Responses to Comments
on the
Initial Study/Mitigated Negative Declaration
for the
2256 Junction Avenue Project
File No.: H20-039

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2021

TABLE OF CONTENTS

APPENDICES

SECTION 1.0 SUMMARY OF COMMENTS

The 2256 Junction Avenue Project Initial Study/Mitigated Negative Declaration (IS/MND), dated May 2021, was circulated for public review for a 21-day review period from May 21, 2021 through June 10, 2021. The Notice of Intent for the adoption of the IS/MND was sent via email to applicable public agencies, public members who have requested notices on all CEQA documents, and public members interested in the project. During the circulation period, the City of San José received 6 comment letters as summarized in Section 2.0 below.

The comments received on the IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the Lead Agency consider the comments received [CEQA Guidelines §15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record. The following pages contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letters and are presented as "Comment" with each response directly following ("Response"). Copies of the actual letters and emails submitted to the City of San José are attached to this document in Appendix A.

SECTION 2.0 RESPONSES TO IS/MND COMMENTS

This document includes written responses to comments received by the City of San José on the IS/MND. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the IS/MND are listed below.

Comment Letter and Commentor — Page of Response

GOVERNMENT AGENCIES

A. Santa Clara County Parks and Recreation Department (dated May 25, 2021)

Comment A.1: The proposed project does not impact the Countywide Trails Plan and therefore the County Parks Department has no comments at this time.

Response A.1: The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

B. Tamien Nation (dated June 1, 2021)

Comment B.1: Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Therefore, we have a cultural interest in the proposed project area and would like to initiate a formal consultation with the lead agency. At your earliest convenience, please send us the most recent cultural resource study for review. At the time of consultation, please provide a project timeline and detailed ground disturbance plan.

Response B.1: Assembly Bill (AB) 52 requires that a tribe that is traditionally and culturally affiliated with the geographic area where a project is located request notification, in writing, of projects in the tribe's area of traditional and cultural affiliation (Public Resource Code § 21080.3.1 (b)). The City did not receive such notification request from Tamien Nation when the City determined that an Initial Study/Mitigated Negative Declaration (IS/MND) was the appropriate level of environmental review under CEQA for the project. In November 2020, only one Tribal Representative requested formal notification under AB 52, and, as this project is outside the geographic area of interest to this Representative, no Tribal Representatives were notified pursuant to AB 52 for this project. However, Tamien Nation was added to the State Clearinghouse list of Tribal Representatives in March 2021 and was notified of the project during circulation of the IS/MND for public comment from May 21, 2021 to June 10, 2021.

Per the commenter's request, the City provided Tamien Nation representatives with the project site plan and requested a meeting. A virtual meeting was held between City staff and Tamien Nation on Monday July 12, 2021 via Zoom. The meeting included City staff, Tamien Nation's Chairwoman Quirina, and the applicant and their team. The meeting consisted of a project summary and further description of where grading and depth of grading would take place. City staff reiterated the findings of the IS/MND (page 167 of the IS/MND) and the proposed standard permit conditions included on pages 59 and 60 of the IS/MND. Specifically, page 167 of the IS/MND discloses that there are no known Native American resources within or adjacent to the proposed project area. Even so, the project is within an archaeologically sensitive area and therefore, the IS/MND details the standard permit conditions related to inadvertent discovery of subsurface cultural resources (Page 59 of the IS/MND). Specifically, these standard conditions state that if prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Similarly, if any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed.

Further, the applicant team stated that the project site has a history of prior excavation for removal of

underground-storage tanks and would be required to undergo hazardous contamination remediation work prior to the full operation of the site. Therefore, the site has been substantially disturbed. Chairwoman Quirina noted that the Tamien Nation is aware of villages and adobes near the project site and reiterated that the project site is located in an area considered sensitive. Therefore, Tamien Nation is requesting that the project incorporate cultural sensitivity training and Native American monitoring. No specific information regarding known resources was provided to the City. An additional memorandum was completed on 08/24/2021 and reiterates that no known cultural resources are located on the project site which has been substantially disturbed and, with the implementation of the Standard Permit Conditions included on pages 59-60 of the IS/MND, the project would not impact cultural resources. See Appendix B of this Responses to Comments document. The information at the meeting and the additional memorandum did not provide new information regarding potential impacts of project site excavation. Discussion regarding the project between the City and Tamien Nation is on-going for any applicant volunteered conditions.

C. The County of Santa Clara Roads and Airports Department (dated June 4, 2021)

Comment C.1: We want to inform the City that the intersection of Montague and Trimble is a County intersection, and not City's.

Response C.1: The IS/MND recognizes on page 166 that the intersection of Montague Expressway and East Trimble Road is a County Congestion Management Program (CMP) intersection. Further, page 12 of the Local Transportation Analysis (LTA) (Appendix F of the IS/MND) states that Santa Clara Valley Transportation Authority (VTA) administers the County Congestion Management Program. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment C.2: A Fair Share contribution should be made towards improvements on impacted roadways because of the net increase in PM peak project trips generated by this project.

Response C.2: Page 160 of the IS/MND states that the proposed project would pay the appropriate transportation impact fee (TIF) associated with industrial land uses in the North San José area pursuant to the North San José Area Development Policy approved by City Council in December 2005, as amended. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

D. Canyon Band of Costanoan Ohlone People (dated June 7, 2021)

Comment D.1: As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these

tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to Honor Truth in History. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that #HonorTruthinHistory. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

Potential Approaches to Ingenious Culture Awareness/History:

--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

Response D.1: See Response B.1 regarding known cultural resources and standard permit conditions for addressing unknown resources. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

E. Pacific Gas and Electric Company (dated May 21, 2021)

Comment E.1: Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Response E.1: The comment includes information regarding protocols that projects must comply with if work is near a PG&E structure or facility. The project would be required to comply to similar conditions, if near PG&E structures or facilities as part of the project conditions. Therefore, the comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment E.2: This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

Response E.2: The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment E.3: If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

Response E.3: The project is not part of a larger project, and the entirety of the project is described in Section 3.0 of the IS/MND. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment E.4: An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Response E.4: See Response E.1. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment E.5: Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

Response E.5: See Response E.1. The comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

F. Adams Broadwell Joseph & Cardozo (dated June 10, 2021)

Comment F.1: Based upon our review of the IS/MND and supporting documentation, we conclude that the IS/MND fails to comply with the requirements of the California Environmental Quality Act ("CEQA").[3] The IS/MND fails to accurately describe the Project by piecemealing the City's environmental review of the Project from its related components. Additionally, it fails to identify the Project's potentially significant environmental impacts and fails to propose enforceable mitigation measures that can reduce those impacts to a less than significant level, as required by CEQA.

Response F.1: Section 3.0 of the IS/MND, pages 10-16, describe the project in its entirety per Sections 15063 and 15071 of the CEQA Guidelines. Additionally, Section 4.0 of the IS/MND evaluates all potential environmental impacts, including the consideration of feasible mitigation as necessary, pursuant to CEQA. The comment fails to provide substantial evidence to support a fair argument that the City piecemealed the project or failed to evaluate and identify significant impacts. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.2: As explained in these comments, there is more than a fair argument that the Project will result in potentially significant unmitigated impacts relating to air quality, public health, greenhouse gas emissions ("GHGs"), and land use. The City may not approve the Project until it prepares an environmental impact report ("EIR") that adequately analyzes the Project's potentially significant direct, indirect and cumulative impacts, and incorporates all feasible mitigation measures to avoid or minimize these impacts.

Response F.2: A fair argument requires substantial evidence (CA Code of Regulations. § 15384(a)). As detailed in Responses F.4, F.5, F.8, F.17, F.18, F.21, F.22, F.23, and F.24, below, the data provided by the commenter does not accurately represent the project, and therefore does not support a fair argument based on substantial evidence. This comment only introduced the commenter's concerns and that more detailed comments and concerns are forthcoming. This comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.3: CEQA is intended to provide the fullest possible protection to the environment. CEQA requires that a lead agency prepare and certify an EIR for any discretionary project that may have a significant adverse effect on the environment and requires analysis of the "whole of an action," including the "direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[6]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[7] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR "protects not only the environment but also informed self-government."[8] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible

[3] Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs. ("C.C.R") §§ 15000 et seq. ("CEQA Guidelines").
6 Pub. Res. Code §§ 21002.1(a), 21100(a), 21065, 21151(a); 14 C.C.R. §§ 15064(a)(1), (f)(1), 15367, 15378(a).
7 14 CCR § 15002(a)(1).
8 *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

officials to environmental changes before they have reached ecological points of no return."[9]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[10] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[11] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[12]

"At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment."[13] A negative declaration is improper, and an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.[14] "[S]ignificant effect on the environment" is defined as "a substantial, or potentially substantial, adverse change in the environment."[15] An effect on the environment need not be "momentous" to meet the CEQA test for significance—it is enough that the impacts are "not trivial."[16] Substantial evidence, for purposes of the fair argument standard, includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."[17]

The fair argument test therefore requires the preparation of an EIR whenever "there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial."[18]

Whether a fair argument exists is a question of law that the court reviews de novo, with a preference for resolving doubts in favor of environmental review.[19] In reviewing a decision to prepare a negative declaration rather than an EIR, courts "do not defer to the agency's determination."[20] Neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance.[21] "The fair argument standard thus creates a low threshold for requiring an EIR, reflecting the legislative preference for resolving doubts in favor of environmental review."[22]

Where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the effects to be significant and prepare an EIR.[23] In short, when "expert

9 *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
10 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.
11 14 CCR §15002(a)(2).
12 PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).
13 *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (internal citations and quotations omitted).
14 *Id*. at 957.
15 Pub. Res. Code § 21068; 14 C.C.R. § 15382; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.
16 *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 fn. 16.
17 Pub. Res. Code § 21080(e)(1) (emphasis added); Citizens for Responsible Equitable Environmental Development v. City of Chula Vista (2011) 197 Cal.App.4th 327, 331 ("CREED").
18 14 C.C.R. § 15063(b)(1) (emphasis added).
19 *CREED*, 197 Cal.App.4th at 331; *Pocket Protectors*, 124 Cal.App.4th at 927.
20 *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.
21 Save the Agoura Cornell Knoll v. City of Agoura Hills, 46 Cal.App.5th 665, 689.
22 Id. at 676.
23 *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 935; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317–1318; CEQA Guidelines § 15064(f)(5).

opinions clash, an EIR should be done."[24] "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project."[25] Where substantial evidence is presented, "evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact."[26]

As described below substantial evidence is present here which demonstrates that the Project may cause significant effects on the environment which the IS/MND fails to disclose, analyze, and mitigate, in violation of CEQA.

Response F.3: See Response F.2 above. The comment attempts to summarize the law and did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.4: The IS/MND contains conflicting information regarding the length of Project construction. Per the IS/MND, construction of the proposed Project is expected to commence in July 2021 and last for approximately six months.[27] This is contrasted with the following statement, "The duration of construction activities associated with the project are estimated to last approximately five months, beginning in April and concluding at the end of September."[28]

Response F.4: The comment notes a minor discrepancy that occurred due to rounding to whole months. The project's CalEEMod emissions modeling includes April – September (page 24 of Appendix A to the IS/MND), which is a six-month duration and is consistent with the duration in the project description (page 12 of the IS/MND). In both the project description and the Air Quality Assessment, the construction duration is described in approximate terms for analysis purposes (page 24 of Appendix A to the IS/MND). For example, IS/MND page 37 states that the estimated construction duration is approximate, and also notes that the demolition, site preparation, grading, and building durations are approximate. The text identifying five months is a minor typographical error that can be clarified and does not mis-represent the project. The heavy-duty larger pieces of equipment were modeled to be used for five months, architectural coating is the phase that would extend a final sixth month. Architectural coating includes low-intensity equipment. However, the text in the IS/MND referring to five months will be changed to six months; refer to Section 3.0 IS/MND Text Revisions of this Responses to Comments document. Additionally, IS/MND page 37 also states that the exact construction timeline is unknown; however, to be conservative, earlier dates were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[24] *Pocket Protectors*, 124 Cal.App.4th at 928; *Sierra Club*, 6 Cal.App.4th at 1317–1318.
[25] *Pocket Protectors*, 124 Cal.App.4th at 935.
[26] *Sundstrom*, 202 Cal.App.3d at 310 (citation omitted).
[27] IS/MND p. 12.
[28] IS/MND, p. 37.

Comment F.5: Additionally, the IS/MND claims that the Project site is already disturbed and will not require excavation. However, it also states that excavation, cut, and fill would be required and the Project will export approximately 5,000 cubic yards of soil during construction.[29]

Response F.5: The intent of the statement that the project does not include excavation on page 43 of the IS/MND was to state that project construction would not involve the removal of soil or rock from the project site to form a hole or cavity, which is usually done to accommodate subterranean levels. However, minor earthwork would be associated with the cut and fill grading required for the site and would include the export of 5,000 cubic yards of soil. Export of this soil volume is consistently evaluated in the emissions modeling and throughout the analysis. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.6: The conflicting information on the construction length and activities required to complete the Project does not provide decisionmakers with a clear picture of the potential impacts of the Project. The courts have explained that "a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading."[30]

Response F.6: Refer to Response F.4 regarding construction duration. The rounding error does not constitute conflicting signals about the nature and scope because it is stated on page 37 of the IS/MND that the construction timelines are estimates and the dates are consistent between reports (page 24 of Appendix A of the IS/MND). Further, as stated in Response F.8, the text correction to the latest estimated construction timeframe would continue to not result in new impacts. Therefore, the comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.7: Additionally, the length of time for construction and the type of site preparation required can have significant air quality emissions impacts from particulate matter.

Response F.7: Construction modeling parameters included new parking canopy, resurface parking area, update retention areas (conservatively modeled as the CalEEMod land use "City Park" to capture potential landscaping water consumption and area source emissions), and improvements to a warehouse; refer to Appendix A (page 1) of the Air Quality Assessment. According to CalEEMod User Guide Appendix D, the City Park CalEEMod land use assumes 1,191,481 gallons/acre/year in water use and fertilizers/pesticides. The Air Quality Assessment for the project utilized City Park land use as a placeholder for the retention and other landscape areas. CalEEMod assumes driveway and landscape areas for residential uses but not for industrial. To ensure the correct total lot acreage was modeled, the City Park land use was used to represent pervious surfaces. However, the default water use for City Park is significantly higher than what is estimated for the project. Therefore, the modeling conservatively overestimates operational water use. As stated in Response F.4 above, construction is anticipated to take 6 months, which is consistent with the project description. BAAQMD's emission thresholds evaluated in the Draft IS/MND are in units of pounds per day. The duration of construction would not change the maximum daily emissions because additional modeled days of construction would still assume operation

[29] *Id*. pp. 43, 133.
[30] Stopthemillenniumhollywood.com, 39 Cal.App.5th at 17.

of the same number of pieces of equipment, and the same number of worker trips and deliveries, and the same acreage disturbed per day. Therefore, in this context, a different construction duration would not substantially affect the total daily emissions and would not change the conclusions of the analysis or require additional mitigation. Further, as shown above in Response F.4, the emissions modeling is consistent with the Project Description and no revisions are necessary.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.8: An EIR must be prepared to correct these inconsistencies so that the Public has an opportunity to evaluate the actual scope of the Project's potential impacts, and to ensure that all potentially significant impacts are fully mitigated.

Response F.8: Detailed technical studies, included as appendices to the IS/MND, analyzing the potential environmental impacts of the proposed project determined that all impacts would be less than significant either before or after mitigation; therefore, an IS/MND is the appropriate environmental document consistent with CEQA, and an EIR is not required. The technical analyses prepared for the project use reasonable, project-specific assumptions that are consistent with BAAQMD guidance, similar projects, industry standards, and are based on substantial evidence. Further, the first text correction included in Section 3.0 of this document discloses the text change made in the IS/MND to clarify the construction timeframe. This text change would not result in new impacts beyond those disclosed in the IS/MND. The comment has not provided any substantial evidence that would require any revisions to the emissions modeling or change the conclusions of the analysis.

Comment F.9: The IS/MND does not disclose or mitigate the extent of existing soil contamination and improperly defers mitigation of possible hazards related to Project construction, in violation of CEQA.

The Project site was previously used as a chemical warehouse and distribution facility beginning in 1975, the operations at the site included bulk chemical transfers between road-going tank trucks, rail-mounted tank cars, and underground storage tanks ("USTs"); liquid chemical packaging; drum storage; storage and distribution of prepackaged goods; and wholesale distribution and sales.[31] According to a Phase I Environmental Site Assessment ("Phase I") prepared for Applicant in October 2019, the site has documented soil, soil vapor, and groundwater impacts related to accidental spills and former leaking USTs of volatile organic compounds ("VOCs") at concentrations that exceed the current San Francisco Bay Regional Water Quality Control Board ("SFBRWQCB") screening levels.[32] Additionally, the Phase I documented several above ground storage tanks ("ASTs") used for chemical storage.[33] The IS/MND does not disclose the extent of current Project site contamination and remediation, nor does it analyze the full extent and implication of the Phase I results. The IS/MND downplays the potential that most of the site is subject to unhealthy levels of contamination that will be uncovered during site grading.

[31] APEX, Phase I Environmental Site Assessment 2256 Junction Avenue ("Project Phase I"), p. 2-1 (Oct. 1, 2019).
[32] *Id.* at v.
[33] *Id.* at 2-1.

Response F.9: Page 102 of the IS/MND discloses the on-site sources of contamination, and page 103 identifies the off-site sources of contamination in the project area. Page 106 of the IS/MND recognizes the project site is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and has an "Open – Verification Monitoring" Leaking Underground Storage Tank case. Page 106 of the IS/MND also references the Phase I Environmental Site Assessment that was prepared for the project and included as part of the administrative record.

Mitigation Measure HAZ-1 states that prior to the issuance of any grading permits, the project applicant shall prepare and implement a Remedial Action Plan (RAP) for the project under regulatory oversight and approval of the appropriate California State Water Resources Control Board, which in this case is the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).

The RAP is required pursuant to the SFBRWQCB Orders and presents details regarding SFBRWQCB requirements for the contents of the RAP. The RAP for the project was prepared in accordance with the following and submitted on December 23, 2020:

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (United States Code [U.S.C.] 2020a)
- Superfund Amendments and Reauthorization Act (SARA) (U.S.C. 2020b)
- National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (Federal Register 1994)
- California Health and Safety Code (CHSC) Section 25356.1 (CHSC 1999)
- Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (U.S. Environmental Protection Agency [USEPA] 1988)
- Remedial Action Plan (RAP) Policy (Department of Toxic Substances Control 1995)

CERCLA Section 121(d), 42 U.S.C. §9621(d), states that, "…Site remediation attain a degree of cleanup, which at a minimum assures protection of human health and the environment and, with respect to any hazardous substance, pollutant, or contaminant remaining on site, that levels or standards of control be attained which at least meet any legally applicable or relevant and appropriate standard, requirement, criteria or limitation under any federal environmental law or any promulgated standard, requirement, criteria, or limitation under a state environmental or facility siting law that is more stringent than such federal standard, requirement, criteria, or limitation."

The Remedial Action Workplan (RAWP) for the project provides the implementation details for the alternative determined by the RAP to best achieve the goals of the RAP. Per the RAWP submitted to the SFBRWQCB on March 23, 2021, the RAP was designed to achieve the following remedial action objectives:

- Minimize the potential for human exposure to soil, groundwater, and soil vapor at concentrations exceeding levels protective of human health under current and likely future site uses.
- Control source(s) to limit downgradient and indoor air migration of VOCs in groundwater and soil vapor, respectively, and continued release to groundwater and soil vapor.
- Minimize the potential for migration of contaminants of concern (COCs) in groundwater from the site in excess of maximum contaminant levels (MCLs).
- Confirm, through monitoring, that COC concentrations in groundwater and soil vapor are stable or decreasing, will remain below the risk-based cleanup levels (RBCLs), and are protective of human health and the environment.

As such, compliance with the applicable regulatory requirements would ensure the impact is less than significant.

Site contamination information is publicly available on the California State Water Resources Control Board website. A Human Health Risk Assessment (Risk Assessment) was submitted to the SFBRWQCB on November 25, 2020, a Revised Feasibility Study/Remedial Action Plan (FS/RAP, a.k.a. RAP) on December 23, 2020, and a Remedial Action Workplan (RAWP) on March 23, 2021.[34] The SFBRWQCB approved all three documents including the RAP on March 26, 2021.[35] Since the RAP approval, the groundwater remediation, source area soil mixing bench tests, and additional soil sampling per the requirements of the RAWP have been conducted to define the extent of the source area soil treatment area and a Remedial Action Workplan Addendum (RAWP Addendum) was submitted to the SFBRWQCB on August 4, 2021 summarizing the findings of these actions.[36] The RAWP Addendum was approved by the SFBRWQCB on August 10, 2021.[37] Per the approved RAWP, remediation effectiveness will be evaluated through performance monitoring results.

Per the SFBRWQCB approval letter, the following reports associated with the site RAP and implementation of the RAWP will be completed:

- Remedial Action Completion Report – will be prepared and submitted within 60 days following completion of the RAP activities. This report will include a summary of remediation activities and any deviations from this Workplan, including groundwater, SVE well, soil vapor probe construction and decommissioning details, results of data collected during remediation activities, and waste disposal documentation.
- Annual Performance Monitoring Reports – will present subsequent remedial actions and performance monitoring results.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.10: The IS/MND specifies that 5,000 cubic yards of soil will be removed from the site during Project construction however the IS/MND does not include a description of how the soils to be removed will be tested, or disposed of if they are found to be contaminated with the VOCs that were identified at the site.[38]

Response F.10: As stated on pages 37 and 133 of the IS/MND, the export of 5,000 cubic yards of soil would be associated with the cut and fill earthwork associated with the project's building pad. All remediation and soil testing would occur prior to earthwork activities, as required by Mitigation Measure HAZ-1, which states that prior to the issuance of any grading permits, the project applicant shall prepare and implement a RAP for the project under regulatory oversight and approval of the appropriate California State Water Resources Control Board. The estimated 5,000 cubic yards of soil export are not associated with site remediation.

See response F.9 above. A RAWP was prepared by ERM and submitted by Univar Solutions, the prior

[34] https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0608587626

[35] https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1965116202/20210326_Univar%20HHRA_FS-RAP_RAWP%20approval.pdf

[36] https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/8929202616/SL0608587626.PDF

[37] https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5520566642/Univar_draft%20RAP%20add%20approval.pdf

[38] IS/MND, p. 133.

owner of the project site, to SFBRWQCB, the appropriate California State Water Resources Control Board, on March 23, 2021.[39] The RAWP details the monitoring requirements for the site set forth in the RAP, which are monitored and regulated by the California State Water Resources Control Board, outside the scope of CEQA. As indicated on page 106 of the IS/MND, the project applicant shall be required to adhere to and comply with all actions and recommendations included in the Remedial Action Plan (RAP). As detailed in Response F.9, the SFBRWQCB approved the RAP and RAWP on March 26, 2021. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.11: To address the contamination, the IS/MND states that, as mitigation under MM Haz-1, a remedial action plan ("RAP") will be prepared and submitted to the City for review and approval prior to issuance of a grading permit for the project.[40] It is not acceptable to submit the RAP and disclose its contents after the Project is approved.[41] The proposed RAP should also be disclosed to the public and to the City's decision-makers. There may be a possibility that the site is simply not suitable for grading and commercial use due to prior contamination at the Project site.

Response F.11: See Response F.9. A remedial RAP is required in this case by the regulatory oversight of the California State Water Resources Control Board, and the contents of which are regulated by and enumerated in California Health and Safety Code Section 25356.1. The comment incorrectly characterizes the approval process, as the City does not have authority to negotiate or approve the contents of the RAP. The California State Water Resources Control Board exclusively has the power to approve the RAP. Per California Health and Safety Code Section 25356.1, the RAP shall undergo a public review process (separate from and outside of CEQA) prior to approval. As stated on page 106 of the IS/MND, prior to issuance of any grading permit a RAP must be prepared and implemented, and proof that the Water Board has deemed the project safe for the public, construction workers, and the environment must be submitted to the City. As such, the project could not proceed if it were determined by the appropriate regulatory agency (Water Board) that the site is not suitable for grading and commercial use.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.12: The disturbance of toxic soil contamination at a project site is potentially significant impact requiring full disclosure and mitigation. A "sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[42] For example, in CREED v. Chula Vista, the City of Chula Vista's MND had stated that a "corrective action plan" would be used to remediate soil and groundwater contamination at the Target store project site, but failed to include the plan in the Project MND and administrative record.[43] The court held that the project's disturbance of contaminated soil, and the absence of the corrective

[39] https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/8822289228/SL0608587626.PDF
[40] IS/MND, p. 106.
[41] Citizens for Responsible Equitable Envt'l Dev. v. City of Chula Vista ("CREED") (2011) 197 Cal.App.4th 327, 331-332.
[42] Cal. Build. Indust. Ass'n v. BAAQMD (2015) 62 Cal.4th 369, 388-90 ("CBIA v. BAAQMD"); Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 520.
[43] 197 Cal.App.4th at 331-32.

action plan from the administrative record, rendered the MND insufficient under CEQA, and created a "fair[] argu[ment] that the project may have a significant impact by disturbing contaminated soils."[44] The instant IS/MND contains the same error as the MND in CREED, whereby MM Haz-1 would allow the Applicant and the City to negotiate terms for the RAP outside of CEQA's public process. This is prohibited by CEQA.

Response F.12: See Responses F.9, F.10 and F.11; the full extent of site contamination has been disclosed. Pages 106-107 of the IS/MND detail the on-site and off-site contamination, and the Phase I ESA was included in the administrative record. The project site has a long history of regulatory oversight and remedial action, dating back nearly three decades, documentation of which is publicly available on the Water Board website.[45]

The comment incorrectly characterizes the City's relationship with the RAP. The City does not have authority to approve or negotiate the terms of the RAP; see Response F.11. The RAP is reviewed and approved by the Water Board, and Mitigation Measure HAZ-1 of the IS/MND requires that proof of Water Board approval be submitted to the City prior to issuance of grading permits. Further, per California Health and Safety Code Section 25356.1, a RAP shall undergo a public review process (separate from and outside of CEQA) prior to approval. Per Mitigation Measure HAZ-1, the project applicant shall be required to adhere to and comply with all actions and recommendations included in the RAP.

The comment incorrectly summarizes the court's ruling in CREED v. Chula Vista; the appellate court did not determine the MND to be insufficient under CEQA. Rather, the appellate court remanded the issue of hazardous materials to the trial court for consideration to determine whether the corrective action plan addresses contaminated soil such that a finding of less than significant can be made. The appellate court found that the City's monitoring program indicated that the mitigation measures outlined in the corrective action plan must be complied with before *building* permits are issued. The MND anticipated that the required remediation would be completed before grading started, and if not completed, *would continue during the grading activities*. This is an important deviation from the 2256 Junction Project IS/MND, in that Mitigation Measure HAZ-1 requires the RAP be approved, and documentation provided to the City, prior to issuance of *grading* permits. As such, no earthmoving activities would occur on-site prior to the Water Board determining the project is safe for the public, construction workers, and the environment. Also, as noted by the Water Board on the case webpage, there is a 1992 covenant restricting the property such that there is no groundwater extraction allowed at any depth on-site without Water Board approval.[46] Responses F.9 and F.11 detail the regulatory framework of the RAP, purpose of the RAP, and the current status of the RAP.

The comment does not introduce any new information or raise any new issues that constitute substantial evidence supporting a fair argument that the project would have potential to expose construction workers, neighboring uses, and the environment to hazardous materials.

[44] *Id*. at 332.

[45] https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0608587626

[46] https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8758100211/San%20Jose%20(Junction)%20Covenant%20&%20Agrmt%20to%20Restrict%20Use%20of%20Property%2007-22-92.pdf

Comment F.13: The City also may not rely on vague and uncertain mitigation measures.[47] CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements, or other legally binding instruments.[48] The City is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved. This approach helps "insure the integrity of the process."[49]

Response F.13: See Response F.9. California Health and Safety Code Section 25356.1 dictates the requirements and criteria for preparation, review, and approval of a RAP. California Health and Safety Code Section 25356.1 is a legally binding process. Further, the conditions and mitigation measures stated in the IS/MND are conditions in the project's permit. Non-compliance with permit conditions would result in revocation of the permit. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.14: Deferral of the formulation of mitigation measures to post-approval studies is generally impermissible.[50] An agency may only defer the formulation of mitigation measures when it "recognizes the significance of the potential environmental effect, commits itself to mitigating the impact, and articulates specific performance criteria for the future mitigation."[51] The City's proposed mitigation measure has no specific performance criteria, and it allows the Applicant to formulate the proposed RAP, which will be submitted to and negotiated with the City. A mitigation scheme is improper if it proposes to allow the Applicant to conduct the analysis and formulate the mitigation measures.[52] Deferral of mitigation is impermissible, in other words, if it removes the lead agency from its role as the decision maker.

Response F.14: See Response F.13 regarding performance criteria. The RAP is reviewed and approved, per California Health and Safety Code Section 25356.1, by the Water Board. Mitigation Measure HAZ-1 requires the applicant submit proof to the City that the Water Board has approved the RAP, prior to issuance of grading permits. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.15: Finally, the failure to prepare a RAP as part of the CEQA review process makes it impossible to tell how much contaminated soil must be removed from the Project site. Removal of soil, even if done as part of an approved mitigation measure, may have collateral environmental impacts that need to be addressed in an EIR. The IS/MND states that 5,000 cubic-yards of soil will be removed during the construction phase of the Project.[53] If even a portion of the soil excavated for the Project site is contaminated and needs to be transported and disposed of in a Class I landfill, this will require a significant disposal effort, possibly involving hundreds of trucks carrying hazardous soils to far-away disposal sites.

[47] Kings County Farm Bur. v. County of Hanford (1990) 221 Cal.App.3d 692, 727-728.
[48] CEQA Guidelines § 15126.4(a)(2).
[49] Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 935.
[50] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; *see also* CEQA Guidelines§ 15126.4(a)(1)(B).
[51] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1411 (citing *Sacramento Old County Assn. v. County Council* (1991) 229 Cal.App.3d 1011, 1028-1029).
[52] Sundstrom v. County of Mendocino at 302-308.
[53] IS/MND, p. 37.

Yet, the IS/MND's emissions calculations only estimate that haul trucks will travel a round-trip distance of 20 miles.[54] The IS/MND also makes no provision for protecting public health associated with toxic air contaminants in dust from haul trucks. A fair argument exists that potentially significant impacts may occur, requiring the preparation of an EIR.

Response F.15: As detailed in Response F.9, the RAP process is a regulatory process overseen by the Water Board. The RAP was approved by the RWQCB on March 26, 2021 and the requisite remediation activities are underway, per the approved RAWP. Further, the provision for protecting public health associated with toxic air contaminants in dust from haul trucks is part of BAAQMD standard permit conditions. There are multiple facilities within 10 miles of the project site that accept hazardous waste. CalEEMod's 20-mile default distance assumption is conservative and valid. BAAQMD basic construction measures (required for all projects) require haul trucks transporting soil, sand, or other loose material off-site to be covered. This measure is identified as a Standard Permit Condition on pages 38 and 113 of the IS/MND. Further, according to California Vehicle Code Sections 23114 and 23115, it is against the law to operate a vehicle that is improperly covered, constructed, or loaded so that any part of its contents or load spills, drops, leaks, blows, sifts, or in any other way escapes from the vehicle. Therefore, haul trucks would not generate dust that would result in public health concerns. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.16: The IS/MND's conclusion that the Project's construction impacts to air quality from criteria pollutant emissions are less than significant with mitigation is not based on substantial evidence, as is required by CEQA.[55] Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[56] It includes "facts, reasonable assumption predicated upon facts, and expert opinion supported by facts,"[57] but does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate."[58]

Response F.16: Under CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence that is not credible, and evidence of social and economic impacts does not constitute substantial evidence. (Pala Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 580.) While the commenter accurately states what the fair argument standard constitutes, here, neither this nor any other comment presents substantial evidence of a fair argument that the project may cause a significant impact. Protect Niles v City of Fremont (2018) 25 CA5th 1129; Jensen v City of Santa Rosa (2018) 23 CA5th 877, 897. In the absence substantial evidence provided in comments, an IS/MND is the proper means to evaluate a project under CEQA. Rominger v County of Colusa (2014) 229 CA4th 690. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[54] IS/MND, Appendix A, p. 202.
[55] CEQA Guidelines § 15384(a).
[56] Ibid.
[57] *Id.* § 15384(b).
[58] *Id.* § 15384(a).

Comment F.17: By contrast, there is substantial evidence supporting a fair argument that the Project may have significant construction and operational emissions, and may pose a potentially significant health risk to local receptors which the IS/MND fails to disclose. SWAPE reviewed the IS/MND and found that the IS/MND underestimates the Project's emissions of criteria pollutants. A corrected, CEQA compliant analysis of the Project demonstrates that the Project may result in significant air quality impacts.

Response F.17: The IS/MND and technical studies included as Appendices A, B, and D to the IS/MND incorporate project specific components for modeling to represent construction and operational emissions, rather than relying solely on generic CalEEMod default assumptions. SWAPE uses incorrect assumptions that result in higher emissions than what the actual project would emit. For example, SWAPE did not model the correct phase timing for paving and architectural coatings as detailed on page 24 of Appendix A to the IS/MND and provided by the applicant. The CalEEMod User's Guide (October 2017) instructs the user to user to consider the accuracy of the equipment and phase duration estimations and using project specific construction schedules, when available, which is what the project's technical studies utilized. Additionally, SWAPE incorrectly modeled the mitigated construction emissions to use Tier 4 interim equipment, instead of Tier 4 Final, which was used in the analysis provided in the IS/MND (refer to Responses F.26 and F.27, below). These modifications by SWAPE deviate from the project and artificially increase emissions. Therefore, the SWAPE model does not constitute substantial evidence and does not make a fair argument. In addition, see Response F.18 regarding the nearest sensitive receptor to the project site. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.18: Further, SWAPE found that the City should have prepared an analysis of construction and operational health risks, commonly called a health risk analysis ("HRA"). The City must prepare an EIR to analyze these potentially significant impacts, as required by law.

Response F.18: BAAQMD recommends an HRA (construction or operational) if a project is within 1,000 feet of sensitive receptors (CEQA Guidelines 2017, page 5-7). Per the CARB Air Quality and Land Use Handbook (2005), CARB data estimates an 80 percent drop-off in pollutant concentrations at approximately 1,000 feet from the source. CARB Guidance also only requires this buffer for facilities that accommodate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units (TRUs) per day. As stated on pages 26 and 43 of the IS/MND and acknowledged in SWAPE's analysis of the project on page 15 of Exhibit A included in the Adams Broadwell Joseph & Cardozo comment letter, the nearest sensitive receptor, a temple, to the project site is located over 0.35 miles (1,850 feet) away (page 26 of the IS/MND). The site is located in a predominantly industrial area with existing heavy-duty truck activity. Additionally, the project includes 11 heavy-duty trucks that would emit DPM. These 22 daily truck round trips (refer to page 41 of the IS/MND) during operations would not result in a significant health risk to the nearest sensitive receptors because the project would generate less than 100 trucks per day. The 100 truck per day guideline established by CARB is the number of trucks where the risk level of 10 in one million could extend approximately 1,000 feet downwind. It should be noted that the 100-truck screening criterion is based on research from 1999 and 2002 and is therefore conservative because mobile source emissions have improved since that time. BAAQMD's Recommended Methods for Screening and Modeling Risks and Hazards (2011) considers roads with less than 1,000 trucks per day to be minor, low-impact sources. Additionally, BAAQMD calls out new TAC and/or $PM_{2.5}$ sources such as diesel generator, truck distribution center, and freeway near existing or planned receptors. The project does not include any of the three sources listed or sensitive receptors. BAAQMD states facilities with high-volume of diesel trucks should account for these sources in analysis. Therefore, an HRA is not required and the project would not have health risk impacts due to the distance from sensitive receptors and the low number of

trucks. SWAPE did not provide substantial evidence to indicate that a health risk would occur but stated the City "should have prepared an analysis of construction and operational health risks". As stated above, the analysis utilized the guidance of BAAQMD and conducted appropriate analysis as required. Based on the analysis, a mitigation measure (MM AQ-1) was required for construction because without MM AQ-1, the project construction would temporarily exceed BAAQMD threshold limits for nitrogen oxide. With the mitigation measure, the project impact would be less than significant. No new information was presented from the commenter that would change the analysis approach and therefore, an IS/MND is the appropriate environmental document consistent with CEQA, and an EIR is not required.

Comment F.19: SWAPE found numerous errors and inconsistencies with the IS/MND's California Emissions Estimator Model ("CalEEMod") analysis of Project emissions and determined that emissions are underestimated for the purposes of analyzing air quality, public health, and GHG impacts. As a result, the City lacks substantial evidence to support its conclusion in the IS/MND that Project impacts are not significant.

Response F.19: The comment makes general statements regarding subsequent comments. Responses to comments on specific environmental issues and emissions modeling are provided in this document. The technical analyses prepared for the project use reasonable project-specific assumptions that are consistent with BAAQMD guidance, similar projects, industry standards, and are based on substantial evidence. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.20: SWAPE discovered that the CalEEMod includes numerous inputs and deviations from default CalEEMod models that lower pollutant emissions from the Project and are unsupported by substantial evidence. According to the CalEEMod User's Guide, CalEEMod allows for changes to be made to the default model and for the user to provide justification for the change.[59] The justification for any change to the default model must be supported by substantial evidence under CEQA and cannot be based on unsubstantiated data.[60]

First, the CalEEMod includes an unsubstantiated change in the default CO_2 intensity factor from the default value of 641.35 to 163-pounds per megawatt hour, nearly 75% reduction in the value.[61] The CO_2 intensity factor is used to calculate the Project's GHG emissions associated with energy use.[62] The change in CO_2 intensity factor is not justified in the IS/MND and SWAPE was unable to verify the revised CO_2 intensity factor used in the CalEEMod.[63] By modifying the default intensity factor the resulting models may underestimate the Project's GHG emissions and cannot be relied upon as the resulting models may be inaccurate.[64]

[59] CalEEMod Model 2013.2.2 User's Guide, (July, 2013). available at: http://www.aqmd.gov/docs/defaultsource/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.
[60] CEQA Guidelines § 15384(a).
[61] SWAPE Comments, p. 2.
[62] Ibid.
[63] Ibid.
[64] Ibid.

Response F.20: The Air Quality Assessment utilized the most recent CalEEMod version (2016.3.2). However, some of CalEEMod's baseline/default data is from 2008 or earlier (for example, according to the Table 1.2 in Appendix D of the CalEEMod User's Guide [2017] the CO_2 intensity factors are from the May 2010 Local Government Operations Protocol). As such, many of the defaults are out of date and not consistent with existing standards and regulations. It is standard practice to make deviations from the model (with appropriate sources and assumptions as presented by the more detailed information made available by the applicant on the specifics of the project known at this time). These changes in the model are included as notes in the model available on pages 1-2, 103-104, 166-167, 194-195, 222-223, 2 85-286 Appendix A to the Air Quality Assessment for the IS/MND. CalEEMod's default PG&E CO_2 intensity is based on 2008 data. Utility companies and equipment included technological improvements that resulted in fewer emissions and therefore, the project analysis included the latest data on CO_2 intensity based on the newest information available by the company and as such it is appropriate to include the updated CO_2 intensity per the PG&E 2020 Corporate Responsibility and Sustainability (CR&S) Report.[65] The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.21: Second, the CalEEMod also fails to include the proposed entire size of the Project in the construction model.[66] According to the IS/MND, the Project involves demolition of a portion of the existing 141,267 square-foot warehouse building for the construction and the construction of a covered loading area, resulting in 94,147 square feet of warehouse space, 13,572 square feet of office space, and 33,791 square feet of covered loading area.[67] The IS/MND does not specify the extent of the proposed demolition, or construction of warehouse space. In order to account for the uncertainty in the extent of demolition and construction, the CalEEMod should have included the entire square-footage of the finished Project construction in order to estimate emissions associated with the Project. Instead, SWAPE discovered that the CalEEMod model relied on an estimate of only 8,210 square-feet of warehouse construction and no construction of office space.[68] This underestimation of the area to be constructed affects the resulting CalEEMod data. For example, the construction area is used to calculate VOC emissions from architectural coatings, leading to reduced emissions calculations.[69] Additionally, the construction area is used to calculate the Project area to be heated or cooled, impacting energy calculations.[70] By underestimating the size of the Project, the IS/MND's modeling underestimates the Project's emissions and cannot be relied upon to support a finding that impacts are less than significant.

Response F.21: The project proposes to demolish a portion of the existing warehouse building and construct a covered loading area on the north side of the warehouse building. The operational project run includes the entire project as the energy, water, traffic, etc. are relevant to the entire site. However, as discussed in the project description on pages 10-11 of the IS/MND, only a portion of the existing warehouse would be demolished and the canopy would be constructed. Specifically, the existing building totals 141,267 square feet and the proposed building would be 107,719 square feet (refer to IS/MND page 11). The project would demolish approximately 42,000 square feet of the existing warehouse building.

[65] Pacific Gas and Electric, 2020 Corporate Responsibility and Sustainability Report, page 120, https://www.pgecorp.com/corp_responsibility/reports/2020/assets/PGE_CRSR_2020.pdf
[66] SWAPE Comments, p. 3.
[67] IS/MND, pp. 10-11.
[68] SWAPE Comments, p. 3.
[69] Ibid.
[70] Ibid.

See Section 3.0 of this document for a text clarification to the project description in the IS/MND that more clearly highlights the amount of demolition. This is not new information, as the project description and the technical analyses disclosed the correct amount of demolition. The construction model run assumed approximately 8,210 square feet of new building construction because the majority of the existing building would be reused, and the additional square footage was conservatively included to account for any construction that would occur to finish the building. Additionally, the construction model run also evaluated 33,790 square feet of the covered loading area. These building areas are consistent with page 11 of the IS/MND. It is appropriate to model those specific activities instead of construction of an entirely new warehouse building and in order to accurately represent the project, separate model runs were conducted for construction and operational emissions.

Construction would occur over six months (refer to Response F.4). As stated in Response F.4, the construction length evaluated in the emissions modeling and the analysis is six months, which is consistent with the project description. Page 36 of the IS/MND clarifies the phases: "Project demolition and site preparation are anticipated to begin in April 2021 and last approximately two months. Project grading and construction of the covered van loading area is anticipated to begin in May 2021 and last approximately three months and will export approximately 5,000 cubic yards (cy) of soil. Paving was modeled to be completed August 2021 and Architectural Coating to be completed in September 2021. The exact construction timeline is unknown; however, to be conservative, earlier dates were utilized in the modeling." In both the project description and the Air Quality Assessment, the construction duration is described in approximate terms for analysis purposes.

Therefore, CalEEMod did not underestimate the size of the project and the City's analysis represents substantial evidence to support a finding of less than significant.

Comment F.22: Third, the IS/MND includes changes the Project's construction schedule in the CalEEMod modeling, without sufficient justification required by the CalEEMod user manual.[71] For example, the City's CalEEMod model includes unsubstantiated changes to the paving and architectural coating phase lengths. The changes to the paving and architectural coating phase lengths are unsupported by any substantial evidence making them significantly longer. By making the construction phases longer the model spreads out construction emissions over a longer period of time, potentially resulting in underestimation of Project emissions.[72] Thus, the City improperly underestimated construction emissions in the IS/MND and the modeling cannot be relied upon to determine the significance of the Project's construction impacts.[73]

Response F.22: As discussed in Response F.20, above, users are able to make changes to the CalEEMod defaults with justification. The changes to the construction phasing are based on applicant information, industry standards, and experience with similar projects (see Responses F.4 through F.7). As such, the modifications to the construction stage durations represent reasonable assumptions. CalEEMod default construction phase timing is more appropriately used when project-specific information is not available. As clarified in Response F.21, CalEEMod did not underestimate the size of the project.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[71] *Id*. pp. 3-5.
[72] Ibid.
[73] *Id.* p. 6.

Comment F.23: Fourth, the CalEEMod includes unsubstantiated changes to the operational vehicle fleet mix percentages and vehicle emission factors. The City provides no explanation for this discrepancy, which improperly reduces vehicle emissions below what the Project will actually emit.[74]

Response F.23: The technical studies included as appendices to the IS/MND incorporate project specific components for modeling and state the model defaults that were updated to reflect the most recent data, see Responses F.17 and F.20. The CalEEMod default vehicle mix does not accurately represent the project because it does not include enough trucks and includes other vehicles that would not access the project site. For example, the CalEEMod default value for heavy-duty trucks is 2 percent, and for the Project this value was increased to 54 percent. Additionally, the default CalEEMod fleet mix includes motorhomes, school buses, and city buses that would not access the site. Therefore, the CalEEMod default fleet mix was updated to more accurately represent the project. The vehicle fleet mix is based on Table 5 on page 32 of Appendix F to the IS/MND and project-specific information provided by the applicant. Page 41 of the IS/MND identifies the fleet mix assumptions and cites the Appendix F of the IS/MND. Further, emissions rates in CalEEMod were updated with CARB SAFE Rule adjustment factors and EMFAC2017 emission rates, consistent with the methodology outlined in Appendix A of the CalEEMod User's Guide. The CalEEMod outputs were provided as Appendix A to the Air Quality Assessment for the project, Appendix A to the IS/MND, and indicate that emissions rates were updated with EMFAC2017 rates, which represent the latest data available at the time of the emissions modeling.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.24: In sum, the City's calculation of overall emissions is seriously underestimated due to unjustified and unsubstantiated changes in Project assumptions, which are inconsistent with the City's description of the Project itself. The City cannot rely on the results of the IS/MND's CalEEMod analysis to provide substantial evidence that the Project will not have a significant impact on air quality, public health, or GHG, as purported in the IS/MND. An EIR must be prepared to correct these errors.

Response F.24: As detailed in Responses F.4, F.5, F.6, F.7, F.15, F.17, F.18, F.19, F.20, F.21, F.22, and F.23, the CalEEMod emissions modeling did not underestimate project emissions. All changes to the model are based on project specific data. The construction duration and building assumptions represent project specific data and are therefore based on reasonable assumptions. The operational emissions modeling is consistent with the project description (refer to Responses F.4, F.6, and F.7 regarding consistency with the construction schedule and refer to Response F.21 regarding building size). Additionally, the trip generation and fleet mix used in the emissions modeling based on Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition data. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[74] SWAPE Comments, p. 9.

Comment F.25: SWAPE found that the City incorrectly applied mitigation measures to the CalEEMod construction and operations emissions analysis, when no such mitigation measures are included in the IS/MND.[75] First, CalEEMod includes changes to the model that would serve to reduce impacts from dust during Project construction.[76] The model references Bay Area Air Quality Management District ("BAAQMD") rule compliance as the justification for the change from the default value.[77] Additionally, the IS/MND states that:

"The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance and the project would implement the BAAQMD Basic Construction Control Measures as a Standard Permit Condition to control dust at the project site during all phases of construction."[78]

BAAQMD's recommended control measures are not included in the IS/MND's mitigation measures and are not enforceable as such.

Response F.25: As described in each section of the IS/MND, project construction and operations would be subject to all applicable State and local laws, ordinances, and regulations. Compliance with existing regulations that would reduce emissions (e.g., BAAQMD Regulation 6 Rules, which are subject to enforcement action under the applicable provisions of the California Health & Safety Code) and are not considered mitigation as defined by CEQA. Mitigation measures are required above and beyond existing regulation to reduce or eliminate impacts. CalEEMod does not automatically include compliance with all regulations by default, so the user has to incorporate standard regulations within CalEEMod's mitigation module, even though they may actually be City/State/BAAQMD regulations or standard permit conditions. BAAQMD recommended control measures are not mitigation as they are required by the air district during construction by BAAQMD regulation (refer to the Page 8-4 in the BAAQMD CEQA Guidelines (May 2017). BAAQMD Regulation 6, Rule 1 limits particulate matter emissions rates and emissions concentrations from visible particulate matter emissions and also prohibits visible emissions from project sites. Although the mitigated output from CalEEMod shows reductions from existing regulatory requirements and project design features that are termed "mitigation" within the model, those modeling components associated with compliance with existing regulations are not considered mitigation under CEQA, but rather are standard conditions which are enforceable during permit issuance as well as BAAQMD inspection.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.26: Second, the CalEEMod output files show that the model relies on United States Environmental Protection Agency ("U.S. EPA") Tier 4 Final emissions standards.[79] However, the IS/MND does not specify if Tier 4 Final or Tier 4 Interim equipment will be required in Mitigation Measure ("MM") AQ-1.[80] MM AQ-1 requires that construction equipment meet either "U.S. EPA Tier 4 emission standards" – without requiring the more stringent Tier 4 Final equipment assumed in the IS/MND's modeling – or even less stringent Tier 3 engines with diesel emission control devices.[81] In their analysis, SWAPE explains

[75] *Id.* pp. 8-14.
[76] *Id.* p. 8.
[77] IS/MND, Appendix A, pp. 167, 195.
[78] IS/MND, p. 38.
[79] SWAPE, pp. 9-12.
[80] IS/MND, pp. 39-40
[81] IS/MND. Pp. 39-40.

that Tier 4 Final equipment is the cleanest burning equipment and therefore has the lowest emissions compared to other tiers of equipment, including Tier 4 Interim.[82] As a result, the CalEEMod data relies on unenforceable requirement to use Tier 4 Final equipment during Project construction in order to calculate emissions from Project construction, when in fact, the Applicant may be allowed to use less efficient Tier 3 or Tier 4 Interim equipment.

Response F.26: Tier 4 Final is specified in the analysis (refer to footnote 1 in Table 4.4, page 37 of the IS/MND and the first paragraph on page 39). However, the text in IS/MND MM AQ-1 will be revised to specify Tier 4 Final instead of Tier 4; refer to Section 3.0 IS/MND Text Revisions of this Responses to Comments document. It is standard practice to refer to Tier 4 Final simply as "Tier 4", while Tier 4 Interim is generally referred to as "Tier 4i". Additionally, a review of relevant data provided by CARB (OFFROAD2017 (v1.0.1) Emissions Inventory) for the proposed construction year (2021) show that approximately 63 percent of the equipment in the Bay Area are manufactured to meet Tier 4 Final standards. Therefore, Tier 4 Final equipment is readily available for use in project construction. Further, Mitigation Measure AQ-1 states that the applicant must submit a construction operations plan demonstrating that the selected construction equipment would meet the emissions reduction requirements. As such, Mitigation Measure AQ-1 is an enforceable and feasible mitigation measure. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.27: Finally, the CalEEMod output files rely on operational energy, water and waste related mitigation measures that are not required under the IS/MND.[83] The IS/MND states that policies regarding recycling and composting are applicable to the Project. However, these policies are not explicitly required in any Project mitigation measures.[84] Similarly, the IS/MND states that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards, however there is no Project mitigation measure that corresponds to this requirement.[85] As such, the IS/MND's CalEEMod modeling improperly relies on compliance with mitigation measures that cannot be properly monitored or enforced under CEQA.

Response F.27: The comment confuses mitigation measures and standard conditions of approval. Existing energy, water, and waste efficiency requirements and building codes are discussed in Section 4.6 (Energy) and Section 4.8 (Greenhouse Gas Emissions) of the IS/MND. Also, refer to Response F.26 above for the equipment efficiency requirement for the project. Project construction and operations would be subject to all applicable state and local laws, ordinances, and regulations. The California Green Building Standards Code—Part 11, Title 24, California Code of Regulations (CALGreen) also requires projects to recycle and/or salvage for reuse a minimum 65 percent of the nonhazardous construction and demolition waste. Additionally, the City requires recycling per their Zero Waste Resolution, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022 for residential, commercial, and City facility operations. Although the CALGreen standards require new buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality, the emissions modeling only incorporates water and energy efficiency improvements required by the latest state building code. The proposed project would be required to comply with Title 24 Energy Efficiency standards (California Code

[82] SWAPE, p. 11.
[83] *Id.* pp. 12-14.
[84] IS/MND, p. 67.
[85] SWAPE, pp. 12-13.

of Regulations, Title 24, Part 6). Compliance with City and state regulations, as well as the Title 24 building codes, are required for all structures and enforced through plan review and building inspection. Compliance with these standards and regulations would be required for the project regardless of whether there is a CEQA impact. Conversely, under CEQA, mitigation is required to reduce potentially significant impacts. The CalEEMod model defaults to energy, water, and waste consumption rates that are based on data that predates the latest building code requirements, which are less restrictive. Therefore, adjustments were made in the model to account for the latest building code regulations, which are more restrictive. As these energy, water, and waste efficiency measures are required by regulation and building code, they are not considered CEQA mitigation measures, but rather are considered 'part of the project' for the purposes of CEQA analysis.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.28: The IS/MND relies on its CalEEMod modeling to conclude that the Project's construction and operational air quality impacts would be less than significant. Including unenforceable mitigation measures in the CalEEMod modeling results in unjustifiably reduced impacts and violates CEQA's requirement that the lead agency must first determine and disclose the extent of a project's potentially significant impacts before it may apply mitigation measures to reduce those impacts.[86] Moreover, the CEQA Guidelines define "measures which are proposed by project proponents to be included in the project" as "mitigation measures" within the meaning of CEQA.[87]

As described under CEQA Guidelines Section 15370, "Mitigation" includes:

> (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
>
> (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
>
> (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
>
> (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
>
> (e) Compensating for the impact by replacing or providing substitute resources or environments.

In 2013, the Court decided Lotus v. Department of Transportation[88] clarifying the requirements of CEQA Guideline Section 15370. In Lotus, the court held that "avoidance, minimization and/or mitigation measures," are not "part of the project."[89] Rather, they are mitigation measures designed to reduce or eliminate environmental impacts of the Project and must be treated as such. Mitigation measures cannot be incorporated in an IS/MND's initial calculation of the Project's unmitigated impacts because the analysis of unmitigated impacts, by definition, must accurately assess such impacts before any mitigation measures to reduce those impacts are applied.[90] An IS/MND that compresses the analysis of impacts and mitigation measures into a single issue disregards the requirements of CEQA. Because CEQA and Lotus prohibit the compressing of a mitigation measure with a Project, the IS/MND's lack of analysis of air

[86] CEQA Guidelines § 15370; *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 651-52.
[87] CEQA Guidelines § 15126.4(a)(1)(A).
[88] *Lotus v. Dep't. of Transp.* (2013) 223 Cal.App.4th 645, 650.
[89] *Id.* at 656.
[90] *Id.* at 651 - 52.

quality, greenhouse gas and other impacts caused by the Project's construction and operation, including its energy use, violates CEQA.

The City must prepare an EIR that discloses the severity of all potentially significant impacts prior to identifying the mitigation required to reduce those impacts to less than significant.

Response F.28: Refer to Responses F.26 and F.27. The comment confuses mitigation and standard conditions of approval. Compliance with City and State regulations, as well as the Title 24 building codes, are required for all structures and enforced through plan review and building inspection. The comment incorrectly applies the Lotus v. Department of Transportation decision to the proposed project. Compliance with standards and regulations would be required, via regulatory mandate, for the project regardless of whether there is a CEQA impact. Conversely, under CEQA, mitigation is required to reduce potentially significant impacts. Project emissions were calculated based on project components that are known at this time, including proposed construction details from the applicant as it is the best known and realistic information for the proposed project, as well as updates consistent with the latest California Building Code requirements. Based on the project specific inputs, the results show that construction and operational emissions would be less than significant with the implementation of MM AQ-1, which requires Tier 4 (Final) construction equipment. As noted above in Response F.25, BAAQMD regulations are subject to enforcement action under the applicable provisions of the California Health & Safety Code. Compliance with BAAQMD's regulations and rules are required for all projects and are thus standard conditions and not considered mitigation under CEQA. It should be noted that the analysis requires the use of Tier 4 Final construction equipment or equivalent measures with construction operations plan to mitigate construction emissions to less than significant levels as Mitigation Measure AQ-1. The rest of the adjustments applied in the model are standard permit conditions that is applied to all projects with ground disturbance, such as improved energy and water efficiency (required by the California Building Code) and construction dust control measures required by BAAQMD regulation. As noted in Response F.27, default CalEEMod energy, water, and waste consumption rates are based on data that predates the latest building code requirements. Therefore, adjustments were made in the model to account for the most recent regulations. As these energy, water, and waste efficiency measures are required by regulation and building code, they are not considered CEQA mitigation measures.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.29: SWAPE corrected the errors in the Project's CalEEMod and determined the Project's actual impacts from Reactive Organic Gases/VOC and NO_x exceed thresholds of significance identified in the IS/MND, resulting in significant air quality impacts, as set forth below.[91]

[91] SWAPE Comments, p. 14.

Model	ROG/VOC	NO_X
IS/MND Construction	9.50	16.44
SWAPE Construction	60.26	66.57
% Increase	534%	305%
BAAQMD Regional Threshold (lbs/day)	**54**	**54**
Threshold Exceeded?	***Yes***	***Yes***

SWAPE's calculations provide substantial evidence supporting a fair argument that the Project's impacts on air quality are significant, and that additional mitigation measures are required. The City must prepare an EIR that properly analyzes the Project's potentially significant air quality impacts according to BAAQMD guidelines and CEQA's mandates and to require mitigation measures to reduce significant impacts to the greatest extent feasible.

Response F.29: The comment presents modeling results conducted by SWAPE. Based on a review of the SWAPE model outputs, several inaccuracies were identified to indicate that the commenter's modeling does not represent the proposed project. For example, SWAPE did not model the correct phase timing for paving and architectural coatings, see Response F.17. As stated in Response F.17, the CalEEMod User's Guide (October 2017) instructs the user to consider the accuracy of the equipment and phase duration estimations and using project specific construction schedules, when available. The City's analysis utilized project-specific construction schedule estimations, based on information provided by the applicant's project engineers. Additionally, SWAPE incorrectly modeled the mitigated construction emissions to use Tier 4 Interim equipment, instead of Tier 4 Final. As stated in Response F.26, the City's analysis assumed the equivalent of Tier 4 Final equipment would be utilized, which is consistent with the requirements of Mitigation Measure AQ-1.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.30: The IS/MND claims that Project impacts to public health due to exposure to cancer-causing toxic air contaminants ("TACs"), such as diesel particulate matter ("DPM"), will be less than significant, without performing a health risk analysis, as required by CEQA.[92] SWAPE explains that the City cannot support its health risk conclusions because it did not conduct an HRA to analyze potentially significant public health impacts in the first place.

Response F.30: Refer to Response F.18 regarding the BAAQMD criteria for preparing a Health Risk Assessment (HRA). BAAQMD has determined these thresholds for when an HRA is appropriate based on substantial evidence. As discussed Response F.18, the project would not exceed the identified BAAQMD thresholds to prepare an HRA, because the nearest sensitive receptors are more than 1,000 feet from the project site and the project would generate 11 daily trucks (i.e., 22 daily truck roundtrips) and the associated DPM (i.e., less than 100 trucks per day or less than 40 trucks with operating TRUs per day). As such, the project would not have potential to significantly impact public health due to exposure to cancer-causing toxic air contaminants. Additionally, the analysis within the IS/MND on pages 42-45 does include a cumulative HRA analysis that shows the existing health risk in the area. The comment did not

[92] IS/MND, pp. 35-36.

raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.31: First, the IS/MND claims that the Project would result in a less-than significant construction-related health risk impact based on the Project's compliance with California regulations, the temporary and intermittent nature of construction activities occurring in different locations, and the distance away from the closest sensitive receptor would not result in the exposure of sensitive receptors to substantial TAC emissions.[93] The City's failure to quantitatively evaluate the Project's construction-related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors is incorrect and a violation of CEQA's disclosure requirements.[94] According to SWAPE, the Project will result in emissions of DPM through exhaust stacks of construction equipment over the entire construction period.[95] Additionally, SWAPE explains that the Project's expected 700 average daily vehicle trips will continue to expose nearby sensitive receptors to DPM over the operational life of the Project.[96] The IS/MND fails to evaluate the potential Project generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. As a result, the City's conclusions cannot be verified to demonstrate that the Project's impacts will be less than significant.[97]

Response F.31: Refer to Response F.18 regarding the criteria for an HRA. As discussed In Response F.18, an HRA is not necessary to determine a less than significant impact to public health risk, as the nearest sensitive receptors are more than 1,000 feet from the project site and the project would generate DPM from only 11 daily trucks, or 22 daily truck roundtrips (i.e., less than 100 trucks per day or less than 40 trucks with operating TRUs per day). It should be noted that operational TACs were evaluated on IS/MND pages 43 to 45, and cumulative operational TACs are quantitatively presented on IS/MND Table 4-5, page 44. Additionally, as a point of clarification, the comment correctly notes that the project would have 700 daily vehicle trips; however, when considering the baseline historical on site use, the project's trip generation would represent 291 additional daily trips as compared to the baseline condition. However, the comment incorrectly indicates that all 700 average daily vehicle trips would emit DPM. Not all of the 700 daily vehicle trips would be diesel powered and thus not all would not generate DPM. According to CARB EMFAC2017 data for Santa Clara County, diesel vehicle population makes up approximately 3.6 percent of the total vehicle population and approximately 5.8 percent of the total vehicle miles traveled. The project would include 22 diesel truck trips out of 575 net daily vehicle trips; this is about 3.8 percent of the project's vehicle trips and consistent with the County in general.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[93] IS/MND, p. 43.
[94] SWAPE Comments, p. 15; *Sierra Club*, 6 Cal.5th at 520.
[95] Ibid.
[96] Ibid.
[97] Id. pp. 15-16.

Comment F.32: Second, the City's analysis of construction impacts in the IS/MND is inconsistent with basic regulatory guidance on analysis of health impacts issued by the Office of Environmental Health Hazard Assessment ("OEHHA").[98] OEHHA risk assessment guidelines require a formal health risk assessment for short-term construction exposures lasting longer than 2 months.[99] According to the IS/MND, and as discussed above, Project construction will take approximately 5 or 6 months.[100] Without an HRA, the City's conclusion that the Project will not have a significant impact on public health lacks evidentiary support.

Response F.32: Refer to Response F.18 regarding the criteria for preparing an HRA. As discussed in Response F.18, according to BAAQMD's CEQA Guidelines (2017), an HRA is not necessary as the nearest sensitive receptors are more than 1,000 feet from the project site. The OEHHA 2015 Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects if an HRA is applicable. As discussed in Section 8.2.10 of the OEHHA 2015 Guidance Manual, "[t]he local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or site remediation." Short-term projects that would require a permitting decision by BAAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the proposed project. The OEHHA 2015 Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). This comment misrepresents the OEHHA 2015 Guidance Manual (Section 8.2.10, page 8-18) that "the OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." Therefore, this guidance is not applicable to the project. Additionally, as stated above in Response F.18, the project is more than 1,000 feet away from sensitive receptors and outside of BAAQMD's radius where an HRA would be required.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.33: Third, the City provided no discussion in the IS/MND regarding the Project's potentially significant operational public health impacts.[101] The Project would produce 700 daily trips causing exhaust and DPM emissions that can harm nearby sensitive receptors.[102] The City must prepare an EIR which includes an operational HRA to evaluate potentially significant health impacts from Project operation, as required by CEQA. An operational HRA that includes exposure duration of thirty years should have been included in the IS/MND.[103]

Response F.33: Refer to Response F.18 and F.32, an HRA is not required. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[98] Ibid.
[99] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8–17/18; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manualpreparation-health-risk-0.
[100] IS/MND, pp. 37, 87.
[101] SWAPE Comments, p. 15.
[102] SWAPE Comments, pp. 15.
[103] SWAPE Comments, p. 15.

Comment F.34: Finally, because the City failed to prepare an HRA for the Project, it is impossible to compare the Project impacts to BAAQMD's threshold for public health impacts for excess health risk.[104] For these reasons, the IS/MND's conclusion that the Project's public health impacts are less than significant is not supported by substantial evidence.

Response F.34: Refer to Response F.18 and F.32 regarding the criteria for an HRA. BAAQMD requires HRAs for projects within a 1,000 radius of sensitive receptors, as noted in Response F.18 and acknowledged in the comments. The project is 1,850 feet away from sensitive receptors (i.e., far outside of BAAQMD's 1,000-foot zone of influence radius). Additionally, the project is not considered to be a substantial source of DPM warranting an HRA, since daily truck trips to the project site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units per the CARB threshold included in Response F.18. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.35: The IS/MND claims that the Project's GHG impacts are less than significant. SWAPE reviewed the IS/MND and determined that the City failed to demonstrate consistency with the city's chosen method to determine the significance of GHG impacts. Additionally, the City improperly included GHG mitigation measures as design features in an attempt to mask the Project's potentially significant impacts from GHGs, in violation of CEQA.

A lead agency must analyze the impacts from the GHG emissions of a proposed project.[105] The CEQA guidelines allow agencies to choose between quantifying emissions and using a quantitative analysis or using performance standards.[106] The focus of the analysis is the project's effect on climate change, rather than simply comparing the quantity of emissions to the global problem.[107] An incremental contribution from GHG emissions may be cumulatively considerable, even if it appears small compared to state, national, or global emissions.[108] A lead agency must consider an appropriate timeframe for analysis for the project and that analysis must reasonably reflect evolving scientific knowledge and regulatory schemes.[109] A lead agency has discretion to select the most appropriate model and methodology to take into account GHG emissions, however the selection of models and methodologies must be supported by substantial evidence.[110]

In assessing the potential significance of a project's GHG emissions, the CEQA Guidelines state that a lead agency should consider the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.[111] A lead agency cannot artificially discount the significance of a project's GHG emissions by using a business-as-usual ("BAU") comparison that compares the proposed project with a hypothetical project that does not comply with current statewide GHG emission reductions strategies without substantial evidence to show that such an analysis is appropriate for the local project. The California Supreme Court expressly disavowed this approach, finding that such a

[104] SWAPE Comments, p. 16; *Sierra Club* 6 Cal.5th at 520.
[105] CEQA Guidelines § 15064.6, subd. (a).
[106] Id.
[107] *Id.* at subd. (b).
[108] Id.
[109] Id.
[110] CEQA Guidelines § 15064.4, subd. (d).
[111] *Id*. at subd. (b)(1).

comparison alone does not provide substantial evidence that a project will have a less than significant GHG impact because consistency with statewide targets ignores the reality that some regions may need to reduce emissions more than others and that new developments will have to be more efficient to make up for existing, older buildings.[112]

The CEQA Guidelines also state that a lead agency should consider whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.[113] This is commonly done by either comparing the total project emissions with an applicable threshold or comparing an emissions per service population efficiency standard to an applicable threshold.

Rather than using the above thresholds to determine the significance of a project's GHG emissions, a lead agency may instead base a finding of significance on whether or not a project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction of GHG emissions.[114] A lead agency may only rely on such regulations or requirements if they have been adopted by a relevant public agency through a public review process and reduce or mitigate the project's incremental contribution of GHG emissions below a level of significance.[115] If there is substantial evidence demonstrating that the Project's GHG emissions would still be cumulatively considerable, notwithstanding compliance with the plan's requirements, compliance with the plan alone is not substantial evidence that emissions would be less than significant.[116]

Response F.35: The comment identifies the CEQA Guidelines that indicate using performance standards is allowed by CEQA. The comment also summarizes various other potential approaches to evaluating GHG emissions that are allowed by CEQA.

The comment incorrectly indicates that the analysis relies on a business as usual (BAU) comparison as part of its findings for GHG emissions. The IS/MND does not mention the use of a BAU threshold for the project. Additionally, IS/MND Appendix D, page 21, states that consistency with the City's 2030 GHG Reduction Strategy (GHGRS) is used to determine significance. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."

Thus, State CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions. Local governments may prepare a GHG reduction strategy that can be used for CEQA review of subsequent plans and projects that are consistent with the GHG reduction strategies and targets. This approach allows jurisdictions to:

[112] Center for Biological Diversity v. Dept. of Fish and Wildlife (2015) 62 Cal.4th 204, 225-226.
[113] CEQA Guidelines § 15064.4, subd. (b)(2).
[114] CEQA Guidelines § 15064.4, subd. (b)(3); see also § 15064, sub.d (h)(3).
[115] CEQA Guidelines § 15064.4, subd. (b)(3).
[116] CEQA Guidelines § 15064.4, subd. (b)(3).

- Address GHG emissions at a communitywide and municipal operations level to determine the most effective and efficient methods to reduce GHG emissions;
- Identify reduction measures that promote goals of the General Plan; and
- Implement reduction measures that achieve multiple City priorities, such as those that provide additional co-benefits beyond their emissions reductions (such as, improving mobility and access, advancing local economic development, reducing household and business utility and transportation costs, improving public health, etc.)

The City's 2030 GHGRS was adopted by the City Council on November 17, 2020 and serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The 2030 GHGRS was developed under General Plan Policy IP-3.7 to monitor and update as necessary the GHG reduction strategy measures and Policy IP-17.2 to develop and maintain a Greenhouse Gas Reduction Strategy to serve as a road map for reducing GHG emissions within San José. One of the objectives of the GHGRS is to serve as a GHG reduction plan to streamline GHG emissions analysis of future development and plans within the City, according to CEQA Guidelines Sections 15152, 15183, and 15183.5. The CEQA Guidelines require a Qualified Climate Action Plan to specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.

The GHGRS Development Consistency Checklist (Attachment A in the 2030 GHGRS) applies to all discretionary reviews through the City's Planning, Building and Code Enforcement Department (PBCE). To help facilitate the implementation of the 2030 GHGRS, each strategy contains implementation information that identifies the strategy's GHG reduction potential in 2030, the performance standards associated with the GHG reduction estimates, and the initial implementation steps to help achieve the reduction levels. The purpose of the Development Consistency Checklist is to apply the 2030 GHGRS to provide a streamlined review process for proposed new development projects subject to discretionary review and the environmental review under CEQA. The Development Compliance Checklist serves to apply the relevant General Plan and 2030 GHGRS policies. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. The checklist for the project is provided as Table 4-11 on pages 89-93 and Table 4-12 on pages 94-95 of the IS/MND. The Development Compliance Checklist serves as a guide to help the City understand which strategies new development would achieve. Consistency with Table A, Strategy 1 (Consistency with the Land Use/Transportation Diagram [Land Use and Density]) and compliance with Table B (2030 Greenhouse Gas Reduction Strategy Compliance) are the primary basis for consistency with the GHGRS.

Per General Plan Policy IP -3.7 and Policy IP-17.2, the GHGRS demonstrates progress towards achieving required State GHG reduction targets and allows the City to develop and maintain a GHGRS that reduces GHG emissions within the City. As noted in the comment, local governments may prepare a GHGRS that can be used for CEQA review of subsequent plans and projects that are consistent with the GHG reduction strategies and targets. The GHGRS must address GHG emissions at a communitywide and municipal operations level to determine most effective and efficient method to reduce GHG emissions; identify reduction measures that promote goals of the General Plan; and implement reduction measures that achieve multiple City priorities (such as improving mobility and access, advancing local economic development, reducing household and business utility and transportation costs, improving public health, etc.). The GHGRS has seven strategies to reduce GHG emissions to achieve the 2030 target. These strategies are in order of calculated $MTCO_2e$/year reductions. For instance, GHGRS 1 San Jose Clean Energy is estimated to be approximately 655,104 $MTCO_2e$/year reduction (page 55 of the GHGRS), or approximately 55 percent of the total emissions reductions per year for the City. While consistency with all seven strategies is the goal, as noted previously in this response, compliance with GHGRS 1 is the

primary criterion to ensure that the project is consistent with the City's reduction targets.[117]

The 2030 GHGRS leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. As described in the 2030 GHGRS, these GHG reductions will occur through a combination of City initiatives in various plans and policies and will provide reductions from both existing and new developments. Per the 2030 GHGRS, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target.

Application of the 2030 GHGRS to development review through the planning entitlement process will ensure that the GHG reduction measures translate to on-the-ground results to achieve the interim 2030 reduction target. As the 2030 GHGRS leverages existing plans and policies, including Municipal Code requirements, several of the Development Consistency Checklist Items are required by Municipal and/or State Building Code. The goals, policies, and measures address green building practices, transportation strategies, energy use, water conservation and water reduction and collectively these sectors contribute to the City's GHG reductions and advancement of its broad sustainability goal (refer to Response F.36, below, for additional detail for each policy).

The purpose of the Development Consistency Checklist is to apply the 2030 GHGRS to provide a streamlined review process for proposed new development projects subject to discretionary review and the environmental review under CEQA. Consistency with Consistency with Table A, Strategy 1 (Consistency with the Land Use/Transportation Diagram [Land Use and Density]) is the key criterion for determining consistency, because projects that are consistent with the Land Use/Transportation Diagram have already been accounted for in the 2030 GHGRS emissions and growth projections.

The Development Consistency Checklist applies to all discretionary reviews through the City's Planning, Building and Code Enforcement Department (PBCE). To help facilitate the implementation of the 2030 GHGRS, each strategy contains implementation information that identifies the strategy's GHG reduction potential in 2030, the performance standards associated with the GHG reduction estimates, and the initial implementation steps to help achieve the reduction levels.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.36: Here, the City provided a qualitative analysis based on the Project's consistency with the City's 2030 Greenhouse Gas Reduction Strategy ("GHGRS"), and consistency with the California Air Resources Board's ("CARB") 2017 Scoping Plan, designed for statewide use in order to conclude that the Project would result in a less than significant impact with respect to GHGs.[118] SWAPE reviewed the IS/MND responses to the GHGRS Checklist questions and determined that the Project fails to demonstrate consistency with the following GHGRS measures:

[117] The GHGRS assumed participation in the SJCE Total Green program, which is 100% carbon-free. As noted on page 71 of the IS/MND, the project would participate in the SJCE Green Source program, which is 90% carbon-free. Based on CalEEMod default assumptions for warehouse uses the energy consumption of a warehouse generally accounts for approximately up to 10 % of the total operational GHG emissions. As such, the difference between a 100% carbon-free energy source and a 90% carbon-free energy source would result in up to an approximately 1% difference in total project GHG emissions. This is a negligible difference in total project GHG emissions.
[118] IS/MND, p. 95.

- MS-2.2
- MS-2.3
- MS-2.7
- MS-2.11
- MS-16.2
- CD-2.5
- CD-3.2
- CD-3.4
- TR-2.8
- MS-3.2
- MS-19.4
- MS-21.3
- ER-8.7
- Renewable Energy Development
- Zero Waste Goal
- Caltrain Modernization

SWAPE determined that the IS/MND relies on commitments to achieve the bare minimum energy efficiency standards and lacks any concrete information on how the Project would actively seek to meet the goals of the GHGRS.[119]

Response F.36: Refer to Response F.35, above regarding the approach to the GHG analysis and consistency with the CEQA Guidelines. As stated in Response F.35 and discussed in the IS/MND, the City's 2030 GHGRS serves as a Qualified Climate Action Plan under CEQA. The Development Compliance Checklist serves as a tool to measure how well a project achieves the GHGRS, as applicable. As discussed in Response F.35 projects do not need to be strictly consistent with each and every policy. Consistency with Table A, Strategy 1 (Consistency with the Land Use/Transportation Diagram [Land Use and Density]) and compliance with Table B (2030 Greenhouse Gas Reduction Strategy Compliance) are the primary basis for consistency with the GHGRS. The City continues implementation and enforcement of the GHGRS Development Checklist throughout the plan approval and project development process. Compliance with applicable GHGRS policies will be enforced as standard conditions and would be verified during design review, plan check, and permit issuance. As discussed in Response F.35, compliance with all of the policies is not required. Rather, the Development Compliance Checklist is a tool to identify the applicable measures for development projects on a consistent basis. Permits would not be issued and/or would be revoked if the project does not comply with identified measures as shown in IS/MND pages 89-93. Consistency with the GHGRS Development Compliance Checklist is analyzed in detail in IS/MND (Table 4.11). The following discussion provides additional clarification about consistency with the policies identified in the comment and also identifies the associated verification and enforcement mechanisms.

[119] SWAPE Comments, pp. 16-29.

General Plan Policies	Project Compliance
***MS-2.2**: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	**Consistent.** As discussed in the IS/MND on page 89, the project would be solar-ready and would also enroll in San José Clean Energy (SJCE) GreenSource program. Compliance with this measure would be enforced though City permits.
***MS-2.3**: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.*	**Consistent**. As discussed in the IS/MND on page 89, the project would comply with the latest energy efficiency standards to comply with this measure. Green building practices and incorporation of SJCE would be verified through the City plan review and permit approval process.
***MS-2.7**: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.*	**Consistent**. As discussed in the IS/MND on page 89, the project would be solar-ready by including building roof space and conduit for solar infrastructure per California Code. The City will verify and enforce compliance with this measure through the plan review and permit approval process.
***MS-2.11**: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).*	**Consistent**. Compliance with this measure is discussed on page 89 of the IS/MND. The project is required to comply with the Green Building Ordinance and compliance would be through building process and inspection. Per State building codes, the project would include high efficiency appliances and architectural design and site design technique to maximize building efficiency. These required codes would be verified through City approval processes.
***MS-16.2**: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.*	**Consistent.** Compliance with this measure is discussed IS/MND page 90. The project would be solar-ready by ensuring roof space and conduit for solar infrastructure per California Code. The City will verify and enforce compliance with this measure through the plan review and permit approval process.
***CD-2.5**: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.*	**Consistent.** Compliance with this measure is discussed IS/MND page 90. The project would comply with all applicable Green Building Goals and stormwater regulations. Compliance with City standards would be verified through project plans and the building approval process.
***CD-3.2**: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.*	**Consistent.** Consistency with this measure is discussed IS/MND page 91. Compliance with City standards would be verified through project plans and the building approval process.
***CD-3.4**: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular*	**Consistent** As discussed in IS/MND page 91 the proposed project would include bicycle parking spaces, access for bicyclists, pedestrian to access the site, and day use lockers. Incorporation of these features would be verified through project plans and

General Plan Policies	Project Compliance
attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	the building approval process.
***MS-3.2**: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.*	**Consistent**. Consistency with this measure is discussed IS/MND page 92. Water efficient features are required by City Code and the state building code. Compliance with City standards would be verified through project plans and the building approval process.
***MS-19.4**: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.*	**Consistent.** As stated on page 92 of the IS/MND, the project would utilize recycled water for the outdoor landscaping based on availability. Use of available recycled water would be verified through project plans and the building approval process.
***MS-21.3**: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.*	**Consistent**. IS/MND page 92 explains that the project would comply with City landscaping requirements through plan check and design review processes.
***ER-8.7**: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.*	**Consistent**. As stated in the IS/MND on page 92, the project would be required to obtain a Municipal Regional Permit (MRP), which would ensure compliance with this measure. The City would verify these measures are implemented through the plan review process.
Zero Waste Goal 1. *Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or* *2. Exceed the City's construction & demolition waste diversion requirement.* **Supports Strategies:** GHGRS #5	**Consistent.** Compliance with this measure is discussed on IS/MND page 94. The project includes an exterior trash enclosure with space for recycling and organic waste collection and would recycle construction and demolition waste per City requirements. Compliance with these City standards would be verified through project plans and the building approval process.

General Plan Policies	Project Compliance
Caltrain Modernization *1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes* *or* *2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT.* **Supports Strategies:** GHGRS #6	**Not Applicable.** As stated on page 95 of the IS/MND, the proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project. Regardless, Mitigation Measure TRANS-1 required the project to prepare a TDM Program to reduce project VMT.
Water Conservation 1. *Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or* *2. Provide access to reclaimed water for outdoor water use on the project site.* **Supports Strategies:** GHGRS #7	**Consistent.** As stated on page 95 of the IS/MND, the proposed project would comply with water conservation per the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would include low flow appliances and fixtures. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). These water efficiency measure are required as part of the California Building code and compliance is required prior to issuance of Certificate of occupancy. The City would also verify these measures are included on all plans and specifications through the plan review process.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.37: Additionally, several responses in the GHGRS checklist refer to the Project's intention to enroll in the San José Clean Energy ("SJCE") GreenSource program which includes 40 percent renewable energy.[120] By relying on the intention to enroll in the SJCE GreenSource program, without actually requiring it, the City's attempt to demonstrate consistency is based on unenforceable mitigation measures. As discussed above, the IS/MND cannot rely on unenforceable mitigation measures in order to determine finding of significance. Mitigation measures cannot be incorporated in an IS/MND's initial evaluation of the Project's unmitigated impacts because the analysis of unmitigated impacts, by definition, must accurately assess such impacts before any mitigation measures to reduce those impacts are applied.[121] An IS/MND that compresses the analysis of impacts and mitigation measures into a single issue disregards the requirements of CEQA. Because CEQA and Lotus prohibit the compressing of a

[120] IS/MND, Appendix D, p. 26.
[121] *Lotus v. Dep't. of Transp.* (2013) 223 Cal.App.4th 645, 651 - 52.

mitigation measure with a Project, the IS/MND's lack of analysis of GHG impacts caused by the Project's construction and operation, including its energy use, violates CEQA.

Response F.37: Refer to Responses F.35 and F.36, above regarding implementation of the GHGRS. The City continues implementation and enforcement of the GHGRS Development Checklist throughout the plan approval and project development process. Compliance with the applicable GHGRS policies will be enforced as part of the proposed plan or conditioned in permits to be verified during design review, plan check, and permit issuance. Specifically, compliance with San José Clean Energy (SJCE) Green Source Program is discussed in IS/MND Table 4-11. Enrollment in SJCE is automatic unless the applicant chooses to opt out; in which case the applicant would be required to demonstrate that using a different energy provider would result in GHG emissions consistent with the GHGRS. Additionally, the purchase of energy from San José Clean Energy is a GHGRS Table B strategy. Further reiteration of project compliance with the policies, which negates the need for any additional mitigation measures, are available in Responses F.35 and F.36.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.38: As written, the IS/MND fails to provide sufficient information and analysis to determine Project consistency with all the measures required by the GHGRS and improperly relies on project design features in violation of CEQA. The City must prepare an EIR that discloses the severity of all potentially significant impacts prior to identifying the mitigation required to reduce those impacts to less than significant.

Response F.38: Refer to Response F.35. As noted in Responses F.35 and F.36 the City continues implementation and enforcement of the GHGRS Development Checklist throughout the plan approval and project development process. Compliance with applicable GHGRS policies will be enforced and verified during design review, plan check, and permit issuance. The comment confuses standard conditions with project design features. The IS/MND Table 4-11 and Response F.36 identify how the project would comply with the applicable GHGRS measures and how these measures would be enforced. The comment does not provide any substantial evidence to indicate that these measures cannot be enforced by the City, and no substantial evidence to indicate that an EIR must be prepared.

Comment F.39: More recent guidance from the California Air Resources Board ("CARB") has been released in 2017 to provide statewide targets for implementing a 2030 emissions reduction target mandated by Senate Bill 32.[122] California's 2030 GHG emissions reduction target is 260 million metric tons of carbon dioxide equivalent.[123] CARB recommends a statewide target of 6 metric tons of carbon dioxide equivalent per person for 2030.[124] To achieve this, CARB recognizes that a good overall goal for new projects is a no net contribution to climate change, although CARB also notes that this may not be feasible or appropriate for all projects.[125]

[122] California Air Resources Board, California's 2017 Climate Change Scoping Plan, (Nov. 2017), *available at* https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf (hereafter "Scoping Plan").
[123] Scoping Plan, p. 2.
[124] Scoping Plan, p. 99.
[125] Scoping Plan, pp. 101-102.

As stated above, consistency with a statewide goal does not provide substantial evidence that a project's emissions are not significant, and newer development must be more GHG-efficient than the average targets given that past sources of GHG emissions will still exist and continue to emit.[126] Further, these numerical thresholds only represent the point at which emissions are normally considered significant and these thresholds must be supported by substantial evidence.

The City claims the Project is consistent with numerous statewide goals and relies on that claim to suggest the Project is consistent with CARB's 2017 Climate Change Scoping Plan and thus will not have a cumulatively considerable GHG impact. While the 2017 Scoping Plan is a plan designed to reduce and mitigate the state's GHG emissions, it lacks accompanying regulations and requirements for local land use decisions and instead encourages local governments to use a threshold of significance or an "adequate geographically-specific GHG reduction plan" when entitling projects through CEQA.[127] The 2017 Scoping Plan does not contain specific measures or thresholds for local governments to apply, but does recommend that a project's per capita GHG emissions be no more than six metric tons of carbon dioxide equivalent.

The City's conclusion that the Project is consistent with the 2017 Scoping Plan is incorrect and lacks evidentiary support. Instead, the IS/MND refers to the implementation of standard permit conditions to demonstrate that the Project is consistent with the 2017 Scoping Plan.[128] The IS/MND again improperly relies on unenforceable mitigation measures in an effort to demonstrate compliance and support a finding of a less than significant GHG impact. These unsubstantiated assumptions do not provide the City with substantial evidence to support its conclusions regarding GHG impacts.

Response F.39: The analysis within Section 4.8 of the IS/MND (Greenhouse Gas Emissions) focuses on consistency with the City's GHGRS to arrive at an impact significance determination for the project. As discussed in Responses F.35 and F.36, the City's 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The analysis on pages 95-100 of the IS/MND also addresses consistency with the CARB Scoping Plan for informational purposes, as explained on pages 95-96 of the IS/MND, to demonstrate that the project would not conflict with implementation of State GHG reduction programs. In fact, the analysis within the IS/MND shows that the project would benefit from State GHG reduction programs. The IS/MND does not rely on any unforeseen Scoping Plan measures or future state programs to determine consistency with the City's GHGRS or to determine that impacts would be less than significant. The IS/MND correctly concluded that the project would result in less than significant GHG impacts. No substantial evidence to the contrary has been provided in the comment.

[126] Center for Biological Diversity v. Dept. of Fish and Wildlife (2015) 62 Cal.4th 204, 225-226.
[127] California Air Resources Board, California's 2017 Climate Change Scoping Plan, (Nov. 2017), p.101 (hereafter "2017 Scoping Plan").
[128] IS/MND, pp. 95-100.

Comment F.40: Further, even if the City could show that the Project is consistent with the 2017 Scoping Plan, it does not provide the substantial evidence and reasoned explanation to bridge the analytical divide that efforts developed in a statewide context will reduce or mitigate impacts to a less than significant level in a local context.[129] Without this explanation supported by facts, the IS/MND fails to provide substantial evidence of a less than significant GHG emission impact, and there is a reasonable likelihood that the Project's GHG impacts remain significant and unmitigated. An EIR is required to fully disclose and mitigate these impacts.

Response F.40: Refer to Response F.39. As discussed previously, the Draft IS/MND focuses on consistency with the City's GHGRS (which is a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA; refer to Responses F.35 and F.36) to arrive at an impact determination for the project. This analysis of consistency with the Scoping Plan is provided for informational purposes to demonstrate that the project would not conflict with implementation of State GHG reduction programs. The analysis does not rely on future State GHG reduction programs to make an impact determination. As the GHGRS leverages existing plans and policies, including Municipal Code requirements, implementation of applicable GHGRS checklist measures would occur through compliance with existing City and State regulations and would be enforced through the City's design review and plan check process.

Comment F.41: SWAPE explains that the Project can lower its GHG emissions to below a level of significance by implementing feasible mitigation measures that are not included in the IS/MND. For example, Project can begin by implementing the project design features and regulatory compliance measures required by the GHGRS mitigation measures.[130] The City must identify, analyze, and require mitigation measures in an EIR that reduce the Project's potentially significant impacts from GHG emissions.

Response F.41: Refer to Responses F.35 and F.36. As stated in the previous responses, the project would comply with the City's GHGRS and applicable GHG checklist items. The applicable checklist items would be enforced through design review, plan check, and permit issuance as standard conditions of approval. Standard conditions are incorporated into projects regardless of a project's environmental determination. The Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. The impact analysis assumes that standard conditions from the GHGRS (an adopted plan) will be implemented by the project as required by the City. If a Standard Condition of Approval would reduce a potentially significant impact to less than significant, the impact is determined to be less than significant and no mitigation is imposed. Standard Conditions of Approval are not mitigation measures. As noted in Response F.37, enrollment in SJCE is automatic and the project would participate in the SJCE Green Source Program. As compliance with the GHGRS would ensure that the project's GHG impacts would be less than significant, mitigation measures are not required.

[129] Center for Biological Diversity v. Dept. of Fish and Wildlife (2015) 62 Cal.4th 204, 225-226.
[130] SWAPE Comments, pp. 29-30.

Comment F.42: The IS/MND concludes that the Project's impacts to vehicle miles traveled ("VMT") by employees are significant prior to mitigation. The IS/MND's proposed VMT mitigation is inadequate and not based on substantial evidence as is required by CEQA.[131] As a result, there is substantial evidence supporting a fair argument that the Project's VMT impacts remain significant and unmitigated.

Response F.42: In response to California passing SB 743 in 2013, the City of San José adopted the Transportation Analysis Policy, Policy 5-1, on February 27, 2018. The City of San Jose VMT Evaluation Tool, enacted as the City's official methodology per Council Policy 5-1 is based on substantial evidence and the State's Office of Planning and Research (OPR) guidelines, and was approved by City Council as the new threshold for project-level analysis under CEQA. Consistent with the adopted City Policy 5-1, a full Transportation Analysis (TA) was completed for the proposed project to address vehicle miles traveled (VMT), pedestrian/bicycle/transit facilities, and safety.

As discussed on page 23 of the Transportation Analysis (Appendix F of the IS/MND) and in the IS/MND itself on pages 160 and 161, the City's VMT Evaluation tool was utilized for the calculation and modeling of the existing VMT. Based on the City of San Jose VMT Evaluation Tool, implementation of all City VMT reduction strategies can reduce the project's per employee VMT to a maximum floor of 12.86 which is below the 14.37 industrial VMT threshold. Although implementation of every available City VMT reduction strategy may not be feasible, it should be noted that a combination of identified subset VMT reduction strategies can help the project meet the City VMT threshold. Page 23 of the Transportation Analysis (Appendix F of the IS/MND) then continues to demonstrate that applying several identified TDM measures would achieve the requisite VMT reductions, while the final TDM commitments would be coordinated between the City and applicant. Specifically, the TDM measures identified on page 23 were shown to be able to reach a 10.7% reduction in project VMT based on the City of San Jose VMT Evaluation Tool, which is greater than the necessary reduction amount (see page 26 of Appendix F of IS/MND).

Transportation Demand Management (TDM) measures from the Transportation Analysis (see Appendix F of the IS/MND) were conservatively not incorporated into CalEEMod because unmitigated operational emissions are already below BAAQMD thresholds. As such, implementation of TDM measures required in the Transportation Analysis would further reduce emissions. As stated in City Council Policy Number 5-1 , the City requires a TDM Plan to be reviewed and approved by the Department of Public Works prior to project approval, such that decision makers are able to review the TDM Plan prior to approval.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.43: In his review of the IS/MND, Daniel T. Smith Jr. P.E. found that the City does not adequately define mitigation measures to lower VMT per employee to or below the City's significance threshold of 14.37 VMT.[132] The IS/MND must find measures to eliminate approximately 9.34 percent of single occupant employee trips averaging 15.85 VMT per employee to reach the 14.37 VMT per employee threshold.[133] The IS/MND states that the Project will implement a Transportation Demand Management Plan ("TDM Plan"). However, Mr. Smith argues that the TDM Plan will not be effective based on the Project's operational goals.

[131] CEQA Guidelines § 15384(a).
[132] Smith Comments, p. 1.
[133] *Id.* p. 2.

The Project is a "last-mile" e-commerce distribution center that operates 24/7. Roughly two-thirds of the on-site workforce arrive in the early morning and depart in the early afternoon.[134] The other third of the on-site workforce arrive in the early afternoon and depart after 10:00 p.m.[135] According to Mr. Smith, the unusual shift hours will render any traditional TDM plan useless as carpool matching opportunities, bike commuting, and free transit passes will not be desirable or available to a majority of the employees.[136] Additionally, parking limitation strategies will not be effective as employees will not be able to take advantage of active transportation, public transit or carpooling and will need to park their personal vehicles somewhere at or near the Project site.[137]

Mr. Smith maintains that the Project location actively works against the effectiveness of any transit-based TDM Plan as the closest bus stops are over 0.5 miles from the Project site and the closest light rail station is over one mile from the Project Site.[138] If the transit is even running at the hours that employees are commuting, it is unlikely that they will want to walk those distances to access transit options.

Under CEQA, the IS/MND must provide the reader with the analytic bridge between its ultimate findings and the facts in the record.[139] Here, the IS/MND provides no justification for how the TDM Plan will reduce employee VMT to a less than significant impact. Additionally, the IS/MND relies on the TDM Plan as justification for the reduction in VMT despite the TDM Plan not being available for review. In this case, the IS/MND improperly defers analysis and mitigation of the potentially significant transportation impacts, thereby failing to analyze the Project's potential to exacerbate existing conditions.[140] The City must prepare an EIR that discloses the severity of all potentially significant transportation impacts and provide a TDM Plan identifying the mitigation measures to reduce those impacts to less than significant.

Response F.43: See Response F.42 regarding the substantial evidence to support the use of the City of San Jose VMT Evaluation Tool. As identified on page 160 of the IS/MND, the project's unmitigated VMT would be 15.85 VMT per employee, while the threshold for significance is 14.37 VMT per employee. Page 23 of the Transportation Analysis (Appendix F of the IS/MND) demonstrates that applying several identified TDM measures would achieve the requisite VMT reductions, while the final TDM commitments would be coordinated between the City and applicant. Specifically, the TDM measures identified on page 23 were shown to be able to reach a 10.7% reduction in project VMT based on the City of San Jose VMT Evaluation Tool, which is greater than the necessary reduction amount (see page 26 of Appendix F of IS/MND).

Specifically, page 23 Appendix F of the IS/MND considers that if the following strategies were employed, the project would achieve a 10.7% reduction in employee VMT: (1) end of trip bicycle facilities, (2) TDM marketing and information strategies, and (3) ride sharing/guaranteed ride home.

Appendix D of the Transportation Analysis (included as Appendix F of the IS/MND) shows the anticipated employee shift behavior and operations. The comment incorrectly summarizes the arrival times and behaviors of the project. Page 16 of the IS/MND, which summarizes Appendix D of the Transportation Analysis, details that the majority of the on-site Tenant employees would arrive and depart between 2:00

[134] IS/MND, p. 16.
[135] Ibid.
[136] Smith Comments, p. 2.
[137] *Id.* p. 3
[138] Ibid.
[139] Topanga Ass'n for a Scenic Comty. v. County of Los Angeles (1974) 11 Cal. 3d 506, 515; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 733.
[140] Cal. Build. Indust. Ass'n v. BAAQMD (2015) 62 Cal.4th 369, 388-90.

AM and 2:30 PM. Specifically, as noted in Appendix D of the Transportation Analysis, 16 employees would arrive at 5:00 AM, 50 employees would arrive at 9:00 AM, 51 employees would arrive at 10:00 AM, and 30 employees would arrive at 1:00 PM. It is also shown that 57 employees would depart at 12:00 PM and 16 employees would depart at 2:00 PM, resulting in a total of approximately 73 employees on-duty at a given time from 2:00 AM and 2:30 PM. The comment incorrectly states that, "roughly two-thirds of the on-site workforce arrive in the early morning and depart in the early afternoon. The other third of the on-site workforce arrive in the early afternoon and depart after 10:00 p.m.". As detailed here and in Appendix D of the Transportation Analysis, 57 employee trips out of 238 (or 24%) would arrive on-site before 5:00AM, while the remainder (181 employee trips, or 76 %) would arrive between 5:00 AM and 4:30 PM. 30 employee trips out of 238 (or 12%) would depart the site after 10:00 PM, the remainder (208 employee trips, or 87%) would depart between the hours of 12:00 PM and 10:00PM. Therefore, the majority of employee trips would occur well within the hours of operation for transit services and/or carpools, and reasonable hours for active transportation. The Transportation Analysis assumed 16% employee participation in the TDM programs, demonstrated here to be possible, would be necessary to meet the threshold.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.44: The IS/MND states that the Project is consistent with applicable policies of the General Plan and that the Project will have a less than significant environmental impact due to conflict with any applicable land use plan, policy, or regulation of an agency adopted for the purposes of avoiding or mitigating an environmental effect.[141] The City's statements are conclusory and the City lacks substantial evidence to support its conclusion regarding potentially significant land use impacts.

Contrary to the statements in the IS/MND, the Project conflicts with numerous policies in the City of San Jose General Plan 2040 ("General Plan") that were required to reduce development impacts to less than significant. As such, the City is required to conclude that land use impacts would be potentially significant and to require binding mitigation measures to lessen the Project's significant land use impacts.

Response F.44: The referenced page of the IS/MND (page 69) evaluates whether the project has the potential to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and does not contain any references or conclusions about the project's consistency with the General Plan. The evaluation of whether the project will have a less than significant environmental impact due to conflict with any applicable land use plan, policy, or regulation of an agency adopted for the purposes of avoiding or mitigating an environmental effect is located on page 119 of the IS/MND. Page 119-120 of the IS/MND detail how the project is consistent with the applicable zoning and Table 4-11 on page 89 of the IS/MND details how the project is consistent with the General Plan. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

[141] IS/MND, p. 69.

Comment F.45: The City's IS/MND fails to disclose, analyze, and mitigate the Project's inconsistency with three General Plan policies related to air quality, including:

> Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
>
> …
>
> Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
>
> …
>
> Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.[142]

The IS/MND fails to provide adequate mitigation for potentially significant impacts to air quality. Without these measures included as enforceable mitigation, the Project conflicts with General Plan Policy MS-10.1.

Response F.45: The comment incorrectly states that the IS/MND conflicts with General Plan policies. As discussed above, the analysis within the IS/MND was prepared in accordance with BAAQMD CEQA Air Quality Guidelines (see Responses F.4, F.7, F.8, F.17 through F. 44). The comment provides no evidence to demonstrate that the IS/MND does not comply with the BAAQMD CEQA Air Quality Guidelines. Therefore, the IS/MND is consistent with General Plan Policy MS-10.1.

Additionally, refer to Response F.18 regarding the criteria for an HRA. As stated in Response F.18 an HRA is not necessary, although a cumulative health risk analysis was prepared for the project. BAAQMD requires HRAs for projects within a 1,000 radius of sensitive receptors, as indicated in Response F.18. The project is 1,800 feet away from sensitive receptors (i.e., far outside of BAAQMD's 1,000-foot zone of influence radius). Additionally, the project is not considered to be a substantial source of DPM warranting an HRA since daily truck trips to the project site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. Therefore, the proposed project would not conflict with General Plan Policy MS-11.2.

General Plan Policy MS-11.6 is a City specific measure that encourages the development and adoption of a comprehensive Community Risk Reduction Plan. This is not a project specific measure and is therefore not applicable. As stated above in this response, the project complies with applicable, project-level General Plan policies by complying with BAAQMD requirements for air quality analysis and identifying and

[142] IS/MND, pp. 31-32; *see also* City of San Jose, City of San Jose General Plan 2040, (Mar. 16, 2020) p. 3.13-14 (hereafter "GP").

implementing mitigation measures based on that compliant analysis, as applicable.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.46: Additionally, the IS/MND fails to disclose, analyze, or mitigate the Project's potentially significant TAC emissions or prepare a Community Risk Reduction Plan and health risk assessment for the Project, thus fails to address impacts to air quality from TAC emissions as required by General Plan Policies MS-11.1 and MS-11.6. As SWAPE explains, the Project will result in TAC emissions during both construction and operation, including mobile source TACs from vehicles passing by local residences and neighborhoods.[143] General Plan Policy MS-11.2 requires a health risk assessment under those circumstances. Therefore, the Project conflicts with the General Plan's Air Quality policies.

Response F.46: Refer to Response F.45, above, for a discussion of how the project is consistent with General Plan policies. As discussed in Response F.45, the project is consistent with Policy MS-11.2. Sensitive receptors are outside of BAAQMD's 1,000 foot screening buffer and an HRA is not required. Additionally, Policy MS-11.6 is not a project level requirement and not applicable.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.47: A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA.[144] The Project's inconsistencies with these mandatory General Plan air quality policies constitutes substantial evidence supporting a fair argument that the Project may result in potentially significant air quality impacts in conflict with the General Plan requiring the City to prepare an EIR.

Response F.47: Refer to Response F.45, above, for how the project is consistent with General Plan policies. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.48: The IS/MND fails to mitigate the Project's inconsistency with two General Plan policies related to transportation:

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.[145]

As discussed above, the City failed to include enforceable mitigation measures in the Project to comply with these General Plan policies. CEQA requires the City to include these measures as binding mitigation

[143] SWAPE, pp. 15-16.

[144] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903 (where a local or regional policy is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment).

[145] IS/MND, pp. 158-59; *see also* GP pp. 6.48, 6.50.

measures on the Project to reduce transportation impacts to less than significant levels. As proposed, the Project may result in potentially significant, unmitigated transportation impacts due to inconsistencies with General Plan policies intended to reduce VMT. Substantial evidence therefore supports a fair argument that the Project may result in potentially significant transportation impacts in conflict with the General Plan requiring the City to prepare an EIR.

Response F.48: Regarding Policy TR-1.1, the policy's stated objective is to reduce VMT. The project would reduce VMT, as compared to the baseline condition and the regional context, after consideration of Mitigation Measure TRANS-1 (see page 21 and 26 of Appendix F of the IS/MND). The project includes bicycle parking spaces on-site, thereby accommodating non-automobile transportation modes.

Regarding Policy TR-9.1, the project would maintain the existing sidewalks on-site, thereby achieving the policy to maintain facilities for walking since the project is only a single project responsible for its own impact to walking and bicycling facilities, which are limited to the existing sidewalks on-site, not citywide improvements and impact mitigation. The applicant does not have the power to implement off-site improvements beyond the required contributions to City development funds. The project would pay the transportation impact fee (TIF) associated with industrial land uses in the North San José area pursuant to the North San José Area Development Policy approved by City Council in December 2005, as amended, which could contribute to City-led improvements to non-automotive infrastructure. Further, the policy's stated objective is to facilitate non-automobile trips. The project includes bicycle parking spaces on-site, thereby encouraging and accommodating non-automobile transportation modes.

The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.49: Based on the comments above, the City cannot make the findings necessary to approve a Site Development Permit ("SDP") for the Project. To approve an SDP, the City must find that: The SDP is consistent with the general plan, it conforms with the San Jose Municipal Code, it's consistent with City Council policies, it is aesthetically harmonious with on-site and off-site developments, the environmental impacts under CEQA (even where found to be insignificant) will not have a negative affect on adjacent properties, the development's design is sufficient to maintain or upgrade the appearance of the neighborhood, and, traffic access, pedestrian access and parking are adequate.[146]

As shown above, the IS/MND fails to demonstrate consistency with the General Plan as the Project does not include enforceable mitigation measures to address potentially significant air quality and transportation impacts. Further, the unmitigated construction NOx and ROG emissions, and unmitigated increases in GHG emissions will have a negative effect on adjacent properties by further limiting potential development due to the cumulative effect of unmitigated GHG impacts. As such, the City cannot make necessary findings to issue an SDP for the Project.

Response F.49: As part of the permitting process, a project would be evaluated under multiple criteria including the City's General Plan policies, Municipal Code, and other applicable policy documents and requirements. As the project use is consistent with the General Plan land use diagram, the project does not require a General Plan Amendment, Rezoning or a use permit. The project would require a Site Development permit due to the scope of the physical changes to the area. Further, pursuant to CEQA,

[146] San Jose Municipal Code § 20.100.630.

environmental impacts are required to be assessed as part of the project review. The comment's statement that, "the unmitigated construction NOx and ROG emissions, and unmitigated increases in GHG emissions will have a negative effect on adjacent properties by further limiting potential development due to the cumulative effect of unmitigated GHG impacts" is incorrect, because the project approval is conditioned on implementation of Mitigation Measure AQ-1, which would reduce the project's construction emissions to a less than significant level. This is analyzed in Section 4.3 Air Quality of the IS/MND and restated in responses F.8, F18, F.26, and F.28 above. Responses throughout this document reiterate the analysis of the IS/MND and findings for the Site Development Permit would be required in the permit and separate from CEQA requirements. Therefore, as demonstrated in this Responses to Comments document, the project does include substantial evidence and feasible and enforceable mitigations to support findings of less than significant. The comment did not raise any new information with respect to the disposition of significant environmental impacts or issues evaluated in the IS/MND and therefore, no further response is required.

Comment F.50: CEQA requires that an EIR be prepared if there is substantial evidence demonstrating that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment.[147] As discussed herein, there is substantial evidence supporting a fair argument that the Project would result in significant adverse impacts that were not identified in the IS/MND, and that are not adequately analyzed or mitigated. The IS/MND also fails to contain the basic information and analysis required by CEQA, deficiencies which "cannot be dismissed as harmless or insignificant defects."[148] The City's findings regarding Project impacts either do not comply with the law or are not supported by substantial evidence. Finally, the City cannot make the required findings to approve the entitlement sought.

The City cannot approve the Project until it revises its land use analysis and prepares an EIR that resolves these issues and complies with CEQA's requirements.

Response F.50: Based on all of the above responses, the IS/MND is the adequate CEQA document for analysis of the project. The project was reviewed by the City of San José Director of Planning to determine whether it could have a significant impact on the environment as a result of project completion. CEQA Guidelines §15382 defines a "Significant effect on the environment" as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Based on the analysis and conclusions in the IS/MND, the project will not have a significant effect on the environment in that the IS/MND identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level, as defined in CEQA Guidelines §15369.5. Furthermore, as shown in the responses to the comments received on the draft IS/MND, the comments did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND [CEQA Guidelines §15074(b)].

[147] Pub. Res. Code § 21151; 14 CCR §15063(b)(1).
[148] Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1220.

SECTION 3.0 IS/MND TEXT REVISIONS

This section contains revisions to the text of the 2256 Junction Avenue IS/MND dated May 2021. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

IS/MND Section	Text Revisions
Section 3.3, page 10-11	The proposed project would demolish ~~a portion~~ approximately 42,000 square feet of the existing 141,267 square feet warehouse building for the construction of a covered loading area. The new warehouse building would contain approximately94,147 square feet of warehouse space, 13,572 square feet of office space, and 33,791 square feet of covered loading area. The total enclosed square feet of the proposed project would be 107,719 square feet while the new warehouse building square footage including the covered loading area would be 141,510 compared to the existing 141,267 square feet warehouse building.
Section 4.3, page 37, first paragraph	The duration of construction activities associated with the project are estimated to last approximately ~~five~~ six months, beginning in April and concluding at the end of September.
Section 4.3, page 39, MM AQ-1, first bullet	For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 Final emission standards.

SECTION 4.0 CONCLUSION

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." A "substantial revision" includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

State CEQA Guidelines specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." As noted below, revisions to the proposed project would not change the extent of the project analyzed in the IS/MND. Changes to the IS/MND merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the IS/MND is not required in accordance with Section 15073.5(c).

Since the end of the public review period for the IS/MND, text changes were made to the IS/MND (noted above) to clarify and change minor errors. Changes were made for clarification purposes and do not change the conclusion of the IS/MND.

All changes have been considered and analyzed for impacts to the entire analysis presented in the IS/MND. The modifications to the IS/MND did not result in any new or more significant impacts, or alter any significant conclusions identified within the MND.

For these reasons, the changes to the IS/MND would not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. The information presented in this document serves to clarify or amplify conclusions in the IS/MND. The new information is not significant, and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the IS/MND, technical appendices and reports, together with the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Appendix A

IS/MND Comment Letters

Comment Letter A

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX (408) 355-2290
Reservations (408) 355-2201
www.parkhere.org

May 25, 2021

City of San Jose
Planning, Building & Code Enforcement
Attn: Bethelhem Telahun
200 E Santa Clara St
San Jose, CA 95113

SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration for the 2256 Junction Avenue Project

Dear Bethelhem Telahun

The Santa Clara County Parks and Recreation Department's (County Parks Department) has received the Notice of Intent to Adopt a Mitigated Negative Declaration for the 2256 Junction Avenue Project.

The County Parks Department functions to provide a sustainable system of diverse regional parks, trails, and open spaces that connects people with the natural environment and supports healthy lifestyles while balancing recreation opportunities with natural, cultural, historic, and scenic resource protection. The County Parks Department is also charged with the planning and implementation of the Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan (adopted by the Board of Supervisors on November 14, 1995).

The proposed project does not impact the Countywide Trails Plan and therefore the County Parks Department has no comments at this time. If you have any questions, please email me at kelly.gibson@prk.sccgov.org

Sincerely,

Kelly Gibson

Kelly Gibson
Assistant Planner

Comment Letter B

TAMIEN NATION
OF THE GREATER SANTA CLARA COUNTY
P.O. BOX 8053, SAN JOSE, CALIFORNIA 95155
(707) 295-4011 TAMIEN@TAMIEN.ORG

June 1, 2021

City of San Jose
Chu Chang, Acting Director
Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113
(408) 535-3500

Sent Via Email to: Thai-Chau.Le@sanjoseca.gov

RE: Intent to Adopt a Mitigated Negative Declaration - 2256 Junction Avenue Project (H20-039)

Dear Mr. Chang:

Thank you for the notice to adopt a Mitigated Negative Declaration received May 21, 2021 regarding a 13.68-acre project site is located at 2256 Junction Avenue, on the southern corner of the intersection of Junction Avenue and Dado Street, in the City of San José. We appreciate your effort and wish to respond.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Therefore, we have a cultural interest in the proposed project area and would like to initiate a formal consultation with the lead agency. At your earliest convenience, please send us the most recent cultural resource study for review. At the time of consultation, please provide a project timeline and detailed ground disturbance plan.

Please contact the following individual to coordinate a date and time for the consultation meeting:

Quirina Geary, Chairwoman
Tamien Nation
Phone: (707) 295-4011
Email: qgeary@tamien.org

Please refer to identification number TN–20210521-01 in any correspondence concerning this project.
Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Quirina Geary
Chairwomen

Comment Letter C

County of Santa Clara

Roads and Airports Department
Planning, Land Development and Survey

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276

June 4, 2021

Bethelhem Telahun
Planning, Building & Code Enforcement
City of San Jose | 200 East Santa Clara Street
bethelhem.telahun@sanjoseca.gov
San Jose, CA 95113

SUBJECT: Public Notice of Intent to Adopt a Mitigated Negative Declaration for the 2256 Junction Avenue Project (H20-039)

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Notice of Intent to Adopt a Mitigated Negative Declaration for the 2256 Junction Avenue Project (H20-039), and is submitting the following comments:

- We want to inform the City that the intersection of Montague and Trimble is a County intersection, and not City's.
- A Fair Share contribution should be made towards improvements on impacted roadways because of the net increase in PM peak project trips generated by this project.

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.

Comment Letter D

Telahun, Bethelhem

From: KKLLC Admin <admin@kanyonkonsulting.com>
Sent: Monday, June 7, 2021 7:55 AM
To: Telahun, Bethelhem
Subject: 2256 Junction Avenue Project

To Whom it may concern,

My name is Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter dated :

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to **Honor Truth in History**. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that **#HonorTruthinHistory**. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

Potential Approaches to Ingenious Culture Awareness/History:
--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.
Best Regards,
Kanyon Sayers-Roods
Creative Director/Tribal Monitor
Kanyon Konsulting, LLC

Comment Letter E

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

6111 Bollinger Canyon Road 3370A
San Ramon, CA 94583

May 21, 2021

Bethelhem Telahun
City of San Jose
200 E Santa Clara St
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Bethelhem Telahun,

Thank you for submitting the 2256 Junction Ave plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Comment Letter F

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June 10, 2021

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Re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for 2256 Junction Avenue Project (Project File No. H20-039)

Dear Ms. Telahun and Mr. Chang:

We are writing on behalf of Silicon Valley Residents for Responsible Development ("Silicon Valley Residents") to provide comments on the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared by the City of San Jose ("City") for the 2256 Junction Avenue Project (Application H20-039) ("Project"), proposed by Duke Realty ("Applicant"). [1]

I. INTRODUCTION

The Applicant seeks a Site Development Permit ("SDP") to demolish a portion of an existing 141,267 square-foot warehouse building and construct a 33,791 square-foot covered loading area at 2256 Junction Avenue the City of San Jose.[2] The new warehouse building would contain 94,147 square-feet of warehouse

[1] City of San Jose, Initial Study, Mitigated Negative Declaration, 2256 Junction Avenue Project, H20-039 (May 2021) (Hereafter "IS/MND").

space, 13,572 square-feet of office space, and 33,791 square-feet of covered loading area. The total enclosed area of the Project would be 107,719 square-feet and the total area of the building including the covered loading area would be 141,510 square-feet. The Project includes 7 loading dock doors for trailer, box, and recycling trucks on the southeast side of the building. The covered loading area on the north side of the warehouse building includes 30 van loading stalls and 30 van queuing stalls. The Project also proposes 377 van parking stalls and 175 automobile parking stalls on site. The Project site is approximately 13.68 acres and served by four driveways, two on Junction Avenue, and two on Dado Street. In addition to an SDP the applicant will need to obtain permits for demolition, grading, building and other related public works clearances to complete the Project.

The Project is designed and proposed as a "last mile" e-commerce distribution center ("delivery station"). It is anticipated that this delivery station would be operated by a single tenant ("Tenant") for their business operations. Delivery stations support the last mile of the Tenant's order fulfillment process and help to expedite local deliveries for customers. Packages would be transported to the Project site via line haul trailer trucks and would then be sorted, picked, and loaded into delivery vehicles on the Project site.

The IS/MND states that approximately 14 line haul trucks will deliver packages to the delivery station each day, between 12:00 AM and 7:00 AM. The packages are unloaded from the line haul trucks, sorted, and staged for dispatch. Approximately 106 Tenant employees will support this operation on-site and approximately 101 delivery van drivers operate off-site. Approximately 73 of the on-site Tenant employees will arrive and depart between 2:00 AM and 2:30 PM. Approximately 33 Tenant employees that provide additional operational support arrive and depart between 1:00 PM and 10:00 PM, for a total of 106 on-site employees supporting operations throughout the day. The Project assumes that there will be 207 Tenant employees.

Delivery van drivers arrive at the delivery station between 7:00 AM and 9:00 AM. Starting at 10:00 AM and ending at 11:00 AM, approximately 101 delivery vans will load and depart from the delivery station. Approximately 8-10 hours after dispatch, the vans return to the station between 7:00 PM and 9:00 PM. The drivers park the delivery van onsite and leave using a personal vehicle or public transportation.

The Tenant will also use independent contractors to deliver packages from this location. The Tenant anticipates approximately 31 traditional passenger vehicles entering the facility, staggered between 4:00 PM and 5:00 PM. Independent contractor vehicles will load and depart every 15 minutes.

Based upon our review of the IS/MND and supporting documentation, we conclude that the IS/MND fails to comply with the requirements of the California Environmental Quality Act[3] ("CEQA"). The IS/MND fails to accurately describe the Project by piecemealing the City's environmental review of the Project from its related components. Additionally, it fails to identify the Project's potentially significant environmental impacts and fails to propose enforceable mitigation measures that can reduce those impacts to a less than significant level, as required by CEQA.

As explained in these comments, there is more than a fair argument that the Project will result in potentially significant unmitigated impacts relating to air quality, public health, greenhouse gas emissions ("GHGs"), and land use. The City may not approve the Project until it prepares an environmental impact report ("EIR") that adequately analyzes the Project's potentially significant direct, indirect and cumulative impacts, and incorporates all feasible mitigation measures to avoid or minimize these impacts.

We reviewed the IS/MND and its technical appendices with the assistance of traffic and transportation expert Daniel T. Smith Jr., P.E., of Smith Engineering and with the assistance of environmental health, air quality and GHG expert Paul E. Rosenfield, PhD. and hazardous materials expert Matt Hagemann, P.G., C.Hg. of Soil Water Air Protection Enterprise ("SWAPE).[4] We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.[5]

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[3] Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs. ("C.C.R") §§ 15000 et seq. ("CEQA Guidelines").

[4] Letter from Matt Hagemann, P.G., C.Hg. and Paul E. Rosenfield, PhD., SWAPE to Kevin T. Carmichael, Adams, Broadwell, Joseph & Cardozo, Comments on the 2256 Junction Avenue Project (June 9, 2021) (hereafter "SWAPE Comments") **Exhibit A**. See also, Letter from Daniel T. Smith Jr., P.E., to Kevin T. Carmichael, Adams, Broadwell, Joseph & Cardozo, 2256 Junction Project, (June 9, 2021) (hereafter "Smith Comments") **Exhibit B**.

[5] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist*. (1997) 60 Cal. App. 4th 1109, 1121.

II. STATEMENT OF INTEREST

Silicon Valley Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. Silicon Valley Residents include the International Brotherhood of Electrical Workers Local 332, Plumbers & Steamfitters Local 393, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, the District Council of Ironworkers and their members and their families; and other individuals that live and/or work in the City of San Jose and Santa Clara County. Silicon Valley Residents have a strong interest in enforcing the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members.

Individual members of Residents live, work, recreate, and raise their families in the City, in Santa Clara County, and in the surrounding communities. Accordingly, 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 on site.

In addition, 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 businesses and industries to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

III. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT PROJECT CONSTRUCTION AND OPERATION MAY RESULT IN POTENTIALLY SIGNIFICANT IMPACTS THAT THE IS/MND FAILS TO DISCLOSE, ANALYZE AND MITIGATE

CEQA is intended to provide the fullest possible protection to the environment. CEQA requires that a lead agency prepare and certify an EIR for any discretionary project that may have a significant adverse effect on the environment

and requires analysis of the "whole of an action," including the "direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[6]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[7] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR "protects not only the environment but also informed self-government."[8] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[9]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[10] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[11] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[12]

"At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment."[13] A negative declaration is improper, and an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a

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[6] Pub. Res. Code §§ 21002.1(a), 21100(a), 21065, 21151(a); 14 C.C.R. §§ 15064(a)(1), (f)(1), 15367, 15378(a).
[7] 14 CCR § 15002(a)(1).
[8] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.
[9] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[10] 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.
[11] 14 CCR §15002(a)(2).
[12] PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).
[13] *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (internal citations and quotations omitted).

significant environmental impact.[14] "[S]ignificant effect on the environment" is defined as "a substantial, or potentially substantial, adverse change in the environment."[15] An effect on the environment need not be "momentous" to meet the CEQA test for significance—it is enough that the impacts are "not trivial."[16] Substantial evidence, for purposes of the fair argument standard, includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."[17] The fair argument test therefore requires the preparation of an EIR whenever "there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial."[18]

Whether a fair argument exists is a question of law that the court reviews de novo, with a preference for resolving doubts in favor of environmental review.[19] In reviewing a decision to prepare a negative declaration rather than an EIR, courts "do not defer to the agency's determination."[20] Neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance.[21] "The fair argument standard thus creates a low threshold for requiring an EIR, reflecting the legislative preference for resolving doubts in favor of environmental review."[22]

Where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the effects to be significant and prepare an EIR.[23] In short, when "expert opinions clash, an EIR should be done."[24] "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental

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[14] *Id.* at 957.
[15] Pub. Res. Code § 21068; 14 C.C.R. § 15382; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.
[16] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 fn. 16.
[17] Pub. Res. Code § 21080(e)(1) (emphasis added); *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331 ("*CREED*").
[18] 14 C.C.R. § 15063(b)(1) (emphasis added).
[19] *CREED*, 197 Cal.App.4th at 331; *Pocket Protectors,* 124 Cal.App.4th at 927.
[20] *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.
[21] *Save the Agoura Cornell Knoll v. City of Agoura Hills*, 46 Cal.App.5th 665, 689.
[22] *Id. at 676.*
[23] *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 935; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317–1318; CEQA Guidelines § 15064(f)(5).
[24] *Pocket Protectors*, 124 Cal.App.4th at 928; *Sierra Club*, 6 Cal.App.4th at 1317–1318.

effects of a project."[25] Where substantial evidence is presented, "evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact."[26]

As described below substantial evidence is present here which demonstrates that the Project may cause significant effects on the environment which the IS/MND fails to disclose, analyze, and mitigate, in violation of CEQA.

A. The IS/MND Fails to Accurately Describe the Project

The IS/MND contains conflicting information regarding the length of Project construction. Per the IS/MND, construction of the proposed Project is expected to commence in July 2021 and last for approximately six months.[27] This is contrasted with the following statement, "The duration of construction activities associated with the project are estimated to last approximately five months, beginning in April and concluding at the end of September."[28]

Additionally, the IS/MND claims that the Project site is already disturbed and will not require excavation. However it also states that excavation, cut, and fill would be required and the Project will export approximately 5,000 cubic yards of soil during construction.[29]

The conflicting information on the construction length and activities required to complete the Project does not provide decisionmakers with a clear picture of the potential impacts of the Project. The courts have explained that "a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading."[30] Additionally, the length of time for construction and the type of site preparation required can have significant air quality emissions impacts from particulate matter.

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[25] *Pocket Protectors*, 124 Cal.App.4th at 935.
[26] *Sundstrom*, 202 Cal.App.3d at 310 (citation omitted).
[27] IS/MND p. 12.
[28] IS/MND, p. 37.
[29] *Id.* pp. 43, 133.
[30] *Stopthemillenniumhollywood.com*, 39 Cal.App.5th at 17.

An EIR must be prepared to correct these inconsistencies so that the Public has an opportunity to evaluate the actual scope of the Project's potential impacts, and to ensure that all potentially significant impacts are fully mitigated.

B. Hazardous Materials Impacts Are Not Properly Disclosed or Mitigated

The IS/MND does not disclose or mitigate the extent of existing soil contamination and improperly defers mitigation of possible hazards related to Project construction, in violation of CEQA.

The Project site was previously used as a chemical warehouse and distribution facility beginning in 1975, the operations at the site included bulk chemical transfers between road-going tank trucks, rail-mounted tank cars, and underground storage tanks ("USTs"); liquid chemical packaging; drum storage; storage and distribution of prepackaged goods; and wholesale distribution and sales.[31] According to a Phase I Environmental Site Assessment ("Phase I") prepared for Applicant in October 2019, the site has documented soil, soil vapor, and groundwater impacts related to accidental spills and former leaking USTs of volatile organic compounds ("VOCs") at concentrations that exceed the current San Francisco Bay Regional Water Quality Control Board ("SFBRWQCB") screening levels.[32] Additionally, the Phase I documented several above ground storage tanks ("ASTs") used for chemical storage.[33] The IS/MND does not disclose the extent of current Project site contamination and remediation, nor does it analyze the full extent and implication of the Phase I results. The IS/MND downplays the potential that most of the site is subject to unhealthy levels of contamination that will be uncovered during site grading. The IS/MND specifies that 5,000 cubic yards of soil will be removed from the site during Project construction however the IS/MND does not include a description of how the soils to be removed will be tested, or disposed of if they are found to be contaminated with the VOCs that were identified at the site.[34]

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[31] APEX, *Phase I Environmental Site Assessment 2256 Junction Avenue* ("*Project Phase I*"), p. 2-1 (Oct. 1, 2019).
[32] *Id.* at v.
[33] *Id.* at 2-1.
[34] IS/MND, p. 133.

To address the contamination, the IS/MND states that, as mitigation under MM Haz-1, a remedial action plan ("RAP") will be prepared and submitted to the City for review and approval prior to issuance of a grading permit for the project.[35] It is not acceptable to submit the RAP and disclose its contents *after* the Project is approved.[36] The proposed RAP should also be disclosed to the public and to the City's decision-makers. There may be a possibility that the site is simply not suitable for grading and commercial use due to prior contamination at the Project site.

The disturbance of toxic soil contamination at a project site is potentially significant impact requiring full disclosure and mitigation. A "sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[37] For example, in *CREED v. Chula Vista*, the City of Chula Vista's MND had stated that a "corrective action plan" would be used to remediate soil and groundwater contamination at the Target store project site, but failed to include the plan in the Project MND and administrative record.[38] The court held that the project's disturbance of contaminated soil, and the absence of the corrective action plan from the administrative record, rendered the MND insufficient under CEQA, and created a "fair[] argu[ment] that the project may have a significant impact by disturbing contaminated soils."[39] The instant IS/MND contains the same error as the MND in *CREED*, whereby MM Haz-1 would allow the Applicant and the City to negotiate terms for the RAP outside of CEQA's public process. This is prohibited by CEQA.

The City also may not rely on vague and uncertain mitigation measures.[40] CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements, or other legally binding instruments.[41] The City is precluded from making the required CEQA findings unless the record shows that all

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[35] IS/MND, p. 106.
[36] *Citizens for Responsible Equitable Envt'l Dev. v. City of Chula Vista ("CREED")* (2011) 197 Cal.App.4th 327, 331-332.
[37] *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("*CBIA v. BAAQMD*"); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520.
[38] 197 Cal.App.4th at 331-32.
[39] *Id.* at 332.
[40] *Kings County Farm Bur. v. County of Hanford* (1990) 221 Cal.App.3d 692, 727-728.
[41] CEQA Guidelines § 15126.4(a)(2).

uncertainties regarding the mitigation of impacts have been resolved. This approach helps "insure the integrity of the process."[42]

Deferral of the formulation of mitigation measures to post-approval studies is generally impermissible.[43] An agency may only defer the formulation of mitigation measures when it "recognizes the significance of the potential environmental effect, commits itself to mitigating the impact, and articulates specific performance criteria for the future mitigation."[44] The City's proposed mitigation measure has no specific performance criteria, and it allows the Applicant to formulate the proposed RAP, which will be submitted to and negotiated with the City. A mitigation scheme is improper if it proposes to allow the Applicant to conduct the analysis and formulate the mitigation measures.[45] Deferral of mitigation is impermissible, in other words, if it removes the lead agency from its role as the decision maker.

Finally, the failure to prepare a RAP as part of the CEQA review process makes it impossible to tell how much contaminated soil must be removed from the Project site. Removal of soil, even if done as part of an approved mitigation measure, may have collateral environmental impacts that need to be addressed in an EIR. The IS/MND states that 5,000 cubic-yards of soil will be removed during the construction phase of the Project.[46] If even a portion of the soil excavated for the Project site is contaminated and needs to be transported and disposed of in a Class I landfill, this will require a significant disposal effort, possibly involving hundreds of trucks carrying hazardous soils to far-away disposal sites. Yet, the IS/MND's emissions calculations only estimate that haul trucks will travel a round-trip distance of 20 miles.[47] The IS/MND also makes no provision for protecting public health associated with toxic air contaminants in dust from haul trucks. A fair argument exists that potentially significant impacts may occur, requiring the preparation of an EIR.

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[42] *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.
[43] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; *see also* CEQA Guidelines § 15126.4(a)(1)(B).
[44] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1411 (citing *Sacramento Old County Assn. v. County Council* (1991) 229 Cal.App.3d 1011, 1028-1029).
[45] *Sundstrom v. County of Mendocino* at 302-308.
[46] IS/MND, p. 37.
[47] IS/MND, Appendix A, p. 202.

C. There is Substantial Evidence Supporting a Fair Argument that the Project Has Potentially Significant Air Quality Impacts and Associated Health Risks Which the IS/MND Fails to Disclose, Analyze, and Mitigate

The IS/MND's conclusion that the Project's construction impacts to air quality from criteria pollutant emissions are less than significant with mitigation is not based on substantial evidence, as is required by CEQA.[48] Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[49] It includes "facts, reasonable assumption predicated upon facts, and expert opinion supported by facts,"[50] but does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate."[51]

By contrast, there is substantial evidence supporting a fair argument that the Project may have significant construction and operational emissions, and may pose a potentially significant health risk to local receptors which the IS/MND fails to disclose. SWAPE reviewed the IS/MND and found that the IS/MND underestimates the Project's emissions of criteria pollutants. A corrected, CEQA-compliant analysis of the Project demonstrates that the Project may result in significant air quality impacts. Further, SWAPE found that the City should have prepared an analysis of construction and operational health risks, commonly called a health risk analysis ("HRA"). The City must prepare an EIR to analyze these potentially significant impacts, as required by law.

1. Project Emissions Are Underestimated

SWAPE found numerous errors and inconsistencies with the IS/MND's California Emissions Estimator Model ("CalEEMod") analysis of Project emissions and determined that emissions are underestimated for the purposes of analyzing air quality, public health, and GHG impacts. As a result, the City lacks substantial evidence to support its conclusion in the IS/MND that Project impacts are not significant.

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[48] CEQA Guidelines § 15384(a).
[49] *Ibid.*
[50] *Id.* § 15384(b).
[51] *Id.* § 15384(a).

i. Unsubstantiated assumptions in CalEEMod

SWAPE discovered that the CalEEMod includes numerous inputs and deviations from default CalEEMod models that lower pollutant emissions from the Project and are unsupported by substantial evidence. According to the CalEEMod User's Guide. CalEEMod allows for changes to be made to the default model and for the user to provide justification for the change.[52] The justification for any change to the default model must be supported by substantial evidence under CEQA and cannot be based on unsubstantiated data.[53]

First, the CalEEMod includes an unsubstantiated change in the default CO_2 intensity factor from the default value of 641.35 to 163-pounds per megawatt hour, nearly 75% reduction in the value.[54] The CO_2 intensity factor is used to calculate the Project's GHG emissions associated with energy use.[55] The change in CO_2 intensity factor is not justified in the IS/MND and SWAPE was unable to verify the revised CO_2 intensity factor used in the CalEEMod.[56] By modifying the default intensity factor the resulting models may underestimate the Project's GHG emissions and cannot be relied upon as the resulting models may be inaccurate.[57]

Second, the CalEEMod also fails to include the proposed entire size of the Project in the construction model.[58] According to the IS/MND, the Project involves demolition of a portion of the existing 141,267 square-foot warehouse building for the construction and the construction of a covered loading area, resulting in 94,147 square feet of warehouse space, 13,572 square feet of office space, and 33,791 square feet of covered loading area.[59] The IS/MND does not specify the extent of the proposed demolition, or construction of warehouse space. In order to account for the uncertainty in the extent of demolition and construction, the CalEEMod should have included the entire square-footage of the finished Project construction in order to estimate emissions associated with the Project. Instead, SWAPE discovered that

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[52] CalEEMod Model 2013.2.2 User's Guide, (July, 2013). available at: http://www.aqmd.gov/docs/defaultsource/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.
[53] CEQA Guidelines § 15384(a).
[54] SWAPE Comments, p. 2.
[55] *Ibid.*
[56] *Ibid.*
[57] *Ibid.*
[58] SWAPE Comments, p. 3.
[59] IS/MND, pp. 10-11.

the CalEEMod model relied on an estimate of only 8,210 square-feet of warehouse construction and no construction of office space.[60] This underestimation of the area to be constructed affects the resulting CalEEMod data. For example, the construction area is used to calculate VOC emissions from architectural coatings, leading to reduced emissions calculations.[61] Additionally, the construction area is used to calculate the Project area to be heated or cooled, impacting energy calculations.[62] By underestimating the size of the Project, the IS/MND's modeling underestimates the Project's emissions and cannot be relied upon to support a finding that impacts are less than significant.

Third, the IS/MND includes changes the Project's construction schedule in the CalEEMod modeling, without sufficient justification required by the CalEEMod user manual.[63] For example, the City's CalEEMod model includes unsubstantiated changes to the paving and architectural coating phase lengths. The changes to the paving and architectural coating phase lengths are unsupported by any substantial evidence making them significantly longer. By making the construction phases longer the model spreads out construction emissions over a longer period of time, potentially resulting in underestimation of Project emissions.[64] Thus, the City improperly underestimated construction emissions in the IS/MND and the modeling cannot be relied upon to determine the significance of the Project's construction impacts.[65]

Fourth, the CalEEMod includes unsubstantiated changes to the operational vehicle fleet mix percentages and vehicle emission factors. The City provides no explanation for this discrepancy, which improperly reduces vehicle emissions below what the Project will actually emit.[66]

In sum, the City's calculation of overall emissions is seriously underestimated due to unjustified and unsubstantiated changes in Project assumptions, which are inconsistent with the City's description of the Project itself. The City cannot rely on the results of the IS/MND's CalEEMod analysis to provide substantial evidence that

[60] SWAPE Comments, p. 3.
[61] *Ibid.*
[62] *Ibid.*
[63] *Id.* pp. 3-5.
[64] *Ibid.*
[65] *Id.* p. 6.
[66] SWAPE Comments, p. 9.

the Project will not have a significant impact on air quality, public health, or GHG, as purported in the IS/MND. An EIR must be prepared to correct these errors.

ii. Incorrect application of mitigation measures in CalEEMod

SWAPE found that the City incorrectly applied mitigation measures to the CalEEMod construction and operations emissions analysis, when no such mitigation measures are included in the IS/MND.[67]

First, CalEEMod includes changes to the model that would serve to reduce impacts from dust during Project construction.[68] The model references Bay Area Air Quality Management District ("BAAQMD") rule compliance as the justification for the change from the default value.[69] Additionally, the IS/MND states that:

> "The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance and the project would implement the BAAQMD Basic Construction Control Measures as a Standard Permit Condition to control dust at the project site during all phases of construction."[70]

BAAQMD's recommended control measures are not included in the IS/MND's mitigation measures and are not enforceable as such.

Second, the CalEEMod output files show that the model relies on United States Environmental Protection Agency ("U.S. EPA") Tier 4 Final emissions standards.[71] However, the IS/MND does not specify if Tier 4 Final or Tier 4 Interim equipment will be required in Mitigation Measure ("MM") AQ-1.[72] MM AQ-1 requires that construction equipment meet either "U.S. EPA Tier 4 emission standards" – without requiring the more stringent Tier 4 Final equipment assumed in the IS/MND's modeling – or even less stringent Tier 3 engines with diesel

[67] *Id.* pp. 8-14.
[68] *Id.* p. 8.
[69] IS/MND, Appendix A, pp. 167, 195.
[70] IS/MND, p. 38.
[71] SWAPE, pp. 9-12.
[72] IS/MND, pp. 39-40

emission control devices.[73] In their analysis, SWAPE explains that Tier 4 Final equipment is the cleanest burning equipment and therefore has the lowest emissions compared to other tiers of equipment, including Tier 4 Interim.[74] As a result, the CalEEMod data relies on unenforceable requirement to use Tier 4 Final equipment during Project construction in order to calculate emissions from Project construction, when in fact, the Applicant may be allowed to use less efficient Tier 3 or Tier 4 Interim equipment.

Finally, the CalEEMod output files rely on operational energy, water and waste related mitigation measures that are not required under the IS/MND.[75] The IS/MND states that policies regarding recycling and composting are applicable to the Project. However, these policies are not explicitly required in any Project mitigation measures.76 Similarly, the IS/MND states that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards, however there is no Project mitigation measure that corresponds to this requirement.[77] As such, the IS/MND's CalEEMod modeling improperly relies on compliance with mitigation measures that cannot be properly monitored or enforced under CEQA.

The IS/MND relies on its CalEEMod modeling to conclude that the Project's construction and operational air quality impacts would be less than significant. Including unenforceable mitigation measures in the CalEEMod modeling results in unjustifiably reduced impacts and violates CEQA's requirement that the lead agency must first determine and disclose the extent of a project's potentially significant impacts before it may apply mitigation measures to reduce those impacts.[78] Moreover, the CEQA Guidelines define "measures which are proposed by project proponents to be included in the project" as "mitigation measures" within the meaning of CEQA.[79]

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[73] IS/MND. Pp. 39-40.
[74] SWAPE, p. 11.
[75] *Id.* pp. 12-14.
[76] IS/MND, p. 67.
[77] SWAPE, pp. 12-13.
[78] CEQA Guidelines § 15370; *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 651-52.
[79] CEQA Guidelines § 15126.4(a)(1)(A).

As described under CEQA Guidelines Section 15370, "Mitigation" includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

In 2013, the Court decided *Lotus v. Department of Transportation*[80] clarifying the requirements of CEQA Guideline Section 15370. In *Lotus*, the court held that "avoidance, minimization and/or mitigation measures," are not "part of the project."[81] Rather, they are mitigation measures designed to reduce or eliminate environmental impacts of the Project and must be treated as such. Mitigation measures cannot be incorporated in an IS/MND's initial calculation of the Project's unmitigated impacts because the analysis of unmitigated impacts, by definition, must accurately assess such impacts before any mitigation measures to reduce those impacts are applied.[82] An IS/MND that compresses the analysis of impacts and mitigation measures into a single issue disregards the requirements of CEQA. Because CEQA and *Lotus* prohibit the compressing of a mitigation measure with a Project, the IS/MND's lack of analysis of air quality, greenhouse gas and other impacts caused by the Project's construction and operation, including its energy use, violates CEQA.

The City must prepare an EIR that discloses the severity of all potentially significant impacts prior to identifying the mitigation required to reduce those impacts to less than significant.

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[80] *Lotus v. Dep't. of Transp.* (2013) 223 Cal.App.4th 645, 650.
[81] *Id.* at 656.
[82] *Id.* at 651 - 52.

2. Air Quality Impacts are Significant

SWAPE corrected the errors in the Project's CalEEMod and determined the Project's actual impacts from Reactive Organic Gases/VOC and NOx exceed thresholds of significance identified in the IS/MND, resulting in significant air quality impacts, as set forth below.[83]

Model	ROG/VOC	NO_X
IS/MND Construction	9.50	16.44
SWAPE Construction	60.26	66.57
% Increase	534%	305%
BAAQMD Regional Threshold (lbs/day)	**54**	**54**
Threshold Exceeded?	***Yes***	***Yes***

SWAPE's calculations provide substantial evidence supporting a fair argument that the Project's impacts on air quality are significant, and that additional mitigation measures are required. The City must prepare an EIR that properly analyzes the Project's potentially significant air quality impacts according to BAAQMD guidelines and CEQA's mandates and to require mitigation measures to reduce significant impacts to the greatest extent feasible.

D. The IS/MND Lacks Substantial Evidence to Support its Conclusion that Public Health Impacts are Less Than Significant

The IS/MND claims that Project impacts to public health due to exposure to cancer-causing toxic air contaminants ("TACs"), such as diesel particulate matter ("DPM"), will be less than significant, without performing a health risk analysis, as required by CEQA.[84] SWAPE explains that the City cannot support its health risk conclusions because it did not conduct an HRA to analyze potentially significant public health impacts in the first place.

First, the IS/MND claims that the Project would result in a less-than-significant construction-related health risk impact based on the Project's compliance with California regulations, the temporary and intermittent nature of construction activities occurring in different locations, and the distance away from the closest sensitive receptor would not result in the exposure of sensitive receptors to

[83] SWAPE Comments, p. 14.
[84] IS/MND, pp. 35-36.

substantial TAC emissions.[85] The City's failure to quantitatively evaluate the Project's construction-related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors is incorrect and a violation of CEQA's disclosure requirements.[86] According to SWAPE, the Project will result in emissions of DPM through exhaust stacks of construction equipment over the entire construction period.[87] Additionally, SWAPE explains that the Project's expected 700 average daily vehicle trips will continue to expose nearby sensitive receptors to DPM over the operational life of the Project.[88] The IS/MND fails to evaluate the potential Project generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. As a result, the City's conclusions cannot be verified to demonstrate that the Project's impacts will be less than significant.[89]

Second, the City's analysis of construction impacts in the IS/MND is inconsistent with basic regulatory guidance on analysis of health impacts issued by the Office of Environmental Health Hazard Assessment ("OEHHA").[90] OEHHA risk assessment guidelines require a formal health risk assessment for short-term construction exposures lasting longer than 2 months.[91] According to the IS/MND, and as discussed above, Project construction will take approximately 5 or 6 months.[92] Without an HRA, the City's conclusion that the Project will not have a significant impact on public health lacks evidentiary support.

Third, the City provided no discussion in the IS/MND regarding the Project's potentially significant operational public health impacts.[93] The Project would produce 700 daily trips causing exhaust and DPM emissions that can harm nearby sensitive receptors.[94] The City must prepare an EIR which includes an operational

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[85] IS/MND, p. 43.
[86] SWAPE Comments, p. 15; *Sierra Club,* 6 Cal.5th at 520.
[87] *Ibid.*
[88] *Ibid.*
[89] *Id. pp. 15-16.*
[90] *Ibid.*
[91] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8–17/18; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[92] IS/MND, pp. 37, 87.
[93] SWAPE Comments, p. 15.
[94] SWAPE Comments, pp. 15.

HRA to evaluate potentially significant health impacts from Project operation, as required by CEQA. An operational HRA that includes exposure duration of thirty years should have been included in the IS/MND.[95]

Finally, because the City failed to prepare an HRA for the Project, it is impossible to compare the Project impacts to BAAQMD's threshold for public health impacts for excess health risk.[96] For these reasons, the IS/MND's conclusion that the Project's public health impacts are less than significant is not supported by substantial evidence.

E. The IS/MND Fails to Identify, Analyze, and Mitigate the Project's Potentially Significant Greenhouse Gas Impacts

The IS/MND claims that the Project's GHG impacts are less than significant. SWAPE reviewed the IS/MND and determined that the City failed to demonstrate consistency with the city's chosen method to determine the significance of GHG impacts. Additionally, the City improperly included GHG mitigation measures as design features in an attempt to mask the Project's potentially significant impacts from GHGs, in violation of CEQA.

A lead agency must analyze the impacts from the GHG emissions of a proposed project.[97] The CEQA guidelines allow agencies to choose between quantifying emissions and using a quantitative analysis or using performance standards.[98] The focus of the analysis is the project's effect on climate change, rather than simply comparing the quantity of emissions to the global problem.[99] An incremental contribution from GHG emissions may be cumulatively considerable, even if it appears small compared to state, national, or global emissions.[100] A lead agency must consider an appropriate timeframe for analysis for the project and that analysis must reasonably reflect evolving scientific knowledge and regulatory schemes.[101] A lead agency has discretion to select the most appropriate model and

[95] SWAPE Comments, p. 15.
[96] SWAPE Comments, p. 16; *Sierra Club* 6 Cal.5th at 520.
[97] CEQA Guidelines § 15064.6, subd. (a).
[98] *Id*.
[99] *Id*. at subd. (b).
[100] *Id*.
[101] *Id*.

methodology to take into account GHG emissions, however the selection of models and methodologies must be supported by substantial evidence.[102]

In assessing the potential significance of a project's GHG emissions, the CEQA Guidelines state that a lead agency should consider the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.[103] A lead agency cannot artificially discount the significance of a project's GHG emissions by using a business-as-usual ("BAU") comparison that compares the proposed project with a hypothetical project that does not comply with current statewide GHG emission reductions strategies without substantial evidence to show that such an analysis is appropriate for the local project. The California Supreme Court expressly disavowed this approach, finding that such a comparison alone does not provide substantial evidence that a project will have a less than significant GHG impact because consistency with statewide targets ignores the reality that some regions may need to reduce emissions more than others and that new developments will have to be more efficient to make up for existing, older buildings.[104]

The CEQA Guidelines also state that a lead agency should consider whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.[105] This is commonly done by either comparing the total project emissions with an applicable threshold or comparing an emissions per service population efficiency standard to an applicable threshold.

Rather than using the above thresholds to determine the significance of a project's GHG emissions, a lead agency may instead base a finding of significance on whether or not a project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction of GHG emissions.[106] A lead agency may only rely on such regulations or requirements if they have been adopted by a relevant public agency through a public review process and reduce or mitigate the project's incremental contribution of GHG emissions below a level of significance.[107] If there is substantial evidence demonstrating that

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[102] CEQA Guidelines § 15064.4, subd. (d).
[103] *Id*. at subd. (b)(1).
[104] *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-226.
[105] CEQA Guidelines § 15064.4, subd. (b)(2).
[106] CEQA Guidelines § 15064.4, subd. (b)(3); *see also* § 15064, sub.d (h)(3).
[107] CEQA Guidelines § 15064.4, subd. (b)(3).

the Project's GHG emissions would still be cumulatively considerable, notwithstanding compliance with the plan's requirements, compliance with the plan alone is not substantial evidence that emissions would be less than significant.[108]

1. The IS/MND Fails to Demonstrate Compliance with the City's 2030 Greenhouse Gas Reduction Strategy

Here, the City provided a qualitative analysis based on the Project's consistency with the City's 2030 Greenhouse Gas Reduction Strategy ("GHGRS"), and consistency with the California Air Resources Board's ("CARB") 2017 Scoping Plan, designed for statewide use in order to conclude that the Project would result in a less than significant impact with respect to GHGs.[109] SWAPE reviewed the IS/MND responses to the GHGRS Checklist questions and determined that the Project fails to demonstrate consistency with the following GHGRS measures:

- MS-2.2
- MS-2.3
- MS-2.7
- MS-2.11
- MS-16.2
- CD-2.5
- CD-3.2
- CD-3.4
- TR-2.8
- MS-3.2
- MS-19.4
- MS-21.3
- ER-8.7
- Renewable Energy Development
- Zero Waste Goal
- Caltrain Modernization

SWAPE determined that the IS/MND relies on commitments to achieve the bare minimum energy efficiency standards and lacks any concrete information on how the Project would actively seek to meet the goals of the GHGRS.[110]

[108] CEQA Guidelines § 15064.4, subd. (b)(3).
[109] IS/MND, p. 95.
[110] SWAPE Comments, pp. 16-29.

Additionally, several responses in the GHGRS checklist refer to the Project's intention to enroll in the San José Clean Energy ("SJCE") GreenSource program which includes 40 percent renewable energy.[111] By relying on the intention to enroll in the SJCE GreenSource program, without actually requiring it, the City's attempt to demonstrate consistency is based on unenforceable mitigation measures. As discussed above, the IS/MND cannot rely on unenforceable mitigation measures in order to determine finding of significance. Mitigation measures cannot be incorporated in an IS/MND's initial evaluation of the Project's unmitigated impacts because the analysis of unmitigated impacts, by definition, must accurately assess such impacts before any mitigation measures to reduce those impacts are applied.[112] An IS/MND that compresses the analysis of impacts and mitigation measures into a single issue disregards the requirements of CEQA. Because CEQA and *Lotus* prohibit the compressing of a mitigation measure with a Project, the IS/MND's lack of analysis of GHG impacts caused by the Project's construction and operation, including its energy use, violates CEQA.

As written, the IS/MND fails to provide sufficient information and analysis to determine Project consistency with all the measures required by the GHGRS and improperly relies on project design features in violation of CEQA. The City must prepare an EIR that discloses the severity of all potentially significant impacts prior to identifying the mitigation required to reduce those impacts to less than significant.

2. The IS/MND Fails to Demonstrate Compliance with CARB's 2017 Scoping Plan

More recent guidance from the California Air Resources Board ("CARB") has been released in 2017 to provide statewide targets for implementing a 2030 emissions reduction target mandated by Senate Bill 32.[113] California's 2030 GHG emissions reduction target is 260 million metric tons of carbon dioxide equivalent.[114] CARB recommends a statewide target of 6 metric tons of carbon dioxide equivalent

[111] IS/MND, Appendix D, p. 26.
[112] *Lotus v. Dep't. of Transp.* (2013) 223 Cal.App.4th 645, 651 - 52.
[113] California Air Resources Board, California's 2017 Climate Change Scoping Plan, (Nov. 2017), *available at* https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf (hereafter "Scoping Plan").
[114] Scoping Plan, p. 2.

per person for 2030.[115] To achieve this, CARB recognizes that a good overall goal for new projects is a no net contribution to climate change, although CARB also notes that this may not be feasible or appropriate for all projects.[116]

As stated above, consistency with a statewide goal does not provide substantial evidence that a project's emissions are not significant, and newer development must be more GHG-efficient than the average targets given that past sources of GHG emissions will still exist and continue to emit.[117] Further, these numerical thresholds only represent the point at which emissions are normally considered significant and these thresholds must be supported by substantial evidence.

The City claims the Project is consistent with numerous statewide goals and relies on that claim to suggest the Project is consistent with CARB's 2017 Climate Change Scoping Plan and thus will not have a cumulatively considerable GHG impact. While the 2017 Scoping Plan is a plan designed to reduce and mitigate the state's GHG emissions, it lacks accompanying regulations and requirements for local land use decisions and instead encourages local governments to use a threshold of significance or an "adequate geographically-specific GHG reduction plan" when entitling projects through CEQA.[118] The 2017 Scoping Plan does not contain specific measures or thresholds for local governments to apply, but does recommend that a project's per capita GHG emissions be no more than six metric tons of carbon dioxide equivalent.

The City's conclusion that the Project is consistent with the 2017 Scoping Plan is incorrect and lacks evidentiary support. Instead, the IS/MND refers to the implementation of standard permit conditions to demonstrate that the Project is consistent with the 2017 Scoping Plan.[119] The IS/MND again improperly relies on unenforceable mitigation measures in an effort to demonstrate compliance and support a finding of a less than significant GHG impact. These unsubstantiated assumptions do not provide the City with substantial evidence to support its conclusions regarding GHG impacts.

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[115] Scoping Plan, p. 99.
[116] Scoping Plan, pp. 101-102.
[117] *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-226.
[118] California Air Resources Board, California's 2017 Climate Change Scoping Plan, (Nov. 2017), p. 101 (hereafter "2017 Scoping Plan").
[119] IS/MND, pp. 95-100.

Further, even if the City could show that the Project is consistent with the 2017 Scoping Plan, it does not provide the substantial evidence and reasoned explanation to bridge the analytical divide that efforts developed in a statewide context will reduce or mitigate impacts to a less than significant level in a local context.[120] Without this explanation supported by facts, the IS/MND fails to provide substantial evidence of a less than significant GHG emission impact, and there is a reasonable likelihood that the Project's GHG impacts remain significant and unmitigated. An EIR is required to fully disclose and mitigate these impacts.

3. Additional Feasible Mitigation Exists to Reduce GHG Impacts Below a Level of Significance

SWAPE explains that the Project can lower its GHG emissions to below a level of significance by implementing feasible mitigation measures that are not included in the IS/MND. For example, Project can begin by implementing the project design features and regulatory compliance measures required by the GHGRS mitigation measures.[121] The City must identify, analyze, and require mitigation measures in an EIR that reduce the Project's potentially significant impacts from GHG emissions.

F. There is Substantial Evidence Supporting a Fair Argument that the Project's Transportation Impacts Are Significant and Unmitigated

The IS/MND concludes that the Project's impacts to vehicle miles traveled ("VMT") by employees are significant prior to mitigation. The IS/MND's proposed VMT mitigation is inadequate and not based on substantial evidence as is required by CEQA.[122] As a result, there is substantial evidence supporting a fair argument that the Project's VMT impacts remain significant and unmitigated.

In his review of the IS/MND, Daniel T. Smith Jr. P.E. found that the City does not adequately define mitigation measures to lower VMT per employee to or below the City's significance threshold of 14.37 VMT.[123] The IS/MND must find measures to eliminate approximately 9.34 percent of single occupant employee trips averaging 15.85 VMT per employee to reach the 14.37 VMT per employee

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[120] *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-226.
[121] SWAPE Comments, pp. 29-30.
[122] CEQA Guidelines § 15384(a).
[123] Smith Comments, p. 1.

threshold.[124] The IS/MND states that the Project will implement a Transportation Demand Management Plan ("TDM Plan"). However, Mr. Smith argues that the TDM Plan will not be effective based on the Project's operational goals.

The Project is a "last-mile" e-commerce distribution center that operates 24/7. Roughly two-thirds of the on-site workforce arrive in the early morning and depart in the early afternoon.[125] The other third of the on-site workforce arrive in the early afternoon and depart after 10:00 p.m.[126] According to Mr. Smith, the unusual shift hours will render any traditional TDM plan useless as carpool matching opportunities, bike commuting, and free transit passes will not be desirable or available to a majority of the employees.[127] Additionally, parking limitation strategies will not be effective as employees will not be able to take advantage of active transportation, public transit or carpooling and will need to park their personal vehicles somewhere at or near the Project site.[128]

Mr. Smith maintains that the Project location actively works against the effectiveness of any transit-based TDM Plan as the closest bus stops are over 0.5 miles from the Project site and the closest light rail station is over one mile from the Project Site.[129] If the transit is even running at the hours that employees are commuting, it is unlikely that they will want to walk those distances to access transit options.

Under CEQA, the IS/MND must provide the reader with the analytic bridge between its ultimate findings and the facts in the record.[130] Here, the IS/MND provides no justification for how the TDM Plan will reduce employee VMT to a less than significant impact. Additionally, the IS/MND relies on the TDM Plan as justification for the reduction in VMT despite the TDM Plan not being available for review. In this case, the IS/MND improperly defers analysis and mitigation of the potentially significant transportation impacts, thereby failing to analyze the Project's potential to exacerbate existing conditions.[131] The City must prepare an

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[124] *Id.* p. 2.
[125] IS/MND, p. 16.
[126] *Ibid.*
[127] Smith Comments, p. 2.
[128] *Id.* p. 3.
[129] *Ibid.*
[130] *Topanga Ass'n for a Scenic Comty. v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 733.
[131] *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90.

EIR that discloses the severity of all potentially significant transportation impacts and provide a TDM Plan identifying the mitigation measures to reduce those impacts to less than significant.

G. There is Substantial Evidence Supporting a Fair Argument that the Project Has Potentially Significant Land Use Impacts Which the IS/MND Fails to Identify, Analyze, and Mitigate; the Project Fails to Comply with Applicable General Plan Policies

The IS/MND states that the Project is consistent with applicable policies of the General Plan and that the Project will have a less than significant environmental impact due to conflict with any applicable land use plan, policy, or regulation of an agency adopted for the purposes of avoiding or mitigating an environmental effect.[132] The City's statements are conclusory and the City lacks substantial evidence to support its conclusion regarding potentially significant land use impacts.

Contrary to the statements in the IS/MND, the Project conflicts with numerous policies in the City of San Jose General Plan 2040 ("General Plan") that were required to reduce development impacts to less than significant. As such, the City is required to conclude that land use impacts would be potentially significant and to require binding mitigation measures to lessen the Project's significant land use impacts.

1. Inconsistency With General Plan Air Quality Policies

The City's IS/MND fails to disclose, analyze, and mitigate the Project's inconsistency with three General Plan policies related to air quality, including:

> Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures. …

[132] IS/MND, p. 69.

> Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
> …
> Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.[133]

The IS/MND fails to provide adequate mitigation for potentially significant impacts to air quality. Without these measures included as enforceable mitigation, the Project conflicts with General Plan Policy MS-10.1.

Additionally, the IS/MND fails to disclose, analyze, or mitigate the Project's potentially significant TAC emissions or prepare a Community Risk Reduction Plan and health risk assessment for the Project, thus fails to address impacts to air quality from TAC emissions as required by General Plan Policies MS-11.1 and MS-11.6. As SWAPE explains, the Project will result in TAC emissions during both construction and operation, including mobile source TACs from vehicles passing by local residences and neighborhoods.[134] General Plan Policy MS-11.2 requires a health risk assessment under those circumstances. Therefore, the Project conflicts with the General Plan's Air Quality policies.

[133] IS/MND, pp. 31-32; *see also* City of San Jose, City of San Jose General Plan 2040, (Mar. 16, 2020) p. 3.13-14 (hereafter "GP").
[134] SWAPE, pp. 15-16.

A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA.[135] The Project's inconsistencies with these mandatory General Plan air quality policies constitutes substantial evidence supporting a fair argument that the Project may result in potentially significant air quality impacts in conflict with the General Plan requiring the City to prepare an EIR.

2. Inconsistency With General Plan Transportation Policies

The IS/MND IS/MND fails to mitigate the Project's inconsistency with two General Plan policies related to transportation:

> Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
>
> Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.[136]

As discussed above, the City failed to include enforceable mitigation measures in the Project to comply with these General Plan policies. CEQA requires the City to include these measures as binding mitigation measures on the Project to reduce transportation impacts to less than significant levels. As proposed, the Project may result in potentially significant, unmitigated transportation impacts due to inconsistencies with General Plan policies intended to reduce VMT. Substantial evidence therefore supports a fair argument that the Project may result in potentially significant transportation impacts in conflict with the General Plan requiring the City to prepare an EIR.

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[135] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903 (where a local or regional policy is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment).

[136] IS/MND, pp. 158-59; *see also* GP pp. 6.48, 6.50.

IV. THE CITY CANNOT MAKE THE REQUIRED FINDINGS NECESSARY FOR A SITE DEVELOPMENT PERMIT

Based on the comments above, the City cannot make the findings necessary to approve a Site Development Permit ("SDP") for the Project. To approve an SDP, the City must find that: The SDP is consistent with the general plan, it conforms with the San Jose Municipal Code, it's consistent with City Council policies, it is aesthetically harmonious with on-site and off-site developments, the environmental impacts under CEQA (even where found to be insignificant) will not have a negative affect on adjacent properties, the development's design is sufficient to maintain or upgrade the appearance of the neighborhood, and, traffic access, pedestrian access and parking are adequate.[137]

As shown above, the IS/MND fails to demonstrate consistency with the General Plan as the Project does not include enforceable mitigation measures to address potentially significant air quality and transportation impacts. Further, the unmitigated construction NOx and ROG emissions, and unmitigated increases in GHG emissions will have a negative effect on adjacent properties by further limiting potential development due to the cumulative effect of unmitigated GHG impacts. As such, the City cannot make necessary findings to issue an SDP for the Project.

V. CONCLUSION

CEQA requires that an EIR be prepared if there is substantial evidence demonstrating that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment.[138] As discussed herein, there is substantial evidence supporting a fair argument that the Project would result in significant adverse impacts that were not identified in the IS/MND, and that are not adequately analyzed or mitigated. The IS/MND also fails to contain the basic information and analysis required by CEQA, deficiencies which "cannot be dismissed as harmless or insignificant defects."[139] The City's findings regarding Project impacts either do not comply with the law or are not supported by substantial evidence. Finally, the City cannot make the required findings to approve the entitlement sought.

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[137] San Jose Municipal Code § 20.100.630.
[138] Pub. Res. Code § 21151; 14 CCR §15063(b)(1).
[139] *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1220.

The City cannot approve the Project until it revises its land use analysis and prepares an EIR that resolves these issues and complies with CEQA's requirements.

Sincerely,

Kevin T. Carmichael

KTC:ljl

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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June 10, 2021

Kevin Carmichael
Adams Broadwell Joseph & Cardozo
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Subject: Comments on the 2256 Junction Avenue Project

Dear Mr. Carmichael,

We have reviewed the May 2021 Initial Study and Mitigated Negative Declaration ("IS/MND") for the 2256 Junction Avenue Project ("Project") located in the City of San Jose ("City"). The Project proposes to demolish a portion of the existing 141,267-SF warehouse building and construct a new warehouse building with 94,147-SF of warehouse space, 13,572-SF of office space, and 33,791-SF of covered loading area, as well as 552 parking stalls, on the 13.68-acre site.

Our review concludes that the IS/MND fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The IS/MND's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 37).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes

[1] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality Assessment ("AQA") as Appendix A to the IS/MND, we found that several model inputs were not consistent with information disclosed in the IS/MND. As a result, the Project's construction and operational emissions are underestimated. As a result, an EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Unsubstantiated Change to the Default CO_2 Intensity Factor

Review of the CalEEMod output files demonstrate that the "2256 Junction Ave - Existing Conditions (Operations Only)" and "2256 Junction Ave - Proposed Project (Operations Only)" models include a manual reduction to the default CO_2 intensity factor (see excerpt below) (Appendix A, pp. 43, 106, 225, 288).

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	641.35	163

As you can see in the excerpt above, the CO_2 intensity factor was reduced by approximately 75%, from the default value of 641.35- to 163-pounds per megawatt hour ("lbs/MWh"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[2] According to the "User Entered Comments and Non-Default Data" table, the justification provided for this change is: "PG&E intensity factor per CR&SR 2019" (Appendix A, pp. 41, 104, 223, 286). However, the revised CO_2 intensity factor remains unsupported for two reasons.

First, the IS/MND and associated documents fail to mention the CO_2 intensity factor or justify this change whatsoever. Second, review of the PG&E 2019 *Corporate Responsibility and Sustainability Report* ("CR & SR") demonstrates that the none of the CO_2 intensity factors provided reflect the value of 163 lbs/MWh value inputted into the model.[3] As such, we are unable to verify the revised CO_2 intensity factor.

This unsubstantiated reduction presents an issue, as CalEEMod uses the CO_2 intensity factor to calculate the Project's greenhouse gas ("GHG") emissions associated with electricity use.[4] Thus, by including an

[2] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
[3] "2019 Corporate Responsibility and Sustainability Report." PG&E, 2019, available at: https://www.responsibilityreports.com/HostedData/ResponsibilityReportArchive/p/NYSE_PCG_2019.pdf, p. 115.
[4] "CalEEMod User's Guide." CAPCOA, November 2017, *available at: :*http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 17.

unsubstantiated reduction to the default CO_2 intensity factor, the models may underestimate the Project's GHG emissions and should not be relied upon to determine Project significance.

Underestimated Land Use Sizes in Construction Model

According to the IS/MND:

> "The proposed project would demolish a portion of the existing 141,267 square feet warehouse building for the construction of a covered loading area. The new warehouse building would contain approximately 94,147 square feet of warehouse space, 13,572 square feet of office space, and 33,791 square feet of covered loading area. The total enclosed square feet of the proposed project would be 107,719 square feet…" (p. 10-11).

As demonstrated above, the IS/MND fails to indicate how much of the existing warehouse building would be demolished or the exact square footage of new warehouse space that would be constructed. As such, in order to conduct the most conservative analysis, the IS/MND should have included all 94,147-SF of warehouse space and 13,572-SF of office space to estimate emissions associated with Project construction. However, review of the CalEEMod output files demonstrates that the "2256 Junction Ave Proposed Project Construction - No Operations" model includes only 8,210-SF of warehouse space, with no office space (see excerpt below) (Appendix A, pp. 166, 194).

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area
Unrefrigerated Warehouse-No Rail	8.21	1000sqft	0.19	8,210.00
Parking Lot	79.54	1000sqft	1.83	79,542.00
Unenclosed Parking Structure	33.79	1000sqft	0.78	33,790.00
City Park	0.70	Acre	0.70	30,492.00

As you can see in the excerpt above, the proposed warehouse and office land uses are underestimated by 85,937- and 13,572-SF, respectively. These potential underestimations present an issue, as the land use type and size features are used throughout CalEEMod to determine default variable and emission factors that go into the model's calculations.[5] For example, the square footage of a land use is used for certain calculations such as determining the wall space to be painted (i.e., VOC emissions from architectural coatings) and volume that is heated or cooled (i.e., energy impacts). Thus, by underestimating the sizes of the proposed warehouse and office space, the model underestimates the Project's emissions and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Paving and Architectural Coating Phase Lengths

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave Proposed Project Construction - No Operations" includes manual changes to the default paving and architectural coating phase lengths (see excerpt below) (Appendix A, pp. 169, 197).

[5] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2, p. 17.

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	18.00	66.00
tblConstructionPhase	NumDays	20.00	44.00

As a result, the model includes a construction schedule as follows (Appendix A, pp. 172, 200):

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	4/1/2021	6/1/2021	5	44
2	Site Preparation	Site Preparation	4/1/2021	6/1/2021	5	44
3	Grading	Grading	5/1/2021	8/1/2021	5	65
4	Building Construction	Building Construction	5/1/2021	8/1/2021	5	65
5	Paving	Paving	6/1/2021	8/1/2021	5	44
6	Architectural Coating	Architectural Coating	7/1/2021	9/30/2021	5	66

As you can see in the excerpt above, the paving phase was increased by approximately 267%, from the default value of 18 to 66 days, and the architectural coating phase was increased by 120%, from the default value of 20 to 44 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[6] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "anticipated construction" (Appendix A, pp. 167, 195). Furthermore, regarding the individual construction phase lengths, the IS/MND states:

> "Project demolition and site preparation are anticipated to begin in April 2021 and last approximately two months. Project grading and construction of the covered van loading area is anticipated to begin in May 2021 and last approximately three months and will export approximately 5,000 cubic yards (cy) of soil. Paving was modeled to be completed August 2021 and Architectural Coating to be completed in September 2021" (p. 37).

While the IS/MND provides the anticipated demolition, site preparation, grading, and construction phase lengths, it simply states the paving and architectural coating phase lengths that were modeled. However, simply stating the assumptions included in the model does not justify the changes. As according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, *provided that the information is supported by substantial evidence as required by CEQA*" (emphasis added).[7]

[6] CalEEMod User's Guide, *available at: :* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
[7] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.

Here, as the IS/MND fails to provide substantial evidence to support the revised paving and architectural phase lengths, or indicate that they are anticipated for the proposed Project, we cannot verify the changes.

These unsubstantiated changes present an issue, as they spread out construction emissions over a longer period of time that may be anticipated during the paving and architectural coating phase lengths. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[8]

> ***Demolition*** involves removing buildings or structures.
>
> ***Site Preparation*** involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> ***Grading*** involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> ***Building Construction*** involves the construction of the foundation, structures and buildings.
>
> ***Architectural Coating*** involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> ***Paving*** involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

As such, by disproportionately altering the paving and architectural coating phase lengths without proper justification, the model's calculations are altered and may underestimate emissions. Thus, by including unsubstantiated changes to the default paving and architectural coating phase lengths, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Existing Vehicle Fleet Mix Percentages

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave - Existing Conditions (Operations Only)" model includes several changes to the default existing operational fleet mix percentages (see excerpt below) (Appendix A, pp. 42, 105).

[8] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 31.

Table Name	Column Name	Default Value	New Value
tblFleetMix	HHD	0.02	0.00
tblFleetMix	HHD	0.02	0.54
tblFleetMix	LDA	0.61	1.00
tblFleetMix	LDA	0.61	0.00
tblFleetMix	LDT1	0.04	0.00
tblFleetMix	LDT1	0.04	0.00
tblFleetMix	LDT2	0.18	0.00
tblFleetMix	LDT2	0.18	0.00
tblFleetMix	LHD1	0.01	0.00
tblFleetMix	LHD1	0.01	0.00
tblFleetMix	LHD2	4.9910e-003	0.00
tblFleetMix	LHD2	4.9910e-003	0.13
tblFleetMix	MCY	5.3340e-003	0.00
tblFleetMix	MCY	5.3340e-003	0.00
tblFleetMix	MDV	0.11	0.00
tblFleetMix	MDV	0.11	0.00
tblFleetMix	MH	7.6100e-004	0.00
tblFleetMix	MH	7.6100e-004	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	MHD	0.01	0.33
tblFleetMix	OBUS	2.1150e-003	0.00
tblFleetMix	OBUS	2.1150e-003	0.00
tblFleetMix	SBUS	6.2300e-004	0.00
tblFleetMix	SBUS	6.2300e-004	0.00
tblFleetMix	UBUS	1.5540e-003	0.00
tblFleetMix	UBUS	1.5540e-003	0.00

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[9] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "adjusted fleet mix, truck mix based on CalEEMod default fleet mix" (Appendix A, pp. 41, 104). However, these changes remain unsupported, as the IS/MND and associated documents fail to mention the fleet mix associated with the existing land uses or justify these changes whatsoever. According to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, *provided that the information is supported by substantial evidence as required by CEQA*" (emphasis added).[10]

[9] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 2, 9.
[10] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.

Here, as the IS/MND and associated documents fail to provide substantial evidence to support the revised operational fleet mix, we cannot verify the changes. As a result, the revised operational fleet mix percentages associated with the existing land uses are unsubstantiated.

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles.[11] By including an existing fleet mix with a potentially overestimated percentage of truck trips, the model overestimates the mobile-source operational emissions associated with the existing land uses, resulting in an ***underestimation of the net change in emissions associated with the proposed Project***. As a result, the model should not be relied upon to determine Project significance.

Unsubstantiated Changes to Operational Vehicle Emission Factors

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave - Existing Conditions (Operations Only)" and "2256 Junction Ave – Proposed Project (Operations Only)" models include several changes to the default operational vehicle emission factors (Appendix A, pp. 43-89, 106-151, 225-270, 288-333). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[12] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "EMFAC2017 (2021) with SAFE Rule" (Appendix A, pp. 41, 104, 223, 286). Furthermore, the AQA states:

> "Emissions rates in CalEEMod have been updated with CARB SAFE Rule adjustment factors and EMFAC2017 emission rates consistent with the methodology described in Section 5.2 *Methodology for Converting EMFAC2014 Emission Rates into CalEEMod Vehicle Emission Factors* of *Appendix A: Calculation Details for CalEEMod* in the *CalEEMod User Guide*" (Appendix A, p. 19).

However, this justification is insufficient, as EMFAC refers to an ***entire database***, not a specific set of vehicle emission factors.[13] Thus, the IS/MND and associated documents should have specified which input parameters were used to obtain the vehicle emission factors inputted in the model, or provided the revised vehicle emission factors themselves. Absent additional information regarding the specific input parameters used to obtain the revised emission factors, we cannot verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses vehicle emission factors to calculate the Project's operational emissions associated with on-road vehicles.[14] Thus, by including several unsubstantiated changes to the default operational vehicle emission factors, the models may

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[11] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
[12] CalEEMod User's Guide *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
[13] "EMFAC2017 Web Database." CARB, *available at:* https://arb.ca.gov/emfac/2017/.
[14] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 35.

underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Incorrect Application of Construction Dust-Related Mitigation Measures

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave Proposed Project Construction - No Operations" model includes the following construction-related mitigation measures (Appendix A, pp. 174, 202):

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Replace Ground Cover

Water Exposed Area

Water Unpaved Roads

Reduce Vehicle Speed on Unpaved Roads

Clean Paved Roads

As a result, the model includes a 6% clean paved road reduction, 12% moisture content, and a 15 miles per hour ("MPH") vehicle speed (see excerpt below) (Appendix A, pp. 167, 195).

Table Name	Column Name	Default Value	New Value
tblConstDustMitigation	CleanPavedRoadPercentReduction	0	6
tblConstDustMitigation	WaterUnpavedRoadMoistureContent	0	12
tblConstDustMitigation	WaterUnpavedRoadVehicleSpeed	0	15

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[15] According to the "User Entered Comments and Non-Default Data" table, the justification provided for the inclusion of these measures is: "BAAQMD rule compliance" (Appendix A, pp. 167, 195). Furthermore, regarding the Project's fugitive dust emissions, the IS/MND states:

> "The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance and the project would implement the BAAQMD Basic Construction Control Measures as a Standard Permit Condition to control dust at the project site during all phases of construction" (p. 38).

However, the inclusion of the construction-related mitigation measures remains unsupported. Simply because the IS/MND states that the Project would implement a Standard Permit Condition does not justify the inclusion of the above-mentioned construction-related mitigation measures in the model, because the IS/MND lacks a binding mitigation measure obligating the Applicant to comply with these conditions, and does not state that Standard Permit Conditions would be included as binding conditions

[15] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

of approval.[16] According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[17]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based on the implementation of a Standard Permit Condition, is incorrect. By incorrectly including several construction-related mitigation measures without properly committing to their implementation, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

Incorrect Application of Tier 4 Final Mitigation

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave Proposed Project Construction - No Operations" model assumes that the Project's off-road construction equipment fleet would meet Tier 4 Final emissions standards (see excerpts below) (Appendix A, pp. 168-169, 196-197).

[16] The IS/MND states that "These measures would be placed on the project plan documents prior to the issuance of any grading permits for the proposed project." However, project plans are not mitigation measures or enforceable conditions.

[17] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	6.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	11.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
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tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final

As you can see in the excerpt above, the model assumes that 37 pieces of off-road construction equipment would meet Tier 4 Final emission standards. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[18] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "require tier 4 engines" (Appendix A, pp. 167, 195). Furthermore, the IS/MND incorporates Mitigation Measure ("MM") AQ-1, which states:

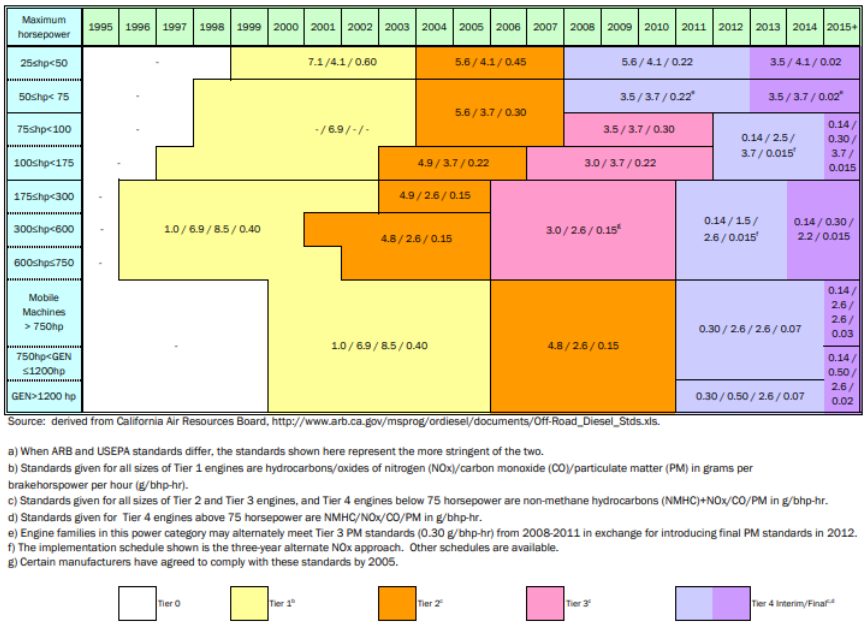
> "Prior to issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be

[18] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA *Tier 4 emission standards*.
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust and 40 percent reduction in NOX in comparison to uncontrolled equipment…" (p. 39-40).

However, as demonstrated above, the IS/MND fails to specify that the Project would require the more efficient Tier 4 *Final* emission standards. The United States Environmental Protection Agency ("U.S. EPA") has slowly adopted more stringent standards to lower the emissions from off-road construction equipment. Since 1994, Tier 1, Tier 2, Tier 3, Tier 4 *Interim*, and Tier 4 *Final* construction equipment have been phased in over time. Tier 4 *Final* represents the *cleanest* burning equipment and therefore has the lowest emissions compared to other tiers, including Tier 4 *Interim* equipment (see excerpt below):[19]



Source: derived from California Air Resources Board, http://www.arb.ca.gov/msprog/ordiesel/documents/Off-Road_Diesel_Stds.xls.

a) When ARB and USEPA standards differ, the standards shown here represent the more stringent of the two.
b) Standards given for all sizes of Tier 1 engines are hydrocarbons/oxides of nitrogen (NOx)/carbon monoxide (CO)/particulate matter (PM) in grams per brakehorspower per hour (g/bhp-hr).
c) Standards given for all sizes of Tier 2 and Tier 3 engines, and Tier 4 engines below 75 horsepower are non-methane hydrocarbons (NMHC)+NOx/CO/PM in g/bhp-hr.
d) Standards given for Tier 4 engines above 75 horsepower are NMHC/NOx/CO/PM in g/bhp-hr.
e) Engine families in this power category may alternately meet Tier 3 PM standards (0.30 g/bhp-hr) from 2008-2011 in exchange for introducing final PM standards in 2012.
f) The implementation schedule shown is the three-year alternate NOx approach. Other schedules are available.
g) Certain manufacturers have agreed to comply with these standards by 2005.

As demonstrated in the figure above, Tier 4 *Interim* equipment has higher emission levels than Tier 4 *Final* equipment. Therefore, by modeling construction emissions assuming a full Tier 4 *Final* equipment

[19] "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:* https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p. 6.

fleet, the IS/MND fails to account for higher emissions that may occur as a result of the use of Tier 4 *Interim* equipment. Since MM AQ-1 fails to specify whether the Project would use Tier 4 *Interim* or Tier 4 *Final* equipment, it is incorrect to model emissions assuming that the more efficient Tier 4 *Final* equipment would be implemented. Until the IS/MND demonstrates that the Project requires Tier 4 *Final* engines during all phases of construction, and not Tier 4 *Interim* equipment, the IS/MND's modeling should not be relied upon to determine Project significance.

Incorrect Application of Operational Mitigation Measures

Review of the CalEEMod output files demonstrates that the "2256 Junction Ave – Proposed Project (Operations Only)" model includes the following energy-, water-, and waste-related operational mitigation measures (see excerpts below) (Appendix A, pp. 279, 283, 342, 346):

Energy-Related Mitigation Measures:

5.1 Mitigation Measures Energy

Exceed Title 24

Water-Related Mitigation Measures:

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet
Install Low Flow Kitchen Faucet
Install Low Flow Toilet
Install Low Flow Shower
Use Water Efficient Irrigation System

Waste-Related Mitigation Measures:

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[20] However, no justification is provided in the "User Entered Comments and Non-Default Data" table. Furthermore, regarding the IS/MND states:

> "It should be noted that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards… The project would be constructed according to the standards for high efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen)"

[20] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

However, the inclusion of the above-mentioned operational mitigation measures remains unsupported for two reasons.

First, while the IS/MND claims that policies regarding recycling and composting are applicable to the Project, the IS/MND fails to explicitly require the Project to institute recycling and composting services (p. 67).

Second, the inclusion of these operational mitigation measures, based on the Project's purported compliance with Title 24 standards, is unsupported. As previously stated, according to the AEP *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[21]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based solely on the Project's compliance with Title 24 standards, is unsubstantiated.

Second, these design features are not formally included as mitigation measures. This incorrect, as AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[22]

As you can see in the excerpts above, design features that are not formally included as mitigation measures *may be eliminated from the Project's design altogether*. Thus, as the above-mentioned energy-, water-, and waste-related operational measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above-mentioned operational mitigation measures in the model is incorrect. By including several operational mitigation measures without properly committing to

[21] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.
[22] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

their implementation, the model may underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's construction-related and operational emissions, we prepared updated CalEEMod models, using the Project-specific information provided by the IS/MND. In our updated model, we included all proposed land uses in the construction model; omitted the unsubstantiated changes to the default CO_2 intensity factor, paving and architectural coating phase lengths, and operational vehicle fleet mix percentages and emission factors; as well as excluded the unsubstantiated construction-related and operational mitigation measures.

Our updated analysis estimates that the Project's construction-related ROG and NO_X emissions exceed the applicable BAAQMD threshold of 54 pounds per day ("lbs/day") (see table below).[23]

Model	ROG	NO_X
IS/MND Construction	9.50	16.44
SWAPE Construction	60.26	66.57
% Increase	534%	305%
BAAQMD Regional Threshold (lbs/day)	**54**	**54**
Threshold Exceeded?	***Yes***	***Yes***

As you can see in the excerpt above, the Project's construction-related ROG and NO_X emissions, as estimated by SWAPE, increase by approximately 534% and 305%, respectively, and exceed the applicable BAAQMD significance thresholds. Thus, our model demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the IS/MND. As a result, an EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The IS/MND concludes that the proposed Project would result in a less-than-significant health risk impact, without conducting a quantified construction or operational health risk analysis ("HRA"). Specifically, regarding potential health risk impacts associated with Project construction, the IS/MND states:

> "Construction is subject to and would comply with California regulations... which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes… Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the project site (i.e., construction is not likely to occur in any one location for an extended time), the dose of DPM of any one receptor is exposed to would be limited. Additionally, as the project site

[23] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at:* https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-2, Table 2-1.

> is already disturbed and would not require excavation, grading operations would take approximately six days, which further limits the intensity and duration of heavy-duty equipment use. The majority of construction (i.e., the construction phase with the longest duration) would occur during the building phase, which uses the least amount of heavy-duty equipment. Furthermore, even during the most intense month of construction, emissions of DPM would be generated from different locations on the project site rather than in a single location because different types of construction activities (e.g., site preparation and building construction) would not occur at the same place at the same time. The California Office of Environmental Health Hazard Assessment has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for extended periods of time. Additionally, the closest sensitive receptors are more than 1,000 feet from the project site and are outside of BAAQMD's zone of influence to have significant risk effects from and hazards. For these reasons, DPM generated by project construction activities would not expose sensitive receptors to substantial amounts of air toxics and the project would result in a less than significant impact. Therefore, impacts associated with construction activities would be less than significant" (p. 43).

As demonstrated above, the IS/MND concludes that the Project would result in a less-than-significant construction-related health risk impact because Project compliance with California regulations, the temporary and intermittent nature of construction activities occurring in different locations, and the distance away from the closest sensitive receptor would not result in the exposure of sensitive receptors to substantial toxic air contaminant ("TAC") emissions. Furthermore, regarding potential health risk impacts associated with Project operation, the IS/MND states:

> "The project includes the partial demolition and remodeling of one industrial building. According to the Transportation Analysis prepared, the project would include passenger vehicles, vans, and trucks. The project is anticipated to generate approximately 575 daily vehicle trips. However, the nearest sensitive receptor is approximately 1,850 feet from the project site. Operational TAC impacts from the project would be less than significant" (p. 43).

As demonstrated above, the IS/MND concludes that the Project would result in a less-than-significant operational health risk impact because the nearest sensitive receptor is approximately 1,850 feet from the Project site. However, the IS/MND's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, the IS/MND fails to quantitatively evaluate the Project's construction-related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors. This is incorrect, as construction of the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over a potential construction duration of six months (p. 12). Furthermore, the IS/MND indicates that the proposed land uses are expected to generate approximately 700 average daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to diesel particulate matter ("DPM") emissions, including in potentially closer proximity to sensitive receptors as the vehicles pass

through the surrounding community while entering and exiting the Project site (p. 41). However, the IS/MND fails to evaluate the potential Project-generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project's construction-related and operational TAC emissions to the potential health risks posed to nearby receptors, the IS/MND is inconsistent with CEQA's requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the State of California Department of Justice recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines.[24] OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. This guidance document describes the types of projects that warrant the preparation of an HRA. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the Project's construction duration vastly exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold warranting a quantified HRA under OEHHA guidance. Furthermore, the OEHHA document recommends that exposure from projects lasting more than 6 months 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, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions be included in an EIR for the Project.

Third, by claiming a less than significant impact without conducting a quantified construction and operational HRA for nearby, existing sensitive receptors, the IS/MND fails to compare the excess health risk impact to the applicable BAAQMD threshold of 10 in one million and lacks evidence to support its conclusion that the health risk would be under the threshold.[25] Thus, pursuant to CEQA, an analysis of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The IS/MND relies upon the Project's consistency with the City's 2030 Greenhouse Gas Reduction Strategy ("GHGRS") in order to conclude that the Project would result in a less than significant impact

[24] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, *available at*: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.
[25] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-5.

with respect to greenhouse gases ("GHGs") (p. 95). Specifically, according to the Greenhouse Gas Emissions Assessment, provided as Appendix D to the IS/MND:

> "[A] project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the Greenhouse Gas Reduction Strategy. As shown Table 2: 2030 GHGRS Table A - Project Compliance with General Plan Polices and Table 3: 2030 GHGRS Table B GHGRS Compliance, the project would comply with the 2030 GHG Reduction Strategy" (Appendix D, p. 26).

However, review of the City's GHGRS reveals that the Project is inconsistent with numerous measures, including but not limited to those listed below:

GHGRS Project Compliance Checklist[26]	
Table A: General Plan Consistency	
Implementation of Green Building Measures	
MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	Here, the Compliance Checklist states: "The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. The project would also enroll in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy" (Appendix D, p. 26). However, this response is insufficient for three reasons. First, by simply stating that the Project would include "building roof space and conduit infrastructure" per California Code, the Project commits to the bare *minimum* requirements. Furthermore, the Compliance Checklist only indicates the Project would be ready for *future* solar use, but does not require it. As such, the Compliance Checklist fails to demonstrate that the Project would encourage *maximized use* of on-site renewable energy for all new *and existing* buildings. Second, the Project's enrollment in the San José Clean Energy ("SJCE") GreenSource program does not provide any evidence that the Project would encourage maximized use of *on-site* generation of renewable energy because the program addresses procurement of renewable energy generated off-site. Third, the IS/MND fails to mention the Project's proposed enrollment in the SJCE GreenSource program anywhere other than the Compliance Checklist. Enrollment in the SJCE GreenSource program is not included as a mitigation measure or a binding condition

[26] "GHGRS Project Compliance Checklist." City of San Jose Department of Planning, Building, and Code Enforcement, *available at*: https://www.sanjoseca.gov/Home/ShowDocument?id=63603.

	of approval, making enrollment in the SJCE GreenSource program speculative and unenforceable. This is incorrect, as according to the AEP *CEQA Portal Topic Paper* on mitigation measures: "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[27] As you can see in the excerpts above, project design features are not mitigation measures and *may be eliminated from the Project's design*. Here, the IS/MND fails to require the Project to enroll in the SJCE GreenSource program, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	Here, the Compliance Checklist states: "The project would comply with the latest energy efficiency standards. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy." (Appendix D, p. 26). However, this response is insufficient for three reasons. First, by simply stating that the Project would include "comply with the latest energy efficiency standards" and "implement required green building strategies through existing regulation," the Project commits to the bare *minimum* requirements. As such, the Compliance Checklist fails to demonstrate that the Project would encourage consideration of solar orientation or other

[27] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

	techniques to minimize energy consumption. Furthermore, the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to satisfy this measure. Second, the Project's enrollment in the SJCE GreenSource program does not provide any evidence that the Project would encourage consideration of techniques to minimize on-site energy consumption. Third, the IS/MND fails to mention the Project's proposed enrollment in the SJCE GreenSource program anywhere other than the Compliance Checklist. Furthermore, enrollment in the SJCE GreenSource program is not included as a mitigation measure. This is incorrect, because, as discussed above, project design features are not mitigation measures and *may be eliminated from the Project's design*. As the IS/MND fails to require the Project to enroll in the SJCE GreenSource program, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	Here, the Compliance Checklist states: "This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction" (Appendix D, p. 26). However, this response is insufficient for three reasons. First, by simply stating that "electricity providers and existing solar programs" are already making efforts "to increase solar throughout California" fails to indicate Project-specific measures that would encourage the installation of solar panels or other clean energy power generation sources over parking areas. Furthermore, by stating that the Project would include "building roof space and conduit infrastructure" per California Code, the Project commits to the bare *minimum* requirements Thus, the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to satisfy this measure. Second, the Project's potential enrollment in the SJCE GreenSource program does not provide any evidence that the Project would encourage the installation of solar

	panels or other clean energy power generation sources over parking areas. Third, the IS/MND fails to mention the Project's proposed enrollment in the SJCE GreenSource program anywhere other than the Compliance Checklist. Furthermore, enrollment in the SJCE GreenSource program is not certain because it is not included as a mitigation measure. This is incorrect, because, as discussed above, project design features are not mitigation measures and *may be eliminated from the Project's design*. As the IS/MND fails to require the Project to enroll in the SJCE GreenSource program, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).	Here, the Compliance Checklist states: "The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements to reduce energy use. Per section 4.6 Energy, the project would use approximately 2,189 MWh per year which is approximately 0.01 percent of Santa Clara County's total electricity use. The project anticipated natural gas usage would be approximately 14,105 therms of natural gas per year or 0.003 percent of the County's natural gas demand. Therefore, the project would have a nominal electricity demand compared to the County." (Appendix D, p. 27). However, this response is insufficient. By simply stating that the Project "would implement required green building strategies through existing regulation… to reduce energy use" the Compliance Checklist only demonstrates that the Project would commit to the bare *minimum* requirements. While green building practices include those required by the Green Building Ordinance, they are not limited to the measures included in the Green Building Ordinance. Furthermore, the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to satisfy this measure. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy	Here, the Compliance Checklist states: "The project would be solar-ready by ensuring roof space and conduit infrastructure for "Future PV

security and to reduce the amount of energy wasted in transmitting electricity over long distances.	Array" per California Code. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy." (Appendix D, p. 27). However, this response is insufficient. First, by simply stating that the Project would "be solar-ready by ensuring roof space and conduit infrastructure for 'Future PV Array' per California Code," the Project commits to the bare ***minimum*** requirements. As such, the Compliance Checklist fails to demonstrate that the Project would promote ***neighborhood-based*** distributed clean/renewable energy generation. Second, the Project's enrollment in the SJCE GreenSource program does not provide any evidence that the Project would promote neighborhood-based distributed clean/renewable energy generation. Third, the IS/MND fails to mention the Project's proposed enrollment in the SJCE GreenSource program anywhere other than the Compliance Checklist. Furthermore, enrollment in the SJCE GreenSource program is not included as a mitigation measure or a binding condition of approval, and is therefore speculative. This is incorrect, because, as discussed above, project design features are not mitigation measures and ***may be eliminated from the Project's design***. As the IS/MND fails to require the Project to enroll in the SJCE GreenSource program, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
Pedestrian, Bicycle & Transit Site Design Measures	
CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	Here, the Compliance Checklist states: "The proposed project would include landscaping and shading of the parking areas and walkways. Additionally, 11 percent of the site would be pervious. The project would comply with all applicable stormwater regulations" (Appendix D, p. 27). However, this response is insufficient for three reasons. First, the Compliance Checklist does not mention or consider pedestrian connections. Second, while the Compliance Checklist states that "11 percent of the site would be pervious," it fails to demonstrate how this percentage reflects a minimization of impervious surfaces.

	First, by simply stating that the Project would include "comply with all applicable stormwater regulations," the Project commits to the bare *minimum* requirements. Furthermore, the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to satisfy this measure. As such, the Compliance Checklist fails to demonstrate that the Project would incorporate stormwater treatment measures. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	Here, the Compliance Checklist states: "The proposed project would include 14 bicycle parking spaces as well as bicycle and pedestrian access on the driveways" (Appendix D, p. 28). Furthermore, the IS/MND includes MM TRANS-1, which states: "The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and Planning, Building, and Code Enforcement or the Directors' designees prior to issuance of the Planning Permit. The TDM program shall require the project to: • Provide end of trip bicycle facilities beyond the provided 14 bicycle spaces • Provide Commute Trip Reduction Marketing and Education eligible to 16% of employees • Provide Ride-sharing eligible to 16% of employees The applicant shall submit an annual monitoring document (prepared by a qualified traffic engineer)" (p. 162). However, this response is insufficient. While MM TRANS-1 requires the Project to "[p]rovide end of trip bicycle facilities beyond the provided 14 bicycle spaces," it fails to demonstrate that the Project would prioritize pedestrian and bicycle connections to transit, community facilities, commercial areas, and other areas serving daily needs or ensure that the Project would accommodate significant anticipated future increases in bicycle and pedestrian activity. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with	Here, the Compliance Checklist states: "As discussed above, the proposed project would include bicycle parking spaces as well as access for

particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	bicyclists and pedestrian to access the site. The project would include day use lockers. This would promote safety and encourage employees to use alternative sources of transportation" (Appendix D, p. 28). Furthermore, the IS/MND includes MM TRANS-1, which states: "The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and Planning, Building, and Code Enforcement or the Directors' designees prior to issuance of the Planning Permit. The TDM program shall require the project to: • Provide end of trip bicycle facilities beyond the provided 14 bicycle spaces • Provide Commute Trip Reduction Marketing and Education eligible to 16% of employees • Provide Ride-sharing eligible to 16% of employees The applicant shall submit an annual monitoring document (prepared by a qualified traffic engineer)" (p. 162). However, this response is insufficient because it fails to address the specific policies described in CD-3.4. While MM TRANS-1 requires the Project to "[p]rovide end of trip bicycle facilities beyond the provided 14 bicycle spaces," it fails to demonstrate that the Project would encourage pedestrian cross-access connections between adjacent properties, require pedestrian and bicycle connections to streets and other public spaces, or provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	Here, the Compliance Checklist states: "The project includes connections to existing bicycle lane facilities, bicycle parking and day use storage lockers" (Appendix D, p. 28). However, this response is insufficient, as the Compliance Checklist fails to demonstrate that the Project would provide shower facilities or dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths or share in the cost of improvements.

	As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
Water Conservation and Urban Forestry Measures	
MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	Here, the Compliance Checklist states: "The project includes low-flow fixtures and appliances. These measures are required by City Code. The project would comply with measures to increase water efficiency and green building techniques per building codes" (Appendix D, p. 29). However, this response is insufficient. By simply stating that the Project would "include low-flow fixtures and appliances" that are "required by City Code," the Project commits to the bare *minimum* requirements, and does not address the issue of recycled water. Furthermore, the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to satisfy this measure. As such, the Compliance Checklist fails to demonstrate that the Project would promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	Here, the Compliance Checklist states: "The City provides recycled water in the vicinity of the project site. The project would utilize recycled water for the outdoor landscaping based on availability" (Appendix D, p. 29). However, this response is insufficient. First, by simply stating that "[t]he City provides recycled water in the vicinity of the project site" and the Project would "utilize recycled water for the outdoor landscaping based on availability" that are "required by City Code," the Compliance Checklist fails to provide any evidence of concrete actions or measures proposed to require the use of recycled water wherever feasible and cost-effective. Furthermore, the Compliance Checklist fails to consider the possibility of using recycling water for activities on the Project site other than landscaping alone. Second, the use of recycled water for landscaping is not included as a mitigation measure. This is incorrect, as according to the AEP *CEQA Portal Topic Paper* on mitigation measures: "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring*

	and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[28] As you can see in the excerpts above, project design features are not mitigation measures and *may be eliminated from the Project's design*. Here, the IS/MND fails to require the Project to use recycled water for landscaping, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.	Here, the Compliance Checklist states: "The project would comply with City landscaping requirements through plan check and design review processes. This would include water-efficient landscaping, pest resistance, and diversity requirements" (Appendix D, p. 29). However, this response is insufficient. By simply stating that the Project would "comply with City landscaping requirements," which "would include water-efficient landscaping, pest resistance, and diversity requirements," the Project commits to the bare *minimum* requirements. Furthermore, the Compliance Checklist fails to provide any evidence of concrete actions or measures that would require the Project to select and plant diverse species or consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest. As such, the Compliance Checklist fails to demonstrate that the Project would satisfy this measure. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	Here, the Compliance Checklist states: "The Municipal Regional Permit (MRP) allows development projects to use infiltration,

[28] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

	evapotranspiration, harvesting and use, or biotreatment to treat full water quality design flow or volume of stormwater runoff, as specified in MRP Provision C.3.d. Project applicants are no longer required to evaluate the feasibility of infiltration of rainwater harvesting and use before proceeding to biotreatment. If a project applicant desires to use rainwater harvesting systems to meet LID treatment requirements, there must be sufficient demand on the project site to use the water quality design volume, i.e., 80% of the average annual rainfall runoff, from the collection area. Appendix I from SCVURPPP provides guidance on how to estimate the required landscaping or toilet flushing demand to meet C.3.d requirements. If the project appears to have sufficient demand for captured rainwater, Appendix I provides guidance on sizing the cistern (or other storage facility) to achieve the appropriate combination of drawdown time and cistern volume" (Appendix D, p. 30). However, this response is insufficient. While the Compliance Checklist provides an overview of the requirements of the Municipal Regional Permit, it fails to demonstrate that the Project would encourage stormwater reuse for beneficial uses. Rather, the Compliance Checklist fails to provide any evidence of concrete actions or measures that would require the Project to reuse stormwater for beneficial purposes. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
Table B: 2030 Greenhouse Gas Reduction Strategy Compliance	
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS	
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. Supports Strategies: GHGRS #1, GHGRS #3.	Here, the Compliance Checklist states: "**Alternative Measure Proposed.** The project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy" (Appendix D, p. 31). However, this response is insufficient for two reasons. First, while the Compliance Checklist states that the Project would enroll in the San José Clean Energy (SJCE) GreenSource program, which is comprised of 55% renewable energy,[29] it does not indicate that the Project would participate in San José Clean Energy at the Total Green level, which provides 100% carbon-free electricity. Thus, the Project's purported enrollment in the SJCE GreenSource program does not satisfy this measure.

[29] "GREENSOURCE." San José Clean Energy, *available at:* https://sanjosecleanenergy.org/greensource/.

	Second, the IS/MND states that the Project would be solar ready for potential future solar use, but does not require actual implementation of on-site solar or other clean energy generation uses. Third, the IS/MND fails to mention the Project's proposed enrollment in the SJCE GreenSource program anywhere other than the Compliance Checklist. Furthermore, enrollment in the SJCE GreenSource program is not included as a mitigation measure or binding condition of approval, making it speculative and unenforceable. This is incorrect, because, as discussed above, project design features are not mitigation measures and *may be eliminated from the Project's design*. As the IS/MND fails to require the Project to enroll in the SJCE GreenSource program, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement. Supports Strategies: GHGRS #5	Here, the Compliance Checklist states: "The proposed development includes an exterior trash enclosure with space for recycling and organic waste collection. Additionally, construction and demolition waste would be diverted to meet City requirements" (Appendix D, p. 31). However, this response is insufficient for two reasons. First, by simply stating that "construction and demolition waste would be diverted to meet City requirements," the Project commits to the bare *minimum* requirements. Thus, the Compliance Checklist fails to demonstrate that the Project would *exceed* the City's construction & demolition waste diversion requirement, as required by the measure. Second, the inclusion of an exterior trash enclosure with space for recycling and organic waste collection is not included as a mitigation measure. However, as discussed above, this is incorrect, because project design features are not mitigation measures and *may be eliminated from the Project's design*. Here, the IS/MND fails to require the Project include an exterior trash enclosure with space for recycling and organic waste collection, we cannot guarantee that this measure would be implemented, monitored, and enforced on the Project site. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.
Caltrain Modernization	Here, the Compliance Checklist states:

1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. Supports Strategies: GHGRS #6	"The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project" (Appendix D, p. 31). However, while the Compliance Checklist indicates that this measure is not applicable to this Project, it fails to address the development a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled, which *is* applicable to the Project. As a result, we are unable to verify the Project's consistency with the GHGRS, and the less-than-significant impact conclusion should not be relied upon.

As the above table indicates, the IS/MND fails to provide sufficient information and analysis to determine Project consistency with all the measures required by the GHGRS. As a result, we cannot verify that the Project is consistent with the GHGRS, and the IS/MND's less-than-significant GHG impact conclusion should not be relied upon. We recommend that an EIR include further information and analysis demonstrating the Project's consistency with the GHGRS.

Design Features Should Be Included as Mitigation Measures

Our analysis demonstrates that the Project would result in potentially significant health risk and GHG impacts that should be mitigated further. We recommend that the IS/MND implement all project design features and regulatory compliance measures as formal mitigation measures. As a result, we could guarantee that these measures would be implemented, monitored, and enforced on the Project site. Including formal mitigation measures by properly committing to their implementation would result in verifiable emissions reductions that may help reduce emissions to less-than-significant levels.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: CalEEMod Output Files
Attachment B: Paul E. Rosenfeld C.V.
Attachment C: Matt Hagemann C.V.

2256 Junction Ave Proposed Project Construction - No Operations

Santa Clara County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	94.15	1000sqft	2.16	94,147.00	0
General Office Building	13.57	1000sqft	0.31	13,572.00	0
Parking Lot	79.54	1000sqft	1.83	79,542.00	0
Unenclosed Parking Structure	33.79	1000sqft	0.78	33,790.00	0
City Park	0.70	Acre	0.70	30,492.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	58
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	163	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Annual

Project Characteristics - Consistent with the IS/MND's model.

Land Use - See SWAPE comment regarding land uses.

Construction Phase - See SWAPE comment regarding paving and architectural coating phase lengths.

Grading - Consistent with the IS/MND's model.

Demolition - Consistent with the IS/MND's model.

Vehicle Trips - Consistent with the IS/MND's model. Construction only.

Construction Off-road Equipment Mitigation - See SWAPE comment regarding the use of Tier 4 Final vs. Tier 4 Interim mitigation. See also SWAPE comment regarding fugitive duct construction-related mitigation.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with the IS/MND's model.

Energy Mitigation - Consistent with the IS/MND's model.

Water Mitigation - Consistent with the IS/MND's model.

Waste Mitigation - Consistent with the IS/MND's model.

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	6.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	10.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00

tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
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tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstructionPhase	NumDays	230.00	65.00
tblConstructionPhase	NumDays	20.00	44.00
tblConstructionPhase	NumDays	20.00	65.00
tblConstructionPhase	NumDays	10.00	44.00
tblConstructionPhase	PhaseEndDate	6/22/2022	7/28/2021
tblConstructionPhase	PhaseEndDate	4/27/2022	8/1/2021
tblConstructionPhase	PhaseEndDate	4/28/2021	6/1/2021
tblConstructionPhase	PhaseEndDate	6/9/2021	8/1/2021
tblConstructionPhase	PhaseEndDate	5/25/2022	6/28/2021
tblConstructionPhase	PhaseEndDate	5/12/2021	6/1/2021
tblConstructionPhase	PhaseStartDate	5/26/2022	7/1/2021
tblConstructionPhase	PhaseStartDate	6/10/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	5/13/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	4/28/2022	6/1/2021

tblConstructionPhase	PhaseStartDate	4/29/2021	4/1/2021
tblGrading	MaterialExported	0.00	5,000.00
tblLandUse	LandUseSquareFeet	79,540.00	79,542.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	163
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	0.00
tblVehicleTrips	ST_TR	1.68	0.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	0.00
tblVehicleTrips	SU_TR	1.68	0.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	0.00
tblVehicleTrips	WD_TR	1.68	0.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.9167	3.3542	2.3321	4.8200e-003	0.6863	0.1566	0.8429	0.3460	0.1451	0.4911	0.0000	428.6549	428.6549	0.1007	0.0000	431.1719
Maximum	**0.9167**	**3.3542**	**2.3321**	**4.8200e-003**	**0.6863**	**0.1566**	**0.8429**	**0.3460**	**0.1451**	**0.4911**	**0.0000**	**428.6549**	**428.6549**	**0.1007**	**0.0000**	**431.1719**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.6768	1.6239	2.6109	4.8200e-003	0.6863	8.3500e-003	0.6947	0.3460	8.3000e-003	0.3543	0.0000	428.6545	428.6545	0.1007	0.0000	431.1715
Maximum	**0.6768**	**1.6239**	**2.6109**	**4.8200e-003**	**0.6863**	**8.3500e-003**	**0.6947**	**0.3460**	**8.3000e-003**	**0.3543**	**0.0000**	**428.6545**	**428.6545**	**0.1007**	**0.0000**	**431.1715**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**26.16**	**51.59**	**-11.95**	**0.00**	**0.00**	**94.67**	**17.58**	**0.00**	**94.28**	**27.85**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Annual

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	4-1-2021	6-30-2021	3.1256	1.4121
2	7-1-2021	9-30-2021	1.1898	0.9085
		Highest	3.1256	1.4121

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4870	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003
Energy	2.9600e-003	0.0269	0.0226	1.6000e-004		2.0400e-003	2.0400e-003		2.0400e-003	2.0400e-003	0.0000	78.1830	78.1830	9.2600e-003	2.3400e-003	79.1109
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	20.5386	0.0000	20.5386	1.2138	0.0000	50.8836
Water						0.0000	0.0000		0.0000	0.0000	7.6725	10.2736	17.9460	0.7899	0.0190	43.3503
Total	**0.4900**	**0.0269**	**0.0247**	**1.6000e-004**	**0.0000**	**2.0500e-003**	**2.0500e-003**	**0.0000**	**2.0500e-003**	**2.0500e-003**	**28.2111**	**88.4605**	**116.6717**	**2.0129**	**0.0213**	**173.3490**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4870	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003
Energy	2.9600e-003	0.0269	0.0226	1.6000e-004		2.0400e-003	2.0400e-003		2.0400e-003	2.0400e-003	0.0000	78.1830	78.1830	9.2600e-003	2.3400e-003	79.1109
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	6.1380	8.3020	14.4400	0.6319	0.0152	34.7647
Total	**0.4900**	**0.0269**	**0.0247**	**1.6000e-004**	**0.0000**	**2.0500e-003**	**2.0500e-003**	**0.0000**	**2.0500e-003**	**2.0500e-003**	**6.1380**	**86.4890**	**92.6270**	**0.6412**	**0.0175**	**113.8798**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**78.24**	**2.23**	**20.61**	**68.15**	**17.82**	**34.31**

3.0 Construction Detail

Construction Phase

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Annual

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/1/2021	6/1/2021	5	44	
2	Site Preparation	Site Preparation	4/1/2021	6/1/2021	5	44	
3	Grading	Grading	5/1/2021	8/1/2021	5	65	
4	Building Construction	Building Construction	5/1/2021	8/1/2021	5	65	
5	Paving	Paving	6/1/2021	6/28/2021	5	20	
6	Architectural Coating	Architectural Coating	7/1/2021	7/28/2021	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 32.5

Acres of Paving: 2.61

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 161,579; Non-Residential Outdoor: 53,860; Striped Parking Area: 6,800 (Architectural Coating – sqft)

OffRoad Equipment

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Annual

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	3	8.00	158	0.38
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Excavators	1	8.00	158	0.38
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Paving	Pavers	2	8.00	130	0.42
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Paving	Paving Equipment	2	8.00	132	0.36
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	191.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	625.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	104.00	41.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	21.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0207	0.0000	0.0207	3.1300e-003	0.0000	3.1300e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0696	0.6917	0.4744	8.5000e-004		0.0341	0.0341		0.0317	0.0317	0.0000	74.8017	74.8017	0.0211	0.0000	75.3281
Total	**0.0696**	**0.6917**	**0.4744**	**8.5000e-004**	**0.0207**	**0.0341**	**0.0548**	**3.1300e-003**	**0.0317**	**0.0348**	**0.0000**	**74.8017**	**74.8017**	**0.0211**	**0.0000**	**75.3281**

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	7.5000e-004	0.0255	5.5700e-003	7.0000e-005	1.6200e-003	8.0000e-005	1.7000e-003	4.5000e-004	8.0000e-005	5.2000e-004	0.0000	7.1915	7.1915	3.3000e-004	0.0000	7.1996
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0200e-003	7.0000e-004	7.5500e-003	2.0000e-005	2.6200e-003	2.0000e-005	2.6300e-003	7.0000e-004	2.0000e-005	7.1000e-004	0.0000	2.1666	2.1666	5.0000e-005	0.0000	2.1678
Total	**1.7700e-003**	**0.0262**	**0.0131**	**9.0000e-005**	**4.2400e-003**	**1.0000e-004**	**4.3300e-003**	**1.1500e-003**	**1.0000e-004**	**1.2300e-003**	**0.0000**	**9.3581**	**9.3581**	**3.8000e-004**	**0.0000**	**9.3674**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0207	0.0000	0.0207	3.1300e-003	0.0000	3.1300e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0129	0.2983	0.5428	8.5000e-004		1.3600e-003	1.3600e-003		1.3600e-003	1.3600e-003	0.0000	74.8016	74.8016	0.0211	0.0000	75.3280
Total	**0.0129**	**0.2983**	**0.5428**	**8.5000e-004**	**0.0207**	**1.3600e-003**	**0.0220**	**3.1300e-003**	**1.3600e-003**	**4.4900e-003**	**0.0000**	**74.8016**	**74.8016**	**0.0211**	**0.0000**	**75.3280**

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	7.5000e-004	0.0255	5.5700e-003	7.0000e-005	1.6200e-003	8.0000e-005	1.7000e-003	4.5000e-004	8.0000e-005	5.2000e-004	0.0000	7.1915	7.1915	3.3000e-004	0.0000	7.1996
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0200e-003	7.0000e-004	7.5500e-003	2.0000e-005	2.6200e-003	2.0000e-005	2.6300e-003	7.0000e-004	2.0000e-005	7.1000e-004	0.0000	2.1666	2.1666	5.0000e-005	0.0000	2.1678
Total	**1.7700e-003**	**0.0262**	**0.0131**	**9.0000e-005**	**4.2400e-003**	**1.0000e-004**	**4.3300e-003**	**1.1500e-003**	**1.0000e-004**	**1.2300e-003**	**0.0000**	**9.3581**	**9.3581**	**3.8000e-004**	**0.0000**	**9.3674**

3.3 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.3977	0.0000	0.3977	0.2185	0.0000	0.2185	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0855	0.8909	0.4654	8.4000e-004		0.0450	0.0450		0.0414	0.0414	0.0000	73.5586	73.5586	0.0238	0.0000	74.1533
Total	**0.0855**	**0.8909**	**0.4654**	**8.4000e-004**	**0.3977**	**0.0450**	**0.4427**	**0.2185**	**0.0414**	**0.2599**	**0.0000**	**73.5586**	**73.5586**	**0.0238**	**0.0000**	**74.1533**

3.3 Site Preparation - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.4500e-003	0.0836	0.0182	2.4000e-004	5.3000e-003	2.6000e-004	5.5600e-003	1.4600e-003	2.5000e-004	1.7100e-003	0.0000	23.5323	23.5323	1.0700e-003	0.0000	23.5590
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2200e-003	8.4000e-004	9.0600e-003	3.0000e-005	3.1400e-003	2.0000e-005	3.1600e-003	8.4000e-004	2.0000e-005	8.5000e-004	0.0000	2.5999	2.5999	6.0000e-005	0.0000	2.6014
Total	**3.6700e-003**	**0.0844**	**0.0273**	**2.7000e-004**	**8.4400e-003**	**2.8000e-004**	**8.7200e-003**	**2.3000e-003**	**2.7000e-004**	**2.5600e-003**	**0.0000**	**26.1322**	**26.1322**	**1.1300e-003**	**0.0000**	**26.1604**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.3977	0.0000	0.3977	0.2185	0.0000	0.2185	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0153	0.2676	0.5051	8.4000e-004		1.3700e-003	1.3700e-003		1.3700e-003	1.3700e-003	0.0000	73.5585	73.5585	0.0238	0.0000	74.1533
Total	**0.0153**	**0.2676**	**0.5051**	**8.4000e-004**	**0.3977**	**1.3700e-003**	**0.3991**	**0.2185**	**1.3700e-003**	**0.2199**	**0.0000**	**73.5585**	**73.5585**	**0.0238**	**0.0000**	**74.1533**

3.3 Site Preparation - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.4500e-003	0.0836	0.0182	2.4000e-004	5.3000e-003	2.6000e-004	5.5600e-003	1.4600e-003	2.5000e-004	1.7100e-003	0.0000	23.5323	23.5323	1.0700e-003	0.0000	23.5590
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2200e-003	8.4000e-004	9.0600e-003	3.0000e-005	3.1400e-003	2.0000e-005	3.1600e-003	8.4000e-004	2.0000e-005	8.5000e-004	0.0000	2.5999	2.5999	6.0000e-005	0.0000	2.6014
Total	**3.6700e-003**	**0.0844**	**0.0273**	**2.7000e-004**	**8.4400e-003**	**2.8000e-004**	**8.7200e-003**	**2.3000e-003**	**2.7000e-004**	**2.5600e-003**	**0.0000**	**26.1322**	**26.1322**	**1.1300e-003**	**0.0000**	**26.1604**

3.4 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.2130	0.0000	0.2130	0.1094	0.0000	0.1094	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0744	0.8039	0.5154	9.6000e-004		0.0377	0.0377		0.0347	0.0347	0.0000	84.6745	84.6745	0.0274	0.0000	85.3592
Total	**0.0744**	**0.8039**	**0.5154**	**9.6000e-004**	**0.2130**	**0.0377**	**0.2507**	**0.1094**	**0.0347**	**0.1441**	**0.0000**	**84.6745**	**84.6745**	**0.0274**	**0.0000**	**85.3592**

3.4 Grading - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.5000e-003	1.0400e-003	0.0112	4.0000e-005	3.8700e-003	2.0000e-005	3.8900e-003	1.0300e-003	2.0000e-005	1.0500e-003	0.0000	3.2006	3.2006	7.0000e-005	0.0000	3.2025
Total	**1.5000e-003**	**1.0400e-003**	**0.0112**	**4.0000e-005**	**3.8700e-003**	**2.0000e-005**	**3.8900e-003**	**1.0300e-003**	**2.0000e-005**	**1.0500e-003**	**0.0000**	**3.2006**	**3.2006**	**7.0000e-005**	**0.0000**	**3.2025**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.2130	0.0000	0.2130	0.1094	0.0000	0.1094	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0169	0.3358	0.6172	9.6000e-004		1.5700e-003	1.5700e-003		1.5700e-003	1.5700e-003	0.0000	84.6744	84.6744	0.0274	0.0000	85.3591
Total	**0.0169**	**0.3358**	**0.6172**	**9.6000e-004**	**0.2130**	**1.5700e-003**	**0.2145**	**0.1094**	**1.5700e-003**	**0.1110**	**0.0000**	**84.6744**	**84.6744**	**0.0274**	**0.0000**	**85.3591**

3.4 Grading - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.5000e-003	1.0400e-003	0.0112	4.0000e-005	3.8700e-003	2.0000e-005	3.8900e-003	1.0300e-003	2.0000e-005	1.0500e-003	0.0000	3.2006	3.2006	7.0000e-005	0.0000	3.2025
Total	**1.5000e-003**	**1.0400e-003**	**0.0112**	**4.0000e-005**	**3.8700e-003**	**2.0000e-005**	**3.8900e-003**	**1.0300e-003**	**2.0000e-005**	**1.0500e-003**	**0.0000**	**3.2006**	**3.2006**	**7.0000e-005**	**0.0000**	**3.2025**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0618	0.5665	0.5387	8.7000e-004		0.0312	0.0312		0.0293	0.0293	0.0000	75.2821	75.2821	0.0182	0.0000	75.7362
Total	**0.0618**	**0.5665**	**0.5387**	**8.7000e-004**		**0.0312**	**0.0312**		**0.0293**	**0.0293**	**0.0000**	**75.2821**	**75.2821**	**0.0182**	**0.0000**	**75.7362**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.3500e-003	0.1369	0.0365	3.6000e-004	8.7700e-003	3.0000e-004	9.0700e-003	2.5300e-003	2.9000e-004	2.8200e-003	0.0000	34.5157	34.5157	1.5000e-003	0.0000	34.5533
Worker	0.0104	7.2100e-003	0.0773	2.5000e-004	0.0268	1.7000e-004	0.0270	7.1300e-003	1.6000e-004	7.2800e-003	0.0000	22.1911	22.1911	5.0000e-004	0.0000	22.2037
Total	**0.0148**	**0.1441**	**0.1138**	**6.1000e-004**	**0.0356**	**4.7000e-004**	**0.0361**	**9.6600e-003**	**4.5000e-004**	**0.0101**	**0.0000**	**56.7068**	**56.7068**	**2.0000e-003**	**0.0000**	**56.7570**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0173	0.3547	0.5809	8.7000e-004		2.7500e-003	2.7500e-003		2.7500e-003	2.7500e-003	0.0000	75.2820	75.2820	0.0182	0.0000	75.7361
Total	**0.0173**	**0.3547**	**0.5809**	**8.7000e-004**		**2.7500e-003**	**2.7500e-003**		**2.7500e-003**	**2.7500e-003**	**0.0000**	**75.2820**	**75.2820**	**0.0182**	**0.0000**	**75.7361**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.3500e-003	0.1369	0.0365	3.6000e-004	8.7700e-003	3.0000e-004	9.0700e-003	2.5300e-003	2.9000e-004	2.8200e-003	0.0000	34.5157	34.5157	1.5000e-003	0.0000	34.5533
Worker	0.0104	7.2100e-003	0.0773	2.5000e-004	0.0268	1.7000e-004	0.0270	7.1300e-003	1.6000e-004	7.2800e-003	0.0000	22.1911	22.1911	5.0000e-004	0.0000	22.2037
Total	**0.0148**	**0.1441**	**0.1138**	**6.1000e-004**	**0.0356**	**4.7000e-004**	**0.0361**	**9.6600e-003**	**4.5000e-004**	**0.0101**	**0.0000**	**56.7068**	**56.7068**	**2.0000e-003**	**0.0000**	**56.7570**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0126	0.1292	0.1465	2.3000e-004		6.7800e-003	6.7800e-003		6.2400e-003	6.2400e-003	0.0000	20.0235	20.0235	6.4800e-003	0.0000	20.1854
Paving	2.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0150**	**0.1292**	**0.1465**	**2.3000e-004**		**6.7800e-003**	**6.7800e-003**		**6.2400e-003**	**6.2400e-003**	**0.0000**	**20.0235**	**20.0235**	**6.4800e-003**	**0.0000**	**20.1854**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.6000e-004	3.2000e-004	3.4300e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9848	0.9848	2.0000e-005	0.0000	0.9854
Total	**4.6000e-004**	**3.2000e-004**	**3.4300e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.2000e-004**	**0.0000**	**0.9848**	**0.9848**	**2.0000e-005**	**0.0000**	**0.9854**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.3400e-003	0.1004	0.1730	2.3000e-004		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004	0.0000	20.0235	20.0235	6.4800e-003	0.0000	20.1854
Paving	2.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**5.7400e-003**	**0.1004**	**0.1730**	**2.3000e-004**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**	**0.0000**	**20.0235**	**20.0235**	**6.4800e-003**	**0.0000**	**20.1854**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.6000e-004	3.2000e-004	3.4300e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9848	0.9848	2.0000e-005	0.0000	0.9854
Total	**4.6000e-004**	**3.2000e-004**	**3.4300e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.2000e-004**	**0.0000**	**0.9848**	**0.9848**	**2.0000e-005**	**0.0000**	**0.9854**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.5853					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.1900e-003	0.0153	0.0182	3.0000e-005		9.4000e-004	9.4000e-004		9.4000e-004	9.4000e-004	0.0000	2.5533	2.5533	1.8000e-004	0.0000	2.5576
Total	**0.5875**	**0.0153**	**0.0182**	**3.0000e-005**		**9.4000e-004**	**9.4000e-004**		**9.4000e-004**	**9.4000e-004**	**0.0000**	**2.5533**	**2.5533**	**1.8000e-004**	**0.0000**	**2.5576**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.5000e-004	4.5000e-004	4.8000e-003	2.0000e-005	1.6700e-003	1.0000e-005	1.6800e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.3787	1.3787	3.0000e-005	0.0000	1.3795
Total	**6.5000e-004**	**4.5000e-004**	**4.8000e-003**	**2.0000e-005**	**1.6700e-003**	**1.0000e-005**	**1.6800e-003**	**4.4000e-004**	**1.0000e-005**	**4.5000e-004**	**0.0000**	**1.3787**	**1.3787**	**3.0000e-005**	**0.0000**	**1.3795**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.5853					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	5.4000e-004	0.0106	0.0183	3.0000e-005		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	2.5533	2.5533	1.8000e-004	0.0000	2.5576
Total	**0.5859**	**0.0106**	**0.0183**	**3.0000e-005**		**4.0000e-005**	**4.0000e-005**		**4.0000e-005**	**4.0000e-005**	**0.0000**	**2.5533**	**2.5533**	**1.8000e-004**	**0.0000**	**2.5576**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.5000e-004	4.5000e-004	4.8000e-003	2.0000e-005	1.6700e-003	1.0000e-005	1.6800e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.3787	1.3787	3.0000e-005	0.0000	1.3795
Total	**6.5000e-004**	**4.5000e-004**	**4.8000e-003**	**2.0000e-005**	**1.6700e-003**	**1.0000e-005**	**1.6800e-003**	**4.4000e-004**	**1.0000e-005**	**4.5000e-004**	**0.0000**	**1.3787**	**1.3787**	**3.0000e-005**	**0.0000**	**1.3795**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Pedestrian Network

Implement Trip Reduction Program

Transit Subsidy

Encourage Telecommuting and Alternative Work Schedules

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	0.00	0.00	0.00		
General Office Building	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking Structure	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	77	19	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking Structure	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
General Office Building	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Parking Lot	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unenclosed Parking Structure	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unrefrigerated Warehouse-No Rail	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	48.8936	48.8936	8.7000e-003	1.8000e-003	49.6474
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	48.8936	48.8936	8.7000e-003	1.8000e-003	49.6474
NaturalGas Mitigated	2.9600e-003	0.0269	0.0226	1.6000e-004		2.0400e-003	2.0400e-003		2.0400e-003	2.0400e-003	0.0000	29.2895	29.2895	5.6000e-004	5.4000e-004	29.4635
NaturalGas Unmitigated	2.9600e-003	0.0269	0.0226	1.6000e-004		2.0400e-003	2.0400e-003		2.0400e-003	2.0400e-003	0.0000	29.2895	29.2895	5.6000e-004	5.4000e-004	29.4635

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	222174	1.2000e-003	0.0109	9.1500e-003	7.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004	0.0000	11.8560	11.8560	2.3000e-004	2.2000e-004	11.9265
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	326690	1.7600e-003	0.0160	0.0135	1.0000e-004		1.2200e-003	1.2200e-003		1.2200e-003	1.2200e-003	0.0000	17.4334	17.4334	3.3000e-004	3.2000e-004	17.5370
Total		**2.9600e-003**	**0.0269**	**0.0226**	**1.7000e-004**		**2.0500e-003**	**2.0500e-003**		**2.0500e-003**	**2.0500e-003**	**0.0000**	**29.2895**	**29.2895**	**5.6000e-004**	**5.4000e-004**	**29.4635**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	222174	1.2000e-003	0.0109	9.1500e-003	7.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004	0.0000	11.8560	11.8560	2.3000e-004	2.2000e-004	11.9265
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	326690	1.7600e-003	0.0160	0.0135	1.0000e-004		1.2200e-003	1.2200e-003		1.2200e-003	1.2200e-003	0.0000	17.4334	17.4334	3.3000e-004	3.2000e-004	17.5370
Total		**2.9600e-003**	**0.0269**	**0.0226**	**1.7000e-004**		**2.0500e-003**	**2.0500e-003**		**2.0500e-003**	**2.0500e-003**	**0.0000**	**29.2895**	**29.2895**	**5.6000e-004**	**5.4000e-004**	**29.4635**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
General Office Building	241989	17.8916	3.1800e-003	6.6000e-004	18.1674
Parking Lot	27839.7	2.0583	3.7000e-004	8.0000e-005	2.0901
Unenclosed Parking Structure	59132.5	4.3720	7.8000e-004	1.6000e-004	4.4394
Unrefrigerated Warehouse-No Rail	332339	24.5717	4.3700e-003	9.0000e-004	24.9505
Total		**48.8936**	**8.7000e-003**	**1.8000e-003**	**49.6474**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
General Office Building	241989	17.8916	3.1800e-003	6.6000e-004	18.1674
Parking Lot	27839.7	2.0583	3.7000e-004	8.0000e-005	2.0901
Unenclosed Parking Structure	59132.5	4.3720	7.8000e-004	1.6000e-004	4.4394
Unrefrigerated Warehouse-No Rail	332339	24.5717	4.3700e-003	9.0000e-004	24.9505
Total		**48.8936**	**8.7000e-003**	**1.8000e-003**	**49.6474**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.4870	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003
Unmitigated	0.4870	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0585					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.4283					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.9000e-004	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003
Total	**0.4870**	**2.0000e-005**	**2.0500e-003**	**0.0000**		**1.0000e-005**	**1.0000e-005**		**1.0000e-005**	**1.0000e-005**	**0.0000**	**3.9600e-003**	**3.9600e-003**	**1.0000e-005**	**0.0000**	**4.2300e-003**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0585					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.4283					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.9000e-004	2.0000e-005	2.0500e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	3.9600e-003	3.9600e-003	1.0000e-005	0.0000	4.2300e-003
Total	**0.4870**	**2.0000e-005**	**2.0500e-003**	**0.0000**		**1.0000e-005**	**1.0000e-005**		**1.0000e-005**	**1.0000e-005**	**0.0000**	**3.9600e-003**	**3.9600e-003**	**1.0000e-005**	**0.0000**	**4.2300e-003**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Irrigation System

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	14.4400	0.6319	0.0152	34.7647
Unmitigated	17.9460	0.7899	0.0190	43.3503

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 0.834037	0.2158	4.0000e-005	1.0000e-005	0.2192
General Office Building	2.41185 / 1.47823	2.1126	0.0788	1.9100e-003	4.6511
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0 / 0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	21.7722 / 0	15.6176	0.7110	0.0171	38.4800
Total		**17.9460**	**0.7899**	**0.0190**	**43.3503**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 0.783161	0.2027	4.0000e-005	1.0000e-005	0.2058
General Office Building	1.92948 / 1.38806	1.7432	0.0631	1.5300e-003	3.7749
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0 / 0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	17.4178 / 0	12.4941	0.5688	0.0137	30.7840
Total		**14.4400**	**0.6319**	**0.0152**	**34.7647**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	20.5386	1.2138	0.0000	50.8836

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.06	0.0122	7.2000e-004	0.0000	0.0302
General Office Building	12.62	2.5618	0.1514	0.0000	6.3466
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	88.5	17.9647	1.0617	0.0000	44.5068
Total		**20.5386**	**1.2138**	**0.0000**	**50.8836**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park		0.0000	0.0000	0.0000	0.0000
General Office Building		0.0000	0.0000	0.0000	0.0000
Parking Lot		0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure		0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail		0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

2256 Junction Ave Proposed Project Construction - No Operations

Santa Clara County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	94.15	1000sqft	2.16	94,147.00	0
General Office Building	13.57	1000sqft	0.31	13,572.00	0
Parking Lot	79.54	1000sqft	1.83	79,542.00	0
Unenclosed Parking Structure	33.79	1000sqft	0.78	33,790.00	0
City Park	0.70	Acre	0.70	30,492.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	58
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	163	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Summer

Project Characteristics - Consistent with the IS/MND's model.

Land Use - See SWAPE comment regarding land uses.

Construction Phase - See SWAPE comment regarding paving and architectural coating phase lengths.

Grading - Consistent with the IS/MND's model.

Demolition - Consistent with the IS/MND's model.

Vehicle Trips - Consistent with the IS/MND's model. Construction only.

Construction Off-road Equipment Mitigation - See SWAPE comment regarding the use of Tier 4 Final vs. Tier 4 Interim mitigation. See also SWAPE comment regarding fugitive duct construction-related mitigation.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with the IS/MND's model.

Energy Mitigation - Consistent with the IS/MND's model.

Water Mitigation - Consistent with the IS/MND's model.

Waste Mitigation - Consistent with the IS/MND's model.

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	6.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	10.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00

tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstructionPhase	NumDays	230.00	65.00
tblConstructionPhase	NumDays	20.00	44.00
tblConstructionPhase	NumDays	20.00	65.00
tblConstructionPhase	NumDays	10.00	44.00
tblConstructionPhase	PhaseEndDate	6/22/2022	7/28/2021
tblConstructionPhase	PhaseEndDate	4/27/2022	8/1/2021
tblConstructionPhase	PhaseEndDate	4/28/2021	6/1/2021
tblConstructionPhase	PhaseEndDate	6/9/2021	8/1/2021
tblConstructionPhase	PhaseEndDate	5/25/2022	6/28/2021
tblConstructionPhase	PhaseEndDate	5/12/2021	6/1/2021
tblConstructionPhase	PhaseStartDate	5/26/2022	7/1/2021
tblConstructionPhase	PhaseStartDate	6/10/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	5/13/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	4/28/2022	6/1/2021

tblConstructionPhase	PhaseStartDate	4/29/2021	4/1/2021
tblGrading	MaterialExported	0.00	5,000.00
tblLandUse	LandUseSquareFeet	79,540.00	79,542.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	163
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	0.00
tblVehicleTrips	ST_TR	1.68	0.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	0.00
tblVehicleTrips	SU_TR	1.68	0.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	0.00
tblVehicleTrips	WD_TR	1.68	0.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	63.5246	136.3759	96.1121	0.1950	27.5447	6.4250	33.9697	13.9750	5.9451	19.9201	0.0000	19,099.2541	19,099.2541	4.6530	0.0000	19,215.5779
Maximum	**63.5246**	**136.3759**	**96.1121**	**0.1950**	**27.5447**	**6.4250**	**33.9697**	**13.9750**	**5.9451**	**19.9201**	**0.0000**	**19,099.2541**	**19,099.2541**	**4.6530**	**0.0000**	**19,215.5779**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	60.2224	66.3542	108.1008	0.1950	27.5447	0.3271	27.8717	13.9750	0.3253	14.3004	0.0000	19,099.2541	19,099.2541	4.6530	0.0000	19,215.5779
Maximum	**60.2224**	**66.3542**	**108.1008**	**0.1950**	**27.5447**	**0.3271**	**27.8717**	**13.9750**	**0.3253**	**14.3004**	**0.0000**	**19,099.2541**	**19,099.2541**	**4.6530**	**0.0000**	**19,215.5779**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**5.20**	**51.34**	**-12.47**	**0.00**	**0.00**	**94.91**	**17.95**	**0.00**	**94.53**	**28.21**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Energy	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.6860**	**0.1476**	**0.1466**	**8.8000e-004**	**0.0000**	**0.0113**	**0.0113**	**0.0000**	**0.0113**	**0.0113**		**176.9587**	**176.9587**	**3.5200e-003**	**3.2400e-003**	**178.0132**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Energy	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.6860**	**0.1476**	**0.1466**	**8.8000e-004**	**0.0000**	**0.0113**	**0.0113**	**0.0000**	**0.0113**	**0.0113**		**176.9587**	**176.9587**	**3.5200e-003**	**3.2400e-003**	**178.0132**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/1/2021	6/1/2021	5	44	
2	Site Preparation	Site Preparation	4/1/2021	6/1/2021	5	44	
3	Grading	Grading	5/1/2021	8/1/2021	5	65	
4	Building Construction	Building Construction	5/1/2021	8/1/2021	5	65	
5	Paving	Paving	6/1/2021	6/28/2021	5	20	
6	Architectural Coating	Architectural Coating	7/1/2021	7/28/2021	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 32.5

Acres of Paving: 2.61

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 161,579; Non-Residential Outdoor: 53,860; Striped Parking Area: 6,800 (Architectural Coating – sqft)

OffRoad Equipment

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Summer

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	3	8.00	158	0.38
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Excavators	1	8.00	158	0.38
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Paving	Pavers	2	8.00	130	0.42
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Paving	Paving Equipment	2	8.00	132	0.36
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	191.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	625.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	104.00	41.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	21.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.9396	0.0000	0.9396	0.1423	0.0000	0.1423			0.0000			0.0000
Off-Road	3.1651	31.4407	21.5650	0.0388		1.5513	1.5513		1.4411	1.4411		3,747.9449	3,747.9449	1.0549		3,774.3174
Total	**3.1651**	**31.4407**	**21.5650**	**0.0388**	**0.9396**	**1.5513**	**2.4910**	**0.1423**	**1.4411**	**1.5834**		**3,747.9449**	**3,747.9449**	**1.0549**		**3,774.3174**

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0337	1.1384	0.2453	3.4000e-003	0.0759	3.6000e-003	0.0795	0.0208	3.4400e-003	0.0242		362.9309	362.9309	0.0160		363.3317
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0820**	**1.1671**	**0.6233**	**4.5700e-003**	**0.1991**	**4.3500e-003**	**0.2034**	**0.0535**	**4.1300e-003**	**0.0576**		**479.6325**	**479.6325**	**0.0187**		**480.0996**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.9396	0.0000	0.9396	0.1423	0.0000	0.1423			0.0000			0.0000
Off-Road	0.5841	13.5576	24.6739	0.0388		0.0616	0.0616		0.0616	0.0616	0.0000	3,747.9449	3,747.9449	1.0549		3,774.3174
Total	**0.5841**	**13.5576**	**24.6739**	**0.0388**	**0.9396**	**0.0616**	**1.0013**	**0.1423**	**0.0616**	**0.2039**	**0.0000**	**3,747.9449**	**3,747.9449**	**1.0549**		**3,774.3174**

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0337	1.1384	0.2453	3.4000e-003	0.0759	3.6000e-003	0.0795	0.0208	3.4400e-003	0.0242		362.9309	362.9309	0.0160		363.3317
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0820**	**1.1671**	**0.6233**	**4.5700e-003**	**0.1991**	**4.3500e-003**	**0.2034**	**0.0535**	**4.1300e-003**	**0.0576**		**479.6325**	**479.6325**	**0.0187**		**480.0996**

3.3 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					18.0791	0.0000	18.0791	9.9326	0.0000	9.9326			0.0000			0.0000
Off-Road	3.8882	40.4971	21.1543	0.0380		2.0445	2.0445		1.8809	1.8809		3,685.6569	3,685.6569	1.1920		3,715.4573
Total	**3.8882**	**40.4971**	**21.1543**	**0.0380**	**18.0791**	**2.0445**	**20.1236**	**9.9326**	**1.8809**	**11.8135**		**3,685.6569**	**3,685.6569**	**1.1920**		**3,715.4573**

3.3 Site Preparation - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1101	3.7252	0.8027	0.0111	0.2483	0.0118	0.2601	0.0681	0.0113	0.0793		1,187.6010	1,187.6010	0.0525		1,188.9125
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0580	0.0343	0.4536	1.4100e-003	0.1479	9.0000e-004	0.1488	0.0392	8.3000e-004	0.0401		140.0420	140.0420	3.1800e-003		140.1215
Total	**0.1681**	**3.7596**	**1.2563**	**0.0125**	**0.3962**	**0.0127**	**0.4088**	**0.1073**	**0.0121**	**0.1194**		**1,327.6430**	**1,327.6430**	**0.0556**		**1,329.0340**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					18.0791	0.0000	18.0791	9.9326	0.0000	9.9326			0.0000			0.0000
Off-Road	0.6967	12.1620	22.9600	0.0380		0.0621	0.0621		0.0621	0.0621	0.0000	3,685.6569	3,685.6569	1.1920		3,715.4573
Total	**0.6967**	**12.1620**	**22.9600**	**0.0380**	**18.0791**	**0.0621**	**18.1412**	**9.9326**	**0.0621**	**9.9947**	**0.0000**	**3,685.6569**	**3,685.6569**	**1.1920**		**3,715.4573**

3.3 Site Preparation - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1101	3.7252	0.8027	0.0111	0.2483	0.0118	0.2601	0.0681	0.0113	0.0793		1,187.6010	1,187.6010	0.0525		1,188.9125
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0580	0.0343	0.4536	1.4100e-003	0.1479	9.0000e-004	0.1488	0.0392	8.3000e-004	0.0401		140.0420	140.0420	3.1800e-003		140.1215
Total	**0.1681**	**3.7596**	**1.2563**	**0.0125**	**0.3962**	**0.0127**	**0.4088**	**0.1073**	**0.0121**	**0.1194**		**1,327.6430**	**1,327.6430**	**0.0556**		**1,329.0340**

3.4 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.5523	0.0000	6.5523	3.3675	0.0000	3.3675			0.0000			0.0000
Off-Road	2.2903	24.7367	15.8575	0.0296		1.1599	1.1599		1.0671	1.0671		2,871.9285	2,871.9285	0.9288		2,895.1495
Total	**2.2903**	**24.7367**	**15.8575**	**0.0296**	**6.5523**	**1.1599**	**7.7123**	**3.3675**	**1.0671**	**4.4346**		**2,871.9285**	**2,871.9285**	**0.9288**		**2,895.1495**

3.4 Grading - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0483**	**0.0286**	**0.3780**	**1.1700e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**116.7016**	**116.7016**	**2.6500e-003**		**116.7679**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.5523	0.0000	6.5523	3.3675	0.0000	3.3675			0.0000			0.0000
Off-Road	0.5200	10.3327	18.9906	0.0296		0.0484	0.0484		0.0484	0.0484	0.0000	2,871.9285	2,871.9285	0.9288		2,895.1495
Total	**0.5200**	**10.3327**	**18.9906**	**0.0296**	**6.5523**	**0.0484**	**6.6008**	**3.3675**	**0.0484**	**3.4159**	**0.0000**	**2,871.9285**	**2,871.9285**	**0.9288**		**2,895.1495**

3.4 Grading - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0483**	**0.0286**	**0.3780**	**1.1700e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**116.7016**	**116.7016**	**2.6500e-003**		**116.7679**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.9009	17.4321	16.5752	0.0269		0.9586	0.9586		0.9013	0.9013		2,553.3639	2,553.3639	0.6160		2,568.7643
Total	**1.9009**	**17.4321**	**16.5752**	**0.0269**		**0.9586**	**0.9586**		**0.9013**	**0.9013**		**2,553.3639**	**2,553.3639**	**0.6160**		**2,568.7643**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1307	4.1680	1.0505	0.0112	0.2776	9.2200e-003	0.2868	0.0799	8.8100e-003	0.0887		1,183.3390	1,183.3390	0.0493		1,184.5719
Worker	0.3349	0.1984	2.6208	8.1200e-003	0.8543	5.1900e-003	0.8595	0.2266	4.7800e-003	0.2314		809.1313	809.1313	0.0184		809.5909
Total	**0.4656**	**4.3665**	**3.6713**	**0.0193**	**1.1319**	**0.0144**	**1.1463**	**0.3065**	**0.0136**	**0.3201**		**1,992.4703**	**1,992.4703**	**0.0677**		**1,994.1628**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5335	10.9122	17.8738	0.0269		0.0846	0.0846		0.0846	0.0846	0.0000	2,553.3639	2,553.3639	0.6160		2,568.7643
Total	**0.5335**	**10.9122**	**17.8738**	**0.0269**		**0.0846**	**0.0846**		**0.0846**	**0.0846**	**0.0000**	**2,553.3639**	**2,553.3639**	**0.6160**		**2,568.7643**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1307	4.1680	1.0505	0.0112	0.2776	9.2200e-003	0.2868	0.0799	8.8100e-003	0.0887		1,183.3390	1,183.3390	0.0493		1,184.5719
Worker	0.3349	0.1984	2.6208	8.1200e-003	0.8543	5.1900e-003	0.8595	0.2266	4.7800e-003	0.2314		809.1313	809.1313	0.0184		809.5909
Total	**0.4656**	**4.3665**	**3.6713**	**0.0193**	**1.1319**	**0.0144**	**1.1463**	**0.3065**	**0.0136**	**0.3201**		**1,992.4703**	**1,992.4703**	**0.0677**		**1,994.1628**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.2556	12.9191	14.6532	0.0228		0.6777	0.6777		0.6235	0.6235		2,207.2109	2,207.2109	0.7139		2,225.0573
Paving	0.2397					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.4953**	**12.9191**	**14.6532**	**0.0228**		**0.6777**	**0.6777**		**0.6235**	**0.6235**		**2,207.2109**	**2,207.2109**	**0.7139**		**2,225.0573**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0483**	**0.0286**	**0.3780**	**1.1700e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**116.7016**	**116.7016**	**2.6500e-003**		**116.7679**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.3341	10.0395	17.2957	0.0228		0.0374	0.0374		0.0374	0.0374	0.0000	2,207.2109	2,207.2109	0.7139		2,225.0573
Paving	0.2397					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.5738**	**10.0395**	**17.2957**	**0.0228**		**0.0374**	**0.0374**		**0.0374**	**0.0374**	**0.0000**	**2,207.2109**	**2,207.2109**	**0.7139**		**2,225.0573**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0483	0.0286	0.3780	1.1700e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		116.7016	116.7016	2.6500e-003		116.7679
Total	**0.0483**	**0.0286**	**0.3780**	**1.1700e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**116.7016**	**116.7016**	**2.6500e-003**		**116.7679**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	58.5329					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941		281.4481	281.4481	0.0193		281.9309
Total	**58.7518**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**		**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0676	0.0401	0.5292	1.6400e-003	0.1725	1.0500e-003	0.1736	0.0458	9.7000e-004	0.0467		163.3823	163.3823	3.7100e-003		163.4751
Total	**0.0676**	**0.0401**	**0.5292**	**1.6400e-003**	**0.1725**	**1.0500e-003**	**0.1736**	**0.0458**	**9.7000e-004**	**0.0467**		**163.3823**	**163.3823**	**3.7100e-003**		**163.4751**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	58.5329					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.0545	1.0598	1.8324	2.9700e-003		3.9600e-003	3.9600e-003		3.9600e-003	3.9600e-003	0.0000	281.4481	281.4481	0.0193		281.9309
Total	**58.5874**	**1.0598**	**1.8324**	**2.9700e-003**		**3.9600e-003**	**3.9600e-003**		**3.9600e-003**	**3.9600e-003**	**0.0000**	**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0676	0.0401	0.5292	1.6400e-003	0.1725	1.0500e-003	0.1736	0.0458	9.7000e-004	0.0467		163.3823	163.3823	3.7100e-003		163.4751
Total	**0.0676**	**0.0401**	**0.5292**	**1.6400e-003**	**0.1725**	**1.0500e-003**	**0.1736**	**0.0458**	**9.7000e-004**	**0.0467**		**163.3823**	**163.3823**	**3.7100e-003**		**163.4751**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Pedestrian Network

Implement Trip Reduction Program

Transit Subsidy

Encourage Telecommuting and Alternative Work Schedules

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	0.00	0.00	0.00		
General Office Building	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking Structure	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	77	19	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking Structure	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
General Office Building	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Parking Lot	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unenclosed Parking Structure	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unrefrigerated Warehouse-No Rail	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
NaturalGas Unmitigated	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	608.695	6.5600e-003	0.0597	0.0501	3.6000e-004		4.5400e-003	4.5400e-003		4.5400e-003	4.5400e-003		71.6112	71.6112	1.3700e-003	1.3100e-003	72.0367
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	895.041	9.6500e-003	0.0878	0.0737	5.3000e-004		6.6700e-003	6.6700e-003		6.6700e-003	6.6700e-003		105.2990	105.2990	2.0200e-003	1.9300e-003	105.9247
Total		**0.0162**	**0.1474**	**0.1238**	**8.9000e-004**		**0.0112**	**0.0112**		**0.0112**	**0.0112**		**176.9102**	**176.9102**	**3.3900e-003**	**3.2400e-003**	**177.9614**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	0.608695	6.5600e-003	0.0597	0.0501	3.6000e-004		4.5400e-003	4.5400e-003		4.5400e-003	4.5400e-003		71.6112	71.6112	1.3700e-003	1.3100e-003	72.0367
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0.895041	9.6500e-003	0.0878	0.0737	5.3000e-004		6.6700e-003	6.6700e-003		6.6700e-003	6.6700e-003		105.2990	105.2990	2.0200e-003	1.9300e-003	105.9247
Total		**0.0162**	**0.1474**	**0.1238**	**8.9000e-004**		**0.0112**	**0.0112**		**0.0112**	**0.0112**		**176.9102**	**176.9102**	**3.3900e-003**	**3.2400e-003**	**177.9614**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Unmitigated	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3207					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3469					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.1200e-003	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Total	**2.6698**	**2.1000e-004**	**0.0227**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**		**0.0485**	**0.0485**	**1.3000e-004**		**0.0518**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3207					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3469					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.1200e-003	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Total	**2.6698**	**2.1000e-004**	**0.0227**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**		**0.0485**	**0.0485**	**1.3000e-004**		**0.0518**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Irrigation System

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

2256 Junction Ave Proposed Project Construction - No Operations

Santa Clara County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	94.15	1000sqft	2.16	94,147.00	0
General Office Building	13.57	1000sqft	0.31	13,572.00	0
Parking Lot	79.54	1000sqft	1.83	79,542.00	0
Unenclosed Parking Structure	33.79	1000sqft	0.78	33,790.00	0
City Park	0.70	Acre	0.70	30,492.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	58
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	163	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Winter

Project Characteristics - Consistent with the IS/MND's model.

Land Use - See SWAPE comment regarding land uses.

Construction Phase - See SWAPE comment regarding paving and architectural coating phase lengths.

Grading - Consistent with the IS/MND's model.

Demolition - Consistent with the IS/MND's model.

Vehicle Trips - Consistent with the IS/MND's model. Construction only.

Construction Off-road Equipment Mitigation - See SWAPE comment regarding the use of Tier 4 Final vs. Tier 4 Interim mitigation. See also SWAPE comment regarding fugitive duct construction-related mitigation.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with the IS/MND's model.

Energy Mitigation - Consistent with the IS/MND's model.

Water Mitigation - Consistent with the IS/MND's model.

Waste Mitigation - Consistent with the IS/MND's model.

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	6.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	10.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00

tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
tblConstEquipMitigation	Tier	No Change	Tier 4 Interim
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tblConstructionPhase	NumDays	20.00	65.00
tblConstructionPhase	NumDays	10.00	44.00
tblConstructionPhase	PhaseEndDate	6/22/2022	7/28/2021
tblConstructionPhase	PhaseEndDate	4/27/2022	8/1/2021
tblConstructionPhase	PhaseEndDate	4/28/2021	6/1/2021
tblConstructionPhase	PhaseEndDate	6/9/2021	8/1/2021
tblConstructionPhase	PhaseEndDate	5/25/2022	6/28/2021
tblConstructionPhase	PhaseEndDate	5/12/2021	6/1/2021
tblConstructionPhase	PhaseStartDate	5/26/2022	7/1/2021
tblConstructionPhase	PhaseStartDate	6/10/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	5/13/2021	5/1/2021
tblConstructionPhase	PhaseStartDate	4/28/2022	6/1/2021

tblConstructionPhase	PhaseStartDate	4/29/2021	4/1/2021
tblGrading	MaterialExported	0.00	5,000.00
tblLandUse	LandUseSquareFeet	79,540.00	79,542.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	163
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	0.00
tblVehicleTrips	ST_TR	1.68	0.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	0.00
tblVehicleTrips	SU_TR	1.68	0.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	0.00
tblVehicleTrips	WD_TR	1.68	0.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	63.5619	136.5964	96.0183	0.1934	27.5447	6.4255	33.9702	13.9750	5.9456	19.9206	0.0000	18,937.0403	18,937.0403	4.6578	0.0000	19,053.4851
Maximum	**63.5619**	**136.5964**	**96.0183**	**0.1934**	**27.5447**	**6.4255**	**33.9702**	**13.9750**	**5.9456**	**19.9206**	**0.0000**	**18,937.0403**	**18,937.0403**	**4.6578**	**0.0000**	**19,053.4851**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	60.2597	66.5747	108.0071	0.1934	27.5447	0.3276	27.8723	13.9750	0.3259	14.3009	0.0000	18,937.0403	18,937.0403	4.6578	0.0000	19,053.4851
Maximum	**60.2597**	**66.5747**	**108.0071**	**0.1934**	**27.5447**	**0.3276**	**27.8723**	**13.9750**	**0.3259**	**14.3009**	**0.0000**	**18,937.0403**	**18,937.0403**	**4.6578**	**0.0000**	**19,053.4851**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**5.20**	**51.26**	**-12.49**	**0.00**	**0.00**	**94.90**	**17.95**	**0.00**	**94.52**	**28.21**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Energy	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.6860**	**0.1476**	**0.1466**	**8.8000e-004**	**0.0000**	**0.0113**	**0.0113**	**0.0000**	**0.0113**	**0.0113**		**176.9587**	**176.9587**	**3.5200e-003**	**3.2400e-003**	**178.0132**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Energy	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.6860**	**0.1476**	**0.1466**	**8.8000e-004**	**0.0000**	**0.0113**	**0.0113**	**0.0000**	**0.0113**	**0.0113**		**176.9587**	**176.9587**	**3.5200e-003**	**3.2400e-003**	**178.0132**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/1/2021	6/1/2021	5	44	
2	Site Preparation	Site Preparation	4/1/2021	6/1/2021	5	44	
3	Grading	Grading	5/1/2021	8/1/2021	5	65	
4	Building Construction	Building Construction	5/1/2021	8/1/2021	5	65	
5	Paving	Paving	6/1/2021	6/28/2021	5	20	
6	Architectural Coating	Architectural Coating	7/1/2021	7/28/2021	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 32.5

Acres of Paving: 2.61

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 161,579; Non-Residential Outdoor: 53,860; Striped Parking Area: 6,800 (Architectural Coating – sqft)

OffRoad Equipment

2256 Junction Ave Proposed Project Construction - No Operations - Santa Clara County, Winter

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	3	8.00	158	0.38
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Excavators	1	8.00	158	0.38
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Paving	Pavers	2	8.00	130	0.42
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Paving	Paving Equipment	2	8.00	132	0.36
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	191.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	625.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	104.00	41.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	21.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.9396	0.0000	0.9396	0.1423	0.0000	0.1423			0.0000			0.0000
Off-Road	3.1651	31.4407	21.5650	0.0388		1.5513	1.5513		1.4411	1.4411		3,747.9449	3,747.9449	1.0549		3,774.3174
Total	**3.1651**	**31.4407**	**21.5650**	**0.0388**	**0.9396**	**1.5513**	**2.4910**	**0.1423**	**1.4411**	**1.5834**		**3,747.9449**	**3,747.9449**	**1.0549**		**3,774.3174**

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0346	1.1648	0.2634	3.3400e-003	0.0759	3.6600e-003	0.0795	0.0208	3.5000e-003	0.0243		356.7355	356.7355	0.0168		357.1546
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0861**	**1.1998**	**0.6123**	**4.4200e-003**	**0.1991**	**4.4100e-003**	**0.2035**	**0.0535**	**4.1900e-003**	**0.0577**		**463.9507**	**463.9507**	**0.0192**		**464.4313**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.9396	0.0000	0.9396	0.1423	0.0000	0.1423			0.0000			0.0000
Off-Road	0.5841	13.5576	24.6739	0.0388		0.0616	0.0616		0.0616	0.0616	0.0000	3,747.9449	3,747.9449	1.0549		3,774.3174
Total	**0.5841**	**13.5576**	**24.6739**	**0.0388**	**0.9396**	**0.0616**	**1.0013**	**0.1423**	**0.0616**	**0.2039**	**0.0000**	**3,747.9449**	**3,747.9449**	**1.0549**		**3,774.3174**

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0346	1.1648	0.2634	3.3400e-003	0.0759	3.6600e-003	0.0795	0.0208	3.5000e-003	0.0243		356.7355	356.7355	0.0168		357.1546
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0861**	**1.1998**	**0.6123**	**4.4200e-003**	**0.1991**	**4.4100e-003**	**0.2035**	**0.0535**	**4.1900e-003**	**0.0577**		**463.9507**	**463.9507**	**0.0192**		**464.4313**

3.3 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					18.0791	0.0000	18.0791	9.9326	0.0000	9.9326			0.0000			0.0000
Off-Road	3.8882	40.4971	21.1543	0.0380		2.0445	2.0445		1.8809	1.8809		3,685.6569	3,685.6569	1.1920		3,715.4573
Total	**3.8882**	**40.4971**	**21.1543**	**0.0380**	**18.0791**	**2.0445**	**20.1236**	**9.9326**	**1.8809**	**11.8135**		**3,685.6569**	**3,685.6569**	**1.1920**		**3,715.4573**

3.3 Site Preparation - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1132	3.8117	0.8618	0.0109	0.2483	0.0120	0.2603	0.0681	0.0115	0.0795		1,167.3281	1,167.3281	0.0549		1,168.6994
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0618	0.0419	0.4188	1.2900e-003	0.1479	9.0000e-004	0.1488	0.0392	8.3000e-004	0.0401		128.6583	128.6583	2.9500e-003		128.7321
Total	**0.1749**	**3.8536**	**1.2806**	**0.0122**	**0.3962**	**0.0129**	**0.4090**	**0.1073**	**0.0123**	**0.1196**		**1,295.9863**	**1,295.9863**	**0.0578**		**1,297.4315**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					18.0791	0.0000	18.0791	9.9326	0.0000	9.9326			0.0000			0.0000
Off-Road	0.6967	12.1620	22.9600	0.0380		0.0621	0.0621		0.0621	0.0621	0.0000	3,685.6569	3,685.6569	1.1920		3,715.4573
Total	**0.6967**	**12.1620**	**22.9600**	**0.0380**	**18.0791**	**0.0621**	**18.1412**	**9.9326**	**0.0621**	**9.9947**	**0.0000**	**3,685.6569**	**3,685.6569**	**1.1920**		**3,715.4573**

3.3 Site Preparation - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1132	3.8117	0.8618	0.0109	0.2483	0.0120	0.2603	0.0681	0.0115	0.0795		1,167.3281	1,167.3281	0.0549		1,168.6994
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0618	0.0419	0.4188	1.2900e-003	0.1479	9.0000e-004	0.1488	0.0392	8.3000e-004	0.0401		128.6583	128.6583	2.9500e-003		128.7321
Total	**0.1749**	**3.8536**	**1.2806**	**0.0122**	**0.3962**	**0.0129**	**0.4090**	**0.1073**	**0.0123**	**0.1196**		**1,295.9863**	**1,295.9863**	**0.0578**		**1,297.4315**

3.4 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.5523	0.0000	6.5523	3.3675	0.0000	3.3675			0.0000			0.0000
Off-Road	2.2903	24.7367	15.8575	0.0296		1.1599	1.1599		1.0671	1.0671		2,871.9285	2,871.9285	0.9288		2,895.1495
Total	**2.2903**	**24.7367**	**15.8575**	**0.0296**	**6.5523**	**1.1599**	**7.7123**	**3.3675**	**1.0671**	**4.4346**		**2,871.9285**	**2,871.9285**	**0.9288**		**2,895.1495**

3.4 Grading - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0515**	**0.0350**	**0.3490**	**1.0800e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**107.2152**	**107.2152**	**2.4600e-003**		**107.2768**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.5523	0.0000	6.5523	3.3675	0.0000	3.3675			0.0000			0.0000
Off-Road	0.5200	10.3327	18.9906	0.0296		0.0484	0.0484		0.0484	0.0484	0.0000	2,871.9285	2,871.9285	0.9288		2,895.1495
Total	**0.5200**	**10.3327**	**18.9906**	**0.0296**	**6.5523**	**0.0484**	**6.6008**	**3.3675**	**0.0484**	**3.4159**	**0.0000**	**2,871.9285**	**2,871.9285**	**0.9288**		**2,895.1495**

3.4 Grading - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0515**	**0.0350**	**0.3490**	**1.0800e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**107.2152**	**107.2152**	**2.4600e-003**		**107.2768**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.9009	17.4321	16.5752	0.0269		0.9586	0.9586		0.9013	0.9013		2,553.3639	2,553.3639	0.6160		2,568.7643
Total	**1.9009**	**17.4321**	**16.5752**	**0.0269**		**0.9586**	**0.9586**		**0.9013**	**0.9013**		**2,553.3639**	**2,553.3639**	**0.6160**		**2,568.7643**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1385	4.2052	1.2028	0.0109	0.2776	9.5100e-003	0.2871	0.0799	9.1000e-003	0.0890		1,153.2089	1,153.2089	0.0532		1,154.5376
Worker	0.3569	0.2423	2.4195	7.4600e-003	0.8543	5.1900e-003	0.8595	0.2266	4.7800e-003	0.2314		743.3589	743.3589	0.0171		743.7855
Total	**0.4953**	**4.4475**	**3.6223**	**0.0184**	**1.1319**	**0.0147**	**1.1466**	**0.3065**	**0.0139**	**0.3204**		**1,896.5678**	**1,896.5678**	**0.0702**		**1,898.3231**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5335	10.9122	17.8738	0.0269		0.0846	0.0846		0.0846	0.0846	0.0000	2,553.3639	2,553.3639	0.6160		2,568.7643
Total	**0.5335**	**10.9122**	**17.8738**	**0.0269**		**0.0846**	**0.0846**		**0.0846**	**0.0846**	**0.0000**	**2,553.3639**	**2,553.3639**	**0.6160**		**2,568.7643**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1385	4.2052	1.2028	0.0109	0.2776	9.5100e-003	0.2871	0.0799	9.1000e-003	0.0890		1,153.2089	1,153.2089	0.0532		1,154.5376
Worker	0.3569	0.2423	2.4195	7.4600e-003	0.8543	5.1900e-003	0.8595	0.2266	4.7800e-003	0.2314		743.3589	743.3589	0.0171		743.7855
Total	**0.4953**	**4.4475**	**3.6223**	**0.0184**	**1.1319**	**0.0147**	**1.1466**	**0.3065**	**0.0139**	**0.3204**		**1,896.5678**	**1,896.5678**	**0.0702**		**1,898.3231**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.2556	12.9191	14.6532	0.0228		0.6777	0.6777		0.6235	0.6235		2,207.2109	2,207.2109	0.7139		2,225.0573
Paving	0.2397					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.4953**	**12.9191**	**14.6532**	**0.0228**		**0.6777**	**0.6777**		**0.6235**	**0.6235**		**2,207.2109**	**2,207.2109**	**0.7139**		**2,225.0573**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0515**	**0.0350**	**0.3490**	**1.0800e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**107.2152**	**107.2152**	**2.4600e-003**		**107.2768**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.3341	10.0395	17.2957	0.0228		0.0374	0.0374		0.0374	0.0374	0.0000	2,207.2109	2,207.2109	0.7139		2,225.0573
Paving	0.2397					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.5738**	**10.0395**	**17.2957**	**0.0228**		**0.0374**	**0.0374**		**0.0374**	**0.0374**	**0.0000**	**2,207.2109**	**2,207.2109**	**0.7139**		**2,225.0573**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0515	0.0350	0.3490	1.0800e-003	0.1232	7.5000e-004	0.1240	0.0327	6.9000e-004	0.0334		107.2152	107.2152	2.4600e-003		107.2768
Total	**0.0515**	**0.0350**	**0.3490**	**1.0800e-003**	**0.1232**	**7.5000e-004**	**0.1240**	**0.0327**	**6.9000e-004**	**0.0334**		**107.2152**	**107.2152**	**2.4600e-003**		**107.2768**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	58.5329					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941		281.4481	281.4481	0.0193		281.9309
Total	**58.7518**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**		**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0721	0.0489	0.4886	1.5100e-003	0.1725	1.0500e-003	0.1736	0.0458	9.7000e-004	0.0467		150.1013	150.1013	3.4500e-003		150.1875
Total	**0.0721**	**0.0489**	**0.4886**	**1.5100e-003**	**0.1725**	**1.0500e-003**	**0.1736**	**0.0458**	**9.7000e-004**	**0.0467**		**150.1013**	**150.1013**	**3.4500e-003**		**150.1875**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	58.5329					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.0545	1.0598	1.8324	2.9700e-003		3.9600e-003	3.9600e-003		3.9600e-003	3.9600e-003	0.0000	281.4481	281.4481	0.0193		281.9309
Total	**58.5874**	**1.0598**	**1.8324**	**2.9700e-003**		**3.9600e-003**	**3.9600e-003**		**3.9600e-003**	**3.9600e-003**	**0.0000**	**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0721	0.0489	0.4886	1.5100e-003	0.1725	1.0500e-003	0.1736	0.0458	9.7000e-004	0.0467		150.1013	150.1013	3.4500e-003		150.1875
Total	**0.0721**	**0.0489**	**0.4886**	**1.5100e-003**	**0.1725**	**1.0500e-003**	**0.1736**	**0.0458**	**9.7000e-004**	**0.0467**		**150.1013**	**150.1013**	**3.4500e-003**		**150.1875**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Pedestrian Network

Implement Trip Reduction Program

Transit Subsidy

Encourage Telecommuting and Alternative Work Schedules

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	0.00	0.00	0.00		
General Office Building	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking Structure	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	77	19	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking Structure	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
General Office Building	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Parking Lot	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unenclosed Parking Structure	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761
Unrefrigerated Warehouse-No Rail	0.607897	0.037434	0.184004	0.107261	0.014919	0.004991	0.012447	0.020659	0.002115	0.001554	0.005334	0.000623	0.000761

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614
NaturalGas Unmitigated	0.0162	0.1474	0.1238	8.8000e-004		0.0112	0.0112		0.0112	0.0112		176.9102	176.9102	3.3900e-003	3.2400e-003	177.9614

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	608.695	6.5600e-003	0.0597	0.0501	3.6000e-004		4.5400e-003	4.5400e-003		4.5400e-003	4.5400e-003		71.6112	71.6112	1.3700e-003	1.3100e-003	72.0367
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	895.041	9.6500e-003	0.0878	0.0737	5.3000e-004		6.6700e-003	6.6700e-003		6.6700e-003	6.6700e-003		105.2990	105.2990	2.0200e-003	1.9300e-003	105.9247
Total		**0.0162**	**0.1474**	**0.1238**	**8.9000e-004**		**0.0112**	**0.0112**		**0.0112**	**0.0112**		**176.9102**	**176.9102**	**3.3900e-003**	**3.2400e-003**	**177.9614**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	0.608695	6.5600e-003	0.0597	0.0501	3.6000e-004		4.5400e-003	4.5400e-003		4.5400e-003	4.5400e-003		71.6112	71.6112	1.3700e-003	1.3100e-003	72.0367
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking Structure	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0.895041	9.6500e-003	0.0878	0.0737	5.3000e-004		6.6700e-003	6.6700e-003		6.6700e-003	6.6700e-003		105.2990	105.2990	2.0200e-003	1.9300e-003	105.9247
Total		**0.0162**	**0.1474**	**0.1238**	**8.9000e-004**		**0.0112**	**0.0112**		**0.0112**	**0.0112**		**176.9102**	**176.9102**	**3.3900e-003**	**3.2400e-003**	**177.9614**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Unmitigated	2.6698	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3207					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3469					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.1200e-003	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Total	**2.6698**	**2.1000e-004**	**0.0227**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**		**0.0485**	**0.0485**	**1.3000e-004**		**0.0518**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3207					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3469					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.1200e-003	2.1000e-004	0.0227	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005		0.0485	0.0485	1.3000e-004		0.0518
Total	**2.6698**	**2.1000e-004**	**0.0227**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**		**0.0485**	**0.0485**	**1.3000e-004**		**0.0518**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Irrigation System

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: March 25, 2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff,* vs. Marathon Petroleum, LP, *Defendant.*
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court for Eastern District of Arkansas, Eastern District of Arkansas
Harry Stephens Farms, Inc, and Harry Stephens, individual and as managing partner of Stephens Partnership, *Plaintiffs*, vs. Helena Chemical Company, and Exxon Mobil Corp., successor to Mobil Chemical Co., *Defendants.*
Case Number 2:06-CV-00166 JMM (Consolidated with case number 4:07CV00278 JMM)
Rosenfeld Deposition: July 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

In the United States District Court for the Southern District of Ohio
Carolyn Baker, et al., *Plaintiffs*, vs. Chevron Oil Company, et al., *Defendants*.
Case Number 1:05 CV 227
Rosenfeld Deposition: July 2008

In the Ninth Judicial District Court, Parish of Rapides, State of Louisiana
Roger Price, et al., *Plaintiffs*, vs. Roy O. Martin, L.P., et al., *Defendants*.
Civil Suit Number 224,041 Division G
Rosenfeld Deposition: September 2008

In the Superior Court of the State of California in and for the County of Los Angeles
Leslie Hensley and Rick Hensley, *Plaintiffs*, vs. Peter T. Hoss, as trustee on behalf of the Cone Fee Trust; Plains Exploration & Production Company, a Delaware corporation; Rayne Water Conditioning, Inc., a California Corporation; and DOES 1 through 100, *Defendants.*
Case Number SC094173
Rosenfeld Deposition: September 2008, October 2008

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matt Hagemann, P.G, C.Hg.
(949) 887-9013
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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 – 2104, 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 150 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, 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 nation-wide 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, Coloradao.

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 repesentatives, 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.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

EXHIBIT B

SMITH ENGINEERING & MANAGEMENT

June 9, 2021

Mr. Kevin Carmichael
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814

Subject: 2256 Junction Project

P21016

Dear Mr. Carmichael:

Per your request, I reviewed the Initial Study/Mitigated Negative Declaration and supporting Appendices for the 2256 Junction Avenue Project (the "Project") in the City of San Jose (the "City"). My review is with respect to transportation and circulation considerations.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, over 50 years professional consulting practice in these fields and both preparation and review of the traffic and transportation components of numerous environmental documents prepared under the California Environmental Quality Act ("CEQA"). My professional resume is attached hereto.

The Project Is Disclosed To Have Significant VMT Impacts. However, the Proposed Mitigation Measures Are Not Specifically Defined and Are Unlikely To Be Effective at Mitigating Excessive VMT at this Particular Use.

The Initial Study (the "IS") and its supporting Appendix F Transportation Analysis indicate that the project would generate 15.85 vehicle miles traveled ("VMT") per employee. Since this level of VMT per employee exceeds the City's significance threshold of 14.37 VMT per employee, the IS must define mitigation measures to lower VMT per employee to or below the 14.37 VMT threshold. In other words, it

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must find measures to eliminate about 9.34 percent of single occupant employee trips averaging 15.85 VMT per employee to reach the 14.37 VMT per employee threshold. The IS asserts that an as yet unspecified Transportation Demand Management Plan ("TDM" Plan) to be agreed-upon subsequently between the applicant and the City will achieve this mitigation level. However, just saying there will be a TDM Plan to mitigate this is insufficient. There must be clear measures obviously capable of achieving the mitigation target. Otherwise, this is a case of deferral of mitigation that is improper under CEQA. Moreover, given the nature of the Project, its operational strategy and its location, it is entirely reasonable to expect *that TDM will not be effective*.

The Project is a "last mile" e-commerce distribution center that operates essentially 24-7 where packages are brought in from "fulfillment center" warehouses by large tractor-trailer rigs in the late night to very early morning hours. The trailers are unloaded and the packages are sorted into van loads for actual delivery to individual consumers. About two-thirds of the on-site work force reports in the late night hours after 2 AM and departs for home in the early afternoon. The other third of the on-site work force arrives in the early afternoon and departs by about 10 PM. Van drivers arrive at mid-morning, begin driving to their delivery areas between 10 and 11 AM and return 8 to 10 hours later after completing their deliveries. The facility will also employ some flex drivers (independent contractors making deliveries using their own vehicles). The flex drivers are dispatched in the late afternoon and return home after completing their deliveries.

The implications of this operational model for TDM are as follows:

- All of the on-site employees will have either their work-bound or home-bound commutes in the late night hours of darkness. This is also true for the home-bound commute of regular van drivers during most of the year. One implication of this is that commuting by active transportation (walking, bicycling) is highly impractical and improbable. Another is that commuting at late night when most transit lines have dropped to low-frequency service if they have not suspended service for the night makes transit incentives like discounted or free transit passes useless.
- The unusual shift hours severely limits carpool matching opportunities, confining them to people who live in the same general area, work for this particular tenant and happen to work matching shifts. There is virtually zero prospect of pool matching with workers at other companies in the immediate area. For delivery drivers the situation is even more complicated since there is substantial uncertainty as to how long it will take to complete their deliveries and return to base.

- Parking limitation strategies are unworkable since if employees can't use active transportation, can't use transit, and can't carpool, they will have to drive and park somewhere.
- "Flex drivers" are not candidates for any TDM measures since they are using their personal vehicles as delivery vehicles.

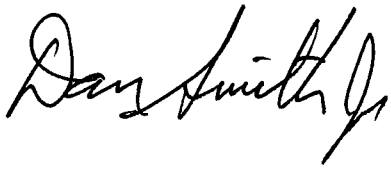
The Project site also works against the effectiveness of any transit-based TDM strategy. The Appendix F transportation analysis identifies the closest bus and light rail transit stops to the Project site but does not mention how far away they are. Both the Route 20 and Route 60 bus stops are about 0.6 miles walking distance from the Project site. The closest light rail station, one that serves both the Green Line and the Orange Line is 1.09 to 1.21 miles walking distance from the Project site, depending which direction the person is going. These walking distances, especially late at night, make transit an unappealing commute option.

Conclusion

Given the above, the Project cannot be approved under a Mitigated Negative Declaration since there is no compelling evidence that the significant VMT impact that was disclosed would be satisfactorily mitigated.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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Appendix B

Cultural Resources Memo

Kimley»Horn

MEMORANDUM

To:	Thai-Chau Le, Supervising Planner
	City of San José Planning Division
From:	Danae Hall
	Kimley-Horn and Associates, Inc.
Date:	August 24, 2021
Subject:	2256 Junction Avenue Project - Cultural Resources Memo

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The Initial Study/Mitigated Negative Declaration (IS/MND) for the 2256 Junction Project (Project) found that the Project would have a less than significant impact on buried resources (i.e. archeological, paleontological, and tribal and cultural resources) with the implementation of standard permit conditions. As cited on page 56 of the Project IS/MND, the San José General Plan EIR (General Plan EIR) identifies no archeological or cultural resources on the Project site. However, as cited on page 59 of the Project IS/MND, the General Plan EIR did conclude that development as a result of the San José General Plan (General Plan) could result in direct or indirect impacts to both prehistoric and historic archaeological resources. This conclusion reflects that the San José area is identified as archaeologically sensitive with recorded archaeological sites, prehistoric village sites, and architectural resources present in certain locations outside of the Project site. Therefore, though unlikely, the Project IS/MND requires that Standard Permit Conditions from the City based on the General Plan polices be met by the Project should any buried resources be encountered during Project development. The Standard Permit Conditions are included below. With implementation of the Standard Permit Conditions, the Project would not cause a significant impact to archaeological or tribal cultural resources.

Standard Permit Conditions

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. He archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation

Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

In addition to the Project site not being identified by the General Plan EIR as containing archeological or cultural resources, the Project site has been regularly and substantially disturbed as a result of the on-going hazards remediation and monitoring on-site. Records for these remediation and monitoring actions are publicly available through the online GeoTracker database as recognized on page 102 of the IS/MND. Subsurface investigations into contamination on the Project site began in late 1982. In 1997, 37 underground storage tanks (USTs) were removed from the Project site and in 2002, 43 wells and 32 deep exploratory soil borings to maximum depths of 35 feet below ground surface were installed throughout the Project site. The GeoTracker records for these subsurface investigations do not document the discovery of any archaeological or tribal and cultural resources. As such, the soils on-site have been disturbed throughout the site and to depths far exceeding the maximum depths of Project construction. Therefore, the potential to inadvertently discover previously unknown resources during ground disturbing activities would be reduced as compared to undisturbed sites.

In response to the comment letter submitted by the Tamien Nation during the public circulation of the Project IS/MND (dated June 1, 2021), City staff met with a representative of Tamien Nation on July 12, 2021. During this meeting, the Tamien Nation representative expressed concern about the potential for buried resources to occur on the Project site since, as accounted for by the General Plan EIR discussed above and page 59 of the Project IS/MND, the Project site has the potential to contain

archaeological or tribal and cultural resources, similar to the larger San José area. However, no new information regarding archaeological or tribal and cultural resources was disclosed to City staff by the Tamien Nation. As such, there is no new information in the record to indicate an increased potential for discovering archaeological or tribal cultural resources on-site, no further evaluation beyond what was included in the Project IS/MND is warranted, and the Standard Permit Conditions would sufficiently ensure the Project does not result in significant impacts to archaeological and tribal and cultural resources.