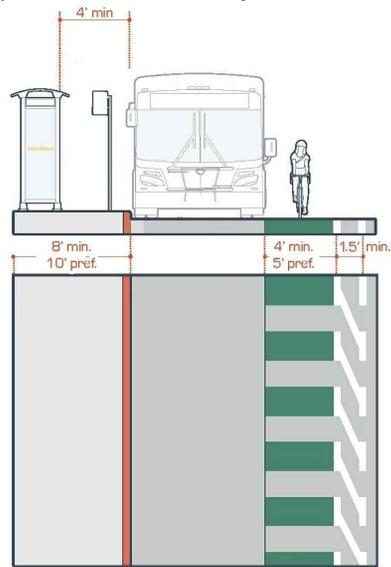
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2018_FSD1601.DWG

**BIKE LANE
ADJACENT TO FAR SIDE BUS PAD
DASHED LINE**

FIGURE
16
DATE
AUG 2018



PLAN VIEW



sidewalk & furnishing

bike lane

SECTION A-A

- T = 50' For Standard Bus
- T = 70' For Articulated Bus
- T = 110' For Transfer Point
- Bus Pad

BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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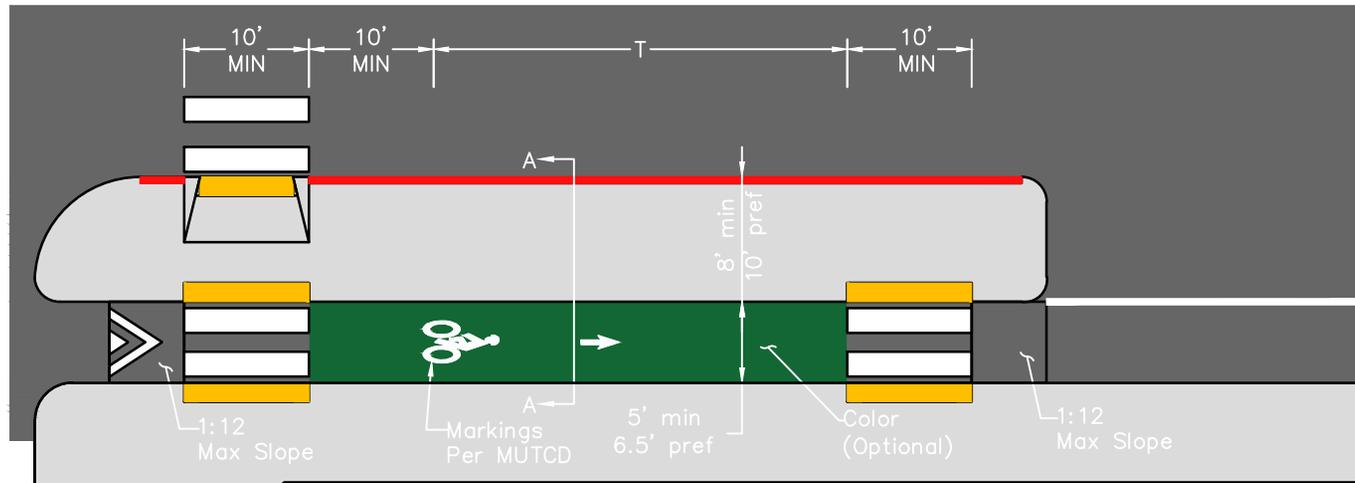
**BIKE LANE (BUFFERED)
ADJACENT TO FAR SIDE BUS PAD
DASHED LINE**

FIGURE

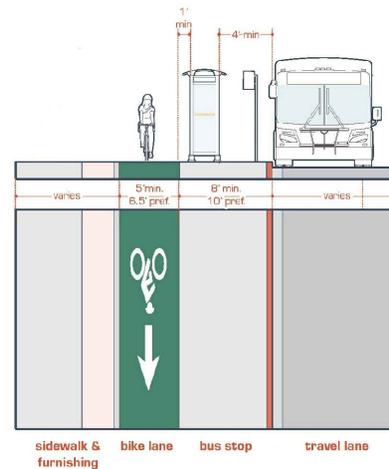
17

DATE

AUG 2018



PLAN VIEW



SECTION A-A

T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point

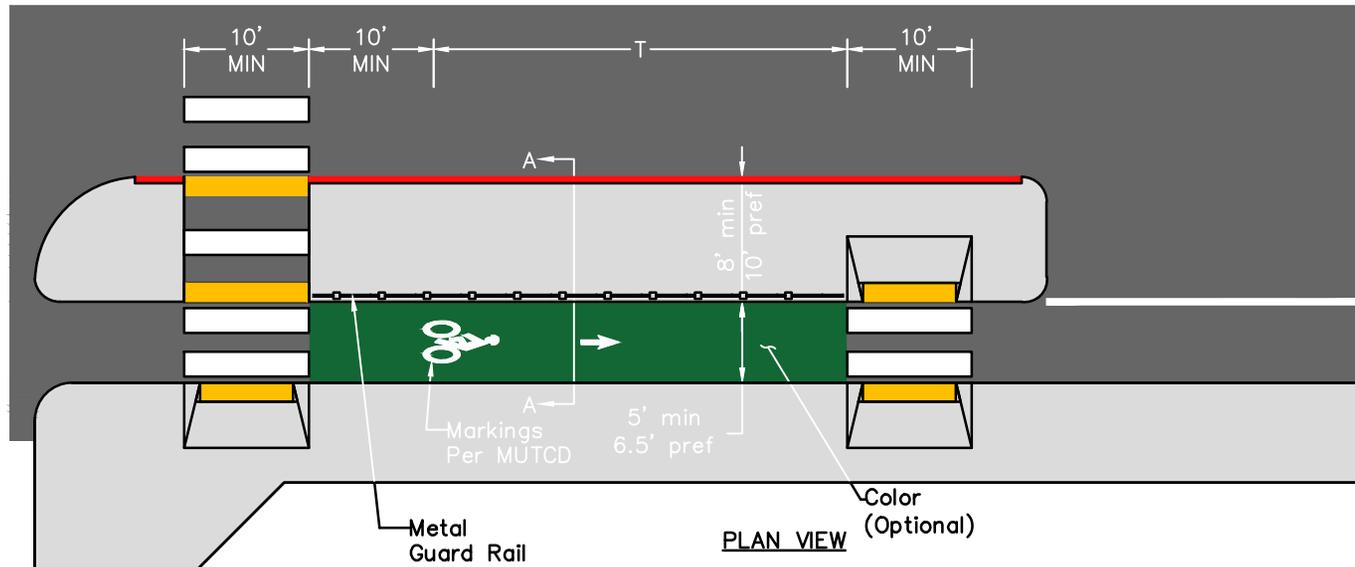
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



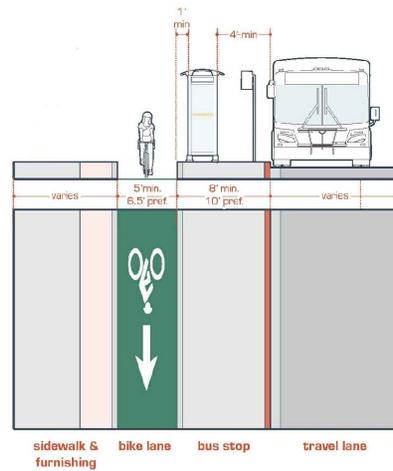
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**RAISED ONE-WAY CYCLE TRACK
 BETWEEN SIDEWALK &
 BUS STOP ISLAND**

FIGURE
 18
 DATE
 JUN 2018



T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point



SECTION A-A

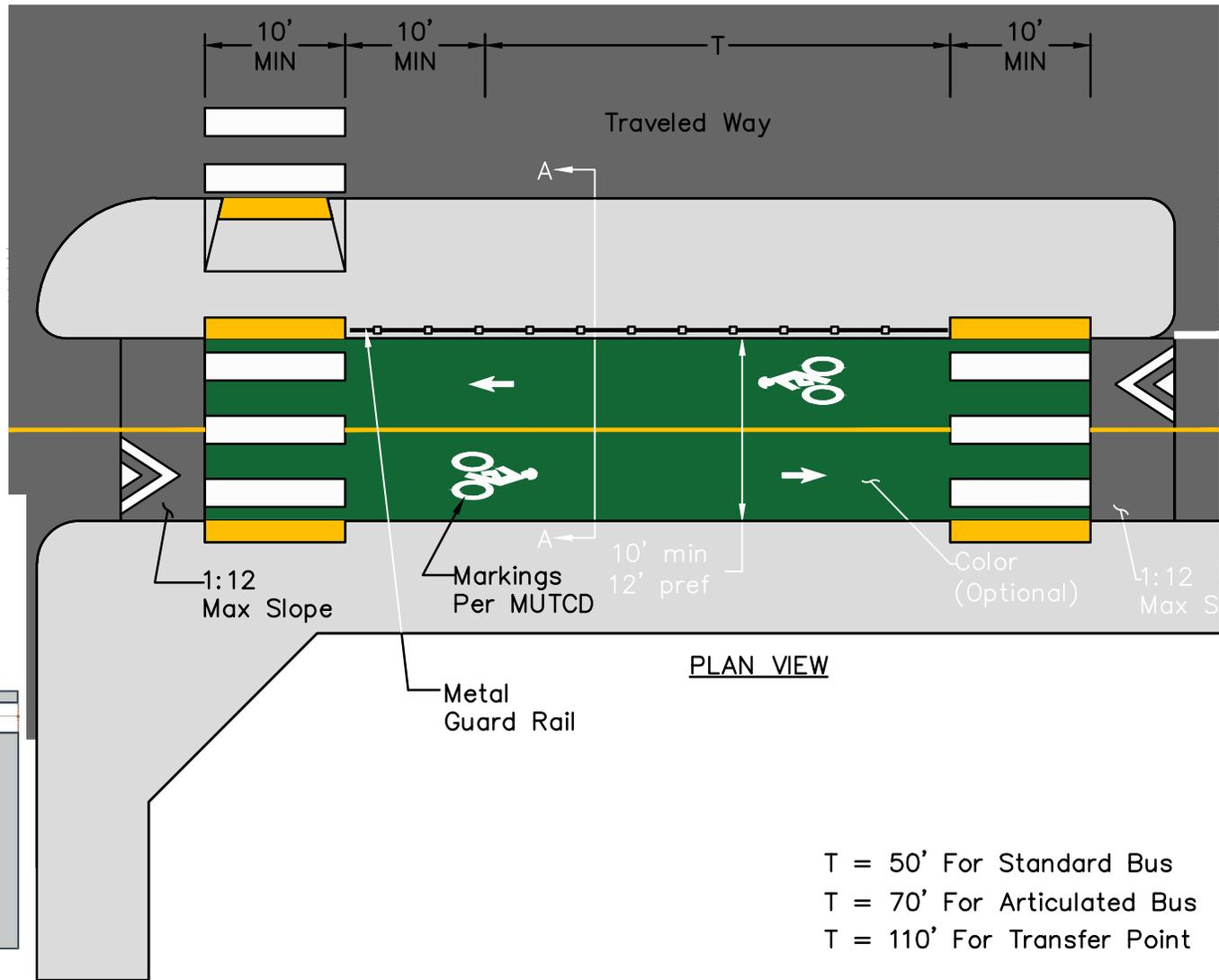
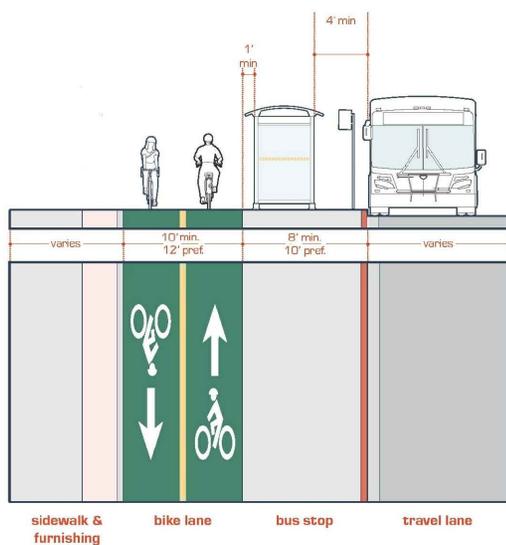
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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**ONE-WAY CYCLE TRACK
 BETWEEN SIDEWALK &
 BUS STOP ISLAND**

FIGURE
 19
 DATE
 JUN 2018



BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



CAD FILE NAME
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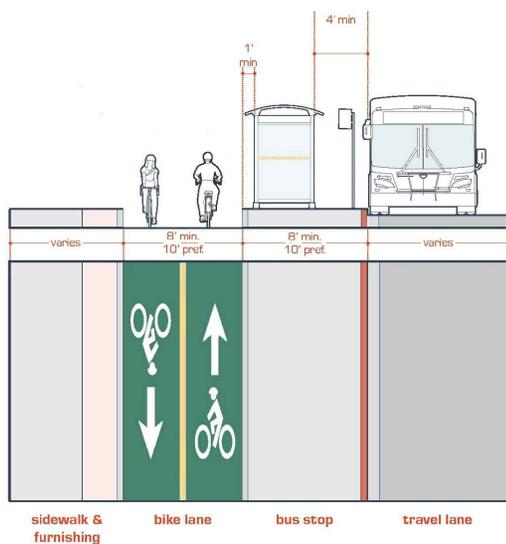
RAISED TWO-WAY CYCLE TRACK BETWEEN SIDEWALK & BUS STOP ISLAND

FIGURE

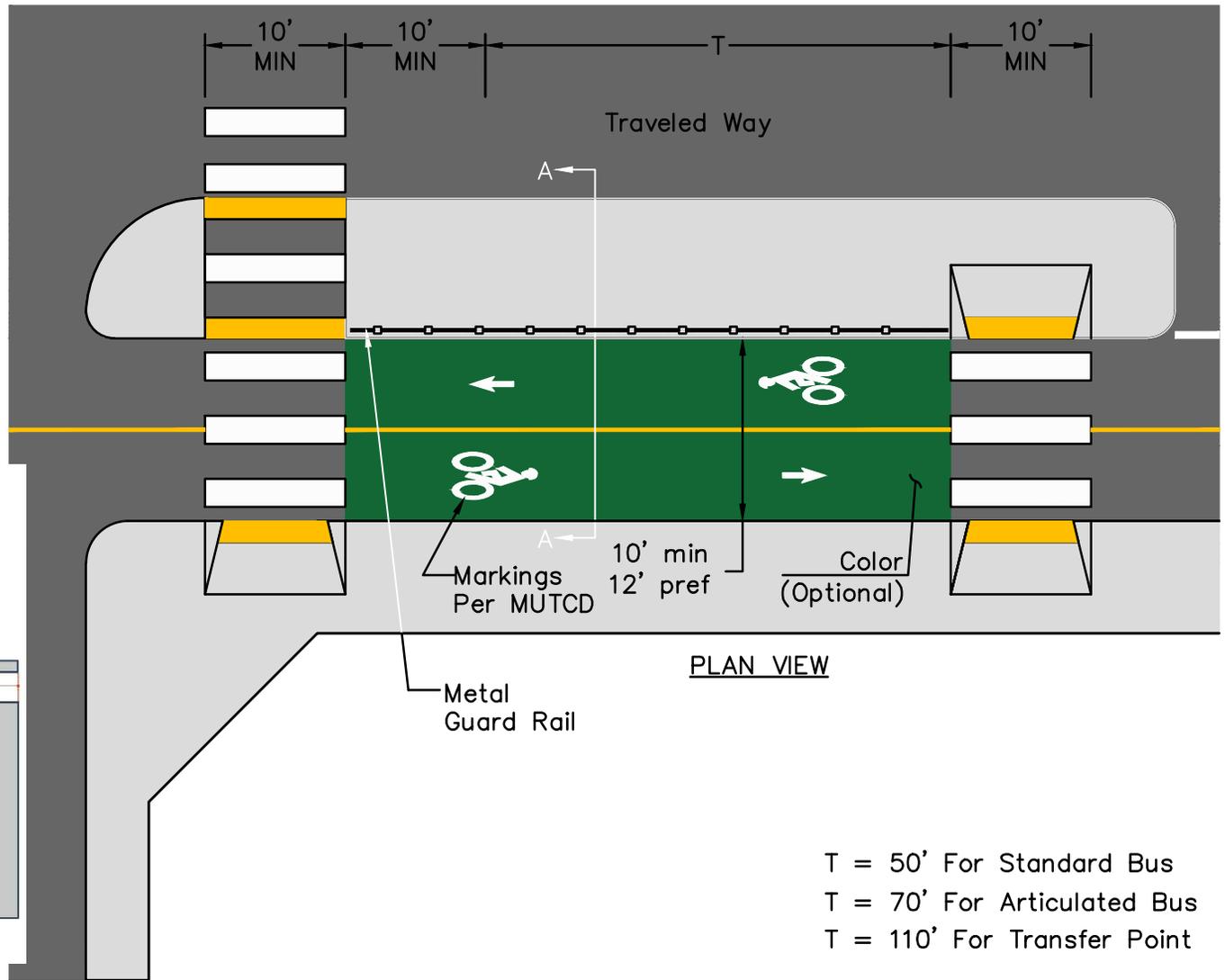
20

DATE

AUG 2018



SECTION A-A



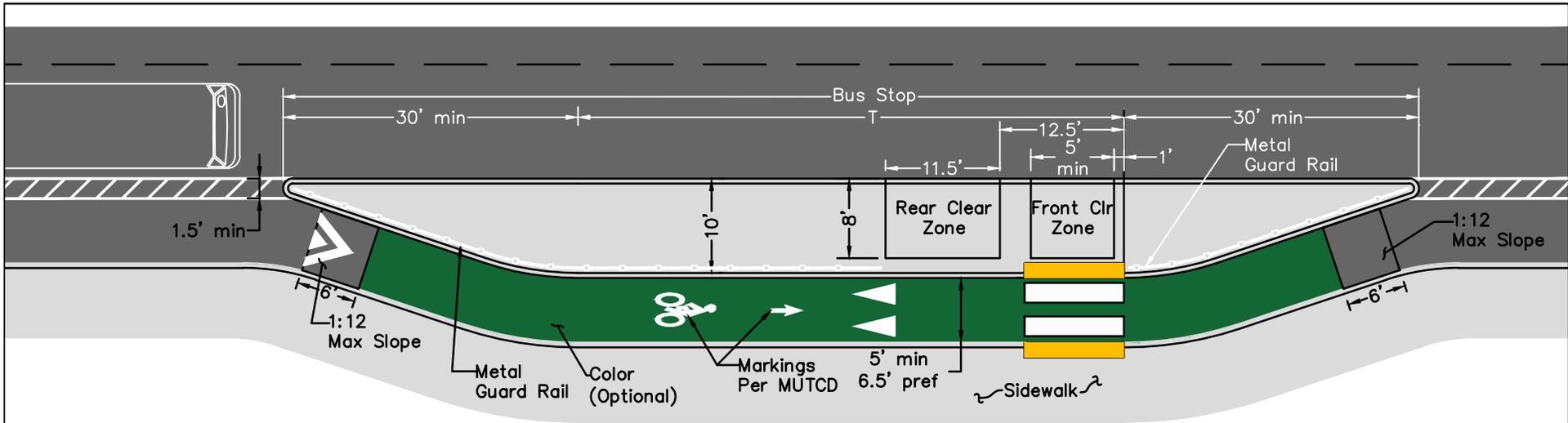
BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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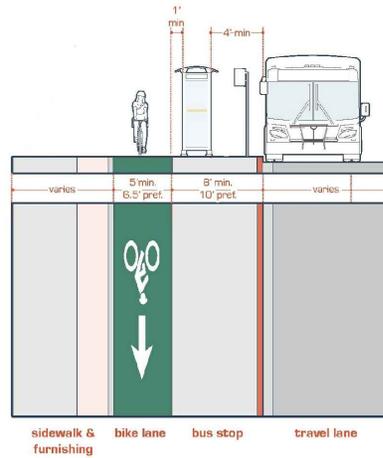
**TWO-WAY CYCLE TRACK
BETWEEN SIDEWALK &
BUS STOP ISLAND**

FIGURE
21
DATE
AUG 2018



PLAN VIEW

T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point



SECTION A-A

BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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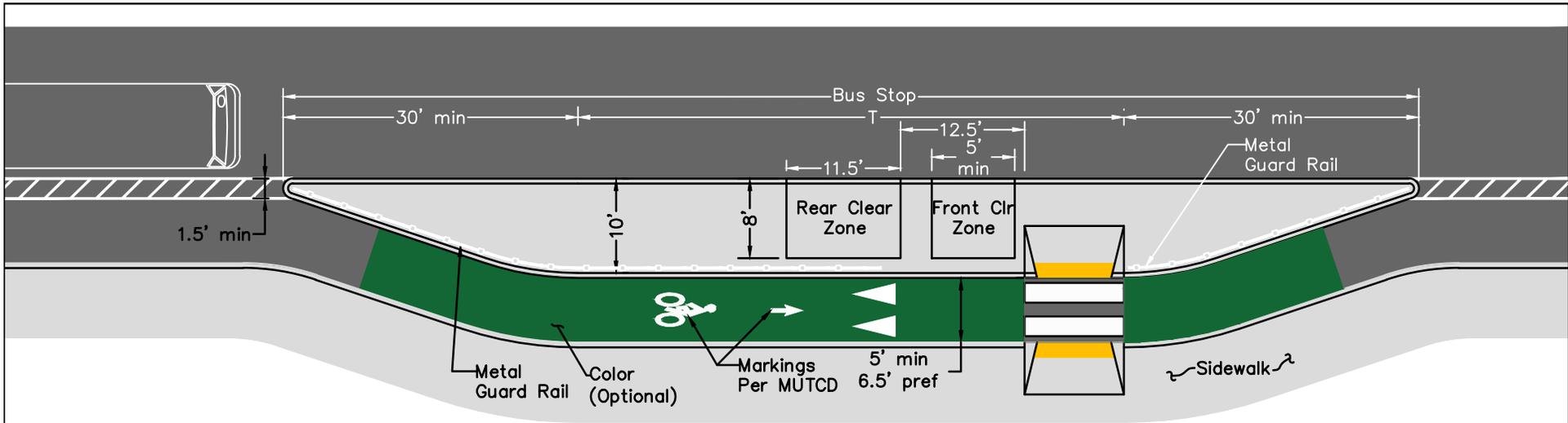
**RAISED ONE-WAY CYCLE TRACK
 BETWEEN SIDEWALK & CONVERTED
 BUS STOP ISLAND DUCKOUT**

FIGURE

22

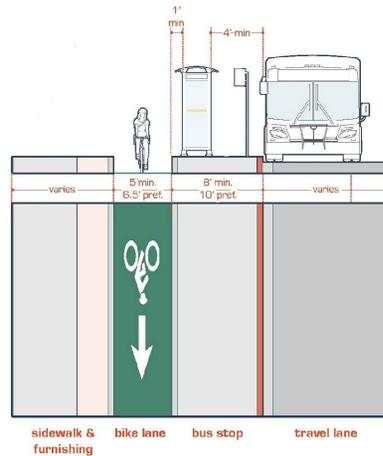
DATE

JUN 2018



PLAN VIEW

T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point



SECTION A-A

BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



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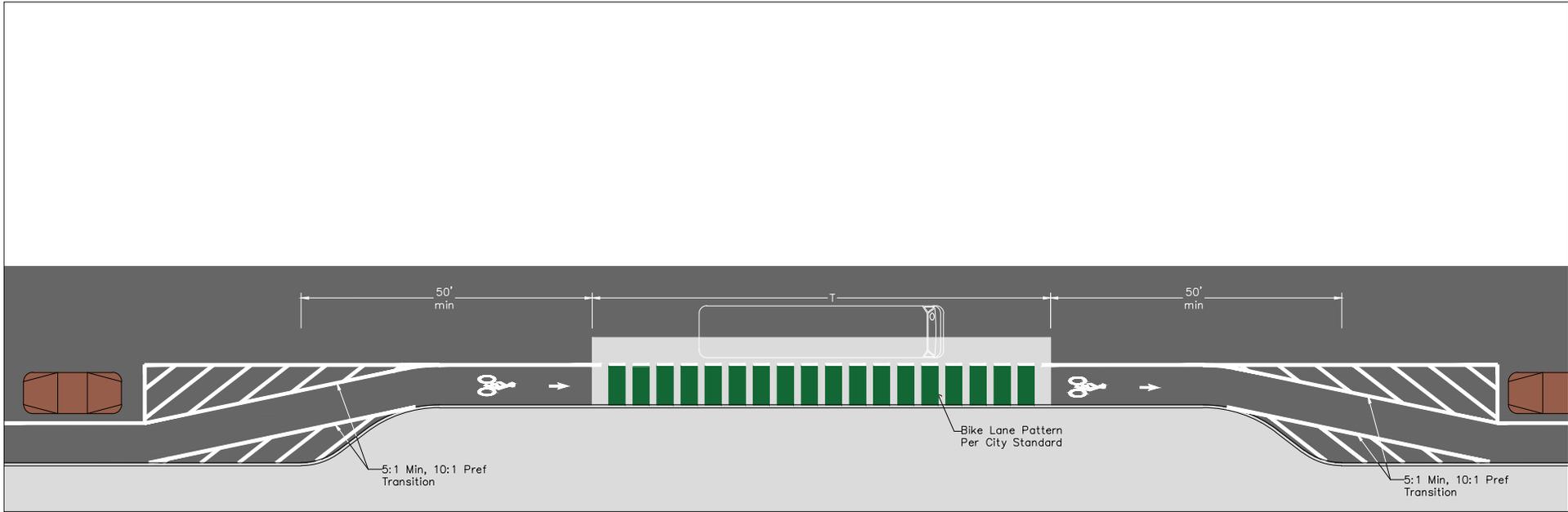
ONE-WAY CYCLE TRACK BETWEEN SIDEWALK & CONVERTED BUS STOP ISLAND DUCKOUT

FIGURE

23

DATE

JUN 2018



T = 50' For Standard Bus
 T = 70' For Articulated Bus
 T = 110' For Transfer Point

BUS STOP AND PASSENGER FACILITIES STANDARD DETAILS



CAD FILE NAME
 2018_FSD2401.DWG

BIKE LANE THROUGH BULBOUT BUS STOP

FIGURE
 24
 DATE
 JUN 2018

Keyon, David

From: J'Carlin <[REDACTED]>
Sent: Wednesday, September 05, 2018 5:39 PM
To: Chundur, Dipa; Keyon, David
Cc: Kathy Thibodeaux; kirk vartan; Bob Levy; Jones, Chappie
Subject: File Nos. PDC16-036 and PD17-014 Fort Bay EIR

An glaring omission in the EIR traffic study is through traffic and mechanic test drives on Albany which increase traffic volume and speed both on Albany and Kiely. An easy fix for this would be to prohibit through traffic on Albany; No left turn signs on Richfield and Palace to discourage mechanics; and a no through traffic sign on Albany at Stevens Creek. As additional traffic speed mitigation Albany from Del Mar to Kiely should be designated as a bike route with sharrows in both directions on the existing traffic lanes. Note that a shared traffic/bike lane does not interfere with parking on both sides of Albany.

The bike lane could be continued Eastbound using sharrows on Kiely in the through Eastbound lane. The lightly used middle westbound lane on Kiely could be also marked with sharrows with a no left turn except bikes at Albany.

A Bike/Ped 280 overcrossing at Mise Park which is a part of the Stevens Creek Urban Village Plan should make using Albany as a shared bike lane part of any development proposal in the area.

Carlin Black
SCAG

Keyon, David

From: Ling Zhang <[REDACTED]>
Sent: Wednesday, September 19, 2018 6:25 PM
To: Keyon, David
Subject: Re: Notice of Availability of a Draft EIR for the 4300 Stevens Creek Boulevard Mixed Use Project (File nos. PDC16-036, PD17-014, and PT17-023)

Dear Mr. Keyon,

My name is Ling Zhang and I am a resident of Santa Clara where my house is very close to this project. I strongly against this project based on the following reasons:

- 1, Traffic will be terrible on Stevens Creek Blvd. Right now, during rush hours, the traffic is already very congested on Stevens Creek Blvd. With these high density buildings, I can image the traffic will be much worse, especially on the intersection of Stevens Creek Blvd/Lawrence/highway 280.
- 2, Schools are overflow already, where will the new families send their kids to?
- 3, Since this area is on junction of Santa Clara/San Jose/Cupertino. Any investigation between cities? Cupertino city is also planning to re-build Vallco shopping mall.
- 4, I don't want any over-flow traffic go to local residential areas.
- 5, These buildings are too tall and don't fit along with the area only has low buildings.

Hope city planner can review all feedbacks and make good decision for us.

Thanks,

Ling

On Fri, Aug 31, 2018 at 1:56 PM Keyon, David <david.keyon@sanjoseca.gov> wrote:

**NOTICE OF AVAILABILITY OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
AND PUBLIC COMMENT PERIOD**

A Draft Environmental Impact Report (DEIR) for the **4300 Stevens Creek Boulevard Mixed-Use Project** is available for public review and comment. The project consists of: 1) a Planned Development Rezoning from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District to allow the development of a mixed-use project with up to approximately 315,000 square feet of office/commercial space (including 15,000 – 22,000 square feet of ground floor retail), and up to 582 residential units; 2) a Planned Development Permit in accordance with the new Planned Development Zoning District to allow the demolition

of five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-sized trees, development of four buildings including a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 10,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight-story residential building with approximately 293 residential units (including up to 88 affordable units), and development of an approximately 1.4-acre landscaped promenade; 3) a Tentative Map to subdivide three existing parcels into four buildable lots and ten common lots; and 4) re-location of Lopina Way to the east side of the project site; all on an approximately 10.0 gross acre site.

Location: 4300 - 4360 Stevens Creek Boulevard, between Stevens Creek Boulevard and Albany Drive on either side of Lopina Way (APNs 296-38-013, 296-38-014, and 295-40-009).

File Nos.: PDC16-036, PD17-014, and PT17-023. **Council District:** 1.

The proposed project will have potentially significant environmental effects with regard to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project location is not contained in the Cortese List of toxic sites.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's "Active EIRs" website at www.sanjoseca.gov/activeeirs or at the City's Project website at: <http://www.sanjoseca.gov/index.aspx?NID=5380>.

Copies of the Draft EIR are also available at the following locations:

Department of Planning, Building,
and Code Enforcement
200 East Santa Clara St., 3rd Floor
San José, CA 95113
(408) 535-3555

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To Submit Comments on the Draft EIR

The public review period for this Draft EIR begins on **August 31, 2018 and ends on October 15, 2018**. Written comments must be received at the Planning Department by **5:00 p.m. on October 15, 2018**, in order to be addressed as part of the formal EIR review process.

Comments and questions should be referred to **David Keyon** in the Department of Planning, Building and Code Enforcement at: David.Keyon@sanjoseca.gov, or by regular mail at the following address:

David Keyon

Department of Planning, Building, and Code Enforcement

200 East Santa Clara St., 3rd Floor

San José, CA 95113

Please reference the above file number in your written comment letters and correspondence.

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the EIR during the public review period.

David Keyon AICP

Supervising Planner - Environmental Review

City of San Jose - Department of Planning, Building, and Code Enforcement

(408) 535-7898

Keyon, David

From: Eve Hanson <[REDACTED]>
Sent: Thursday, October 11, 2018 6:59 PM
To: Keyon, David
Cc: 'Eve Hanson'; 'Dave Hanson'; 'Dave Snow'; 'Kathy Smith'; [REDACTED]
Subject: EIR response for 4300 Stevens Creek Boulevard Mixed-Use Project

To: EIR response File Number: File Nos.: PDC16-036, PD17-014, and PT17-023. 4300 Stevens Creek Boulevard Mixed-Use Project

From: The Casa View Oaks Neighborhood Traffic Committee 10/11/18

In reply: EIR response should be made to all persons included in this email.

Neighborhood location: Bordered on the East by Albany Drive, and West by Loma Linda Drive off of Steven Creek Blvd.

As residents of the Casa View Oaks housing development, located west of the proposed 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay Development), we anticipate a significant increase in non-residential vehicular traffic on our residential streets. This will result from the increase of housing and office density and the routing of traffic from the project onto Albany Drive. This is mentioned in the EIR where it states there will be a significant increase in neighborhood traffic (although no corrective actions are suggested). As the new Cupertino Apple Headquarters begins to fill with employees, less than two miles away, there will be another 8,000 to 10,000 new employees added to the daily commute.

The 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay) plan does not allow for a traffic signal that facilitates a left hand turn from the development property onto Stevens Creek. Instead all west bound traffic is routed to Albany Drive, to turn left onto Stevens Creek. In addition, there is no dedicated left hand turn lane and signal onto Stevens Creek from Albany Drive. This causes traffic back up at all times and especially during peak commute hours. To avoid delays, drivers on Albany Drive currently utilize the residential streets in the Casa View Oaks neighborhood to travel west to Loma Linda Drive, so they can use the Loma Linda/Stevens Creek signal to turn left onto Stevens Creek. This commute traffic on our residential streets is already evident and will significantly increase when Fort Bay is complete. Without the changes, in effect, our residential streets become part of the Stevens Creek Transit Corridor, diminishing our neighborhood experience. This is unacceptable. Our recommendations to avoid this outcome, in order of priority are:

A traffic signal from 4300 Stevens Creek Boulevard Mixed-Use Project (Fort Bay) for west bound travel must be required.

The existing signal at Albany Drive and Stevens Creek must be amended to allow for a dedicated left turn lane and left turn signal.

Blocking left hand turns from Albany Drive into the neighborhood and consideration/development of other traffic abatement measures in the neighborhood to slow traffic.



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Via Email and U.S. Mail

October 11, 2018

David Keyon, Environmental Project Mgr.
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City of San Jose
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Rosalynn Hughey, Acting Director of
Dept of Planning, Bldg & Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose CA 95113-1905
rosalynn.hughey@sanjoseca.gov

Re: Comment on Draft Environmental Impact Report, 4300-4340 Stevens Creek
Boulevard Project, aka SCH# 2017022058, PDC16-036, PD 17-014,
and PT17-023

Dear Mr. Keyon and Ms. Hughey:

I am writing on behalf of Laborers International Union of North America, Local Union No. 270 and its members living in and around the City of San Jose, California ("LIUNA") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as 4300 Stevens Creek Boulevard Mixed-Use Project (SCH# 2017022058, File Nos. PDC16-036, PD1 7-014 and PT1 7-023) including all actions related or referring to the proposed demolition of five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-sized trees, development of four buildings including a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 10,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight story residential building with approximately 293 residential units located at 4300 - 4360 Stevens Creek Boulevard, between Stevens Creek Boulevard and Albany Drive on either side of Lopina Way on APNs: 296-38-013, 296-38-014 and 295-40-009 in the City of San Jose ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. LIUNA

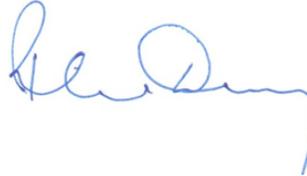
October 11, 2018

LIUNA Comments on DEIR, 4300-4340 Stevens Creek Boulevard Project, aka SCH# 2017022058, PDC16-036, PD 17-014 and PT17-023

Page 2 of 2

request that the Planning Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Drury", with a long horizontal flourish extending to the right.

Richard Drury

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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MILES F. MAURINO
COLLIN S. McCARTHY

LAURA DEL CASTILLO
Of Counsel

October 15, 2018

Via Email and Overnight Mail

David Keyon
Environmental Project Planner
City of San Jose
200 E. Santa Clara, Tower 3rd Floor
San Jose, CA 95113
Email: David.Keyon@sanjoseca.gov

Re: Comments on the Draft Environmental Impact Report for the 4300 Stevens Creek Boulevard Mixed-Use Project by Fortbay, LLC (PDC#16-036 PD17-014, PT17-23)

Dear Mr. Keyon:

On behalf of San Jose Residents for Responsible Development, we submit these comments on the Draft Environmental Impact Report (“DEIR”) prepared by the City of San Jose (“City”) for the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”).

The 10-acre Project site is located on the south side of Stevens Creek Boulevard between Palace Drive and Kiely Boulevard, and is bisected by Lopina Way.¹ The site is currently developed with a group of three two-story and one one-story office buildings, a one-story commercial building, and surface parking lots. The Project site is accessed by a driveway on Stevens Creek Boulevard, two driveways on Albany Drive, three driveways on the west side of Lopina Way, and three driveways on the east side of Lopina Way.

The proposed Project includes a Planning Development Permit that would allow demolition of the existing buildings and construction of a six-story office/commercial building, a six level parking garage, and two eight-story

¹ Draft Environmental Impact Report, File No. PDC16-036, PD17-014, PT17-23, 4300 Stevens Creek Boulevard Mixed-Use Project, August, 2018 (hereinafter, “DEIR”), p. 3.
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residential buildings, one with up to 15,000 square feet of ground floor retail.² The residential buildings would have a combined total of 582 residential units and would be located on the west side of the project site. In addition, the Project proposes to vacate the existing Lopina Way and relocate it to the eastern property line. The existing Lopina Way would be replaced with a landscaped promenade.³

As these comments demonstrate, the DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It overwhelmingly fails to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”⁴

Substantial evidence shows that the Project is likely to cause significant adverse impacts that are not adequately analyzed and mitigated in the DEIR. Specifically, the DEIR is legally defective due to its failure to adequately identify, evaluate and mitigate the following impacts:

- Failure to adequately disclose, analyze, and mitigate significant air quality and health risk impacts;
- Failure to adequately mitigate significant greenhouse gas emissions;
- Failure to adequately disclose, analyze, and mitigate significant impacts related to hazardous site conditions;
- Failure to adequately disclose, analyze, and mitigate significant traffic impacts;
- Failure to adequately disclose, analyze, and mitigate significant vibration impacts;

The DEIR must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the DEIR, revisions that are necessary to comply with CEQA will be, by definition, significant. Therefore, a revised DEIR will need to be circulated for public comment.

² *Id.*

³ *Id.*

⁴ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391. 4343-008acp

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We prepared our comments with the assistance of hazards expert James J.J. Clark of Clark & Associates⁵ and air quality experts Mr. Matthew Hagemann and Ms. Hadley Nolan of SWAPE.⁶ Their comments are attached to this letter along with each expert's curriculum vitae. The City must respond to these expert comments separately and individually.

I. INTEREST OF THE COMMENTERS

San Jose Residents for Responsible Development ("San Jose Residents") is an unincorporated association of individuals and labor unions that may be adversely affected by the potential public and worker health and safety hazards, and environmental and public service impacts of the Project. The association includes local residents as well as International Brotherhood of Electrical Workers Local 332, Plumbers & Steamfitters Local 393, Sheet Metal Workers Local 104 and Sprinkler Fitters Local 483, their members, their families and other individuals that live and/or work in the City of San Jose and Santa Clara County.

Individual members of San Jose Residents and the affiliated unions live, work, recreate and raise their families in the City of San Jose and Santa Clara County. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite. San Jose Residents has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there. Finally, San Jose Residents' members are concerned about projects that present environmental and land use impacts without providing countervailing economic and community benefits.

⁵ See Letter from James J.J. Clark, Clark & Associates, to Laura del Castillo re: Comment Letter on 4300 Stevens Creek Boulevard Mixed-Use Project Draft Environmental Impact Report, October 12, 2018 (hereinafter, "Clark Comments"), **Attachment A**.

⁶ See Letter from SWAPE to Laura del Castillo re Comments on the 4300 Stevens Creek Boulevard Mixed-Use Project, October 12, 2018 (hereinafter, "SWAPE Comments"), **Attachment B**.

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II. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT ITS CONCLUSIONS IN THE DEIR REGARDING THE PROJECT'S SIGNIFICANT IMPACTS AND FAILS TO INCORPORATE ADEQUATE MITIGATION

CEQA has two basic purposes. First, CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project.⁷ Except in certain limited circumstances, CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR.⁸ An EIR's purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, an EIR "protects not only the environment but also informed self-government."⁹

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure."¹⁰ CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project.¹¹ In addition, an adequate EIR must contain the facts and analysis necessary to support its conclusions.¹²

The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives.¹³ If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts.¹⁴ CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.¹⁵ Without an adequate analysis and

⁷ CEQA Guidelines, 14 Cal. Code Regs. § 15002(a)(1).

⁸ See, e.g., Pub. Resources Code § 21100.

⁹ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

¹⁰ CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

¹¹ Pub. Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2(a).

¹² See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

¹³ CEQA Guidelines § 15002(a)(2)-(3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, 400.

¹⁴ Pub. Resources Code §§ 21002.1(a), 21100(b)(3).

¹⁵ Pub. Resources Code §§ 21002-21002.1.

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description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

Furthermore, under CEQA, it is improper to defer the formulation of mitigation measures.¹⁶ Courts have imposed several parameters for the adequacy of mitigation measures. First, the lead agency may not defer the formulation of mitigation measures until a future time unless the EIR also specifies the specific performance standards capable of mitigating the project's impacts to a less than significant level.¹⁷ Deferral is impermissible where an agency "simply requires a project applicant to obtain a ... report and then comply with any recommendations that may be made in the report."¹⁸ Second, a public agency may not rely on mitigation measures of uncertain efficacy or feasibility.¹⁹ Third, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments."²⁰ Fourth, mitigation measures that are vague or so undefined that it is impossible to evaluate their effectiveness are legally inadequate.²¹

As discussed in detail below, the DEIR fails to meet either of these two key goals of CEQA. The DEIR fails to disclose and evaluate all potentially significant environmental impacts of the Project. In addition, it proposes mitigation measures that are inadequate, unenforceable, deferred, or so undefined that it is impossible to evaluate their effectiveness. Therefore, the City must revise and circulate a new DEIR to adequately address these deficiencies.

A. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Air Quality and Health Risks

¹⁶ CEQA Guidelines § 15126.4(a)(1)(B);

¹⁷ *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-94; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.

¹⁸ *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.

¹⁹ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).

²⁰ CEQA Guidelines § 15126.4(a)(2).

²¹ *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79.

The DEIR includes a Health Risk Assessment (“HRA”) to evaluate the Project’s health risk impact from diesel particulate matter (“DPM”) emissions generated during the Project’s construction as well as impacts from nearby freeway exhaust to new on-site sensitive receptors.²² The DEIR then concludes that those impacts would be less than significant with mitigation.²³ However, SWAPE explains that the DEIR fails to fully analyze and mitigate the health risks posed by the Project because it fails to conduct an *operational* HRA to evaluate the health risk posed to existing sensitive receptors near the Project site from additional emissions generated during operation.²⁴ As a result, SWAPE finds that “the DEIR fails to provide a comprehensive review of all of the Project’s potential health-related impacts.”²⁵

According to SWAPE, the City’s failure to prepare an operational HRA is inconsistent with recommendations set forth by the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing recommendations for health risk assessments in California.²⁶ In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.²⁷ This guidance document describes the types of projects that warrant the preparation of an HRA, which would include this Project.

SWAPE notes that once construction of this Project is complete, the Project will generate 7,030 daily operational vehicle trips, which will generate additional exhaust emissions, “thus continuing to expose nearby sensitive receptors to emissions.”²⁸ OEHHA recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk.²⁹ Assuming a conservative Project duration of at least 30 years (a Project duration was not provided in the DEIR), SWAPE concludes that “an assessment of health

²² DEIR, Appendix A, pp. 17

²³ DEIR, p. 38.

²⁴ SWAPE Comments, p. 2.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments*, OEHHA, February 2015, http://oehha.ca.gov/air/hot_spots/hotspots2015.html.

²⁸ SWAPE Comments, p. 2.

²⁹ *Risk Assessment Guidelines*, OEHHA, p. 8-6, 8-15.

risks to nearby sensitive receptors from operation should be included in a revised [CEQA] evaluation for the Project.”³⁰

To demonstrate the potential risk posed by the Project to nearby sensitive receptors, SWAPE prepared a simple screening-level HRA. The results of SWAPE’s assessment demonstrate that “operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DEIR.”³¹ SWAPE based its analysis on the DEIR’s own CalEEMod PM10 exhaust estimates, as well as guidance and methodologies from OEHHA, Bay Area Air Quality Management District (“BAAQMD”), and the Environmental Protection Agency (“EPA”).³² After determining the closest sensitive receptors, SWAPE used AERSCREEN to prepare a preliminary HRA of the Project’s health-related impact on those sensitive receptors.³³ Further detail on SWAPE’s calculations and AERSCREEN output files can be found in Attachment B to these comments.

SWAPE’s conservative analysis demonstrates that “the excess cancer risk to adults, children, infants, and 3rd trimester gestations at a sensitive receptor located approximately 25 meters away, over the course of Project operation, are approximately **8.1, 87, 79, and 3.3 in one million**, respectively.”³⁴ Furthermore, SWAPE explains that “the excess cancer risk posed by operation over the course of a residential lifetime is approximately **177 in one million**.”³⁵ In sum, SWAPE finds that the “infantile, child, and lifetime cancer risks all greatly exceed the BAAQMD’s threshold of 10 in one million,” resulting in a significant impact not identified, analyzed, or mitigated in the DEIR.³⁶

Therefore, SWAPE concludes that “an updated DEIR should be prepared to adequately evaluate the Project’s health risk impact and should include additional mitigation measures to reduce these impacts to a less-than-significant level.”³⁷

³⁰ SWAPE Comments, p. 2.

³¹ *Id.*

³² *Id.*, at 2-4.

³³ *Id.*

³⁴ *Id.*, at 4.

³⁵ *Id.*

³⁶ *Id.*, at 5.

³⁷ *Id.*

B. The DEIR Fails to Adequately Mitigate Significant Greenhouse Gas Emissions

The DEIR evaluates the Project's per service population GHG emissions and concludes that the Project will exceed applicable GHG thresholds and thus result in a significant impact.³⁸ The DEIR then provides a list of mitigation measures to reduce emissions, but determines that impacts would be significant and unavoidable "if the project is not completed until after January 1, 2021" *or* that the Project would "have a less than significant operational GHG impact if the project is fully constructed and operational by January 1, 2021."³⁹ The DEIR states that because the Project is consistent with the City's General Plan and GHG Reduction Strategy land use designations, "projects that are fully constructed and operational by January 1, 2021 and consistent with the GHG Reduction Strategy would not interfere with the implementation of AB 32 and would have a less than significant impact related to GHG emissions."⁴⁰ The DEIR notes that based on information provided by the Applicant, the Project is expected to be fully operational by January 1, 2021 and therefore, the "current 2020 GHG thresholds would apply."⁴¹ SWAPE finds the DEIR's reasoning to be "entirely incorrect."⁴²

BAAQMD has developed thresholds of significance for proposed land use developments. For developments such as the proposed Project, SWAPE notes that the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 MT CO₂e/yr; or 4.6 MT CO₂e/sp/yr.⁴³ SWAPE finds that the DEIR fails to demonstrate how the Project is compliant with the GHG Reduction Strategy.⁴⁴ Furthermore, according to SWAPE, the Project would generate GHG emissions that exceed both the bright-line threshold of 1,100 MT CO₂e/yr and the 4.6 MT CO₂e/sp/yr threshold, regardless of the year that the Project is actually completed.⁴⁵ As such, SWAPE explains that "the Project's GHG impact

³⁸ DEIR, p. 77-86.

³⁹ DEIR, p. 179.

⁴⁰ *Id.*, at p. 86.

⁴¹ *Id.*

⁴² SWAPE Comments, p. 6.

⁴³ BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2017, p. 2-4, http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

⁴⁴ SWAPE Comments, p. 6.

⁴⁵ *Id.*

would be significant.”⁴⁶ However, the measures provided in the DEIR to mitigate this impact are flawed for various reasons. Furthermore, the conclusion that the impacts is significant *and unavoidable* is also flawed, as explained below.

The DEIR lists a transportation demand management plan (“TDM”) as a mitigation measure, stating that “[t]he TDM Plan will be finalized and approved by the City prior to issuance of occupancy permits and would include a combination of at least three or more” of the measures listed in the DEIR.⁴⁷ The DEIR then clearly states that “the TDM Plan has not yet been fully developed and quantified”⁴⁸ and that as part of the deferred mitigation, the Applicant must provide “an on-site TDM coordinator who will be responsible for implementing and managing the TDM Plan.” This is counter to CEQA’s prohibition against deferred mitigation unless the EIR also specifies the specific performance standards capable of mitigating the project’s impacts to a less than significant level.⁴⁹ The TDM is clearly deferred with no standards by which the success of the measures listed can be determined. The implementation and management plan would be developed later by a person unknown. This mitigation plan is unacceptable under CEQA. Furthermore, not only is this measure unlawfully deferred, but SWAPE finds the potential measures listed in the DEIR to be utterly lacking.

To conclude that an impact is significant and unavoidable, an EIR must include all feasible mitigation, as required under CEQA.⁵⁰ SWAPE reviewed the Project’s proposed mitigation measures and finds that “not all feasible mitigation is being implemented”⁵¹ and that “[u]ntil all feasible mitigation is reviewed and incorporated into the Project’s design, impacts from GHG emissions cannot be considered as significant and unavoidable.”⁵² SWAPE identifies a list of viable mitigation measures in Attachment B that are applicable to the Project.⁵³ Feasible

⁴⁶ *Id.*

⁴⁷ DEIR, p. 85.

⁴⁸ *Id.*, at 86.

⁴⁹ *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-94; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.

⁵⁰ San Joaquin Valley Air Pollution Control District, *Guidance for Assessing and Mitigating Air Quality Impacts*, March 19, 2019, p. 115 of 125, http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf.

⁵¹ SWAPE Comments, p. 7.

⁵² *Id.*

⁵³ *Id.*, at 7-9.

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mitigation measures can also be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which can reduce GHG levels.⁵⁴

SWAPE explains that the combined measures “offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation.”⁵⁵ Therefore, SWAPE concludes that an “updated DEIR must be prepared to include mitigation measures to ensure that the necessary [measures] are implemented to reduce operational GHG emissions to below thresholds.”⁵⁶ Furthermore, the Applicant must demonstrate commitment to the implementation of these measures prior to Project approval, “to ensure that the Project’s operational significant emissions are reduced to the maximum extent possible.”⁵⁷

C. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Impacts Related to Hazardous Site Conditions

1. *Failure to Consider the Potentially Significant Impacts from Residual Pesticides, Asbestos, and Lead*

The DEIR acknowledges that the Project site had been in agricultural use for over 40 years, and that “possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site.”⁵⁸ In addition, the DEIR states that there is likely asbestos containing materials and lead-based paint in the building materials of the buildings to be demolished.⁵⁹ Furthermore, the DEIR states that Project construction could “disturb on-site soils with residual agricultural pesticide contamination, and expose construction workers and/or nearby residential receptors to elevated concentrations of pesticide chemicals.”⁶⁰ However, the DEIR proposes mitigation measures and concludes that the Project “would have a less than significant impact to construction

⁵⁴ CAPCOA, *Quantifying Greenhouse Gas Mitigation Measures*, August 2010, <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

⁵⁵ SWAPE Comments, p. 9.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ DEIR p. 88.

⁵⁹ *Id.*, at 89.

⁶⁰ *Id.*, at 91.

workers and nearby residential receptors.”⁶¹ The mitigation measures proposed in the DEIR include:

MM HAZ-1.1: After demolition but prior to the issuance of grading permits, a qualified environmental specialist shall collect shallow soil samples, from the native soil layers within the surface lots and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

MM HAZ-1.2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the applicant shall enter into the Santa Clara County Department of Environmental Health’s (SCCDEH) Voluntary Cleanup Program (VCP) to formalize regulatory oversight for remediation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil in order to achieve detection levels acceptable to the SCCDEH. With approval of the SCCDEH, some of the contaminated soil may be allowed to be left in-place buried under hardscape and/or several feet of clean soil. The project applicant shall prepare and implement a Removal Action Plan, Soil Mitigation Plan or other similar report describing the remediation process and to document the removal and/or capping of contaminated soil. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH.

Regarding MM Haz-1.1, Mr. Clark notes that the measure’s analytical testing of the soils and building waste “will be performed *only after* the demolition of the building and disturbance of the shallow soils, which can generate large amounts of

⁶¹ *Id.*, at 92.
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dust containing hazardous materials which will migrate off-site.”⁶² Mr. Clark states that “[t]his contaminated dust directly impacts the health of construction workers and the surrounding community.”⁶³ Therefore, deferring the tests until after the waste materials have been generated and the soil has been disturbed “is counter to CEQA and only ensures that any substantive mitigation measure that would prevent the exposure of workers or the surrounding community members will not be effective or even implemented.”⁶⁴

Regarding MM HAZ-1.2, Mr. Clark finds again that the measure is “improperly deferred” and fails to identify what environmental screening levels will be utilized, “leaving uncertainty as to whether the clean-up levels will be sufficiently health protective for the development of the site as a residential facility.”⁶⁵

Mr. Clark notes that according to the California Department of Toxic Substances Control August 2008 Interim Guidance for Sampling Agricultural Properties, the most commonly detected pesticides at former agricultural sites have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin.⁶⁶ These substances have been labeled carcinogens or known to cause developmental health effects by the State of California.⁶⁷ Furthermore, Mr. Clark states that “the historical use of arsenical herbicides in many agricultural properties is known to be the source of elevated arsenic levels and lead levels in the properties evaluated.”⁶⁸ Arsenic and lead are also listed by the State of California as carcinogens and causes for developmental health effects,⁶⁹ and “[e]xposure to lead is a serious concern for decreases in intelligence scores for young children and for increased blood pressure in adults.”⁷⁰ Mr. Clark further explains that “[e]xposure through impacted soils via incidental ingestion or dermal absorption and through the inhalation of fine dust

⁶² Clark Comments, p. 6.

⁶³ *Id.*, at 7.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*, at 5; see Attachment A (exhibits), Interim Guidance for Sampling Agricultural Properties (Third Revision) California Department of Toxic Substances Control California Environmental Protection Agency August 7, 2008.

⁶⁷ *Id.*

⁶⁸ *Id.*, at 6.

⁶⁹ *Id.*

⁷⁰ *Id.*

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(particulate matter) impacted with the chemicals is the primary route of exposure for community members and sensitive receptors near the project site.”⁷¹

CEQA requires that DEIR demonstrate a good faith effort at full disclosure.⁷² Under CEQA, an EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.⁷³ Given the volume of soils to be graded on site and the volume of soils to be excavated in the construction of the underground parking lots, Mr. Clark states that “it is imperative that the public be given an opportunity to understand and assess the extent of any soil contamination prior to beginning the project, as required under CEQA.”⁷⁴ Here, not only does the DEIR fail to provide basic information regarding the state of soil contamination, but it unlawfully defers any further analysis and mitigation that could remedy contamination that harms workers and community members.

Therefore, Mr. Clark concludes that the “lack of a cogent sampling and analysis plan, screening level determination [prior to Project approval], and the planned disturbance of materials on site prior to sampling are serious deficiencies in the DEIR” and that a revised DEIR is necessary.⁷⁵

2. *Failure to Identify Sensitive Receptors*

The DEIR not only fails to analyze and mitigate hazardous soil conditions, but it fails to identify all sensitive receptors that could be impacted by the disturbance of contaminated soil during construction. The DEIR clearly states that an impact from the project is significant if the Project will “[e]mit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.”⁷⁶ The DEIR then lists the nearest school as Sierra Elementary School located at 220 Blake Avenue in Santa Clara (approximately 0.3 miles north of the site).⁷⁷

⁷¹ *Id.*

⁷² *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390.

⁷³ *Association of Irrigated Residents*, 107 Cal.App.4th at 1390.

⁷⁴ Clark Comments, p. 6.

⁷⁵ *Id.*, at 7.

⁷⁶ *Id.*

⁷⁷ DEIR, p. 91.

However, the DEIR fails to accurately identify the closest school. Mr. Clark states that the closest school to the site is the Starbright School located at 4645 Albany Drive, approximately 0.23 miles from the edge of the Project site boundary.⁷⁸ According to Mr. Clark, the generation of dusts containing toxic materials from the Project site (e.g., pesticides from historical land uses, lead in paints used on site, or asbestos bearing materials) “can easily migrate to the nearby residences and to the previously unidentified sensitive receptors at the Starbright School...[and] [e]xposure of young children to toxic metals is a significant concern.”⁷⁹

Therefore, Mr. Clark concludes that “it is clear that the project will have a potential significant impact on the community that has not been adequately analyzed or mitigated in the DEIR.”⁸⁰

3. *Failure to Identify All Relevant Hazardous Waste Sites Within One Mile of the Project Site*

Given that EIRs must describe existing environmental setting in enough detail to enable a proper impact analysis,⁸¹ Mr. Clark notes that “[i]t is vital to the CEQA process that accurate information be compiled to describe the current conditions of the community in which the proposed project is to be sited.”⁸² The DEIR lists two sources of off-site contamination.⁸³ However, according to Mr. Clark’s review of the Geotracker website, maintained by the State Water Quality Control Board, there are 56 different cases of hazardous waste sites within a mile of the project site.⁸⁴ Furthermore, Mr. Clark notes that “[a]t least 5 of the sites are still open and may have active remediation or verification monitoring being performed.”⁸⁵ According to Mr. Clark, the chemicals of concern at the active sites include chlorinated solvents (perchloroethylene, trichloroethylene, 1,2-dichloroethylene, etc...), petroleum hydrocarbons from USTs releases (gasoline,

⁷⁸ Clark Comments, p. 8.

⁷⁹ *Id.*, at 9.

⁸⁰ *Id.*, at 8.

⁸¹ *Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1121-22.

⁸² Clark Comments, p. 9.

⁸³ DEIR, p. 89-90.

⁸⁴ Clark Comments, p. 9.

⁸⁵ *Id.*

diesel, waste oils), or polychlorinated biphenyls (PCBs),” with the closest active site being less than 900 feet away from the Project.⁸⁶ Mr. Clark provides detailed evidence of these sites in his comments.

The DEIR fails to satisfy CEQA’s requirements that EIRs include a full description of the physical environmental conditions in the vicinity of the Project and adequately evaluate the Project’s impacts based on those conditions.⁸⁷ Mr. Clark finds that the DEIR fails to “accurately describe the conditions surrounding the site” and thus should “update the hazard assessment in a revised DEIR.”

Given the above facts, Mr. Clark concludes that “the Project could result in significant unmitigated impacts that were not identified in the DEIR” and that to protect public health, “the City must prepare a revised DEIR for the Project to address the deficiencies identified above.”⁸⁸

D. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Traffic Impacts

The DEIR identifies significant impacts related to an increase in traffic caused by the Project. Traffic in the area is already a major issue of public concern and controversy, as acknowledged in the DEIR.⁸⁹ Specifically, the DEIR identifies the following significant impact:

Impact TRAN-1: Implementation of the proposed project would have a significant impact on the San Tomas Expressway and Saratoga Avenue intersection during the AM Peak Hour under background plus project conditions.⁹⁰

To mitigate this impact to less than significant levels, the DEIR provides the following mitigation measure:

⁸⁶ *Id.*

⁸⁷ CEQA Guidelines § 15125(a), (d); see also *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

⁸⁸ Clark Comments, p. 15.

⁸⁹ DEIR, p. xi.

⁹⁰ *Id.*, at 158.

MM TRAN-1.1: Prior to issuance of any building permits, the project applicant shall pay fair share fees to the County of Santa Clara based on the August 2015 update of the County Expressway Plan 2040, which identifies the widening of San Tomas Expressway to eight lanes (by adding a fourth through lane in each direction) between Homestead Road and Stevens Creek Boulevard as a Tier 1 project. Payment of the fee would reduce the impact to a less than significant level.⁹¹

There are several flaws with the City's approach to mitigating this significant traffic impact.

First, the DEIR's conclusion that the impact will be less than significant after this mitigation is in direct conflict with the conclusions found in the Traffic Impact Analysis ("TIA") prepared by the City's consultants. The TIA recommends the same fee payment mitigation measure, but clearly states "payment of a fair-share toward improvement costs alone would not guarantee the timely construction of the identified improvement to mitigate the project impact." Therefore, the TIA concludes that "in the event that the developer makes a fair-share contribution rather than constructing the improvement, this impact would be considered significant and unavoidable."⁹² There is no indication that the Applicant plans to construct the improvement itself, and the DEIR provides no explanation as to why it presents a conflicting conclusion regarding the Project's impact to this intersection.

Second, the TIA offered another potential mitigation measure for this impact, which is not mentioned at all in the DEIR. This "Alternative Mitigation Measure" states:

Alternatively, the project could implement a transportation demand management (TDM) program for the office and residential developments to reduce the vehicle trips generated by the project during the peak hours. To eliminate the significant impact at the

⁹¹ *Id.*, at 159.

⁹² 4300 Stevens Creek Boulevard Mixed-Use Development, Traffic Impact Analysis, Hexagon Transportation Consultants, Inc., August 17, 2018 (hereinafter, "TIA"), p. 36.
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intersection, the project would need to implement a TDM program to reduce the vehicle trips by 20 percent.⁹³

The DEIR does incorporate a TDM into the traffic mitigation plan; it only mentions it with regard to the Project's impacts from GHG emissions. The DEIR fails to mention whatsoever the consultants' suggestion to implement the TDM program to reduce vehicle trips by 20 percent and therefore properly reduce the Project's significant traffic impact. The DEIR provides no explanation for failing to incorporate or even mention this potential mitigation measure in the DEIR's traffic analysis. Furthermore, the TDM mitigation measure for GHG impacts is flawed in itself, and therefore cannot be adequately relied upon, as discussed above in our comments on GHG impacts.

Third, regardless of the DEIR's inconsistency with the conclusions in the TIA, the City cannot lawfully rely upon the payment of fair share fees to the County of Santa Clara to adequately mitigate the Project's impacts. As the DEIR clearly acknowledges in the discussion of another traffic impact, Impact TRAN-2, payment of fees is not adequate mitigation under certain circumstances.⁹⁴ Impact TRAN-2 states that "[i]mplementation of the proposed project would have a significant impact on six HOV freeway segments on I-280." According to the DEIR, mitigation cannot be proposed for this impact:

Mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lanes. Because it would not be feasible for the project to bear the responsibility for implementing such improvements, it is recommended the project make a fair share contribution towards the VTA Voluntary Mitigation Program for the impacted freeway segments. Because no freeway widening project has been developed by Caltrans or VTA, the impacts on the HOV freeway segments identified would be significant and unavoidable.⁹⁵

The DEIR's conclusion that payment of fees for Impact TRAN-2 is not acceptable mitigation is consistent with case law, which has found that fee-based mitigation

⁹³ *Id.*, at 38.

⁹⁴ DEIR, p. 159.

⁹⁵ *Id.*

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programs must meet certain conditions under CEQA to be viable. However, the DEIR's analysis regarding Impact TRAN-1 fails to follow this same logic and is therefore inconsistent with CEQA. Specifically, the DEIR provides no evidence that the County of Santa Clara's plan to widen the San Tomas Expressway, as discussed in MM TRAN-1.1, has been sufficiently analyzed and funded, or is even certain to occur.

The CEQA Guidelines generally allow the payment of fees to mitigate impacts such as cumulative impacts.⁹⁶ However, California courts have consistently found that "...a commitment to pay fees without any evidence that mitigation will actually occur is inadequate."⁹⁷ Furthermore, courts have held that in order for a project to rely on a fee program for mitigation of impacts, the fee program itself also had to be analyzed in an EIR.⁹⁸

In *Napa Citizens for Honest Government v. Board of Supervisors*, a California court of appeal found that a pre-existing fee program failed to provide the "mitigation cover" to avoid a significance determination for a project's traffic impacts.⁹⁹ The County had previously adopted a traffic fee program and had collected over \$2 million pursuant to this fee. However, the improvements necessary to fulfill the program totaled over \$70 million and although the current project was obligated to pay its fair share of fees, the evidence showed that the necessary improvements would not be funded. As a result, there was no evidence that impacts would be mitigated simply by paying the adopted fee.

Here, as in *Napa Citizens*, there is no evidence that the plan to widen the San Tomas Expressway to eight lanes between Homestead Road and Stevens Creek Boulevard will be funded. Although Santa Clara County recently approved another section of that highway north of the Project for widening (between El Camino Real and Homestead),¹⁰⁰ regarding widening between Homestead and Stevens Creek the

⁹⁶ Guidelines § 15130(a)(3)

⁹⁷ *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140 (quoting *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692).

⁹⁸ *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026).

⁹⁹ *Napa Citizens for Honest Government v. Board of Supervisors* (2001) 91 Cal.App.4th 342.

¹⁰⁰ Jacob Bourne, The Silicon Valley Voice, *County To Help Fund San Tomas Expressway Widening* (June 27, 2018), <https://www.svvoice.com/county-to-help-fund-san-tomas-expressway-widening>; <https://www.sccgov.org/sites/rda/PnS/CP/stexpy/Pages/improvements.aspx>; County of Santa Clara, County News, *Yearlong Project to Widen San Tomas Expressway from El Camino Real through* 4343-008acp

Santa Clara County's website merely states that it may happen "[w]hen additional money becomes available."¹⁰¹ This indicates that funding is not currently available for this project, and there is no information provided about when funding would be available in the future.

Furthermore, the Santa Clara County website contains CEQA analysis only for widening the section between El Camino Real and Homestead.¹⁰² The DEIR has provided no evidence that the rest of the plan to widen from Homestead to Stevens Creek has undergone CEQA analysis,¹⁰³ nor has the DEIR identified any final CEQA analysis on a programmatic level for a fee-based traffic mitigation program that would cover this highway section, as required by CEQA.¹⁰⁴

The DEIR fails to adequately demonstrate that the mitigation program relied upon will occur and, specifically, whether it has been analyzed under CEQA and is sufficiently funded. Therefore, the City failed to require feasible mitigation to reduce the Project's significant impacts from increased traffic to less than significant levels. The DEIR must be revised and recirculated to reflect accurate analysis and conclusions.

E. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Significant Vibration Impacts

The DEIR identifies significant impacts related to vibrations caused during Project construction. Specifically, the DEIR identifies the following significant impact:

Homestead Road in Santa Clara Begins Week of June 13,
<https://www.sccgov.org/sites/opa/nr/Pages/SanTomasProject.aspx>.

¹⁰¹ County of Santa Clara Roads and Airports Department, *San Tomas Expressway Improvement Projects*, <https://www.sccgov.org/sites/rda/PnS/CP/stexpy/Pages/improvements.aspx> (accessed 10/13/18), **Attachment C**.

¹⁰² Initial Study/ Mitigated Negative Declaration, San Tomas Expressway Widening Project, April 2014,
<https://www.sccgov.org/sites/rda/PnS/CP/stexpy/Documents/Public%20Draft%20Initial%20Study%20San%20Tomas%20Widening%204-30-14.pdf>.

¹⁰³ *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026.

¹⁰⁴ *Id.*

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Impact NOI-1: Construction of the proposed project could expose the adjacent automotive dealership to vibration levels in excess of City standards in General Plan Policy EC- 2.3.¹⁰⁵

To mitigate this impact to less than significant levels, the DEIR provides the following mitigation measures:

MM NOI-1.1: A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The plan shall be submitted to the Supervising Environmental Planner of City of San José Department of Planning, Building, and Code Enforcement for review and approval. The Plan shall address vibration impacts to adjacent structures. The plan shall include, but is not limited to:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.)
- Avoidance methodology to avoid and/or reduce impact to the adjacent property.

MM NOI-1.2: The project applicant shall include the following measures as part of the approved construction plans prior to the issuance of any demolition or grading permits:

- Construction crews shall avoid dropping heavy objects or equipment within 30 feet of any adjacent structure.
- The project applicant shall ensure that all contractors follow the prescribed vibration mitigation measures.
- The project applicant shall designate a specific person responsible for registering and investigating claims of excessive vibration. The contact information shall be clearly posted on the construction site so as to be seen from all street frontages.
- If cosmetic or structure damage to the adjacent buildings is caused directly or indirectly by project construction, the project applicant shall make the necessary repairs and provide adequate documentation of the repairs to the Director of

¹⁰⁵ DEIR, p. 127.
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Planning, Building and Code Enforcement prior to issuance of any occupancy permits.

A closer inspection of these mitigation measures reveals that mitigation for significant vibration impacts are in fact unlawfully deferred. As stated above, deferral is impermissible where an agency “simply requires a project applicant to obtain a ... report and then comply with any recommendations that may be made in the report.”¹⁰⁶

Here, the DEIR clearly defers the development of “[a]voidance methodology to avoid and/or reduce impact” in a future Construction Vibration Monitoring Plan. Indeed, the only real measure described is found in MM NOI-1.2, which requires that “construction crews shall avoid dropping heavy objects or equipment within 30 feet of any adjacent structure.” Confusingly, this measure is required to be included in seemingly separate (also apparently deferred) “approved construction plans.”¹⁰⁷ It is unclear whether this measure is also required to be included in the Construction Vibration Monitoring Plan. The DEIR appears to anticipate the development of further measures because MM NOI-1.2 also requires that the Applicant “ensure that all contractors follow the prescribed vibration mitigation measures.”¹⁰⁸ However, no other measures are included in the mitigation and no specific performance standards are identified as requirements in the Construction Vibration Monitoring Plan, as required under CEQA.¹⁰⁹

The Noise and Vibration Assessment prepared by the City’s consultants provides analysis of the vibration impacts and recommended a more specific measure than what is included in the DEIR. Specifically, the noise consultant recommends that the City “[p]rohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building.”¹¹⁰ The DEIR provides no explanation as to why it did not include these specific limitations in MM NOI-1.1 or 1.2. Specific measures to reduce impacts, or at the very least performance standards to include in a mitigation plan, are required under CEQA. After-the-fact damage

¹⁰⁶ *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.

¹⁰⁷ DEIR, p. 128.

¹⁰⁸ *Id.*

¹⁰⁹ *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-94; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.

¹¹⁰ Noise and Vibration Assessment, p. 27.

control, as described in MM NOI-1.2, is insufficient to reduce the Project's impacts to less than significant levels.

The DEIR fails to demonstrate that the Project's significant vibration impacts during construction have been mitigated to less than significant levels. Therefore, the DEIR must be revised and recirculated to include adequate mitigation.

III. CONCLUSION

It is essential that the City's DEIR adequately identify and analyze the Project's foreseeable direct, indirect and cumulative impacts. It is also imperative that any and all feasible mitigation measures be presented and discussed. Indeed, CEQA requires nothing less. As discussed above, the Project will result in significant impacts in a number of areas, including public health, air quality, traffic, and impacts from vibration. The DEIR continues to mischaracterize, underestimate, or fail to identify many of these impacts. Furthermore, many of the mitigation measures relied upon by the DEIR are improperly deferred or will not mitigate impacts to the extent claimed.

The DEIR must be recirculated if: (1) it reveals new substantial environmental impacts not disclosed in the DEIR; (2) it reveals a substantial increase in the severity of impacts (unless mitigated); (3) comments have been received that identify new feasible mitigation measures, but the feasible mitigation measures are not adopted; or (4) it is so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless.¹¹¹

The courts have held that the failure to recirculate an EIR turns the process of environmental evaluation into a "useless ritual" which could jeopardize "responsible decision-making."¹¹² Both the opportunity to comment and the preparation of written responses to those comments are crucial parts of the EIR process.

These comments have identified substantial environmental impacts that were again not discussed at all in the DEIR or were not meaningfully considered.

¹¹¹ CEQA Guidelines § 15088.5(a).

¹¹² *Sutter Sensible Planning v. Sutter County Board*, (1981) 122 Cal.App.3d 813, 822. 4343-008acp

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These comments have also identified feasible mitigation measures for significant, unmitigated impacts that have not been evaluated or proposed for adoption by the DEIR. Under CEQA Guidelines, a DEIR must be revised and recirculated to allow for public comment on these unadopted, feasible mitigation measures.¹¹³ These deficiencies result in a DEIR “so fundamentally inadequate and conclusory in nature that public comment on the draft was in effect meaningless.”¹¹⁴ Therefore, the DEIR must be withdrawn, revised and recirculated to properly evaluate these impacts.¹¹⁵

Sincerely,



Laura E. del Castillo

Attachments

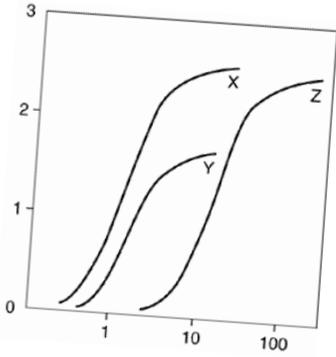
LEDC:acp

¹¹³ *Id.*

¹¹⁴ *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.

¹¹⁵ CEQA Guidelines § 15088.5(a).
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ATTACHMENT A



October 12, 2018

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Ms. Laura E. del Castillo

Clark & Associates

**Subject: Comment Letter on 4300 Stevens Creek Boulevard
Mixed-Use Project Draft Environmental Impact Report**

OFFICE

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PHONE

310-907-6165

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Dear Ms. Del Castillo:

At the request of San Jose Residents for Responsible Development (San Jose Residents), Clark and Associates (Clark) has reviewed materials related to the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”), including the August, 2018 4300 Stevens Creek Boulevard Mixed-Use Project Draft Environmental Impact Report (DEIR), including Appendix D to the DEIR (Phase I Environmental Site Assessment), and the Revised Notice of Preparation with comments, dated January, 2018.

The DEIR has serious flaws regarding the potential for hazardous materials in construction debris, and the presence of pesticide residues that are likely in place based upon the historical land use (former orchards), which may significantly impact the surrounding community including previously unidentified sensitive receptors within ¼ mile of the project site. These flaws must be addressed in a Revised Draft EIR (RDEIR), which must identify concrete areas of concern, including the level of contamination on the site, and proscribe clean up levels for the project a prior.

Project Description

The approximately 10.0 gross acre project site is located on the south side of Stevens Creek Boulevard, north of Albany Drive, and is

bounded to the east and west by commercial developments. Lopina Way connects Stevens Creek Boulevard and Albany Drive, bisecting the project site. The project site is comprised of three Assessor's Parcel numbers (APNs): 296-38-013 (4360 Stevens Creek Boulevard), 296-38-014 (4340 Stevens Creek Boulevard), and 296-40-009 (4300 Stevens Creek Boulevard).

The current project site configuration includes a total of five buildings; three two-story office buildings, one one-story office building, a one-story commercial building, with surface parking lots adjacent to the buildings, and landscaping. The project site abuts commercial properties to the north, west, and east. Residential properties abut the project site to the south, southeast and southwest.



Figure 1: Existing Site Conditions

Description of Proposed Project

The project Proponent proposes the rezoning of the site from CG – Commercial General Zoning District to a Commercial Pedestrian Planned Development [CP(PD)] Zoning District to allow a mixed use project and subdivision of three existing parcels into four buildable lots and ten common lots. The project includes the demolition and removal of all existing buildings, existing surface parking lots, ancillary structures, relocation of utilities and a public street (Lopina Way), removal of all trees and other landscaping to prepare the site for new construction.

According to the DEIR, the completed project will consist of two eight-story residential buildings (combined total of 582 residential units), a six-story, 300,000 square foot office building, and a five-level parking garage. The project proposes four main buildings: an office/retail Building A, a parking garage Building B, an eight-story residential/retail Building C, and eight-story residential Building D.

- **Office/Retail Building A:** located on the northeast side would have up to approximately 300,000 square foot of office space, with an option to accommodate up to approximately 7,000 square feet of retail space facing Stevens Creek Boulevard.

- **Residential/Retail Building C:** located on the northwest side of the site would have up to 289 residential units and approximately 11,000 - 15,000 square feet of ground floor retail along Stevens Creek Boulevard.

- **Residential Building D:** located on the southwest side of the site would have up to 293 residential units.

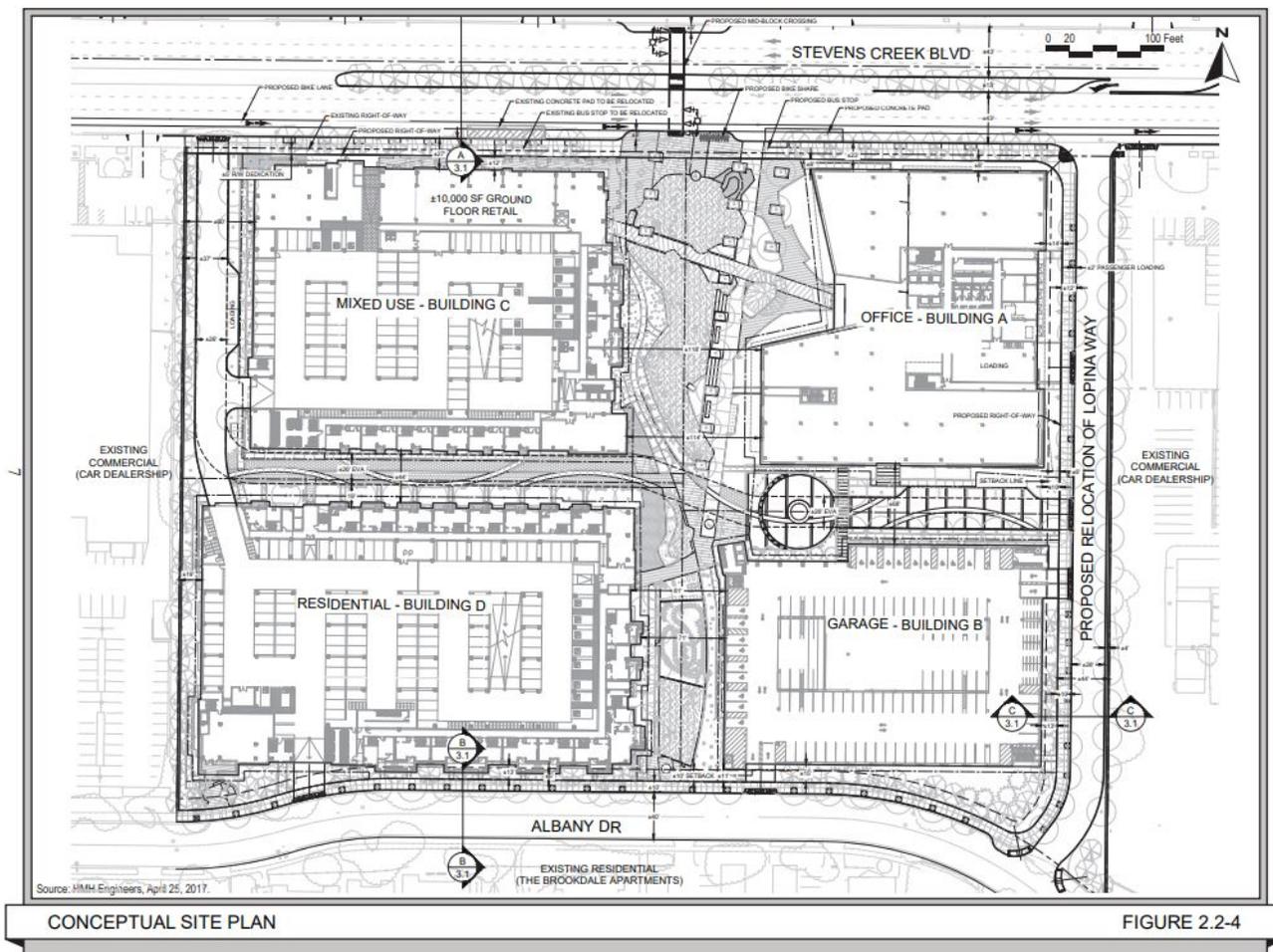


Figure 2: Conceptual Site Plan

Parking

Parking garage Building B on the southeast side of the site would provide approximately 1,238 parking spaces for the required on-site parking for office and retail tenant spaces in Office/Retail Building A. Residential/Retail Building C would have two levels of below-grade parking and eight levels of above-grade parking for the residential units and retail spaces, providing up to 425 parking spaces. Residential Building D would have one level of below-grade parking and eight levels of above-grade parking for residential units, providing up to 380 parking spaces.

Landscape and Promenade

The project proposes the removal of all existing landscaping, including on-site trees and street trees, and replacement landscaping. The area vacated by the existing Lopina Way is planned as a central feature with an approximately 1.6-acre landscaped promenade as a privately owned publicly accessible open space. Additionally, the landscape plan also includes street trees and other landscape features and furniture along Stevens Creek Boulevard, Lopina Way, and Albany Drive per the intent and guidance within the Stevens Creek Boulevard (mid) Urban Village Plan.

Specific Comments:

1. FAILURE TO CONSIDER THE POTENTIALLY SIGNIFICANT IMPACTS FROM RESIDUAL PESTICIDES, ASBESTOS, AND LEAD THAT MAY HAVE BEEN USED AT THE SITE

The Proponents of the Project have failed to adequately analyze and mitigate the considerable impact on nearby residences and businesses from the entrainment of pesticide impacted, lead impacted or asbestos impacted dust that will be generated during construction activities. The DEIR acknowledges that the Project site had been in agricultural use for over 40 years, and “the possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site”¹ as well as likely having asbestos containing materials (ACMs) and lead-based paint in the building materials of the buildings to be demolished. The DEIR goes on to conclude, however, that Project construction “would not be expected to expose the public or the environment to hazardous materials,” and therefore this impact “would be less than significant.”²

According to the California Department of Toxic Substances Control August 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) the most commonly detected pesticides at former agricultural sites have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. These organochlorine pesticides (COPS) are biopersistent and bioaccumulate in the environment³. The historical use of arsenical herbicides in many agricultural properties is known

¹ DEIR p. 88.

² *Ibid.* p. 88.

³ DTSC. 2008. Interim Guidance for Sampling Agricultural Properties (Third Revision). August 7, 2008. p 5

to be the source of elevated arsenic levels⁴ and lead levels in the properties evaluated. DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin are all listed on Proposition 65⁵ as either being a carcinogen or known to cause developmental health effects by the State of California. Arsenic and lead are also listed by the State of California, under Proposition 65, as carcinogens and causes for developmental health effects⁶. Exposure to lead is a serious concern for decreases in intelligence scores for young children and for increased blood pressure in adults. Exposure through impacted soils via incidental ingestion or dermal absorption and through the inhalation of fine dust (particulate matter) impacted with the chemicals is the primary route of exposure for community members and sensitive receptors near the project site. Given the volume of soils to be graded on site and the volume of soils to be excavated in the construction of the underground parking lots it is imperative that the public be given an opportunity to understand and assess the extent of any soil contamination prior to beginning the project, as required under CEQA.

To address the concern regarding residual pesticides in the shallow soils, the proponent identifies Mitigation Measure HAZ-1.1 and HAZ-1.2 as the solutions to potential exposure of the community. Mitigation measure 1 (MM HAZ-1.1) states that after demolition but prior to the issuance of grading permits, a qualified environmental specialist shall collect shallow soil samples from the native soil layers within the surface lots and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review. The essence of the MM Haz-1.1 is that analytical testing of the soils and building waste will be performed only after the demolition of the building and disturbance of the shallow soils, which can generate large amounts of dust containing hazardous materials which will migrate off-site. This contaminated dust directly impacts

⁴ DTSC. 2008. Interim Guidance for Sampling Agricultural Properties (Third Revision). August 7, 2008. p 5

⁵ OEHHA. 2018. Chemicals Known to the State to Cause Cancer or Reproductive Toxicity. State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment. May 25, 2018

⁶ OEHHA. 2018. Chemicals Known to the State to Cause Cancer or Reproductive Toxicity. State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment. May 25, 2018

the health of construction workers and the surrounding community. Waiting for the analytical tests to be performed after the waste materials have been generated and the soil have been disturbed is counter to CEQA and only ensures that any substantive mitigation measure that would prevent the exposure of workers or the surrounding community members will not be effective or even implemented. This improperly deferred measure is equivalent to closing the barn door after the horses have escaped.

Mitigation Measure HAZ-1.2 states that if contaminated soils are found in concentrations above established regulatory environmental screening levels, the applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP) to formalize regulatory oversight for remediation of contaminated soil to ensure the site is safe for construction workers and the public after development. The measure is improperly deferred and does not identify what environmental screening levels will be utilized, leaving uncertainty as to whether the clean-up levels will be sufficiently health protective for the development of the site as a residential facility. CEQA requires specific standards against which to measure the success of a mitigation measure.

The lack of a cogent sampling and analysis plan, screening level determination a priori, and the planned disturbance of materials on site prior to sampling are serious deficiencies in the DEIR. Prior to issuing a revised DEIR for the project, the Proponent should be required to complete a sampling and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the sites.

2. FAILURE TO IDENTIFY SENSITIVE RECEPTORS THAT COULD BE IMPACTED BY RELEASES OF HAZARDOUS WASTE FROM THE PROJECT SITE.

Based upon the definition of Thresholds of Significance in the DEIR, the Proponents have failed to identify relevant sensitive receptors. In bullet point three of Section 3.8.2.1, Thresholds of Significance, the proponent states that an impact from the project is significant if the project "Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school." In the DEIR, the proponent lists the nearest school as Sierra Elementary School located at 220 Blake Avenue in Santa Clara (approximately 0.3 miles north of the site). The Proponents have failed to accurately identify the closest school. The

closest school to the site is actually the Starbright School which is located at 4645 Albany Drive. As detailed below in Figure 3, it is clear that the preschool is located approximately 0.23 miles from the edge of the project site boundary. Given the requirements for identifying significance for emissions of hazardous wastes it is clear that the project will have a potential significant impact on the community that has not been adequately analyzed or mitigated in the DEIR.

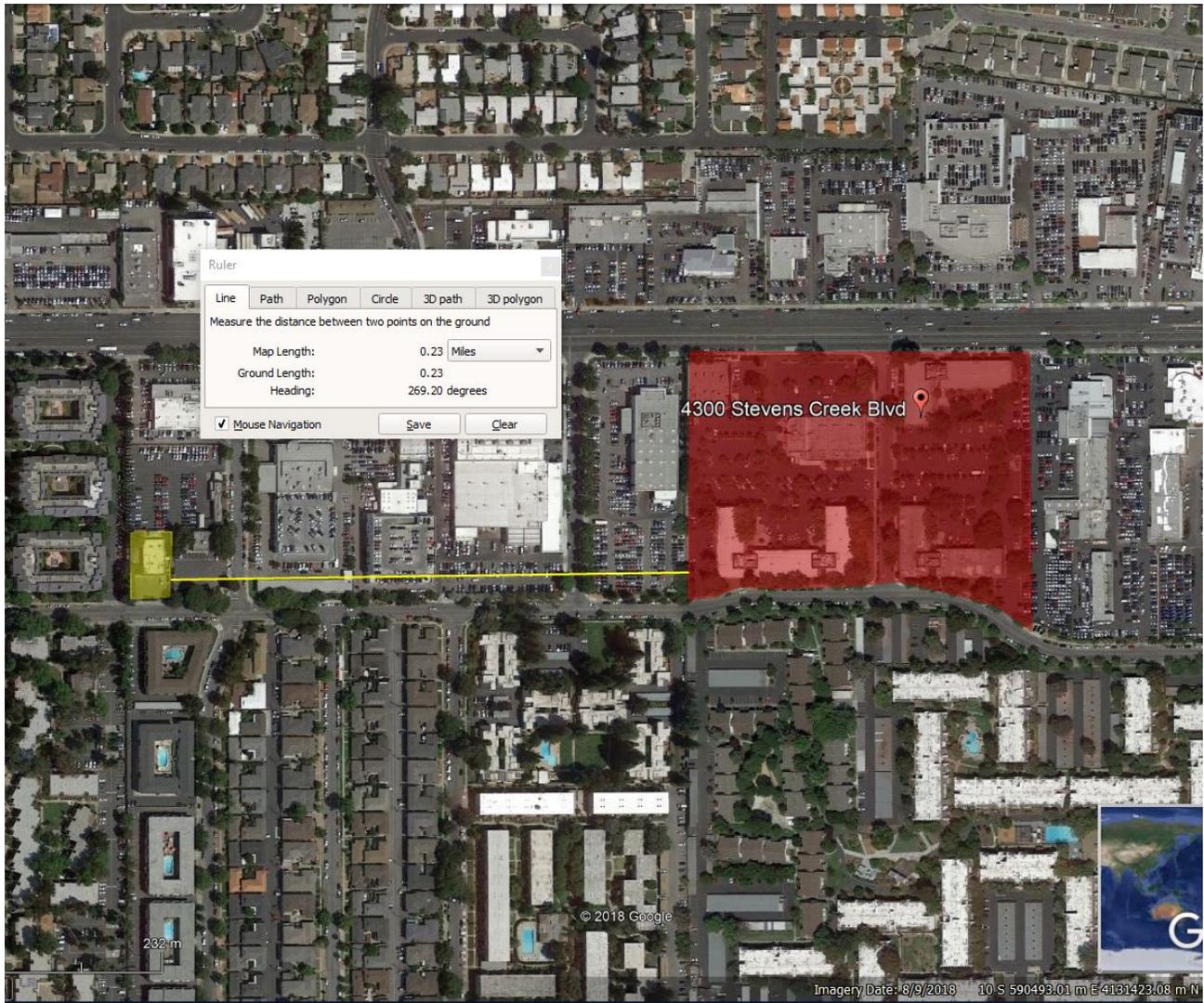


Figure 3: Location Of Nearest School To Project Site

The proponent must re-evaluate the potential impacts from hazardous wastes generated at the existing site, including lead, asbestos, and residual pesticides applied historically when the site was an orchard, on the Starbright School in a revised DEIR. As noted previously, the generation of dusts containing toxic materials from the project site (e.g., pesticides from historical land uses, lead in paints

used on site, or asbestos bearing materials) can easily migrate to the nearby residences and to the previously unidentified sensitive receptors at the Starbright School. Exposure of young children to toxic metals is a significant concern given the known association between exposure to lead and decrease in intelligence scores.

3. FAILURE TO IDENTIFY ALL RELEVANT HAZARDOUS WASTE SITES WITHIN ONE MILE OF THE PROJECT SITE

It is vital to the CEQA process that accurate information be compiled to describe the current conditions of the community in which the proposed project is to be sited. In Table 3.9-1: Off-Site Contamination (Within One Mile of Project Site), the proponent lists two sites. The first site is described as 4343 Stevens Creek Boulevard and located 79 feet north (down-gradient) of the project site. The issues listed for the site include multiple leaking gasoline and waste oil USTs (underground storage tanks). The contaminated soil was excavated and the case was closed in 1996.

The second site listed in Table 3.9-1 is 4250 Stevens Creek Boulevard. The 4343 Stevens Creek Boulevard site is described as being 264 feet east (cross-gradient) of the project site. The issues listed for the site include a 500-gallon waste oil tank and a waste antifreeze tank located between 4202 and 4250 Stevens Creek Boulevard. A subsurface investigation of the site found oil and grease at a maximum of 85 milligrams per kilogram (mg/kg). The case was closed in 1995.

A review of the Geotracker website, maintained by the State Water Quality Control Board (SWRQCB), indicates a 56 different cases of hazardous waste sites within a mile of the project site. At least 5 of the sites are still in open and may have active remediation or verification monitoring being performed. The chemicals of concern at the active sites include chlorinated solvents (perchloroethylene, trichloroethylene, 1,2-dichloroethylene, etc...), petroleum hydrocarbons from USTs releases (gasoline, diesel, waste oils), or polychlorinated biphenyls (PCBs). The closest active site is less than 900 feet away from the project site boundary.

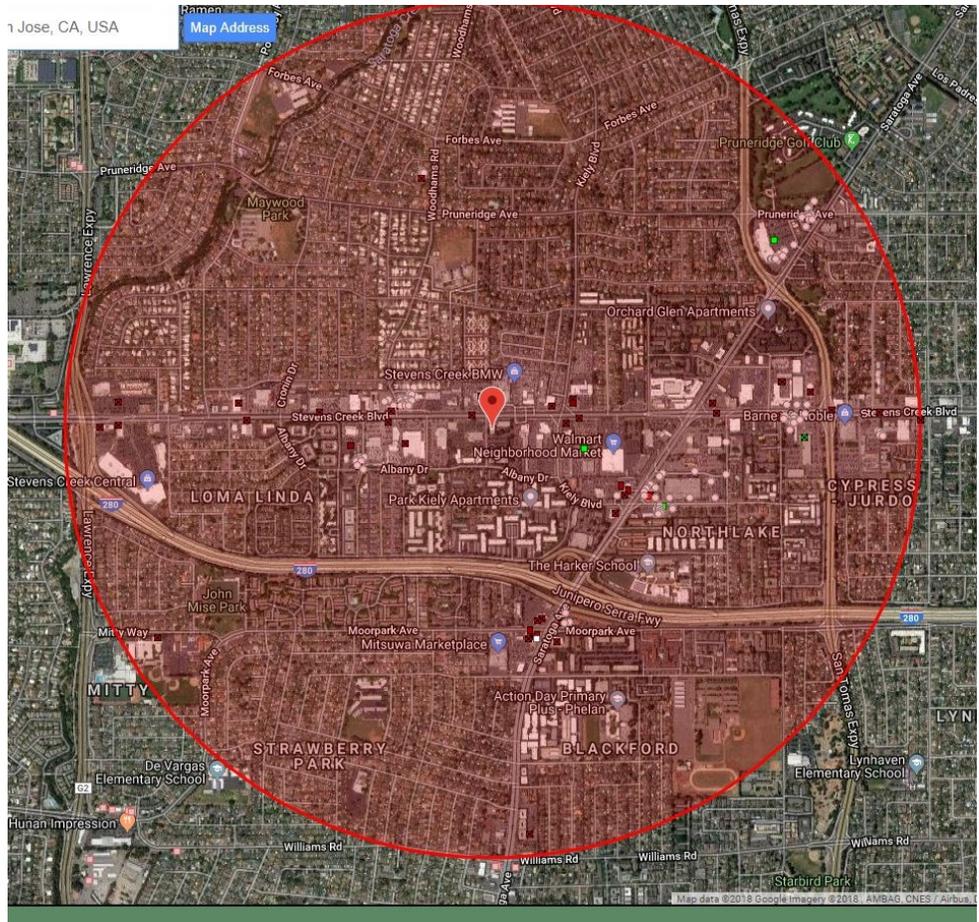


Figure 4: Hazardous Waste Sites Within 1-Mile of Project Site

Table 1: LUST Cleanup Sites, Cleanup Sites, and Permitted USTs Within 1-Mile of Project Site

SITE NAME	GLOBAL ID	FAC ID	SITE_TYPE	STATUS	ADDRESS	CITY
7-ELEVEN #16269	T0608501400		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4625 ALBANY DR.	SAN JOSE
ANDERSON-BEHEL	T0608500142		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4355 STEVENS CREEK BLVD	SANTA CLARA
ARCHBISHOP MITTY HIGH SCHOOL	T0608500916		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	5000 MITTY WAY	SAN JOSE
ARCO #2134	T0608500177		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	401 S SARATOGA AVE	SAN JOSE
ARCO 02134		43-000- 261977			401 S SARATOGA AVE	SAN JOSE
AU ENERGY #8009 - STRAWBERRY PARK SHELL	T10000011859		NON-CASE INFORMATION	INFORMATIONAL ITEM	609 SARATOGA AVE	SAN JOSE
AU ENERGY, LLC #8009					609 SARATOGA AVE	SAN JOSE
BP #11211	T0608502125		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	590 SARATOGA AVE	SAN JOSE
CENTURY CRYSLER PLYMOUTH	T0608501877		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4202 STEVENS CREEK BLVD	SAN JOSE
CHEVRON	T0608591796		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	606 SARATOGA AVE	SAN JOSE
CHEVRON #9-2557	T0608501997		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4650 STEVENS CREEK BLVD	SAN JOSE
CHEVRON #9-4304	T0608500255		LUST CLEANUP SITE	OPEN - VERIFICATION MONITORING	404 SARATOGA AVENUE	SAN JOSE
CHEVRON #9-4510	T0608500384		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	403 S SARATOGA AVE	SAN JOSE
CHEVRON STATION #94304		FA0259420			404 SARATOGA AV	SAN JOSE
CLASSIC CLEANERS PRUNERIDGE SHOPPING CENTER	SL608592510		CLEANUP PROGRAM SITE	OPEN - VERIFICATION MONITORING	220 SARATOGA AVE	SANTA CLARA

SITE NAME	GLOBAL ID	FAC ID	SITE_TYPE	STATUS	ADDRESS	CITY
CONOCOPHILLIPS #11211	T0608535386		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	590 SARATOGA AVENUE	SAN JOSE
COUNTRY CLUB CARWASH	T0608502002		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4935 STEVENS CREEK BLVD	SANTA CLARA
COURTESY TOW SERVICE					125 RICHFIELD DR	SAN JOSE
DASHE PETROLEUM LP		43-010- 700560			4185 STEVENS CREEK BLVD	SANTA CLARA
DE ANZA PROPERTIES	T0608500500		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	5201 STEVENS CREEK BLVD	SANTA CLARA
DEUCES CAR WASH	T0608501193		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3657 STEVENS CREEK BLVD	SANTA CLARA
EXXON	T0608500572		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3895 STEVENS CREEK BLVD	SANTA CLARA
EXXON #7-0268	T0608500580		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	5194 STEVENS CREEK BLVD	SAN JOSE
EXXON #7-3521	T0608525076		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3895 STEVENS CREEK BLVD	SANTA CLARA
EXXON #7-3544	T0608500898		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	601 SARATOGA AVE	SAN JOSE
EXXON #7-3544	T0608502295		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	601 SARATOGA AVE	SAN JOSE
FRONTIER FORD	T0608500651		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3701 STEVENS CREEK BLVD	SANTA CLARA
FRONTIER FORD		43-010- 202058			3701 STEVENS CREEK BLVD	SANTA CLARA
FRONTIER INFINITI	T10000005227		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4355 STEPHENS CREEK BOULEVARD	SANTA CLARA
GARCIA PROPERTY	T0608515587		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4565 STEVENS CREEK BOULEVARD	SAN JOSE
JOE KERLEY LINCOLN MERCURY	T0608509399		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3566 STEVENS CREEK BOULEVARD	SAN JOSE
KIELY PARK CLEANERS	SL1823R923		CLEANUP PROGRAM SITE	OPEN - REMEDIATION	445 SOUTH KIELY BLVD	SAN JOSE
KWICK WAU MUFFLER	SLT20283174		CLEANUP PROGRAM SITE	OPEN - INACTIVE	350 S. KIELY BLVD	SAN JOSE

SITE NAME	GLOBAL ID	FAC ID	SITE_TYPE	STATUS	ADDRESS	CITY
M S ARCO					401 S SARATOGA AVE	SAN JOSE
MOBIL 10-GC8 (EXXONMOBIL)	T0608500937		LUST CLEANUP SITE	OPEN - VERIFICATION MONITORING	4545 STEVENS CREEK BOULEVARD	SANTA CLARA
MOMENTUM CHEVROLET	T10000007754		CLEANUP PROGRAM SITE	COMPLETED - CASE CLOSED	3640 STEVENS CREEK BLVD.	SAN JOSE
PRIVATE RESIDENCE	T0608572628		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	PRIVATE RESIDENCE	SANTA CLARA
SAINT CLAIRE CADILLAC	T0608501154		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4343 STEVENS CREEK BLVD	SANTA CLARA
SALCO TRANSMISSION	T0608501155		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	5170 STEVENS CREEK BLVD	SAN JOSE
SAN TOMAS EXPRESS CAR WASH	T0608502294		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3657 STEVENS CREEK BLVD	SANTA CLARA
SARATOGA AVENUE 76		43-000- 266406			590 SARATOGA AV	SAN JOSE
SHELL	T0608502390		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	609 SARATOGA AVE	SAN JOSE
SHELL	T0608501296		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4198 STEVENS CREEK BLVD	SAN JOSE
SMYTHE BUICK	T0608501334		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4201 STEVENS CREEK BLVD	SANTA CLARA
SMYTHE EUROPEAN	T0608502145		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4500 STEVENS CREEK BLVD	SAN JOSE
STEVENS CREEK HONDA	T0608501376		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4590 STEVENS CREEK BLVD	SAN JOSE
STRAWBERRY PARK SHELL	T10000010265		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	609 SARATOGA AVENUE	SAN JOSE
STRAWBERRY PARK SHELL		43-060- 400728			609 SARATOGA AVE	SAN JOSE
T&K GAS STATION CORP		43-010- 071616			298 SARATOGA AVE	SANTA CLARA
TEXACO	T0608524143		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	3500 STEVENS CREEK BLVD	SAN JOSE

SITE NAME	GLOBAL ID	FAC ID	SITE_TYPE	STATUS	ADDRESS	CITY
TEXACO - 3690 STEVENS CREEK	T0608501423		LUST CLEANUP SITE	OPEN - VERIFICATION MONITORING	3690 STEVENS CREEK BLVD.	SAN JOSE
TOSCO 76 #4832	T0608502134		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4185 STEVENS CREEK BOULEVARD	SANTA CLARA
TRESSLER PROPERTY	T0608501456		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	951 SARATOGA AVE	SAN JOSE
UNOCAL #5815	T0608501516		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	298 SARATOGA AVENUE	SANTA CLARA
VALERO STATION #7544		FA0210252			601 SARATOGA AVE	SAN JOSE
WKJ DEVELOPMENT	T0608591846		LUST CLEANUP SITE	COMPLETED - CASE CLOSED	4910 STEVENS CREEK BLVD	SAN JOSE

The proponent must accurately described the conditions surrounding the site and should update the hazard assessment in a revised DEIR.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts that were not identified in the DEIR. To protect public health the City must prepare a revised DEIR for the Project to address the deficiencies identified above.

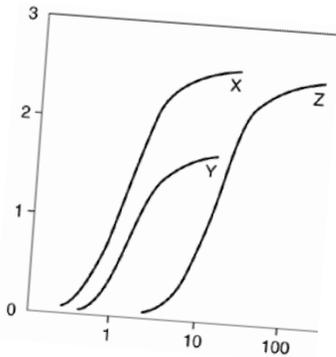
Sincerely,



JAMES J. J. CLARK, Ph.D.

Exhibit A

Curriculum Vitae



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well-recognized toxicologist, air modeler, and health scientist. He has over 25 years of experience in conducting and managing human health risk assessments for Federal and State regulatory compliance; development of sampling and analyses programs for multi-media environmental investigations; statistical analyses of analytical data sets using SAS and ProUCL; environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, AT123D, SESOIL, Johnson-Ettinger Vapor Intrusion Modeling, RESRAD, GENII); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); incorporation of Monte Carlo Analyses into risk estimates; derivation of risk-based clean-up levels for Federal and State regulatory compliance; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

EXPOSURE ANALYSES/RISK ASSESSMENTS FOR FEDERAL AND STATE COMPLIANCE

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The evaluation included the review and analysis of thousands of data points to determine the most probable exposure concentrations and resultant risks. The results were submitted to U.S. EPA for evaluation and were used in the final ROD.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic

and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

PUBLIC HEALTH/REGULATORY GUIDANCE DEVELOPMENT

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects

of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of *Mt*BE, and is suspected to be the primary cause of *Mt*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation

of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark advised the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He worked with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark advised the City of Santa Monica on air quality issues related to current flight operations at the facility. He worked with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

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Interim Guidance for Sampling Agricultural Properties (Third Revision)

California Department of Toxic Substances Control
California Environmental Protection Agency

August 7, 2008

Preface

In June 2000, DTSC issued "Interim Guidance for Sampling Agricultural Soils" to provide a uniform approach for evaluating former agricultural properties where pesticides have been applied, and DTSC issued the revised Version 2 in August 2002. Over the last seven years, DTSC has reviewed several hundred former agricultural properties across California. DTSC has been committed to revising and updating the approach to these properties as new information and issues emerge. This revised guidance, Version 3, incorporates and refines the sampling and risk assessment approach to former agricultural properties.

This guidance is intended to supplement the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual, CalEPA 1994 (Second Printing, June 1999). Data obtained from the investigations should be evaluated for potential health risks according to the PEA Manual. This guidance is not intended to diminish the need to take focused, authoritative samples at site locations commonly associated with hazardous substances releases nor replace guidance provided by the PEA Guidance Manual. This guidance is not applicable to areas where pesticides were mixed, stored, disposed, or areas where pesticides may have accumulated, such as ponds and drainage ditches.

The scope of this document is limited to evaluating only agricultural properties during a PEA or other initial sampling investigation. This applies to proposed new and/or expanded school sites or other project where new land use could result in increased human exposure, especially residential use. Agricultural properties are lands where pesticides were uniformly applied for agricultural purposes consistent with normal application practices, and where other non-agriculturally related activities have been absent. Data obtained from the sampling analyses will be incorporated into the PEA Report, including performing a risk analysis in accordance with the guidance in the PEA Manual.

This guidance does not apply to disturbed land, such as, land that has been graded in preparation for construction, areas where imported soil has been brought in, or any other activity

that would redistribute or impact the soil, other than normal agricultural practices, such as disking and plowing.

This guidance is an on-going effort to streamline the characterization of agricultural properties. As additional knowledge and experience is obtained, DTSC may modify this guidance, as appropriate.

1.0 PURPOSE

This guidance was initially prepared for use in evaluating soil at proposed new school sites and existing schools undergoing expansion projects where the property was currently or previously used for agricultural activities. This guidance is now expanded to include any project with DTSC oversight and is intended to supplement the DTSC PEA, and provide a uniform and streamlined approach for evaluating agricultural properties. This guidance can be used to assist environmental assessors in designing initial investigations or developing PEA Workplans for properties with agricultural uses. The analytical data obtained are to be incorporated into a risk analysis and PEA Report performed in accordance with the guidance in the PEA Manual.

2.0 AGRICULTURAL PROPERTIES

2.1 Eligible Agricultural Properties

This guidance is specific to agricultural properties where pesticides and/or fertilizers were presumably applied uniformly, for agricultural purposes consistent with normal application practices. It is applicable to agricultural properties that are currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural properties that are no longer in production and have not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field. This is the underlying premise of the guidance, and one that must be verified at the scoping stage of the PEA process.

2.2 Properties not covered by this Guidance

This guidance does not apply to former agricultural property that has been graded for construction or other purposes, that has received fill, or has had parking lots or structures placed on it following active use as an agricultural field. An urban residential area that was agricultural property in the past does not qualify for this guidance since the construction of the residences would have resulted in the disturbance and redistribution of potential agricultural contaminants in the soil. These areas may require biased, discrete sampling as opposed to the sampling for agricultural properties discussed in this document.

2.3 Grazing Land and Dry-Land Farmed Agricultural Properties

2.3.1 Grazing Land and Pasture

Agricultural sampling is not required for property used exclusively as grazing lands or pasture, where the topography is not conducive to pesticide application, or the application of pesticides is not economically feasible. Aerial photographs, topographic maps, and a site visit should be used to evaluate the topography of the proposed school site and past land use. Sites that are suitable for animal grazing will often have irregular topography and often a cover of native trees,

brush and range grasses. In keeping with the definition of agricultural soils, the site must not have contained any structures, or been used for any commercial or manufacturing activities.

2.3.2 Dry-Land Farmed Agricultural Soils

Dry-land farming is the practice of growing a crop without irrigation. Many dry-land farming fields are not treated with pesticides or infrequently treated, since the lack of water does not provide a desirable habitat for most agricultural pests. Properties that clearly qualify as dry-land farming do not need further investigation for pesticides or metals. For properties where there is uncertainty regarding dry-land farming, limited sampling may be conducted at a rate of four discrete samples per site, with one sample collected in each quadrant.

Some production crops such as winter wheat and barley can be grown under dry-land farming conditions. If the site has been planted in a dry-land farming production crop, every assurance should be made to determine that the crop was not irrigated and pesticides were not applied. This information may be obtained from interviews with farmers in the area, records that the County Agricultural Commissioner may have, and information the Commissioner may have about the irrigation practices for that crop in the specific county. If it cannot be clearly shown that irrigation did not take place and pesticides were not applied, limited sampling for organochlorine pesticides (OCPs) and arsenic may be necessary. At a minimum, this should include four samples per site, one sample per quadrant.

2.4 Agricultural Properties Prior to 1950

A review of 35 proposed school sites along with the historical background of OCP use in California indicates that sites with agricultural usage ending prior to 1950 do not need to be evaluated for OCPs. Organochlorine pesticides were first introduced into California agriculture in 1944 and reached peak usage in the 1960's. In 1974 the use of the DDT was banned for agricultural purposes, and the elimination of remaining OCPs in California agriculture quickly followed. Data from 35 proposed school sites where agricultural use ended prior to 1950 indicates that OCPs were not identified as chemicals of potential concern. In those cases where OCPs were identified, the source appears to have been the application to structures on the property, and not the agricultural crops grown prior to 1950. It is recommended that former agricultural properties that terminated operation prior to 1950 not be evaluated for agriculturally related OCPs. Arsenic should still be evaluated as a chemical of potential concern (COPC) since its use as arsenical pesticides and herbicides predates 1950.

2.5 Continued Agricultural Use After PEA Sampling

Chemicals associated with agricultural activities may result in potential risks to human health or the environment. If agricultural activities continue on the subject site after DTSC issues a no further action determination on the PEA, DTSC cannot ensure the no further action determination will remain in effect.

This may have impacts for school projects where the school districts elect to postpone school construction and allow continued agricultural use of the property. The most recent chemical use documentation (e.g., local Agricultural Commissioner Pesticide Application Permits) regarding the quantity and types of agricultural chemicals used on the property should be provided in the PEA report. If the type of agricultural chemicals applied to the site change after DTSC's no further action determination, DTSC recommends submittal of the chemical use documentation to DTSC at least three months prior to commencement of grading or other construction activities at the school site. DTSC will review the information, and if necessary, may recommend additional sample collection and analyses to assess potential impacts and ensure school site safety.

2.6 Other Areas of Concern on Agricultural Properties

In many cases, agricultural properties may include other areas of concern such as operations yards, storage areas, fuel tanks, residences, irrigation systems, and animal facilities. Examples of areas of concern may include:

- Structures such as homes, garages, equipment sheds, barns, and other out-buildings
- Pesticide storage, mixing/loading, and wash-down areas
- Ecological habitats, or rare, threatened, or endangered species
- Irrigation ditches/canals, containment berms, and low-lying swales or drainage areas
- Irrigation water containment ponds and collection/recirculation sumps
- Production wells and pumps
- Pole- or pad-mounted transformers
- Waste oil areas
- Animal pens, barns, and manure and disposal piles
- Burn piles
- Underground and above ground storage tanks
- Properties in dibromochloropropane (DBCP) study areas

Although agricultural-related, these targeted areas should be considered during the PEA scoping meeting and investigated using standard PEA protocols. The following DTSC guidance documents may be considered in these investigations:

- Interim Guidance: Evaluating Total Petroleum Hydrocarbons (TPH) (DTSC 2008) (The draft TPH guidance document is being revised at this time and will not be available to the public until DTSC finalizes the document.)
- Interim Guidance: Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers (DTSC, June 9, 2006)
- Arsenic Strategies for Determination of Arsenic Remediation: Development of Arsenic Cleanup Goals for Proposed and Existing School Sites (DTSC 2007)
- Advisory: Methane Assessment and Common Remedies at School Sites (DTSC, June 2005)
- Advisory: Active Soil Gas Investigations (DTSC, January 2003)
- Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion into Indoor Air (DTSC 2004)
- Fact Sheet: Information Advisory, Clean Imported Fill Material (DTSC, October 2001)
- Guidance Manual: Preliminary Endangerment Assessment (DTSC, January 1999)
- Data Validation Memorandum , Summary of Level II Data Validation (DTSC, May 2006)
- Guidance: Ecological Risk Assessment at Hazardous Waste Sites and Permitted Facilities (DTSC, July 4, 1996)

3.0 SAMPLING STRATEGIES

3.1 Chemicals of Concern

3.1.1 Pesticides

When the property is under active agricultural production, the operator should be interviewed to determine the types and amounts of pesticides historically used on the property. The County Agricultural Commissioner should also be consulted to verify pesticide usage on the property. The Agricultural Commissioner is required to maintain this information for three years, but often will have extensive knowledge of the farming practices over many years. A local or specialized farm advisor such as the University of California Cooperative Extension Agent is another source of information for farming practices in the area. These consultations should occur during the scoping phase of the investigation. For those properties that have not been actively farmed in the past three years, obtaining accurate information is more difficult. Information from surrounding or neighboring agricultural operations on the types of crops grown in the area during the time of active farming can provide clues on what chemicals may have been applied.

Based on data from former agricultural properties over the past seven years, the only pesticide class requiring analyses at agricultural properties are OCPs, such as DDT, toxaphene, dieldrin, etc. OCPs are biopersistent and bioaccumulate in the environment. Most other classes of pesticides have relatively short half-lives and have not been found in the agricultural fields. While paraquat does have a longer half-life in soil, it has either not been detected or detected rarely at trace levels at sites which DTSC has had oversight, therefore routine analyses for paraquat is not required for field areas. Analyses for paraquat may be required in storage and mixing/loading areas.

3.1.2 Metals

Based on data from former agricultural properties, the only heavy metal required for routine analyses for these properties is arsenic. Arsenic in the form of arsenical herbicides has been applied to many agricultural properties and elevated levels of arsenic have been reported in the evaluation of these properties.

Other heavy metals may be required on a case by case basis depending on history of the property and the surrounding environment. Certain counties, such as Kern and Merced in the Central Valley, allow the application of municipal sludge on agricultural properties with or without a permit. Municipal sludge has been often shown to have elevated levels of heavy metals. These metals concentrations can impact vadose soils and often may migrate to groundwater. If there is a history of sludge application, or if sludge application is suspected on an agricultural property, Title 22 metals (former CAM 17 metals) should be evaluated.

Copper compounds were generally applied directly to select crops (e.g. vineyards) to prevent or reduce mildew. Vineyards and grain storage areas may have elevated copper due to the use of copper compounds as fungicides. To date, DTSC has not found elevated copper in any agricultural property. However, analyzing soil or sediment samples for copper may be appropriate at agricultural properties with the potential to impact aquatic ecological habitats (e.g. a creek or stream which runs through site).

3.1.3 Additional Chemicals of Concern

3.1.3.1 Mixing/Loading/Storage Areas

Focused sampling in mixing/loading/storage areas, drainage ditches, farm houses, or outbuilding areas may require analyses for a number of other constituents besides OCPs and arsenic, including other classes of pesticides/herbicides, paraquat, metals, and petroleum related compounds (see Section 2.6).

3.1.3.2 Smudge Pots

If smudge pots have been routinely used on agricultural properties, for example in citrus groves, additional sampling for PAHs and TPH may be required.

3.2 Sampling Frequency

Sampling frequency may vary depending on the size of the site and conditions found. When the site has been used for agricultural crop, the presumption is that agricultural chemicals were applied uniformly across the site in any given year and that the variation across the site will be relatively small. An analysis of several hundred former agricultural properties by DTSC has supported the general use of the assumption of uniform application.

The assumption of uniform application may not apply to areas cultivated in different crops, adjoining or adjacent properties with different owners or operators. The uniform application assumption does not apply for non-cultivated areas (e.g. drainage ditches, farm houses and other structures, mixing/loading areas, storage sheds, etc.)

In general, the sampling pattern should be sufficient to characterize the site. Recommended numbers of borings or sampling locations and composite analyses are provided in Table 1 for both OCPs and arsenic analyses for sites up to 50 acres. DTSC should be consulted for sites greater than 50 acres. For these sites, the sampling frequency may be reduced based on documentation that verifies consistent owner, operator, and use. If different parcels of the property have different owners, operators or crops, the number of samples shown in Table 1 should be applied for each different parcel.

Table 1: Recommended Number of Sampling Locations

Site Acres	Number of Borings	OCP Analyses (Composites)	Arsenic Analyses (Discrete only)
1	4	4 (Discrete analyses)	4
2	4	4 (Discrete analyses)	4
3	4	4 (Discrete analyses)	4
4	8	4	4
5	10	4	4
6	12	4	4
7	14	4	4
8	16	4	4
9	18	5	5
10	20	5	5
11	21	6	6
12	22	6	6
13	23	6	6
14	24	6	6
15	25	7	7
16	26	7	7
17	27	7	7
18	28	7	7
19	29	8	8
20	30	8	8
21	31	8	8
22	32	8	8
23	33	9	9
24	34	9	9
25	35	9	9
26	36	9	9
27	37	10	10

Site Acres	Number of Borings	OCP Analyses (Composites)	Arsenic Analyses (Discrete only)
28	38	10	10
29	39	10	10
30	40	10	10
31	41	11	11
32	42	11	11
33	43	11	11
34	44	11	11
35	45	12	12
36	46	12	12
37	47	12	12
38	48	12	12
39	49	13	13
40	50	13	13
41	51	13	13
42	52	13	13
43	53	14	14
44	54	14	14
45	55	14	14
46	56	14	14
47	57	15	15
48	58	15	15
49	59	15	15
50	60	15	15
>50	Consult with DTSC		

3.3 Composite Samples

Since this guidance assumes a relatively even distribution of chemicals across the agricultural field portion of a site, compositing of discrete samples allows for increased sampling coverage for a site, while not significantly increasing the number of analytical samples. Composite surface samples may be made up of a maximum of four discrete surface samples from adjacent sampling locations. Compositing may occur in the field or at the laboratory. In cases where two crops were grown on the site, only discrete samples from within the same crop area may be composited.

Specify the method of selecting the discrete samples to be composited and the compositing factor (e.g. 3 to 1: three discrete samples composited to one) in the workplan. Compositing requires that each discrete sample be the same in terms of volume or weight, and that the discrete sample be thoroughly homogenized prior to compositing. The detection level does not need to be reduced since the composite sampling area is assumed to be homogeneous in concentration.

If compositing is not chosen, analyses will be performed on all the discrete samples and the number of analyses will correspond to the number of borings.

For more information on composite samples, see the references provided in Section 6.0.

3.4 Discrete Sampling for Arsenic

A minimum of four discrete on-site surface samples must be analyzed for arsenic. When samples are composited for OCP analysis, one discrete sample from each composite must be analyzed for arsenic. When more than four composite samples are analyzed for OCPs, the total number of discrete samples analyzed for arsenic does not need to be greater than the number of total composite samples used for OCP analysis (see Table 1).

3.5 Sampling Depth

Based on the extensive data DTSC has reviewed for agricultural properties, only surface samples will be required for the screening assessment. Each location should be sampled to include one surface sample (0 to 6 inches). [Note: 0 inches means first encountered soil. Thick mats of vegetable material, roots, and other extraneous material should not be sampled. The locations can be staked and surveyed using a sub-meter global positioning system. This will facilitate collection of supplemental site investigation samples, such as subsurface or step out sampling, if necessary.

3.6 Sample Collection

Sampling both the furrows and beds of existing rows will detect the greatest variability in the residuals. Some methods of pesticide application will favor residuals in the beds while others favor the furrows. In fields where rows remain, roughly half of the samples should be gathered from the furrows and half from the beds in an alternating pattern. Orchards should have the sampling locations placed at the current drip line for the trees, under the canopy, between the tree rows, and between the trees within a row. For sites with slopes, swales, or other uneven topography, sampling from centers should be modified to include samples from those areas where surface water would be expected to flow and accumulate.

3.7 Field Duplicates

Field duplicates should be collected at a rate of 10 percent (or a minimum of one). For arsenic, a discrete co-located sample should be collected and analyzed for every 10 arsenic samples collected. For OCPs where composite samples will be prepared and analyzed, every 10th

composite sample should be prepared (independently) in duplicate and analyzed. See Section 4.1 for a description on preparation of composite samples.

3.8 Requirements for Collection of Background Metal Samples

Consult with the DTSC project manager regarding the need for collecting background arsenic samples. In general, with the exception of arsenic, background samples for metals will not be necessary if all metals are below their respective California Human Health Screening Levels (CHHSLs). If all the arsenic results for the site are at or below 12 mg/kg, then collection of background samples will not be required. For sites where either arsenic or other metals are above their respective screening values, either collection of a background data set or use of an appropriate background data set may be required.

3.8.1 Sampling for Background Metals

If samples are needed to determine background levels of arsenic and/or other heavy metals (if additional metals are required for the PEA), a minimum of four onsite locations should be sampled at non-impacted areas, or samples may be collected at a depth of 5 to 5.5 feet bgs. In order to use background samples from 5 to 5.5 feet bgs, a licensed professional must make the determination that the background soils are similar enough geologically to the surface soils as to be representative.

Other background data sets may be substituted for on site sampling on a case by case basis in consultation with DTSC.

4.0 LABORATORY ANALYSES

4.1 Preparation of Composite Samples

Each discrete sample should be homogenized and uniformly split by trained field staff prior to compositing. A portion of each discrete sample should be frozen and archived in case additional analysis is warranted based on the composite results. Compositing requires that each discrete sample be the same in terms of volume or weight, and that the discrete sample be thoroughly homogenized prior to compositing. Excess sample from the homogenized composite sample shall be archived by the lab and/or used as a duplicate, as appropriate, for that composite set. The samples may be discarded when the PEA process has been completed and approved by the DTSC.

4.2 Methods

The analytes of primary concern are OCPs, arsenic, and, in some cases, Title 22 metals. Depending on the site history, analysis of other types of pesticides may be required. OCPs should be analyzed using U.S. EPA 8081A or equivalent. Metals must be analyzed using the U.S. EPA 6000/7000 series. If the site history indicates other classes of persistent pesticides should be evaluated, DTSC should be consulted for the acceptable method of analysis and appropriate detection limits. Highly organic topsoil may interfere with proper extraction of pesticides.

Sample holding times should be consistent with U.S. EPA SW-846. Variances to holding times and affects on data results must be discussed in the data validation section of the report.

Please note, for comparison of chlordane concentrations against the CHHSL, chlordane must be quantified against a **technical chlordane** standard. For purposes of the PEA, DTSC will not

allow quantitation of the individual alpha and gamma isomers, with a total concentration determined by addition of those concentrations.

4.3. Detection Limits

The actual detection limits obtained will vary depending on the particular analyte. For OCPs, the analytes typically causing detection limit concerns in agricultural fields are aldrin, dieldrin, and toxaphene. The detection limits should be 0.005 mg/kg for aldrin, dieldrin, and 0.05 mg/kg for toxaphene. Table 2 lists the detection limits for several OCPs.

In samples with elevated DDT, the detected concentration may be above the range of calibration. This can result in the analytical laboratory diluting the sample for reanalysis, and then reporting only the final result. In these cases, the reported detection limits for aldrin, dieldrin, and toxaphene may exceed the detection limits needed for determining potential health effects. Ideally the laboratory should be asked to report if those three analytes were detected in the first analysis prior to dilution. Multiple analyses of the same samples may be required to obtain the data necessary for risk assessment purposes.

Table 2. Analytical Methods and Detection Limits for Selected OCPs

Pesticide	Methods²	CAS No.³	DL⁴ mg/kg
Aldrin	8081A	309-00-2	0.005
a-BHC	8081A	319-84-6	0.005
b-BHC	8081A	319-85-7	0.005
g-BHC (Lindane)	8081A	58-89-9	0.005
d-BHC	8081A	319-86-8	0.005
Total Chlordane ¹	8081A	57-74-9	0.05
DBCP ⁵	8081A	96-12-8	0.01
DDD	8081A	72-54-8	0.05
DDE	8081A	72-55-9	0.05
DDT	8081A	50-29-3	0.05
Dieldrin	8081A	60-57-1	0.005
Endosulfan I	8081A	959-98-8	0.005
Endosulfan II	8081A	33213-65-9	0.005
Endosulfan sulfate	8081A	1031-07-8	0.005
Endrin	8081A	72-20-8	0.05
Endrin aldehyde	8081A	7421-93-4	0.05
Endrin ketone	8081A	53494-70-5	0.05
Heptachlor	8081A	76-44-8	0.05
Heptachlor epoxide	8081A	1024-57-3	0.005
Hexachlorobenzene (HCB)	8081A	118-74-1	0.3
Hexachlorocyclopentadiene	8081A	77-47-4	0.5
Methoxychlor	8081A	72-43-5	0.005
Toxaphene	8081A	8001-35-2	0.05
Notes:			
1 = Report total Chlordane (based on a Technical Chlordane standard)			
2 = Although other methods may be used to quantify OPCs, DTSC recommends the use of 8081A as the primary method of quantitation			
3 = Chemical Abstract Service registry number			
4 = Detection Limit recommended for risk assessment purposes			
5 = If sampling for this compound is indicated, inclusion in the method must be requested in the workplan and/or QAPP			

4.4 Pesticide Analyses

Surface samples, discrete or composite, must be analyzed for OCPs. Analysis for other classes of persistent pesticides may be required as indicated by the agricultural history of the site. If the composite sample result exceeds the health risk screening criteria (see Section 5.3), analyze each discrete sample that made up the composite sample.

4.5 Sub-surface sample analysis

In consultation with DTSC, analyses of sub-surface samples may be required if surface samples results exceed specified screening levels. This sampling may be a part of the PEA or included in a Supplemental Site Investigation. If subsurface samples were collected during the PEA sampling event, those samples may be taken off “hold” and analyzed by the laboratory. If subsurface samples were not collected during the PEA, a Supplemental Site Investigation Workplan or Technical Memorandum should be prepared identifying appropriate step-out (vertical and horizontal) sampling locations.

4.6 Quality Control

Quality control (QC) procedures specified in SW-846 must be followed. A matrix spike/matrix spike duplicate on one soil sample per batch of 20 samples must be performed to demonstrate that the targeted pesticide(s) can be recovered from the soil investigated. The laboratory data package must include a summary of the quality control sample results: blanks, matrix spike/matrix spike duplicate, surrogate recoveries, laboratory control samples, etc., as specified by the method. The laboratory should provide a signed narrative stating whether the QC was met and listing any discrepancies. The consultant should perform a supplementary evaluation of the data, also referred to as data validation, and present the results of that evaluation in the PEA report. For an example of what to include in the data validation section, see the example data validation memorandum at the DTSC website:

http://www.dtsc.ca.gov/Schools/upload/Data_Validation.pdf

5.0 REPORTING

5.1 Format

The results of the sampling effort are to be reported in a PEA report as described in the DTSC PEA Guidance Manual.

5.1.1 Summary Tables

Include data tables in the PEA report to summarize the results of the investigation. Summary tables should include the analytes of interest, the reported concentrations or the reporting limit for non-detect results, and indicate whether a reported concentration exceeds its respective CHHSL screening level (if a CHHSL comparison is being conducted). In addition, for samples analyzed at multiple dilutions for purposes of reporting concentrations within calibration ranges (as described in Section 4.3), summary tables should either present the results for all of the dilution analyses indicating the appropriate result for each analyte, or a combined analysis indicating which results are being reported after a dilution. Sample results should also be flagged with appropriate qualifiers, where necessary, after data validation.

5.2 Evaluating Metals (Inorganic Elements) Data

Using a robust statistical procedure to determine if on-site metal concentrations are indicative of background conditions or the result of site-related activities can be problematic because of the limited number of background samples collected at any one site. Local site background may be used if the data is approved for use by the DTSC project manager and toxicologist. If DTSC

background levels are not available, then a defensible procedure for comparing on-site with background metals should be used. The DTSC project manager and DTSC toxicologist assigned to the project should be consulted on the most appropriate method of comparison.

5.2.1 Arsenic Evaluations

The DTSC Schools Program evaluated data from a large number of school sites across California. The data evaluation indicates that 12 mg/kg maybe a useful screening number for the Schools Program when evaluating arsenic as a COPC. If the proposed school property has been adequately characterized for arsenic and all the arsenic data are equal to or less than 12 mg/kg, then arsenic will be not be considered a COPC. This decision does not require collection and comparison to a background data set. If arsenic concentrations are greater than 12 mg/kg, then comparisons to background data will be required. In some cases additional sampling may also be required.

5.2.2 Strategy for Comparison of Background Metals

If background samples are necessary, follow the procedures provided in Section 3.8. The following strategy may be used for comparing site data to background data:

1. Compare the highest site concentration with the highest background concentration. If the site concentration is equal to or less than the background, the metal may be eliminated as a COPC. If the onsite maximum is greater than the background maximum, go to 2).
2. Compare the site and background arithmetic mean concentrations. If the means are comparable, and if the highest site concentration is below the concentration associated with unacceptable risk or hazard, the metal may be eliminated as a COPC. If the site mean is greater than the maximum background, go to 3).
3. Two approaches may be used, depending on the size of the background data set.
 - o If the background data set is of sufficient size, statistically evaluate the overlap of the background and onsite distributions to determine if they come from the same population. If they do, and if the highest site concentration is below the concentration associated with unacceptable risk or hazard, the metal may be eliminated as a COPC. If not, include the metal as a COPC in the risk evaluation.
 - o If the background data set is limited (n=4), the onsite data can be evaluated statistically using probability plots to determine if one or more populations are present. If only one population is present, and if the highest site concentration is below the concentration associated with unacceptable risk or hazard, the metal may be eliminated as a COPC. If there are two or more populations present, then include the metal as a COPC.
4. Additional information on eliminating metals as COPCs can be found in “*Selecting Inorganic Constituents as Chemicals of Potential Concern at Risk Assessments at Hazardous Waste Sites and Permitted Facilities – Final Policy* (DTSC/HERD 1997),

5.3 Human Health Risk Assessment

All detected pesticides and any onsite metals above background should be evaluated as COPCs in a human health risk assessment as described in the DTSC PEA Guidance Manual or in comparison to CHHSLs. In the initial screening analysis, the highest

concentration of each detected pesticide and metal above background must be used as the exposure point concentration in the risk assessment.

Since agricultural properties are assumed to have uniform application of pesticides, DTSC has allowed compositing of samples for OCP analyses (Sections 3.3 and 4.1). The concentration from the composited sample can be used directly in the risk assessment without adjusting the toxicity screening numbers, such as the CHHSLs. The review of the former agricultural properties over the past seven years has supported the assumption of uniform application. This is in contrast to other DTSC guidance, such as the *Lead-Based Paint, Termiticide and PCB Guidance*, (DTSC, June, 2006), where adjustments to the CHHSLs are required for composite samples because applications were not necessarily uniform.

5.3.1 Application of PEA Risk Assessment Equations and CHHSLs

Chemicals of potential concern are evaluated either by comparison to the CHHSL, or by calculating the excess cancer risk and hazard index based on equations in the PEA Guidance.

Note: CHHSLs may not be used to “screen out” COPCs.

5.3.1.1 CHHSLs

CHHSLs are soil and/or soil gas concentrations for selected chemicals developed by Cal-EPA with a target threshold of a 1E-06 risk for carcinogens, and a hazard quotient of one for non-carcinogens. CHHSLs were developed using models and exposure assumptions similar to those used in the PEA Guidance Manual, with the exception of the concentrations for volatile organic compounds (VOCs), which were developed using the vapor intrusion model for addressing the inhalation of contaminated indoor air. CHHSLs may be used as a soil screening value at school sites if all of the chemicals detected at the site have a listed CHHSL, if it is agreed upon by all parties concerned, and if it is agreed that the screening document will be reviewed by a toxicologist from the Human and Ecological Risk Division. For school sites, only the residential-based CHHSLs may be used. The exposure pathways used in calculating the CHHSLs are incidental soil ingestion, dermal absorption, and inhalation of dusts in indoor air for non-volatile soil-bound chemicals, and the inhalation of indoor air pathway for VOCs. Direct exposures to VOCs are not included in the calculation of the CHHSLs and CHHSLs do not take into consideration the leaching of contaminants from soil to groundwater. CHHSLs are not appropriate if ecological receptors are the most sensitive species on the site. Lead should be evaluated using the most current DTSC LeadSpread Model or the school site lead screening level of 255 mg/kg.

5.3.1.2 Human Health Risk Assessment with CHHSLs

Independent of whether sites were analyzed with discrete samples or with composite samples, the evaluation is similar. Note that the CHHSL values are not adjusted for the number of discrete samples that comprise a composite. The rationale behind this comparison to un-adjusted CHHSL is that application of pesticides is assumed to be uniform throughout the field, and large variations in the pesticide concentrations are not expected. This rationale applies only to the agricultural portion, not to mixing areas, storage sites, structures, etc.

5.3.2 Procedure for Human Health Risk Assessment with CHHSL or PEA Guidance

- Determine that all of the chemicals detected at the site have the appropriate CHHSLs for soil and/or soil vapor. If they do not, then a PEA risk assessment must be conducted. A DTSC toxicologist will evaluate if the CHHSL screening is appropriate for the site

- The screening document, PEA or equivalent, will be reviewed by a toxicologist from the Human and Ecological Risk Division.
- The most recently published CHHSLs should be used. This may be found at: <http://www.calepa.ca.gov/Brownfields/documents/2005/CHHSLsGuide.pdf>.
- The exposure pathways at the site must match the exposure pathways used to develop the CHHSLs.
Use the maximum concentration of each contaminant detected at the site and compare to unrestricted (residential) CHHSL or PEA risk calculations.
- Background metal concentrations can be used to screen metals as COPC. Construct a table listing the COPC (see Section 5.2.2 for discussion on background metals).
- The risk and hazard for each COPC should be calculated using the following equations:

$$\text{RISK} = \frac{[\text{maximum detected concentration}]}{\text{CHHSL}} \times 10^{-6}$$

$$\text{HQ} = \frac{[\text{maximum detected concentration}]}{\text{CHHSL}}$$

- If there are multiple COPCs, calculate the cumulative risk and/or hazard. An Excel calculator is provided on the Cal/EPA website for CHHSLs: (<http://www.calepa.ca.gov/Brownfields/documents/2005/Calculator.xls>).
- Complete a Risk Characterization Section where the total risk and hazard are presented and discussed along with the need for any further action.
- If the maximum concentrations detected on site pose an unacceptable risk or hazard, a spatial analysis should be conducted to determine if the elevated levels represent a “hot spot”, or are representative of concentrations across the site. In those cases where the elevated concentrations are determined to be one or more “hot spots”, risk or concentration isopleths should be constructed to differentiate between those areas of the site in need of further action, and those where no further action is required. Any deviations from these analyses must be approved by the DTSC toxicologist assigned to the project.

Note: For evaluation of composite samples, the CHHSL values are not adjusted for the number of discrete samples that comprise a composite. The rationale behind this comparison to un-adjusted CHHSL is that application of pesticides is assumed to be uniform throughout the field, and large variations in the pesticide concentrations are not expected. Note that this rationale applies only to the agricultural portion, not to mixing areas, storage sites, structures, etc.

6.0 ADDITIONAL SOURCES OF INFORMATION

Pesticide Physical Properties and Half-Lives

<http://ace.orst.edu/info/extoxnet/pips/ghindex.html>
<http://www.arsusda.gov/rsml/ppdb1.html>

Active Pesticide Ingredient by Brand Name

<http://www.cdpr.ca.gov/docs/label/prodnam.htm>
<http://www.cdpr.ca.gov/> - see databases
Farm Chemicals Handbook, current edition, Meister Publishing Company,

Willoughby, Ohio.

Maximum Application Rates

<http://ace.orst.edu/info/extoxnet/>
Agricultural Chemicals – Thomas Publications, Fresno, CA

Pesticide Usage by Year, County, and Crop

<http://www.ipm.ucdavis.edu/PUSE/puse1.html>
<http://www.cdpr.ca.gov/> - see databases

Composite Sampling

http://www.clu-in.org/download/char/SF_Rep_Samp_Guid_soil.pdf

U.S.EPA. 1995a. *Superfund Program Representative Sampling Guidance, Volume 1: Soil, Interim Final*, OSWER Directive 9360.4-10, EPA 540/R-95/141, PB96-963207. Environmental Response Team, Office of Emergency and Remedial Response, Office of Solid Waste and Emergency Response. December 1995, Page 28.

<http://clu-in.org/download/stats/composite.pdf>

U.S.EPA. 1995b. *EPA Observational Economy Series, Volume 1: Composite Sampling*, EPA-230-R-95-005. Policy, Planning, and Evaluation (2163). August 1995.

Test Methods

<http://www.epa.gov/epaoswer/hazwaste/test/>
SW-846: U.S. EPA, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition, Current Revision*

Pesticide Toxicology Information

<http://ace.orst.edu/info/extoxnet/ghindex.html>
<http://www.state.nj.us/health/eoh/rtkweb/rtkhsfs.htm>

CHHSLs

<http://www.calepa.ca.gov/Brownfields/documents/2005/CHHSLsGuide.pdf>
<http://www.calepa.ca.gov/Brownfields/documents/2005/Calculator.xls>

Acronym List

bgs	Below Ground Surface
CalEPA	California Environmental Protection Agency
CHHSL	California Human Health Screening Levels
COPC(s)	Chemicals of Potential Concern
DBCP	Dibromochloropropane
DTSC	Department of Toxic Substances Control
NFA	No Further Action
OCP(s)	Organochlorine Pesticides
PAH	Polyaromatic Hydrocarbon
PEA	Preliminary Endangerment Assessment
QC	Quality Control
TPH	Total Petroleum Hydrocarbon
U.S. EPA	United States Environmental Protection Agency
VOCs	Volatile Organic Compounds

STATE OF CALIFORNIA
 ENVIRONMENTAL PROTECTION AGENCY
 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY
 May 25, 2018

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals or endpoints shown in ~~strikeout~~ were placed on the Proposition 65 list on the date noted, and have subsequently been removed.

Chemical	Type of Toxicity	CAS No.	Date Listed
A-alpha-C (2-Amino-9H-pyrido [2,3-b]indole)	Cancer	26148-68-5	January 1, 1990
Abiraterone acetate	developmental, female, male	154229-18-2	April 8, 2016
Acetaldehyde	Cancer	75-07-0	April 1, 1988
Acetamide	cancer	60-35-5	January 1, 1990
Acetazolamide	Developmental	59-66-5	August 20, 1999
Acetochlor	Cancer	34256-82-1	January 1, 1989
Acetohydroxamic acid	Developmental	546-88-3	April 1, 1990
2-Acetylaminofluorene	Cancer	53-96-3	July 1, 1987
Acifluorfen sodium	Cancer	62476-59-9	January 1, 1990
Acrylamide	Cancer	79-06-1	January 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Acrylonitrile	Cancer	107-13-1	July 1, 1987
Actinomycin D	Cancer	50-76-0	October 1, 1989
	Developmental		October 1, 1992
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	Cancer	3688-53-7	July 1, 1987
Aflatoxins	Cancer	---	January 1, 1988
Alachlor	Cancer	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	Cancer	---	July 1, 1988
Aldrin	cancer	309-00-2	July 1, 1988
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
<u>Allyl chloride</u> <u>Delisted October 29, 1999</u>	<u>cancer</u>	<u>107-05-1</u>	<u>January 1, 1990</u>
Aloe Vera, non-decolorized whole leaf extract	cancer	---	December 4, 2015
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
2-Aminoanthraquinone	cancer	117-79-3	October 1, 1989
p-Aminoazobenzene	cancer	60-09-3	January 1, 1990
o-Aminoazotoluene	cancer	97-56-3	July 1, 1987
4-Aminobiphenyl (4-amino-	cancer	92-67-1	February 27, 1987

diphenyl) 1-Amino-2,4-dibromo- anthraquinone	cancer	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	cancer	6109-97-3	July 1, 1989
2-Aminofluorene	cancer	153-78-6	January 29, 1999
Aminoglutethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	---	October 1, 1992
1-Amino-2-methylantraquinone	cancer	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4- thiadiazole	cancer	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	cancer	119-34-6	January 29, 1999
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amitrole	cancer	61-82-5	July 1, 1987
Amoxapine	developmental	14028-44-5	May 15, 1998
Amsacrine	cancer	51264-14-3	August 7, 2009
tert Amyl methyl ether Delisted December 13, 2013	developmental	994-05-8	December 18, 2009
Anabolic steroids	female, male	---	April 1, 1990
Analgesic mixtures containing phenacetin	cancer	---	February 27, 1987
Androstenedione	cancer	63-05-8	May 3, 2011
Angiotensin converting enzyme (ACE) inhibitors	developmental	---	October 1, 1992
Aniline	cancer	62-53-3	January 1, 1990
Aniline hydrochloride	cancer	142-04-1	May 15, 1998
o-Anisidine	cancer	90-04-0	July 1, 1987
o-Anisidine hydrochloride	cancer	134-29-2	July 1, 1987
Anisindione	developmental	117-37-3	October 1, 1992
Anthraquinone	cancer	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	cancer	1309-64-4	October 1, 1990
Aramite	cancer	140-57-8	July 1, 1987
Areca nut	cancer	---	February 3, 2006
Aristolochic acids	cancer	---	July 9, 2004
Arsenic (inorganic arsenic compounds)	cancer	--	February 27, 1987
Arsenic (inorganic oxides)	developmental	---	May 1, 1997
Asbestos	cancer	1332-21-4	February 27, 1987
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Atrazine	developmental, female	1912-24-9	July 15, 2016
Auramine	cancer	492-80-8	July 1, 1987
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azacitidine	cancer	320-67-2	January 1, 1992
Azaserine	cancer	115-02-6	July 1, 1987
Azathioprine	cancer	446-86-6	February 27, 1987

Azathioprine	developmental	446-86-6	September 1, 1996
Azobenzene	cancer	103-33-3	January 1, 1990
Barbiturates	developmental	---	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benthiavalicarb-isopropyl	cancer	177406-68-7	July 1, 2008
Benz[a]anthracene	cancer	56-55-3	July 1, 1987
Benzene	cancer	71-43-2	February 27, 1987
Benzene	developmental, male	71-43-2	December 26, 1997
Benzidine [and its salts]	cancer	92-87-5	February 27, 1987
Benzidine-based dyes	cancer	---	October 1, 1992
Benzodiazepines	developmental	---	October 1, 1992
Benzo[b]fluoranthene	cancer	205-99-2	July 1, 1987
Benzo[j]fluoranthene	cancer	205-82-3	July 1, 1987
Benzo[k]fluoranthene	cancer	207-08-9	July 1, 1987
Benzofuran	cancer	271-89-6	October 1, 1990
Benzophenone	cancer	119-61-9	June 22, 2012
Benzo[a]pyrene	cancer	50-32-8	July 1, 1987
Benzotrichloride	cancer	98-07-7	July 1, 1987
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Benzyl chloride	cancer	100-44-7	January 1, 1990
Benzyl violet 4B	cancer	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	cancer	---	October 1, 1987
Betel quid with tobacco	cancer	---	January 1, 1990
Betel quid without tobacco	cancer	---	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	cancer	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	cancer	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	cancer	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	cancer	154-93-8	July 1, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bis(chloromethyl)ether	cancer	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	cancer	---	October 29, 1999
Bisphenol A (BPA)	female	80-05-7	May 11, 2015
Bisphenol A (BPA)	developmental	80-05-7	April 11, 2013
Delisted April 19, 2013			
Bitumens, extracts of steam-refined and air refined	cancer	---	January 1, 1990
Bracken fern	cancer	---	January 1, 1990
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
Bromacil lithium salt	male	53404-19-6	January 17, 2003
Bromate	cancer	15541-45-4	May 31, 2002
Bromochloroacetic acid	cancer	5589-96-8	April 6, 2010
Bromodichloroacetic acid	cancer	71133-14-7	July 29, 2016
Bromodichloromethane	cancer	75-27-4	January 1, 1990
Bromoethane	cancer	74-96-4	December 22, 2000
Bromoform	cancer	75-25-2	April 1, 1991
1-Bromopropane (1-BP)	cancer	106-94-5	August 5, 2016
1-Bromopropane (1-BP)	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane (2-BP)	female, male	75-26-3	May 31, 2005

Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	cancer	106-99-0	April 1, 1988
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethanesulfonate (Busulfan)	cancer	55-98-1	February 27, 1987
1,4-Butanediol dimethanesulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butylated hydroxyanisole	cancer	25013-16-5	January 1, 1990
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether Delisted April 4, 2014	male	2426-08-6	August 7, 2009
beta-Butyrolactone	cancer	3068-88-0	July 1, 1987
Cacodylic acid	cancer	75-60-5	May 1, 1996
Cadmium	developmental, male	---	May 1, 1997
Cadmium and cadmium compounds	cancer	---	October 1, 1987
Caffeic acid	cancer	331-39-5	October 1, 1994
Captafol	cancer	2425-06-1	October 1, 1988
Captan	cancer	133-06-2	January 1, 1990
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	cancer	63-25-2	February 5, 2010
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbazole	cancer	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	cancer	1333-86-4	February 21, 2003
Carbon-black extracts	cancer	---	January 1, 1990
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carbon tetrachloride	cancer	56-23-5	October 1, 1987
Carboplatin	developmental	41575-94-4	July 1, 1990
N-Carboxymethyl-N-nitrosourea	cancer	60391-92-6	January 25, 2002
Catechol	cancer	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	cancer	---	July 1, 1990
Certain combined chemotherapy for lymphomas	cancer	---	February 27, 1987
Chenodiol	developmental	474-25-9	April 1, 1990
Chloral	cancer	75-87-6	September 13, 2013
Chloral hydrate	cancer	302-17-0	September 13, 2013
Chlorambucil	cancer	305-03-3	February 27, 1987
Chlorambucil	developmental	305-03-3	January 1, 1989
Chloramphenicol Delisted January 4, 2013	cancer	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	cancer	982-57-0	September 27, 2013
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordane	cancer	57-74-9	July 1, 1988
Chlordecone (Kepone)	cancer	143-50-0	January 1, 1988
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992

Chlordimeform	cancer	6164-98-3	January 1, 1989
Chlorendic acid	cancer	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	cancer	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	cancer	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	cancer	20265-96-7	May 15, 1998
Chlorodibromomethane Delisted October 29, 1999	cancer	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	cancer	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	cancer	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) Lomustine)	developmental	13010-47-4	July 1, 1990
1-(2-Chloroethyl)-3-(4-methyl-cyclohexyl) -1-nitrosourea (Methyl-CCNU)	cancer	13909-09-6	October 1, 1988
Chloroform	cancer	67-66-3	October 1, 1987
Chloroform	developmental	67-66-3	August 7, 2009
Chloromethyl methyl ether (technical grade)	cancer	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	cancer	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	cancer	100-00-5	October 29, 1999
4-Chloro- <i>o</i> -phenylenediamine	cancer	95-83-0	January 1, 1988
Chloroprene	cancer	126-99-8	June 2, 2000
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorothalonil	cancer	1897-45-6	January 1, 1989
<i>p</i> -Chloro- <i>o</i> -toluidine	cancer	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	cancer	---	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	cancer	---	October 24, 1997
Chlorotrianisene	cancer	569-57-3	September 1, 1996
Chlorozotocin	cancer	54749-90-5	January 1, 1992
Chlorpyrifos	developmental	2921-88-2	December 15, 2017
Chlorsulfuron Delisted June 6, 2014	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	cancer	---	February 27, 1987
Chromium (hexavalent compounds)	developmental, female, male	---	December 19, 2008
Chrysene	cancer	218-01-9	January 1, 1990
C.I. Acid Red 114	cancer	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	cancer	569-61-9	July 1, 1989
C.I. Direct Blue 15	cancer	2429-74-5	August 26, 1997
C.I. Direct Blue 218	cancer	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	cancer	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	cancer	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	cancer	59865-13-3	January 1, 1992
Cidofovir	cancer, developmental, female, male	79217-60-0	January 29, 1999
Cinnamyl anthranilate	cancer	113852-37-2	January 29, 1999
Cisplatin	cancer	87-29-6	July 1, 1989
Citrus Red No. 2	cancer	15663-27-1	October 1, 1988
Cladribine	cancer	6358-53-8	October 1, 1989
Clarithromycin	developmental	4291-63-8	September 1, 1996
	developmental	81103-11-9	May 1, 1997

Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clofibrate	cancer	637-07-0	September 1, 1996
Clomiphene citrate	cancer	50-41-9	May 24, 2013
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
CMNP (pyrazachlor)	cancer	6814-58-0	August 25, 2015
Cobalt metal powder	cancer	7440-48-4	July 1, 1992
Cobalt [II] oxide	cancer	1307-96-6	July 1, 1992
Cobalt sulfate	cancer	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	cancer	10026-24-1	June 2, 2000
Cocaine	developmental, female	50-36-2	July 1, 1989
Coconut oil diethanolamine condensate (cocamide diethanolamine)	cancer	---	June 22, 2012
Codeine phosphate	developmental	52-28-8	May 15, 1998
Coke oven emissions	cancer	---	February 27, 1987
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	cancer	---	February 27, 1987
Conjugated estrogens	developmental	---	April 1, 1990
Creosotes	cancer	---	October 1, 1988
p-Cresidine	cancer	120-71-8	January 1, 1988
Cumene	cancer	98-82-8	April 6, 2010
Cupferron	cancer	135-20-6	January 1, 1988
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycasin	cancer	14901-08-7	January 1, 1988
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol Delisted January 25, 2002	male	108-93-0	November 6, 1998
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclopenta[cd]pyrene	cancer	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	cancer	50-18-0	February 27, 1987
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	cancer	6055-19-2	February 27, 1987
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Cytembena	cancer	21739-91-3	May 15, 1998
D&C Orange No. 17	cancer	3468-63-1	July 1, 1990
D&C Red No. 8	cancer	2092-56-0	October 1, 1990
D&C Red No. 9	cancer	5160-02-1	July 1, 1990
D&C Red No. 19	cancer	81-88-9	July 1, 1990
Dacarbazine	cancer	4342-03-4	January 1, 1988
Dacarbazine	developmental	4342-03-4	January 29, 1999
Daminozide	cancer	1596-84-5	January 1, 1990
Danazol	developmental	17230-88-5	April 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	cancer	117-10-2	January 1, 1992
Daunomycin	cancer	20830-81-3	January 1, 1988
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
DDD (Dichlorodiphenyl-dichloroethane)	cancer	72-54-8	January 1, 1989
DDE (Dichlorodi-	cancer	72-55-9	January 1, 1989

phenyldichloroethylene) DDT (Dichlorodi- phenyltrichloroethane) o,p'-DDT	cancer	50-29-3	October 1 , 1987
p,p'-DDT	developmental, female, male	789-02-6	May 15, 1998
DDVP (Dichlorvos)	developmental, female, male	50-29-3	May 15, 1998
Demeclocycline hydrochloride (internal use)	cancer	62-73-7	January 1, 1989
Des-ethyl atrazine (DEA)	developmental	64-73-3	January 1, 1992
Des-isopropyl atrazine (DIA)	developmental, female	6190-65-4	July 15, 2016
N,N'-Diacetylbenzidine	developmental, female	1007-28-9	July 15, 2016
2,4-Diaminoanisole	cancer	613-35-4	October 1, 1989
2,4-Diaminoanisole sulfate	cancer	615-05-4	October 1, 1990
2,4-Diamino-6-chloro-s-triazine (DACT)	cancer	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	developmental, female	3397-62-4	July 15, 2016
2,4-Diaminotoluene	cancer	101-80-4	January 1, 1988
Diaminotoluene (mixed) Delisted November 20, 2015	cancer cancer	95-80-7 ---	January 1, 1988 January 1, 1990
Diazepam	developmental	439-14-5	January 1, 1992
Diazoaminobenzene	cancer	136-35-6	May 20, 2005
Diazoxide	developmental	364-98-7	February 27, 2001
Dibenz[a,h]acridine	cancer	226-36-8	January 1, 1988
Dibenz[a,j]acridine	cancer	224-42-0	January 1, 1988
Dibenzanthracenes	cancer	---	December 26, 2014
Dibenz[a,c]anthracene	cancer	215-58-7	December 26, 2014
Dibenz[a,h]anthracene	cancer	53-70-3	January 1, 1988
Dibenz[a,j]anthracene	cancer	224-41-9	December 26, 2014
7H-Dibenzo[c,g]carbazole	cancer	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	cancer	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	cancer	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	cancer	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	cancer	191-30-0	January 1, 1988
Dibromoacetic acid	cancer	631-64-1	June 17, 2008
Dibromoacetonitrile	cancer	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	cancer	96-12-8	July 1, 1987
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
2,3-Dibromo-1-propanol	cancer	96-13-9	October 1, 1994
Dichloroacetic acid	cancer	79-43-6	May 1, 1996
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
p-Dichlorobenzene	cancer	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	cancer	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	cancer	612-83-9	May 15, 1998
1,1-Dichloro-2,2-bis(p- chlorophenyl)ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
1,4-Dichloro-2-butene	cancer	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	cancer	28434-86-8	January 1, 1988
1,1-Dichloroethane	cancer	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	cancer	75-09-2	April 1, 1988

Dichlorophene	developmental	97-23-4	April 27, 1999
1,2-Dichloropropane	cancer	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	cancer	96-23-1	October 8, 2010
1,3-Dichloropropene	cancer	542-75-6	January 1, 1989
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop-methyl	cancer	51338-27-3	April 6, 2010
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Dieldrin	cancer	60-57-1	July 1, 1988
Dienestrol Delisted January 4, 2013	cancer	84-17-3	January 1, 1990
Diepoxybutane	cancer	1464-53-5	January 1, 1988
Diesel engine exhaust	cancer	---	October 1, 1990
Diethanolamine	cancer	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate (DEHP)	cancer	117-81-7	January 1, 1988
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
1,2-Diethylhydrazine	cancer	1615-80-1	January 1, 1988
Diethylstilbestrol (DES)	cancer	56-53-1	February 27, 1987
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diethyl sulfate	cancer	64-67-5	January 1, 1988
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether Delisted April 4, 2014	male	2238-07-5	August 7, 2009
Diglycidyl resorcinol ether (DGRE)	cancer	101-90-6	July 1, 1989
Di- <i>n</i> -hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Di- <i>n</i> -butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Dihydrosafrole	cancer	94-58-6	January 1, 1988
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diisononyl phthalate (DINP)	cancer	---	December 20, 2013
Diisopropyl sulfate	cancer	2973-10-6	April 1, 1993
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
3,3'-Dimethoxybenzidine (o-Dianisidine)	cancer	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride	cancer	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	cancer	---	June 11, 2004
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
4-Dimethylaminoazobenzene	cancer	60-11-7	January 1, 1988
<i>trans</i> -2-[(Dimethylamino)methyl-imino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	cancer	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	cancer	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	cancer	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	cancer	---	June 11, 2004
3,3'-Dimethylbenzidine dihydrochloride	cancer	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	cancer	79-44-7	January 1, 1988
N,N-Dimethylformamide	cancer	68-12-2	October 27, 2017
1,1-Dimethylhydrazine (UDMH)	cancer	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	cancer	540-73-8	January 1, 1988

2,6-Dimethyl-N-nitrosomorpholine (DMNM)	cancer	1456-28-6	February 8, 2013
Dimethyl sulfate	cancer	77-78-1	January 1, 1988
<i>N,N</i> -Dimethyl- <i>p</i> -toluidine	cancer	99-97-8	May 2, 2014
Dimethylvinylchloride	cancer	513-37-1	July 1, 1989
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
3,7-Dinitrofluoranthene	cancer	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	cancer	22506-53-2	August 26, 1997
1,3-Dinitropyrene	cancer	75321-20-9	November 2, 2012
1,6-Dinitropyrene	cancer	42397-64-8	October 1, 1990
1,8-Dinitropyrene	cancer	42397-65-9	October 1, 1990
Dinitrotoluene (technical grade)	female, male	---	August 20, 1999
2,4-Dinitrotoluene	cancer	121-14-2	July 1, 1988
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	cancer	606-20-2	July 1, 1995
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene mixture, 2,4-/2,6-	cancer	---	May 1, 1996
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Di- <i>n</i> -propyl isocinchomeronate (MGK Repellent 326)	cancer	136-45-8	May 1, 1996
1,4-Dioxane	cancer	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	cancer	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Diphenylhydantoin (Phenytoin), sodium salt	cancer	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	cancer	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	cancer	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	cancer	16071-86-6	October 1, 1988
Disodium cyanodithioimido-carbonate	developmental	138-93-2	March 30, 1999
Disperse Blue 1	cancer	2475-45-8	October 1, 1990
Diuron	cancer	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	cancer	25316-40-9	July 1, 1987
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
2,4-DP (dichloroprop) Delisted January 25, 2002	developmental	120-36-5	April 27, 1999
Emissions from combustion of coal	cancer	---	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	cancer	---	January 3, 2014
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	---	June 9, 2006
Epichlorohydrin	cancer	106-89-8	October 1, 1987
Epichlorohydrin	male	106-89-8	September 1, 1996
Epoxiconazole	cancer	135319-73-2	April 15, 2011

Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Erionite	cancer	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	cancer	50-28-2	January 1, 1988
Estragole	cancer	140-67-0	October 29, 1999
Estrogens, steroidal	cancer	---	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	cancer	---	November 4, 2011
Estrone	cancer	53-16-7	January 1, 1988
Estropipate	cancer, developmental	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	cancer	---	April 29, 2011
Ethinylestradiol	cancer	57-63-6	January 1, 1988
Ethionamide	developmental	536-33-4	August 26, 1997
Ethoprop	cancer	13194-48-4	February 27, 2001
Ethyl acrylate	cancer	140-88-5	July 1, 1989
Ethyl alcohol in alcoholic beverages	developmental	---	October 1, 1987
Ethylbenzene	cancer	100-41-4	June 11, 2004
Ethyl tert-butyl ether <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethyl-4,4'-dichlorobenzilate	cancer	510-15-6	January 1, 1990
Ethylene dibromide	cancer	106-93-4	July 1, 1987
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene dichloride (1,2- Dichloroethane)	cancer	107-06-2	October 1, 1987
Ethylene glycol (ingested)	developmental	107-21-1	June 19, 2015
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethyleneimine (Aziridine)	cancer	151-56-4	January 1, 1988
Ethylene oxide	cancer	75-21-8	July 1, 1987
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene oxide	developmental, male	75-21-8	August 7, 2009
Ethylene thiourea	cancer	96-45-7	January 1, 1988
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid <u>Delisted December 13, 2013</u>	developmental	149-57-5	August 7, 2009
Ethyl methanesulfonate	cancer	62-50-0	January 1, 1988
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	cancer	33419-42-0	November 4, 2011
Etoposide	developmental	33419-42-0	July 1, 1990
Etoposide in combination with cisplatin and bleomycin	cancer	---	November 4, 2011
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Fenoxycarb	cancer	72490-01-8	June 2, 2000
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992

Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Folpet	cancer	133-07-3	January 1, 1989
Formaldehyde (gas)	cancer	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	cancer	3570-75-0	January 1, 1988
Fumonisin B ₁	cancer	116355-83-0	November 14, 2003
Furan	cancer	110-00-9	October 1, 1993
Furazolidone	cancer	67-45-8	January 1, 1990
Furfuryl alcohol	cancer	98-00-0	September 30, 2016
Furmecyclox	cancer	60568-05-0	January 1, 1990
Fusarin C	cancer	79748-81-5	July 1, 1995
Gallium arsenide	cancer	1303-00-0	August 1, 2008
Ganciclovir	cancer, developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	cancer	---	October 1, 1990
Gemfibrozil	cancer	25812-30-0	December 22, 2000
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Glass wool fibers (inhalable and biopersistent)	cancer	---	July 1, 1990
Glu-P-1 (2-Amino-6-methylidipyrido [1,2-a:3',2'-d]imidazole)	cancer	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido [1,2-a:3',2'-d]imidazole)	cancer	67730-10-3	January 1, 1990
Glycidaldehyde	cancer	765-34-4	January 1, 1988
Glycidol	cancer	556-52-5	July 1, 1990
Glyphosate	cancer	1071-83-6	July 7, 2017
Goldenseal root powder	cancer	---	December 4, 2015
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Griseofulvin	cancer	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	cancer	16568-02-8	January 1, 1988
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
HC Blue 1	cancer	2784-94-3	July 1, 1989
Heptachlor	cancer	76-44-8	July 1, 1988
Heptachlor	developmental	76-44-8	August 20, 1999
Heptachlor epoxide	cancer	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus <i>Aristolochia</i>	cancer	---	July 9, 2004
Hexachlorobenzene	cancer	118-74-1	October 1, 1987
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexachlorobutadiene	cancer	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	cancer	---	October 1, 1987

Hexachlorodibenzodioxin	cancer	34465-46-8	April 1, 1988
Hexachloroethane	cancer	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	cancer	---	March 4, 2005
Hexafluoroacetone	developmental, male	684-16-2	August 1, 2008
Hexamethylphosphoramide	cancer	680-31-9	January 1, 1988
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
<i>n</i> -Hexane	male	110-54-3	December 15, 2017
2,5-Hexanedione	male	110-13-4	December 4, 2015
Histrelin acetate	developmental	---	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrazine	cancer	302-01-2	January 1, 1988
Hydrazine sulfate	cancer	10034-93-2	January 1, 1988
Hydrazobenzene	cancer	122-66-7	January 1, 1988
(1,2-Diphenylhydrazine)			
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	---	July 5, 2013
1-Hydroxyanthraquinone	cancer	129-43-1	May 27, 2005
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Imazalil	cancer	35554-44-0	May 20, 2011
Indeno[1,2,3-cd]pyrene	cancer	193-39-5	January 1, 1988
Indium phosphide	cancer	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo [4,5-f] quinoline)	cancer	76180-96-6	April 1, 1990
Iprodione	cancer	36734-19-7	May 1, 1996
Iprovalicarb	cancer	140923-17-7 140923-25-7	June 1, 2007
Iron dextran complex	cancer	9004-66-4	January 1, 1988
Isobutyl nitrite	cancer	542-56-3	May 1, 1996
Isoprene	cancer	78-79-5	May 1, 1996
Isopyrazam	cancer	881685-58-1	July 24, 2012
Isosafrole Delisted December 8, 2006	cancer	420-58-1	October 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Isoxaflutole	cancer	141112-29-0	December 22, 2000
Kresoxim-methyl	cancer	143390-89-0	February 3, 2012
Lactofen	cancer	77501-63-4	January 1, 1989
Lasiocarpine	cancer	303-34-4	April 1, 1988
Lead	developmental, female, male	---	February 27, 1987
Lead and lead compounds	cancer	---	October 1, 1992
Lead acetate	cancer	301-04-2	January 1, 1988
Lead phosphate	cancer	7446-27-7	April 1, 1988
Lead subacetate	cancer	1335-32-6	October 1, 1989
Leather dust	cancer	---	April 29, 2011
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997

Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Lindane and other hexachloro-cyclohexane isomers	cancer	---	October 1, 1989
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Lynestrenol	cancer	52-76-6	February 27, 2001
Malathion	cancer	121-75-5	May 20, 2016
Malonaldehyde, sodium salt	cancer	24382-04-5	May 3, 2011
Mancozeb	cancer	8018-01-7	January 1, 1990
Maneb	cancer	12427-38-2	January 1, 1990
Marijuana smoke	cancer	---	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	cancer	68006-83-7	January 1, 1990
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	cancer	71-58-9	January 1, 1990
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	cancer	595-33-5	March 28, 2014
Megestrol acetate	developmental	595-33-5	January 1, 1991
MelQ (2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	cancer	77094-11-2	October 1, 1994
MelQx (2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	cancer	77500-04-0	October 1, 1994
Melphalan	cancer	148-82-3	February 27, 1987
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Mepanipyrim	cancer	110235-47-7	July 1, 2008
Meprobamate	developmental	57-53-4	January 1, 1992
2-Mercaptobenzothiazole	cancer	149-30-4	October 27, 2017
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	---	July 1, 1990
Merphalan	cancer	531-76-0	April 1, 1988
Mestranol	cancer	72-33-3	April 1, 1988
Metam potassium	cancer	137-41-7	December 31, 2010
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	cancer	137-42-8	November 6, 1998
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
5-Methoxypsoralen with ultraviolet A therapy	cancer	484-20-8	October 1, 1988
8-Methoxypsoralen with ultraviolet A therapy	cancer	298-81-7	February 27, 1987
2-Methylaziridine (Propyleneimine)	cancer	75-55-8	January 1, 1988
Methylazoxymethanol	cancer	590-96-5	April 1, 1988
Methylazoxymethanol acetate	cancer	592-62-1	April 1, 1988
Methyl bromide, as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl carbamate	cancer	598-55-0	May 15, 1998

Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl chloride	male	74-87-3	August 7, 2009
3-Methylcholanthrene	cancer	56-49-5	January 1, 1990
5-Methylchrysene	cancer	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	cancer	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	cancer	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	cancer	838-88-0	April 1, 1988
4,4'-Methylenedianiline	cancer	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	cancer	13552-44-8	January 1, 1988
Methyleugenol	cancer	93-15-2	November 16, 2001
Methylhydrazine and its salts	cancer	---	July 1, 1992
2-Methylimidazole	cancer	693-98-1	June 22, 2012
4-Methylimidazole	cancer	822-36-6	January 7, 2011
Methyl iodide	cancer	74-88-4	April 1, 1988
Methyl isobutyl ketone	cancer	108-10-1	November 4, 2011
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone Delisted April 4, 2014	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	---	July 1, 1987
Methylmercury compounds	cancer	---	May 1, 1996
Methyl methanesulfonate	cancer	66-27-3	April 1, 1988
Methyl-n-butyl ketone	male	591-78-6	August 7, 2009
	developmental		December 4, 2015
2-Methyl-1-nitroanthraquinone (of uncertain purity)	cancer	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	cancer	70-25-7	April 1, 1988
N-Methylolacrylamide	cancer	924-42-5	July 1, 1990
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene (alpha-Methylstyrene)	cancer	98-83-9	November 2, 2012
α-Methyl styrene Delisted April 4, 2014	female	98-83-9	July 29, 2014
Methyltestosterone	developmental	58-18-4	April 1, 1990
Methylthiouracil	cancer	56-04-2	October 1, 1989
Metiram	cancer	9006-42-2	January 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Metronidazole	cancer	443-48-1	January 1, 1988
Michler's ketone	cancer	90-94-8	January 1, 1988
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Mirex	cancer	2385-85-5	January 1, 1988
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitomycin C	cancer	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	cancer	70476-82-3	January 23, 2015
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	cancer	71526-07-3	March 22, 2011
MON 13900 (furilazole)	cancer	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	cancer	96-24-2	October 8, 2010

Monocrotaline	cancer	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	cancer	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitrofurfuryl-idene)-amino]-2-oxazolidinone	cancer	139-91-3	April 1, 1988
Mustard Gas	cancer	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	cancer	77439-76-0	December 22, 2000
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
beta-Myrcene	cancer	123-35-3	March 27, 2015
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Nafenopin	cancer	3771-19-5	April 1, 1988
Nalidixic acid	cancer	389-08-2	May 15, 1998
Naphthalene	cancer	91-20-3	April 19, 2002
1-Naphthylamine	cancer	134-32-7	October 1, 1989
2-Naphthylamine	cancer	91-59-8	February 27, 1987
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel (Metallic)	cancer	7440-02-0	October 1, 1989
Nickel acetate	cancer	373-02-4	October 1, 1989
Nickel carbonate	cancer	3333-67-3	October 1, 1989
Nickel carbonyl	cancer	13463-39-3	October 1, 1987
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nickel compounds	cancer	---	May 7, 2004
Nickel hydroxide	cancer	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	cancer	1271-28-9	October 1, 1989
Nickel oxide	cancer	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	cancer	---	October 1, 1987
Nickel subsulfide	cancer	12035-72-2	October 1, 1987
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Niridazole	cancer	61-57-4	April 1, 1988
Nitrapyrin	cancer	1929-82-4	October 5, 2005
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrilotriacetic acid	cancer	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	cancer	18662-53-8	April 1, 1989
5-Nitroacenaphthene	cancer	602-87-9	April 1, 1988
5-Nitro-o-anisidine Delisted December 8, 2006	cancer	99-59-2	October 1, 1989
o-Nitroanisole	cancer	91-23-6	October 1, 1992
Nitrobenzene	cancer	98-95-3	August 26, 1997
Nitrobenzene	male	98-95-3	March 30, 2010
4-Nitrobiphenyl	cancer	92-93-3	April 1, 1988
6-Nitrochrysene	cancer	7496-02-8	October 1, 1990
Nitrofen (technical grade)	cancer	1836-75-5	January 1, 1988
2-Nitrofluorene	cancer	607-57-8	October 1, 1990
Nitrofurantoin	male	67-20-9	April 1, 1991

Nitrofurazone	cancer	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	cancer	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	cancer	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	cancer	51-75-2	January 1, 1988
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	cancer	55-86-7	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrogen mustard N-oxide	cancer	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	cancer	302-70-5	April 1, 1988
Nitromethane	cancer	75-52-5	May 1, 1997
2-Nitropropane	cancer	79-46-9	January 1, 1988
1-Nitropyrene	cancer	5522-43-0	October 1, 1990
4-Nitropyrene	cancer	57835-92-4	October 1, 1990
N-Nitrosodi- <i>n</i> -butylamine	cancer	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	cancer	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	cancer	55-18-5	October 1, 1987
N-Nitrosodimethylamine	cancer	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	cancer	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	cancer	86-30-6	April 1, 1988
N-Nitrosodi- <i>n</i> -propylamine	cancer	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	cancer	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)- propionitrile	cancer	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1- (3-pyridyl)1-butanone	cancer	64091-91-4	April 1, 1990
N-Nitrosomethyl- <i>n</i> -butylamine	cancer	7068-83-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -decylamine	cancer	75881-22-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -dodecylamine	cancer	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	cancer	10595-95-6	October 1, 1989
N-Nitrosomethyl- <i>n</i> -heptylamine	cancer	16338-99-1	December 26, 2014
N-Nitrosomethyl- <i>n</i> -hexylamine	cancer	28538-70-7	December 26, 2014
N-Nitrosomethyl- <i>n</i> -nonylamine	cancer	75881-19-5	December 26, 2014
N-Nitrosomethyl- <i>n</i> -octylamine	cancer	34423-54-6	December 26, 2014
N-Nitrosomethyl- <i>n</i> -pentylamine	cancer	13256-07-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -propylamine	cancer	924-46-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -tetradecylamine	cancer	75881-20-8	December 26, 2014
N-Nitrosomethyl- <i>n</i> -undecylamine	cancer	68107-26-6	December 26, 2014
N-Nitroso-N-methylurea	cancer	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	cancer	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	cancer	4549-40-0	January 1, 1988
N-Nitrosomorpholine	cancer	59-89-2	January 1, 1988
N-Nitrosornicotine	cancer	16543-55-8	January 1, 1988
N-Nitrosopiperidine	cancer	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	cancer	930-55-2	October 1, 1987
N-Nitrososarcosine	cancer	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	cancer	88-72-2	May 15, 1998
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	cancer	68-22-4	October 1, 1989
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate	developmental	51-98-9	October 1, 1991

(Norethindrone acetate)			
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norethynodrel	cancer	68-23-5	February 27, 2001
Norgestrel	developmental	6533-00-2	April 1, 1990
Ochratoxin A	cancer	303-47-9	July 1, 1990
Oil Orange SS	cancer	2646-17-5	April 1, 1988
Oral contraceptives, combined	cancer	---	October 1, 1989
Oral contraceptives, sequential	cancer	---	October 1, 1989
Oryzalin	cancer	19044-88-3	September 12, 2008
Oxadiazon	cancer	19666-30-9	July 1, 1991
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	cancer	604-75-1	October 1, 1994
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide) Delisted December 13, 2013	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	cancer	434-07-1	January 1, 1988
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	cancer	2439-01-2	August 20, 1999
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Palygorskite fibers (> 5µm in length)	cancer	12174-11-7	December 28, 1999
Panfuran S	cancer	794-93-4	January 1, 1988
Paramethadione	developmental	115-67-3	July 1, 1990
Parathion	cancer	56-38-2	May 20, 2016
Penicillamine	developmental	52-67-5	January 1, 1991
Pentabromodiphenyl ether mixture [DE-71 (technical grade)]	cancer	---	July 7, 2017
Pentachlorophenol	cancer	87-86-5	January 1, 1990
Pentachlorophenol and by-products of its synthesis (complex mixture)	cancer	---	October 21, 2016
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentosan polysulfate sodium	cancer	---	April 18, 2014
Pentostatin	developmental	53910-25-1	September 1, 1996
Perfluorooctane sulfonate (PFOS)	developmental	1763-23-1	November 10, 2017
Perfluorooctanoic acid (PFOA)	developmental	335-67-1	November 10, 2017
Pertuzumab	developmental	380610-27-5	January 27, 2017
Phenacemide	developmental	63-98-9	July 1, 1990
Phenacetin	cancer	62-44-2	October 1, 1989
Phenazopyridine	cancer	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	cancer	136-40-3	January 1, 1988
Phenesterin	cancer	3546-10-9	July 1, 1989
Phenobarbital	cancer	50-06-6	January 1, 1990
Phenolphthalein	cancer	77-09-8	May 15, 1998
Phenoxybenzamine	cancer	59-96-1	April 1, 1988

Phenoxybenzamine hydrochloride	cancer	63-92-3	April 1, 1988
Phenprocoumon	developmental	435-97-2	October 1, 1992
<i>o</i> -Phenylenediamine and its salts	cancer	95-54-5	May 15, 1998
Phenyl glycidyl ether	cancer	122-60-1	October 1, 1990
Phenyl glycidyl ether Delisted April 4, 2014	male	122-60-1	August 7, 2009
Phenylhydrazine and its salts	cancer	---	July 1, 1992
<i>o</i> -Phenylphenate, sodium	cancer	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	cancer	90-43-7	August 4, 2000
Phenylphosphine	developmental male	638-21-1	August 7, 2009
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	cancer	105650-23-5	October 1, 1994
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pioglitazone	cancer	111025-46-8	April 18, 2014
Pipobroman	developmental	54-91-1	July 1, 1990
Pirimicarb	cancer	23103-98-2	July 1, 2008
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	cancer	---	January 1, 1988
Polybrominated biphenyls	developmental	---	October 1, 1994
Polychlorinated biphenyls	cancer	---	October 1, 1989
Polychlorinated biphenyls	developmental	---	January 1, 1991
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	cancer	---	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	cancer	---	October 1, 1992
Polychlorinated dibenzofurans	cancer	---	October 1, 1992
Polygeenan	cancer	53973-98-1	January 1, 1988
Ponceau MX	cancer	3761-53-3	April 1, 1988
Ponceau 3R	cancer	3564-09-8	April 1, 1988
Potassium bromate	cancer	7758-01-2	January 1, 1990
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Primidone	cancer	125-33-7	August 20, 1999
Procarbazine	cancer	671-16-9	January 1, 1988
Procarbazine hydrochloride	cancer	366-70-1	January 1, 1988
	developmental		July 1, 1990
Procymidone	cancer	32809-16-8	October 1, 1994
Progesterone	cancer	57-83-0	January 1, 1988
Pronamide	cancer	23950-58-5	May 1, 1996
Propachlor	cancer	1918-16-7	February 27, 2001
1,3-Propane sultone	cancer	1120-71-4	January 1, 1988
Propargite	cancer	2312-35-8	October 1, 1994
Propargite	developmental	2312-35-8	June 15, 1999
Propazine	developmental, female	139-40-2	July 15, 2016
beta-Propiolactone	cancer	57-57-8	January 1, 1988
Propoxur	cancer	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	cancer	57018-52-7	June 11, 2004
Propylene oxide	cancer	75-56-9	October 1, 1988
Propylthiouracil	cancer	51-52-5	January 1, 1988
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pulegone	cancer	89-82-7	April 18, 2014
Pymetrozine	cancer	123312-89-0	March 22, 2011
Pyridine	cancer	110-86-1	May 17, 2002
Pyrimethamine	developmental	58-14-0	January 29, 1999

Quazepam	developmental	36735-22-5	August 26, 1997
Quinoline and its strong acid salts	cancer	---	October 24, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Radionuclides	cancer	---	July 1, 1989
Reserpine	cancer	50-55-5	October 1, 1989
Residual (heavy) fuel oils	cancer	---	October 1, 1990
Resmethrin	cancer	10453-86-8	July 1, 2008
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	---	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
Ribavirin	male	36791-04-5	February 27, 2001
Riddelliine	cancer	23246-96-0	December 3, 2004
Rifampin	developmental, female	13292-46-1	February 27, 2001
Saccharin Delisted April 6, 2001	cancer	81-07-2	October 1, 1989
Saccharin, sodium Delisted January 17, 2003	cancer	128-44-9	January 1, 1988
Safrole	cancer	94-59-7	January 1, 1988
Salted fish, Chinese-style	cancer	---	April 29, 2011
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sedaxane	cancer	874967-67-6	July 1, 2016
Selenium sulfide	cancer	7446-34-6	October 1, 1989
Sermorelin acetate	developmental	---	August 20, 1999
Shale-oils	cancer	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	cancer	---	October 1, 1988
Simazine	developmental, female	122-34-9	July 15, 2016
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	cancer	---	February 27, 1987
Spirodiclofen	cancer	148477-71-8	October 8, 2010
Spironolactone	cancer	52-01-7	May 1, 1997
Stanozolol	cancer	10418-03-8	May 1, 1997
Sterigmatocystin	cancer	10048-13-2	April 1, 1988
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Streptozotocin (streptozocin)	cancer	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	cancer	---	March 14, 2003
Styrene	cancer	100-42-5	April 22, 2016
Styrene oxide	cancer	96-09-3	October 1, 1988
Sulfallate	cancer	95-06-7	January 1, 1988
Sulfasalazine	cancer	599-79-1	May 15, 1998

(Salicylazosulfapyridine) Sulfasalazine	male	599-79-1	January 29, 1999
(Salicylazosulfapyridine) Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Talc containing asbestiform fibers	cancer	---	April 1, 1990
Tamoxifen and its salts	cancer	10540-29-1	September 1, 1996
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Teriparatide	cancer	52232-67-4	August 14, 2015
Terrazole	cancer	2593-15-9	October 1, 1994
Testosterone and its esters	cancer	58-22-0	April 1, 1988
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
Tetrabromobisphenol A	cancer	79-94-7	October 27, 2017
3,3',4,4'-Tetrachloroazobenzene	cancer	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	cancer	1746-01-6	January 1, 1988
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
1,1,1,2-Tetrachloroethane	cancer	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	cancer	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	cancer	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	cancer	5216-25-1	January 1, 1990
Tetrachlorvinphos	cancer	22248-79-9	May 20, 2016
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	---	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Tetrafluoroethylene	cancer	116-14-3	May 1, 1997
Tetranitromethane	cancer	509-14-8	July 1, 1990
Thalidomide	developmental	50-35-1	July 1, 1987
Thioacetamide	cancer	62-55-5	January 1, 1988
4,4'-Thiodianiline	cancer	139-65-1	April 1, 1988
Thiodicarb	cancer	59669-26-0	August 20, 1999
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Thiouracil	cancer	141-90-2	June 11, 2004
Thiourea	cancer	62-56-6	January 1, 1988
Thorium dioxide	cancer	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	cancer	---	September 2, 2011
Tobacco, oral use of smokeless products	cancer	---	April 1, 1988
Tobacco smoke	cancer	---	April 1, 1988
Tobacco smoke (primary)	developmental, female, male	---	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3 108-88-3	January 1, 1991 August 7, 2009
Toluene diisocyanate	cancer	26471-62-5	October 1, 1989

o-Toluidine	cancer	95-53-4	January 1, 1988
o-Toluidine hydrochloride	cancer	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	cancer	406-49-0	January 1, 1990
Topiramate	developmental	97240-79-4	November 27, 2015
Toxaphene (Polychlorinated camphenes)	cancer	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium</i> Moniliforme (<i>Fusarium verticillioides</i>)	cancer	---	August 7, 2009
Treosulfan	cancer	299-75-2	February 27, 1987
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triamterene	cancer	396-01-0	April 18, 2014
Triazolam	developmental	28911-01-5	April 1, 1990
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	cancer	78-48-8	February 25, 2011
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichlormethine (Trimustine hydrochloride)	cancer	817-09-4	January 1, 1992
Trichloroacetic acid	cancer	76-03-9	September 13, 2013
Trichloroethylene	cancer	79-01-6	April 1, 1988
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
2,4,6-Trichlorophenol	cancer	88-06-2	January 1, 1988
1,2,3-Trichloropropane	cancer	96-18-4	October 1, 1992
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
2,4,5-Trimethylaniline and its strong acid salts	cancer	---	October 24, 1997
Trimethyl phosphate	cancer	512-56-1	May 1, 1996
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
<u>TRIM® VX</u>	<u>cancer</u>	<u>---</u>	<u>May 25, 2018</u>
2,4,6-Trinitrotoluene (TNT)	cancer	118-96-7	December 19, 2008
Triphenyltin hydroxide	cancer	76-87-9	July 1, 1992
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Tris(aziridinyl)-p-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	cancer	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	cancer	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	cancer	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	cancer	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	cancer	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	cancer	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	cancer	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	cancer	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	cancer	---	April 1, 1988
Uracil mustard	cancer	66-75-1	April 1, 1988

	developmental, female, male		January 1, 1992
Urethane (Ethyl carbamate)	cancer	51-79-6	January 1, 1988
Urofollitropin	developmental developmental	97048-13-0	October 1, 1994 April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vanadium pentoxide (orthorhombic crystalline form)	cancer	1314-62-1	February 11, 2005
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	cancer	50471-44-8	August 20, 1999
Vincristine sulfate	developmental	2068-78-2	May 15, 1998
Vinyl bromide	developmental	593-60-2	July 1, 1990
Vinyl chloride	cancer	75-01-4	October 1, 1988
4-Vinylcyclohexene	cancer	100-40-3	February 27, 1987
4-Vinyl-cyclohexene	cancer	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	female, male	100-40-3	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	cancer	106-87-6	July 1, 1990
Vinyl fluoride	female, male	106-87-6	August 1, 2008
Vinylidene chloride (1,1-Dichloroethylene)	cancer	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2- Trichloroethane)	cancer	75-35-4	December 29, 2017
Vismodegib	cancer	79-00-5	October 1, 1990
Warfarin	developmental, female, male	879085-55-9	January 27, 2017
Wood dust	developmental	81-81-2	July 1, 1987
	cancer	---	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	cancer	87-62-7	January 1, 1991
Zalcitabine	cancer	7481-89-2	August 7, 2009
Zidovudine (AZT)	cancer	30516-87-1	December 18, 2009
Zileuton	cancer, developmental, female	111406-87-2	December 22, 2000

~~Zineb~~ [Delisted October 29, 1999](#)

Date: May 25, 2018

ATTACHMENT B



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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October 12, 2018

Laura del Castillo
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: Comments on the 4300 Stevens Creek Boulevard Mixed-Use Project

Dear Ms. del Castillo,

We have reviewed the August 2018 Draft Environmental Impact Report (DEIR) for the 4300 Stevens Creek Boulevard Mixed-Use Project (“Project”) located in the City of San Jose (“City”). The Project Applicant proposes to construct two eight-story residential buildings (combined total of 582 residential units), a six-story, 315,000 square foot office building (including 15,000 to 22,000 square feet of ground-floor retail), and a five-level parking garage on a 10.0-acre site. The Project site is currently developed with a group of three two-story and one one-story office buildings, a one-story commercial building, and surface parking lots, which the Project Applicant proposes to demolish during construction.

Our review concludes that the DEIR fails to adequately evaluate the Project’s Air Quality and Greenhouse Gas (GHG) impacts. As a result, emissions and health impacts associated with the construction and operation of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate the potential health risk and GHG impacts the Project may have on the surrounding environment.

Air Quality

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The Air Quality Assessment, found in Appendix A, evaluated the Project’s construction-related health risk impact by evaluating the health risk posed to nearby sensitive receptors from diesel particulate matter (DPM) emissions generated during the Project’s construction phases, and concluded that impacts were less than significant with mitigation (Appendix A, pp. 17). Additionally, the DEIR evaluated the health risk posed to new, on-site receptors from exposure to toxic air contaminant (TAC) emissions from traffic on nearby freeways and high traffic volume roadways including Stevens Creek Boulevard and Kiely Boulevard, and from two stationary permitted sources – Plant G4436 Tosco and Plant 3721 Smythe European – and also concluded that impacts would be less than significant (Appendix A, pp. 11-15).

While the DEIR's HRAs are adequate, the DEIR fails to conduct an HRA to evaluate the health risk posed to existing sensitive receptors near the Project site from emissions generated by the proposed Project during operation. As a result, the DEIR fails to provide a comprehensive review of the all of the Project's potential health-related impacts.

By failing to prepare an operational HRA, the DEIR is inconsistent with recommendations set forth by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.¹ This guidance document describes the types of projects that warrant the preparation of a health risk assessment. Once construction of the Project is complete, the Project will generate 7,030 daily operational vehicle trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to emissions (Appendix A, pp. 50). The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).² Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, health risks from Project operation should have also been evaluated by the DEIR, as a 30-year exposure duration vastly exceeds the 2-month and 6-month requirements set forth by OEHHA. These recommendations reflect the most recent health risk policy, and as such, an assessment of health risks to nearby sensitive receptors from operation should be included in a revised California Environmental Quality Act (CEQA) evaluation for the Project. In an effort to demonstrate the potential risk posed by the Project to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, demonstrate that operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DIER.

Updated Analysis Indicates Potentially Significant Health Related Impact

In an effort to demonstrate the potential risk posed by Project operation to nearby existing sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project's operational DPM emissions may result in a potentially significant health risk impact that was not previously identified.

In order to conduct our screening level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.³ The model replaced SCREEN3, and AERSCREEN is included in the

¹ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html

² "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

³ "AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, available at: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

OEHHA⁴ and the California Air Pollution Control Officers Associated (CAPCOA)⁵ guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSAs”). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project’s health-related impact to sensitive receptors using the mitigated annual PM10 exhaust estimates from the DEIR’s annual CalEEMod output files. Using Google Earth, we determined that the closest sensitive receptor is approximately 25 meters from the Project site. Consistent with recommendations set forth by OEHHA, we used a residential exposure duration of 30 years, starting after completion of construction⁶. The DEIR’s CalEEMod model’s annual emissions indicate that construction activities will generate approximately 236 pounds of DPM over the approximately 27.9-year operational period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. We calculated an average DPM emission rate by the following equation.

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{236 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.003395 \text{ g/s}}$$

Using this equation, we estimated an operational emission rate of 0.003395 g/s. Operational activity was simulated as a 10.0-acre rectangular area source in AERSCREEN, with dimensions of 235 meters by 173 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.⁷ For example, for the MEIR the single-hour concentration estimated by AERSCREEN for Project operation is approximately 2.404 µg/m³ DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.2404 µg/m³ for Project operation at the MEIR.

⁴ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf

⁵ “Health Risk Assessments for Proposed Land Use Projects,” CAPCOA, July 2009, available at: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

⁶ We evaluated the risk posed to a receptor starting in the 3rd trimester stage of life starting after completion of the 2.08 year construction period.

⁷ http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf

We calculated the excess cancer risk to the residential receptors located closest to the Project site using applicable HRA methodologies prescribed by OEHHA and the Bay Area Air Quality Management District (BAAQMD). Consistent with OEHHA guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.⁸ According to the updated guidance, quantified cancer risk should be multiplied by a factor of ten during the 3rd trimester of pregnancy and the first two years of life (infant), and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used 95th percentile breathing rates for infants.⁹ Finally, consistent with the DEIR’s HRA, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester, infant, and child receptors, and 0.73 for the adult receptors.¹⁰ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown below.

Parameter	Description	Units	3rd Trimester	Infant	Child	Adult
Cair	Concentration	µg/m ³	0.2404	0.2404	0.2404	0.2404
DBR	Daily breathing rate	L/kg-day	361	1090	572	261
EF	Exposure Frequency	days/year	350	350	350	350
ED	Exposure Duration	years	0.25	2.00	14.00	11.67
AT	Averaging Time	days	25550	25550	25550	25550
	Inhaled Dose	(mg/kg-day)	3.0E-07	7.2E-06	2.6E-05	1.0E-05
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1	1.1	1.1
ASF	Age Sensitivity Factor	-	10	10	3	1
FAH	Fraction of Time At Home	-	1	1	1	0.73
	Cancer Risk		3.3E-06	7.9E-05	8.7E-05	8.1E-06
Total Operational Cancer Risk			<u>1.77E-04</u>			

As demonstrated above, the excess cancer risk to adults, children, infants, and 3rd trimester gestations at a sensitive receptor located approximately 25 meters away, over the course of Project operation, are approximately 8.1, 87, 79, and 3.3 in one million, respectively. Furthermore, the excess cancer risk posed by operation over the course of a residential lifetime is approximately 177 in one million. Consistent with OEHHA guidance, exposure was assumed to begin in the 3rd trimester stage of pregnancy to provide the most conservative estimates of air quality hazards. The infantile, child, and

⁸ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

⁹ “Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics ‘Hot Spots’ Information and Assessment Act,” June 5, 2015, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>, p. 19

“Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

¹⁰ “Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines.” BAAQMD, January 2016, available at: http://www.baaqmd.gov/~media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en

lifetime cancer risks all greatly exceed the BAAQMD's threshold of 10 in one million, thus resulting in a potentially significant impact not previously identified by the DEIR.

It should be noted that our analysis represents a screening-level HRA, which is known to be more conservative, and tends to err on the side of health protection.¹¹ The purpose of a screening-level HRA, however, is to determine if a more refined HRA needs to be conducted. If the results of a screening-level health risk are above applicable thresholds, then the Project needs to conduct a more refined HRA that is more representative of site specific concentrations. Our screening-level HRA demonstrates that operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. As a result, refined operational HRA must be prepared to examine air quality impacts generated by Project operation using site-specific meteorology. An updated DEIR should be prepared to adequately evaluate the Project's health risk impact and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

Greenhouse Gas

Failure to Adequately Evaluate and Mitigation Project's Greenhouse Gas Emissions

The DEIR evaluates the Project's per service population GHG emissions and concludes that the Project will generate 2.98 metric tons of carbon dioxide equivalents per year (MT CO₂e/sp/year), which is above the 2.6 MT CO₂e/sp/year threshold, thus resulting in a significant impact (pp. 96). In order to lessen the Project's impacts, the DEIR lists several mitigation measures to reduce emissions but determines that impacts would be significant and unavoidable "if the project is not completed until after January 1, 2021" but states that the Project would "have a less than significant operational GHG impact if the project is fully constructed and operational by January 1, 2021" (pp. 97-98). The DEIR reasons that because the Project is consistent with the City's General Plan and GHG Reduction Strategy land use designations "projects that are fully constructed and operational by January 1, 2021 and consistent with the GHG Reduction Strategy would not interfere with the implementation of AB 32 and would have a less than significant impact related to GHG emissions" (pp. 96). The DEIR notes that based off of information provided by the Project Applicant the Project is expected to be fully operational by January 1, 2021 and therefore, the "current 2020 GHG thresholds would apply" (pp. 96). The DEIR continues on to state,

"The State has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for the State and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a "Substantial Progress" efficiency metric of 2.6 MT CO₂e/year/service population has been calculated for 2030 based on the GHG reduction goals of Senate Bill 32 and Executive Order B- 30 15, taking into account the 1990 inventory and the projected 2030

¹¹ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf p. 1-5

statewide population and employment levels. Assuming no additional GHG reduction measures would be included in the project, the project would generate approximately 2.96 MT CO₂e/SP per year and would be above the 2.6 MT CO₂e/year/service population threshold” (pp. 96).

The DEIR continues on to state,

“The General Plan FEIR (as amended) concluded that Citywide 2035 GHG emissions, which encompass emissions from the current project, are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals... The City’s projected 2035 GHG emissions, without further substantial reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05 and remain significant and unavoidable. Based on this conclusion, the City found that build out of the General Plan would have a significant and unavoidable GHG emissions impact beyond 2020... The project is consistent with the development assumptions in the General Plan. As such, post-2020 GHG emissions from the project have been accounted for and already disclosed as a significant and unavoidable impact and accepted by the City Council in adopting the General Plan” (pp. 96-97).

Thus, it appears that the DEIR reasons that if the Project is fully operational by January 1, 2021 then the Project’s GHG emissions would have a less than significant impact through 2020; however, if the Project is not operational until after January 1, 2021 then because “operational emissions were estimated to be above the 2030 substantial progress threshold” the Project would result in a significant project level GHG impact (pp. 187). This reasoning, however, is entirely incorrect. The BAAQMD has developed thresholds of significance for proposed land use developments. For land use developments, such as the proposed Project, the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 MT CO₂e/yr; or 4.6 MT CO₂e/sp/yr.¹² The Project fails to demonstrate how the Project is compliant with the GHG Reduction Strategy. Furthermore, based on the Project’s estimated emissions, the Project would generate GHG emissions that exceed both the bright-line threshold of 1,100 MT CO₂e/yr and the 4.6 MT CO₂e/sp/yr threshold, regardless of the year that the Project is actually completed. As such, the Project’s GHG impact would be significant. However, this impact cannot be considered significant and unavoidable until all available, feasible mitigation is implemented.

According to CEQA,

“CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency

¹² http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-4

can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted.”¹³

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project’s proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project’s air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project’s design, impacts from GHG emissions cannot be considered as significant and unavoidable.

In an effort to reduce the Project’s emissions, we identified several mitigation measures that are applicable to the Project. Feasible mitigation measures can be found in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels.¹⁴ Therefore, to reduce the Project’s operational GHG emissions, consideration of the following measures should be made.

- Incorporate Bike Lane Street Design (On-Site)
 - Incorporating bicycle lanes, routes, and shared-use paths into street systems, new subdivisions, and large developments can reduce VMTs. These improvements can help reduce peak-hour vehicle trips by making commuting by bike easier and more convenient for more people. In addition, improved bicycle facilities can increase access to and from transit hubs, thereby expanding the “catchment area” of the transit stop or station and increasing ridership. Bicycle access can also reduce parking pressure on heavily-used and/or heavily-subsidized feeder bus lines and auto-oriented park-and-ride facilities.
- Limit Parking Supply
 - This mitigation measure will change parking requirements and types of supply within the Project site to encourage “smart growth” development and alternative transportation choices by project residents and employees. This can be accomplished in a multi-faceted strategy:
 - Elimination (or reduction) of minimum parking requirements
 - Creation of maximum parking requirements
 - Provision of shared parking
- Price Workplace Parking
 - The project should implement workplace parking pricing at its employment centers. This may include: explicitly charging for parking for its employees, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available alternatives.

¹³ http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

¹⁴ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

- Though similar to the Employee Parking “Cash-Out” strategy, this strategy focuses on implementing market rate and above market rate pricing to provide a price signal for employees to consider alternative modes for their work commute.
- Implement Employee Parking "Cash-Out"
 - The project can require employers to offer employee parking “cash-out.” The term “cash-out” is used to describe the employer providing employees with a choice of forgoing their current subsidized/free parking for a cash payment equivalent to the cost of the parking space to the employer.

Additional mitigation measures that could be implemented to reduce GHG emissions include, but are not limited to, the following:¹⁵

- Use passive solar design, such as:^{16,17}
 - Orient buildings and incorporate landscaping to maximize passive solar, heating during cool seasons, and minimize solar heat gain during hot seasons.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a “green streets guide” that requires:
 - Use of minimal amounts of concrete and asphalt;
 - Use of groundcovers rather than pavement to reduce heat reflection.¹⁸
- Implement Project design features such as:
 - Shade HVAC equipment from direct sunlight;
 - Install high-albedo white thermoplastic polyolefin roof membrane;
 - Install high-efficiency HVAC with hot-gas reheat;
 - Install formaldehyde-free insulation; and
 - Use recycled-content gypsum board.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site.

¹⁵ http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

¹⁶ Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.

¹⁷ Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.

¹⁸ Cool Houston Plan;
http://www.harcresearch.org/sites/default/files/documents/projects/CoolHoustonPlan_0.pdf

Finally, the Kimball Business Park Project Final Environmental Impact Report includes various feasible mitigation measures that would reduce on-site area emissions that are applicable to the proposed Project's retail land use, and include, but are not limited to: ¹⁹

- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Installation of dual-paned or other energy efficient windows.
- Installation of automatic devices to turn off lights where they are not needed.

When combined, these measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation. An updated DEIR must be prepared to include mitigation measures to ensure that the necessary mitigation measures are implemented to reduce operational GHG emissions to below thresholds. The Project Applicant also needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project's operational significant emissions are reduced to the maximum extent possible.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Hadley Nolan

¹⁹ Mitigation Monitoring Plan for the Kimball Business Park Project Final Environmental Impact Report, July 2016.

4300 Stevens Creek Blvd

Start date and time 10/10/18 15:53:29
AERSCREEN 14147

4300 Stevens Creek Blvd

4300 Stevens Creek Blvd

----- DATA ENTRY VALIDATION -----
METRIC ENGLISH

** AREADATA **

Emission Rate:	0.339E-02 g/s	0.269E-01 lb/hr
Area Height:	3.00 meters	9.84 feet
Area Source Length:	235.00 meters	771.00 feet
Area Source Width:	173.00 meters	567.59 feet
Vertical Dimension:	1.50 meters	4.92 feet
Model Mode:	URBAN	
Population:	1025000	
Dist to Ambient Air:	1.0 meters	3. feet

** BUILDING DATA **

No Building Downwash Parameters

** TERRAIN DATA **

No Terrain Elevations
Source Base Elevation: 0.0 meters 0.0 feet

Probe distance: 5000. meters 16404. feet

No flagpole receptors

No discrete receptors used

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K -9.7 / 98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

4300 Stevens Creek Blvd

Dominant Surface Profile: Urban

Dominant Climate Type: Average Moisture

AERSCREEN output file:
4300 Stevens Creek Blvd.out

*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run

SURFACE CHARACTERISTICS & MAKEMET
Obtaining surface characteristics...

Using AERMET seasonal surface characteristics for Urban with Average Moisture

Season	Albedo	Bo	zo
Winter	0.35	1.50	1.000
Spring	0.14	1.00	1.000
Summer	0.16	2.00	1.000
Autumn	0.18	2.00	1.000

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 10/10/18 15:55:01

Running AERMOD
Processing Winter

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 5

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 10

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 15

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 20

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 25

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 30

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 35

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 40

***** WARNING MESSAGES *****

*** NONE ***

Running AERMOD
Processing Spring

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 5

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 10

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 15

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 20

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 25

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 30

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 35

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 40

***** WARNING MESSAGES *****

*** NONE ***

Running AERMOD
Processing Summer

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 5

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 10

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 15

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 20

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 25

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 30

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 35

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 40

***** WARNING MESSAGES *****

*** NONE ***

Running AERMOD
Processing Autumn

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 5

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 10

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 15

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 20

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 6

4300 Stevens Creek Blvd

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 25

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 30

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 35

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 40

***** WARNING MESSAGES *****

*** NONE ***

FLOWSECTOR ended 10/10/18 15:55:36

REFINE started 10/10/18 15:55:36

AERMOD Finishes Successfully for REFINE stage 3 Winter sector 0

***** WARNING MESSAGES *****

*** NONE ***

REFINE 4300 Stevens Creek Blvd
ended 10/10/18 15:55:39

AERSCREEN Finished Successfully
With no errors or warnings
Check log file for details

Ending date and time 10/10/18 15:55:40

4300 Stevens Creek Blvd_max_conc_distance

Concentration		Distance		Elevation	Season/Month			Zo sector		Date		H0		
U*	W*	DT/DZ	ZICNV	ZIMCH	M-O	LEN	Z0	BOWEN	ALBEDO	REF	WS	HT	REF	TA
HT														
0.22179E+01			1.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.24037E+01			25.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.25742E+01			50.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.27222E+01			75.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.28529E+01			100.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.29628E+01			125.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
* 0.29764E+01			128.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.26576E+01			150.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.18915E+01			175.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.15341E+01			200.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.12841E+01			225.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.11138E+01			250.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.98504E+00			275.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.88498E+00			300.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														
0.80472E+00			325.00		0.00		Winter		0-360		10011001		-1.30	
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0		310.0		
2.0														

4300 Stevens Creek Blvd_max_conc_distance

0.73586E+00	350.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.67675E+00	375.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.62497E+00	400.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.57959E+00	425.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.53964E+00	450.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.50438E+00	475.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.47251E+00	500.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.44423E+00	525.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.41852E+00	550.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.39539E+00	575.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.37449E+00	600.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35524E+00	625.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33761E+00	650.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32151E+00	675.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30665E+00	700.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29310E+00	725.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.28041E+00	750.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.26856E+00	775.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.25757E+00	800.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.24740E+00	825.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.23787E+00	850.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.22903E+00	875.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.22071E+00	900.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.21283E+00	925.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.20545E+00	950.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.19852E+00	975.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.19200E+00	1000.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.18579E+00	1025.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.17994E+00	1050.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.17440E+00	1075.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.16917E+00	1100.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.16421E+00	1125.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.15947E+00	1150.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.15494E+00	1175.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.15064E+00	1200.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.14657E+00	1225.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.14267E+00	1250.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.13893E+00	1275.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.13537E+00	1300.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.13198E+00	1325.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.12874E+00	1350.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.12563E+00	1375.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.12266E+00	1400.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.11978E+00	1425.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.11702E+00	1450.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.11438E+00	1475.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.11183E+00	1500.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.10939E+00	1525.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.10702E+00	1550.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.10473E+00	1575.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.10253E+00	1600.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.10041E+00	1625.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.98365E-01	1650.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.96400E-01	1675.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.94498E-01	1700.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.92663E-01	1725.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.90897E-01	1750.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.89189E-01	1775.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.87531E-01	1800.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.85925E-01	1825.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.84369E-01	1850.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.82869E-01	1875.01	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.81419E-01	1900.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.80013E-01	1924.99	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.78648E-01	1950.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.77326E-01	1975.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.76045E-01	2000.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.74806E-01	2025.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.73604E-01	2050.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.72438E-01	2075.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.71306E-01	2100.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.70208E-01	2125.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.69141E-01	2150.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.68099E-01	2175.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.67087E-01	2200.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.66103E-01	2225.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.65147E-01	2250.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.64218E-01	2275.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.63311E-01	2300.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.62426E-01	2325.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.61566E-01	2350.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.60729E-01	2375.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.59914E-01	2400.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.59122E-01	2425.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.58353E-01	2450.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.57605E-01	2475.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.56874E-01	2500.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.56162E-01	2525.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.55469E-01	2550.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.54796E-01	2575.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.54141E-01	2600.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.53502E-01	2625.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.52880E-01	2650.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.52272E-01	2675.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.51678E-01	2700.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.51099E-01	2725.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.50535E-01	2750.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.49985E-01	2775.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.49448E-01	2800.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.48922E-01	2825.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.48410E-01	2850.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.47910E-01	2875.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.47423E-01	2900.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.46947E-01	2925.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.46482E-01	2950.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.46028E-01	2975.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.45585E-01	3000.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.45152E-01	3025.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.45150E-01	3050.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.44727E-01	3075.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.44314E-01	3100.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.43911E-01	3125.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.43516E-01	3150.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.43131E-01	3175.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.42754E-01	3200.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.42385E-01	3225.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.42024E-01	3250.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.41671E-01	3275.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.41326E-01	3300.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.40988E-01	3325.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.40657E-01	3350.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.40333E-01	3375.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.40016E-01	3400.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.39705E-01	3425.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.39401E-01	3450.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.39103E-01	3475.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.38812E-01	3500.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.38526E-01	3525.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.38245E-01	3550.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.37971E-01	3575.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.37702E-01	3600.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.37438E-01	3625.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.37179E-01	3650.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.36925E-01	3675.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.36676E-01	3700.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.36432E-01	3725.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.36192E-01	3750.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35957E-01	3775.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35726E-01	3800.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35500E-01	3825.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35278E-01	3850.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.35059E-01	3875.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.34845E-01	3900.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.34634E-01	3925.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance											
0.34427E-01	3950.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.34224E-01	3975.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.34024E-01	4000.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33828E-01	4025.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33635E-01	4050.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33445E-01	4075.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33259E-01	4100.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.33075E-01	4125.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32895E-01	4150.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32717E-01	4175.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32543E-01	4200.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32371E-01	4225.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32202E-01	4250.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.32035E-01	4275.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.31871E-01	4300.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.31710E-01	4325.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance

0.31551E-01	4350.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.31395E-01	4375.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.31241E-01	4400.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.31089E-01	4425.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30939E-01	4450.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30792E-01	4475.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30646E-01	4500.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30503E-01	4525.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30362E-01	4550.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30223E-01	4575.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.30086E-01	4600.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29950E-01	4625.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29817E-01	4650.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29685E-01	4675.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29555E-01	4700.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29427E-01	4725.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

4300 Stevens Creek Blvd_max_conc_distance											
0.29301E-01	4750.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29176E-01	4775.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.29052E-01	4800.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28931E-01	4825.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28811E-01	4850.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28692E-01	4875.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28575E-01	4900.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28459E-01	4925.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28345E-01	4950.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28232E-01	4975.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											
0.28120E-01	5000.00	0.00	Winter	0-360	10011001	-1.30					
0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0
2.0											

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

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Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

HADLEY KATHRYN NOLAN



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY JUNE 2016

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

ACCOMPLISHMENTS

- **Academic Honoree**, Dean's List, University of California, Los Angeles

MAR 2013, MAR 2014, JAN 2015, JAN 2016

ATTACHMENT C



County of Santa Clara
**Roads and Airports
 Department**





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[Homestead-El Camino](#)

San Tomas Expressway Improvement Projects

From 900 feet South of Homestead road through El Camino Real

CONSTRUCTION UPDATE 7/18: Construction is currently focused on median work, with some lane closures during non-commute hours. The project is scheduled to be completed by end of August 2018.

Project scope and schedule:

San Tomas Expressway improvement projects consist of an intersection improvement project at El Camino Real, widening of San Tomas for additional traffic lanes from 900 feet south of Homestead to El Camino Real, and extension of the San Tomas Aquino Spur Trail from its existing terminus to Homestead Road.

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El Camino Real Intersection Improvements:

This project has:

- Converted all four intersection approaches from single to double left turn lanes in all directions by adding a left turn lane to the exiting single left turn lanes.
- Permanently removed the three 'free running right' turn lanes/traffic islands from El Camino to San Tomas Expressway, and from the southbound exit to El Camino.
- Constructed pedestrian enhancements as part of Spur Trail crossing of El Camino.
- Improved the two express bus stops on San Tomas, and relocation of El Camino eastbound stop to the farside of the intersection (east side), consistent with preferred transit operations.

- Modified the existing roadway medians and shoulder areas as needed to make space available for the new turn lanes.

San Tomas Expressway Widening:

Construction continuing through summer 2017.

This project will:

- Extend the 4 southbound through lanes that currently reduce from 4 to 3 south of El Camino Real, to south of Homestead, and add a 4th northbound through lane from Homestead to El Camino Real to match the 4 lanes north of El Camino. When additional money becomes available, the plan is to extend 4 lanes each direction further south at least through Stevens Creek Blvd.
- Replace the existing 5 to 6 foot East side walls with 10 foot walls.
- Install sidewalk along East side.
- Maintain a 6 to 8 foot shoulder available for bicycle use.
- Maintain the high occupancy vehicle (HOV) lanes for carpool and transit use.
- Modify the intersection at Homestead to allow for 4 through expressway lanes each direction and install double left turn lanes from Homestead.
- Provide trees where requested by adjacent owners willing to provide the establishment care.

San Tomas Aquino Spur Trail:

Construction continuing through summer 2017.

This project will:

- Extend the existing trail on the west side from where it currently stops at El Camino, south to Homestead, crossing Benton.
- Replace the existing 5 to 6 foot West side sound wall with 10 foot wall.
- Maintain a 6 foot minimum shoulder on the expressway available for bicycle use.
- Modify the Benton intersection to accommodate the trail and widening projects.
- Provide trees where requested by adjacent owners willing to provide the establishment care.

Benefits of the Planned Improvements:

Extension of the San Tomas Aquino Creek trail on the west side of San Tomas provides for a direct link to bike lanes on Benton and Homestead, connecting the trail to neighborhoods, retail and schools. The trail extension is the result of Santa Clara's public trails planning program.

Addition of the through and turn lanes will improve traffic conditions at the San Tomas Expressway intersections with Homestead, Benton, and El Camino Real, reducing delay and idling emissions, saving on gas consumption and traveler time.

Replacement of the sound walls should result in a noticeable decrease in background traffic noise for the adjacent owners that are closest to the expressway.

Replanted trees will be sited and sized to avoid conflict with overhead utilities.

Construction Impacts & Project Progress:

At present, the plan envisions that nearly all work will be done in daylight hours, with a few noisy nights limited to work activities like traffic striping. Night work is permitted but needs a specific request from contractor as part of his traffic control plan which must be approved prior to use. Daytime construction can be expected to require temporary single lane closures that are set up after the morning peak is over and are picked up before the afternoon peak. The free running right turn lanes from Benton & Homestead to San Tomas will be closed for an extended period, with right turns going around outside of traffic island.

To provide public notice on planned activities and lane closures, please visit the project's webpage ([click here](#)) or drill down through www.countyroads.org. Please subscribe for news bulletins which are taken from regular construction 2-week look ahead meetings. When there are changes such as schedule updates, subscribers are given notice by e-mail. Those adjacent properties having walls removed and replaced will get special notice, but may wish to follow project progress by subscribing as well.

Contact Project Team:

Email: santomasexpy@countyroads.org

Phone: (408) 573-2400

Initial Studies (the draft versions were accepted and approved 6/10/2014)

- [San Tomas Expressway Widening](#)
- [Appendix A: Air Quality Report](#)
- [San Tomas Expressway Spur Trail](#)
- [Stormwater Pollution Prevention Plan \(SWPPP\)](#)
- [Stormwater Management Plan](#)
- [Notice of Intent - Receipt letter](#)
- [Notice of Intent - Cert](#)
- [San Tomas Expwy Geotech Report](#)
- [San Tomas Cross Sections Drawings](#)
- [Notice to Bidders, Rebid](#)
posted on Feb 3, 2016.

Environmental Studies and Clearances

- [Technical Memorandum - Traffic](#)

Addresses permanent and construction related traffic impacts in regards to pedestrian, vehicular, and bicyclist Posted Apr 9, 2014.

- [Bicycle Master Plan](#)
Map depicting the project location. These studies are currently under review by Caltrans District 4. Posted Apr 9, 2014.
- [Air Quality](#)
PM 2.5 Interagency Consultation Posted Apr 9, 2014.
- [Water Quality for Storm Water](#)
A technical memorandum (BMPs). Posted Apr 9, 2014.
- [LHS: Location Hydraulic Study](#)
Study and summary floodplain report or floodplain evaluation report. Posted Apr 9, 2014
- [Tree Removal](#)
Posted Apr 9, 2014.
- [Equipment Staging](#)
A technical memorandum Posted Apr 9, 2014.
- [Arborist Report](#)
- [Meeting Presentation](#)
Summary of projects and tree information was presented at the public outreach meeting held on 4/24/2014.

Last updated: 8/2/2018 3:32 PM

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From: [Erick Serrano](#)
To: [Erick Serrano](#)
Subject: RE: Meridian Quad Project at 4300 Stevens Creek Blvd./FortBay Project
Date: Monday, October 15, 2018 3:08:47 PM

From: Jennifer Griffin [REDACTED]
Sent: Wednesday, October 03, 2018 9:24 PM
To: City Council <CityCouncil@cupertino.org>
Cc: [REDACTED]
Subject: Meridian Quad Project at 4300 Stevens Creek Blvd./FortBay Project

Dear City Council:

San Jose has a large construction project in West San Jose at the Meridian Quad Shopping Center site (4300 Stevens Creek Blvd.). It will have several multistory towers and will have a large number of housing units. These children will be going to Cupertino schools. It is anticipated this construction will perhaps take over a year. San Jose and Santa Clara have many auto dealerships along this section of Stevens Creek Blvd. There will probably be many road closures from this construction and the construction is also moving an existing road on the site of the development. Lapa Drive is being moved. The dialysis clinic will most likely have to be moved also. There is also a plan to close Albany Drive later on.

Thank you.

Sincerely,

Jennifer Griffin

Total Control Panel

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To: citycouncil@cupertino.org [Remove](#) this sender from my allow list

From: [REDACTED]

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