Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation

Dupont Street Parcels
San Jose, California

Prepared for:
M&M Diridon LLC

DRAFT - 20 January 2020
EKI B90107.00

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PHASE I ENVIRONMENTAL SITE ASSESSMENT AND SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION REPORT

Dupont Street Parcels

San Jose, California

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EXECUTIVE SUMMARY

EKI Environment & Water, Inc. ("EKI") is pleased to present to M&M Diridon LLC ("Client") this report documenting the results of a Phase I Environmental Site Assessment conducted for four parcels (identified by APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067) bounded by Park Avenue to the north, West San Carlos Avenue to the south, McEvoy Street to the west, and the Caltrain railway line to the east, in San Jose, California ("Subject Property;" Figure 1). The report also includes the results of a subsequent screening-level Phase II subsurface investigation of the Subject Property. The Subject Property is approximately 3.4 acres and is located west of downtown San Jose in an area of primarily industrial, commercial, and warehouse use. The Subject Property parcels are currently owned by Autumn, LLC ("Owner"), and EKI understands that Roger Moore is the Owner's representative. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the site for residential use.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions or "RECs").

Summary of Phase I ESA Findings and Opinions

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property are presented below.

ASTM E1527-13 defines a REC as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

- No RECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following was identified as Historical RECs ("HRECs") for the Subject Property in connection with the performance of this Phase I ESA:

- A historical 1,000-gallon leaking underground storage tank ("UST") identified in closure documents as formerly containing waste oil was removed in 1995 at 236 McEvoy Street (southern portion of current 205 Dupont Street; see Figure 2). Contaminated soil was excavated, aerated, sampled, and then placed on site in landscaping areas. The tank

removal and closure were performed under Santa Clara Valley Water District ("SCVWD") oversight and SCVWD issued a case closure summary and closure letter dated 16 and 17 August 1995, respectively (SCVWD, 1995).

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC or HREC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- A 2007 Phase I by Berlogar Geotechnical Consultants ("BGC") for the Subject Property (BGC, 2007a) identified a 1,000-gallon aboveground storage tank ("AST") containing gasoline that was previously present on the 205 Dupont property as a REC. The AST location is identified by BGC in a similar location to a compartmentalized 1,000-gallon waste oil AST recorded on a 2018 site inspection of 205 Dupont Street by the Santa Clara County Department of Environmental Health ("SCCDEH") (see Appendix D). Neither AST was observed by EKI during the 27 August 2019 site walk; the approximate location of the former ASTs is within the footprint of the existing ABM office/warehouse building (Figure 2). EKI collected a soil vapor sample in the vicinity of the former AST (location SV-3). No volatile organic compounds ("VOCs") or volatile total petroleum hydrocarbons ("TPH") were detected above residential screening levels in the sample.
- Two 10,000-gallon steel gasoline USTs were removed from the 214 Dupont property in 1986. The USTs were reportedly empty and not in use prior to removal. Soil samples collected from below the USTs were only analyzed for total petroleum hydrocarbons ("TPH") as gasoline and were not analyzed for TPH as diesel fuel or BTEX. The closure report was accidentally sent to San Jose Fire Department ("SJFD") Hazardous Materials Program. SJFD forwarded the report to the Santa Clara County Hazardous Materials Unit (later succeeded by SCCDEH); however, SCCDEH never provided an official closure letter for these tanks. A 1,000-gallon diesel AST was previously present at the 214D Dupont building. EKI collected a soil vapor sample in the vicinity of the former USTs (location SV-5). No VOCs or volatile TPH were detected in the sample.
- During EKI's site walk at the Subject Property, Roger Moore, the Owner's representative, indicated that three additional USTs (one 1,000-gallon gasoline UST and two 200 to 250-gallon waste oil USTs, see Figure 2) were removed from the 226 McEvoy property without regulatory oversight or closure. EKI collected a composite soil sample and a soil vapor sample in the vicinity of the former USTs (location SV-1). No VOCs or volatile TPH were detected in the soil or soil vapor samples.
- During EKI's site walk at the Subject Property, Roger Moore, the Owner's representative, indicated that two additional 1,000-gallon waste oil USTs and a 250-gallon waste oil UST (see Figure 2) were previously removed from the 205 Dupont property without regulatory oversight or closure. EKI collected a soil vapor sample in the vicinity of one of the former USTs (location SV-2). No VOCs or volatile TPH were detected in the sample.
- Three former or existing oil-water separators at 214 Dupont Street (one) and 205 Dupont Street (two) and three former steam cleaning or pressure washing areas (at 205 Dupont

Street, 214 Dupont Street and 226 McEvoy Street) are located on the Subject Property. No environmental data are available for these structures; it is possible that chemical releases to the environment may have occurred from these structures. EKI collected soil vapor samples in the vicinity of some of these features (locations SV-2, SV-4, SV-8, and SV-9). No VOCs or volatile TPH were detected above residential screening levels in the samples.

- Sanborn maps for the Subject Property indicate a number of former residential buildings previously existed on the Subject Property. It is possible these buildings could have had lead paint that flaked off the buildings and impacted soil as well as heating or fuel oil tanks. EKI has not seen any closure reports for heating or fuel oil tanks on the Subject Property.
- The Subject Property is bracketed by a current passenger rail line to the east and a former freight spur line to the west. A Phase II investigation at 777 West San Carlos Street identified metals, including lead and arsenic, in shallow soil near the former railway spur location at concentrations up to 510 milligrams per kilogram ("mg/kg") and 430 mg/kg respectively, as well as assorted debris associated with former railway use. Similar railway impacts may be present at locations on the Subject Property near the railway lines. EKI collected shallow soil samples near the railway lines (locations SB-1 and SB-3). No metals, VOCs, or TPH as motor oil were detected above residential screening levels (or background levels for arsenic).
- Fill soil is present at the Subject Property as noted in BGS (2007a) and Cornerstone (2018c). The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were collected from the fill soil at locations SV-1, SV-6, SV-7, SB-1, SB-2, and SB-3. Shallow soil from location SV-1 indicated the presence of serpentinite, but no asbestos was detected. Debris-containing soil at location SV-7 contained arsenic and lead above residential screening criteria.

Summary of Screening-Level Phase II Subsurface Investigation Results

In order to better assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil samples from boreholes at the following locations (see Figure 3):
    - Near the existing railroad track adjacent to the Subject Property (SB-1 and SB-3);
    - Near a drain with observed staining at 214 Dupont Street (SB-2);
    - Near the former USTs at 226 McEvoy Street (SV-1);
    - At a location with elevated organic vapor readings (SV-6);
    - At a location with observed debris in the fill soil (SV-7); and,
    - Near the existing oil-water separator at 205 Dupont Street (SV-4).

- Collected samples of soil vapor from nine five-foot soil vapor probes ("SVPs", see Figure 3) installed:
    - Near the former USTs at 226 McEvoy Street (SV-1);
    - Near the former UST and steam cleaning area at 205 Dupont Street (SV-2);
    - Near the former UST and AST at 205 Dupont Street (SV-3);
    - Near the existing oil-water separator at 205 Dupont Street (SV-4);
    - Near the two former 10,000-gallon USTs at 214 Dupont Street (SV-5);
    - Near the approximate middle of each warehouse building footprint at 214 D Dupont Street with cracks and staining (SV-6 and SV-7); and,
    - Near the existing oil-water separator features at 214 D Dupont Street (SV-8 and SV-9).

- Collected a sample of base rock from soil boring SB-3.

Overall, the soil and soil vapor samples collected from the Subject Property do not indicate widespread site-wide soil or soil vapor impacts (sample data is presented in Tables 1 through 3 and sample locations are shown on Figure 3). Key findings were as follows:

- Serpentinite is present in the fill soil at location SV-1, but no asbestos was detected in the samples at that location.
- Fill soil with debris and elevated concentrations of lead and arsenic is present at location SV-7.
- Benzene was detected in soil gas above residential screening levels at location SV-6.
- Except as indicated above, metals, VOCs, and TPH concentrations were either not detected or were present at concentrations below residential screening levels.

EKI understands that the planned redevelopment of the Subject Property includes residential over a level of naturally-ventilated parking; as such, vapor intrusion should not be a concern from the benzene detected at a single location on the Subject Property.

This Executive Summary does not contain all of the information, including observations, findings, and opinions, presented in the full Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

1.0 INTRODUCTION

EKI Environment & Water, Inc. is pleased to present to M&M Diridon LLC this report documenting the results of a Phase I Environmental Site Assessment conducted for four parcels (identified by APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067) bounded by Park Avenue to the north, West San Carlos Avenue to the south, McEvoy Street to the west, and the Caltrain railway line to the east, in San Jose, California (Figure 1) as well as the results of a subsequent screening-level Phase II subsurface investigation of the Subject Property. The Subject Property is approximately 3.4 acres and is located west of downtown San Jose in an area of primarily industrial, commercial, and warehouse use. The Subject Property parcels are currently owned by Autumn, LLC, and EKI understands that Roger Moore is the Owner's representative. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the site for residential use.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs).

EKI's services were performed in accordance with the Agreement and the associated scope of services between Client and EKI, dated 6 August 2019.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA is to identify RECs for the Subject Property as defined in ASTM E1527-13. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the property for residential use.

1.2 Limitations and Exceptions of Assessment

The assessment by EKI did not include an audit of current facility operations for compliance with hazardous material usage laws, regulations, or permits, including occupational health and safety issues. This assessment also did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, indoor air quality, asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available

information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by ASTM E1527-13 is limited to the processes outlined in the Proposal, dated 6 August 2019.

1.3 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of M&M Diridon LLC, regarding the Subject Property. Unless specifically authorized in writing in an agreement acceptable to EKI at its sole discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third-party beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-13 and as accepted under the Final U.S. EPA AAI Rule, is M&M Diridon LLC.

1.4 Phase I ESA Scope of Services

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs, topographic maps, city directory listings, and Sanborn fire insurance maps provided by Environmental Data Resources, Inc. ("EDR"; Appendix A);

- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 13 August 2019 (referred to as EDR Radius Map Report; Appendix F);

- Requested publicly-available files for the Subject Property from the California Department of Toxic Substances Control ("DTSC"), Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB"), SCCDEH, and Bay Area Air Quality Management District ("BAAQMD");

- Searched on-line for environmental reports available through the State of California Water Resources Control Board ("SWRCB") Geotracker database website, DTSC Envirostor database website, and SCVWD historic solvent case files website;

- Purchased and reviewed an Environmental Lien Search report for the Subject Property, including a preliminary title report, prepared by EDR, dated 13-14 August 2019 (see Appendix C);

- Reviewed additional, third-party reports provided by Client and prepared by others for the Subject Property;

- Obtained specialized knowledge of the Subject Property provided by Dan Mountsier of M&M Diridon LLC, the User of the Phase I ESA, in the form of responses to a User Questionnaire (Appendix C);

- Obtained specialized knowledge of the Subject Property provided by the Owner of the Subject Property, in the form of responses to an Owner Questionnaire (Appendix C); and

- Performed a walk-through visual survey of the Subject Property on 27 August 2019 to observe the current site setting (Section 6.0, Appendix B).

1.5 **ASTM Declaration**

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Section 312.10. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

2.0 GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is generally located south of Park Avenue, north of West San Carlos Avenue, east of McEvoy Street, and west of the Caltrain railway line, in San Jose, California. The Subject Property is located west of downtown San Jose in an area of primarily industrial, commercial, and warehouse use.

2.2 Site Description and Current Site Uses

The Subject Property is approximately 3.4 acres and comprises four parcels (identified by APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067). The Subject Property is currently occupied by commercial tenants, including a construction contracting company, a turf and landscape maintenance company, commercial office and hands-on training space for an air handling equipment company, and a pallet and crate manufacturing company. Generally, each parcel on the Subject Property includes a commercial or warehouse building as well as an equipment storage yard or exterior parking area.

The Subject Property parcels are currently owned by Autumn, LLC, and EKI understands that Roger Moore is the Owner's representative.

2.3 Adjoining Properties

Directly to the east the Subject Property is adjoined by the Caltrain railway line. To the north, on the other side of Park Avenue, is a multi-unit residential complex. To the west, the Subject Property is adjoined by several businesses, including an auto repair shop, a boat and car storage lot, a theater and an event planning company. Across West San Carlos Street to the south, are a truck driving school and multi-unit residential developments. Further south are additional residential developments.

3.0 ENVIRONMENTAL SETTING

3.1 Regional Physiography and Geologic Conditions

The Subject Property is located in the Santa Clara Valley within the Coast Ranges Geomorphic Province. The Coast Ranges Province is defined by northwest-trending mountain ridges and valleys that run approximately parallel to the San Andreas Fault Zone. The province is generally composed of marine sedimentary deposits and volcanic rocks. According to the *Geologic Map of the San Francisco Bay Region* (USGS, 2006) produced by the U.S. Geological Survey and the California Geological Survey, the Subject Property and surrounding area are underlain by Quaternary surficial sediments consisting of alluvial sand, and fine-grained silt and clay.

According to a geotechnical report prepared by Cornerstone Earth Group ("Cornerstone"), entitled *Geotechnical Investigation – Dupont Village Residential Development* and dated 12 July 2018 (Cornerstone, 2018c), the Subject Property is underlain by 2 to 3.5 feet of fill consisting of sandy silts and clays. Borehole logs show that the fill is underlain by alluvial soils consisting of a wide range of soil types including clay to depths of 5 to 8 feet. Beneath the surface clays, the borehole logs showed sands with silt and gravels with silt to depths of 17 to 24 feet, which were underlain by layers of clays or sandy clay to the maximum depth of the boreholes (30 to 45 feet).

According to a geotechnical report prepared by BGC for the 236 McEvoy property entitled *Geotechnical Investigation - Two Story Warehouse and Office Addition, 236 McEvoy Street, San Jose, California* and dated 30 October 2007 (BGC, 2007b), at the time of publication that parcel of the Subject Property was underlain by approximately 2.5 feet of fill, consisting of a pavement section with asphalt and baserock, and sandy clay with brick and concrete fragments. Below the fill layer, BGS identified stiff silty clays to approximately 8 feet, and dense sands below that to depths of approximately 18-28 feet on the north and south sides of the Subject Property respectively.

3.2 Surface Water Characteristics

The Subject Property is located approximately 250 feet to the west of Los Gatos Creek. Based on USGS topographic maps, the Subject Property lies at a surface elevation of approximately 103 feet above mean sea level and the general topographic gradient is towards the north-northeast. Numerous storm drain catch basins and roof drain downspouts are located at buildings on the Subject Property. Stormwater that falls on the Subject Property is expected to flow over paved areas to these catch basins, or to drains in the public right of way. According to the EDR Radius Report, the Subject Property is not located within either the Federal Emergency Management Agency ("FEMA") 500-year flood zone, or the 100-year flood zone. However, the BCG Phase I (BCG, 2007a) identifies the Subject Property as lying within the 500-year flood zone.

3.3 **Shallow Groundwater Characteristics**

Depth to shallow groundwater on the Subject Property ranges from approximately 17 to 29 feet bgs, according to borehole logs recorded by Cornerstone as part of their 2018 investigation at the Subject Property. A 2018 Phase II Investigation for 699 West San Carlos Street by Apex Companies, LLC found groundwater in two of four boreholes at depths of 19 and 20 feet bgs. According to a geotechnical report prepared by BGC for the 236 McEvoy (BGC, 2007b), groundwater was measured at approximately 22 and 23 feet bgs. Pore pressure dissipation curves from cone penetrometer tests ("CPT") indicate that first encountered groundwater is approximately 22 feet bgs at the 236 McEvoy parcel. Groundwater levels across the site may fluctuate seasonally and year-to-year, depending on seasonal rainfall, time of year, and other factors.

Given that the Subject Property is located west of Los Gatos Creek and no potentiometric surface maps are available for the Subject Property, EKI has assumed that groundwater flow direction is generally towards the north or northeast, and towards Los Gatos Creek and San Francisco Bay.

4.0 HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity were obtained primarily from the following sources:

- Review of historical aerial photographs provided by EDR for selected years between 1939 and 2016 (Appendix A);
- Review of historical USGS topographic maps provided by EDR for selected years between 1889 and 2012 (Appendix A);
- Review of historical Sanborn fire insurance maps provided by EDR for selected years between 1884 and 1966 (Appendix A);
- Review of historical City Directory information provided by EDR (Appendix A); and
- Review of information provided by the Subject Property Owner and in previous environmental assessment reports by others.

Sanborn Fire Insurance maps for the Subject Property indicate that in 1884, a portion[1] of the Subject Property was occupied by a hay warehouse. A lumber yard is depicted northeast of Subject Property, north of South Street (now referred to as Park Avenue). In 1891, the Sanborn map shows the northern portion[2] of the site occupied by homes, barns, wind mills, and a structured labeled "SOAPHAC. Shed." Based on the USGS topographic maps, as early as 1889, a railroad is present along the eastern edge of the Subject Property; this railroad is later identified as the South Pacific railroad on the 1915 Sanborn map. Later, the portion of the Subject Property between McEvoy Avenue (currently called McEvoy Street) and Dupont Street was occupied by homes, stables and a hotel, based on the 1915 Sanborn map. In the northeastern portion of the Subject Property, there were two homes, a stable, and a small feature labeled as "Dipping," which may refer to dipping tanks for fresh or dried fruits. Less than 150 feet south of the Subject Property, facilities and features noted on the 1915 Sanborn map include: a facility with a 15,000 gallon in-ground fuel tank, on-ground winter tanks, and equipment for steaming, and a dry fruit facility with a boiler house, underground fuel storage tank, processing involving sulphur, and lumber storage. An area north of the Subject Property, on the north side of Park Avenue, was previously shown as occupied by a lumber company on the 1915 Sanborn map.

The Subject Property buildings and uses based on the 1915 Sanborn map appear to be generally consistent in the 1939 aerial photograph. As early as 1939, a spur track of the West Pacific freight

[1] The 1884 Sanborn map was only available for the eastern portion of the Subject Property; it is unknown what occupied the remainder of the site.
[2] The 1891 Sanborn map was only available for the northern portion of the Subject Property; it is unknown what occupied the remainder of the site.

rail line was located west of the Subject Property, according to historical aerial photography. Based on the 1948 aerial photograph, two large buildings occupied the northeast portion of the Subject Property. This area was previously occupied by two homes, a stable, and a small feature labeled "Dipping." According to the 1950 Sanborn map, these buildings are identified as a "Potato Chip Warehouse and Factory." In 1950, the Subject Property remained largely residential with the addition of a cabaret and club house. Facilities noted on the Sanborn maps to the west of the Subject Property during this period include: a steel fabrication and scrap steel warehouse, rug and upholstering cleaning facility, and wood yard (150-300 feet west of the Subject Property), and a truck repairing facility with filling station (less than 300 feet east of the Subject Property, across the railroad tracks). The property located immediately south of the Subject Property was occupied by a machine shop (less than 150 feet from 244 McEvoy Street).

The 1956 Sanborn map indicates that the northeastern portion of the Subject Property was still utilized as a potato chip warehouse and factory, while the remainder of the Subject Property consisted of homes, a cabaret, and a church (where the old club house was located in 1950), with the addition of a fruit warehouse. As early as 1956, two wooden tanks are depicted in the area that previously contained a boiler house and underground fuel storage tank associated with the dry fruit facility (150 feet south of the eastern portion of the Subject Property). The 1961 topographic map indicates a water tank was located south of the Subject Property. Two auto body repair shops were located roughly 300 feet southwest of the Subject Property, along West San Carlos Street, according to the 1966 Sanborn map. The residential area on the Subject Property between McEvoy Street and Dupont Street remained with some commercial buildings interspersed.

From the 1950s to the late 1960s/early 1970s, the potato chip warehouse and factory is the only remaining industrial business. In the 1950s to the late 1960s, the Subject Property is largely residential according to the aerial photography. Industrial buildings likely corresponding to the potato chip factory are visible in the 1956 and 1963 aerial photographs; however, those buildings appear renovated in aerial photographs for subsequent years. In 1974, there is evidence of more commercial and industrial activities with more vehicles parked on the Subject Property, and a steam plume visible at the 214 Dupont building. The 244 McEvoy building is also present in the 1974 aerial image. The aerial photographs from 1982 and 1993 show the Subject Property further transitioned from residential and commercial use to commercial and industrial use and remained commercial and industrial in the 1990s and early 2000s. The 214 Dupont buildings and the western half of the 236 McEvoy building are present in the 1982 aerial photograph. In the 1993 aerial photograph, the eastern half of the 236 McEvoy building appears. The building at the redeveloped 205 Dupont parcel is present in the 2009 aerial photograph.

4.1 **226 McEvoy Street**

The R.L. Polk & Company of California directory is largely consistent with the Sanborn maps which depict the northern portion of the Subject Property between McEvoy and Dupont Street (226 McEvoy Street) as mostly residential from 1935 to 1966. However, the directory indicates that

740 Park Avenue (western portion of 226 McEvoy Street) was occupied by various establishments between 1935 and 1957 (i.e., beer, liquors, trucking, vending machine, and rug and carpet company). Between 1935 and 1945, the directory indicates that 748 Park Avenue (central portion of 226 McEvoy Street) was occupied by Schiro Dominic dried fruits. In 1975, the address 226 McEvoy Street first appears in the Pacific Telephone directory as vacant. This is consistent with transition from the 1974 and 1982 aerial photographs which show a residence with open land being replaced by a medium-sized building where present-day 226 McEvoy Street is located. The 1993 aerial photography depicts what looks like the current building footprint. In the early 2000's, the building was occupied by United Rentals per Haines Company, Inc. In 2014, the current tenant JK Construction Company Inc. is listed in the EDR Digital Archive.

4.2 **214 Dupont Street**

The R.L. Polk & Company of California directory indicates the potato chip warehouse and manufacturing buildings in the northeastern portion of the Subject Property were occupied by Pik Nik Food Products Company between 1955 and 1986 (present day 214 Dupont Street). Aerial photographs from 1948 to 1956 show a medium and large buildings associated with the food company remain the same until 1963 when an additional medium-sized building appears in the northeast corner of the Subject Property. The aerial photograph in 1974 show what appears to be the current large office/warehouse space with long metal awning on the eastern edge of 214 Dupont Street. Evidence of industrial activities, in 1974, is shown in the aerial photograph as a white smoke obscures a portion of the large warehouse building. In 2000, according to the Haines & Company directory, 214 Dupont Street was owned by Independent Scissor Lift. In 2014, the current tenants Future Packaging Inc. and Air Treatment Corporation are listed in the EDR Digital Archive. Today, the large warehouse is used for shipping and receiving; no manufacturing is conducted on site.

Based on the aerial photographs, from 1939 to 1956 the area comprising Building D and the outdoor yard were unoccupied and had varying amounts of vegetation. In the mid-1960s, the Building D area is visibly less vegetated in the aerial photographs until 1974 when what is likely Building D first appears and the area south of Building D is cleared of vegetation with numerous vehicles parked. From 1974 to present day, the southern portion of 214 Dupont Street has been used for vehicle parking and as an outdoor storage yard.

4.3 **205 Dupont Street**

In the northern portion of 205 Dupont Street, the 1966 Sanborn map indicates that welding occurred at 236 ½ McEvoy Street (present day parking lot, located in the western corner of the northernmost part of 205 Dupont Street). The R.L. Polk & Company of California directory lists Martin Carlson Welder as the occupant in 1966. In 1975, 236 McEvoy Street is listed as Libordi Electric Company Contractors and 240 McEvoy Street is listed as Delias upholstery and furniture manufacturing, and Dominquez Presentacion in the Pacific Telephone directory.

The properties along the western edge of the Subject Property along McEvoy remained residential through 1975 according to the Pacific Telephone directory. The 1982 aerial image appears to show residential developments in this area as well. The Haines and Company directory listed select properties as residential or no listing in the early 2000s.

In the southwestern portion of 205 Dupont Street, the R.L. Polk & Company of California directory is consistent with the 1915 Sanborn map, listing properties as occupied by residents in 1922 and between 1925 and 1930. In 1940, Economy Junk Company and, in 1945, Warfield JW Junk are listed as occupants in the R.L. Polk & Company of California directory. Consistent with the 1950s Sanborn map, depicting a fruit warehouse, the R.L. Polk & Company of California directory lists a citrus company as the occupant from 1955 to 1957. From 1966 to 1970, Squirly Foods Edible Nuts was the occupant per R.L. Polk & Company of California directory. The Pacific Telephone directory indicates that Best Electrical Company was in occupant from 1975 to 1991. The 1998 aerial photography depicts the area as residential or vacant except for one light-colored rooftop in the southwestern portion of present-day 205 Dupont Street, which may be Best Electrical Company.

By 2009, according to aerial photography, multiple buildings are replaced in the central portion of the Subject Property with a large building located at 205 Dupont Street (present-day warehouse). According to the aerial photographs, between 2009 and 2012, the small building (north of the warehouse at 205 Dupont Street) was connected with 205 Dupont Street. In 2014, the EDR Digital Archive lists One Source Landscaped Golf Services as the occupant. The current occupant is ABM Building Services, which includes office space as well as a large warehouse and outdoor yard for storing landscaping equipment and supplies.

Presently, the Subject Property remains occupied by commercial and industrial businesses:

- 226 McEvoy Street is office space for a construction company with a small warehouse;
- 214 Dupont Street is a two-story office space for two air treatment companies with a large shipping and receiving warehouse (the second floor has been vacant for three months);
- 214 Dupont Street, Building D is a custom pallet manufacturer and warehouse with a large outdoor storage yard; and,
- 205 Dupont Street is a two-story office building for a building maintenance services and landscaping company with a large warehouse and outdoor storage yard.

The area surrounding the Subject Property appears to have gone through significant changes since the late 1800s. The areas to the east, west, and south of the Subject Property appear to have been all residential from the late 1880s through the early-1900s. By the 1940s, properties adjacent to the Subject Property were mostly commercial and industrial. Between 1950 and

1966, the following facilities remained adjacent to the Subject Property according to Sanborn maps: machine shop and dry fruit facility (south); wood yard, scrap steel warehouse, and rug and upholstery cleaning facility (west); and truck repair facility with fueling station (east).

By 1974, the large property to the west of the Subject Property appears to be undergoing redevelopment, with older, railway-related features removed. The property appears in its present configuration in the 1993 aerial. By 2009, the industrial property to the north of the Subject Property across Park Avenue has been demolished and the site appears graded for new construction through the 2016 aerial.

5.0 RESULTS OF PRIOR SITE INVESTIGATIONS

The following is a summary of prior investigations and site summaries for the Subject Property provided by the Client or available publicly (e.g., on Geotracker or Envirostor). Key findings of these previous investigations are summarized below, and pertinent sections are included in Appendix E.

5.1 Summary of Geotracker (SCVWD) Files for 236 McEvoy Street

Information pertaining to the Independent Scissor Lift site can be found under Geotracker Global ID number T0608501910 and is listed as completed-case closed as of 17 August 1995 according to the Geotracker website. In a SCVWD telephone conversation log dated 7 July 1995, the environmental consultant indicated that there was a release of waste oil at 236 McEvoy Street (see Appendix E).

The site was closed by the SCVWD in a letter to Roger Moore of Independent Scissor Lift, dated 17 August 1995. According to closure documentation, there were two active and four destroyed water supply wells within a quarter mile of the site. No monitoring wells were installed at 236 McEvoy Street. The source removal report indicates a 1,000-gallon waste oil UST (identified as a 1,000-gallon gasoline UST in Cornerstone (2018a) and in EKI discussions with Mr. Roger Moore on 27 August 2019) and its associated piping were removed on 12 July 1994 (see Figure 2). In August 1994, a total of 16 cubic yards of soil were removed from the sides and bottom of the tank pit. According to the SCVWD case closure summary, "the contaminated soil was aerated, sampled…and disposed of on site as landscape fill" (SCVWD, 1995). No data are available that document the concentrations of petroleum hydrocarbons and related constituents in the aerated soil placed on the Subject Property. The removal was conducted under the oversight of SCVWD.

Per the closure letter and case closure summary (SCVWD, 1995), the final confirmation soil sample was collected at approximately 13 feet below ground surface ("bgs"). TPH as diesel fuel, Oil and Grease, chromium, lead, and zinc were detected. TPH as gasoline, benzene, toluene, ethylbenzene, and xylenes were not detected in the soil confirmation sample. TPH as diesel fuel was detected at 36 mg/kg, which is below the current RWQCB 2019 residential/unrestricted land use shallow soil exposure Environmental Screening Levels ("ESLs") of 260 mg/kg. Oil and Grease was detected at 120 mg/kg, which is below the current 2019 residential/unrestricted land use shallow soil exposure ESLs for TPH as motor oil of 12,000 mg/kg. Chromium, lead and zinc were detected in the soil sample at concentrations below their respective the current 2019 residential/unrestricted land use shallow soil exposure ESLs.

In the closure letter, SCVWD recommended for closure of this case because "the investigation and cleanup activities have been performed in accordance with RWQCB guidelines and the results of investigation indicate that the low levels of residual soil contamination left in place at the site do not pose a threat to water quality."

5.2 Summary of Findings of 2007 Phase I Environmental Site Assessment for Subject Property by BGC

BGC prepared a Phase I Environmental Site Assessment for the Subject Property, entitled *Phase I Environmental Site Assessment – 236 McEvoy Street, San Jose, California, APN 261-38-038*, and dated 24 October 2007. The Phase I report was provided to EKI by M&M Diridon LLC. A summary of conclusions by from the Phase I (BGC, 2007a) is provided below.

- BGC did not find documented evidence that the Subject Property was used to dispose of regulated hazardous materials;
- BGC identified a 1,000-gallon AST containing gasoline which was previously present on the 205 Dupont property, as a REC. The approximate location where the BGC Phase I identifies the former AST is within the footprint of the existing ABM office/warehouse building. BGC also identified a pressure washing area and oil-water separator in the northwest portion of the 205 Dupont property, but did not list either structure as a REC.
- BGC indicated that in addition to the AST, three former USTs were reportedly present at the Subject Property, including a UST at 236 McEvoy, removed in 1994 and closed in 1995, as well as tanks at 248 McEvoy, which were reportedly removed without regulatory oversight or closure in the 1980s.
- The AST and former USTs at the site were deemed a REC by BGC.

5.3 Summary of Findings of 2018 Phase I ESA by Cornerstone

Cornerstone prepared a Phase I Environmental Site Assessment for the Subject Property entitled *Phase I Environmental Site Assessment – Dupont and McEvoy Street Parcels, San Jose, California*, dated 5 March 2018. The Cornerstone Phase I report was written for David J. Powers & Associates. The Phase I report was provided to EKI by M&M Diridon LLC. A summary of conclusions by from the Phase I (Cornerstone, 2018a) is provided below.

- Cornerstone identified the two 10,000-gallon tanks removed from the 214 Dupont property in 1986 as a REC, due to incomplete soil sampling performed by the UST consultant at the time of removal. Samples collected form the UST area were analyzed for TPH as gasoline alone and did not include analysis of BTEX compounds or TPH as diesel fuel. Cornerstone recommended soil, soil vapor, and groundwater sampling at the former location of the 10,000-gallon tanks to assess if impacts exist and if so, to assess potential risks for future residential use.
- Cornerstone identified the Best Electric site at 248 McEvoy as a REC due to records of two gasoline USTs (500 and 1,000-gallon) listed at the property. Cornerstone did not identify any removal records for the site and indicated the potential for these USTs to impact soil, soil vapor, and groundwater at the Subject Property. Cornerstone recommended soil, soil vapor, and groundwater sampling, as well as a geophysical survey at the former Best Electric property.

- Cornerstone identified three former steam cleaning areas on the Subject Property as a REC. Steam cleaning areas were present at the 226 McEvoy, 205 Dupont, and 214D Dupont properties. The steam cleaning areas were previously used for cleaning rental equipment, and drained to oil-water separators through floor trench drains. Cornerstone indicated that the drain at 205 Dupont was removed, but that the steam cleaning areas at 226 McEvoy and 214D Dupont remain. Cornerstone recommended soil sampling around the drains and oil water separators at these locations.
- Cornerstone identified the gasoline UST and two waste oil USTs removed from the 236 McEvoy as an HREC due to impacted soil near one of the waste oil USTs, which was excavated and closed by the SCVWD in 1995.

5.4 Summary of Findings of Phase II Subsurface Investigation for Neighboring Property

APEX Companies, LLC ("APEX") performed a Phase II Subsurface Investigation on behalf of First Community Housing, for a neighboring property at 699 West San Carlos Street (located approximately 150 feet south of Subject Property parcel APN 261-38-067 and approximately 80 feet west of Subject Property parcel APN 261-38-065, see Figure 2). The Phase II report was provided to EKI by M&M Diridon LLC. A summary of conclusions by APEX is provided below.

APEX conducted groundwater and soil gas sampling to investigate areas of historical site features with known or suspected environmental impacts; the investigation included two borings advanced to approximately 30 feet bgs at 699 West San Carlos Street. A total of two groundwater samples were collected at 19 and 20 feet bgs and were analyzed for petroleum hydrocarbons and volatile organic compounds ("VOCs"). Groundwater samples were analyzed for petroleum hydrocarbons and VOCs. Petroleum hydrocarbons and VOCs were not detected in groundwater samples above the current drinking water standards, where available, direct exposure ESLs, and residential vapor intrusion ESLs (RWQCB, 2019) for these compounds.

A total of two soil gas samples, screened at 6.5 feet bgs, were collected from 699 West San Carlos Street and analyzed for total petroleum hydrocarbons as gasoline and VOCs. Selected results are summarized as follows (APEX, 2018):

- Benzene was detected in both soil gas samples VP-1 and VP-2 with a maximum concentration of 4.5 ug/m^3, which is slightly greater than the current 2019 residential/unrestricted land use ESL of 3.2 ug/m^3.
- Naphthalene was detected in both soil gas samples VP-1 and VP-2 with a maximum concentration of 4.3 ug/m^3, which is slightly greater than the current 2019 residential/unrestricted land use ESL of 2.8 ug/m^3.
- Tetrachloroethene ("PCE") was detected in both soil gas samples VP-1 and VP-2 below the current 2019 residential/unrestricted land use ESL of 15 ug/m^3 at a maximum concentration of 8.7 ug/m^3.

Given the low levels of VOCs detected in groundwater and soil gas in this nearby property, potential vapor intrusion impacts are not likely to be significant at the Subject Property.

6.0 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY

On 27 August 2019, Megan Wong and Zachary Salin of EKI conducted a visual reconnaissance of the Subject Property. Ms. Wong and Mr. Salin are Environmental Professionals as defined in 40 CFR Section 312.10, and as accepted by ASTM E1527-13 (resumes in Appendix G). Roger Moore, the Owner's representative for the Subject Property, provided EKI with access to the Subject Property.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

Below is a general description of the Subject Property buildings' current uses:

- 226 McEvoy Street is office space for a construction contractor with a small attached warehouse;
- 214 Dupont Street is a two-story office space. The first floor is occupied by an air treatment company with a large shipping and receiving warehouse. The second floor has been vacant for approximately three months;
- 214 Dupont Street, Building D is a custom pallet manufacturer and warehouse with a large outdoor storage yard and a number of outbuildings; and
- 205 Dupont Street is a two-story office building for a building maintenance services and landscaping company with a large warehouse and outdoor storage yard.

The following sections provide EKI's exterior and interior observations at each of the individual properties during the site walk of the Subject Property.

6.1 226 McEvoy Street

6.1.1 Exterior Observations

An office building and covered warehouse attached to the east side of the office building comprise most of the property. Landscaped areas are located along the northern and western side of the building. The property is bounded by Park Avenue to the north, 214 Dupont Street to the east, Dupont Street to the south, and McEvoy Street to the west. An external overhead pole-mounted electrical transformer is located on the corner of McEvoy and Dupont Street on the southwest corner of the office building. At the time of EKI's visit, there appeared to be either some rusting or staining on the transformer, but no staining at the ground surface. Staining on the sidewalk was observed on the south end of the building, near a roll-up door and a roof drain that appears to be connected to the warehouse.

6.1.2 Interior Observations

EKI observed the interior areas of both the office and warehouse sections of the 226 McEvoy building. In the office portion, floor drains are present in the bathrooms and break room of the office building. EKI did not observe any other notable features within the office portion of the building interior.

The warehouse section of the 226 McEvoy building is attached to the east side of the office building, and was added to the structure later. The warehouse portion of 226 McEvoy is used as storage for a commercial contractor, and contained automotive vehicles, construction-related chemical storage including small cans of paint, solvents, Rustoleum, and lubricants, as well as storage of materials, and miscellaneous equipment (e.g., refrigerator, fork lift, scissor lift, etc.). EKI noted a trench floor drain in the southwest corner of the warehouse; this may be the drain for the steam cleaning area noted in the 2018 Cornerstone Phase I (Cornerstone, 2018a). Near the floor drain location, EKI observed a large area of floor with a newer concrete patch, in the area previously indicated by Roger Moore as the location of a 1,000-gallon gasoline UST and two 200 to 250-gallon waste oil USTs, which were removed in 1994. EKI observed a raised bed filled with a cat litter-type absorbent material; EKI is not aware of the purpose of this structure, but cat litter is often used for cleaning up spilled oil or other similar fluids. EKI noticed oil stains and slick on areas of the warehouse floor.

6.2 **214 Dupont Street**

6.2.1 Exterior Observations

The property primarily consists of a large two-floor office building, parking area, large warehouse space, and shipping and receiving area. The property is bounded by Park Avenue to the north, the former South Pacific railroad to the east, 214 Dupont Street Building D to the south, and 226 McEvoy Street and Dupont Street to the west.

The parking lot on the north side of the building had evidence of a large area of replaced asphalt and evidence of utility trenching aligned with a potential former pipe or utility feature. Evidence of former site investigations, including grouted borings and boring identifications marked with spray paint, was observed in the asphalt around the Subject Property. The locations of borings observed by EKI on the Subject Property appeared to be largely consistent with those depicted on a figure provided in Cornerstone's geotechnical report (Cornerstone, 2018c).

On the south side of the building, a storage area with roll up door containing paint products was located on a raised concrete area outside the warehouse. EKI noted rust-colored stains on concrete areas running towards a number of catch basins in the south yard area of 214 Dupont. EKI observed the area where two 10,000-gallon fuel USTs were removed from the Subject Property; however, EKI could not identify any concrete patching showing the excavation extents for the tanks.

On the east side of the building, concrete outside a series of roll up doors had numerous cracks and seams. EKI observed light color staining outside one of the roll up doors.

6.2.2 Interior Observations

The first floor contained a front reception area, conference rooms, offices, break room, and bathrooms. A janitor's closet contained a water heater, sink with sealed floor penetration, paint, and cleaning equipment. A cleanout plug is located in the break room.

At the time of EKI's visit, the second floor of the office building had been vacant for three months. The second floor contained offices, bathrooms, and conference rooms. Floor drains are present in all bathrooms on the first and second floor. A janitor's closet contained a water heater, sink with sealed floor penetration, and paint products. A galvanized steel pipe was also observed in the janitor's closet with evidence of cracking in the flooring around the pipe penetration.

Within the warehouse area, EKI observed that the fire riser comes up through the slab of the building; the annular space between the slab and the riser was filled with a permeable granular material. EKI observed three small drums (two 25-gallon, one 55-gallon) located near the south end of the warehouse area. The drums were labeled as "Non-RCRA hazardous waste (used oil)." The 55-gallon drum was placed in a secondary containment structure, and EKI observed a spill kit nearby. EKI also observed bags of "Oil-Dri" adsorbent material. Within the warehouse area, EKI observed a battery charger with a white discharge and some staining on nearby floor areas. EKI also observed chemical storage, including compressed tanks of nitrogen gas, petroleum lubricant, and refrigeration lubricant.

6.3 **214 Dupont Street Building D**

6.3.1 Exterior Observations

Most of the property consists of two adjoining warehouses and a paved asphalt storage yard. The property is bounded by 214 Dupont St to the north, the former South Pacific and current Caltrain railroad to the east, West San Carlos Street to the south, and Dupont Street to the west.

Two pad mounted transformers were located on the west side of the property, just outside of the outdoor storage yard. At the time of EKI's visit, no evidence of leakage or staining associated with the transformers was observed.

EKI observed a number of shipping containers in the exterior storage yard area of 214 Dupont Street Building D. The shipping containers were locked and EKI was unable to determine what, if any contents were inside. EKI observed a number of older automobiles in various stages of repair. A few automobiles were stored in the property's outbuildings, whereas others were stored outdoors. Many of the automobiles had spill-adsorbent material be placed on the ground below the engine. EKI observed two rusted, empty drums with unknown former contents. EKI also observed a number of other empty containers, including an empty, unlabeled 250-gallon plastic

tote, an empty 50-gallon plastic drum labeled Fire Suppression Systems specialty detergent "FSS ProClean D3," which according to a Safety Data Sheet contains 1 to 5% potassium carbonate, an empty unlabeled 50-gallon plastic drum, a number of motor oil and coolant containers, and a number of gas cans. A number of cylinders containing compressed gas and spray adhesives are located in the yard. A number of large dumpsters and refuse bins containing miscellaneous trash as well as wood and metal debris are located on the 214 Dupont Building D property.

North of the southern outbuilding, EKI observed two metal covers to underground structures or vaults with a saw-cut trench exiting the area of the vaults to the southeast to a concrete patch east of the southern outbuilding. The lid to the vaults were partially obstructed by a wooden crate and EKI was not able to open or inspect under the metal covers. EKI observed two additional locked metal covers (presumably to underground structures or vaults) immediately east of the concrete patch. According to Cornerstone 2018a, four vaults are located adjacent to each other and are associated with an oil-water separator; however, only two of the vaults were partially visible at the time of EKI's site visit as the other vaults were covered by wooden crates. The rectangular concrete patch noted above was also identified by Cornerstone (2018a) as a possible former oil-water separator or drain, and the two additional metal hatches may be related to this use. Currently, both outbuildings appeared to be used as automobile storage and repair areas, but EKI could not access the interior of the southern outbuilding. Cornerstone (2018a) indicated that a trench drain was located in the center of the building that was previously used for steam cleaning by Independent Scissor Lift. EKI also observed boring locations from the Cornerstone 2018 geotechnical investigation.

6.3.2 Interior Observations

EKI also observed the interior areas of the two adjacent warehouse buildings located in the northern portion of the property. The warehouse buildings are primarily used for manufacture and assembly of pallets and shipping crates. EKI noticed an unknown liquid or gas tank on top of an office area. EKI noted extensive cracks throughout the floor slab in both warehouse buildings and localized staining in some areas. EKI observed a battery charger with a leaking box labeled "battery fluid acid" placed on top. EKI observed two 25-gallon drums, one labeled "HD Diesel Engine Oil" and the other unlabeled, along with an unlabeled cylindrical pressure vessel in an area near a utility sink. Neither drum had a secondary containment.

6.4 **205 Dupont Street**

6.4.1 Exterior Observations

Most of the property consists of a two-floor office building, large warehouse, asphalt paved driveways, and parking areas. The property is bounded by Dupont St to the north, Dupont Street to the east, neighboring properties to the south, and McEvoy Street to the west. Landscaped areas and stormwater swales are located along the northern side of the building as well as near the McEvoy Street and Dupont Street entrance/exit on the southern portion of the property.

EKI observed evidence of former site investigations by Cornerstone, including grouted borings and boring identifications marked with spray paint, in the parking lot areas. Only one of five locations depicted on a figure provided in Cornerstone's geotechnical report (Cornerstone, 2018c) was observed during the site walk-through.

During the site walk of the 205 Dupont Property, EKI observed two unmarked drums with unknown contents and without secondary containment near the south end of the property. EKI noted small stockpiles of soil, mulch and rock stored directly on pavement. The tenant at 205 Dupont uses four shipping containers (two to the west and two to the south of the warehouse portion of the building) for storage of landscaping equipment and chemicals, including fertilizers and plant growth regulators, herbicides, fungicides, pesticides and animal repellent. EKI was able to access two of the four shipping container storage locations, the remaining two shipping containers were locked and could not be opened. Stormwater on the site drains through bioswale channelizers along the site perimeter into storm drains. An external overhead electrical transformer is located on McEvoy Street on the southwestern side of the 205 Dupont property. At the time of EKI's visit, no evidence of leakage or staining associated with the transformer was observed. Two pad mounted transformers were located on the northwest side of the property. At the time of EKI's visit, no evidence of leakage or staining associated with the transformers was observed.

6.4.2 Interior Observations

The building at 205 Dupont is subdivided into an office area and a warehouse area. The office area occupies approximately the northern third of the building, while the warehouse occupies the remainder (southern two-thirds). The first floor of the office building contained offices and bathrooms. The second floor of the office building contained offices, bathrooms, and a kitchen. Floor drains are present in bathrooms, in the northern portion of the warehouse, and a trench drain is located in the southern portion of the warehouse. The warehouse has roll-up doors on the west and east sides for equipment access. In the warehouse area, EKI observed areas with localized staining on the floor. The warehouse contained a large amount of lawn and plant maintenance equipment, including motorized and ride-along lawnmowers, sprayers for pesticides and herbicides, weed whackers, edging and trimming equipment, as well as general janitorial equipment, including trash cans, mop buckets, and brooms. EKI observed chemical storage inside the warehouse, which included fuel cans, antifreeze, silicone spray, and general-purpose cleaning agents. In the fire riser room, EKI observed some cracking of the floor slab around a large pipe and also noted a small step-up transformer. The trench drain and other floor drains may have drained to an oil-water separator located east of the building as identified in the Cornerstone Phase I report (Cornerstone 2018a).

6.5 Surrounding Areas

EKI conducted a walking inspection of the Subject Property neighborhood. Caltrain railroad tracks are located directly to the east of the Subject Property. To the north, on the other side of Park Avenue, the Subject Property is adjoined by a multi-unit residential complex. To the west, the Subject Property is adjoined by several businesses, including an auto repair shop, a boat and car storage lot, a theater and an event planning company. Across West San Carlos Street to the south, the Subject Property is adjoined by a truck driving school and multi-unit residential developments. Further south are additional residential developments.

7.0 INFORMATION PROVIDED BY USER AND OWNER

7.1 Results of Owner Questionnaire

Through M&M Diridon, LLC, EKI requested that the Owner complete an environmental site assessment questionnaire. Mr. Roger Moore the Owner's representative for the Subject Property, completed two separate Phase I ESA questionnaires for the Subject Property; one for the 205 Dupont and 226 McEvoy properties, and a second one for the 214 Dupont and 214 D Dupont properties. The completed questionnaires, dated 30 September 2019, are included in Attachment C of this report. A summary of answers provided by Mr. Moore to key questions in the questionnaire is presented below.

7.1.1 Owner Questionnaire for 205 Dupont and 226 McEvoy

- Mr. Moore indicated that the 226 McEvoy building was constructed in the 1970s and that the 205 Dupont building was constructed in 2008.
- According to Mr. Moore, both properties were previously under use as office and warehouse space dating back to the 1970s, with residential uses prior to that time.
- Mr. Moore indicated that both buildings are currently used as office and warehouse space.
- Mr. Moore is not aware of any chemical use, storage or disposal activity on the 205 Dupont or 226 McEvoy properties, and that he does not know if businesses currently operating at these properties are required to submit hazardous material business plans or if they maintain any chemical use permits.
- Mr. Moore indicated that a UST was removed from each of the properties (a 1,000-gallon gasoline UST at 226 McEvoy, and a 250-gallon waste oil UST at 205 Dupont) in the past and indicated that he is not aware of any USTs remaining on the property. Mr. Moore is not aware of any leaks from these USTs, and states that both USTs were not leaking when removal occurred.
- Mr. Moore indicated that a former AST was located on the 205 Dupont property, but that it was removed. Mr. Moore indicated he did not have any knowledge of the AST leaking.
- Mr. Moore indicated that neither property is equipped with a diesel fuel powered emergency generator.
- Mr. Moore is not aware of any drums that store chemicals or pipelines that convey chemicals on the 205 Dupont or 226 McEvoy properties.
- Mr. Moore is not aware of any on-site chemical disposal or chemical wastes on either the 205 Dupont or 226 McEvoy properties.
- Mr. Moore is not aware of any landfills, waste disposal, fill soil, or debris dumping on either the 205 Dupont or 226 McEvoy properties.
- Mr. Moore is not aware of any water supply wells or septic/leachfield systems on the 205 Dupont or 226 McEvoy properties.
- Mr. Moore indicated that the San Jose Water Company is the source of potable water for both the 205 Dupont and 226 McEvoy Properties, and that sanitary sewer services for both properties are provided by the City of San Jose.

- Mr. Moore indicated that Storm Water Pollution Prevention Plans were previously prepared for one or both of the 205 Dupont and 226 McEvoy properties.
- Mr. Moore indicated that he is not aware of any air discharge point or air discharge permits, and that neither the 205 Dupont nor 226 McEvoy properties has received an air discharge violation.
- Mr. Moore is not aware of any pesticide or herbicide application, mixing, storage, formulation or disposal on either the 205 Dupont or 226 McEvoy properties.
- Mr. Moore indicated that there is a PG&E transformer which contains PCBs behind the sidewalk on McEvoy Street. Mr. Moore is unaware if testing has been performed on the transformer.
- Mr. Moore indicated that an asbestos survey was not conducted for either the 205 Dupont or 226 McEvoy buildings.
- Mr. Moore indicated that he is aware of prior environmental reports for the properties at 205 Dupont and 226 McEvoy, including the 2007 Phase I ESA by BGC and the 2018 Phase I ESA by Cornerstone. Mr. Moore indicated he is aware of geotechnical or hydrogeological studies of the 205 Dupont and 226 McEvoy properties as well.
- Mr. Moore indicated that the 205 Dupont property was previously cited for a violation related to oil in soil, with a mandated clean-up, but states that the dirt was remediated and hauled off.
- Mr. Moore indicated he is not aware of any environmental cleanup liens at either the 205 Dupont or 226 McEvoy properties.
- Mr. Moore indicated that he is aware of an adjacent railroad spur or track at the 205 and 226 McEvoy properties.

7.1.2 Owner Questionnaire for 214 Dupont and 214D Dupont

- Mr. Moore indicated that both the 214 Dupont and 214D Dupont buildings were originally constructed in the 1950s to 1960s.
- According to Mr. Moore, both properties were previously under use as office and warehouse space dating back to the 1990s, with food processing and warehouse uses prior to that time.
- Mr. Moore indicated that both buildings are currently used as office and warehouse space.
- Mr. Moore is not aware of any chemical use, storage or disposal activity on the 214 Dupont or 214D Dupont properties, and that he does not know if businesses currently operating at these properties are required to submit hazardous material business plans or if they maintain any chemical use permits.
- Mr. Moore indicated that he is not aware of any current or former USTs on the 214 or 214D Dupont properties.
- Mr. Moore indicated that a former “propane and concrete vault” AST was located in the yard of the 214D Dupont property, but that it was removed at least 10 years ago. Mr. Moore indicated he did not have any knowledge of the AST leaking.
- Mr. Moore indicated that neither property is equipped with a diesel fuel powered emergency generator.

- Mr. Moore is not aware of any drums that store chemicals or pipelines that convey chemicals on the 214 or 214D Dupont properties.
- Mr. Moore is not aware of any on-site chemical disposal or chemical wastes on either the 214 or 214D Dupont properties.
- Mr. Moore is not aware of any landfills, waste disposal, fill soil, or debris dumping on the 214 or 214D Dupont properties.
- Mr. Moore is not aware of any water supply wells or septic/leachfield systems on the 214 or 214D Dupont properties.
- Mr. Moore indicated that the San Jose Water Company is the source of potable water for both the 214 and 214D Dupont properties, and that sanitary sewer services for both properties are provided by the City of San Jose.
- Mr. Moore indicated that he is not aware of any current or prior Storm Water Pollution Prevention Plans for either the 214 or 214D Dupont properties.
- Mr. Moore indicated that he is not aware of any air discharge point or air discharge permits, and that neither the 214 Dupont nor 214D Dupont properties has received an air discharge violation.
- Mr. Moore is not aware of any pesticide or herbicide application, mixing, storage, formulation or disposal on either the 214 or 214D Dupont properties.
- Mr. Moore indicated that there is a PG&E transformer which contains PCBs on the sidewalk next to the north end of Dupont Street. Mr. Moore is unaware if testing has been performed on the transformer.
- Mr. Moore indicated that an asbestos survey was not conducted for either the 214 or 214D Dupont buildings.
- Mr. Moore indicated that he is aware of prior environmental reports for the properties at 214 and 214D Dupont properties, including the 2018 Phase I ESA by Cornerstone. Mr. Moore indicated he is aware of geotechnical or hydrogeological studies of the 214 and 214D Dupont properties as well.
- Mr. Moore indicated that neither of the 214 or 214D Dupont properties were previously cited for environmental violations.
- Mr. Moore indicated he is not aware of any environmental cleanup liens at either the 214 or 214D Dupont properties.
- Mr. Moore indicated that he is aware of an adjacent railroad spur or track at the 214 or 214D Dupont properties.

7.2 Results of User Questionnaire

Mr. Dan Mountsier of M&M Diridon, LLC, the User of this Phase I ESA report, completed the User questionnaire for the Subject Property, dated 27 September 2019, a copy of which is included in Appendix C. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-13 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* published on 1 November 2013. A summary of the questionnaire responses by Mr. Mountsier is presented below.

7.2.1 Environmental Liens

According to Mr. Mountsier, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property. This statement is consistent with the public records search for the Subject Property.

7.2.2 Activity and Land Use Limitations

Mr. Mountsier is not aware of any activity and land use limitations (i.e., engineering or institutional controls) related to environmental conditions in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Mountsier indicated that he has no specialized knowledge or experience related to the Subject Property.

7.2.4 Purchase Price

Mr. Mountsier believes the purchase price for the Subject Property reasonably reflects the fair market value of the Subject Property.

7.2.5 Commonly Known or Reasonably Ascertainable Information

Mr. Mountsier noted he was aware of the information in the 2007 BGC Phase I Environmental Site Assessment.[3] Mr. Mountsier indicated that he was not aware of any chemical spills, releases, or environmental cleanups performed on the Subject Property, or any obvious indicators that point to the presence or likely presence of contamination on the Subject Property. Mr. Mountsier is not an environmental professional.

7.3 **Results of Environmental Lien Search**

EKI purchased from EDR an environmental lien search reports for the Subject Property, based on Santa Clara County APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067 and reviewed a preliminary title report for the Subject Property dated 13-14 August 2019, for APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067. Copies of the EDR lien search reports, dated 13-14 August 2019 and preliminary title report are included in Attachment C of this report. The EDR report and preliminary title report did not identify any records of environmental liens filed or recorded against the Subject Property, or any Activity and Use Limitations ("AULs") recorded for the property.

[3] It should be noted that Mr. Mountsier completed the User questionnaire prior to the receipt of the Cornerstone Phase I Report.

8.0 RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property area and properties located within selected radii of the Subject Property. A copy of the resulting "radius map report" and an addendum to the radius map report provided by EDR are provided in Appendix F. Refer to the EDR report (pages GR-1 through GR-51) for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database Search for Subject Property

According to the EDR Report, the Subject Property is listed on several regulatory agency databases as a chemical use site and as a leaking UST site. The chemical use databases are associated with the Subject Property's former uses as equipment rental yard, scissor lift manufacturer, landscaping and turf maintenance, and auto repair/service shops. The Subject Property is listed as a chemical release site, specifically as a leaking UST site. The listed sites correspond to the Independent Scissor Lift facilities located at 226-236 McEvoy Street and 214 DuPont Street.

Site Name	Address	Database Acronyms
ABM LANDSCAPE & TURF SERVICES	205 DUPONT ST	RCRA NONGEN / NLR, HAZNET,CUPA LISTINGS,PEST LIC,CERS,CERS, HAZ WASTE,HAZMAT, FINDS,ECHO
OUT OF BUSINESS	226 MCEVOY ST	HAZNET,HAZMAT
***INDEPENDANT SCISSOR LIFT**	**226-236 MCEVOY ST**	**FINDS, CUPA LISTINGS, RGA LUST, HIST UST, LUST,HIST CORTESE,HIST LUST,CERS**
VROOM AUTO CARE CENTER	254 MCEVOY ST	HAZNET
UNITED RENTALS INC #373	214 DUPONT ST	HAZNET
DUPONT MCEVOY WAREHOUSE & OFFICE BUILDING	236 MCEVOY	CIWQS
***INDEPENDENT SCISSOR LIFT**	**214 DUPONT AVE**	**RGA LUST**
FUTURE PACKAGING GROUP INC	214 DUPONT ST BUILDING D.	ECHO
UNITED RENTALS AERIAL EQUIPMENT	226 MCEVOY ST	CUPA LISTINGS

8.2 Off-Site Properties with Reported Chemical Use

As discussed in Section 3.3, groundwater in the vicinity of the Subject Property likely flows generally to the north or northeast. Based on the EDR Report and generalized groundwater flow information for the area, the facilities listed in the table below, which are located within approximately one-quarter mile and potentially upgradient of the Subject Property, are listed on specific chemical use, storage, or disposal regulatory agency databases. It should be noted that only those sites indicated below with an asterisk (*) and in bold-face font are reported by EDR as a documented chemical release site.

Site Name	Address	Database Acronyms	Approximate Distance and Direction based on EDR
RAY'S AUTOMOTIVE SERVICE	244 MC EVOY ST	CUPA LISTINGS,HAZMAT, CERS,CERS HAZ WASTE, FINDS	0.01 miles W
***BEST ELECTRICAL CO. INC.**	**248 MCEVOY ST**	**RGA LUST, HIST UST, NON-CASE INFO**	**0.01 miles W**
MICKEY S AUTO WRECKER	269 MC EVOY ST	EDR HIST AUTO	0.007 miles SW
DOWNTOWN AUTO WRECKING	263 MC EVOY ST	EDR HIST AUTO	0.007 miles SW
S & S WELDING	699 W SAN CARLOS ST	CUPA LISTINGS,CERS,HAZMAT	0.025 miles S
H AND S AUTO BODY	757 W SAN CARLOS ST	FINDS,RCRA-SQG,HAZNET,ECHO	0.044 miles SSW
RUDY S GARAGE	759 W SAN CARLOS ST	EDR HIST AUTO	0.049 miles SSW
***ROOFGUARD**	**740 W SAN CARLOS ST.**	**LUST,HAZNET,SWEEPS UST,CORTESE,CERS, CUPA LISTINGS**	**0.056 miles S**
***SAN JOSE MIDTOWN DEVELOPMENT**	**777 W. SAN CARLOS**	**CPS-SLIC,CERS**	**0.059 miles SW**
HERTZ-BIG 4 RENTS	800 W SAN CARLOS ST	CUPA LISTINGS, AST	0.087 miles SSW
***CHEIM LUMBER CO**	**800 W SAN CARLOS ST**	**LUST,SWEEPS UST,HIST CORTESE,HIST LUST, LUST,CERS**	**0.087 miles SSW**
EAGER BEAVER SMALL ENGINE REPAIR	270 SUNOL ST	EDR HIST AUTO	0.089 miles WSW
QUALIFIED MAINTENANCE	270 SUNOL ST	CUPA LISTINGS	0.089 miles WSW
***ORCHARD SUPPLY HARDWARE**	**720 W SAN CARLOS**	**FINDS,LUST,RCRA-SQG,HAZNET,SWEEPS UST,NPDES,HIST LUST,ECHO,CERS, CUPA LISTINGS, HIST CORTESE**	**0.122 miles SE**
MODERN CURTAIN & DRAPERY CLEANERS	857 W SAN CARLOS ST	EDR HIST CLEANER	0.123 miles WSW
UNITED TRANSMISSIONS	755 AUZERAIS AV	CUPA LISTINGS	0.148 miles SSE
LOMELI AUTOMOTIVE	755 AUZERAIS AV	CUPA LISTINGS	0.148 miles SSE
***OHLONE PROJECT**	**860 WEST SAN CARLOS STREET**	**CPS-SLIC,CERS, LUST,HIST UST,HAZNET,NPDES,CIWQS,CERS, HIST LUST**	**0.157 miles SW**
SCVTA CENTRAL BUS YARD	860 SAN CARLOS	HIST CORTESE	0.157 miles SW
ROSS TIRE & AUTOMOTIVE	741 AUZERAIS AVE	RCRA NONGEN / NLR, CUPA LISTINGS,CERS,CERS HAZ WASTE,HAZMAT	0.163 miles SSE
T-MOBILE ID#SF24663A	791 AUZERAIS AV	HAZMAT	0.163 miles SSE
WOODS VAN LINES INC	733 AUZERAIS AVE	FINDS,RCRA NONGEN / NLR,ECHO	0.169 miles SSE
KELLY-MOORE PAINT CO	710 AUZERAIS AV	CUPA LISTINGS,CERS,CERS HAZ WASTE,HAZMAT, RCRA NONGEN / NLR	0.177 miles SE
***OHLONE - BLOCK B**	**345 SUNOL STREET**	**CPS-SLIC,CERS**	**0.181 miles SSW**
TONY'S AUTO REPAIR	696 AUZERAIS AVE	FINDS,RCRA-SQG,ECHO	0.19 miles SE
***KRALYEVICH PROPERTY**	**696 AUZERAIS AVE**	**LUST,HIST CORTESE,HIST LUST,CERS**	**0.19 miles SE**
SARMI MOTO LLC DBA MOTO GUILD SILICON VALLEY	682 AUZERAIS AVE	RCRA NONGEN / NLR, CUPA LISTINGS	0.194 miles SE
SERVICEMASTER ALLCARE RESTORATION	782 AUZERAIS AV	CUPA LISTINGS, HAZMAT	0.198 miles SSE
***DEL MONTE FOODS**	**801 AUZERAIS AVE**	**HIST UST,SWEEPS UST,CPS-SLIC, HIST UST,HAZNET,BROWNFIELDS,CERS,**	**0.206 miles S**

Site Name	Address	Database Acronyms	Approximate Distance and Direction based on EDR
		FINDS,RCRA-SQG,ECHO, CUPA LISTINGS, NPDES,CIWQS,CPS-SLIC,CERS	
830 AUZERAIS STREET	830 AUZERAIS STREET	US BROWNFIELDS	0.234 miles S
AKINS AUTO REPAIR	782 PARK AVE STE 10	RCRA NONGEN / NLR, CUPA LISTINGS, RCRA NONGEN / NLR, CERS,CERS HAZ WASTE	0.037 miles NW
EFI POWERHOUSE	782 PARK AV STE 8	CUPA LISTINGS	0.037 miles NW
PARK AV STORM DRAIN PUMP S	800 PARK AVE	SWEEPS UST, CUPA LISTINGS,HAZMAT	0.049 miles NW
GARCIA'S ORNAMENTAL IRON WORKS LLC	804 PARK AV STE D	CUPA LISTINGS	0.054 miles NW
SERVICE CLEANERS	810 PARK AVE	EDR HIST CLEANER	0.054 miles NW
ACEVEDO'S BODY SHOP	804 PARK AV D	CUPA LISTINGS	0.054 miles NW
L & H BUMPERS	810 PARK AV B	CUPA LISTINGS	0.054 miles NW
UNITED PLATING SERVICES	810 PARK AV A	CUPA LISTINGS,HAZMAT, RCRA-SQG, ENVIROSTOR,HAZMAT	0.054 miles NW
***CIRCUIT LINK INC**	**804 PARK AVE, UNIT A**	**EMI,ENVIROSTOR, CUPA LISTINGS,CERS, RCRA-SQG**	**0.054 miles NW**
FFR FABRICATION & REPAIR LLC	804 PARK AVE STE A	RCRA NONGEN / NLR	0.054 miles NW
SAN JOSE CURTAIN & BLANKET CLEANERS	810 A PARK AV	EDR HIST CLEANER	0.054 miles WNW
CHRISTIANSEN A N	834 PARK AV SAN JOSE	EDR HIST AUTO	0.072 miles NW
IONIZATION RESEARCH CO INC/ECOSOLUTIONS	820 PARK AVE	HWP,ICE,CERS	0.076 miles WNW
***CLOUDBURST CAR WASH**	**695 SAN CARLOS ST**	**LUST,HIST CORTESE,HIST LUST,CERS, HIST UST**	**0.085 miles ESE**
WILLIAMS PARTY RENTALS	845 PARK AV	CUPA LISTINGS,CERS,HAZMAT	0.091 miles NW
***UNOCAL #6231**	**602 W SAN CARLOS ST**	**LUST,HIST LUST, UST,SWEEPS UST,CUPA LISTINGS,CERS,CERS TANKS,CERS HAZ WASTE, HIST UST, HAZMAT, RCRA NONGEN / NLR**	**0.131 miles ESE**
ORCHARD SUPPLY COMPANY LLC	377 ROYAL AVE	RCRA NONGEN / NLR, HAZNET,NPDES,CIWQS,HAZMAT, CUPA LISTINGS	0.16 miles SE
GIC CAR CLINIC INC	375 BIRD AV	HAZNET,CUPA LISTINGS,CERS,CERS HAZ WASTE,HAZMAT, RCRA NONGEN / NLR	0.162 miles ESE
DEL'S AUTO BODY	1019 W SAN CARLOS ST	RCRA NONGEN / NLR, CUPA LISTINGS,CERS	0.198 miles WSW
***DARIANO & SONS**	**638 AUZERAIS AVE**	**LUST,HAZNET,SWEEPS UST,HIST CORTESE,CORTESE,HIST LUST,CERS**	**0.218 miles ESE**
DHILLON MOTORSPORTS DBA SMOG MAN	646 AUZERAIS AVE	RCRA NONGEN / NLR	0.221 miles SE
FIX N CARE AUTO REPAIR	646 AUZERAIS AV	CUPA LISTINGS	0.221 miles SE
ADVANCE DESIGN CONSULTANTS INC	998 PARK AV	CUPA LISTINGS	0.232 miles WNW
***CHEVRON #9-3093**	**395 BIRD AVE**	**LUST,SWEEPS UST,HIST LUST, CUPA LISTINGS,CERS, HIST UST, FINDS,RCRA-SQG,HAZNET,ECHO, UST, RCRA NONGEN / NLR**	**0.183 miles ESE**

Site Name	Address	Database Acronyms	Approximate Distance and Direction based on EDR
*OHLONE - BLOCK C	861 AUZERAIS AVE	CPS-SLIC, CERS	0.26 miles SSW

8.3 Off-Site Properties with Reported Chemical Releases

According to the EDR Report, there are 15 reported chemical release sites located in the proximity of (within approximately one-quarter of a mile) and potentially upgradient of (generally to the south) or adjacent to the Subject Property with respect to reported shallow groundwater flow direction.

EKI reviewed potentially relevant information for the reported chemical release sites available on the SWRCB on-line Geotracker[4] database and the DTSC's on-line Envirostor database. A summary of these off-site reported release sites and the potential for impacts to the Subject Property are discussed below.

8.3.1 Review of Best Electrical Co., Inc., 248 McEvoy Street

The Best Electrical Co., Inc. ("Best Electrical") site at 248 McEvoy Street is located approximately 0.01 miles west of the Subject Property, is likely upgradient of the Subject Property. According to information on Geotracker, the site was previously believed to have a leaking UST or other unauthorized release on the property. In a letter dated 8 September 1994, the SCVWD indicated that its records were in error, that there was no indication of a leaking UST at the Best Electrical site, and that SCVWD was removing the Best Electrical site record from its Leaking Underground Storage Tank Informational System ("LUSTIS") database.

8.3.2 Review of San Jose Midtown Development, 777 West San Carlos Street

The San Jose Midtown Development at 777 West San Carlos Street, is located approximately 300 feet southwest of the Subject Property and is likely upgradient of the Subject Property. According to information on Geotracker, the site is located at the terminus of a former railway freight spur line. A Phase II investigation at the site entitled *Phase II Subsurface Investigation Report – 266 Sunol Street, San Jose California*, prepared by AEI consultants and dated 6 June 2008 (AEI, 2008) identified metals, including lead and arsenic in shallow soil near the former railway spur location at concentrations up to 510 mg/kg and 430 mg/kg respectively; concentrations in a soil sample collected at a depth of one foot bgs from boring SB-1, the boing located closest to the Subject Property, were 190 mg/kg for arsenic and 500 mg/kg for lead. As described in the *Remedial Action Completion Report – San Jose Midtown Development, LLC, 777 San Carlos Street, San Jose,*

[4] All SCCDEH files have been migrated to Geotracker

California prepared by Ninyo & Moore, dated 25 October 2018 (N&M, 2018) for the site, excavation of contaminated soil occurred in 11 different areas where contamination was delineated on site. Excavation depths in the 11 areas varied between 2.5 and 8.5 feet bgs. Approximately 3,410 tons of impacted soil and approximately 37 tons of railway debris were removed from the site and disposed off-site.

EKI also reviewed information indicating that four fuel tanks (a 4,000-gallon gasoline UST, a 4,000-gallon diesel UST, a 750 gallon gasoline UST, and a 1,000 gallon AST) were removed from the site between 1996 and 2008. UST removals occurred prior to the current site redevelopment and remedial soil excavation. EKI reviewed a removal report for the two 4,000-gallon USTs, removed in 1996. TPH as gasoline and diesel and BTEX were not detected in the four confirmation soil samples collected from the bottom of the UST excavations. EKI reviewed a removal report for the 750-gallon gasoline UST, which was removed in 2008. The removal report included sample analytical reports for two soil samples collected from the tank excavation bottom and from below the dispenser. Fuel oxygenates and benzene were not detected in either soil sample. Toluene, ethylbenzene, and xylenes were detected in the soil sample from below the dispenser at concentrations of 1.5, 2.3, and 17 ug/kg, respectively, which are below residential ESLs. EKI has not seen closure documentation for any of the four tanks removed from the site.

Confirmation soil samples collected as part of the N&M 2018 RACR indicated that lead and arsenic are still present at concentrations up to 73 mg/kg and 15 mg/kg, respectively, which are less than residential ESLs or are generally consistent with background concentrations. The N&M 2018 RACR states that arsenic was present in a soil sample at the property boundary in at a concentration of 290 mg/kg in the northeast corner of the site, which is generally along the path of the former railroad spur track. The N&M 2018 RACR indicated that groundwater was not sampled as part of investigations or addressed as a part of remedial actions at the site. SCCDEH closed the site, which was under the voluntary cleanup program, in a letter dated 31 October 2018 (SCCDEH, 2018). The closure letter indicated that contaminated shallow soil likely remains throughout areas of the site. The residual arsenic and lead impacts present at 777 West San Carlos Street indicate that soil contamination likely exists along the former railroad spur to the northeast towards the Subject Property. However, any releases from the former USTs are not likely to impact the Subject Property.

8.3.3 Review of Closed Leaking UST Sites, various addresses

EKI reviewed available information for a number of leaking UST sites potentially upgradient of the Subject Property. Based on the documents reviewed, these sites generally had releases of petroleum products including waste oil and gasoline, as well as petroleum-related VOCs and metals. Some sites included the excavation of impacted soil prior to closure. Based on the chemicals released and the distance of these sites from the Subject Property, releases from these sites are not expected to impact the Subject Property. Closure documents for these closed leaking UST sites include:

- Roofguard, 740 W San Carlos St., closed by SCCDEH in a letter dated 22 August 2019.
- Cheim Lumber Co., 800 W San Carlos St., two separate leaking UST cases closed by SCVWD in a letter dated 7 June 1993, and by SCCDEH in a letter dated 17 August 2005.
- Orchard Supply Hardware, 720 W San Carlos St., closed by SCVWD in a letter dated 16 August 1996.
- Kralyevich Property, 696 Auzerais Ave, closed by SCCDEH in a letter dated 26 October 2005.
- Circuit Link, Inc., 804 Park Ave, closed by DTSC in a letter dated 16 December 2004.
- Cloudburst Car Wash, 695 W San Carlos St., closed by SCVWD in a letter dated 21 July 1995.
- Unocal Station #6231, 602 W San Carlos St., closed by SCVWD in a letter dated 20 April 2000.
- Chevron Station #93093, 395 Bird Ave, closed by SCCDEH in a letter dated 15 July 2011

8.3.4 Review of the Ohlone Project, 860 West San Carlos Street (Block A), 345 Sunol Street (Block B), and 861 Auzerais Avenue (Block C)

The Ohlone Project site is an 8.5-acre development located approximately 800 feet southwest of the Subject Property, on the west side of Los Gatos Creek, and likely upgradient of the Subject Property. The Ohlone Project site is subdivided into three blocks (Blocks A, B, & C), with each block having a separate Geotracker record. According to information on Geotracker, the site previously was used as a bus depot and maintenance yard by the Valley Transit Authority ("VTA"), as well as by a number of auto repair facilities. Files reviewed by EKI indicate that between 1989 and 1996, eight USTs, one or two sumps, a containment structure, a drain inlet, and a number of hydraulic lifts were removed from the site under regulatory agency oversight. One of the USTs removed in 1996 included a previously-unknown 15,000-gallon fuel UST that was previously abandoned-in-place. Additional environmental investigations occurred onsite between 1989 and 2004 and identified petroleum and petroleum-related VOC impacts to soil and groundwater. SCCDEH closed the leaking UST case in a letter dated 6 February 2007 and indicated that petroleum and petroleum-related VOCs remain present in soil and groundwater on site, including gasoline-range hydrocarbons at concentrations up to 9,400 mg/kg in soil and 66,800 ug/L in groundwater, and diesel-range hydrocarbons at concentrations up to 16,000 mg/kg in soil. Fuel-related VOCs, including xylenes and ethylbenzene, as well as oil and grease are also still present in soil and groundwater on the Ohlone Project site. The *Work Plan for Environmental Services, Ohlone Project – Block A Portion of 860 West San Carlos Street, and Former UPRR Parcel, San Jose, California* prepared by Cornerstone, and dated 19 April 2018 (the "2018 Ohlone Work Plan"), shows that Block A, the northernmost portion of the project, which is closest to the Subject Property, has significant areas with BTEX-impacted groundwater and residual TPH-impacted soil between approximate depths of 20-30 feet bgs (Cornerstone, 2018b). Groundwater was previously monitored at the Ohlone Project site between 1993 and 1998, but the wells were destroyed and more recent data are not available. Monitoring well MW-19, located in the northeast corner of the site (i.e., the closest upgradient well to the Subject Property) was

monitored between March 1993 and June 1998. TPH as gasoline, TPH as diesel fuel, TPH as motor oil, and BTEX compounds were all not detected in the final groundwater sample collected from well MW-19 in June 1998. The 2018 Ohlone Work Plan indicated that additional grab groundwater samples collected at the Ohlone Project site in 2007 did not contain VOCs at concentrations above the drinking water Maximum Contaminant Levels.

Subsequent environmental investigations on the Ohlone Project site identified fill soil on the site containing petroleum, lead, arsenic, PCBs, and polycyclic aromatic hydrocarbons ("PAHs"). Soil vapor samples collected during the April 2007 investigation contained gasoline-range petroleum hydrocarbons at concentrations up to 312,700 ug/m^3. Between August and November 2015, approximately 4,500 to 5,500 cubic yards of impacted soil were excavated from the Ohlone Project site and disposed at an off-site landfill. The consultant for the Ohlone Project, Cornerstone, submitted a completion report for Block C on 4 August 2017 and a completion status report for Block B on 21 December 2017. As of April 2018, delineation of impacted soil areas in Block A of the Ohlone Project is ongoing. However, based on the available groundwater data reviewed by EKI from the upgradient side of Block A, the petroleum hydrocarbons and related VOCs are not likely to impact the Subject Property.

8.3.5 Review of Del Monte Foods #3, 801 Auzerais Avenue

The former Del Monte Foods Plant #3, located at 801 Auzerais Avenue, is approximately 1,000 feet south of the Subject Property, and located on the west side of Los Gatos Creek and is likely upgradient of the Subject Property. The original factory was constructed prior to 1915, and historically processed, canned, and distributed fruits and vegetables. All cannery operations at Del Monte Foods Plant #3 ceased in 1999. According to information on Geotracker, during the course of subsequent redevelopment of the site by KB Home South Bay, Inc., 15 undocumented former USTs, associated piping, and sumps were removed from the 17-acre site, along with approximately 25,700 tons of soil and approximately 3,000 gallons of groundwater impacted with petroleum hydrocarbons, PCBs, and metals. The RWQCB issued three No Further Action letters dated 21 February 2007, 1 August 2007, and 2 October 2008. The final letter from the RWQCB indicates that contaminants detected on site prior to clean-up were not present in confirmation soil or groundwater samples at concentrations above the then current ESLs. Based on the distance to the Subject Property, residual chemical s in groundwater are not likely to impact the Subject Property.

8.3.6 Review of Dariano & Sons, 638 Auzerais Avenue

The Dariano & Sons Site at 638 Auzerais Avenue is a leaking UST site located approximately 0.22 miles ESE of the Subject Property. The Dariano & Sons site is located on the east side of Los Gatos Creek and is therefore not likely upgradient of the Subject Property. According to information on Geotracker, the site contained two 550-gallon gasoline USTs that were removed in 1989. Petroleum hydrocarbon and BTEX impacts to soil and groundwater were identified. Currently the

site operates both soil vapor extraction and dual-phase extraction and has recovered 2,072.23 gallons of hydrocarbon mass as of March 2019. Reportedly, free product is still present in a number of wells on-site, and remediation is ongoing. The case remains open on Geotracker and is under verification monitoring as of 3 June 2016. Impacts to the Subject Property from the 638 Auzerais Avenue property are not likely given the distance and location relative to the Subject Property.

8.4 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- BAAQMD
- DTSC
- RWQCB
- San Jose Fire Department, Hazardous Materials Division
- SCCDEH

In addition, EKI searched online databases maintained by DTSC, SWRCB, and SCVWD.[5]

The RWQCB and DTSC did not provide any files regarding the Subject Property. Copies of the agency files are included in Appendix A of this report.

The RWQCB did not have any additional records for the Subject Property. Records are listed on the SWRCB Geotracker website for 236 McEvoy Avenue. EKI reviewed the available documents and summarized key documents in Section 5.0 above. Files for the Subject Property obtained from the SWRCB's Geotracker website are provided in Appendix E.

EKI reviewed the available documents on SWRCB Geotracker website and summarized key documents in Section 5.0 above.

8.4.1 Summary of the BAAQMD File

BAAQMD provided a file to EKI for 226 McEvoy Street, entitled "PRR Plant Status" for a United Rentals Northwest Inc. facility. According to the record provided, the facility was shut down on 2 February 2016; however, the file does not indicate what type of operation was permitted. The NAICS Code provided pertains to "Gasoline Stations with Convenience Stores." Owner's representative Roger Moore confirmed that United Rental previously operated at 226 McEvoy Street and other portions of the Subject Property. Mr. Moore also confirmed an approximate location of a historical UST associated with 226 McEvoy Street (see Figure 2).

[5] As of Summer 2017, all historical SCCDEH files have been transferred to the SWRCB Geotracker site (https://www.sccgov.org/sites/hazmat/programs/smp/Pages/review.aspx).

8.4.2 Summary of the San Jose Fire Department, Hazardous Materials Division File

The San Jose Fire Department, Hazardous Materials Division ("SJFD") provided documents to EKI which included various files for the addresses 226 McEvoy Street, 236 McEvoy Street, 238 McEvoy Street, 205 Dupont Street, 214 Dupont Street, and 234 Dupont Street, all of which are on the Subject Property. Listed items from these records will be described under the present-day Subject Property address related to the listed address from the files.

8.4.2.1 *226 McEvoy Street*

Files from SJFD for 226 McEvoy include a record of inspection and a hazardous materials business plan ("HMBP") for Independent Scissor lift dated 1992. The HMBP indicates the business stored acetylene in a 100 cubic foot pressure vessel and unspecified solvent in a 50-gallon drum on site.

Files from approximately 2000 to 2009 relate to United Rentals, which occupied the 226 McEvoy property around that time. The 226 McEvoy property was used for administrative purposes. United Rentals occupied additional buildings at addresses listed as (and corresponding to) 216B Dupont Street (214 and 214D Dupont Street), 236 McEvoy Street, 248 McEvoy Street, and 259 Dupont Street (205 Dupont Street). USTs, ASTs, and other items listed under documents associated with 226 McEvoy will be described under the present day addresses, listed below.

Records of Inspection dated October of 2000, 2001, and 2002, generally show no violations were recorded by SJFD. A Record of Inspection dated October 2005 shows a number of minor violations, primarily for missing fire extinguishers, placards, and signage.

8.4.2.2 *205 Dupont Street*

A HMBP for Independent Scissor Lift dated 19 September 1997 lists oil storage, oil filter storage, an LP propane tank rack, and a 1,000-gallon gasoline AST at the 205 Dupont Street property.

HMBPs for United Rentals, dated 13 November 2001 and 18 October 2005 list the following at the present day 205 Dupont property: a 1,000-gallon gasoline AST, a 425-gallon wax emulsion tank, a 110-gallon engine oil tank, and a 110-gallon automatic transmission fluid tank.

A HMBP dated 24 January 2017 for current tenant ABM Landscape Services lists a 260-gallon used motor oil AST as the only hazardous material stored on site.

8.4.2.3 *214 Dupont Street*

A HMBP for Independent Scissor Lift dated 19 September 1997 lists battery storage at the 214 Dupont Street property.

A closure application dated 2 September 1986 for the two 10,000-gallon USTs formerly located between the 214 Dupont and 214D Dupont properties indicated that SJFD observed the removal of these two tanks. A letter in the file from SCCDEH dated 15 September 1986 indicates that the tanks were actually under SCCDEH jurisdiction, that the application was mistakenly filed with SJFD, but that SJFD should forward the removal documentation to SCCDEH for closure. EKI has not aware of regulatory closure for these two USTs.

The HMBPs for United Rentals, dated 13 November 2001 and 18 October 2005 do not include any items at the present day 214 Dupont property.

8.4.2.4 *214D Dupont Street*

A hazardous materials system installation permit relating to installation of a 1,000-gallon steel and concrete AST containing diesel fuel was filed for the 214D Dupont Street property on 13 February 1994. The AST had secondary containment and a monitoring system at the time of installation. EKI also reviewed a 1994 UST removal report for 214D Dupont Street relating to the removal of a 1,000-gallon gasoline UST as well as 550-gallon and 200-gallon waste oil USTs. Confirmation soil samples were collected from the UST removals. The maximum benzene, toluene, ethylbenzene, and xylenes concentrations in confirmation soil samples were 0.16 mg/kg, 0.17 mg/kg, 0.02 mg/kg, and 0.10 mg/kg, respectively. TPH concentrations were all less than 100 mg/kg. The removal report did not include a plot plan of UST locations. The tank removals were inspected by SJFD, but EKI has not seen regulatory closure documents for these three USTs.

A HMBP for Independent Scissor Lift dated 19 September 1997 lists oil storage, a 1,000-gallon LP propane tank, and a 1,000-gallon diesel AST at the 214D Dupont Street property.

The HMBPs for United Rentals, dated 13 November 2001 and 18 October 2005 list the following at the present day 214D Dupont property: a 1,000-gallon diesel AST, a number of 500-gallon propane tanks, 425-gallon wax emulsion tank, a 110-gallon engine oil tank, a 110-gallon hydraulic oil tank, and a 110-gallon automatic transmission fluid tank, five to six 55-gallon motor and transmission oil drums, battery storage, and varying quantities of welding gases including acetylene, argon, oxygen, and NOS 400 gallon acetylene tank, and nitrous oxide, oil filters and rags, soap storage, and washbay areas.

The file for 214D Dupont included a 14 August 2014 fire prevention inspection listing removal of two 1,000-gallon ASTs (one listed as diesel, one listed as gasoline). The inspection form indicated both tanks were scheduled to be removed from the property the next day. The diesel tank referenced is likely the diesel AST installed in February 1994. EKI has not seen records for installation of a 1,000-gallon gasoline AST at this property, but this may relate to the 1,000-gallon gasoline AST referenced on the current 205 Dupont Street property.

A number of files for 214D Dupont Street were listed under 234 Dupont, which is the business address used by Future Packaging, the current tenant of the 214D Dupont buildings and yard.

These files primarily consisted of Records of Inspection, and largely indicated violations for standpipes and fire sprinkler systems. A 26 June 2017 Record of Inspection noted that the two ASTs (owned by United Rentals) were in violation of the California Fire Code, and had both been damaged to the point where removal was required. The Record of Inspection indicated that the tank owner was responsible for obtaining the necessary permits for closure. EKI has not seen regulatory closure documentation for these two ASTs.

8.4.3 Summary of SCCDEH Files

SCCDEH provided files to EKI for three of the five addresses contained within the Subject Property.

8.4.3.1 *226 McEvoy Street*

The SCCDEH provided files for 226 McEvoy Street, specifically records pertaining to Independent Scissor Lift from approximately 1984 through 1997 and to United Rentals from approximately 2001 through 2004. EKI reviewed records including permits, notices of inspection and a hazardous waste generator self-audit checklist for the facility. According to the hazardous waste generator self-audit checklist, United Rentals performed fork lift repair and generated less than 5 tons of hazardous waste per year. United Rentals indicated that they did "have waste evaluated as they are only oils and clean solvents (acetone) engine oil – hydraulic oil."

According to the available records, there were no notices of violations related to spills on site. United Rentals received notices of violations for failure to monitor hazardous waste or post generator information on drums, failure to perform daily aboveground hazardous waste tank inspections, and various administrative items. Hazardous waste generated by United Rentals on an annual basis included 800 gallons of waste oil, 3,000 pounds of grease sweep, and 700 pounds of oil rags.

The SCCDEH files included five permits for both underground and aboveground tanks for Independent Scissor Lift #1 at 226 McEvoy Street. The permits include 3 UST permits (one listing the address as a single tank site, and two listing the address as a multi-tank site) and two AST permits (one for a flammable liquid and one listed as 'poison,' likely for an herbicide or pesticide). The UST permits are likely associated with the 1,000-gallon gasoline UST and two 200-250-gallon waste oil USTs removed from the property in 1994. ASTs were not observed on the 226 McEvoy property by EKI during the site walk at the Subject Property. An installation report by D&D Management Consultants, dated 12 November 1987 and an inspection notice, dated 18 November 1987 indicate that shallow vadose-zone monitoring wells were installed at the gasoline UST, the two waste oil USTs, and at a pump island located on the property. An inspection notice, dated 7 August 1989 confirms that in addition to the gasoline UST and two waste oil USTs, the property also previously had a pump island installed.

8.4.3.2 *214 Dupont Street*

The SCCDEH provided files for 214 Dupont Street, specifically records pertaining to facility closure documentation for PikNik Foods. In a letter dated 1 October 1986 from the SJFD to Mr. Charles Nicholson of County of Santa Clara, Hazardous Materials Unit (later succeeded by SCCDEH), SJFD indicated they mistakenly processed facility closure for 214 Dupont Street though it was within County of Santa Clara jurisdiction. SJFD stated that there was no soil contamination at the site and deemed cleanup work as not necessary. The available records did not include a final facility closure letter from Santa Clara County.

According to documentation from SCCDEH, between July and September 1986, two 10,000-gallon steel underground gasoline storage tanks were removed. Four soil samples were collected on 15 September 1986 at a depth of 13 feet bgs as part of the UST closure. The samples were analyzed for TPH as gasoline by EPA Method 5020 and 8015. TPH as gasoline was not detected in any of the four soil samples with a reporting limit of 0.015 mg/kg, which is below the current 2019 RWQCB Tier 1 ESL of 100 mg/kg for gasoline in soil. Prior to removal of the two 10,000-gallon gasoline USTs, hazardous material inventories dating from 1984 for 214 Dupont reference two empty 5,000-gallon underground diesel fuel storage tanks. Another document indicates there were two 10,000-gallon diesel USTs. At that time, both tanks were noted as empty and not in use. It is likely that the diesel tanks referred to here are actually the 10,000-gallon gasoline USTs removed in 1986, but EKI does not know if the USTs were used to store gasoline, diesel, or both.

According to the hazardous material documents from 1984, chemicals stored on site were used for general cleaning, sanitation, and insect control. Chemicals included gear oil, solvent, stainless steel cleaner, alkaline detergent, and paint (in volumes less than 25 gallons). Lube grease, insecticide, and caustic soda neutralizer were stored in quantities on the order of 50 pounds or 55 gallons. Caustic soda and alkaline floor detergent were stored in quantities of roughly 400 pounds.

8.4.3.3 *205 Dupont Street*

The SCCDEH provided files for 205 Dupont Street, specifically records pertaining to One Source Landscaping and ABM Onsite Services-West Inc. from approximately 2013 through 2018. In July 2014, One Source Landscaping changed its legal name to ABM Onsite Services-West Inc., though it had been a part of ABM for many years. EKI reviewed records including facility information update applications, correspondence, and notices of inspection.

According to the available records, there were no notices of violations related to spills on site. The 2007 BGC Phase I indicated a 1,000-gallon gasoline UST was previously located near the former building on the site (BGC, 2007a).

SCCDEH files indicate other ASTs were present at 205 Dupont Street (see Figure 2). In a 2018 notice of inspection (See Appendix D), the following information was provided:

> Facility has an aboveground storage tank with the following compartments and capacities: waste oil (260 gallons), ATF (107 gallons), Motor oil (183 gallons), Hydraulic fluid (183 gallons). Only the waste oil compartment was in use when the AST was described in documents from 2013 and 2018. Waste oil tank is the only compartment currently in use. The other compartments are empty and have not been in use for the past 5 years. Mechanic was recommended to label tanks as "EMPTY" and lock fill ports.

Other chemicals stored on site included used oil and propane (in volumes less than 5 gallons), fertilizer (50 pounds bags), parts washer fluid (30-gallon drum) and used oil filters (55-gallon drum).

9.0 RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

Based on the preliminary findings of the Phase I ESA tasks, discussed above, and at the request of Client, EKI performed a screening-level Phase II subsurface investigation at the Subject Property. The primary objective of the investigation was to screen for impacts to the Subject Property from the following potential areas of concern:

(1) near former USTs, ASTs, oil-water separators, and steam cleaning areas that did not receive regulatory agency closure;
(2) near the catch basin with observed staining on 214 Dupont Street;
(3) in the warehouse portion of 214D Dupont Street near observed floor cracks and staining;
(4) along the eastern property boundary near the railway lines; and
(5) the presence of fill soil on the Subject Property.

The subsurface investigation procedures and results are discussed below.

9.1 Scope of Work for Subsurface Investigations

Based on the potential areas of concern identified above, EKI performed the following tasks as part of the screening-level subsurface investigation conducted in October 2019.

- Collected samples of soil from seven locations on the Subject Property and analyzed the samples for metals, VOCs, TPH, and asbestos (Figure 3);

- Collected samples of soil vapor for analysis for VOCs and volatile TPH from temporary shallow soil vapor probes installed near the former locations of USTs and existing oil-water separators, and other features on the Subject Property (Figure 3); and,

- Collected samples of baserock for examination and subsequent analysis of asbestos in the sample that potentially contained serpentinite.

9.2 Preparatory and Pre-Field Activities

Prior to performance of field sampling activities the screening-level subsurface investigation, EKI performed the following preparatory tasks:

- Conducted site visits to scope planned sampling locations and access constraints, discussed schedule and timing of activities with Client and the Subject Property Owner, marked planned sampling locations for Underground Service Alert (“USA”) clearance, and contacted USA at least two business days prior to drilling activities;

- Contracted with Subdynamic Locating Services (“Subdynamic”), a utility locating company, to screen each of the planned sample locations for the presence of buried

utilities using hand-held instruments including electromagnetic detectors and ground-penetrating radar; and

- Prepared a Site-Specific Health and Safety Plan for EKI field personnel.

9.3 October 2019 Subsurface Investigation

As part of the screening-level subsurface investigation conducted in October 2019, EKI performed the following:

- Collected soil samples from boreholes at the following locations (see Figure 3):
  - Near the existing railroad track adjacent to the Subject Property (SB-1 and SB-3);
  - Near a drain with observed staining at 214 Dupont Street (SB-2);
  - Near the former USTs at 226 McEvoy Street (SV-1);
  - At a location with elevated organic vapor readings (SV-6);
  - At a location with observed debris in the fill soil (SV-7); and,
  - Near the existing oil-water separator at 205 Dupont Street (SV-4).

- Collected samples of soil vapor from nine five-foot soil vapor probes ("SVPs", see Figure 3) installed:
  - Near the former USTs at 226 McEvoy Street (SV-1);
  - Near the former UST and steam cleaning area at 205 Dupont Street (SV-2);
  - Near the former UST and AST at 205 Dupont Street (SV-3);
  - Near the existing oil-water separator at 205 Dupont Street (SV-4);
  - Near the two former 10,000-gallon USTs at 214 Dupont Street (SV-5);
  - Near the approximate middle of each warehouse building footprint at 214 D Dupont Street with cracks and staining (SV-6 and SV-7); and,
  - Near the existing oil-water separator features at 214 D Dupont Street (SV-8 and SV-9).

- Collected a sample of base rock from soil boring SB-3.

Sampling procedures, laboratory analysis methods, and analytical results for soil, base rock, and soil vapor samples collected at the Subject Property are discussed below.

9.3.1 Soil Sample Collection

EKI retained PeneCore Drilling, Inc. of Woodland, California ("PeneCore") a California licensed drilling contractor, to advance boreholes for soil and soil vapor sampling on the Subject Property (Figure 3). On 24 and 25 October 2019, EKI collected soil samples from soil borings advanced on the Subject Property (see Figure 3).

At each of the soil sampling locations, the concrete/asphalt was cored by EKI's subcontractor in order to provide access to underlying soils. Following completion of coring, PeneCore utilized a hand-auger to advance boreholes for the purposes of collecting soil samples. Soil samples were collected from depths of 0.5 to 1.0 feet below base rock ("feet bbr") and 2.5 to 3.0 feet bbr, which was within the fill soil. At location SB-2, adjacent to the catch basin with staining, a soil sample was also collected from a depth of 4.5 to 5.0 feet bbr, which was within the fill soil. Sampling equipment was cleaned between locations using Alconox and water, followed by a double rinse with water provided by PeneCore. EKI utilized an organic vapor meter equipped with a photoionization detector ("PID") to screen the soil from the boreholes for volatile compounds.

Soil samples planned for VOC and gasoline analysis were collected with Encore samplers, and the other soil samples were placed in pre-cleaned glass jars provided by the analytical laboratory. Sample jars were labeled with a unique identification number and placed in a chilled cooler for transport to the analytical laboratory, K Prime Analytical, Inc. of Santa Rosa, California ("K Prime"), a California-certified laboratory, under chain-of-custody procedures. Chain-of-custody records are included with the laboratory analytical reports in Appendix H of this report.

An EKI geologist visually observed the base rock at each location to identify whether the base rock exhibited visual indications of being serpentine, greenstone, or other rock types. Following the visual screening, the base rock sample from one location (SB-3), which appeared to potentially contain serpentinite, was placed in a pre-cleaned glass jar provided by the analytical laboratory and submitted to SGS Forensic Laboratories ("SGS") of Hayward, California, a NVLAP-certified laboratory, for asbestos analysis. The sample jar was labeled with a unique identification number and placed in a chilled cooler for transport to the analytical laboratory.

9.3.2 Vapor Sampling from Temporary Vapor Probes

On 28 October 2019, EKI collected soil vapor samples from temporary SVPs installed on the Subject Property (see Figure 3).

9.3.2.1 SVP Construction Methods

The SVPs were constructed on 24 and 25 October 2019 in general accordance with the California-Environmental Protection Agency's ("Cal-EPA") July 2015 guidance entitled *Advisory – Active Soil Gas Investigations*. Due to the potential presence of unknown buried utilities, the SVP boreholes were advanced using a hand auger to approximately 5 feet bbr. A PID was used to screen the soil from the borehole for VOCs. Base rock at all borehole locations was visually screened for the presence of serpentinite. If the observed base rock had the visual appearance of serpentinite, EKI collected a sample for further examination and potential submittal to the analytical laboratory for analysis, as described above.

Each SVP was positioned within each borehole using an approximately 1-inch inner diameter threaded flush-joint polyvinyl chloride ("PVC") emplacement "guide" pipe, to keep the screen

and tubing centered in the borehole at the proper depth. Each SVP consisted of a 6-inch long, ½-inch diameter stainless-steel wire mesh screen attached to a length of continuous ¼-inch diameter flexible fluorinated ethylene propylene ("FEP") or Teflon tubing, sealed at the top using a stainless-steel laboratory-grade plug valve with Swagelok-type compression fittings. The SVP screen was suspended using the guide pipe at the approximate center of the filter pack interval (i.e., between approximately 5 and 5.5 feet bbr in all of the SVPs.) The borehole annular space around the SVP screen was backfilled with a 1.5-foot vertical filter pack of prewashed #2/12 Monterey sand, poured slowly into the borehole. After placement of the filter pack, the guide pipe was slowly removed from the borehole while maintaining the position and depth of the SVP screen.

Above the filter pack, each SVP borehole was backfilled with a one-foot layer of dry medium granular bentonite, per Cal-EPA guidance. Above the dry granular bentonite, each borehole was sealed to existing grade with medium bentonite chips, emplaced and hydrated in approximately 6-inch lifts. Bentonite at the top of the seal was covered with approximately two-inches of sand.

With the exception of new equipment, all down-hole drilling and SVP installation equipment was washed with a non-phosphate containing soap (e.g., Liquinox®) and water solution and rinsed twice with potable water before use. Decontamination wastes were managed, characterized, and disposed of as described in Section 9.5.4.

9.3.2.2 SVP Sampling Procedures

Consistent with current Cal-EPA guidance, soil gas samples were collected on 28 October 2019, which was more than 48-hours after installation of the SVPs and each SVP was purged prior to sample collection. The soil gas samples were collected in laboratory-provided, pre-cleaned and pre-evacuated 1-liter SUMMA-passivated stainless steel sample canisters equipped with flow controllers set at a flow rate of approximately 100 milliliters per minute ("mL/min"). The SUMMA canisters were batch-certified as clean by the laboratory.

An enclosed space ("shroud") was maintained around each SVP during sample collection to allow a controlled atmosphere containing a leak-detection compound to be maintained around the SVP and sampling apparatus. Immediately before sampling, each SVP was purged. After purging, at each SVP, a SUMMA canister and flow controller was attached to the SVP and a static vacuum check was conducted. After performing the vacuum check, the shroud was spike with the leak check compound, 1,1-difluorethane ("DFA"). Soil gas sampling was then initiated by opening the SUMMA canister valve.

The sampling canister was allowed to fill until a small residual vacuum remained, at which point the valve was closed and the sample collection ended. At two locations (SV-4 and SV-7), the air inside the shroud was sampled using a separate SUMMA canister and analyzed for DFA, so that the concentration ratio between shroud sample and SVP sample could be used to estimate dilution. These two shroud samples are assumed to represent the air inside the shrouds of all

nine SVPs. Soil vapor sample and shroud sample concentrations of DFA are provided in Table 3. As described in the Section 9.6.1, no significant leaks occurred.

One duplicate soil vapor sample (SV-6-DUP) was collected from the SV-6 location. The collected soil gas and leak-check samples were labeled with unique identification numbers, the date and time of collection, and other pertinent information, and prepared for shipment to K-Prime under chain-of-custody procedures.

9.3.2.3 SVP Abandonment

Following completion of soil vapor sampling, the SVPs were destroyed by removing the tubing from the SVPs, removing the bentonite seals, and grouting the boreholes to the pavement surface with neat cement. Boreholes received a surface completion to match the existing grade and material (i.e., asphalt in asphalted areas, or concrete in areas with a concrete slab or with a concrete parking surface.)

9.4 Laboratory Analysis of Soil and Soil Vapor Samples

9.4.1 Soil Sample Analysis

Discrete soil samples from each of the boreholes were composited together by the laboratory to provide vertical composites for each borehole (i.e. sample SV-1-0.5-1.0 and SV-1-2.5-3.0 were composited together and analyzed as SV-1). For samples subjected to VOC and gasoline analysis, the laboratory composited the Encore sample extracts.

The composited soil samples collected from locations SB-1, SB-3, SV-1 and SV-4 were analyzed for the following compounds:

- TPH as gasoline, diesel, and motor oil using U.S. EPA Method 8015B;
- VOCs using U.S. EPA Method 8260;
- Title 22 CAM 17 metals using U.S. EPA Method 6020/7471; and
- Percent moisture in order to compare dry weight results to potentially relevant regulatory screening levels.

Based on the metals results from the composite soil samples at locations SV-1 and SV-4, the four discrete soil samples from these locations were analyzed for chromium, nickel, and asbestos. SGS performed the asbestos analysis using CARB 435 with polarizing light microscopy ("PLM").

The composited soil sample collected from location SB-2, adjacent to the catch basin with staining, was analyzed for the following compounds:

- Title 22 CAM 17 metals using U.S. EPA Method 6020/7471; and
- Percent moisture in order to compare dry weight results to potentially relevant regulatory screening levels.

EKI collected two additional soil samples during soil vapor probe construction at the 214D Dupont building. EKI observed building debris, including broken glass in soil, during installation of soil vapor probe SV-7. EKI collected a sample of this material, which was analyzed for the following:

- Title 22 CAM 17 metals using U.S. EPA Method 6020/7471; and
- Percent moisture.

EKI's PID detected VOCs in the soil sample collected from approximately 4.0-5.0 feet bbr during installation of soil vapor probe SV-6. EKI collected a sample of this material, which was analyzed for:

- VOCs using U.S. EPA Method 8260; and
- Percent moisture.

9.4.2 Soil Vapor Analysis

The nine soil vapor samples and one duplicate soil vapor sample were analyzed for VOCs using EPA Method TO-15 with K-Prime's standard VOC analyte list, and for total volatile hydrocarbons ("TVH") using EPA Method TO-3. Leak check samples and shroud samples were analyzed for DFA using EPA Method TO-3.

9.5 **Soil Sample Analytical Results**

Soil sample analytical results for metals and percent moisture are presented in the attached Table 1. Soil sample analytical results for VOCs and total volatile hydrocarbons (gasoline) are presented in the attached Table 2. Laboratory data sheets are included in Appendix H.

9.5.1 Metals Results

The soil sample collected from 3.5 to 4 feet bbr in borehole SV-7 contained lead and arsenic at concentrations of 643 mg/kg and 30.4 mg/kg respectively. Both of these concentrations exceed their respective soil screening levels for residential use (Table 1). The building debris present at location SV-7 was not observed in any other borehole advanced by EKI, therefore this likely represents a localized area with debris and metal impacts.

In general, the composite soil samples SV-1 and SV-4 contained somewhat higher concentrations of chromium, cobalt, and nickel, which are indicators for serpentinite, a type of rock found in the hills surrounding San Jose and historically used in baserock and fill in Silicon Valley. The discrete soil samples from both SV-1 and SV-4 (i.e., sample SV-1-0.5-1.0, SV-1-2.5-3.0, SV-4-0.5-1.0, and SV-4-2.5-3.0) were analyzed for chromium, nickel, and asbestos (Table 1). The discrete sample results for these four samples indicate that serpentinite is present from 0.5 to 1.0 feet bbr at location SV-1. The cobalt and nickel concentrations in composite soil sample SV-1 and the nickel concentration in discrete soil sample SV-1-0.5-1.0 are above residential screening levels of 23

mg/kg and 820 mg/kg, respectively. Although the composite sample from location SV-4 showed a serpentinite "signature," the levels of chromium and nickel detected in the discrete samples from that location suggest that only small amounts serpentinite may be present in the fill soil at location SV-4. No asbestos was detected in the discrete samples analyzed from locations SV-1 and SV-4 (Table 1).

As shown in Table 1, metals concentrations in all of the other soil samples were below residential screening levels.

EKI visually observed the base rock at each borehole location to identify whether the base rock exhibited visual indications of containing serpentinite, greenstone, or other rock type. In general, the base rock did not appear to contain serpentinite or greenstone; however, the base rock collected from location SB-3 contained an aphanitic amorphous green-to-greyish black banded secondary mineral, which could potentially be serpentinite. The SB-3 base rock sample was analyzed for asbestos using CARB435 PLM. Asbestos was not detected in the SB-3 base rock sample above a reporting limit of 0.25%.

9.5.2 VOC and TPH Results

As shown in Table 2, VOCs and TPH as gasoline were not detected in any of the soil samples. TPH as diesel and as motor oil were detected at concentrations up to 19.7 mg/kg and 201 mg/kg, respectively, in the composite soil sample from location SV-4. These concentrations are below the residential soil ESLs for TPH as diesel fuel of 260 mg/kg and for TPH as motor fuel of 12,000 mg/kg.

9.6 Soil Vapor Sample Analytical Results

Soil vapor sampling results are included in Table 3. Laboratory data sheets are included in Appendix H. Benzene was present in soil vapor sample SV-6 and the duplicate sample SV-6-DUP at concentrations of 13.1 ug/m^3 and 20.0 ug/m^3, which exceed the San Francisco Water Board residential soil gas ESL of 3.2 ug/m^3. This sample was collected in the footprint of building 214D Dupont Street at the location with the elevated field PID reading. Benzene was not detected in any of the other soil vapor samples collected from the Subject Property, including those samples located adjacent to former ASTs, USTs, oil-water separators, and steam-cleaning areas.

As shown in Table 3, the other VOCs detected at the Subject Property present at concentrations that are below their respective San Francisco Water Board residential soil gas ESLs. TVH was not present above the laboratory reporting limit in any of the soil vapor samples collected by EKI at the Subject Property.

9.6.1 Soil Vapor Sample QA/QC

The two QA/QC shroud samples were analyzed for DFA using EPA Method TO-3. DFA was detected at concentrations of 87,500 parts per million by volume ("ppmv") in the shroud collected at SV-4 and 63,500 ppmv in the shroud sample collected at SV-7. Soil vapor sample DFA concentrations are shown in Table 3. Only samples SV-5, SV-6-DUP, and SV-9 contained DFA above the analytical reporting limit. Comparison of the soil vapor sample DFA concentrations to the shroud DFA concentrations provides a semi-quantitative assessment of sample integrity. Using the lower shroud DFA concentration, this comparison shows a maximum leak potential of up to 0.33% at location SV-6 in sample SV-6-DUP, which is very low and unlikely to meaningfully impact sample results. Given that the percent of leak check compound in the vapor samples was less than 5%, per the DTSC Vapor Intrusion Guidance, the integrity of the sampling train was considered maintained and, thus, the vapor results are considered by EKI to be reliable.

9.7 **Management of Investigation Derived-Wastes**

Soil cuttings resulting from the SVP and soil borehole drilling operations were placed in a 55-gallon metal drum that was sealed, labeled, and stored at the Subject Property in a secure location until the waste can be disposed of at an off-site permitted waste management facility. Results of sampling of the investigation-derived waste indicates that the soil is non-hazardous.

10.0 SUMMARY OF PHASE I ESA FINDINGS AND RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of four parcels (identified by APNs 261-38-057, 261-38-064, 261-38-065, and 261-38-067) bounded by Park Avenue to the north, West San Carlos Avenue to the south, McEvoy Street to the west, and the Caltrain railway line to the east, in San Jose, California, the Subject Property. Any exceptions to, or deletions from, this practice are described in Sections 1.0 and 9.2 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Subject Property

EKI's findings and conclusions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs, HRECs, and Business Environmental Risks are presented below in Section 10.1. The results of the screening-level Phase II subsurface investigation are presented below in Section 10.3.

10.1 Summary of Phase I ESA Findings and Opinions

The following were identified as RECs for the Subject Property in connection with the performance of this Phase I ESA:

- No RECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following was identified as HRECs for the Subject Property in connection with the performance of this Phase I ESA:

- A historical 1,000-gallon leaking UST identified in closure documents as formerly containing waste oil was removed in 1995 at 236 McEvoy Street (southern portion of current 205 Dupont Street; see Figure 2). Contaminated soil was excavated, aerated, sampled, and then placed on site in landscaping areas. The tank removal and closure were performed under SCVWD oversight and SCVWD issued a case closure summary and closure letter dated 16 and 17 August 1995, respectively (SCVWD, 1995).

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- A 2007 Phase I by BGC for the Subject Property (BGC, 2007a) identified a 1,000-gallon AST containing gasoline that was previously present on the 205 Dupont property as a REC. The AST location is identified by BGC in a similar location to a compartmentalized 1,000-gallon waste oil AST recorded on a 2018 site inspection of 205 Dupont Street by the SCCDEH (see

Appendix D). Neither AST was observed by EKI during the 27 August 2019 site walk; the approximate location of the former ASTs is within the footprint of the existing ABM office/warehouse building (Figure 2). EKI collected a soil vapor sample in the vicinity of the former AST (location SV-3). No VOCs or volatile TPH were detected above residential screening levels in the sample.

- Two 10,000-gallon steel gasoline USTs were removed from the 214 Dupont property in 1986. The USTs were reportedly empty and not in use prior to removal. Soil samples collected from below the USTs were only analyzed for TPH as gasoline and were not analyzed for TPH as diesel fuel or BTEX. The closure report was accidentally sent to SJFD Hazardous Materials Program. SJFD forwarded the report to the Santa Clara County Hazardous Materials Unit (later succeeded by SCCDEH); however, SCCDEH never provided an official closure letter for these tanks. A 1,000-gallon diesel AST was also previously present at the 214D Dupont building. EKI collected a soil vapor sample in the vicinity of the former USTs (location SV-5). No VOCs or volatile TPH were detected in the sample.
- During EKI's site walk at the Subject Property, Roger Moore, the Owner's representative, indicated that three additional USTs (one 1,000-gallon gasoline UST and two 200 to 250-gallon waste oil USTs, see Figure 2) were removed from the 226 McEvoy property without regulatory oversight or closure. EKI collected a composite soil sample and a soil vapor sample in the vicinity of the former USTs (location SV-1). No VOCs or volatile TPH were detected in the soil or soil vapor samples.
- During EKI's site walk at the Subject Property, Roger Moore, the Owner's representative, indicated that two additional 1,000-gallon waste oil USTs and a 250-gallon waste oil UST (see Figure 2) were previously removed from the 205 Dupont property without regulatory oversight or closure. EKI collected a soil vapor sample in the vicinity of one of the former USTs (location SV-2). No VOCs or volatile TPH were detected in the sample.
- Three former or existing oil-water separators at 214 Dupont Street (one) and 205 Dupont Street (two) and three former steam cleaning or pressure washing areas (at 205 Dupont Street, 214 Dupont Street and 226 McEvoy Street) are located on the Subject Property. No environmental data are available for these structures; it is possible that chemical releases to the environment may have occurred from these structures. EKI collected soil vapor samples in the vicinity of some of these features (locations SV-2, SV-4, SV-8, and SV-9). No VOCs or volatile TPH were detected above residential screening levels in the samples.
- Sanborn maps for the Subject Property indicate a number of former residential buildings previously existed on the Subject Property. It is possible these buildings could have had lead paint that flaked off the buildings and impacted soil as well as heating or fuel oil tanks. EKI has not seen any closure reports for heating or fuel oil tanks on the Subject Property.
- The Subject Property is bracketed by a current passenger rail line to the east and a former freight spur line to the west. A Phase II investigation at 777 West San Carlos Street identified metals, including lead and arsenic, in shallow soil near the former railway spur location at concentrations up to 510 mg/kg and 430 mg/kg respectively, as well as assorted debris associated with former railway use. Similar railway impacts may be

present at locations on the Subject Property near the railway lines. EKI collected shallow soil samples near the railway lines (locations SB-1 and SB-3). No metals, VOCs, and TPH as motor oil were detected above residential screening levels (or background levels for arsenic).

- Fill soil is present at the Subject Property as noted in BGS (2007a) and Cornerstone (2018c). The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were collected from the fill soil at locations SV-1, SV-6, SV-7, SB-1, SB-2, and SB-3. Shallow soil from location SV-1 indicated the presence of serpentinite, but no asbestos was detected. Debris-containing soil at location SV-7 contained arsenic and lead above residential screening criteria.

10.1.1 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional. At 214 Dupont Street, EKI was not able to access one of the outbuildings and extensive materials storage in the yard obstructed observation of some features; however, the recent 2018 Cornerstone Phase I Report provided documentation of conditions that could not be readily observed by EKI. Therefore, no potentially significant data gaps were identified in the performance of this Phase I ESA.

10.2 **Summary of Results of Screening-Level Phase II Subsurface Investigation**

In order to better assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil samples from boreholes at the following locations (see Figure 3):
  - Near the existing railroad track adjacent to the Subject Property (SB-1 and SB-3);
  - Near a drain with observed staining at 214 Dupont Street (SB-2);
  - Near the former USTs at 226 McEvoy Street (SV-1);
  - At a location with elevated organic vapor readings (SV-6);
  - At a location with observed debris in the fill soil (SV-7); and,
  - Near the existing oil-water separator at 205 Dupont Street (SV-4).

- Collected samples of soil vapor from nine five-foot soil vapor probes ("SVPs", see Figure 3) installed:
  - Near the former USTs at 226 McEvoy Street (SV-1);

  - Near the former UST and steam cleaning area at 205 Dupont Street (SV-2);
  - Near the former UST and AST at 205 Dupont Street (SV-3);
  - Near the existing oil-water separator at 205 Dupont Street (SV-4);
  - Near the two former 10,000-gallon USTs at 214 Dupont Street (SV-5);
  - Near the approximate middle of each warehouse building footprint at 214 D Dupont Street with cracks and staining (SV-6 and SV-7); and,
  - Near the existing oil-water separator features at 214 D Dupont Street (SV-8 and SV-9).

- Collected a sample of base rock from soil boring SB-3.

Overall, the soil and soil vapor samples collected from the Subject Property do not indicate widespread site-wide soil or soil vapor impacts (sample data is presented in Tables 1 through 3 and sample locations are shown on Figure 3). Key findings were as follows:

- Serpentinite is present in the fill soil at location SV-1, but no asbestos was detected in the samples at that location.
- Fill soil with debris and elevated concentrations of lead and arsenic is present at location SV-7.
- Benzene was detected in soil gas above residential screening levels at location SV-6.
- Except as indicated above, metals, VOCs, and TPH concentrations were either not detected or were present at concentrations below residential screening levels.

EKI understands that the planned redevelopment of the Subject Property includes residential over a level of naturally-ventilated parking; as such, vapor intrusion should not be a concern from the benzene detected at a single location on the Subject Property.

This Summary of Phase I ESA Findings and Results of Screening-Level Phase II Subsurface Investigation does not contain all of the information, including observations, findings, and opinions, presented in the Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

11.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

Report: Phase I Environmental Site Assessment
Dupont Street Parcels
San Jose, California

Client: M&M Diridon LLC
235 W. Main Street
Los Gatos, CA 95030

EKI Project Number: B90107.00
Report Date: 1 November 2019

Prepared by:

_____
Michelle K. King, Ph.D.
President

_____
Zachary C. Salin, EIT
Project Manager

12.0 REFERENCES

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APEX, 2018b. *Phase II Environmental Groundwater and Soil Vapor Investigation, 699 West Santa Carlos Street, San Jose, California,* APEX Companies, LLC, dated 23 March 2018.

ASTM, 2013. *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13, ASTM International, November 2013.

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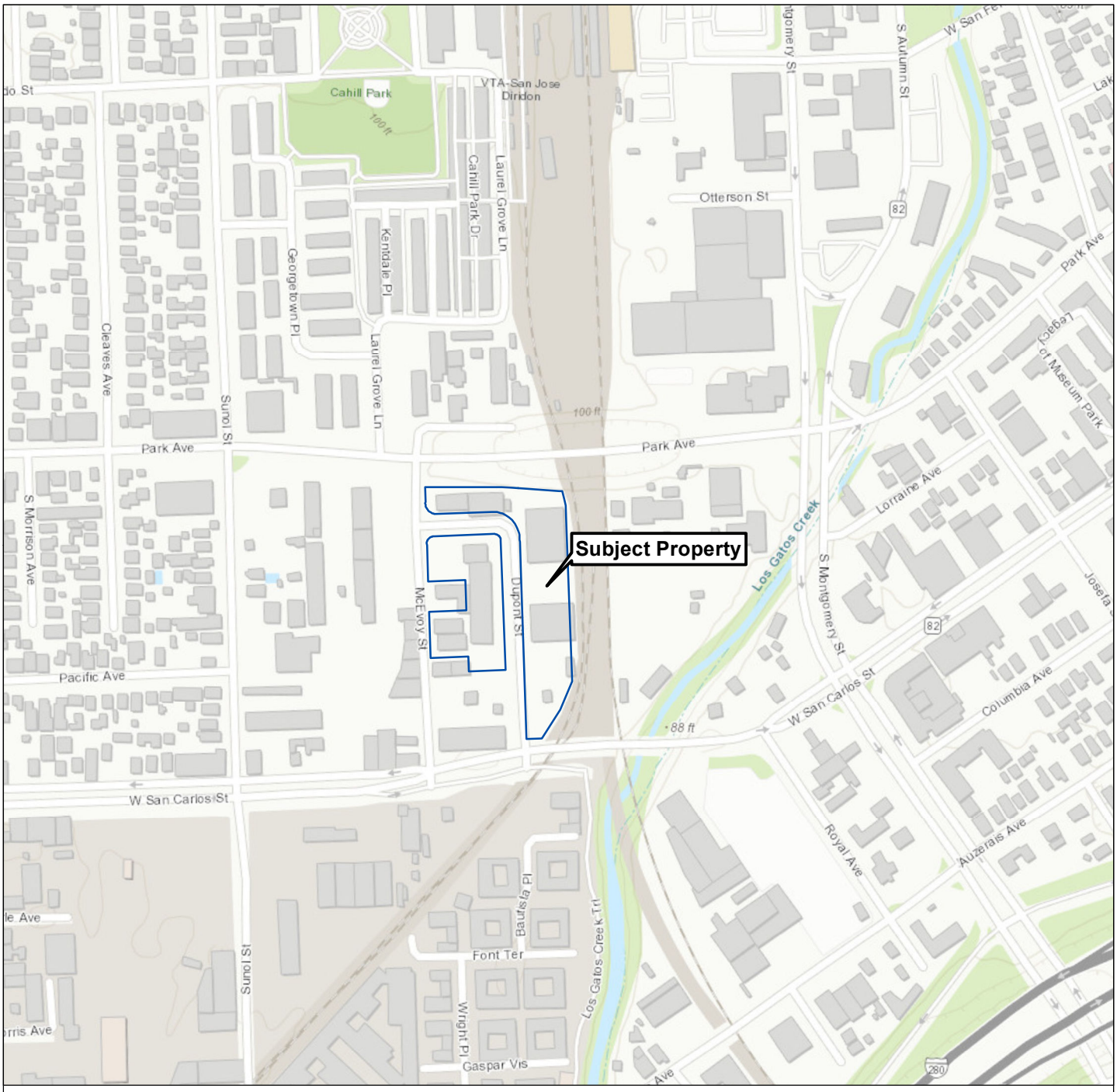

Notes

1. All locations are approximate.

Sources

Basemap is ESRI's ArcGIS Online world topographic map, obtained 20 January 2020.

N

0 400 800

(Scale in Feet)

Subject Property Location

DRAFT

Dupont Street Parcels
San Jose, CA
January 2020
B90107.00

Figure 1

eki environment & water

Path: X:\B90107\Maps\...00\2020\01\Fig1_SiteLocation.mxd

Legend

- Subject Property Boundary
- Steam Cleaning Areas
- Oil-Water Separators
- Railroads
- Shallow Groundwater and Soil Vapor Sample Location (APEX, 2018)
- Historical AST
- Historical UST
- Parcel Boundary
- Subject Property Boundary

Abbreviations

AST = aboveground storage tank
UST = underground storage tank

Notes

1. All locations are approximate.
2. Aproximate locations of groundwater and soil vapor sample locations are shown (APEX, 2018).
3. Approximate locations of tanks removed from the Subject Property are shown per a conversation with the current property owner Roger Moore on 27 August 2019 and available public records.

Sources

1. Basemap Imagery, ESRI, 6/27/2018
2. APEX, 2018. Phase I Environmental Site Assessment, 699 West San Carlos St., San Jose, prepared by APEX Consultants, dated 7 March 2018.
3. BGC, 2007. Phase I Environmental Site Assessment, 236 McEvoy Street (and related addresses), San Jose, prepared by Berlogar Geological Consultants, dated 24 October, 2007.
4. SCCDEH, 2018. Official Notice of Inspection, ABM Onsite Services-West, Inc., 205 Dupont Street, San Jose, CA, prepared by Santa Clara County Department of Environmental Health, dated 23 October 2018.
5. Cornerstone, 2018a. Phase I Environmental Site Assessment – Dupont and McEvoy Street Parcels, San Jose, California, Cornerstone Earth Group, 5 March 2018.

N

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Feet

DRAFT

Subject Property Setting

eki environment & water

Dupont Street Parcels
San Jose, CA
January 2020
EKI B90107.00
Figure 2

Path: X:\B90107\Maps_0002020\01\Fig2_SubjectProperty.mxd

Path: X:\B90107\Maps\...00\20200101\Fig3_PhIISampleLocationFigure.mxd

Legend

- Soil Sample Location
- Soil Vapor Sample Location
- Subject Property Boundary
- Steam Cleaning Areas
- Oil-Water Separators
- Railroads
- Shallow Groundwater and Soil Vapor Sample Location (APEX, 2018)
- Historical AST
- Historical UST
- Parcel Boundary

Abbreviations

AST = aboveground storage tank
UST = underground storage tank

Notes

1. All locations are approximate.
2. Aproximate locations of groundwater and soil vapor sample locations are shown (APEX, 2018).
3. Approximate locations of tanks removed from the Subject Property are shown per a conversation with the current property owner Roger Moore on 27 August 2019 and available public records.

Sources

1. Basemap Imagery, ESRI, 6/27/2018
2. APEX, 2018. Phase I Environmental Site Assessment, 699 West San Carlos St., San Jose, prepared by APEX Consultants, dated 7 March 2018.
3. BGC, 2007. Phase I Environmental Site Assessment, 236 McEvoy Street (and related addresses), San Jose, prepared by Berlogar Geological Consultants, dated 24 October, 2007.
4. SCCDEH, 2018. Official Notice of Inspection, ABM Onsite Services-West, Inc., 205 Dupont Street, San Jose, CA, prepared by Santa Clara County Department of Environmental Health, dated 23 October 2018.
5. Cornerstone, 2018a. Phase I Environmental Site Assessment – Dupont and McEvoy Street Parcels, San Jose, California, Cornerstone Earth Group, 5 March 2018.

N

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Feet

DRAFT

Sample Location Figure for Screening-Level Phase II Subsurface Investigation

Dupont Street Parcels
San Jose, CA
January 2020
EKI B90107.00
Figure 3

eki environment & water

TABLE 1
Analytical Results for Metals and Asbestos in Soil Samples
Dupont Street Parcels, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected Metals (mg/kg) (a)(b)(c)															Naturally Occurring Asbestos (%)
			Arsenic	Barium	Beryllium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc	
SV-1 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	<2.84	62.3	<2.84	<0.568	526	**56.1**	16.2	3.03	<0.114	<2.84	**953**	<2.84	<2.84	<2.84	32.7	34.4	--
SV-1-0.5-1.0	0.5-1.0	10/24/2019	--	--	--	--	690	--	--	--	--	--	**1,410**	--	--	--	--	--	<0.25
SV-1-2.5-3.0	2.5-3.0	10/24/2019	--	--	--	--	56.6	--	--	--	--	--	71.3	--	--	--	--	--	<0.25
SV-4 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	3.35	144	<2.85	<0.570	316	17.1	36.2	12.7	<0.114	<2.85	319	<2.85	<2.85	<2.85	40.8	51.9	--
SV-4-0.5-1.0	0.5-1.0	10/24/2019	--	--	--	--	81.2	--	--	--	--	--	130	--	--	--	--	--	<0.25
SV-4-2.5-3.0	2.5-3.0	10/24/2019	--	--	--	--	46.8	--	--	--	--	--	57.9	--	--	--	--	--	<0.25
SV-7-3.5-4.0	3.5-4.0	10/25/2019	**30.6**	236	<2.64	1.74	64.1	19.2	123	**643**	0.295	3.92	95.2	<2.64	<2.64	<2.64	36.7	483	--
SB-1 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	6.57	164	<2.69	0.74	63.6	14.1	37.9	45.1	0.767	<2.69	79.0	<2.69	<2.69	<2.69	56.1	120	--
SB-2 (composite)	0.5-1.0, 2.5-3.0, and 4.5-5.0	10/24/2019	7.27	230	<2.99	<2.99	57.7	16.9	49.9	28.0	<2.99	<2.99	72.0	<2.99	<2.99	<2.99	52.8	79.7	--
SB-3 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	6.98	194	<2.83	<2.83	74.7	17.1	33.7	52.4	0.485	<2.83	125	<2.83	<2.83	<2.83	61.0	115	--
San Francisco Water Board Residential Soil ESLs (e)			*11 (f)*	*15,000.0*	*16*	*78*	*120,000 (g)*	*23*	*3,100*	*80*	*13*	*390*	*820*	*390*	*390*	*0.78*	*390*	*23,000*	--

Abbreviations:
-- = not applicable
<2.84 = compound not detected at or above indicated laboratory reporting limit
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
U.S. EPA = United States Environmental Protection Agency

Notes:
(a) Title 22 metals were analyzed by U.S. EPA Method 6020. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected metals in samples are shown in table.
(d) Naturally occurring asbestos analyzed by CARB 435 method. Samples analyzed by SGS Forensic Laboratories, of Hayward, CA. Limit of Quantification for the analysis is 0.25%.
(e) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.
(f) Arsenic naturally occurs in soil throughout the San Francisco Bay Area at conventrations that exceed the RWQCB ESL. Sample concentrations are screened against the background concentration of arsenic in soil from Duverge (2011).
(g) Value listed is for chromium(III).

References:
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TABLE 2
Analytical Results for Volatile Organic Compounds and Total Petroleum Hydrocarbons in Soil Samples
Dupont Street Parcels, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected VOCs (ug/kg) (a)(b)(c)	Petroleum Hydrocarbons (mg/kg) (a)(b)		
			All VOCs in Soil	TPH as Gasoline	TPH as Disel Fuel	TPH as Motor Oil
SV-1 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	ND	<2.08	<11.4	<11.4
SV-4 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	ND	<2.17	19.7 AC	201
SV-6-4.5-5.0	4.5-5.0	10/25/2019	ND	--	--	--
SB-1 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	ND	<2.14	<10.8	71.8
SB-3 (composite)	0.5-1.0 and 2.5-3.0	10/24/2019	ND	<1.77	<11.3	14
San Francisco Water Board Residential Soil ESLs (d)			--	*100*	*260*	*5,100*

Abbreviations:

-- = not applicable
<2.08 = compound not detected at or above indicated laboratory reporting limit
AC = heavier hydrocarbons contributing to diesel range quantitation
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
ND = no VOCs detected above the laboratory reporting limit
TPH = total petroleum hydrocarbons
ug/kg = micrograms per kilogram
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

Notes:

(a) VOCs were analyzed using U.S. EPA Method 8260 with U.S. EPA Method 5035 preparation. TPH was analyzed using U.S. EPA Method 8015B. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected VOCs in samples are shown in table.
(d) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.

References:

RWQCB, 2019. *Environmental Screening Levels,* San Francisco Bay Regional Water Quality Control Board, July 2019.

TABLE 3
Analytical Results for Volatile Organic Compounds and Total Volatile Hydrocarbons in Soil Vapor Samples
Dupont Street Parcels, San Jose, California

Sample ID (e)	Sample Date	Detected VOCs (ug/m^3) (a)(b)(c)										Total Volatile Hydrocarbons (mg/m^3) (a)(b)	Leak Check Compound (ppmv) (a)(d)
		Benzene	Chloromethane	Ethylbenzene	Styrene	Toluene	1,1,1-Trichloroethane	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	o-Xylene	m/p-Xylene	C2-C10 as Hexane	1,1-difluoroethane
SV-1	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-2	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-3	10/28/2019	<3.19	9.46	14	<4.26	<3.77	9.60	8.75	6.39	6.17	35.8	<17.6	<10.0
SV-4	10/28/2019	<3.19	<2.07	<4.34	108	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-5	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	13.9
SV-6	10/28/2019	**13.1**	<2.07	<4.34	<4.26	17.3	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-6-DUP	10/28/2019	**20.0**	<2.07	<4.34	<4.26	27.2	<5.46	12.4	<4.92	<4.34	10.2	<17.6	210.0
SV-7	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-8	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
SV-9	10/28/2019	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	83.4
San Francisco Water Board Residential Soil Gas ESLs (f)		*3.2*	*3,100*	*37*	*31,000*	*10,000*	*35,000*	*2,100 (g)*	*2,100 (g)*	*3,500*	*3,500*	*3.3*	--

Abbreviations:

<3.19 = compound not detected at or above indicated laboratory reporting limit
ESLs = environmental screening levels
mg/m^3 = milligrams per cubic meter
ppmv = parts per million by volume
TVH = total volatile hydrocarbons
ug/m^3 = micrograms per cubic meter
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

Notes:

(a) VOCs were analyzed using U.S. EPA Method TO-15. TVH were analyzed using U.S. EPA Method TO-3. Samples analyzed by K Prime, Inc., of Santa Rosa, CA.
(b) **Bold** value indicates detected concentration exceeds its respective soil vapor screening level.
(c) Only detected VOCs in samples are shown in table.
(d) The shroud samples (SV-4-Shroud and SV-7-Shroud) contained 1,1-difluoroethane concentrations of 87,500 and 63,500 ppmv respectively. The maximum calculated leak percentage using the maximum detected sample concentration and the minimum detected shroud concentration is 0.33% in SV-6-DUP. All calculated leak percentages are well below 5% and therefore the integrity of the sampling train was considered maintained and, thus, the vapor results are considered by EKI to be reliable.
(e) Soil vapor samples collected from a depth of 5 feet below ground surface.
(f) Soil screening levels utilize the lowest value from the Residential Soil Gas Vapor Intrusion Levels and Odor Nuisance Levels from the July 2019 RWQCB ESLs.
(g) Soil vapor screening levels are calculated using the OSWER 2015 attenuation factor of 0.03 applied to indoor air criteria from U.S. EPA (2019).

References:

RWQCB, 2019. *Environmental Screening Levels, San Francisco Bay Regional Water Quality Control Board, July 2019.*
U.S. EPA, 2019. Regional Screening Level (RSL) Summary Table (TR = 10-6; HQ = 1) November 2019, United States Environmental Protection Agency, November 2019.

Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation

244 McEvoy Street
San Jose, California

Prepared for:
M&M Diridon LLC

DRAFT - 9 April 2020
EKI B90107.03

EKI ENVIRONMENT & WATER, INC.

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PHASE I ENVIRONMENTAL SITE ASSESSMENT AND SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION REPORT

244 McEvoy Street
San Jose, California

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PHASE I ENVIRONMENTAL SITE ASSESSMENT AND SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION REPORT
244 McEvoy Street
San Jose, California

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PHASE I ENVIRONMENTAL SITE ASSESSMENT AND SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION REPORT

244 McEvoy Street
San Jose, California

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EXECUTIVE SUMMARY

EKI Environment & Water, Inc. ("EKI") is pleased to present to M&M Diridon LLC ("Client") this report documenting the results of a Phase I Environmental Site Assessment conducted for the property located at 244 McEvoy Street in San Jose, California (the "Subject Property;" Figure 1). The Subject Property is identified by Assessor's Parcel Number ("APN") 261-38-037, and is approximately 8,000 square feet in size. The report also includes the results of a subsequent screening-level Phase II subsurface investigation of the Subject Property. The Subject Property is currently occupied by an automotive service and repair business and is owned by 244 McEvoy LLC. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the site for multi-family residential use.

This Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions or "RECs").

Summary of Phase I ESA Findings and Opinions

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property are presented below.

ASTM E1527-13 defines a REC as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

- No RECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following was identified as Historical RECs ("HRECs") for the Subject Property in connection with the performance of this Phase I ESA:

- No HRECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC or HREC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- Use of the Subject Property for automobile repair for decades included the storage and staging of various chemicals, including parts cleaning products as well as used motor oil. The Subject Property was previously cited for storing used motor oil improperly and without secondary containment. During the site walk, EKI personnel observed floor areas with oil stains and oil slicks, as well as containers of cat litter, which is commonly used as an absorbent for spilled oil. The Subject Property also utilized a below-grade hydraulic lift which currently remains on-site. EKI collected soil and soil vapor samples in the central portion of the garage space in the vicinity of the hydraulic lift (location SV-2). No volatile organic compounds ("VOCs") or volatile total petroleum hydrocarbons ("TPH") were detected above residential screening levels in the soil samples or soil vapor samples collected at the Subject Property. TPH as motor oil was detected in the shallow soil sample collected near the hydraulic lift at a concentration of 849 mg/kg, which is less than the residential screening level of 5,100 mg/kg.
- Fill soil is present at adjoining properties to the north, east, and south of the Subject Property as noted in the EKI Phase I ESA/Phase II report for the Dupont Street Parcels (EKI, 2020), and may extend onto the Subject Property. The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were collected from the fill soil at locations SV-1 and SV-2. Metals data for both soil samples from location SV-2 indicates the presence of serpentinite, and 0.5% asbestos was detected in the baserock sample from location SV-2.

Summary of Screening-Level Phase II Subsurface Investigation Results

In order to assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil and soil vapor samples from two five-foot soil vapor probes ("SVPs", see Figure 2):
  - In the hard-packed soil/gravel parking area on the Subject Property (SV-1); and,
  - In the central portion of the garage space, near the hydraulic lift (SV-2).

- Collected a sample of baserock from soil boring SV-2.

Overall, the soil and soil vapor samples collected from the Subject Property do not indicate widespread site-wide soil or soil vapor impacts (sample data are presented in Tables 1 through 3 and sample locations are shown on Figure 2). Key findings from the Phase II Subsurface Investigation on the Subject Property were as follows:

- Cobalt and nickel were present at in soil at concentrations up to 75.4 mg/kg for cobalt and 1,240 mg/kg for nickel, are above their respective residential screening levels of 23 mg/kg and 820 mg/kg. Together, the concentrations of chromium, cobalt, and nickel in

both soil samples from location SV-2 indicate the presence of serpentinite in the fill soil under the Subject Property building.

- The baserock sample collected at location SV-2 had the visual indicators of serpentinite which was confirmed by CARB 435 analysis, which detected the presence of up to 0.5% asbestos in the sample.
- Ethylbenzene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and o-, m- &p-xylenes (all chemicals typically associated with automobile and fuel use) were detected in soil vapor sample SV-1, all at concentrations below their respective residential soil vapor screening levels.
- Except as indicated above, metals, VOCs, and TPH concentrations were either not detected or were present at concentrations below residential screening levels.

EKI understands that the planned redevelopment of the Subject Property includes residential over a level of naturally-ventilated parking; as such, vapor intrusion should not be a concern based on the soil and soil vapor sample analytical data for the Subject Property.

This Executive Summary does not contain all the information, including observations, findings, and opinions, presented in the full Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

1.0 INTRODUCTION

EKI is pleased to present to M&M Diridon LLC ("Client") this report documenting the results of a Phase I Environmental Site Assessment conducted for the property located at 244 McEvoy Street in San Jose, California (the "Subject Property;" Figure 1). The Subject Property is identified by Assessor's Parcel Number ("APN") 261-38-037, and is approximately 8,000 square feet in size. The Subject Property is currently owned by 244 McEvoy LLC.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs).

EKI's services were performed in accordance with our Agreement, dated 6 August 2019, and Work Authorization No. 2, dated 26 November 2019.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA is to identify RECs and HRECs for the Subject Property as defined in ASTM E1527-13. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the property for multi-family residential use.

1.2 Limitations and Exceptions of Assessment

The assessment by EKI did not include an audit of current facility operations for compliance with hazardous material usage laws, regulations, or permits, including occupational health and safety issues. This assessment also did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, indoor air quality, asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by ASTM E1527-13 is limited to the processes outlined in Work Authorization No. 2, dated 26 November 2019.

1.3 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of M&M Diridon LLC, regarding the Subject Property. Unless specifically authorized in writing in an agreement acceptable to EKI at its sole discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third-party beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-13 and as accepted under the Final U.S. EPA AAI Rule, is M&M Diridon LLC.

1.4 Phase I ESA Scope of Services

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs, topographic maps, city directory listings, and Sanborn fire insurance maps provided by Environmental Data Resources, Inc. ("EDR"; Appendix A);

- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 16 December 2019 (referred to as an EDR Radius Map Report; Appendix F);

- Requested publicly available files for the Subject Property from the California Department of Toxic Substances Control ("DTSC"), Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB"), SCCDEH, and Bay Area Air Quality Management District ("BAAQMD");

- Searched on-line for environmental reports available through the State of California Water Resources Control Board ("SWRCB") Geotracker database website, DTSC Envirostor database website, and SCVWD historic solvent case files website;

- Purchased and reviewed an Environmental Lien Search report for the Subject Property, prepared by EDR, dated 14 August 2019 (see Appendix C);

- Reviewed a prior Phase I ESA/Phase II report prepared by EKI on behalf of Client for the adjoining Dupont Street parcels, dated 27 January 2020;

- Obtained specialized knowledge of the Subject Property provided by Dan Mountsier of M&M Diridon LLC, Client and the User of this Phase I ESA, in the form of responses to a User Questionnaire (Appendix C);

- Obtained specialized knowledge of the Subject Property provided by the Owner of the Subject Property, in the form of responses to an Owner Questionnaire (Appendix C); and

- Performed a walk-through visual survey of the Subject Property on 13 January 2020 to observe the current site setting (see Section 6.0 and site photographs in Appendix B) and interviewed a current caretaker/employee at the Subject Property.

2.0 GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is located at 244 McEvoy Street in San Jose, California, on the east side of McEvoy Street just south of the intersection with Dupont Street (see Figure 1). The Subject Property is located southwest of downtown San Jose in an area of primarily industrial, commercial, and warehouse use.

2.2 Site Description and Current Site Uses

The Subject Property is approximately 8,000 square feet in size and is identified by APN 261-38-037. The Subject Property is currently occupied by an automotive service and repair business (Ray's Automotive Service).

The Subject Property is currently owned by 244 McEvoy LLC (the "Owner").

2.3 Adjoining Properties

The Subject Property is bordered to the north, east, and south by commercial uses, including a construction contracting company, a turf and landscape maintenance company, commercial office and hands-on training space for an air handling equipment company, and a pallet and crate manufacturing company, including warehouse buildings and equipment storage yards and paved surface parking. The Subject Property is bordered to the west by McEvoy Street and general commercial uses, including boat and RV storage and auto repair, with residential land uses and a school located farther to the west.

3.0 ENVIRONMENTAL SETTING

3.1 Regional Physiography and Geologic Conditions

The Subject Property is located in the Santa Clara Valley within the Coast Ranges Geomorphic Province. The Coast Ranges Province is defined by northwest-trending mountain ridges and valleys that run approximately parallel to the San Andreas Fault Zone. The province is generally composed of marine sedimentary deposits and volcanic rocks. According to the *Geologic Map of the San Francisco Bay Region* (USGS, 2006) produced by the U.S. Geological Survey and the California Geological Survey, the Subject Property and surrounding area are underlain by Quaternary surficial sediments consisting of alluvial sand and fine-grained silt and clay.

No subsurface lithology information for the Subject Property is readily available. According to a geotechnical report prepared by Cornerstone Earth Group ("Cornerstone"), entitled *Geotechnical Investigation – Dupont Village Residential Development* and dated 12 July 2018 (Cornerstone, 2018c), for the adjoining properties to the east, the Subject Property likely is underlain by 2 to 3.5 feet of fill consisting of sandy silts and clays. Borehole logs show that the fill is underlain by alluvial soils consisting of a wide range of soil types including clay to depths of 5 to 8 feet. Beneath the surface clays, the borehole logs showed sands with silt and gravels with silt to depths of 17 to 24 feet, which were underlain by layers of clays or sandy clay to the maximum depth of the boreholes (30 to 45 feet).

3.2 Surface Water Characteristics

The Subject Property is located approximately 250 feet to the west of Los Gatos Creek. Based on USGS topographic maps, the Subject Property lies at a surface elevation of approximately 103 feet above mean sea level and the general topographic gradient is towards the north-northeast. A number of roof drain downspouts are located at the building on the Subject Property. Stormwater that falls on the Subject Property generally flows over hard-packed gravel through a channelizer, and eventually drains to the public right of way. No storm drain inlets were observed on the Subject Property. According to the EDR Radius Report, the Subject Property is not located within either the Federal Emergency Management Agency ("FEMA") 500-year flood zone, or the 100-year flood zone.

3.3 Shallow Groundwater Characteristics

Depth to shallow groundwater on the Subject Property likely ranges from approximately 17 to 29 feet bgs, according to borehole logs recorded by Cornerstone as part of its 2018 investigation on the adjacent Dupont Street Parcels. According to a geotechnical report prepared by BGC for the 236 McEvoy Street property (BGC, 2007b), groundwater was measured at approximately 23 feet bgs. Groundwater levels on the Subject Property may fluctuate seasonally and year-to-year, depending on seasonal rainfall, time of year, and other factors.

No groundwater flow direction information is available for the Subject Property. The direction of shallow groundwater flow at the Ohlone Development Project site located approximately 800 feet southwest of the Subject Property was reported to be generally to the northeast. Similar shallow groundwater flow direction would be expected at the Subject Property.

4.0 HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity were obtained primarily from the following sources:

- Review of historical aerial photographs provided by EDR for selected years between 1939 and 2016 (Appendix A);
- Review of historical USGS topographic maps provided by EDR for selected years between 1889 and 2012 (Appendix A);
- Review of historical Sanborn fire insurance maps provided by EDR for selected years between 1884 and 1966 (Appendix A); and
- Review of historical City Directory information provided by EDR (Appendix A).

4.1 Late 1800s through Mid-1900s

On the late-1800s topographic maps, present-day McEvoy Street and Dupont Street to the east, as well as Park Avenue to the north and West San Carlos Street to the south, are depicted, and the Subject Property and nearby properties are depicted as developed with structures; however, the uses of the Subject Property and nearby properties cannot be discerned from the maps. Sanborn Fire Insurance maps for nearby areas to the north and northeast depict this general area as residential and warehouse in the late-1800s.

On the 1915 Sanborn map, the Subject Property is occupied by a residential dwelling. Surrounding properties are also in residential use.

On the 1939 and 1948 aerial photographs, the Subject Property appears to be occupied by one or two small residential dwellings. Adjoining properties to the north, east, and south are also in residential use during this time period. McEvoy Street is visible and a vacant yard with a north-south trending rail spur is noted on the west side of McEvoy Street from the Subject Property. The 1950 and 1956 Sanborn maps depict the Subject Property, as well as adjoining properties to the north, east, and south as being occupied by single-family residential structures, each with a dwelling and auto garage. A fruit warehouse and machine shop are noted several parcels south of the Subject Property, also on the east side of McEvoy Street, at 248 and 254 McEvoy Street, respectively. A potato chip factory and warehouse are depicted on the east side of Dupont Street, east of the Subject Property. Land uses west and southwest of the Subject Property across McEvoy street (i.e., upgradient) during this time period include a scrap steel fabrication facility and warehouse, a grain and feed warehouse, a school, and a lime-cement building materials facility. On the 1956 and 1963 aerial photographs, an apparent scrap steel (salvage) yard is noted on either side of the rail spur along the west side of McEvoy Street, just west of the Subject Property.

4.2 Mid-1900s to Present Day

On the 1966 Sanborn map, the Subject Property has been redeveloped with the present-day structure. The structure is labeled "Sign Painter" on the map (possible Westbrooks Advertising company, see below). A food warehouse has been constructed on the adjoining parcel to the south (248 McEvoy). Other adjoining properties remain generally in residential land use. Off-site uses to the west across McEvoy Street remain relatively unchanged from the 1950 and 1956 Sanborn maps, e.g., scrap steel fabrication and scrap yard, feed and grain warehouse, and building materials facility.

On the 1974 and 1982 aerial photographs, the Subject Property remains relatively unchanged. Surrounding properties appear to be undergoing redevelopment from residential land use to commercial land uses. The scrap steel fabrication facility and scrap yard west of the Subject Property is no longer evident on the aerial photograph. The Dupont Street "elbow", e.g., realignment, with connection to McEvoy Street north of the Subject Property is noted.

On the 1993 to recent years' aerial photographs, the Subject Property and vicinity appear generally as they do present day, e.g., primarily commercial uses.

4.3 Review of EDR Historical City Directory Information for Subject Property

According to EDR historical city directory information (see Appendix A), the Subject Property at 244 McEvoy Street was occupied in the past by the following tenants/users.

1991-2014:	Ray's Automotive Service
1980s:	No entries (uses not indicated)
1975:	Vacant
1966-1970:	Westbrooks Advertising Outdoor
1960:	Blair Westfall Associates Consulting Engineers
	Porter Greene & Herbert Consulting Engineers
1925-1955:	Various residential users

5.0 SUMMARY OF FINDINGS OF PRIOR PHASE I ESA/PHASE II REPORT

No prior reports were provided for the Subject Property. However, on behalf of Client, in November 2019, EKI completed a Phase I ESA and Phase II screening-level subsurface investigation for the adjoining properties to the north, east, and south of the Subject Property (referred to as the "Dupont Street Parcels"; see Figure 2), the result of which were presented in a report titled *Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation, Dupont Street Parcels, San Jose, California* (EKI, 2019). A summary of information in the EKI 2019 report that may be potentially relevant to the environmental condition of the Subject Property is presented below.

- The EKI Phase I ESA report concluded that no RECs were identified associated with the Dupont Street parcels.
- The EKI Phase I ESA report identified the Subject Property (Ray's Automotive) as a chemical use site and generator of hazardous wastes; however, no releases were reported at the Subject Property.
- The Phase I ESA report indicated that a number of USTs and sumps had been removed from the Dupont Street Parcels and that there was a potential for localized impacts to be present in the subsurface around the UST and sump locations. Localized impacts to the subsurface around current or former USTs or sumps would not be expected to impact the Subject Property, given that the Dupont Street Parcels are situated generally downgradient of the Subject Property with regard to inferred shallow groundwater flow direction.

As part of the screening-level subsurface investigation of the Dupont Street Parcels, EKI collected samples of shallow soil and soil vapor, as well as baserock samples, from up to 11 locations, including three (3) locations (SV-2, SV-3, and SV-4) within approximately 100 feet of the Subject Property. A summary of the results is presented below:

- The analytical results for the soil and soil vapor samples collected from the Dupont Street Parcels did not indicate widespread site-wide soil or soil vapor impacts. No impacts to the Dupont Street Parcels from releases, if any, from the Subject Property were suspected, based on the data collected.
- Serpentine rock was present in fill soil at one location (226 McEvoy Street); however, the serpentine rock at that location was reported not to contain naturally-occurring asbestos ("NOA").
- Fill soil with debris and elevated concentrations of lead and arsenic was identified at one location sampled (214 Dupont Street). Fill soil containing chemicals of potential concern may be present on the Subject Property.
- Benzene was detected in soil vapor above its current California Regional Water Quality Control Board ("RWQCB") Environmental Screening Level ("ESL") for residential land use at 1 of 9 locations sampled for soil vapor (214 Dupont Street). The source for the

benzene is suspected to be from a minor release at the 214 Dupont property, and not from a release at the Subject Property.

6.0 RESULTS OF SITE RECONNAISSANCE

On 13 January 2020, Mathias Onyeali of EKI conducted a visual reconnaissance of the Subject Property. Mr. Onyeali performed the visual reconnaissance under the supervision of an Environmental Professional as defined in 40 CFR Section 312.10, and as accepted by ASTM E1527-13 (see professional resumes in Appendix F).

Neil Liebich, the Owner's representative for the Subject Property, provided EKI with access to the Subject Property and was interviewed by EKI personnel regarding his knowledge of the Subject Property.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

The Subject Property is currently occupied by Ray's Automotive, an automobile repair shop which has operated on the Subject Property for approximately 50 years.

The following sections provide a summary of EKI's observations of readily accessible exterior and interior areas of the Subject Property made at the time of the site visit.

6.1 Exterior Observations

A motor garage and repair shop building with two roll-up doors and an attached office comprise most of the Subject Property. The remainder of the Subject Property is predominantly an unpaved hard-packed gravel and dirt parking area with some paved areas. The hard-packed gravel parking surface appeared to be freshly graded. No staining or discoloration was observed. The only observed vegetation consisted of two trees and vines that wrap around the southern portion of the Subject Property. The Subject Property is bounded by McEvoy Street to the west, 205 Dupont Street to the north and east, and 254 McEvoy Street to the south. EKI observed a depression, measuring approximately five feet by five feet in front of the main garage door on the west side of the garage building. At the depression, the ground surface appears to have subsided by approximately one foot. EKI also observed a hole approximately one foot in diameter with a trashcan covering it. Neil, a worker at the Subject Property, identified this location as a former wood-framed underground food storage area related to the prior residential uses at the Subject Property. Neil stated that the former wood-framed food storage area was backfilled with dirt and gravel.

6.2 Interior Observations

EKI observed the interior areas of both the office and garage sections of the Subject Property. In the office portion EKI observed a breakroom with a bed and chairs, an office space (currently used as storage), and bathrooms without floor drain features. This office portion of the Subject

Property has an attic that is used for storage and has a heater present. During EKI's visit, a door was bolted shut and the Owner's representative (Neil) could not provide access. EKI did not observe any other notable features within the office portion of the building interior.

The garage section of the Subject Property building is located to the north of the office area. The garage portion of Subject Property is used as an auto repair shop and includes a storage area as well as an automotive vehicle, lawnmowers, general auto tools, solvents (among other chemicals, EKI observed leather cleaner, kerosene, lacquer thinner, and buffer solution, see Appendix B for additional photographs and observations of chemical use or storage on the Subject Property), cleaning supplies, an embedded hydraulic lift, lubricants, motor oil, antifreeze, polisher, wax, cat litter (including fresh, unused cat litter in a bag and cat litter presumably used to clean up spills in the garage area in a garbage bin), and miscellaneous equipment (e.g., empty propane tank, fans, bicycle, etc.). EKI did not observe any obvious trenching or floor drains; however, cracking on the concrete floor was observed throughout the garage. EKI observed a bin filled with a cat litter-type absorbent material; in EKI's experience, cat litter is often used for cleaning up spilled oil or other similar fluids. EKI observed oil stains and slick areas of the garage floor. EKI did not observe any stored transmission fluid, diesel fuel, or brake cleaner during the site walk, but were informed by Neil that these substances were previously stored at the Subject Property, and that they were recently taken off-site for disposal.

6.3 **Surrounding Areas**

EKI conducted a walking inspection of the Subject Property neighborhood. In the immediate vicinity, the Subject Property is bordered to the north and east by commercial properties. Caltrain railroad tracks are located due east of the Subject Property. Further to the north, on the other side of Park Avenue, the Subject Property is bordered by a multi-unit residential complex. To the west, the Subject Property is adjoined by several businesses, including a boat and car storage lot, a theater and an event planning company. Immediately to the south, the Subject Property is adjoined by a pipe cutting company, a welding business. Across West San Carlos Street to the south, the Subject Property is adjoined by a truck driving school and multi-unit residential developments.

7.0 INFORMATION PROVIDED BY USER AND OWNER

7.1 Results of Owner Questionnaire

Through M&M Diridon, LLC, EKI requested that the Owner complete an environmental site assessment questionnaire.

The completed questionnaire, dated 10 January 2020, is included in Attachment C of this report. A summary of answers provided by Mr. Ray Gerding to key questions in the questionnaire is presented below.

- Mr. Gerding indicated that the current 244 McEvoy building was constructed in the late 1960s.
- According to Mr. Gerding, the property was previously used as an office for an engineering firm prior to use by Ray's Automotive.
- Mr. Gerding indicated that both buildings are currently used as office and warehouse space.
- Mr. Gerding listed chemical use and storage of automobile motor oil, carburetor cleaner, and brake fluid at the 244 McEvoy property. Mr. Gerding indicated that the business currently operating at this property is required to submit hazardous material business plans and that they do not currently maintain any chemical use permits. Elsewhere in the questionnaire, Mr. Gerding indicated that the 244 McEvoy property does not maintain a U.S. EPA Hazardous Waste Generator ID Number, but that the facility does maintain a Hazardous Waste Generator Permit for the local environmental regulatory agency. Mr. Gerding listed SCCDEH (June 2019) and the DTSC (last inspection date unknown) as the most recent inspections by relevant environmental regulatory agencies.
- Mr. Gerding indicated that there are no former or current USTs located at the 244 McEvoy property.
- Mr. Gerding indicated that 55-gallon drum was previously used to store used motor oil on the 244 McEvoy Property, but that the oil was removed. Mr. Gerding indicated he did not have any knowledge of the oil drum leaking. Mr. Gerding also indicated that approximately 20 used automobile tires and metal parts for scrap recycling are currently stored on the property.
- Mr. Gerding indicated that the 244 McEvoy property is equipped with a powered emergency generator, but did not indicate the fuel source.
- Mr. Gerding is not aware of any drums that store chemicals or pipelines that convey chemicals on the 244 McEvoy property other than the used oil drum discussed above.
- Mr. Gerding is not aware of any on-site chemical disposal or chemical wastes nor is he aware of any landfills, waste disposal, fill soil, or debris dumping on either the 244 McEvoy property.
- Mr. Gerding is not aware of any water supply wells or septic/leachfield systems on the 244 McEvoy property.
- Mr. Gerding indicated that the San Jose Water Company is the source of potable water for the 244 McEvoy Property, and that sanitary sewer services for both properties are provided by the City of San Jose.

- Mr. Gerding indicated that a Storm Water Pollution Prevention Plan was never previously prepared for the 244 McEvoy property.
- Mr. Gerding indicated that he is not aware of any air discharge point or air discharge permits, and that the 244 McEvoy property has not received an air discharge violation.
- Mr. Gerding is not aware of any pesticide or herbicide application, mixing, storage, formulation or disposal on the 244 McEvoy property.
- Mr. Gerding indicated that he is unaware if PCB-containing transformers exist on the 244 McEvoy property, and that he is not aware of any PCB-related spill or leak on the property.
- Mr. Gerding indicated that he is unaware if an asbestos survey was previously conducted for the 244 McEvoy building.
- Mr. Gerding indicated that he is not aware of prior environmental reports for the property at 244 McEvoy.
- Mr. Gerding indicated that the 244 McEvoy property has not previously been investigated or cited for environmental violations. Mr. Gerding also indicated that he is not aware of any spills or releases requiring notification to authorities, nor is he aware of any known monitoring wells or suspected groundwater contamination at the property.
- Mr. Gerding indicated he is not aware of any environmental cleanup liens at the 244 McEvoy property.
- Mr. Gerding indicated that he is aware of a former pit, mine, quarry, or tunnel on the 244 McEvoy property. EKI assumes this statement likely corresponds to the former underground food storage area discussed in Section 6.

7.2 Results of User Questionnaire

Mr. ……. of M&M Diridon LLC, the User of this Phase I ESA report, completed a User Questionnaire for the Subject Property, dated ……. 2020, a copy of which is included in Appendix C. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-13. A summary of the questionnaire responses by Mr. ……. is presented below.

7.2.1 Environmental Liens

According to Mr. Mountsier, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property. This statement is consistent with the public records search for the Subject Property.

7.2.2 Activity and Land Use Limitations

Mr. Mountsier is not aware of any activity and land use limitations (i.e., engineering or institutional controls) related to environmental conditions in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Mountsier indicated that he has no specialized knowledge or experience related to the Subject Property.

7.2.4 Purchase Price

Mr. Mountsier believes the purchase price for the Subject Property reasonably reflects the fair market value of the Subject Property.

7.2.5 Commonly Known or Reasonably Ascertainable Information

Mr. Mountsier indicated that he was not aware of any chemical spills, releases, or environmental cleanups performed on the Subject Property, or any obvious indicators that point to the presence or likely presence of contamination on the Subject Property.

7.3 Results of Environmental Lien Search

EKI purchased from EDR an environmental lien search report for the Subject Property, dated 14 August 2019 (see Appendix C of this report). According to the EDR lien search report, no environmental liens or Activity and Use Limitations ("AULs") are filed or recorded for the property.

8.0 RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property and properties located within selected radii of the Subject Property. A copy of the resulting "radius map report" provided by EDR is provided in Appendix F. Refer to the EDR report (pages GR-1 through GR-51) for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database Search for Subject Property

According to the EDR Report, the Subject Property under "Ray's Automotive Service" is listed under the following environmental regulatory databases:

- CUPA Listings
- HAZMAT
- FINDS
- CERS and CERS HAZ WASTE

The above listings indicate that Ray's Automotive maintains a permit with the City of San Jose for use and storage hazardous materials and generates hazardous wastes as part of its operations (see additional information below in Section 8.5).

According to information in the EDR report, Ray's Automotive was cited by the City of San Jose in 2017 for not preparing a Hazardous Materials Business Plan ("HMBP") and for improper storage of chemicals, e.g., new and used oils. The violation appears to have been rectified in 2018, with the EDR reporting indicating that the quantities of materials storage at the facility are below HMBP thresholds.

No chemical spills or releases are reported for the Subject Property address or Ray's Automotive, according to information in the EDR report. The Subject Property is not listed as registered underground or above ground storage tank site.

8.2 Off-Site Nearby Properties with Reported Chemical Use and Releases

As discussed in Section 3.3, shallow groundwater in the vicinity of the Subject Property likely flows generally to the north or northeast. The properties and facilities listed in the table below are located within approximately one-quarter mile and potentially upgradient (e.g., south-southwest) of the Subject Property and are listed on specific chemical use, storage, or disposal regulatory agency databases. It should be noted that only those sites indicated below with an asterisk (*) and in bold font are reported by EDR as a documented chemical release site.

Site Name	Address	Database Acronyms	Approximate Distance and Direction
ABM LANDSCAPE & TURF SERVICES	205 DUPONT ST	RCRA NONGEN / NLR, HAZNET, CUPA LISTINGS, PEST LIC, CERS, CERS HAZ WASTE, HAZMAT, FINDS, ECHO	Adjoining E, S, N
***BEST ELECTRICAL CO. INC.**	**248 MCEVOY ST**	**RGA LUST, HIST UST, NON-CASE INFO**	**Adjoining S**
VROOM AUTO CARE CENTER	254 MCEVOY ST	HAZNET	0.01 miles S
MICKEY S AUTO WRECKER	269 MCEVOY ST	EDR HIST AUTO	0.007 miles SW
DOWNTOWN AUTO WRECKING	263 MCEVOY ST	EDR HIST AUTO	0.007 miles SW
S & S WELDING	699 W SAN CARLOS ST	CUPA LISTINGS, CERS, HAZMAT	0.025 miles S
H AND S AUTO BODY	757 W SAN CARLOS ST	FINDS, RCRA-SQG, HAZNET, ECHO	0.044 miles SSW
RUDY S GARAGE	759 W SAN CARLOS ST	EDR HIST AUTO	0.049 miles SSW
***ROOFGUARD**	**740 W SAN CARLOS ST.**	**LUST, HAZNET, SWEEPS UST, CORTESE, CERS, CUPA LISTINGS (CLOSED LUST)**	**0.056 miles S**
***SAN JOSE MIDTOWN DEVELOPMENT**	**777 W. SAN CARLOS**	**CPS-SLIC, CERS**	**0.059 miles SW**
HERTZ-BIG 4 RENTS	800 W SAN CARLOS ST	CUPA LISTINGS, AST	0.087 miles SSW
***CHEIM LUMBER CO**	**800 W SAN CARLOS ST**	**LUST, SWEEPS UST, HIST CORTESE, HIST LUST, LUST, CERS (CLOSED LUST)**	**0.087 miles SSW**
MODERN CURTAIN & DRAPERY CLEANERS	857 W SAN CARLOS ST	EDR HIST CLEANER	0.123 miles WSW
***OHLONE PROJECT**	**860 WEST SAN CARLOS STREET**	**CPS-SLIC, CERS, LUST, HIST UST, HAZNET, NPDES, CIWQS, CERS, HIST LUST**	**0.157 miles SW**
***OHLONE - BLOCK B**	**345 SUNOL STREET**	**CPS-SLIC, CERS**	**0.181 miles SSW**
SCVTA CENTRAL BUS YARD	860 SAN CARLOS	HIST CORTESE	0.157 miles SW
AKINS AUTO REPAIR	782 PARK AVE STE 10	RCRA NONGEN / NLR, CUPA LISTINGS, RCRA NONGEN / NLR, CERS, CERS HAZ WASTE	0.037 miles NW
EFI POWERHOUSE	782 PARK AV STE 8	CUPA LISTINGS	0.037 miles NW
PARK AV STORM DRAIN PUMP S	800 PARK AVE	SWEEPS UST, CUPA LISTINGS, HAZMAT	0.049 miles NW
GARCIA'S ORNAMENTAL IRON WORKS LLC	804 PARK AV STE D	CUPA LISTINGS	0.054 miles NW
SERVICE CLEANERS	810 PARK AVE	EDR HIST CLEANER	0.054 miles NW
ACEVEDO'S BODY SHOP	804 PARK AV D	CUPA LISTINGS	0.054 miles NW
L & H BUMPERS	810 PARK AV B	CUPA LISTINGS	0.054 miles NW
UNITED PLATING SERVICES	810 PARK AV A	CUPA LISTINGS, HAZMAT, RCRA-SQG, ENVIROSTOR, HAZMAT	0.054 miles NW
***CIRCUIT LINK INC**	**804 PARK AVE, UNIT A**	**EMI, ENVIROSTOR, CUPA LISTINGS, CERS, RCRA-SQG (CLOSED LUST)**	**0.054 miles NW**
FFR FABRICATION & REPAIR LLC	804 PARK AVE STE A	RCRA NONGEN / NLR	0.054 miles NW
SAN JOSE CURTAIN & BLANKET CLEANERS	810 A PARK AV	EDR HIST CLEANER	0.054 miles WNW
DEL'S AUTO BODY	1019 W SAN CARLOS ST	RCRA NONGEN / NLR, CUPA LISTINGS, CERS	0.198 miles WSW

8.3 Off-Site Properties with Reported Chemical Releases

According to the EDR Report, and as shown in the above table, there are seven reported chemical release sites located in the proximity of (within approximately one-eighth of a mile) and potentially upgradient of (generally south-southwest) of the Subject Property with respect to reported shallow groundwater flow direction.

EKI reviewed potentially relevant information for the reported chemical release sites available on the SWRCB on-line Geotracker database and the DTSC's on-line Envirostor database. A summary of these off-site reported release sites and the potential for impacts to the Subject Property are discussed below.

8.3.1 Best Electrical Co., Inc., 248 McEvoy Street

The Best Electrical Co., Inc. ("Best Electrical") site at 248 McEvoy Street is located directly adjacent to and south of the Subject Property (see Figure 2) and may be upgradient of the Subject Property. According to information on Geotracker, the site was previously believed to have a leaking UST or other unauthorized release on the property. In a letter dated 8 September 1994, the SCVWD indicated that its records were in error, that there was no indication of a leaking UST at the Best Electrical site, and that SCVWD was removing the Best Electrical site record from its Leaking Underground Storage Tank Informational System ("LUSTIS") database. Based on this information, the Best Electrical site is not expected to impact the Subject Property.

8.3.2 San Jose Midtown Development, 777 West San Carlos Street

The San Jose Midtown Development at 777 West San Carlos Street ("Midtown site"), is located approximately 450 feet southwest of the Subject Property and is likely upgradient of the Subject Property. Based on reports available on Geotracker reviewed by EKI (AEI, 2008 and N&M, 2018), soil containing elevated levels of arsenic and lead were removed from the Midtown site. The metals contamination appears to be related to the rail spur and associated activities on the Midtown site. Metals impacts to the site from past uses of the Midtown site are not expected.

In addition, reports reviewed by EKI indicate that four fuel USTs were removed from the Midtown site in 1996 and 2008. Soil sampling conducted during the UST removals indicated only minor petroleum impacts to soil. No groundwater sampling apparently was conducted as part of the UST removals. Given the relatively low concentrations of petroleum and related compounds detected in soil and the distance from the Midtown site to the Subject Property, impacts to the Subject Property from the UST releases on the Midtown site are not expected.

8.3.3 *Review of the Ohlone Project, 860 West San Carlos Street (Block A), 345 Sunol Street (Block B), and 861 Auzerais Avenue (Block C)*

The Ohlone Project site ("Ohlone site") is an 8.5-acre development located approximately 800 feet southwest of the Subject Property, and likely upgradient of the Subject Property with regard to inferred direction of shallow groundwater flow. According to information on Geotracker, the site previously was used as a bus depot and maintenance yard by the Valley Transit Authority ("VTA"), as well as by a number of auto repair facilities. Files reviewed by EKI indicate that between 1989 and 1996, eight USTs, one or two sumps, a containment structure, a drain inlet, and a number of hydraulic lifts were removed from the site under regulatory agency oversight. Subsurface investigations conducted between 1989 and 2004 identified petroleum and petroleum-related volatile organic compound ("VOC") impacts to soil and groundwater on the Ohlone site. SCCDEH closed the leaking UST case in a letter dated 6 February 2007, and indicated that petroleum and petroleum-related VOCs, e.g., xylenes and ethylbenzene, remain present in soil and groundwater on site. A groundwater monitoring well (MW-19) located at the northeast corner of the Ohlone site (on the downgradient portion of the site), nearest the Subject Property, was sampled in 1998 and was found not to contain detectable concentrations of TPH as gasoline, TPH as diesel fuel, TPH as motor oil, or BTEX compounds.

The 2018 Ohlone Work Plan indicated that additional grab groundwater samples collected at the Ohlone Project site in 2007 did not contain VOCs at concentrations above the drinking water Maximum Contaminant Levels.

However, based on the available groundwater data reviewed by EKI from the upgradient side of Block A, the petroleum hydrocarbons and related VOCs are not likely to impact the Subject Property.

8.4 **Review of Closed Leaking UST Sites**

EKI reviewed available information for a number of leaking UST sites potentially upgradient, e.g., southwest, of the Subject Property. Based on the documents reviewed, the below-listed sites generally had releases of petroleum products including waste oil and gasoline, as well as petroleum-related VOCs and metals. Some sites included the excavation of impacted soil prior to closure. Based on the chemicals released and the distance of these sites from the Subject Property, releases from these sites are not expected to impact the Subject Property. Closure documents for these closed leaking UST sites include:

- Roofguard, 740 W San Carlos St., closed by SCCDEH in a letter dated 22 August 2019.
- Cheim Lumber Co., 800 W San Carlos St., two separate leaking UST cases closed by SCVWD in a letter dated 7 June 1993, and by SCCDEH in a letter dated 17 August 2005.
- Circuit Link, Inc., 804 Park Ave, closed by DTSC in a letter dated 16 December 2004.

8.5 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- DTSC
- RWQCB
- San Jose Fire Department, Hazardous Materials Division ("SJFD")
- SCCDEH
- BAAQMD

In addition, EKI searched online databases maintained by DTSC, SWRCB, and SCVWD. The RWQCB, DTSC, and BAAQMD did not provide to EKI any files for the Subject Property.

8.4.1 Summary of the SCCDEH Files for Subject Property

A summary of potentially relevant file information for the Subject Property provided by SCCDEH is presented below. Copies of the SCCDEH files are included in Appendix D of this report.

- CERS Submittal Summary for Ray's Automotive, dated February 2018. CERS document indicated that chemical and waste storage quantities at the subject facility are below HMBP thresholds and that permit will be inactivated by SCCDEH. CERS document indicated that hazardous wastes are generated and consist of 2 gallons of waste automobile oil.
- SCCDEH Inspection Notice, dated February 2018, indicating that the subject facility stores new oil, waste oil, oil filters, acetylene, and oxygen below HMBP thresholds.
- SCCDEH Inspection Notice, dated January 2017. Notice of Violation (NOV) issued for storage of hazardous wastes above HMBP thresholds without submittal of an HMBP.
- SCCDEH letter to Ray's Automotive, dated 2016, indicating failure to submit HMBP
- SCCDEH Inspection Notice, dated November 2012. NOV issued for oil in secondary containment beneath two 55-gallon oil drums, improper oil storage and labeling, and lack of record-keeping.
- SCCDEH Inspection Notice, dated November 2006. NOV issued for storage of 100 gallons of waste oil on the site for over 1 year, and improper labeling of waste containers.
- SCCDEH Inspection Notice, dated December 2001. NOV issued for improper record-keeping.
- SCCDEH Inspection Notice, dated October 2000. NOV issued for improper waste container labeling and lack of record-keeping. Several 55-gallon drums of oil, filters, and antifreeze were noted.
- Hazardous Waste Generator Permit Application, dated October 2000. Indicated 200 gallons of waste oil and 27 gallons of antifreeze storage.

The SCCDEH files provided to EKI did not contain any information for the Subject Property for years prior to 2000.

8.4.2 Summary of the San Jose Fire Department, Hazardous Materials Division File

A summary of potentially relevant file information for the Subject Property provided by SJFD is presented below. Copies of the SJFD files are included in Appendix D of this report.

- SJFD Record of Inspection, dated 11 October 2002. The document indicates that no violations were noted.
- Certification of a HMBP for Ray's Automotive, dated 11 October 2002.
- SJFD Record of Inspection, dated 25 October 2001. The document indicates that one violation was noted for missing secondary containment for used batteries stored on-site.
- SJFD Record of Inspection, dated 8 November 2000. The document indicates that no violations were noted.
- Certification of a HMBP for Ray's Automotive, dated 11 May 1999.
- SJFD Record of Inspection, dated 11 May 1999. The document indicates that no violations were noted, but requires that Ray's Automotive provide an HMBP for the Subject Property.
- SJFD Record of Inspection, dated 6 December 1996. The document indicates that violations were noted for missing secondary containment for used batteries and waste oil stored on-site and that Ray's Automotive needed to submit an HMBP. The Record of inspection indicates the required HMPB was submitted and approved by SJFD on 26 February 1997.

The SJFD files provided to EKI did not contain any information for the Subject Property for the years prior to 1996.

9.0 RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

Based on the preliminary findings of the Phase I ESA tasks, discussed above, and at the request of Client, EKI performed a screening-level Phase II subsurface investigation at the Subject Property. The primary objective of the investigations was to screen for impacts to the Subject Property from the following potential areas of concern:

(1) in the garage area near the hydraulic lift; and
(2) in the hard-packed soil and gravel yard of the Subject Property.

The subsurface investigation procedures and results are discussed below.

9.1 Scope of Work for Subsurface Investigations

Based on the potential areas of concern identified above, EKI performed the following tasks as part of the screening-level subsurface investigation conducted in February 2020.

- Collected samples of soil from two locations on the Subject Property and analyzed the samples for metals, VOCs, and TPH (Figure 2);

- Collected samples of soil vapor for analysis for VOCs and volatile TPH from two temporary shallow soil vapor probes installed near features on the Subject Property noted above (Figure 2); and,

- Collected samples of baserock for examination and subsequent selective analysis of asbestos for the baserock sample based on visual observations potentially indicating the presence of serpentinite.

9.2 Preparatory and Pre-Field Activities

Prior to performance of field sampling activities for the screening-level subsurface investigation, EKI performed the following preparatory tasks:

- Conducted site visits to scope planned sampling locations and access constraints, discussed schedule and timing of activities with Client and the Subject Property Owner, marked planned sampling locations for Underground Service Alert (“USA”) clearance, and contacted USA at least two business days prior to drilling activities;

- Contracted with Subdynamic Locating Services (“Subdynamic”), a utility locating company, to screen each of the planned sample locations for the presence of buried utilities using hand-held instruments including electromagnetic detectors and ground-penetrating radar; and

- Updated the Site-Specific Health and Safety Plan for EKI field personnel.

9.3 February 2020 Subsurface Investigation

As part of the screening-level subsurface investigation conducted in October 2019, EKI performed the following:

- Collected soil samples from shallow soil boreholes and soil vapor samples soil vapor from two five-foot SVPs, see Figure 2):
  - In the hard-packed soil and gravel area on the Subject Property (SV-1); and,
  - In the central portion of the garage space, near the hydraulic lift (SV-2).

- Collected a sample of baserock for analysis of asbestos from soil boring SV-2 based on visual observations potentially indicating the presence of serpentinite.

Sampling procedures, laboratory analysis methods, and analytical results for soil, baserock, and soil vapor samples collected at the Subject Property are discussed below.

9.3.1 Soil Sample Collection

EKI retained PeneCore Drilling, Inc. of Woodland, California ("PeneCore") a California licensed drilling contractor, to advance boreholes for soil and soil vapor sampling on the Subject Property (Figure 2). On 21 February 2020, EKI collected soil samples from soil borings advanced on the Subject Property (see Figure 2).

At each of the soil sampling locations, the concrete/asphalt was cored by EKI's subcontractor in order to provide access to underlying soils. Following completion of coring, PeneCore utilized a hand-auger to advance boreholes for the purposes of collecting soil samples. Soil samples were collected from depths of 0.5 to 1.0 feet below baserock ("feet bbr") and 2.5 to 3.0 feet bbr, which was within the fill soil. Sampling equipment was cleaned between locations using Alconox and water, followed by a double rinse with water provided by PeneCore. EKI utilized an organic vapor meter equipped with a photoionization detector ("PID") to screen the soil from the boreholes for volatile compounds.

Soil samples planned for VOC and gasoline analysis were collected with Encore samplers, and the other soil samples were placed in pre-cleaned glass jars provided by the analytical laboratory. Sample jars were labeled with a unique identification number and placed in a chilled cooler for transport to the analytical laboratory, K Prime Analytical, Inc. of Santa Rosa, California ("K Prime"), a California-certified laboratory, under chain-of-custody procedures. Chain-of-custody records are included with the laboratory analytical reports in Appendix H of this report.

An EKI geologist visually observed the baserock at each location to identify whether the baserock exhibited visual indications of being serpentine, greenstone, or other rock types. Following the visual screening, the baserock sample from one location (SV-2), which appeared to potentially contain serpentinite, was placed in a pre-cleaned glass jar provided by the analytical laboratory and submitted to SGS Forensic Laboratories ("SGS") of Hayward, California, a NVLAP-certified laboratory, for asbestos analysis. The sample jar was labeled with a unique identification number and placed in a chilled cooler for transport to the analytical laboratory.

9.3.2 Vapor Sampling from Temporary Vapor Probes

On 24 February 2020, EKI collected soil vapor samples from temporary SVPs installed on the Subject Property (see Figure 2).

9.3.2.1 SVP Construction Methods

The SVPs were constructed on 21 February 2020 in general accordance with the California-Environmental Protection Agency's ("Cal-EPA") July 2015 guidance entitled *Advisory – Active Soil Gas Investigations*. Due to the potential presence of unknown buried utilities, the SVP boreholes were advanced using a hand auger to approximately 5 feet bbr. A PID was used to screen the soil from the borehole for VOCs. No indications of VOC impacts were visually obersved or measured with the PID.

Each SVP was positioned within each borehole using an approximately 1-inch inner diameter threaded flush-joint polyvinyl chloride ("PVC") emplacement "guide" pipe, to keep the screen and tubing centered in the borehole at the proper depth. Each SVP consisted of a 6-inch long, ½-inch diameter stainless-steel wire mesh screen attached to a length of continuous ¼-inch diameter flexible fluorinated ethylene propylene ("FEP") or Teflon tubing, sealed at the top using a stainless-steel laboratory-grade plug valve with Swagelok-type compression fittings. The SVP screen was suspended using the guide pipe at the approximate center of the filter pack interval (i.e., between approximately 5 and 5.5 feet bbr in all of the SVPs. The borehole annular space around the SVP screen was backfilled with a 1.5-foot vertical filter pack of prewashed #2/12 Monterey sand, poured slowly into the borehole. After placement of the filter pack, the guide pipe was slowly removed from the borehole while maintaining the position and depth of the SVP screen.

Above the filter pack, each SVP borehole was backfilled with a one-foot layer of dry medium granular bentonite, per Cal-EPA guidance. Above the dry granular bentonite, each borehole was sealed to existing grade with medium bentonite chips, emplaced and hydrated in approximately 6-inch lifts. Bentonite at the top of the seal was covered with approximately two inches of sand.

With the exception of new equipment, all down-hole drilling and SVP installation equipment was washed with a non-phosphate containing soap (e.g., Liquinox®) and water solution and rinsed

twice with potable water before use. Decontamination wastes were managed, characterized, and disposed of as described in Section 9.5.4.

9.3.2.2 SVP Sampling Procedures

Consistent with current Cal-EPA guidance, soil gas samples were collected on 24 February 2020, which was more than 48-hours after installation of the SVPs and each SVP was purged prior to sample collection. The soil gas samples were collected in laboratory-provided, pre-cleaned and pre-evacuated 1-liter SUMMA-passivated stainless-steel sample canisters equipped with flow controllers set at a flow rate of approximately 100 milliliters per minute ("mL/min"). The SUMMA canisters were batch-certified as clean by the laboratory.

An enclosed space ("shroud") was maintained around each SVP during sample collection to allow a controlled atmosphere containing a leak-detection compound to be maintained around the SVP and sampling apparatus. Immediately before sampling, each SVP was purged. After purging, at each SVP, a SUMMA canister and flow controller was attached to the SVP and a static vacuum check was conducted. After performing the vacuum check, the shroud was spike with the leak check compound, 1,1-difluorethane ("DFA"). Soil gas sampling was then initiated by opening the SUMMA canister valve.

The sampling canister was allowed to fill until a small residual vacuum remained, at which point the valve was closed and the sample collection ended. At both SVP locations, the air inside the shroud was sampled using a separate SUMMA canister and analyzed for DFA, so that the concentration ratio between shroud sample and SVP sample could be used to estimate dilution. Soil vapor sample and shroud sample concentrations of DFA are provided in Table 3. As described in the Section 9.6.1, no significant leaks occurred.

The collected soil gas and leak-check samples were labeled with unique identification numbers, the date and time of collection, and other pertinent information, and prepared for shipment to K-Prime under chain-of-custody procedures.

9.3.2.3 SVP Abandonment

Following completion of soil vapor sampling, the SVPs were destroyed by removing the tubing from the SVPs, removing the bentonite seals, and grouting the boreholes to the pavement surface with neat cement. Boreholes received a surface completion to match the existing grade and material (i.e., gravel at location SV-1 in the parking area and concrete at location SV-2 inside the building).

9.4 Laboratory Analysis of Soil and Soil Vapor Samples

9.4.1 Soil Sample Analysis

The soil samples collected from locations SV-1 and SV-2 were analyzed for the following compounds:

- TPH as gasoline, diesel, and motor oil using U.S. EPA Method 8015B;
- VOCs using U.S. EPA Method 8260;
- Title 22 CAM 17 metals using U.S. EPA Method 6020/7471; and
- Percent moisture in order to compare dry weight results to potentially relevant regulatory screening levels.

Based on the metals results from the soil samples at locations SV-1 and SV-2 and observations of the baserock at SV-2, the shallow baserock sample from location SV-2 was analyzed for asbestos. SGS performed the asbestos analysis using the CARB 435 method with polarizing light microscopy ("PLM").

9.4.2 Soil Vapor Analysis

The two soil vapor samples were analyzed for VOCs using EPA Method TO-15 with K-Prime's standard VOC analyte list, and for total volatile hydrocarbons ("TVH") using EPA Method TO-3. Leak check samples and shroud samples were analyzed for DFA using EPA Method TO-3.

9.5 Soil Sample Analytical Results

Soil sample analytical results for metals and percent moisture, and asbestos from the baserock sample are presented in the attached Table 1. Soil sample analytical results for VOCs and total volatile hydrocarbons (i.e. gasoline, diesel fuel, and motor oil) are presented in the attached Table 2. Laboratory data sheets are included in Appendix H.

9.5.1 Metals Results

In general, the soil samples collected from SV-2 contained somewhat higher concentrations of chromium, cobalt, and nickel, which are indicators for serpentinite, a type of rock found in the hills surrounding San Jose and historically used in baserock and fill in Silicon Valley. The analytical results for discrete soil samples from both SV-1 and SV-2 (i.e., sample SV-1-0.5-1.0, SV-1-2.5-3.0, SV-2-0.5-1.0, and SV-2-2.5-3.0) were analyzed for metals, including cobalt, chromium, and nickel, (Table 1). The discrete sample results for these samples indicate that serpentinite is likely present from in both soil samples collected from location SV-2. The cobalt and nickel concentrations in both soil samples collected from SV-2 (a maximum concentration of 75.4 mg/kg for cobalt and 1,240 mg/kg for nickel) are above residential screening levels of 23 mg/kg and 820 mg/kg, respectively.

As shown in Table 1, metals concentrations in all of the other soil samples were below residential screening levels. However, it should be noted that the shallow soil from location SV-1 (sample SV-1-0.5-1.0) contained lead at a concentration of 51.5 mg/kg, which is less than the residential screening level, but exceeds 50 mg/kg, a level indicating that the soil from that area could potentially be classified as a non-RCRA hazardous waste if excavated.

EKI visually observed the baserock at each borehole location to identify whether the baserock exhibited visual indications of containing serpentinite, greenstone, or other rock type. The baserock collected from location SV-2 contained an aphanitic amorphous green-to-greyish black banded secondary mineral with a wax-like appearance and a slightly soapy feel, which could potentially be serpentinite. The SV-2 baserock sample was analyzed for asbestos using CARB435 PLM and contained 0.5% chrysotile asbestos.

9.5.2 VOC and TPH Results

As shown in Table 2, VOCs and TPH as gasoline were not detected in any of the soil samples. TPH as diesel and as motor oil were detected at concentrations up to 62.4 mg/kg and 849 mg/kg, respectively, in the shallow soil sample from location SV-2. These concentrations are below the residential soil ESLs for TPH as diesel fuel of 260 mg/kg and for TPH as motor oil of 5,100 mg/kg.

9.6 Soil Vapor Sample Analytical Results

Soil vapor sampling results are included in Table 3. Laboratory data sheets are included in Appendix H. A number of VOCs associated with fuel and automobile uses were detected in soil vapor sample SV-1 at low concentrations below their respective San Francisco Water Board residential soil gas ESLs, including ethylbenzene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, m- & p-xylene, and o-xylene. No VOCs were detected in soil vapor sample SV-2. TVH was not present above the laboratory reporting limit in any of the soil vapor samples collected by EKI at the Subject Property.

9.6.1 Soil Vapor Sample QA/QC

The two QA/QC shroud samples were analyzed for DFA using EPA Method TO-3. DFA was detected at concentrations of 44,100 parts per million by volume (“ppmv”) in the shroud collected at SV-1 and 26,000 ppmv in the shroud sample collected at SV-2. Soil vapor sample DFA concentrations are shown in Table 3. Neither of the two soil vapor samples (SV-1 and SV-2) contained DFA above the analytical reporting limit of 10 ppmv indicating that no leaks occurred.

9.7 Management of Investigation Derived-Wastes

Soil cuttings resulting from the SVP and soil borehole drilling operations were placed in a 55-gallon metal drum that was sealed, labeled, and stored at the Subject Property in a secure location until the waste can be disposed of at an off-site permitted waste management facility.

Results of sampling of the investigation-derived waste indicated that the soil is non-hazardous. The one drum of soil cuttings from the soil borehole drilling and SVP installation was removed from the Subject Property on XX MONTH 2020.

10.0 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS AND RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the property located at 244 McEvoy Street in San Jose, California. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. EKI's findings, conclusions, and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs, HRECs, and Business Environmental Risks are presented below.

The following were identified as RECs for the Subject Property in connection with the performance of this Phase I ESA:

- No RECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following were identified as HRECs for the Subject Property in connection with the performance of this Phase I ESA:

- No HRECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- Use of the Subject Property for automobile repair for decades included the storage and staging of various chemicals, including parts cleaning products as well as used motor oil. The Subject Property was previously cited for storing used motor oil improperly and without secondary containment. During the site walk, EKI personnel observed floor areas with oil stains and oil slicks, as well as containers of cat litter, which is commonly used as an absorbent for spilled oil. The Subject Property also utilized a below-grade hydraulic lift which currently remains on-site. EKI collected soil and soil vapor samples in the central portion of the garage space in the vicinity of the hydraulic lift (location SV-2). No VOCsor volatile TPH were detected above residential screening levels in the soil samples or soil vapor samples collected at the Subject Property. TPH as motor oil was detected in the shallow soil sample collected near the hydraulic lift at a concentration of 849 mg/kg, which is less than the residential screening level of 5,100 mg/kg.
- Fill soil is present at adjoining properties to the north, east, and south of the Subject Property as noted in the EKI Phase I ESA/Phase II report for the Dupont Street Parcels (EKI, 2020), and may extend onto the Subject Property. The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were

collected from the fill soil at locations SV-1 and SV-2. Metals data for both soil samples from location SV-2 indicates the presence of serpentinite, and 0.5% asbestos was detected in the baserock sample from location SV-2.

10.1.1 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional. No potentially significant data gaps were identified in the performance of this Phase I ESA.

10.2 Summary of Results of Screening-Level Phase II Subsurface Investigation

In order to assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil and soil vapor samples from two five-foot SVPs (see Figure 2):
  - In the hard-packed soil/gravel parking area on the Subject Property (SV-1); and,
  - In the central portion of the garage space, near the hydraulic lift (SV-2).

- Collected a sample of baserock from soil boring SV-2.

Overall, the soil and soil vapor samples collected from the Subject Property do not indicate widespread site-wide soil or soil vapor impacts (sample data are presented in Tables 1 through 3 and sample locations are shown on Figure 2). Key findings from the Phase II Subsurface Investigation on the Subject Property were as follows:

- Cobalt and nickel were present at in soil at concentrations up to 75.4 mg/kg for cobalt and 1,240 mg/kg for nickel, are above their respective residential screening levels of 23 mg/kg and 820 mg/kg. Together, the concentrations of chromium, cobalt, and nickel in both soil samples from location SV-2 indicate the presence of serpentinite in the fill soil under the Subject Property building.
- The baserock sample collected at location SV-2 had the visual indicators of serpentinite which was confirmed by CARB 435 analysis, which detected the presence of up to 0.5% asbestos in the sample.
- Ethylbenzene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and o-, m- &p-xylenes (all chemicals typically associated with automobile and fuel use) were detected

in soil vapor sample SV-1, all at concentrations below their respective residential soil vapor screening levels.

- Except as indicated above, metals, VOCs, and TPH concentrations were either not detected or were present at concentrations below residential screening levels.

EKI understands that the planned redevelopment of the Subject Property includes residential over a level of naturally-ventilated parking; as such, vapor intrusion should not be a concern based on the soil and soil vapor sample analytical data for the Subject Property.

This Summary of Phase I ESA Findings and Results of Screening-Level Phase II Subsurface Investigation does not contain all of the information, including observations, findings, and opinions, presented in the Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

11.0 REFERENCES

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TABLE 1
Analytical Results for Metals and Asbestos in Soil Samples
244 McEvoy Street, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected Metals (mg/kg) (a)(b)(c)																	Naturally Occurring Asbestos in Base Rock Sample (%)
			Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc	
SV-1-0.5-1.0	0.5-1.0	2/21/2020	<2.96	9.02	250	<2.96	<0.593	51.9	15.4	32.6	51.5	0.123	<2.96	75	<2.96	<2.96	<2.96	57.6	85.3	--
SV-1-2.5-3.0	2.5-3.0	2/21/2020	<2.90	5.81	189	<2.90	<0.581	48.1	10.8	29.7	9.84	<0.116	<2.90	60.4	<2.90	<2.90	<2.90	44.2	59.7	--
SV-2-0.5-1.0	0.5-1.0	2/21/2020	<2.79	<2.79	67.7	<2.79	<0.558	519	**58.6**	23.7	33.4	0.139	<2.79	**1030**	<2.79	<2.79	<2.79	31.0	56.8	--
SV-2-2.5-3.0	2.5-3.0	2/21/2020	<2.97	4.28	225	<2.97	<0.594	606	**75.4**	25.8	6.71	<0.119	<2.97	**1240**	<2.97	<2.97	<2.97	38.5	49.7	--
SV-2-BR	0	2/21/2020	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.5
San Francisco Water Board Residential Soil ESLs (e)			*11*	*11 (f)*	*15,000*	*16*	*78*	*120,000 (g)*	*23*	*3,100*	*80*	*13*	*390*	*820*	*390*	*390*	*0.78*	*390*	*23,000*	--

Abbreviations:
-- = not applicable
<2.96 = compound not detected at or above indicated laboratory reporting limit
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
U.S. EPA = United States Environmental Protection Agency

Notes:
(a) Title 22 metals were analyzed by U.S. EPA Method 6020. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected metals in samples are shown in table.
(d) Naturally occurring asbestos analyzed by CARB 435 method. Samples analyzed by SGS Forensic Laboratories, of Hayward, CA. Limit of Quantification for the analysis is 0.25%.
(e) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.
(f) Arsenic naturally occurs in soil throughout the San Francisco Bay Area at conventrations that exceed the RWQCB ESL. Sample concentrations are screened against the background concentration of arsenic in soil from Duverge (2011).
(g) Value listed is for chromium(III).

References:
Duverge, 2011. *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region* , San Francisco State University, San Francisco, CA, December 2011.
RWQCB, 2019. *Environmental Screening Levels,* San Francisco Bay Regional Water Quality Control Board, July 2019.

TABLE 2
Analytical Results for Volatile Organic Compounds and Total Petroleum Hydrocarbons in Soil Samples
244 McEvoy Street, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected VOCs (ug/kg) (a)(b)(c)	Petroleum Hydrocarbons (mg/kg) (a)(b)		
			All VOCs in Soil	TPH as Gasoline	TPH as Disel Fuel	TPH as Motor Oil
SV-1-0.5-1.0	0.5-1.0	2/21/2020	ND	<1.19	<11.9	<11.9
SV-1-2.5-3.0	2.5-3.0	2/21/2020	ND	<1.16	<11.6	<11.6
SV-2-0.5-1.0	0.5-1.0	2/21/2020	ND	<1.12	62.4 AC	849.0
SV-2-2.5-3.0	2.5-3.0	2/21/2020	ND	<1.19	<11.9	<11.9
San Francisco Water Board Residential Soil ESLs (d)			--	*100*	*260*	*5,100*

Abbreviations:

-- = not applicable
<1.19 = compound not detected at or above indicated laboratory reporting limit
AC = heavier hydrocarbons contributing to diesel range quantitation
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
ND = no VOCs detected above the laboratory reporting limit
TPH = total petroleum hydrocarbons
ug/kg = micrograms per kilogram
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

Notes:

(a) VOCs were analyzed using U.S. EPA Method 8260 with U.S. EPA Method 5035 preparation. TPH was analyzed using U.S. EPA Method 8015B. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected VOCs in samples are shown in table.
(d) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.

References:

RWQCB, 2019. *Environmental Screening Levels,* San Francisco Bay Regional Water Quality Control Board, July 2019.

TABLE 3
Analytical Results for Volatile Organic Compounds and Total Volatile Hydrocarbons in Soil Vapor Samples
244 McEvoy Street, San Jose, California

Sample ID (e)	Sample Date	Detected VOCs (ug/m^3) (a)(b)(c)										Total Volatile Hydrocarbons (mg/m^3) (a)(b)	Leak Check Compound (ppmv) (a)(d)
		Benzene	Chloromethane	Ethylbenzene	Styrene	Toluene	1,1,1-Trichloroethane	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	o-Xylene	m/p-Xylene	C2-C10 as Hexane	1,1-Difluoroethane
SV-1	2/24/2020	<3.19	<2.07	10	<4.26	15.9	<5.46	32.1	13.1	14.4	53.4	<17.6	<10.0
SV-2	2/24/2020	<3.19	<2.07	<4.34	<4.26	<3.77	<5.46	<4.92	<4.92	<4.34	<8.68	<17.6	<10.0
San Francisco Water Board Residential Soil Gas ESLs (f)		*3.2*	*3,100*	*37*	*31,000*	*10,000*	*35,000*	*2,100 (g)*	*2,100 (g)*	*3,500*	*3,500*	*3.3*	--

Abbreviations:

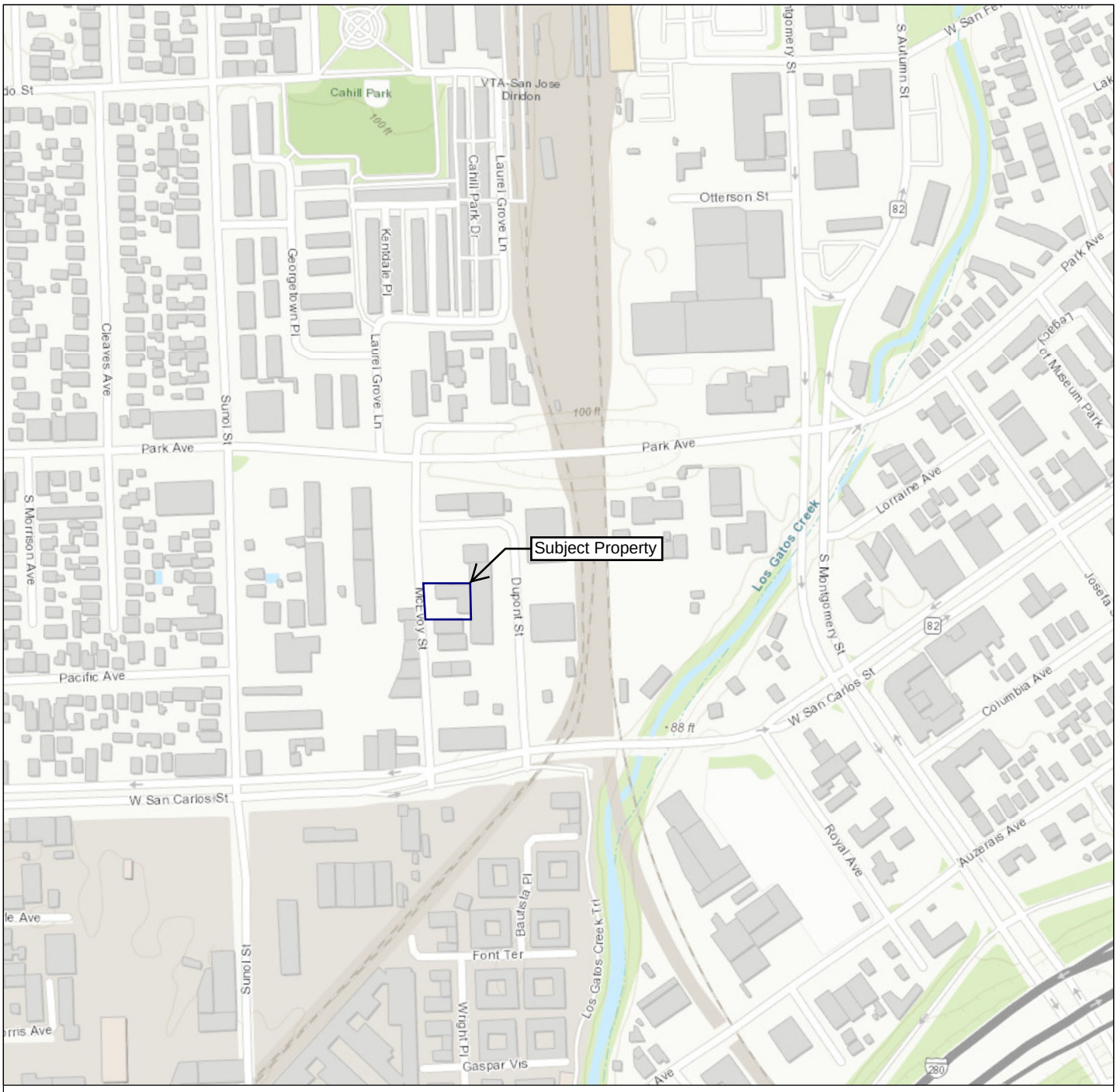
<3.19 = compound not detected at or above indicated laboratory reporting limit
ESLs = environmental screening levels
mg/m^3 = milligrams per cubic meter
ppmv = parts per million by volume
TVH = total volatile hydrocarbons
ug/m^3 = micrograms per cubic meter
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

Notes:

(a) VOCs were analyzed using U.S. EPA Method TO-15. TVH were analyzed using U.S. EPA Method TO-3. Samples analyzed by K Prime, Inc., of Santa Rosa, CA.
(b) **Bold** value indicates detected concentration exceeds its respective soil vapor screening level.
(c) Only detected VOCs in samples are shown in table.
(d) The shroud samples (SV-1-Shroud and SV-2-Shroud) contained 1,1-difluoroethane concentrations of 44,100 and 26,000 ppmv respectively. Neither of the two soil vapor samples (SV-1 and SV-2) contained DFA above the analytical reporting limit of 10 ppmv indicating that no leaks occurred.
(e) Soil vapor samples collected from a depth of 5 feet below ground surface.
(f) Soil screening levels utilize the lowest value from the Residential Soil Gas Vapor Intrusion Levels and Odor Nuisance Levels from the July 2019 RWQCB ESLs.
(g) Soil vapor screening levels are calculated using the OSWER 2015 attenuation factor of 0.03 applied to indoor air criteria from U.S. EPA (2019).

References:

RWQCB, 2019. *Environmental Screening Levels, San Francisco Bay Regional Water Quality Control Board, July 2019.*
U.S. EPA, 2019. Regional Screening Level (RSL) Summary Table (TR = 10-6; HQ = 1) November 2019, United States Environmental Protection Agency, November 2019.



Notes

1. All locations are approximate.

Sources

Basemap is ESRI's ArcGIS Online world topographic map, obtained 20 January 2020.

N

0 400 800

(Scale in Feet)

Subject Property Location

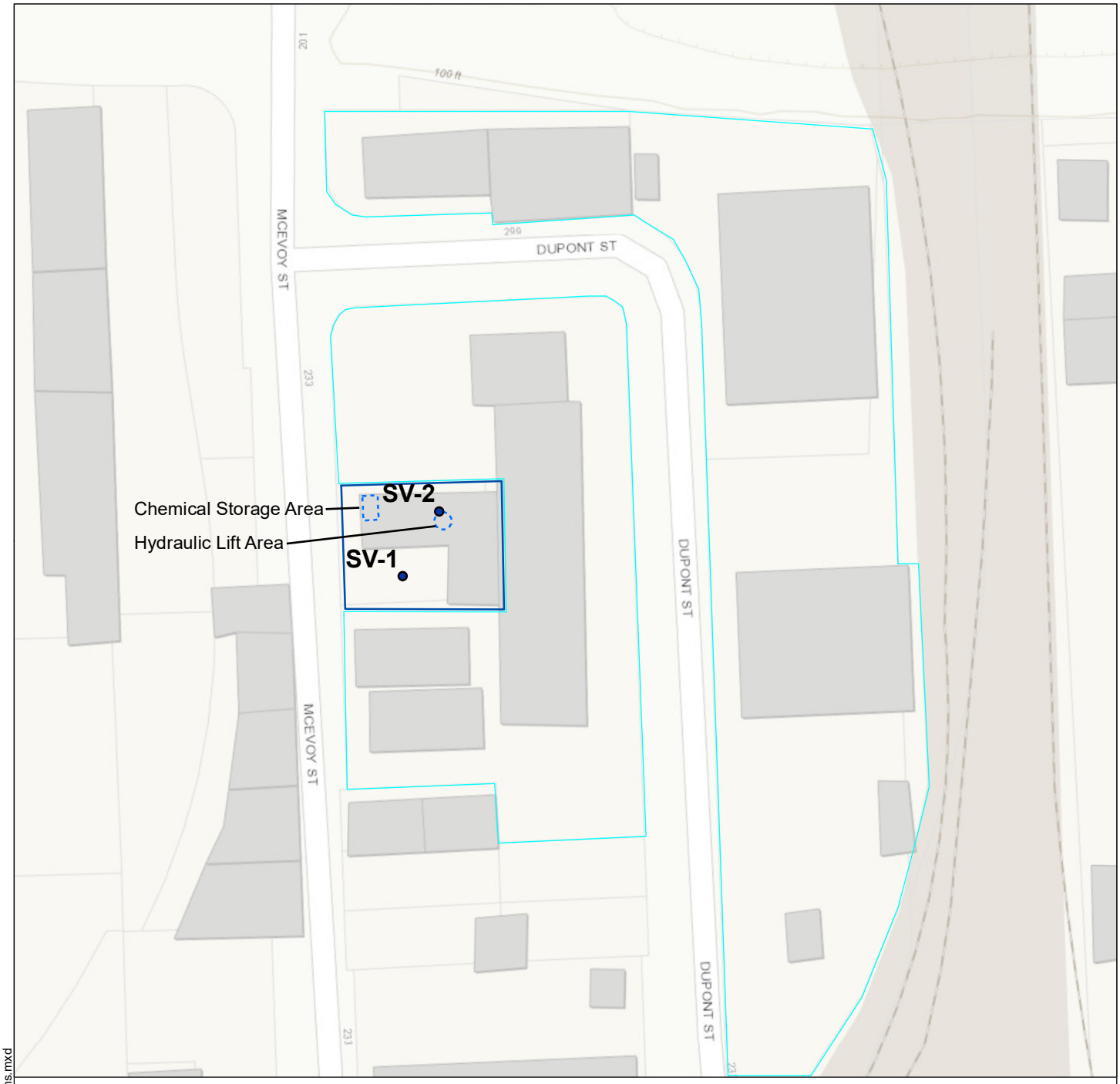
DRAFT

244 McEvoy St
San Jose, CA
April 2020
B90107.03

Figure 1

eki environment & water

Path: X:\B90107\Maps\...00\2020\01\Fig1_SiteLocation.mxd



Notes
1. All locations are approximate.

Sources
Basemap is ESRI's ArcGIS Online world topographic map, obtained 13 February 2020.

Legend
- Proposed SVP Locations
- Use Areas on the Subject Property
- Subject Property Bounds
- Dupont Street Parcels

N
0 100 200
(Scale in Feet)

Phase II Sample Locations

DRAFT

eki environment & water

244 McEvoy Street
San Jose, CA
April 2020
B90107.03
Figure 2

Path: X:\B90107\Maps\...00\2020\01\Fig1_244McEvoy_PhaseII_Sample_Locations.mxd

Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation

254 McEvoy Street
San Jose, California

Prepared for:

M&M Diridon LLC

DRAFT - 22 December 2020
EKI B90107.04

EKI ENVIRONMENT & WATER, INC.

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PHASE I ESA REPORT SIGNATURE PAGE

REPORT TITLE: Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation Report - 254 McEvoy Street, San Jose, California

EKI PROJECT NUMBER: EKI B90107.04

REPORT DATE: 22 December 2020

USER OF REPORT: M&M Diridon, LLC

ENVIRONMENTAL PROFESSIONAL STATEMENTS:

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Section 312.10.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

SIGNATURES:

[UNSIGNED DRAFT]	[UNSIGNED DRAFT]
Michelle K. King, Ph.D. President	Zachary Salin Project Manager

KEY PHASE I TASK DATES:

Date of Environmental Database Report:	6 October 2020
Date Environmental Lien Search was Performed:	6 October 2020
Date Site Reconnaissance was Performed:	29 September 2020
Date Interviews were Performed/Questionnaire:	14 December 2020
Date On-line Regulatory Databases were Searched:	14 October 2020
Date Agency File Reviews were Performed:	14 October 2020

PHASE I ENVIRONMENTAL SITE ASSESSMENT AND SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION REPORT

254 McEvoy Street
San Jose, California

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TABLES

FIGURES

APPENDICES

ABBREVIATIONS AND ACRONYMS

AEI	AEI Consultants
APN	Assessor's Parcel Number
ASTM	American Society of Testing and Materials
AUL	Activity and Use Limitations
BAAQMD	Bar Area Air Quality Management District
bbr	below baserock
Cal-EPA	California Environmental Protection Agency
Client	M&M Diridon LLC
Cornerstone	Cornerstone Earth Group
DFA	1,1-difluoroethane
DTSC	Department of Toxic Substances Control
Dupont Street Parcels	Various addresses in the surrounding neighborhood of the Subject Property (see Section 5)
EDR	Environmental Data Resources, Inc.
EKI	EKI Environment & Water, Inc.
ESA	Environmental Site Assessment
ESL	environmental screening level
FEP	fluorinated ethylene propylene
HREC	Historical Recognized Environmental Conditions
HWTS	Hazardous Waste Tracking System
IDW	investigation-derived waste
K Prime	K Prime Analytical, Inc. of Santa Rosa, California
mg/kg	milligrams per kilogram
Midtown Site	The San Jose Midtown Development, 777 West San Carlos Street
mL/min	milliliters per minute
Ng/L	nanograms per liter
N&M	Ninyo & Moore
NOA	naturally occurring asbestos
Ohlone Site	Ohlone Project, 860 West San Carlos Street (Block A), 345 Sunol Street (Block B), and 861 Auzerais Avenue (Block C)
Owner	Oceans Three LLC
PCE	tetrachloroethene
PeneCore	PeneCore Drilling
PFAS	per- and polyfluoroalkyl substances
PFC	perfluorinated chemicals
PFOA	perfluorooctanoic acid
PFOS	perfluorooctane sulfonate
PID	photoionization detector

PLM	polarized light microscopy
ppmv	parts per million by volume
PVC	polyvinyl chloride
REC	Recognized Environmental Conditions
RWQCB	San Francisco Bay Regional Water Quality Control Board
SCCDEH	Santa Clara County Department of Environmental Health
SJFD	San Jose Fire Department
SJFD Site	San Jose Fire Department Training Facility, 255 South Montgomery Street
SMP	Soil Management Plan
Subdynamic	Subdynamic Locating Services, San Jose, California
Subject Property	254 McEvoy Street, San Jose, Santa Clara County, California
SGP	soil gas probe
SWRCB	State of California Water Resources Control Board
TCE	trichloroethene
TPH	total petroleum hydrocarbons
TPHd	total petroleum hydrocarbons as diesel
TPHmo	total petroleum hydrocarbons as motor oil
TVH	total volatile hydrocarbons
USA	Underground Service Alert
U.S. EPA	United States Environmental Protection Agency
USGS	United States Geological Survey
VOC	volatile organic compound
VTA	Valley Transportation Authority

EXECUTIVE SUMMARY

EKI Environment & Water, Inc. ("EKI") is pleased to present to M&M Diridon LLC ("Client") this report documenting the results of a Phase I Environmental Site Assessment conducted for the property located at 254 McEvoy Street in San Jose, California (the "Subject Property;" Figure 1). The Subject Property is identified by Assessor's Parcel Number ("APN") 261-38-005 and is approximately 4,000 square feet in size. The report also includes the results of a subsequent screening-level Phase II subsurface investigation of the Subject Property. The Subject Property is currently occupied by a metal recycling business and is owned by Oceans Three LLC. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and may redevelop the site for multi-family residential use.

This Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule for the property located at 254 McEvoy Street in San Jose, California. Any exceptions to, or deletions from, this practice are described in Section 10.1 of this report. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions or "RECs"). This assessment has revealed no evidence of RECs in connection with the Subject Property, except for that provided below.

SUMMARY OF PHASE I ESA FINDINGS, OPINIONS, AND CONCLUSIONS

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property are presented below.

ASTM E1527-13 defines a REC as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." The following REC was identified for the Subject Property in connection with the performance of this Phase I ESA:

- Metals, including lead, arsenic and cobalt, and total petroleum hydrocarbons as diesel ("TPHd") and motor oil ("TPHmo") were present at concentrations above their relevant residential screening levels in soil samples collected from the Subject Property. Lead was measured at concentrations between 124 mg/kg and 241 mg/kg in three of the four soil samples (254-SG-1-0.5-1.0, 254-SG-1-2.5-3.0, and 254-SG-2-2.5-3.0), which exceed the residential screening level for lead of 80 mg/kg. Arsenic was present in one sample (254-SG-2-2.5-3.0) at a concentration of 15.5 mg/kg, which exceeds the residential screening level of 11 mg/kg, which is based on background concentrations. Cobalt was present in one sample (254-SG-2-0.5-1.0) at a concentration of 26.5 mg/kg, which exceeds the residential screening level of 23 mg/kg. TPHd and TPHmo were present in sample 254-SG-2-2.5-3.0 at concentrations of 4,480 mg/kg and 9,270 mg/kg, respectively, which exceed residential screening levels of 260 mg/kg and 5,100

mg/kg respectively. Soil with elevated concentrations of lead and/or petroleum hydrocarbons may not be suitable for reuse during planned redevelopment of the Subject property. Excavated soil from the Subject Property containing similar concentrations of lead will likely need to be disposed of at an off-site permitted facility as a non-RCRA hazardous waste.

The following was identified as Historical RECs ("HRECs") for the Subject Property in connection with the performance of this Phase I ESA:

- No HRECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC or HREC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- Use of the Subject Property as a tool manufacturing business and machine shop for decades may have included the storage, staging, and use of various chemicals, including solvents, cutting oils, and parts cleaning products.

  In soil samples collected at the Subject Property in November 2020 (see Section 9.5):

  - No volatile organic compounds ("VOCs") were detected above residential screening levels and polychlorinated biphenyls ("PCBs") were not detected above laboratory reporting limits. As discussed above, chemicals that were detected above residential screening levels include select metals (arsenic, cobalt, and lead) and TPHd and TPHmo.

  In soil gas samples collected at the Subject Property in November 2020 (see Section 9.6):

  - VOCs associated with fuel and automobile uses were detected at concentrations up to 8.37 ug/m^3 for benzene and 148 ug/m^3 for naphthalene, which exceed their respective residential soil gas ESLs of 3.2 ug/m^3 and 2.8 ug/m^3. VOCs were only detected in soil gas sample 254-SG-2, located in the historical unpaved area to the rear of the Subject Property and the area of elevated petroleum hydrocarbons.
- Fill soil is present at adjoining properties to the north and east of the Subject Property as noted in the EKI Phase I ESA/Phase II reports for the Dupont Street Parcels (EKI, 2020a) and 244 McEvoy Street (EKI, 2020b), and may extend onto the Subject Property. The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were collected from the fill soil at locations 254-SG-1 and 254-SG-2. Metals data for both soil samples from locations 254-SG-1 and 254-SG-2 did not indicate the presence of serpentinite.

SUMMARY OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION RESULTS

In order to assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil and soil gas samples from two soil gas probes ("SGPs", see Figure 2):

  - in the front area of the building near the primary chemical use and storage areas for the current and historical site occupants (254-SG-1); and,
  - in the historical unpaved area to the rear of the Subject Property (254-SG-2).
- Collected a sample of baserock from soil borings 254-SG-1 and 254-SG-2 for visual determination of serpentinite.

The soil and soil gas samples collected from the Subject Property indicate that lead may be present in fill soil across the Subject Property. Apart from lead in soil, no other widespread soil or soil gas impacts were identified at the Subject Property (sample data are presented in Table 1 through Table 3 and sample locations are shown on Figure 2). Key findings from the Phase II Subsurface Investigation on the Subject Property were as follows:

- Lead, arsenic, and cobalt were present in soil at concentrations up to 241 mg/kg for lead, 15.5 mg/kg for arsenic, and 26.5 mg/kg for cobalt, which are above their respective residential screening levels of 80 mg/kg, 11 mg/kg, and 23 mg/kg. While the exceedances of arsenic and cobalt are relatively minor, there are elevated concentrations of lead in the fill soil beneath the Subject Property building. These soils (and any other soils with potential naturally occurring asbestos, VOCs, metals, or other known or suspected contamination may be managed under a soil management plan ("SMP") which could be developed for the Subject Property and the other parcels which are part of the planned future redevelopment.
- TPHd and TPHmo were detected in the soil sample collected from 254-SG-2 at concentrations up to 4,480 mg/kg for TPHd and 9,270 mg/kg for TPHmo, which are above their respective residential screening levels of 260 mg/kg and 5,100 mg/kg. These elevated TPHd and TPHmo concentrations were detected in the deeper soil sample collected from location 254-SG-2, which suggests a limited historical release of heavy range hydrocarbons may have occurred at the Subject Property in the vicinity of sample location 254-SG-2. Any soils that are impacted with TPHd and/or TPHmo may be managed under a future SMP for the proposed redevelopment.
- Benzene, naphthalene, toluene, and 1,2,4-trimethylbenzene (all chemicals typically associated with automobile and fuel use) were detected in soil gas sample 254-SG-2. Benzene and naphthalene were detected at concentrations up to 8.37 ug/m^3 and 148 ug/m^3, which exceed their respective residential soil gas screening levels of 3.2 ug/m^3 and 2.8 ug/m^3. These elevated soil gas concentrations of benzene and naphthalene are co-located with the elevated TPHd and TPHmo concentrations that were present in soil at location 254-SG-2. Soil containing benzene, naphthalene, toluene, and/or 1,2,4-trimethylbenzene may be managed under a future SMP for the proposed redevelopment.
- The baserock samples did not exhibit visual indications of serpentinite, and therefore were not sent for laboratory analysis. Analytical results for the soil samples indicate relatively low concentrations of naturally occurring metals such as chromium and nickel, which are not consistent with the presence of serpentinite.
- Except as indicated above, metals, VOCs, and PCBs concentrations were either not detected or were present at concentrations below their respective residential screening levels.
- There is no indication that historic or current uses of the Subject Property would have resulted in a release that has impacted groundwater. The potential presence of per- and polyfluoroalkyl substances ("PFAS") in groundwater downgradient of the Subject Property is likely due to the

San Jose Fire Department ("SJFD") training site located approximately 700 feet to the northwest of the Subject Property.

EKI understands that the planned redevelopment of the Subject Property includes residential above naturally ventilated podium parking. Naturally ventilated podium parking is viewed as an intrinsically safe design; as such, vapor intrusion should not be a concern for future redevelopment based on the soil and soil gas sample analytical data for the Subject Property.

This Executive Summary does not contain all the information, including observations, findings, and opinions, presented in the full Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

1. INTRODUCTION

EKI is pleased to present to M&M Diridon LLC ("Client") this report documenting the results of a Phase I Environmental Site Assessment conducted for the property located at 254 McEvoy Street in San Jose, California (the "Subject Property;" Figure 1). The Subject Property is identified by Assessor's Parcel Number ("APN") 261-38-005 and is approximately 4,000 square feet in size. The Subject Property is currently owned by Oceans Three LLC.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA in the Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs).

EKI's services were performed in accordance with our Agreement, dated 6 August 2019, and Work Authorization No. 4, dated 24 September 2020.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA is to identify RECs and HRECs for the Subject Property as defined in ASTM E1527-13. EKI understands that the Client has requested this Phase I ESA in connection with a potential purchase of the Subject Property and that the Client may redevelop the property for multi-family residential use in the future.

1.2 Limitations and Exceptions of Assessment

The assessment by EKI did not include an audit of current facility operations for compliance with hazardous material usage laws, regulations, or permits, including occupational health and safety issues. This assessment also did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, indoor air quality, asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by ASTM E1527-13 is limited to the processes outlined in Work Authorization No. 4, dated 24 September 2020.

1.3 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of M&M Diridon LLC, regarding the Subject Property. Unless specifically authorized in writing in an agreement acceptable to EKI at its sole discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third-party

beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-13 and as accepted under the Final U.S. EPA AAI Rule, is M&M Diridon LLC.

1.4 Phase I ESA Scope of Services

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs, topographic maps, city directory listings, and Sanborn fire insurance maps provided by Environmental Data Resources, Inc. ("EDR"; Appendix A);
- Performed a walk-through visual survey of the Subject Property on 29 September 2020 to observe the current site setting and interviewed a current and prior owner at the Subject Property (see Section 6 and site photographs in Appendix B);
- Purchased and reviewed an Environmental Lien Search report for the Subject Property, prepared by EDR, dated 6 October 2020 (see Appendix C);
- Obtained specialized knowledge of the Subject Property provided by Dan Mountsier of M&M Diridon LLC, Client and the User of this Phase I ESA, in the form of responses to a User Questionnaire (Appendix C);
- Obtained specialized knowledge of the Subject Property provided by the Owner of the Subject Property, in the form of responses to an Owner Questionnaire (Appendix C);
- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 6 October 2020 (referred to as an EDR Radius Map Report; Appendix D);
- Requested publicly available files for the Subject Property from the California Department of Toxic Substances Control ("DTSC"), Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB"), SCCDEH, and Bay Area Air Quality Management District ("BAAQMD");
- Searched on-line for environmental reports available through the State of California Water Resources Control Board ("SWRCB") Geotracker database website, DTSC Envirostor database website, and SCVWD historic solvent case files website;
- Reviewed a prior Phase I ESA/Phase II report prepared by EKI on behalf of Client for the adjoining properties located at the "Dupont Street Parcels", dated 27 January 2020;

2. GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is located at 254 McEvoy Street in San Jose, California, on the east side of McEvoy Street just south of the intersection with Dupont Street (see Figure 1). The Subject Property is located southwest of downtown San Jose in an area of primarily industrial, commercial, and warehouse use.

2.2 Site Description and Current Site Uses

The Subject Property is approximately 4,000 square feet in size and is identified by APN 261-38-005. The Subject Property is currently occupied by a metal recycling business (RST Recycling Co.).

The Subject Property is currently owned by Oceans Three LLC (the "Owner").

2.3 Adjoining Properties

The Subject Property is bordered to the north, east, and south by commercial uses, including a welding and metal fabrication shop and a turf and landscape maintenance company. The surroundings include warehouse buildings, equipment storage yards, and paved surface parking. The Subject Property is bordered to the west by McEvoy Street and general commercial uses, including boat and RV storage as well as an auto repair shop, with residential land uses and a school located farther due west of the Subject Property. A commercial office and hands-on training space for an air handling equipment company, an automotive repair shop, and a pallet and crate manufacturing company are located further to the north and east of the Subject Property.

3. ENVIRONMENTAL SETTING

3.1 Regional Physiography and Geologic Conditions

The Subject Property is located in the Santa Clara Valley within the Coast Ranges Geomorphic Province. The Coast Ranges Province is defined by northwest-trending mountain ridges and valleys that run approximately parallel to the San Andreas Fault Zone. The province is generally composed of marine sedimentary deposits and volcanic rocks. According to the *Geologic Map of the San Francisco Bay Region* (USGS, 2006) produced by the U.S. Geological Survey and the California Geological Survey, the Subject Property and surrounding area are underlain by Quaternary surficial sediments consisting of alluvial sand and fine-grained silt and clay.

No subsurface lithology information for the Subject Property is readily available. According to a geotechnical report prepared by Cornerstone Earth Group ("Cornerstone"), entitled *Geotechnical Investigation – Dupont Village Residential Development* and dated 12 July 2018 (Cornerstone, 2018c), for the adjoining properties to the east, the Subject Property is likely is underlain by 2 to 3.5 feet of fill consisting of sandy silts and clays. Borehole logs also prepared by Cornerstone show that the fill is underlain by alluvial soils consisting of a wide range of soil types including clay to depths of 5 to 8 feet. Beneath the surface clays, the borehole logs showed sands with silt and gravels with silt to depths of 17 to 24 feet, which were underlain by layers of clays or sandy clay to the maximum depth of the boreholes (30 to 45 feet).

3.2 Surface Water Characteristics

The Subject Property is located approximately 600 feet to the west of Los Gatos Creek. Based on USGS topographic maps, the Subject Property lies at a surface elevation of approximately 103 feet above mean sea level and the general topographic gradient is towards the north-northeast. No roof drain downspouts were observed at the building on the Subject Property. Stormwater that falls on the Subject Property generally flows off the rooftop, and eventually drains to the public right of way. No storm drain inlets were observed on the Subject Property. According to the EDR Radius Report, the Subject Property is not located within either the Federal Emergency Management Agency ("FEMA") 100-year or 500-year flood zones.

3.3 Shallow Groundwater Characteristics

Depth to shallow groundwater on the Subject Property likely ranges from approximately 17 to 29 feet bgs, according to borehole logs recorded by Cornerstone as part of its 2018 investigation on the adjacent Dupont Street Parcels. According to a geotechnical report prepared by BGC for the 236 McEvoy Street property (BGC, 2007b), groundwater was measured at approximately 23 feet bgs. Groundwater levels on the Subject Property may fluctuate seasonally and year-to-year, depending on seasonal rainfall, time of year, and other factors.

No groundwater flow direction information is available for the Subject Property. The direction of shallow groundwater flow at the Ohlone Development Project site located approximately 800 feet southwest of the Subject Property was reported to be generally to the northeast. Similar shallow groundwater flow direction would be expected at the Subject Property.

4. HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity were obtained primarily from the following sources:

- Review of historical aerial photographs provided by EDR for selected years between 1939 and 2016 (Appendix A);
- Review of historical USGS topographic maps provided by EDR for selected years between 1889 and 2012 (Appendix A);
- Review of historical Sanborn fire insurance maps provided by EDR for selected years between 1884 and 1966 (Appendix A); and
- Review of historical City Directory information provided by EDR (Appendix A).

4.1 Late 1800s through Mid-1900s

On the late-1800s topographic maps, present-day McEvoy Street and Dupont Street to the east, as well as Park Avenue to the north and West San Carlos Street to the south, are depicted, and the Subject Property and nearby properties are depicted as developed with structures; however, the uses of the Subject Property and nearby properties cannot be discerned from the maps. Sanborn Fire Insurance maps for nearby areas to the north and northeast depict this general area as residential and warehouse in the late-1800s.

On the 1915 Sanborn map, the Subject Property is occupied by a residential dwelling and an unknown structure on the back portion of the property. Surrounding properties are also in residential use.

On the 1939 aerial photograph, the Subject Property appears to be vacant and undeveloped. On the 1948 aerial photograph and on the 1950 Sanborn map, the Subject Property is developed with a commercial building classified as a machine shop with an earthen floor. Adjoining properties to the north, east, and south appear to still be under residential use during this time period. McEvoy Street is visible and a vacant yard with a north-south trending rail spur is noted on the west side of McEvoy Street across from the Subject Property. The 1950 and 1956 Sanborn maps also depict the Subject Property as a machine shop; in 1950, the machine shop structure was located on the middle to back (eastern) portion of the parcel, and in 1956, the machine shop was relocated to the front (western) portion of the parcel while the back portion of the parcel is classified as earthen floor. During this time period, the adjoining properties to the north, east, and south are still occupied by single-family residential structures, each with a dwelling and auto garage. A fruit warehouse is noted several parcels north of the Subject Property, at 248 McEvoy Street , which is also on the east side of McEvoy Street. A potato chip factory and warehouse are depicted on the east side of Dupont Street, east of the Subject Property. Land uses west and southwest of the Subject Property across McEvoy street (i.e., upgradient) during this time period include a scrap steel fabrication facility and warehouse, a grain and feed warehouse, a school, and a lime-cement building materials facility. On the 1956 and 1963 aerial photographs, an apparent scrap steel (salvage) yard is noted on to the east and west of the rail spur across McEvoy Street to the west of the Subject Property.

4.2 Mid-1900s to Present Day

On the 1966 Sanborn map, the Subject Property is developed with the front-half of the present-day structure. The structure is labeled "machine shop" on the map with an unpaved storage area (identified as "earth floor") on the back portion of the parcel (possible Larson Tools, see below). A food warehouse has been constructed on the adjoining parcel to the north (248 McEvoy). Other adjoining properties remain generally in residential land use. Off-site uses to the west across McEvoy Street remain relatively unchanged from the 1950 and 1956 Sanborn maps, e.g., scrap steel fabrication and scrap yard, feed and grain warehouse, and building materials facility.

On the 1974 and 1982 aerial photographs, the Subject Property remains relatively unchanged. Surrounding properties appear to be undergoing redevelopment from residential land use to commercial land uses. The scrap steel fabrication facility and scrap yard located across McEvoy Street to the west of the Subject Property is no longer evident on the aerial photograph. The Dupont Street "elbow", e.g., realignment, with connection to McEvoy Street north of the Subject Property is noted.

In the more recent aerial photographs from 1993 onwards,, the Subject Property and vicinity appear generally as they do at the present day, e.g., primarily commercial uses. On the 2006 aerial photograph, an addition to the building is being constructed on the back portion of the Subject Property, identified above as the unpaved storage area. As shown on the 2009 aerial photograph, the building addition was completed, and the building structure now occupies the entire Subject Property footprint and appears as it does present-day.

4.3 Review of EDR Historical City Directory Information for Subject Property

According to EDR historical city directory information (see Appendix A), the Subject Property at 254 McEvoy Street was occupied in the past by the following tenants/users.

2009-2017:	Pipe bending cutting & threading (possibly Eagle Construction & Electric, see below)
2006-2009:	Industrial Metal Recycling Inc.
	Pipe bending cutting & threading (possibly Eagle Construction & Electric, see below)
	VROOM Auto Care Center
2006:	VROOM Auto Care Center
2004-2006:	RS Flooring
2000-2004:	Eagle Alexander
	Eagle Construction & Electric (metal bending and storage company, see Section 6)
	Pacific Animal Supply
1999-2000:	Pacific Animal Supply
1980s:	No entries (uses not indicated)
1950-1975:	Larson Tools/Larson Logging Tools Manufacturer/Larson Logging Tools Machinists
1940s:	No entries (uses not indicated)
1925-1930:	Various residential users

5. SUMMARY OF FINDINGS OF PRIOR PHASE I ESA/PHASE II REPORT

No prior reports were provided for the Subject Property. However, on behalf of Client, in January 2020 and April 2020, EKI completed Phase I ESA and Phase II screening-level subsurface investigations for nearby and adjoining properties to the north, east, and south of the Subject Property (i.e., the Dupont Street Parcels and 244 McEvoy Street; see Figure 2), the results of which were presented in reports titled *Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation, Dupont Street Parcels, San Jose, California* (EKI, 2020a) and *Phase I Environmental Site Assessment and Screening-Level Phase II Subsurface Investigation, 244 McEvoy Street, San Jose, California* (EKI, 2020b). A summary of information in the EKI 2020 reports that may be potentially relevant to the environmental condition of the Subject Property is presented below.

- The EKI Phase I ESA report for the Dupont Street Parcels concluded that no RECs were identified associated with the Dupont Street Parcels.
- The EKI Phase I ESA reports identified the Subject Property (Vroom Automotive) as a chemical use site and generator of hazardous wastes; however, no releases were reported at the Subject Property.
- The Phase I ESA report for the Dupont Street Parcels indicated that a number of USTs and sumps had been removed from the Dupont Street Parcel properties and that there was a potential for localized impacts to be present in the subsurface around the UST and sump locations. Localized impacts to the subsurface around current or former USTs or sumps would not be expected to impact the Subject Property, given that the Dupont Street Parcels are situated generally downgradient of the Subject Property with regard to inferred shallow groundwater flow direction.

As part of the screening-level subsurface investigation of the Dupont Street Parcels, EKI collected samples of shallow soil and soil gas, as well as baserock samples, from up to 11 locations, including three (3) locations (SV-2, SV-3, and SV-4) within approximately 200 feet of the Subject Property. A summary of the results is presented below:

- The analytical results for the soil and soil gas samples collected from the Dupont Street Parcels did not indicate widespread site-wide soil or soil gas impacts. No impacts to the Dupont Street Parcels from releases, if any, from the Subject Property were suspected, based on the data collected.
- Serpentine rock was present in fill soil at one location (226 McEvoy Street); however, the serpentine rock at that location was reported not to contain naturally occurring asbestos ("NOA").
- Fill soil with debris and elevated concentrations of lead and arsenic was identified at one location sampled (214 Dupont Street). Fill soil containing chemicals of potential concern may be present on the Subject Property.
- Benzene was detected in soil gas above its current RWQCB ESL for residential land use at one of nine locations sampled for soil gas (214 Dupont Street). The source for the benzene is suspected to be from a minor release at the 214 Dupont property, and not from a release at the Subject Property.

6. RESULTS OF SITE RECONNAISSANCE

On 29 September 2020, Mathias Onyeali of EKI conducted a visual reconnaissance of the Subject Property. Mr. Onyeali performed the visual reconnaissance under the supervision of an Environmental Professional as defined in 40 CFR Section 312.10, and as accepted by ASTM E1527-13 (see professional resumes in Appendix F).

Scott Eagle, former business owner for the Subject Property, provided EKI with access to the Subject Property and was interviewed by EKI personnel regarding his knowledge of the Subject Property.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

The Subject Property is currently occupied by RST Recycling Co., a metals recycling facility which has operated on the Subject Property for approximately three years, and was previously occupied by Eagle Construction & Electric (pipe bending and metals storage) for approximately nine years. The primary historical use on the Subject Property was as a machine shop for approximately 25 years (see Section 4.3).

The following sections provide a summary of EKI's observations of readily accessible exterior and interior areas of the Subject Property made at the time of the site visit.

6.1 Exterior Observations

A metals recycling building with one roll-up door and an attached office comprise the Subject Property. Minor staining and discoloration was observed on the concrete in front of the roll-up door (see Appendix B). The Subject Property is bounded by McEvoy Street to the west, 205 Dupont Street to the north and east, and 699 West San Carlos Street to the south. A telephone pole with three pole-mounted transformers is located near the southwest corner of the Subject Property building. No obvious staining or discoloration was noted on the ground surface surrounding the telephone pole. .

6.2 Interior Observations

EKI observed the interior areas of the lofted office and storage area and the warehouse area that comprises the majority of the Subject Property. In the lofted office area, EKI observed a breakroom with a couch, desk and a chair. Next to the office, is a lofted storage area that includes tries, tools, bikes, old couches, trash bins, and other miscellaneous home and office supplies. EKI did not observe any other notable features within the office portion of the building interior.

The lower warehouse of the Subject Property building is used as a metal recycling and storage area. EKI observed general auto tools, motor oil, power steering fluid, brake fluid, absorbent, automotive batteries stored on a pallet, spray paints, and multiple storage bins with metal parts. EKI did not observe any obvious trenching or floor drains; however, a 10-inch diameter hole filled with asphalt was observed near the entrance of the warehouse. Cracking on the concrete floor and oil staining was observed throughout the garage. In an attached bathroom, below the lofted office, EKI observed a floor drain below a cleaning supply rack (the cleaning supplies observed by EKI did not contain VOC chemicals of concern). EKI did not observe any stored transmission fluid, diesel fuel, or brake cleaner during the site walk, but several automobile parts were found in the storage bins.

6.3 Surrounding Areas

EKI conducted a walking inspection of the Subject Property neighborhood. In the immediate vicinity, the Subject Property is bordered to the north and east by commercial properties. Caltrain railroad tracks are located due east of the Subject Property. Further to the north, on the other side of Park Avenue, the Subject Property is bordered by a multi-unit residential complex. To the west, the Subject Property is adjoined by several businesses, including a boat and car storage lot, a theater and an event planning company. Immediately to the south, the Subject Property is adjoined by a welding business. Across West San Carlos Street to the south, the Subject Property is adjoined by a truck driving school and multi-unit residential developments.

7. INFORMATION PROVIDED BY USER AND OWNER

7.1 Results of Owner Questionnaire

Through M&M Diridon, LLC, EKI requested that the Owner complete an environmental site assessment questionnaire.

The completed questionnaire dated 29 October 2020, is included in Attachment C of this report. A summary of answers provided by Mr. Jeff Brown, to key questions in the questionnaire is presented below. Mr. Brown is a member of Oceans Three, LLC and indicated that he has been involved with the Subject Property for approximately the past 15 years.

- Mr. Brown indicated that the current 254 McEvoy building was constructed in approximately 1927 (EKI understands this likely refers to the front portion of the building, which predates the construction in the rear portion of the Subject Property).
- According to Mr. Brown, the Subject Property was previously used as storage, office space, metals storage, and for recycling dating back to approximately 2000.
- Mr. Brown indicated that the Subject Property building is currently used for metals storage and recycling.
- Mr. Brown indicated that no chemicals are used or stored at the Subject Property. Mr. Brown also indicated that the business currently operating at the Subject Property is not required to submit hazardous material business plans and that they do not currently maintain any chemical use permits. Elsewhere in the questionnaire, Mr. Brown indicated that the 254 McEvoy property does not maintain a U.S. EPA Hazardous Waste Generator ID Number, nor does the facility maintain a Hazardous Waste Generator Permit for the local environmental regulatory agency.
- Mr. Brown indicated that there are no former or current USTs located at the 254 McEvoy property.
- Mr. Brown indicated that he is not aware of any current or former underground storage tanks, fuel oil tanks, or aboveground storage tanks at the Subject Property. Mr. Brown indicated that no chemicals are stored in drums or other containers on the Subject Property, and that no chemical leaks have occurred to his knowledge. Mr. Brown further indicated that he is not aware of any current or prior above or belowground pipelines, and that there have not been any pipeline spill. Mr. Brown.
- Mr. Brown is not aware of any on-site disposal of chemical wastes nor is he aware of any landfills, waste disposal, fill soil, or debris dumping on the 254 McEvoy property.
- Mr. Brown is not aware of any water supply wells or septic/leachfield systems on the 254 McEvoy property.
- Mr. Brown indicated that the San Jose Water Company is the source of potable water for the 254 McEvoy property, and that sanitary sewer services for the property are provided by the City of San Jose. Mr. Brown indicated there is no pre-treatment of wastewater on the Subject Property, and that the Subject Property has not received any violations related to wastewater discharge.

- Mr. Brown indicated that a Storm Water Pollution Prevention Plan was never previously prepared for the 254 McEvoy property.
- Mr. Brown indicated that he is not aware of any air discharge point or air discharge permits, and that the 254 McEvoy property has not received an air discharge violation.
- Mr. Brown indicated he is not aware of any complaints from neighbors regarding odors, or soil, or water issues at the 254 McEvoy property.
- Mr. Brown is not aware of any pesticide or herbicide application, mixing, storage, formulation or disposal on the 254 McEvoy property.
- Mr. Brown indicated that he is unaware if PCB-containing transformers exist on the 244 McEvoy property, and that he is not aware of any PCB-related spill or leak on the property. As described in Section 6, there are three pole-mounted transformers on a municipal telephone pole located near the southwest corner of the building.
- Mr. Brown indicated that he is unaware if an asbestos survey was previously conducted for the 254 McEvoy building.
- Mr. Brown indicated that he is aware of a prior Phase I ESA report which was previously produced for the property at 254 McEvoy.
- Mr. Brown indicated that the 244 McEvoy property has not previously been investigated or cited for environmental violations. Mr. Brown also indicated that he is not aware of any spills or releases requiring notification to authorities, nor is he aware of any known monitoring wells or suspected groundwater contamination at the 254 McEvoy property.
- Mr. Brown indicated he is not aware of any environmental cleanup liens at the 254 McEvoy property.
- Mr. Brown indicated that he is not aware of a former pit, mine, quarry, or tunnel on the 254 McEvoy property.
- Mr. Brown indicated that there are no existing or former surface water impoundments, mines, pits, or quarries, oil or gas wells, canals or creeks, refuse, trash dumps, or buried debris, or easements for buried pipelines. Mr. Brown does not know if fill soil was brought onto the property, nor does he know if a railroad spur previously existed on the 254 McEvoy property.
- Mr. Brown indicated that there are no existing helpful documents, such as environmental reports for the property, environmental audits, environmental permits, registrations for underground or aboveground storage tanks, safety plans, material safety data sheets, past notices of violation, hazardous waste generator reports, or geotechnical studies for the 254 McEvoy property. Elsewhere in the Owner questionnaire, Mr. Brown did indicate he was aware of a prior Phase I ESA report for the 254 McEvoy property.

7.2 Results of User Questionnaire

Mr. Mountsier of M&M Diridon LLC, the User of this Phase I ESA report, completed a User Questionnaire for the Subject Property, dated 14 December 2020, a copy of which is included in Appendix C. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-13. A summary of the questionnaire responses by Mr. Mountsier is presented below.

7.2.1 Environmental Liens

According to Mr. Mountsier, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property. This statement is consistent with the public records search for the Subject Property (see Section 7.3).

7.2.2 Activity and Land Use Limitations

Mr. Mountsier is not aware of any activity and land use limitations (i.e., engineering or institutional controls) related to environmental conditions in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Mountsier indicated that he has no specialized knowledge or experience related to the Subject Property.

7.2.4 Purchase Price

Mr. Mountsier believes the purchase price for the Subject Property exceeds the fair market value of the Subject Property.

7.2.5 Commonly Known or Reasonably Ascertainable Information

Mr. Mountsier indicated that he was not aware of any specific chemicals used at the Subject Property, nor is he aware of any chemical spills, releases, or environmental cleanups performed on the Subject Property, or any obvious indicators that point to the presence or likely presence of contamination on the Subject Property.

7.3 Results of Environmental Lien Search

EKI purchased from EDR an environmental lien search report for the Subject Property, dated 6 October 2020 (see Appendix C of this report). According to the EDR lien search report, no environmental liens or Activity and Use Limitations ("AULs") are filed or recorded for the property.

8. RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property and properties located within selected radii of the Subject Property. A copy of the resulting "radius map report" provided by EDR is provided in Appendix D. Refer to the EDR report (pages GR-1 through GR-52) for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database Search for Subject Property

According to the EDR Report, the Subject Property under "Vroom Auto Care Center" is listed under the following environmental regulatory databases:

- HAZMAT
- Hazardous Waste Tracking System ("HWTS"), DTSC

The above listings indicate that Vroom Auto Care Center previously maintained a permanent state EPA ID number and disposed of hazardous wastes as part of its operations (see additional information below in Section 8.5). According to DTSC's HWTS, the state EPA ID number https://hwts.dtsc.ca.gov/facility/CAL000200937, is inactive and expired as of 2000.

No chemical spills or releases are reported for the Subject Property address or Vroom Auto Care Center, according to information in the EDR report. The Subject Property is not listed as a registered underground or above ground storage tank site.

8.2 Off-Site Nearby Properties with Reported Chemical Use and Releases

As discussed in Section 3.3, shallow groundwater in the vicinity of the Subject Property likely flows generally to the north or northeast. The properties and facilities listed in the table below are located within approximately one-quarter mile and potentially upgradient (e.g., south-southwest) of the Subject Property and are listed on specific chemical use, storage, or disposal regulatory agency databases. It should be noted that only those sites indicated below with an asterisk (*) and in bold font are reported by EDR as a documented chemical release site.

Site Name	Address	Database Acronyms	Approximate Distance and Direction
1X SAN JOSE SELING	258 MCEVOY STREET	HAZNET	Adjoining, S
MICKEY S AUTO WRECKER	269 MCEVOY ST	EDR HIST AUTO	0.02 miles SW

Site Name	Address	Database Acronyms	Approximate Distance and Direction
GEORGE MORALES	266 SUNOL ST	HWTS	0.06 miles WSW
DOWNTOWN AUTO WRECKING	263 MCEVOY ST	EDR HIST AUTO	0.009 miles SW
S & S WELDING	699 W SAN CARLOS ST	CUPA LISTINGS, CERS, HAZMAT	0.032 miles SSE
H AND S AUTO BODY	757 W SAN CARLOS ST	FINDS, RCRA-SQG, HAZNET, ECHO, HWTS	0.044 miles SW
RUDY S GARAGE	759 W SAN CARLOS ST	EDR HIST AUTO	0.049 miles SW
***SAN JOSE MIDTOWN DEVELOPMENT**	**777 W. SAN CARLOS**	**CPS-SLIC, CERS**	**0.059 miles SW**
***ROOFGUARD**	**740 W SAN CARLOS ST.**	**LUST, HAZNET, SWEEPS UST, CORTESE, CERS, CUPA LISTINGS (CLOSED LUST)**	**0.074 miles S**
HERTZ-BIG 4 RENTS	800 W SAN CARLOS ST	CUPA LISTINGS, AST	0.087 miles SW
***CHEIM LUMBER CO**	**800 W SAN CARLOS ST**	**LUST, SWEEPS UST, HIST CORTESE, HIST LUST, LUST, CERS (CLOSED LUST)**	**0.087 miles SW**
EAGER BEAVER SMALL E	270 SUNOL ST	EDR Hist Auto	0.089 miles WSW
MODERN CURTAIN & DRAPERY CLEANERS	857 W SAN CARLOS ST	EDR HIST CLEANER	0.123 miles WSW
POSTIER F H	901 W SAN CARLOS ST	EDR Hist Auto	0.155 miles WSW
***OHLONE PROJECT**	**860 WEST SAN CARLOS STREET**	**CPS-SLIC, CERS, LUST, HIST UST, HAZNET, NPDES, CIWQS, CERS, HIST LUST, HIST CORTESE, RGA LUST**	**0.157 miles WSW**
BAGGESE & SON	898 W SAN CARLOS ST	EDR Hist Auto	0.163 miles WSW

Site Name	Address	Database Acronyms	Approximate Distance and Direction
SOUTH BAY MOTOR	939 WEST SAN CARLOS	HWTS	0.168 miles WSW
***OHLONE - BLOCK B**	**345 SUNOL STREET**	**CPS-SLIC, CERS**	**0.181 miles SW**
ALL BRIGHT PROPERTY	979 W SAN CARLOS ST	HWTS	0.183 miles WSW
DEL'S AUTO BODY	1019 W SAN CARLOS ST	RCRA NONGEN / NLR, CUPA LISTINGS, CERS	0.198 miles WSW
OFF-PRICE CARPET OUT	1020 W SAN CARLOS AV	HAZNET, HWTS	0.207 miles WSW
MISSION CLEANERS	940 PARK AVE	EDR Hist Cleaner	0.218 miles WNW
BORNS CONCRETE CONST	845 EARLE AVE	HWTS	0.220 miles WSW
CREATIVE CUSTOM MINI	NO 5 EARL AVE	FINDS, ECHO	0.221 miles SW
MODERN CHARIOT AUTO	538 EARLE AVE	HWTS	0.229 miles WSW
***DEL MONTE CORP. (aka KB Homes)**	**801 AUZERIAS**	**RGA LUST, CUPA Listings, EMI, CERS, BROWNFIELDS, HIST UST, HAZNET, CERS, HWTS, CPS-SLIC, SWEEPS UST, HIST UST, CIWQS**	**0.231 miles S**
PROGRESSIVE COLLISIO	844 EARLE AVENUE	RCRA-SQG, FINDS, ECHO, EMI, HAZNET, HWTS	0.234 miles SW
***C & M SERVICE**	**1098 W SAN CARLOS ST**	**WDS, CERS, EDR Hist Auto, FINDS, HIST UST, EMI, RGA LUST, HWTS, CERS HAZ WASTE, Cortese, CUPA Listings, RCRA-SQG.**	**0.237 miles WSW**

Site Name	Address	Database Acronyms	Approximate Distance and Direction
LARRY'S FOREIGN CAR	332 LINCOLN AV	FINDS, ECHO, CUPA Listings, HAZMAT, HWTS, RCRA NonGen / NLR, HAZNET, CERS HAZ WASTE, CERS, EDR Hist Auto	0.242 miles WSW
SMART AUTO SERVICE	338 LINCOLN AVE	HAZNET, HWTS, CUPA Listings	0.249 miles WSW

8.3 Off-Site Properties with Reported Chemical Releases

According to the EDR Report, and as shown in the above table, there are seven reported chemical release sites located in the proximity of (within approximately one-eighth of a mile) and potentially upgradient of (generally south-southwest) of the Subject Property with respect to reported shallow groundwater flow direction.

EKI reviewed potentially relevant information for the reported chemical release sites available on the SWRCB on-line Geotracker database and the DTSC's on-line Envirostor database. A summary of these off-site reported release sites and the potential for impacts to the Subject Property are discussed below.

8.3.1 San Jose Midtown Development, 777 West San Carlos Street

The San Jose Midtown Development at 777 West San Carlos Street ("Midtown site"), is located approximately 350 feet southwest of the Subject Property and is likely upgradient of the Subject Property. Based on reports available on Geotracker reviewed by EKI (AEI, 2008 and N&M, 2018), soil containing elevated levels of arsenic and lead were removed from the Midtown site. The metals contamination appears to be related to the rail spur and associated activities on the Midtown site. Metals impacts to the site from past uses of the Midtown site are not expected.

In addition, reports reviewed by EKI indicate that four fuel USTs were removed from the Midtown site in 1996 and 2008. Soil sampling conducted during the UST removals indicated only minor petroleum impacts to soil. No groundwater sampling apparently was conducted as part of the UST removals. Given the relatively low concentrations of petroleum and related compounds detected in soil and the distance from the Midtown site to the Subject Property, impacts to the Subject Property from the UST releases on the Midtown site are not expected.

8.3.2 Review of the Ohlone Project, 860 West San Carlos Street (Block A), 345 Sunol Street (Block B), and 861 Auzerais Avenue (Block C)

The Ohlone Project site ("Ohlone site") is an 8.5-acre development located approximately 950 feet southwest of the Subject Property, and likely upgradient of the Subject Property with regard to inferred direction of shallow groundwater flow. According to information on Geotracker, the site previously was used as a bus depot and maintenance yard by the Valley Transit Authority ("VTA"), as well as by a number of auto repair facilities. Files reviewed by EKI indicate that between 1989 and 1996, eight USTs, one or

two sumps, a containment structure, a drain inlet, and a number of hydraulic lifts were removed from the site under regulatory agency oversight. Subsurface investigations conducted between 1989 and 2004 identified petroleum and petroleum-related VOC impacts to soil and groundwater on the Ohlone site. SCCDEH closed the leaking UST case in a letter dated 6 February 2007, and indicated that petroleum and petroleum-related VOCs, e.g., xylenes and ethylbenzene, remain present in soil and groundwater on site. A groundwater monitoring well (MW-19) located at the northeast corner of the Ohlone site (on the downgradient portion of the site), nearest the Subject Property, was sampled in 1998 and was found not to contain detectable concentrations of TPH as gasoline, TPH as diesel fuel, TPH as motor oil, or BTEX compounds.

The 2018 Ohlone Work Plan indicated that additional grab groundwater samples collected at the Ohlone Project site in 2007 did not contain VOCs at concentrations above the drinking water Maximum Contaminant Levels.

However, based on the available groundwater data reviewed by EKI from the upgradient side of Block A, the petroleum hydrocarbons and related VOCs are not likely to impact the Subject Property.

8.3.3 Review of the San Jose Fire Department Training Facility

The San Jose Fire Training Facility at 255 South Montgomery Street ("SJFD site"), is located approximately 450 feet east of the Subject Property, across the railroad tracks, and is likely downgradient of the Subject Property. The U.S. EPA has identified fire training facilities as a major source of per- and polyfluoroalkyl substances ("PFAS") contamination (U.S. EPA, 2018). Based on reports available on Geotracker that were reviewed by EKI (Cornerstone, 2018d), the SJFD site has a documented release of PFAS in soil and groundwater. According to the Cornerstone report, the SJFD site has been utilized for fire training activities since the late 1960's and fire suppressant foam reportedly was allowed to discharge to pavement surfaces and on-Site stormwater drains (Cornerstone, 2018d). Firefighting foams historically contained perfluorinated chemicals ("PFCs") and two of the most studied PFCs, perfluorooctane sulfonate ("PFOS") and perfluorooctanoic acid ("PFOA"), are part of a group of manufactured chemicals called PFAS.

Groundwater sampling conducted at the SJFD site in November 2018 along the upgradient property boundary detected concentrations of PFOS up to 1,300 nanogram per liter ("ng/L") and PFOA up to 1,700 ng/L in groundwater and up to 15,000 ng/L and 4,500 ng/L, respectively in other portions of that property (Cornerstone, 2018d). These detected concentrations along the upgradient property boundary exceed the interim direct exposure ESLs for PFOS and PFOA of 1.7 ng/L and 0.54 ng/L, respectively (RWQCB, 2020). Cornerstone concluded in their Phase II investigation report that based on the PFAS distribution in groundwater and the anticipated groundwater flow direction (to the northeast), PFAS-impacted groundwater presumably originating from releases at the property likely have migrated off-Site (Cornerstone, 2018d). Cornerstone stated that there also appears to be upgradient off-Site sources of PFAS groundwater contamination that may have migrated beneath the Site; however, these PFAS concentrations appear to be one to two orders of magnitude below concentrations detected in the suspect on-Site source areas (Cornerstone, 2018d). Moreover, an approximately 50-foot wide strip of land leased by SJFD is located immediately upgradient of the SJFD property, which could be the "upgradient" source of PFAS compounds. Based on EKI's review of the available information and historical land uses on the Subject Property, the 244 McEvoy Street property, and the Dupont Street properties, it is highly unlikely that releases of PFAS originated from the Subject Property or these other properties; rather, it is much more likely that PFAS in groundwater downgradient of the Subject Property is related to the widespread use of PFAS chemicals in firefighting foam used on the SJFD site for over 50 years.

It is EKI's understanding that the redevelopment plans for the Subject Property and surrounding Dupont Street Parcel properties do not currently anticipate excavations to 17 feet bgs where dewatering would be necessary. However, if redevelopment plans change such that temporary construction dewatering is required, groundwater extraction could draw PFAS-impacted groundwater to the Subject Property, necessitating treatment of PFAS-impacted groundwater prior to disposal.

8.4 Review of Closed Leaking UST Sites

EKI reviewed available information for a number of leaking UST sites potentially upgradient, e.g., southwest, of the Subject Property. Based on the documents reviewed, the below-listed sites generally had releases of petroleum products including waste oil and gasoline, as well as petroleum-related VOCs and metals. Some sites included the excavation of impacted soil prior to closure. Based on the chemicals released and the distance of these sites from the Subject Property, releases from these sites are not expected to impact the Subject Property. Closure documents for these closed leaking UST sites include:

- Roofguard, 740 W San Carlos St., closed by SCCDEH in a letter dated 22 August 2019.
- Cheim Lumber Co., 800 W San Carlos St., two separate leaking UST cases closed by SCVWD in a letter dated 7 June 1993, and by SCCDEH in a letter dated 17 August 2005.

8.5 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- DTSC
- RWQCB
- San Jose Fire Department, Hazardous Materials Division
- SCCDEH
- BAAQMD

In addition, EKI searched online databases maintained by DTSC, SWRCB, and SCVWD. The DTSC, RWQCB, SCCDEH, and BAAQMD did not provide to EKI any files for the Subject Property. Review of the SJFD files is discussed below.

8.5.1 Summary of the San Jose Fire Department, Hazardous Materials Division File

A summary of potentially relevant file information for the Subject Property provided by SJFD is presented below. Copies of the SJFD files are included in Appendix D of this report.

- SJFD Record of Inspection at Vroom Auto Care Center, dated 12 October 1999. The document indicates that violations were noted for "haz-mat", stating that the business must provide a hazardous materials business plan and also notes "repair garage".
- A HMBP for Vroom Auto Care Center, dated 14 October 1999, which lists storage of up to 30 gallons of transmission fluid, up to 20 gallons of antifreeze, and up to 30 gallons of motor oil.
- SJFD Record of Inspection, dated 9 November 2000. The document notes that Vroom Auto Care Center is no longer in business.

- SJFD Record of Inspection, dated 24 October 2001. The document lists an address of 254 McEvoy, however the business listed is United Rentals Aerial Equipment, which EKI understands was actually located at 214 Dupont. No violations were noted.

The SJFD files provided to EKI did not contain any information for the Subject Property for the years prior to 1999.

9. RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

Based on the preliminary findings of the Phase I ESA tasks, discussed above, and at the request of Client, EKI performed a screening-level Phase II subsurface investigation at the Subject Property. The primary objective of the investigations was to screen for impacts to the Subject Property from the following potential areas of concern:

1) in the front area of the building near the primary chemical use and storage areas for the current and historical site occupants; and
2) in the historical unpaved area to the rear of the Subject Property.

The subsurface investigation procedures and results are discussed below.

9.1 Scope of Work for Subsurface Investigations

Based on the potential areas of concern identified above, EKI performed the following tasks as part of the screening-level subsurface investigation conducted in November 2020.

- Collected samples of soil from two locations on the Subject Property and analyzed the samples for metals, VOCs, PCBs, and TPH (Figure 2);
- Collected samples of soil gas for analysis for VOCs and volatile TPH from two temporary shallow soil gas probes installed near features on the Subject Property noted above (Figure 2); and,
- Collected samples of baserock for visual examination.

9.2 Preparatory and Pre-Field Activities

Prior to performance of field sampling activities for the screening-level subsurface investigation, EKI performed the following preparatory tasks:

- Conducted site visits to scope planned sampling locations and access constraints, discussed schedule and timing of activities with Client and the Subject Property Owner, marked planned sampling locations for Underground Service Alert ("USA") clearance, and contacted USA at least two business days prior to drilling activities;
- Contracted with Subdynamic Locating Services ("Subdynamic"), a utility locating company, to screen each of the planned sample locations for the presence of buried utilities using hand-held instruments including electromagnetic detectors and ground-penetrating radar; and
- Prepared a Site-Specific Health and Safety Plan for EKI field personnel.

9.3 November 2020 Subsurface Investigation

As part of the screening-level subsurface investigation conducted in November 2020, EKI performed the following:

- Collected soil samples from shallow soil boreholes and soil gas samples from two SGPs: one at a depth of 0.5 to 1 foot and the other at 2.5 to 3 feet, (see Figure 2):

  - in the front area of the building near the primary chemical use and storage areas for the current and historical site occupants (254-SG-1); and,
  - in the historical unpaved area to the rear of the Subject Property (254-SG-2).
- Collected a sample of baserock from both soil borings for visual examination for the presence of serpentinite.

Sampling procedures, laboratory analysis methods, and analytical results for soil, baserock, and soil gas samples collected at the Subject Property are discussed below.

9.3.1 Soil Sample Collection

EKI retained PeneCore Drilling, Inc. of Woodland, California ("PeneCore") a California licensed drilling contractor, to advance boreholes for soil and soil gas sampling on the Subject Property (Figure 2). On 2 November 2020, EKI collected soil samples from soil borings advanced on the Subject Property (see Figure 2).

At each of the soil sampling locations, the concrete was cored by EKI's subcontractor in order to provide access to underlying soils. Following completion of coring, PeneCore utilized a hand-auger to advance boreholes for the purposes of collecting soil samples. Soil samples were collected from depths of 0.5 to 1.0 feet below baserock feet ("bbr") and 2.5 to 3.0 feet bbr, which was within the fill soil. Sampling equipment was cleaned between locations using Alconox and water, followed by a double rinse with water provided by PeneCore. EKI utilized an organic vapor meter equipped with a photoionization detector ("PID") to screen the soil from the boreholes for volatile compounds.

Soil samples planned for VOC and gasoline analysis were collected with Encore samplers, and the other soil samples were placed in pre-cleaned glass jars provided by the analytical laboratory. Sample jars were labeled with a unique identification number and placed in a chilled cooler for transport to the analytical laboratory, K Prime Analytical, Inc. of Santa Rosa, California ("K Prime"), a California-certified laboratory, under chain-of-custody procedures. Chain-of-custody records are included with the laboratory analytical reports in Appendix G of this report.

An EKI geologist visually observed the baserock at each location to identify whether the baserock exhibited visual indications of being serpentine, greenstone, or other rock types. Following the visual screening and receipt of analytical results for metals in soil, it was determined that the baserock samples did not warrant laboratory analysis for selected metals and asbestos which are indicators of serpentinite.

9.3.2 Soil Gas Sampling from Temporary Soil Gas Probes

On 4 November 2020, EKI collected soil gas samples from temporary SGPs installed on the Subject Property (see Figure 2).

9.3.2.1 SGP Construction Methods

The SGPs were constructed on 2 November 2020 in general accordance with the California-Environmental Protection Agency's ("Cal-EPA") July 2015 guidance entitled *Advisory – Active Soil Gas Investigations*. Due to the potential presence of unknown buried utilities, the SGP boreholes were advanced using a hand auger to approximately 5 feet bbr, with the exception of location 254-SG-2. At boring location 254-SG-2, the planned depth of 5 feet bbr was not achieved due to drilling refusal after multiple attempts where a hardpacked soil layer was encountered at approximately 3 feet bbr. A PID was used to screen the soil

from the borehole for VOCs. No indications of VOC impacts were visually observed or measured with the PID.

Each SGP was positioned within the borehole using an approximately 1-inch inner diameter threaded flush-joint polyvinyl chloride ("PVC") emplacement "guide" pipe, to keep the screen and tubing centered in the borehole at the proper depth. Each SGP consisted of a 6-inch long, ½-inch diameter stainless-steel wire mesh screen attached to a length of continuous ¼-inch diameter flexible fluorinated ethylene propylene ("FEP") or Teflon tubing, sealed at the top using a stainless-steel laboratory-grade plug valve with Swagelok-type compression fittings. The SGP screen was suspended using the guide pipe at the approximate center of the filter pack interval (i.e., between approximately 5 and 5.5 feet bbr in 254-SG-1 and between 2.5 and 3 feet bbr in 254-SG-2). The borehole annular space around the SGP screen was backfilled with an approximately 1.5-foot vertical filter pack of prewashed #2/12 Monterey sand, poured slowly into the borehole. After placement of the filter pack, the guide pipe was slowly removed from the borehole while maintaining the position and depth of the SGP screen.

Above the filter pack, each SGP borehole was backfilled with at least a six-inch layer of dry medium granular bentonite, per Cal-EPA guidance. Above the dry granular bentonite, each borehole was sealed to existing grade with hydrated granular bentonite, hydrated at the surface and then emplaced in approximately 6-inch lifts. Bentonite at the top of the seal was covered with approximately two inches of sand to protect the sampling valve. At the surface, each boring was completed by PeneCore using a temporary metal plate at the top of each SGP to secure the sampling location and to allow for business operations to continue uninterrupted.

With the exception of new equipment, all down-hole drilling and SGP installation equipment was washed with a non-phosphate containing soap (e.g., Liquinox®) and water solution and rinsed twice with potable water before use. Decontamination wastes were managed, characterized, and disposed of as described in Section 9.7.

9.3.2.2 SGP Sampling Procedures

Consistent with current Cal-EPA guidance, soil gas samples were collected on 4 November 2020, which was 48-hours after installation of the SGPs and each SGP was purged prior to sample collection. The soil gas samples were collected in laboratory-provided, pre-cleaned and pre-evacuated 1-liter SUMMA-passivated stainless-steel sample canisters equipped with flow controllers set at a flow rate of approximately 125 milliliters per minute ("mL/min"). The SUMMA canisters were batch-certified as clean by the laboratory.

An enclosed space (i.e., a shroud) was maintained around each SGP during sample collection to allow a controlled atmosphere containing a leak-detection compound to be maintained around the SGP and sampling apparatus. Immediately before sampling, each SGP was purged. After purging, at each SGP, a SUMMA canister and flow controller was attached to the SGP and a static vacuum check was conducted. After performing the vacuum check, the shroud was spiked with the leak check compound, 1,1-difluorethane ("DFA"). Soil gas sampling was then initiated by opening the SUMMA canister valve.

The sampling canister was allowed to fill until a small residual vacuum remained, at which point the valve was closed and the sample collection ended. At both SGP locations, the air inside the shroud was sampled using a separate SUMMA canister and analyzed for DFA, so that the concentration ratio between shroud sample and SGP sample could be used to estimate dilution. Soil gas sample and shroud sample

concentrations of DFA are provided in Table 3. As described in the Section 9.6.1, no measurable leaks were detected.

The collected soil gas and leak-check samples were labeled with unique identification numbers, the date and time of collection, and other pertinent information, and prepared for shipment to K-Prime under chain-of-custody procedures.

9.3.2.3 SGP Abandonment

Following completion of soil gas sampling, the SGPs were destroyed by removing the tubing from the SGPs, removing the bentonite seals, and grouting the boreholes to the pavement surface with neat cement. Boreholes received a surface completion to match the existing grade and material (i.e., concrete at locations 254-SG-1 and 254-SG-2 inside the building).

9.4 Laboratory Analysis of Soil and Soil Gas Samples

9.4.1 Soil Sample Analysis

The soil samples collected from locations 254-SG-1 and 254-SG-2 were analyzed for the following compounds:

- TPH as gasoline, diesel, and motor oil using U.S. EPA Method 8015B;
- VOCs using U.S. EPA Method 8260;
- Title 22 CAM 17 metals using U.S. EPA Method 6020/7471;
- PCBs using U.S. EPA Method 8082; and
- Percent moisture in order to compare dry weight results to potentially relevant regulatory screening levels.

Based on the metals results from the soil samples at locations 254-SG-1 and 254-SG-2 and observations of the baserock collected from 254-SG-1 and 254-SG-2, laboratory analysis for asbestos was not performed on the baserock or the soil samples.

9.4.2 Soil Gas Sample Analysis

The two soil gas samples were analyzed for VOCs using EPA Method TO-15 with K-Prime's standard VOC analyte list, and for total volatile hydrocarbons ("TVH") using EPA Method TO-3. Soil gas samples and shroud samples were analyzed for DFA (the leak check compound) using EPA Method TO-3.

9.5 Soil Sample Analytical Results

Soil sample analytical results for metals and percent moisture are presented in Table 1. Soil sample analytical results for VOCs and total volatile hydrocarbons (i.e. gasoline, diesel fuel, and motor oil) are presented in Table 2. Laboratory data sheets are included in Appendix G.

9.5.1 Metals Results

The analytical results for discrete soil samples from both 254-SG-1 and 254-SG-2 (i.e., sample 254-SG-1-0.5-1.0, 254-SG-1-2.5-3.0, 254-SG-2-0.5-1.0, and 254-SG-2-2.5-3.0) were analyzed for Title 22 metals

(Table 1). Elevated concentrations of lead were detected in three of the four soil samples, (254-SG-1-0.5-1.0, 254-SG-1-2.5-3.0, and 254-SG-2-2.5-3.0), at concentrations ranging from 124 to 241 mg/kg, which exceeds the residential screening level of 80 mg/kg (Table 1) for lead in soil. These sample concentrations and the results of the waste characterization analysis (see Section 9.7) indicate that this soil would likely be classified as a non-RCRA hazardous waste (as opposed to non-hazardous waste) if excavated.

The arsenic and cobalt concentrations in soil samples collected from 254-SG-2 (a maximum concentration of 15.5 mg/kg for arsenic and 26.5 mg/kg for cobalt) are above residential screening levels of 11 mg/kg and 23 mg/kg, respectively. Arsenic and cobalt may also be present in fill soil at other locations on the Subject Property.

EKI visually observed the baserock at each borehole location to identify whether the baserock exhibited visual indications of serpentinite, greenstone, or another rock type. Based on the visual examination by an EKI geologist and the analytical results for metals in soil, the baserock collected from borings is not indicative of serpentinite and was not submitted for metals or asbestos analysis. The discrete sample results for metals in the soil samples indicate that serpentinite is not likely present in soil samples collected from the Subject Property.

9.5.2 VOC and TPH Results

As shown in Table 2, VOCs were not detected above residential ESLs and PCBs were not detected in any of the soil samples. TPH as diesel and as motor oil were detected at concentrations up to 4,480 mg/kg and 9,270 mg/kg, respectively, in the deep soil sample from location 254-SG-2. These concentrations are above the residential soil ESLs for TPH as diesel of 260 mg/kg and for TPH as motor oil of 5,100 mg/kg.

9.6 Soil Gas Sample Analytical Results

Soil gas sampling results are included in Table 3. Laboratory data sheets are included in Appendix G. A number of VOCs associated with fuel and automobile uses were detected in soil gas sample 254-SG-2 at concentrations above their respective San Francisco Water Board residential soil gas ESLs; benzene and naphthalene were detected at concentrations up to 8.37 ug/m^3 and 148 ug/m^3, which exceed their respective residential soil gas ESLs of 3.2 ug/m^3 and 2.8 ug/m^3. Other detected VOCs in sample 254-SG-2 included toluene and 1,2,4-trimethylbenzene with measured concentrations well below their respective residential soil gas ESLs. No VOCs were detected in soil gas sample 254-SG-1. TVH was not present above the laboratory reporting limit in any of the soil gas samples collected by EKI at the Subject Property.

9.6.1 Soil Gas Sample QA/QC

The two QA/QC shroud samples were analyzed for DFA using EPA Method TO-3. DFA was detected at concentrations of 71,500 parts per million by volume ("ppmv") in the shroud collected at 254-SG-1 and 58,500 ppmv in the shroud sample collected at 254-SG-2. Soil gas sample DFA concentrations are shown in Table 3. Neither of the two soil gas samples (254-SG-1 and 254-SG-2) contained DFA above the analytical reporting limit of 10 ppmv indicating that no leaks occurred.

9.7 Management of Investigation Derived-Wastes

Soil cuttings resulting from the SGP and soil borehole drilling operations were placed into one 55-gallon metal drum that was sealed, labeled, and stored at the Subject Property in a secure location until the waste can be disposed of at an off-site permitted waste management facility. Analytical results for the characterization sample collected from the drum of investigation-derived waste ("IDW") indicated that

the soil is classified as Non-RCRA Hazardous. Analytical data for the IDW sample are provided in Appendix G. The one drum of soil cuttings from the soil borehole drilling and SGP installation was removed from the Subject Property on XX December 2020.

10. SUMMARY OF PHASE I ESA FINDINGS, OPINIONS, AND CONCLUSIONS AND RESULTS OF SCREENING-LEVEL PHASE II SUBSURFACE INVESTIGATION

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the property located at 254 McEvoy Street in San Jose, California. Any exceptions to, or deletions from, this practice are described in Section 1.2 of this report. EKI's findings, conclusions, and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs, HRECs, and Business Environmental Risks are presented below.

The following was identified as a REC for the Subject Property in connection with the performance of this Phase I ESA:

- Metals, including lead, arsenic and cobalt, and petroleum hydrocarbons were present at concentrations above their relevant residential screening levels in soil samples collected from the Subject Property. Lead was measured at concentrations between 124 mg/kg and 241 mg/kg in three of the four soil samples (254-SG-1-0.5-1.0, 254-SG-1-2.5-3.0, and 254-SG-2-2.5-3.0), which exceed the residential screening level for lead of 80 mg/kg. Arsenic was present in one sample (254-SG-2-2.5-3.0) at a concentration of 15.5 mg/kg, which exceeds the residential screening level of 11 mg/kg that is based on background concentrations. Cobalt was present in one sample (254-SG-2-0.5-1.0) at a concentration of 26.5 mg/kg, which exceeds the residential screening level of 23 mg/kg. TPHd and TPHmo were present in sample 254-SG-2-2.5-3.0 at concentrations of 4,480 mg/kg and 9,270 mg/kg, respectively, which exceed residential screening levels of 260 mg/kg and 5,100 mg/kg respectively. Soil with elevated concentrations of lead and/or petroleum hydrocarbons may not be suitable for reuse during planned redevelopment of the Subject property. Excavated soil from the Subject Property containing similar concentrations of lead will likely need to be disposed of at an off-site permitted facility as a non-RCRA hazardous waste.

The following were identified as HRECs for the Subject Property in connection with the performance of this Phase I ESA:

- No HRECs were identified for the Subject Property in connection with the performance of this Phase I ESA.

The following potential on-site environmental issues, or Business Environmental Risks, that do not rise to the level of a REC were identified for the Subject Property. The results of the Phase II screening subsurface investigation performed as part of this report are also described below, as relevant to the potential environmental issue.

- Use of the Subject Property as a tool manufacturing business and machine shop for decades may have included the storage, staging, and use of various chemicals, including solvents, cutting oils, and parts cleaning products.

  In soil samples collected at the Subject Property in November 2020 (see Section 9.5):

  - No VOCs were detected above residential screening levels and PCBs were not detected above laboratory reporting limits. Chemicals that were detected above residential screening levels include select metals (arsenic, cobalt, and lead) and TPH as diesel and motor oil.

  In soil gas samples collected at the Subject Property in November 2020 (see Section 9.6):

  - VOCs associated with fuel and automobile uses were detected at concentrations up to 8.37 ug/m^3 for benzene and 148 ug/m^3 for naphthalene, which exceed their respective residential soil gas ESLs of 3.2 ug/m^3 and 2.8 ug/m^3. VOCs were only detected in soil gas sample 254-SG-2, located in the historical unpaved area to the rear of the Subject Property.

- Fill soil is present at adjoining properties to the north and east of the Subject Property as noted in the EKI Phase I ESA/Phase II report for the Dupont Street Parcels (EKI, 2020a) and 244 McEvoy Street (EKI, 2020b), and may extend onto the Subject Property. The fill soil is from unknown sources and could contain debris, chemicals of concern, and serpentinite. Soil samples were collected from the fill soil at locations 254-SG-1 and 254-SG-2. Metals data for both soil samples from location 254-SG-2 did not indicate the presence of serpentinite.

10.1 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional. No potentially significant data gaps were identified in the performance of this Phase I ESA.

10.2 Summary of Results of Screening-Level Phase II Subsurface Investigation

In order to assess potential on-site environmental issues or Business Environmental Risks as they may impact the potential redevelopment of the Subject Property, EKI conducted the following investigative and sampling activities as part of a screening-level Phase II subsurface investigation on the Subject Property:

- Collected soil and soil gas samples from two SGPs (see Figure 2):
  - in the front area of the building near the primary chemical use and storage areas for the current and historical site occupants (254-SG-1); and,
  - in the historical unpaved area to the rear of the Subject Property (254-SG-2).
- Collected a sample of baserock from soil borings 254-SG-1 and 254-SG-2 for visual determination of serpentinite.

The soil and soil gas samples collected from the Subject Property indicate that lead may be present in fill soil across the Subject Property. Apart from lead in soil, no other widespread soil or soil gas impacts were identified at the Subject Property (sample data are presented in Table 1 through Table 3 and sample locations are shown on Figure 2). Key findings from the Phase II Subsurface Investigation on the Subject Property were as follows:

- Lead, arsenic, and cobalt were present in soil at concentrations up to 241 mg/kg for lead, 15.5 mg/kg for arsenic, and 26.5 mg/kg for cobalt, which are above their respective residential screening levels of 80 mg/kg, 11 mg/kg, and 23 mg/kg. While the exceedances of arsenic and cobalt are relatively minor, there are elevated concentrations of lead in the fill soil beneath the

Subject Property building. These soils (and any other soils with potential naturally occurring asbestos, VOCs, metals, or other known or suspected contamination) may be managed under a SMP which could be developed for the Subject Property and the other parcels which are part of the planned future redevelopment .

- TPHd and TPHmo were detected in the soil sample collected from 254-SG-2 at concentrations up to 4,480 mg/kg for TPHd and 9,270 mg/kg for TPHmo, which are above their respective residential screening levels of 260 mg/kg and 5,100 mg/kg. These elevated TPHd and TPHmo concentrations were detected in the deeper soil sample collected from location 254-SG-2, which suggests a limited historical release of heavy range hydrocarbons may have occurred at the Subject Property in the vicinity of sample location 254-SG-2. Any soils that are impacted with TPHd and/or TPHmo may be managed in under a future SMP for the proposed redevelopment.
- Benzene, naphthalene, toluene, and 1,2,4-trimethylbenzene (all chemicals typically associated with automobile and fuel use) were detected in soil gas sample 254-SG-2. Benzene and naphthalene were detected at concentrations up to 8.37 ug/m^3 and 148 ug/m^3, which exceed their respective residential soil gas screening levels of 3.2 ug/m^3 and 2.8 ug/m^3. These elevated soil gas concentrations of benzene and naphthalene are co-located with the elevated TPHd and TPHmo concentrations that were present in soil at location 254-SG-2. Soil containing benzene, naphthalene, toluene, and/or 1,2,4-trimethylbenzene may be managed in under a future SMP for the proposed redevelopment.
- The baserock samples did not exhibit visual indications of serpentinite, and therefore were not sent for laboratory analysis. Analytical results for the soil samples indicate relatively low concentrations of naturally occurring metals such as chromium and nickel, which are not consistent with the presence of serpentinite.
- Except as indicated above, metals, VOCs, and PCBs concentrations were either not detected or were present at concentrations below their respective residential screening levels.
- There is no indication that historic or current uses of the Subject Property would have resulted in a release that has impacted groundwater. The potential presence of PFAS in groundwater downgradient of the Subject Property is likely due to the SJFD training site located approximately 700 feet to the northwest of the Subject Property.

EKI understands that the planned redevelopment of the Subject Property includes residential above naturally ventilated podium parking. Naturally ventilated podium parking is viewed as an intrinsically safe design; as such, vapor intrusion should not be a concern for future redevelopment based on the soil and soil gas sample analytical data for the Subject Property.

This Summary of Phase I ESA Findings and Results of Screening-Level Phase II Subsurface Investigation does not contain all of the information, including observations, findings, and opinions, presented in the Phase I ESA and Screening-level Phase II Subsurface Investigation report. This Phase I ESA and Screening-level Phase II Subsurface Investigation report should be read in its entirety to obtain a more complete understanding of the information and issues identified regarding the Subject Property and to aid in evaluation of risks, decision-making, and/or actions taken by Client based on this information.

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USGS, 2006. *Geologic Map of the San Francisco Bay Region,* United States Geological Survey and California Geological Survey, April 2006.

Tables

TABLE 1
Analytical Results for Metals and Percent Moisture in Soil Samples
254 McEvoy Street, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected Metals (mg/kg) (a)(b)(c)												Percent Moisture (%) (a)
			Arsenic	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Vanadium	Zinc	
254-SG-1-0.5-1.0	0.5-1.0	11/2/2020	7.10	245	<0.576	50.9	11.9	34.6	**166**	0.219	<2.88	79.3	55.6	147	13.2
254-SG-1-2.5-3.0	2.5-3.0	11/2/2020	8.75	307	1.05	69.2	10.5	48.0	**241**	0.462	<3.01	67.3	42.5	348	17.0
254-SG-2-0.5-1.0	0.5-1.0	11/2/2020	<2.73	120	<0.547	139	**26.5**	65.4	<2.73	<0.109	<2.73	80.9	137	63.8	8.57
254-SG-2-2.5-3.0	2.5-3.0	11/2/2020	**15.5**	200	0.710	563	17.0	136	**124**	0.411	113	302	44.2	200	9.60
San Francisco Water Board Residential Soil ESLs (d)			*11 (e)*	*15,000*	*78*	*120,000 (f)*	*23*	*3,100*	*80*	*13*	*390*	*820*	*390*	*23,000*	--

Abbreviations:
-- = not applicable
<2.96 = compound not detected at or above indicated laboratory reporting limit
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
U.S. EPA = United States Environmental Protection Agency

Notes:
(a) Title 22 metals were analyzed by U.S. EPA Method 6020 and percent moisture was analzed by ASTM D-2216. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected metals in samples are shown.
(d) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.
(e) Arsenic naturally occurs in soil throughout the San Francisco Bay Area at conventrations that exceed the RWQCB ESL. Sample concentrations are screened against the background concentration of arsenic in soil from Duverge (2011).
(f) Value listed is for chromium(III).

References:
Duverge, 2011. *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region* , San Francisco State University, San Francisco, CA, December 2011.
RWQCB, 2019. *Environmental Screening Levels,* San Francisco Bay Regional Water Quality Control Board, July 2019.

TABLE 2
Analytical Results for Volatile Organic Compounds, Total Petroleum Hydrocarbons, and PCBs in Soil Samples
254 McEvoy Street, San Jose, California

Sample ID	Sample Depth (feet bbr)	Sample Date	Detected VOCs (ug/kg) (a)(b)(c)		Petroleum Hydrocarbons (mg/kg) (a)(b)			PCBs (ug/kg) (a)(b)
			Naphthalene	All VOCs in Soil	TPH as Gasoline	TPH as Diesel	TPH as Motor Oil	
254-SG-1-0.5-1.0	0.5-1.0	11/2/2020	<3.17	ND	<1.15	22.5 AC	43.1	ND
254-SG-1-2.5-3.0	2.5-3.0	11/2/2020	<2.79	ND	<1.20	<12.0	65.6	ND
254-SG-2-0.5-1.0	0.5-1.0	11/2/2020	<2.79	ND	<1.09	17.4 AC	38.8	ND
254-SG-2-2.5-3.0	2.5-3.0	11/2/2020	37.0	ND	<1.11	**4,480 AC**	**9,270**	ND
San Francisco Water Board Residential Soil ESLs (d)			*42*	--	*100*	*260*	*5,100*	230

Abbreviations:

-- = not applicable
<1.19 = compound not detected at or above indicated laboratory reporting limit
AC = heavier hydrocarbons contributing to diesel range quantitation
bbr = below base rock
ESLs = environmental screening levels
mg/kg = milligrams per kilogram
ND = not detected above the laboratory reporting limit
PCBS = polychlorinated biphenyls
TPH = total petroleum hydrocarbons
ug/kg = micrograms per kilogram
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

Notes:

(a) VOCs were analyzed using U.S. EPA Method 8260 with U.S. EPA Method 5035 preparation. TPH was analyzed using U.S. EPA Method 8015B. PCBs were analyzed using U.S. EPA Method 8082. Samples analyzed by K Prime, Inc., of Santa Rosa, CA. Sample results reported on dry weight basis.
(b) **Bold** value indicates detected concentration exceeds its respective soil ESL.
(c) Only detected VOCs in samples are shown.
(d) Soil screening levels utilize the lowest value from the Residential Shallow Soil Exposure Levels, Leaching to Groundwater Levels, Gross Contamination Levels, and Odor Nuisance Levels from the July 2019 RWQCB ESLs.

References:

RWQCB, 2019. *Environmental Screening Levels,* San Francisco Bay Regional Water Quality Control Board, July 2019.

TABLE 3
Analytical Results for Volatile Organic Compounds and Total Volatile Hydrocarbons in Soil Gas Samples
254 McEvoy Street, San Jose, California

Sample ID (e)	Sample Date	Detected VOCs (ug/m^3) (a)(b)(c) Benzene	Naphthalene	Toluene	1,2,4-Trimethylbenzene	Other VOCs	Total Volatile Hydrocarbons (mg/m^3) (a)(b) C2-C10 as Hexane	Leak Check Compound (ppmv) (a)(d) 1,1-Difluoroethane
254-SG-1	11/4/2020	<3.19	<5.24	<3.77	<4.92	ND	<17.6	<10.0
254-SG-2	11/4/2020	**8.37**	**148**	16.4	17.2	ND	<17.6	<10.0
isco Water Board Residential Soil Gas ESLs (f)		*3.2*	*2.8*	*10,000*	*2,100 (g)*	--	*3.3*	--

Abbreviations:

<3.19 = compound not detected at or above indicated laboratory reporting limit
ESLs = environmental screening levels
mg/m^3 = milligrams per cubic meter
ND = not detected above the laboratory reporting limit
ppmv = parts per million by volume
TVH = total volatile hydrocarbons
ug/m^3 = micrograms per cubic meter
U.S. EPA = United States Environmental Protection Agency
VOCs = volatile organic compounds

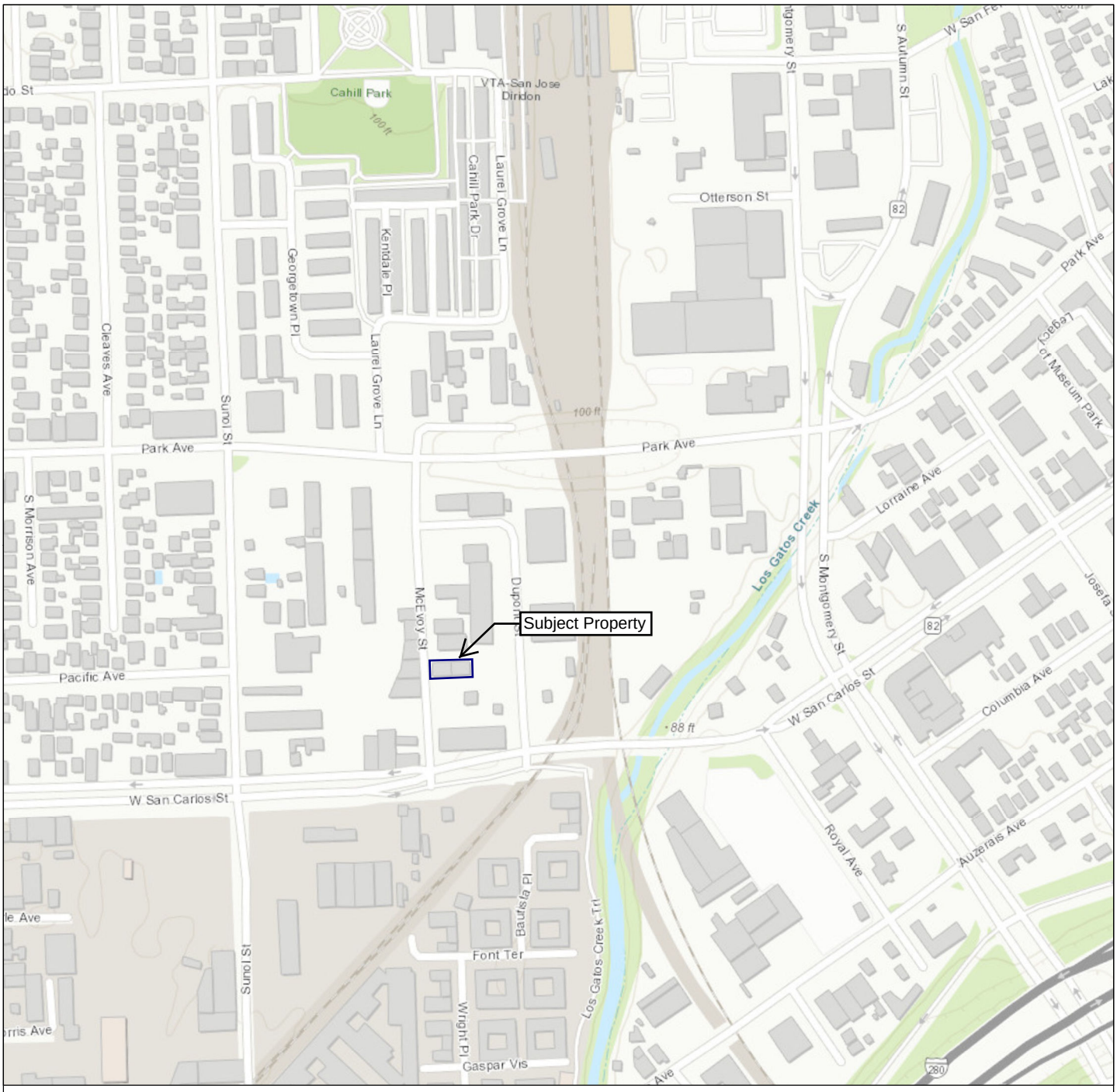
Notes:

(a) VOCs were analyzed using U.S. EPA Method TO-15. TVH were analyzed using U.S. EPA Method TO-3. Samples analyzed
K Prime, Inc., of Santa Rosa, CA.
(b) Bold value indicates detected concentration exceeds its respective soil gas screening level.
(c) Only detected VOCs in samples are shown.
(d) The shroud samples (254-SG-1 SHROUD and 254-SG-1 SHROUD) contained 1,1-difluoroethane concentrations of 71,500
58,500 ppmv respectively. Neither of the two soil gas samples (254-SG-1 and 254-SG-2) contained DFA above the analytica
limit of 10 ppmv, indicating that no leaks occurred.
(e) Soil gas samples 254-SG-1 and 254-SG-2 were collected from a depth of 5 feet and 2.5 feet below ground surface, respecti
(f) Soil gas screening levels utilize the lowest value from the Residential Soil Gas Vapor Intrusion Levels and Odor Nuisance Le
from the July 2019 RWQCB ESLs.
(g) Soil gas screening levels are calculated using the OSWER 2015 attenuation factor of 0.03 applied to indoor air criteria from
EPA (2020).

References:

RWQCB, 2019. *Environmental Screening Levels, San Francisco Bay Regional Water Quality Control Board, July 2019.*
U.S. EPA, 2020. Regional Screening Level (RSL) Summary Table (TR = 10-6; HQ = 1) November 2020, United States Enviror
Protection Agency, November 2020.

FIGURES



Notes

1. All locations are approximate.

Sources

Basemap is ESRI's ArcGIS Online world topographic map, obtained 20 January 2020.

N

0 400 800

(Scale in Feet)

Subject Property Location

DRAFT

254 McEvoy St
San Jose, CA
December 2020
B90107.04

Figure 1

eki environment & water

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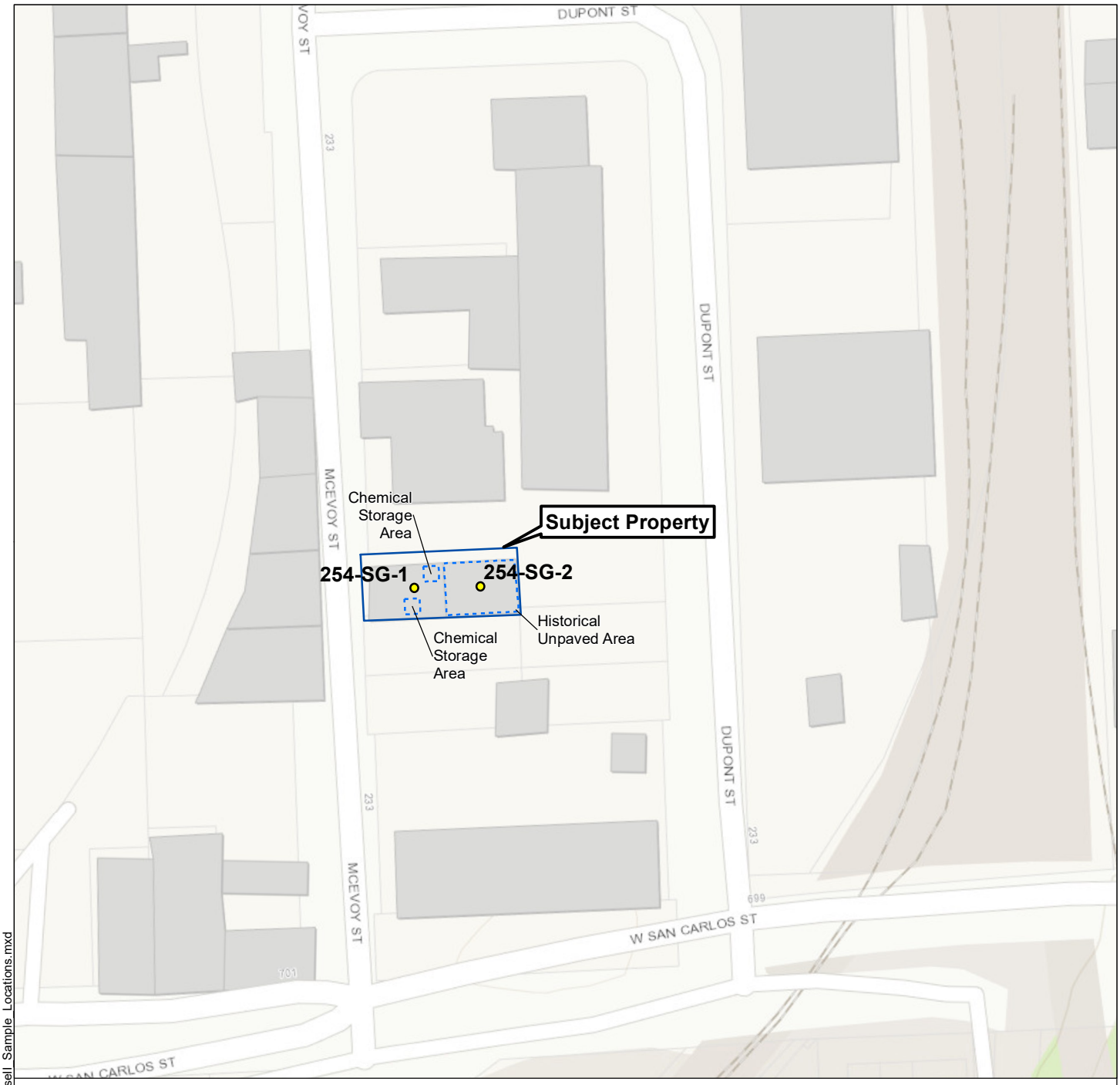

Notes

1. All locations are approximate.

Sources

Basemap is ESRI's ArcGIS Online world topographic map, obtained 23 October 2020.

Legend

- Soil and Soil Gas Sample Location
- Use Areas or Areas of Interest on the Subject Property
- Subject Property Bounds

N

0 100 200

(Scale in Feet)

Phase II Sample Locations

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254 McEvoy Street
San Jose, CA
December 2020
B90107.04

Figure 2

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