

Type of Services	Screening Level Phase I Environmental Site Assessment
Location	Coyote Creek Trail San Jose, California
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Table of Contents

SECTION 1: INTRODUCTION	2
1.1 PROJECT BACKGROUND.....	2
1.2 SITE DESCRIPTION.....	2
1.2.1 Trail Alignment Details	3
1.3 PURPOSE AND SCOPE OF WORK.....	4
1.4 ASSUMPTIONS.....	4
1.5 ENVIRONMENTAL PROFESSIONAL	5
SECTION 2: USER PROVIDED INFORMATION	5
2.1 CHAIN OF TITLE/SITE OWNERSHIP.....	5
2.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS	5
2.3 SPECIALIZED KNOWLEDGE AND/OR COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION.....	5
2.4 REASON FOR PERFORMING PHASE I ENVIRONMENTAL SITE ASSESSMENT	5
SECTION 3: RECORDS REVIEW	6
3.1 STANDARD ENVIRONMENTAL RECORD SOURCES	6
3.1.1 Kinder Morgan San Jose Terminal, 2150 Kruse Drive.....	7
3.1.2 Shell Oil Products San Jose Terminal, 2165 O’Tool Avenue	7
3.1.3 Markovits & Fox Property, 1633 Oakland Road	8
SECTION 4: PHYSICAL SETTING	8
4.1 RECENT USGS TOPOGRAPHIC MAP	8
4.2 HYDROGEOLOGY	9
SECTION 5: HISTORICAL USE INFORMATION	9
5.1 HISTORICAL SUMMARY OF SITE AND ADJACENT PROPERTIES	9
SECTION 6: SITE RECONNAISSANCE	10
6.1 METHODOLOGY AND LIMITING CONDITIONS	10
6.2 OBSERVATIONS	10
6.2.1 Site Photographs	12
SECTION 7: CONCLUSIONS (FINDINGS) AND RECOMMENDATIONS	13
7.1 SITE AND VICINITY HISTORY	13
7.2 AGRICULTURAL USE	14
7.3 MARKOVITS & FOX PROPERTY.....	14
7.4 BULK FUEL TERMINALS AND PETROLEUM PIPELINES.....	14
7.5 FILL	15
7.6 AERIALLY DEPOSITED LEAD AND RAIL LINES.....	15
7.7 POTENTIAL ENVIRONMENTAL CONCERNS WITHIN THE SITE VICINITY.....	15
7.8 DATA GAPS.....	15
7.9 DATA FAILURES	16
SECTION 8: LIMITATIONS	16
SECTION 9: REFERENCES	17

FIGURE 1 – VICINITY MAP

FIGURES 2A THROUGH 2E – SITE PLANS

APPENDIX A – DATABASE SEARCH REPORT

APPENDIX B – HISTORIC AERIAL PHOTOGRAPHS AND TOPOGRAPHIC MAPS

APPENDIX C – SELECTED REPORTS REGARDING NEARBY PROPERTIES

Type of Services

Location

**Screening Level Phase I
Environmental Site Assessment**

**Coyote Creek Trail
San Jose, California**

SECTION 1: INTRODUCTION

This report presents the results of the Screening Level Phase I Environmental Site Assessment (ESA) performed at the planned Coyote Creek Trail alignment in San José, California (Site) as shown on Figures 1 and 2. This work was performed for David J. Powers & Associates in accordance with the January 20, 2010 authorization to proceed.

1.1 PROJECT BACKGROUND

The planned Coyote Creek Trail is part of a network of 100 miles of existing and planned trails along rivers, creeks and overland corridors within San José. When all the reaches of Coyote Creek Trail are completed, the trail will extend approximately 30 miles in length from its north end at the Highway 237 Bikeway in north San José to its south end at the Walnut Rest Area near Anderson Lake County Park in Morgan Hill. The trail offers recreational and transportation opportunities for those who live, work, and play in San José.

Planning and construction for the Coyote Creek Trail has occurred in phases over many years as funding has become available. Currently, approximately 18.2 miles are open: 1.4 miles of hard-packed gravel trail from Highway 237 to Montague Expressway, 0.5 mile of paved trail from William Street through Selma Olinder Park to Highway 280, and 16.8 paved miles from Tully Road to Walnut Rest Area.

1.2 SITE DESCRIPTION

For the purposes of this Screening Level Phase I ESA, the “Site” is considered to consist of an approximately 3.9 mile segment of the planned trail alignment extending from Montague Expressway to Highway 101.

Approximately 2.2 miles of the 3.9 mile reach would be constructed on existing unpaved service roads owned by the Santa Clara Valley Water District (SCVWD) or the City of San José. Most of the remaining portions would be located at the top of bank or at the outside edge of a 100 foot riparian corridor setback.

The majority of the trail will consist of a 16-foot wide (12 feet paved with 2 foot wide compacted base rock shoulders) Class I trail, which is defined as being separated from streets and open to non-motorized uses. Physically constrained portions (such as a portion along Notting Hill Drive) would be narrowed to 10 feet wide paved trail with no base rock shoulders, and portions of the trail that would be below the 10 year flood water elevation (primarily at road undercrossings) would also not have base rock shoulders.

As described in the following section, the trail would include at-grade access points at several surface streets; undercrossings beneath streets, freeways, and a railroad trestle; bridges to cross creeks; connections to existing and planned portions of Coyote Creek Trail at either end of the Site; and connections to planned portions of Penitencia Creek Trail and Lower Silver Creek Trail.

1.2.1 Trail Alignment Details

The proposed Coyote Creek trail alignment is entirely located adjacent to Coyote Creek. The proposed trail occurs on City, Caltrans, Union Pacific Railroad (UPRR), and SCVWD property, as well as private property within open space right-of-ways along the creek. The planned trail alignment is generally described as follows:

Reach A – Montague Expressway to O’Toole Avenue (1.1 miles)

The proposed trail would begin at a trail access point on the west side of Coyote Creek on the south side of Montague Expressway. The trail would connect to an existing paved ramp and undercrossing leading to a gravel segment of trail extending north. A freespan bridge, approximately 180 feet long, would bring the trail to the east side of the creek. On the east side, the trail would follow along an existing SCVWD service road. The trail would continue through an undercrossing beneath Charcot Avenue, with at-grade access points provided on both sides of Charcot Avenue to approach O’Toole Avenue.

Reach B – O’Toole Avenue to Union Pacific Railroad (0.5 miles)

Undercrossings would be provided to continue the trail beneath O’Toole Avenue (which also serves as an off-ramp for I-880 at this location) and beneath I-880. The trail would continue along existing service roads on the east side of Coyote Creek, with undercrossings beneath and at-grade access points at Brokaw Road and Ridder Park Drive. The service road ends at Ridder Park Drive, through the trail would continue along at the edge of the riparian corridor and cross beneath the Union Pacific Railroad trestle.

Reach C – Union Pacific Railroad to Notting Hill Drive (1.1 miles)

The trail would then travel through a 100-foot wide private open space setback designated on a property slated for planned development (Markovits & Fox property). There would be at-grade access points on the north side of Oakland Road and at the end of Corie Court. A bridge would bring the trail to the west side of Coyote Creek, south of the intersection of Shallenberger Road and Oakland Road. The trail would cross beneath Oakland Road, travel along Corie Court, and join an existing service road on City of San José property. A bridge near Hazlett Way would bring the trail back to the east side of Coyote Creek at Notting Hill Drive, where a grade-separated 10 feet wide trail travels along the edge of the street.

Reach D – Notting Hill Drive to Highway 101 (1.2 miles)

The trail would continue on the east side of Coyote Creek, within a 100-foot wide private open space setback along the Flea Market property, a planned development site. At-grade trail access points would be provided at three locations within the redeveloped area, located to coincide with the future road network. After an at-grade trail access point at Berryessa Road and an undercrossing beneath the road, the trail would cross over Penitencia Creek on a bridge before connecting with the planned Penitencia Creek Trail. Continuing southward through the Flea Market property, the trail would have at-grade access points and an undercrossing at Mabury Road, it would continue south to align with an existing City-owned unpaved service road. North of Highway 101, the trail would cross on a bridge to the west side of Coyote Creek,

where it would continue south with an undercrossing beneath Highway 101 and enter Watson Park.

1.3 PURPOSE AND SCOPE OF WORK

The purpose of this investigation was to strive to document, to the extent feasible pursuant to the scope of work presented in the Agreement, Recognized Environmental Conditions at the Site based on readily known historical and current land uses and to provide recommendations to further evaluate or mitigate these Recognized Environmental Conditions.

American Society for Testing and Materials (ASTM) E 1527-05, *Standard Practice for Environmental Site Assessments* was used as a guide for development of the project scope. As defined by ASTM E 1527-05, the term Recognized Environmental Condition means the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or a material threat of a release of hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water on the property.

As presented in our Agreement, the scope of work performed for this Screening Level Phase I ESA included the following:

- A reconnaissance of the Site to note readily observable indications of significant hazardous materials releases to structures, soil or ground water. Our observations were made from readily accessible portions of the planned trail alignment (such as existing service roads) and from public right-of-ways.
- Drive-by observation of adjoining properties to note readily apparent hazardous materials activities that have or could significantly impact the Site.
- Acquisition and review of a regulatory agency database report of public records for the general area of the Site to evaluate potential impacts to the Site from reported contamination incidents at nearby facilities.
- Review of readily available information on file at selected governmental agencies to help evaluate past and current Site use and hazardous materials management practices.
- Review of readily available maps and aerial photographs to help evaluate past and current Site uses.
- Preparation of a written report summarizing our findings and recommendations.

The limitations for the Screening Level Phase I ESA are presented in Section 8.

1.4 ASSUMPTIONS

In preparing this Screening Level Phase I ESA, Cornerstone assumed that all records obtained by other parties, such as regulatory agency databases, maps, related documents and environmental reports prepared by others are accurate and complete. We have not independently verified the accuracy or completeness of any data received.

1.5 ENVIRONMENTAL PROFESSIONAL

This Screening Level Phase I ESA was performed by Stason I. Foster, P.E., and Ron L. Helm, C.E.G., R.E.A. II, environmental professionals who meet the ASTM E 1527-05 qualifications.

SECTION 2: USER PROVIDED INFORMATION

The ASTM standard defines the User as the party seeking to use a Phase I ESA to evaluate the presence of Recognized Environmental Conditions associated with a property. For the purpose of this Screening Level Phase I ESA, the User is David J. Powers & Associates.

2.1 CHAIN OF TITLE/SITE OWNERSHIP

A chain-of-title was not provided for our review. However, based on information provided by David J. Powers & Associates, we understand that the majority of the Site is owned by the City of San José and the SCVWD; Caltrans and UPRR own small portions and the remainder is private property. As shown on Figures 2c and 2D, the private property portions of the trail alignment consist of two predominant segments including 1) the Markovits & Fox property extending between the UPRR trestle and Old Oakland Road, and 2) the San Jose Flea Market property located between Notting Hill Drive and Mabury Road.

We understand that future planned development on these private properties will include (as a requirement of development approval) a 100-foot setback adjacent to Coyote Creek to be designated as open space. The planned trail will be constructed within this 100-foot setback.

2.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

No information regarding environmental liens or activity and use limitations (AULs) was provided for our review.

2.3 SPECIALIZED KNOWLEDGE AND/OR COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

The ASTM Standard requires that if the User is aware of any specialized knowledge and/or commonly known or reasonably ascertainable information within the local community about the Site that is material to Recognized Environmental Conditions, such as environmental liens, a significantly lower purchase price due to the property being affected by hazardous materials, or other conditions that are material to Recognized Environmental Conditions in connection with the Site, it is the User's responsibility to communicate such information to the environmental professional. Based on information provided by or discussions with David J. Powers & Associates, we understand that David J. Powers & Associates does not have such specialized knowledge and/or commonly known or reasonably ascertainable information regarding the Site.

2.4 REASON FOR PERFORMING PHASE I ENVIRONMENTAL SITE ASSESSMENT

We performed this Screening Level Phase I ESA to support the City of San José and David J. Powers & Associates in evaluation of Recognized Environmental Conditions at the Site. This Screening Level Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for Recognized Environmental Conditions at the Site.

SECTION 3: RECORDS REVIEW

3.1 STANDARD ENVIRONMENTAL RECORD SOURCES

Cornerstone contracted with a firm specializing in the computerized search of environmental regulatory databases to evaluate the likelihood of contamination incidents at and near the Site. The databases and search distances were in general accordance with the requirements of ASTM E 1527-05. A list of the database sources reviewed, a description of the sources, and a radius map showing the location of reported facilities relative to the project Site are presented in Appendix B.

Based on the information presented in the agency database report, hazardous material spill incidents were reported at several nearby off-Site facilities. The potential for these releases to have impacted on-Site soil or ground water quality was evaluated based on our interpretation of the type and status of the reported incidents, the location of the reported incidents in relation to the Site, and the assumed ground water flow direction.

To obtain additional information regarding selected spill incidents, a cursory review of readily available documents obtained from the state Geotracker (<http://geotracker.swrcb.ca.gov>) and Envirostor (<http://www.envirostor.dtsc.ca.gov>) databases was performed. Geotracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about leaking underground storage tank (LUST), Department of Defense, Site Cleanup Program and Landfill sites. The Envirostor database is maintained by the Department of Toxic Substances Control (DTSC) and contains information on investigation, cleanup, permitting, and/or corrective actions that are planned, being conducted or have been completed under DTSC's oversight. The Envirostor database includes the following site types: Federal Superfund sites; State Response sites; Voluntary Cleanup sites; and School sites. Additional information regarding LUST facilities was obtained from the Santa Clara County Department of Environmental Health (SCCDEH) Local Oversight Program website (<http://lustop.sccgov.org>).

Information regarding selected nearby spill incidents is summarized in Table 1, as well as in the following sections. Our review of available reports focused on spill incidents located adjacent to the Site and/or nearby incidents reported as open cases that appeared to have a potential to impact the Site. Copies of selected reports pertaining to nearby properties are attached in Appendix D.

Table 1. Selected Nearby Hazardous Materials Spill Incidents

Facility Name and Address	Approximate Distance and Direction from Site	Comments
Kinder Morgan San Jose Terminal, 2150 Kruse Dr.	Adjacent – across Coyote Creek	See summary below.
Shell Oil Products, 2165 O'Tool Avenue	Adjacent	See summary below.
Markovits & Fox Property, 1633 Oakland Road	Adjacent	See summary below.
Santa Clara County Transportation Agency – East Yard, 1505 Schallenberger Road	Adjacent – across Coyote Creek	Closed LUST case. Residual contamination does not appear to have impacted the planned trail alignment (SCCDEH Case Closure Summary, 2006).

Table 1 (continued). Selected Nearby Hazardous Materials Spill Incidents

Chevron Bulk Fuel Terminal, 1020 Berryessa Road	1/4 miles Southwest	This bulk fuel facility receives refined petroleum hydrocarbon products via pipeline from the Chevron refinery in Richmond, California (SAIC, 2008). No impacts to soil or ground water quality along the planned trail alignment were reported; however, the fuel pipeline crosses beneath Coyote Creek and the planned trail (see Figure 2E)
San Jose Flea Market, 1590 Berryessa Road	Adjacent/on-Site	Closed LUST case. Residual contamination does not appear to have impacted the planned trail alignment or proposed 100-foot setback (SCCDEH Case Closure Summaries, 1996 and 2000).
City of San Jose Mabury Yard, 1404 Maybury Rd.	Adjacent	Closed LUST case. UST replacement was completed in 1996. The majority of identified contamination appears to have been removed and it does not appear to have impacted the planned trail alignment (SCVWD Case Closure Summary, 2000).
Granite Rock 11711 Berryessa Ave	Adjacent – across Coyote Creek	Closed LUST case. UST removal completed in 1998. Residual contamination does not appear to have impacted the planned trail alignment (SCVWD Case Closure Summary, 1999).

3.1.1 Kinder Morgan San Jose Terminal, 2150 Kruse Drive

The Kinder Morgan facility at 2150 Kruse Drive is a bulk petroleum storage and distribution terminal. It occupies approximately 20 acres and contains approximately 33 above ground refined petroleum products tanks used to store diesel, gasoline and aviation fuels. The tanks combined total capacity is approximately 996,800 barrels (41,865,600 gallons). Seven loading rack facilities where transport trucks are filled with petroleum product also are present. Incoming petroleum products are received through a 10-inch diameter pipeline from Kinder Morgan’s Concord station. Three “spare” pipelines (two 8-inch and one 10-inch) are additionally noted to be present and are located adjacent to and parallel with the active line. As shown on Figure 2A, the Kinder Morgan pipelines extend beneath Coyote Creek and the planned trail alignment.

Since the late 1980s, numerous subsurface assessments reportedly have been performed at the Kinder Morgan property to evaluate soil and ground water conditions, including the installation of 33 ground water monitoring wells and the advancement of 88 soil borings. Based on a recent ground water monitoring report (LFR, 2009), past releases at the Kinder Morgan facility have impacted ground water quality. The aerial extent of impacted ground water appears relatively limited and confined mainly to the Kinder Morgan property. We understand that periodic ground water monitoring is being conducted at the property under California Regional Water Quality Control Board (Water Board) oversight.

3.1.2 Shell Oil Products San Jose Terminal, 2165 O’Tool Avenue

The Shell Oil Products facility at 2165 O’Tool Avenue is an operating petroleum product distribution terminal. Operations at the facility began in the mid-1960s. Facility features include four aboveground fuel tanks (ASTs), three additive ASTs, a 4,000-gallon transmix UST, a diesel UST and dispenser island, a four-lane fuel loading rack, three wastewater ASTs, and several

buildings. As shown on Figure 2A, a petroleum pipeline extends from the Shell facility and runs beneath Coyote Creek and the planned trail alignment.

Between 1972 and 1992, eight releases were documented. Since the 1980s, several soil and ground water quality investigations have been performed, and remedial work has consisted of soil excavation and ground water extraction/treatment. Based on a recent ground water monitoring report (CRA, 2008), an area of impacted ground water extends to the northwest from the Shell property onto adjoining properties. However, ground water quality below the planned trail alignment does not appear to have been significantly impacted. We understand that continued characterization/remediation work and periodic ground water monitoring is being conducted at the property under Water Board oversight.

3.1.3 Markovits & Fox Property, 1633 Oakland Road

As shown on Figure 2C, a section of the planned Coyote Creek trail extends onto the Markovits & Fox property between the Union Pacific Railroad tracks and Oakland Road. The trail lies within a 100 foot wide private open space setback along the adjacent Coyote Creek channel.

The Markovits and Fox property was occupied by a pear orchard until approximately 1963, at which time the property was developed with a metals recycling facility. The metals recycling operations historically included sorting, shredding, and compressing of ferrous and non-ferrous metals. The sorted metals were transported off-Site for recycling by others. The recycling facility ceased operation in 2000, and most of the structures were demolished in November 2001.

The orchard and metals recycling activities contaminated near-surface soil with a variety of contaminants, primarily polychlorinated biphenyls (PCBs), organochlorine pesticides, arsenic, lead and petroleum hydrocarbons. Under the oversight of the DTSC, soil exceeding residential/unrestricted cleanup goals was removed from the majority of the property in 2006 (TRC, 2007). After removal of the contaminated soil, verification soil samples were collected from the base of the excavation and along the property boundary sidewalls. Laboratory analyses of verification soil samples collected from the property boundary along Coyote Creek detected arsenic, lead and the organochlorine pesticide DDT above residential/unrestricted cleanup goals (TRC, 2007). Additionally, Total DDT was detected above the California hazardous waste limit (total threshold limit concentration [TTLC]) of 1 part per million (ppm) in three soil samples. Because these sidewall soil samples were collected from the property boundary, the DTSC did not require further excavation/removal. The southern property boundary from which the sidewall samples were collected appears to be within the 100-foot setback area, on which the planned trail will be constructed.

SECTION 4: PHYSICAL SETTING

We reviewed readily available geologic and hydrogeologic information to evaluate the likelihood that chemicals of concern released on a nearby property could pose a significant threat to the Site and/or its intended use.

4.1 RECENT USGS TOPOGRAPHIC MAP

A recent USGS 7.5 minute topographic map was reviewed to evaluate the physical setting of the Site. The Site's elevation ranges from approximately 85 feet above mean sea level at the southern end near Highway 101 to approximately 35 feet above mean sea level at the northern

end near Montague Expressway; topography in the vicinity of the Site slopes gently to the northwest towards the San Francisco Bay.

4.2 HYDROGEOLOGY

Based on our experience and information contained in reports pertaining to nearby properties (see Section 3), the shallow ground water beneath the Site is likely present at depths ranging from approximately 10 to 25 feet. Ground water depths would be expected to vary based on ground surface elevation relative to and distance from Coyote Creek. The regional ground water flow direction is towards the northwest, following local topography. Although a northwesterly flow direction appears predominant, variable flow directions have been reported at some nearby properties.

SECTION 5: HISTORICAL USE INFORMATION

The objective of the review of historical use information is to develop a history of the previous uses of the Site and surrounding area in order to help identify the likelihood of past uses having led to Recognized Environmental Conditions at the property. The ASTM standard requires the identification of all obvious uses of the property from the present back to the property's first developed use, or back to 1940, whichever is earlier, using reasonably ascertainable standard historical sources.

5.1 HISTORICAL SUMMARY OF SITE AND ADJACENT PROPERTIES

The historical sources reviewed are summarized below. The results of our review of these sources are summarized in Table 2.

- **Historical Aerial Photographs:** We reviewed aerial photographs dated 1939, 1948, 1956, 1965, 1975, 1982, 1993, 1998 and 2005 obtained from Environmental Data Resources, Inc. (EDR) of Milford, Connecticut; copies of aerial photographs reviewed are presented in Appendix C.
- **Historical Topographic Maps:** We reviewed USGS 15-minute and 7.5-minute historic topographic maps dated 1953, 1961, 1968, 1973 and 1980; copies of historic topographic maps reviewed are presented in Appendix C.
- **Historical Fire Insurance Maps:** EDR reported that the Site was not within the coverage area of fire insurance maps.

Table 2. Summary of Historical Source Information for Site and Adjacent Properties

Date	Source	Comment
1939, 1948 and 1956	Aerial photographs	Aerial photographs dated between 1939 and 1956 show the Site to be bordered by mainly agricultural properties consisting of row crops, orchards and widely spaced residences. The extent to which the row crops and orchards extend over the planned trail alignment is difficult to interpret due to the quality and scale of the photographs.
1953 and 1961	Topographic maps	Similar to the aerial photographs described above, the 1953 and 1961 topographic maps show the Site to be bordered by mainly agricultural properties and widely spaced residences.

Table 2 (Continued). Summary of Historical Source Information for Site and Adjacent Properties

1965, 1975 and 1982	Aerial photographs	The 1965 and 1975 aerial photographs show many of the properties adjacent to the Site to be developed with what appear to be the current residential, commercial and industrial facilities. However, several adjacent properties appear to be undeveloped or used for agricultural purposes. An increase in development is apparent on the 1982 photographs.
1968, 1973 and 1980	Topographic maps	On the topographic maps dated between 1968 and 1980, a gradual increase in development of properties located adjacent to the Site is apparent. By 1980, many of the adjacent properties appear to be developed with the current structures.
1993, 1998 and 2005	Aerial photographs	Aerial photographs dated between 1993 and 2005 show the Site and adjacent properties to be generally similar to the current conditions. Most adjacent properties appear developed with a mix of residential, commercial and industrial uses.

SECTION 6: SITE RECONNAISSANCE

We performed a Site reconnaissance to evaluate current Site conditions and to attempt to identify Site Recognized Environmental Conditions. The results of the reconnaissance are discussed below. Additional Site observations are summarized in Table 3 in Section 6.2.

6.1 METHODOLOGY AND LIMITING CONDITIONS

To observe current Site conditions (readily observable environmental conditions indicative of a significant release of hazardous materials), Cornerstone staff Stason I. Foster, P.E. visited the Site on February 10, 2010. Our observations were made from readily accessible portions of the planned trail alignment (such as existing service roads) and from public right-of-ways. An attempt was made to observe representative portions of the planned alignment. Due to access limitations, such as private property and thick vegetation, the entire trail alignment was not observed.

6.2 OBSERVATIONS

At the time of our visit, portions of the planned trail alignment were observed to consist of gravel covered service roads, while other portions consisted of grass, brush and tree covered areas along the creek and creek bank. Photographs of the Site are presented in Section 6.2.1.

The adjacent properties described in Table 1 were observed and, in most cases, appeared likely to use and store hazardous materials. Similarly, several other commercial/industrial properties were observed adjacent to or near the Site including automobile dismantlers, metal scrap yards, paving contractors and trucking facilities, among others. These adjacent and nearby businesses appeared likely to use and store hazardous materials; however, no readily observable evidence was noted that would suggest that the Site has been impacted by activities at these properties.

Placards indicating the on-Site presence of petroleum pipelines were observed at three locations as shown on Figures 2A and 2E. The pipelines appear to cross beneath Coyote Creek and the Site and lead to nearby bulk fuel terminals operated by Shell, Kinder Morgan and Chevron.

Table 3. Summary of Readily Observable Site Features

General Observation	Comments
Aboveground Storage Tanks	Not Observed
Agricultural Wells	Not Observed
Air Emission Control Systems	Not Observed
Boilers	Not Observed
Burning Areas	Not Observed
Chemical Mixing Areas	Not Observed
Chemical Storage Areas	Not Observed
Clean Rooms	Not Observed
Drainage Ditches	Not Observed
Elevators	Not Observed
Emergency Generators	Not Observed
Equipment Maintenance Areas	Not Observed
Fill Placement	Embankment/levees along creek and material used to construct service roads are presumably fill
Ground Water Monitoring Wells	Not Observed
High Power Transmission Lines	Not Observed
Hoods and Ducting	Not Observed
Hydraulic Lifts	Not Observed
Incinerator	Not Observed
Petroleum Pipelines	Observed as described above
Petroleum Wells	Not Observed
Ponds or Streams	Coyote Creek
Railroad Lines	UPRR trestle crosses above the Site
Row Crops or Orchards	Not Observed
Stockpiles of Soil or Debris	Soil stockpile observed on Markovits and Fox Property
Sumps or Clarifiers	Not Observed
Transformers	Not Observed
Underground Storage Tanks	Not Observed
Vehicle Maintenance Areas	Not Observed
Vehicle Wash Areas	Not Observed
Wastewater Neutralization Systems	Not Observed

The comment "Not Observed" does not warrant that these features are not present on-Site; it only indicates that these features were not readily observed during the Site visit.

6.2.1 Site Photographs



Photo 1. Existing service road looking south from Montague Expressway



Photo 2. Petroleum pipeline marker adjacent to Kinder Morgan bulk fuel terminal.



Photo 3. Existing service road looking north near Charcot Avenue



Photo 4. Trail area looking northwest. Southern border of Markovits & Fox property is shown at right.



Photo 5. Existing service road looking north from Corie Court.



Photo 6. Trail area looking north along Notting Hill Drive.



Photo 7. Petroleum pipeline marker associated with Chevron bulk fuel terminal.



Photo 8. Existing service road looking north from Mabury Road.



Photo 9. Trail area looking north. City of San Jose Mabury Yard is shown at right.



Photo 10. Trail location beneath Highway 101 overcrossing looking north

SECTION 7: CONCLUSIONS (FINDINGS) AND RECOMMENDATIONS

Cornerstone performed this Screening Level Phase I ESA to support David J. Powers & Associates in evaluation of Recognized Environmental Conditions. Our conclusions and recommendations are summarized below.

7.1 SITE AND VICINITY HISTORY

Based on the information obtained during this study, the immediate Site vicinity appears to have consisted mainly of agricultural properties consisting of row crops, orchards and widely spaced residences through the 1950s. By the 1960s, some of the adjacent properties appear to have been developed for residential, commercial and industrial uses. Additional development occurred during the 1970s and 1980s; by the 1990s, most of the adjacent properties appear to have been developed similar to the current conditions.

Portions of the planned trail alignment follow existing gravel covered service roads along Coyote Creek, while other portions consist of grass, brush and tree covered areas along the creek and creek bank. Private property portions of the trail alignment consist of two predominant

segments including 1) the Markovits & Fox property extending between the UPRR trestle and Old Oakland Road, and 2) the San Jose Flea Market property located between Notting Hill Drive and Mabury Road.

Based on information obtained from the San Jose Flea Market website, the flea market opened in 1960 on what was once an abandoned cattle feed lot and farmland. The Markovits & Fox property was historically occupied by a pear orchard until approximately 1963, at which time the property was developed with a metals recycling facility. The recycling facility ceased operation in 2000, and most of the structures were demolished in November 2001.

7.2 AGRICULTURAL USE

Based on historic aerial photographs, most of the property surrounding the planned trail alignment was used for row crops or orchards prior to the 1960s. The extent to which the row crops and orchards extend over the planned trail alignment is difficult to interpret due to the quality and scale of the aerial photographs. However, in general, due to the proximity of the trail alignment to former agricultural areas, there is a potential for near surface soil to have been impacted by agricultural chemicals that may have been applied to crops in the normal course of farming operations. If excess soil will be generated during trail construction activities, we recommend that soil sampling and laboratory analyses be performed to evaluate: 1) residual pesticide concentrations, if any; and 2) appropriate off-Site disposal facilities that are licensed to accept this material. In our opinion, risk to human health due to the presence of residual agricultural chemicals likely will be insignificant due to the infrequent exposures by trail users. However, if a higher level of comfort is desired, soil sampling and laboratory analyses can be performed to evaluate soil quality and to estimate potential health risks to future trail users.

7.3 MARKOVITS & FOX PROPERTY

As described in Section 3.1.3, the planned trail will extend within a 100-foot wide open space setback on the southern portion of the Markovits & Fox property. Prior agricultural and metals recycling activities on the Markovits & Fox property contaminated near-surface soil with a variety of contaminants, primarily PCBs, organochlorine pesticides, arsenic, lead and petroleum hydrocarbons. Although most of the impacted soil on the southern portion of the Markovits & Fox property has been removed, arsenic, lead and DDT concentrations above residential/unrestricted cleanup goals are reported (TRC, 2007) to remain along the southern property boundary/fence line (i.e., within the proposed 100-foot setback area). We recommend that further evaluation of soil quality in the trail area be performed and that impacted soil be removed prior to trail construction.

7.4 BULK FUEL TERMINALS AND PETROLEUM PIPELINES

Placards indicating the on-Site presence of petroleum pipelines were observed at three locations. The pipelines appear to cross beneath Coyote Creek and the planned trail alignment, and lead to nearby bulk fuel terminals operated by Shell, Kinder Morgan and Chevron. No information indicating that these pipelines have impacted on-Site soil or ground water quality was identified during this study. Prior to performing earthwork near these pipelines, the pipeline owners should be contacted to evaluate pipeline depths and establish appropriate safety measures. In addition, in our opinion, there is a low probability that leaks along these pipelines may have impacted the Site.

7.5 FILL

Embankments along Coyote Creek and material used to construct service roads presumably consist of fill materials that were imported to the Site. The source and quality of the fill are unknown. If this material will be removed during trail construction activities, we recommend that soil sampling and laboratory analyses be performed to evaluate: 1) fill quality; and 2) appropriate off-Site disposal facilities that are licensed to accept this material. In our opinion, risk to human health due to the presence of potential contaminants in fill likely will be insignificant due to the infrequent exposures by trail users. However, if a higher level of comfort is desired, soil sampling and laboratory analyses can be performed to evaluate fill quality and to estimate potential health risks to future trail users.

If the planned trail construction will require importing soil for Site grading, we recommend documenting the source and quality of imported soil. The DTSC's October 2001 Clean Fill Advisory provides useful guidance on evaluating imported fill.

7.6 AERIALY DEPOSITED LEAD AND RAIL LINES

Lead in excess of California's hazardous waste criteria is sometimes found next to older and/or heavily traveled highways in California primarily due to historical leaded gasoline use. The DTSC has issued a variance to Caltrans that allows reuse of lead-impacted soil within Caltrans right-of-ways, if certain criteria are met. Additionally, assorted chemicals historically have been used for dust suppression and weed control along rail lines.

The planned trail alignment crosses beneath several heavily traveled roadways including Highways 101 and 880, Berryessa Road and Old Oakland Road, and also beneath a UPRR trestle. We recommend that soil quality at these under crossings be evaluated prior to trail construction.

7.7 POTENTIAL ENVIRONMENTAL CONCERNS WITHIN THE SITE VICINITY

As is typical to many commercial and industrial areas, several facilities in the vicinity were reported as hazardous materials users. Additionally, several historic spill incidents were reported at adjacent and nearby facilities. Except for soil impacts at the Markovits & Fox property, the information reviewed during this study does not indicate that on-Site soil or ground water quality has been significantly impacted by off-Site facilities or spill incidents.

However, based on the long agricultural, commercial and industrial history of the immediate Site vicinity, buried structures, wells, burn areas, debris, or impacted soil may be encountered during trail development activities. If encountered, these materials may require special handling and disposal. To limit construction delays, we recommend that a site management plan (SMP) be developed to establish management practices for handling these materials/structures, if encountered.

7.8 DATA GAPS

ASTM Standard Designation E 1527-05 requires the environmental professional to comment on significant data gaps that affect our ability to identify Recognized Environmental Conditions. A data gap is a lack of or inability to obtain information required by ASTM Standard Designation E 1527-05 despite good faith efforts by the environmental professional to gather such information.

A data gap by itself is not inherently significant; it only becomes significant if it raises reasonable concerns. The following data gaps were identified:

- Our observations of the Site were made from readily accessible portions of the planned trail alignment (such as existing service roads) and from public right-of-ways. Due to access limitations, such as private property and thick vegetation, the entire trail alignment could not be observed. This data gap can limit our ability to identify Recognized Environmental Conditions.

7.9 DATA FAILURES

As described by ASTM Standard Designation E 1527-05, a data failure occurs when all of the standard historical sources that are reasonably ascertainable and likely to be useful have been reviewed and yet the objectives have not been met. Data failures are not uncommon when attempting to identify the use of a Site at five year intervals back to the first use or to 1940 (whichever is earlier). ASTM Standard Designation E 1527-05 requires the environmental professional to comment on the significance of data failures and whether the data failure affects our ability to identify Recognized Environmental Conditions. A data failure by itself is not inherently significant; it only becomes significant if it raises reasonable concerns. No significant data failures were identified during this Screening Level Phase I ESA.

SECTION 8: LIMITATIONS

Cornerstone performed this Screening Level Phase I ESA to support David J. Powers & Associates in evaluation of Recognized Environmental Conditions associated with the Site. David J. Powers & Associates understands that no Screening Level Phase I ESA can wholly eliminate uncertainty regarding the potential for Recognized Environmental Conditions to be present at the Site. This Screening Level Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for Recognized Environmental Conditions. David J. Powers & Associates understands that the extent of information obtained is based on the reasonable limits of time and budgetary constraints.

Conclusions presented in this report are based on selected, readily available information and conditions readily observed at the time of the Site visit. Screening Level Phase I ESAs are inherently limited because findings are developed based on information obtained from a non-intrusive Site evaluation. Cornerstone does not accept liability for deficiencies, errors, or misstatements that have resulted from inaccuracies in the publicly available information or from interviews of persons knowledgeable of Site use. In addition, publicly available information and field observations often cannot affirm the presence of Recognized Environmental Conditions; there is a possibility that such conditions exist. If a greater degree of confidence is desired, soil, ground water and/or soil vapor samples should be collected by Cornerstone and analyzed by a state-certified laboratory to establish a more reliable assessment of environmental conditions.

Cornerstone acquired an environmental database of selected publicly available information for the general area of the Site. Cornerstone cannot verify the accuracy or completeness of the database report, nor is Cornerstone obligated to identify mistakes or insufficiencies in the information provided (ASTM E 1527-05, Section 8.1.3). Due to inadequate address information, the environmental database may have mapped several facilities inaccurately or could not map the facilities. Releases from these facilities, if nearby, could impact the Site.

David J. Powers & Associates may have provided Cornerstone environmental documents prepared by others. David J. Powers & Associates understands that Cornerstone reviewed and relied on the information presented in these reports and cannot be responsible for their accuracy.

This report, an instrument of professional service, was prepared for the sole use of David J. Powers & Associates and may not be reproduced or distributed without written authorization from Cornerstone. It is valid for 180 days. An electronic transmission of this report may also have been issued. While Cornerstone has taken precautions to produce a complete and secure electronic transmission, please check the electronic transmission against the hard copy version for conformity.

Cornerstone makes no warranty, expressed or implied, except that our services have been performed in accordance with the environmental principles generally accepted at this time and location.

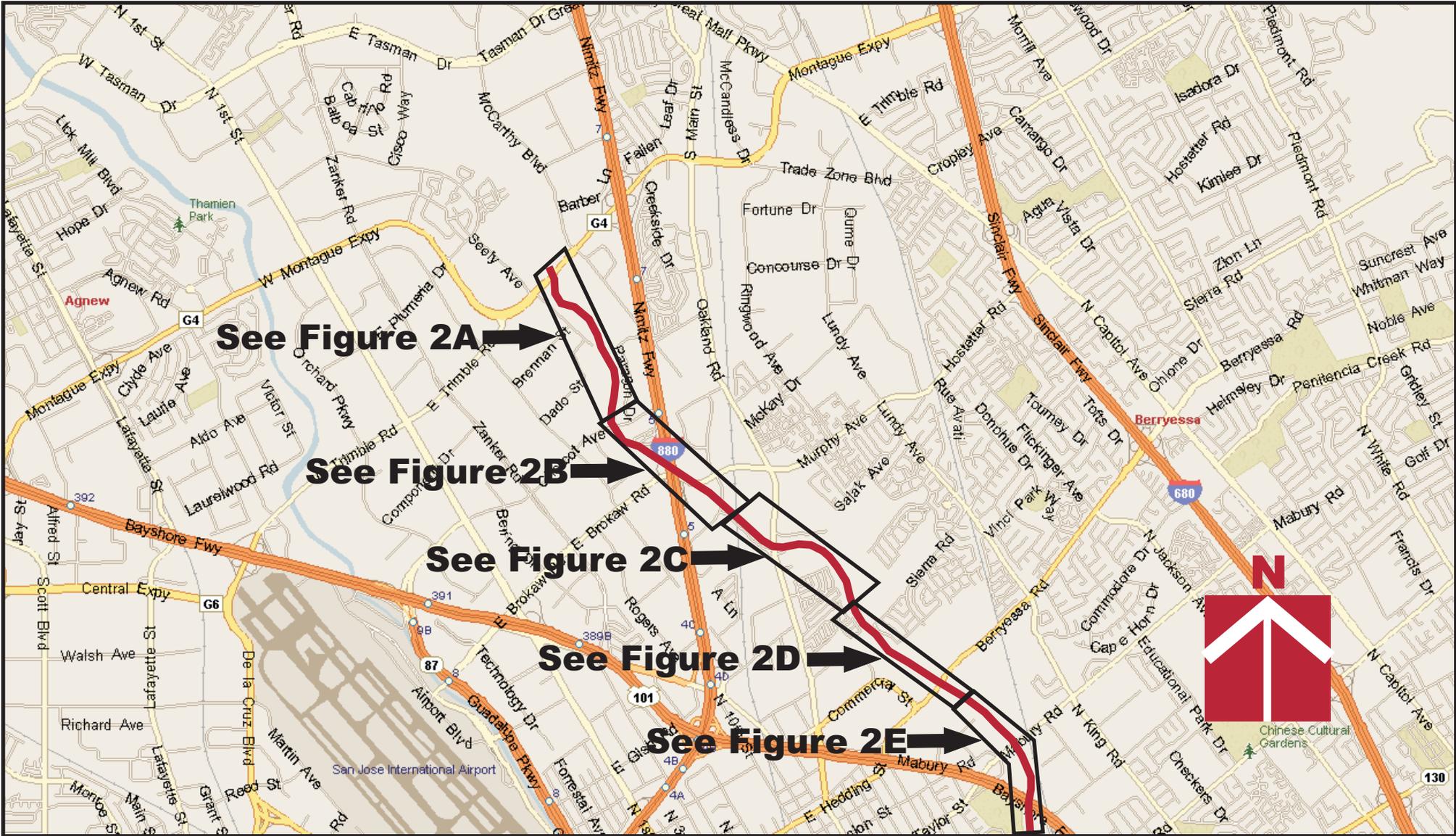
SECTION 9: REFERENCES

LFR, Incorporated (LFR). August 14, 2009. *Semiannual Groundwater Monitoring Report, January 1 to June 30, 2009, SFPP, L.P. San Jose Terminal, 2150 Kruse Drive, San Jose, California.*

Conestoga-Rovers & Associates (CRA). February 14, 2008. *Ground Water Monitoring and Remediation Report, 2007 Semi-Annual Report – 3rd and 4th Quarters, Shell Oil Products – San Jose Terminal, 2165 O’Tool Avenue, San Jose, California.*

TRC Lowney (TRC). May 5, 2007. *Interim Soil Removal Completion Report, 1633 Old Oakland Road, San Jose, California.*

Science Applications International Corporation (SAIC). *2008 Annual Groundwater Monitoring and Performance Report Chevron San Jose Bulk Fuel Terminal, 1020 Berryessa Road, San Jose, California.*



Vicinity Map

Coyote Creek Trail
San Jose, CA

Project Number	118-20-1
Figure Number	Figure 1
Date	March 2010
Drawn By	FLL



Existing Conditions Legend

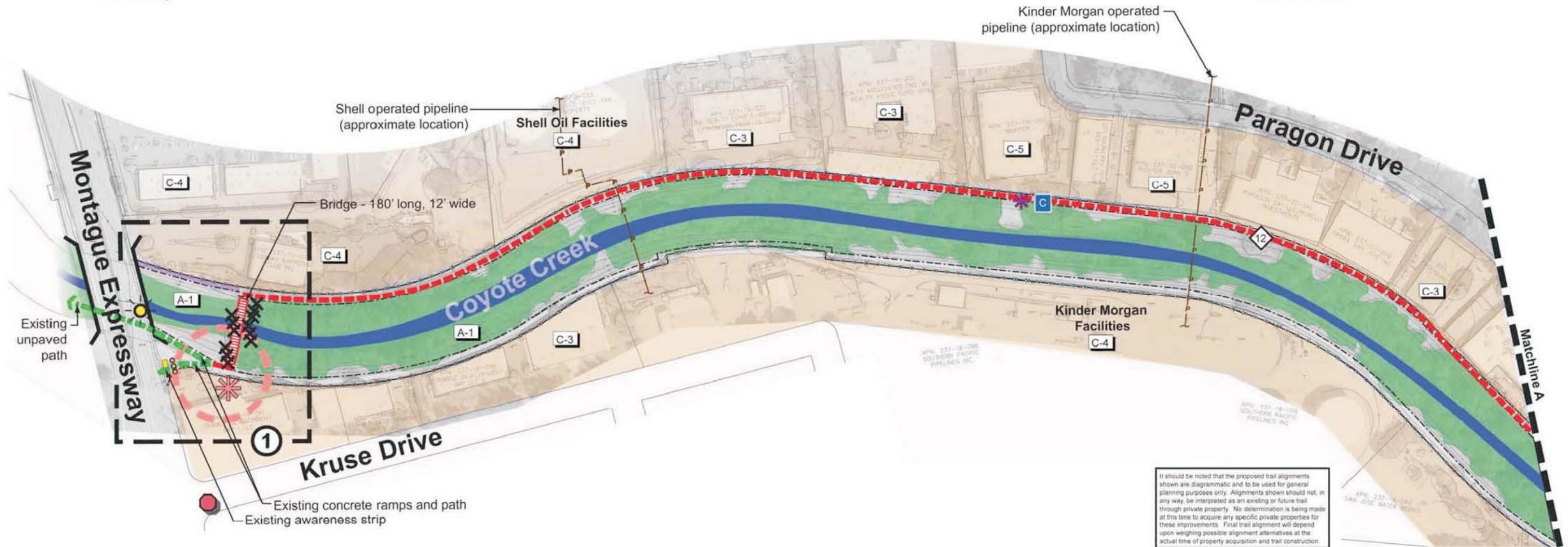
- Creek
- Trail
- Future trail
- Future bridge
- Bridge crossing
- Extent of vegetation
- 10' recommended riparian setback (shown in areas where there is no service road)
- Riparian corridor
- Rail line
- Signalized intersection
- Stop sign
- Fencing
- Post and cable fencing
- Physical constraint

Land Use and Ownership Legend

- | | | | | | |
|---|-----------------------------------|---|-------------------------|----|---------------------------------------|
| A | Santa Clara Valley Water District | 1 | Open space | 8 | Single family home residential |
| B | City of San José | 2 | Public park | 9 | Medium density residential (20 DU/AC) |
| C | Private | 3 | Industrial park | 10 | High density residential (25+ DU/AC) |
| D | San Jose Water Company | 4 | Heavy industrial | | |
| E | County of Santa Clara | 5 | Light industrial | | |
| F | Union Pacific Railroad | 6 | General commercial | | |
| | | 7 | Mobile home residential | | |
- Land ownership (letter)
 Land use designation (#)

Enlargement Plan Reference

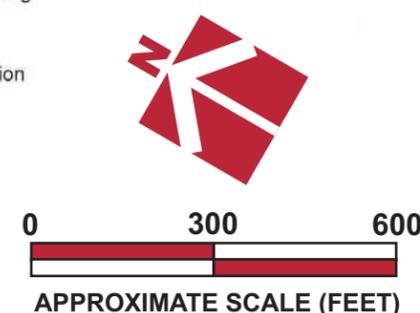
- | | | | |
|---|--|----|---------------------------------|
| 1 | Bridge near Montague Expressway | 6 | Undercrossing at Oakland Road |
| 2 | Undercrossing at Charcot Avenue | 7 | Bridge near Notting Hill Drive |
| 3 | Undercrossing at O'Toole Avenue and I-880 | 8 | Undercrossing at Berryessa Road |
| 4 | Undercrossing at Brokaw Road | 9 | Undercrossing at Mabury Road |
| 5 | Undercrossings at Ridder Park Drive and Union Pacific Railroad | 10 | Undercrossing at Highway 101 |



It should be noted that the proposed trail alignments shown are diagrammatic and to be used for general planning purposes only. Alignments shown should not, in any way, be interpreted as an existing or future trail through private property. No determination is being made at this time to acquire any specific private properties for these improvements. Final trail alignment will depend upon weighing possible alignment alternatives at the actual time of property acquisition and trail construction.

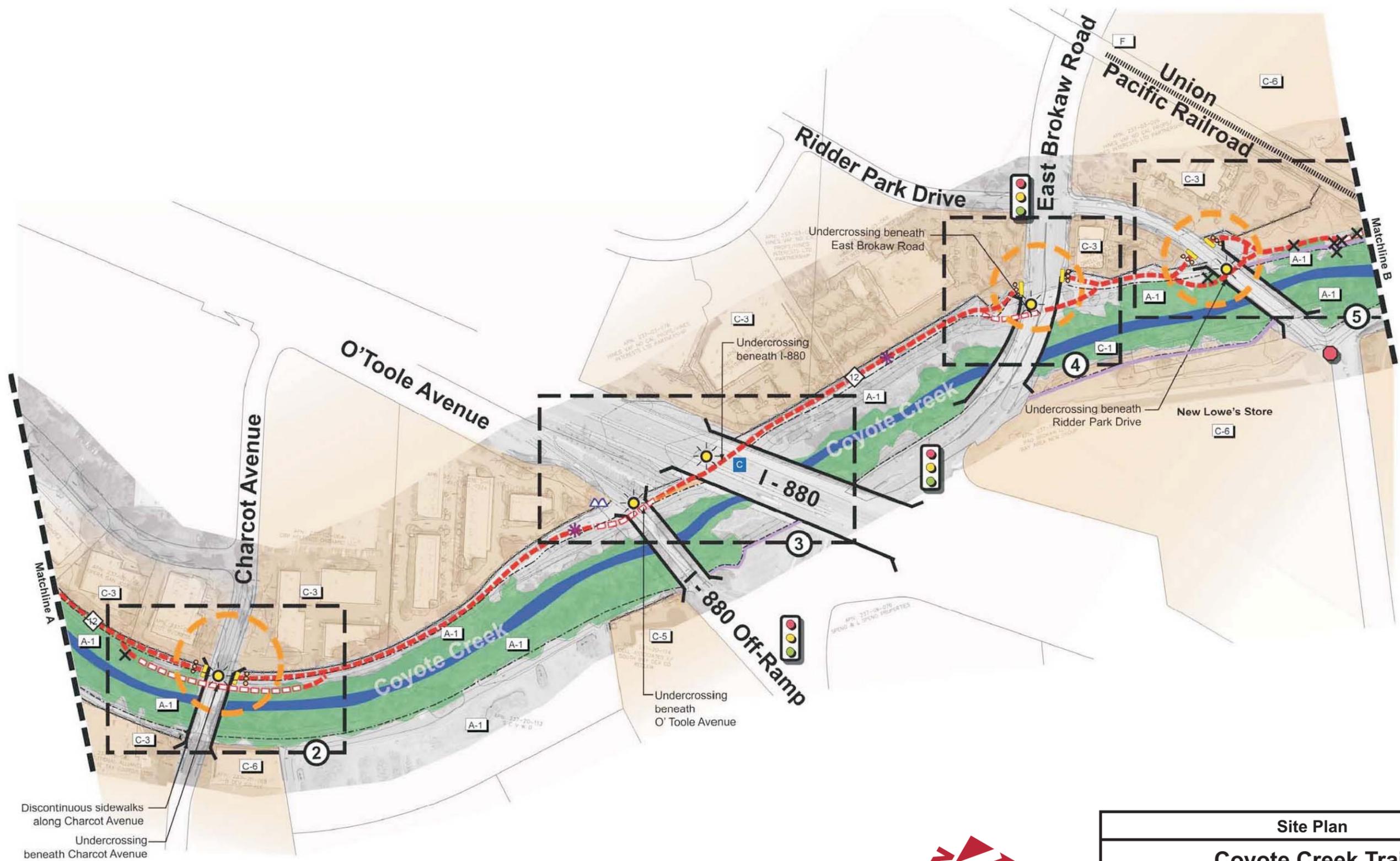
Trail Alignment Legend

- Trail alignment - asphalt class I path or undercrossing
- Trail alignment - concrete ramp, undercrossing, or plaza area
- Bridge - trail users
- Trail width - typical 12' wide paved trail with 2' gravel shoulders on both sides
- Major trail gateway: amenities to include - iconic Coyote Creek Trail gateway feature, directional signage, rules/regulations signage, trail map, dog bag dispenser, waste receptacle
- Trail gateway: amenities to include - directional signage, rules/regulations signage, trail map, dog bag dispenser, waste receptacle
- Awareness strip
- Seating area
- Bollards
- Tree to be removed
- Service access gate
- Interpretive signage opportunity
- Lighted undercrossing
- Call box
- Low fence separation
- Section reference
- Enlargement plan reference



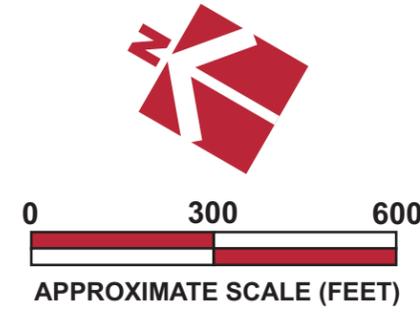
Site Plan	
Coyote Creek Trail San Jose, CA	
	Figure Number Figure 2A Project Number 118-20-1 March 2010

Base provided by Callander Associates, dated August 20, 2009.

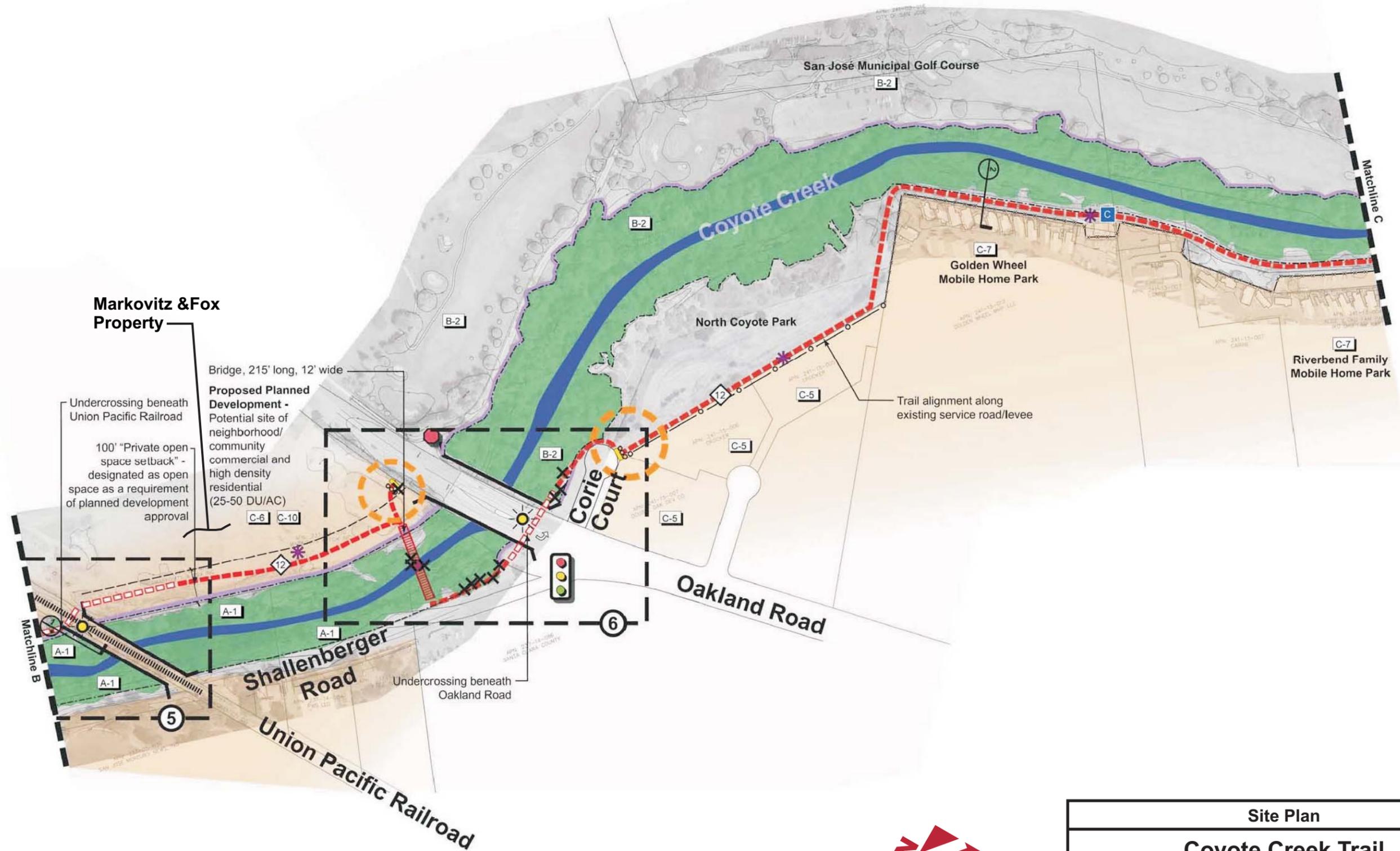


Discontinuous sidewalks
along Charcot Avenue
Undercrossing
beneath Charcot Avenue

See Figure 2A for legend
Base provided by Callander Associates, dated August 20, 2009.



Site Plan	
Coyote Creek Trail San Jose, CA	
 CORNERSTONE EARTH GROUP	Figure Number Figure 2B Project Number 118-20-1 <i>March 2010</i>



Markovitz & Fox Property

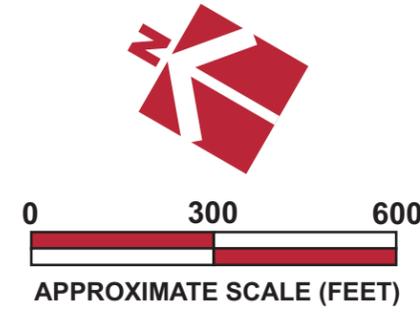
Undercrossing beneath Union Pacific Railroad

100' "Private open space setback" - designated as open space as a requirement of planned development approval

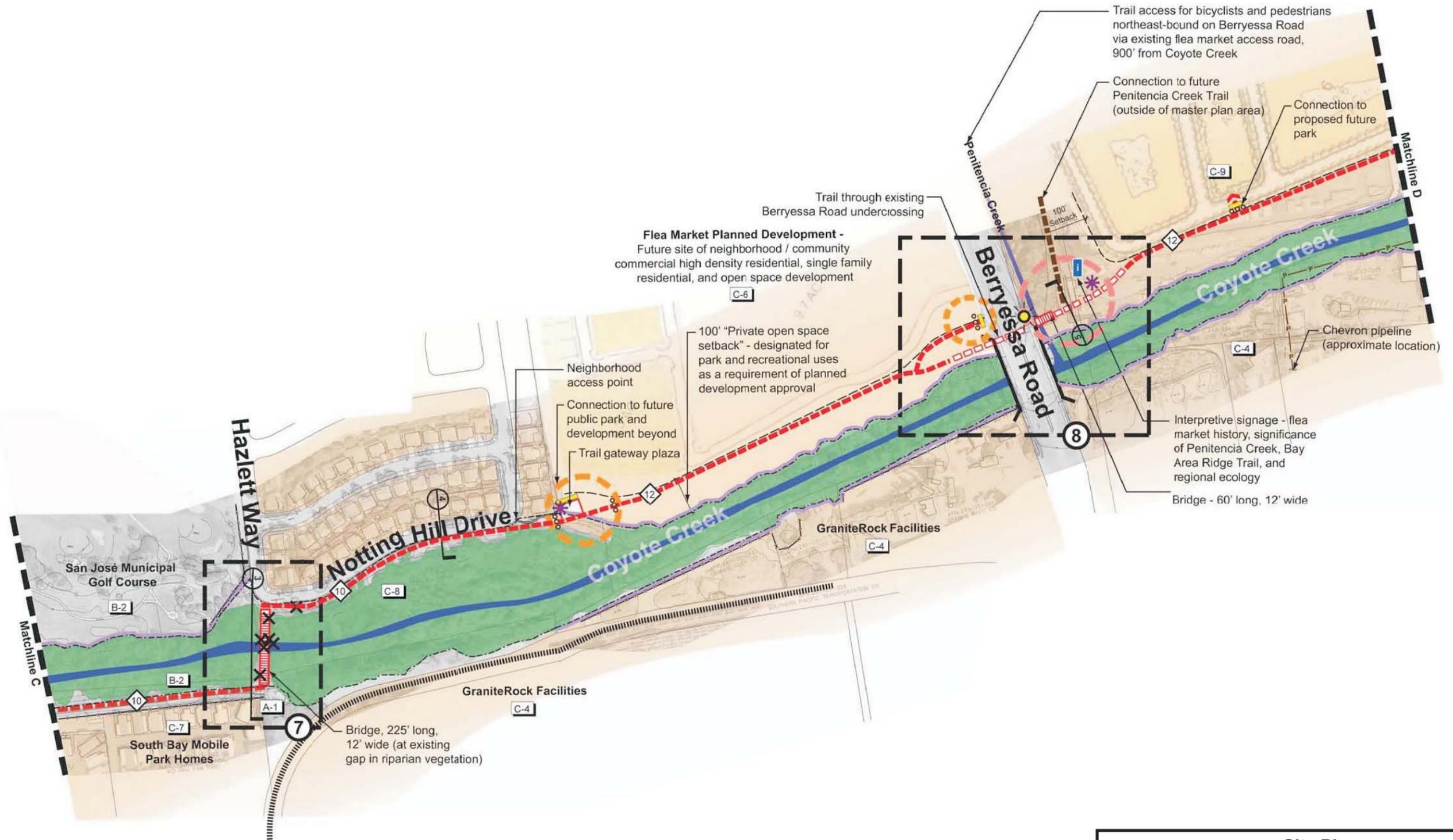
Bridge, 215' long, 12' wide

Proposed Planned Development - Potential site of neighborhood/community commercial and high density residential (25-50 DU/AC)

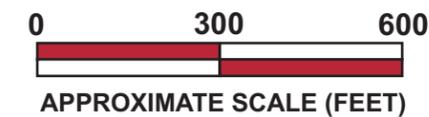
See Figure 2A for legend
 Base provided by Callander Associates, dated August 20, 2009.



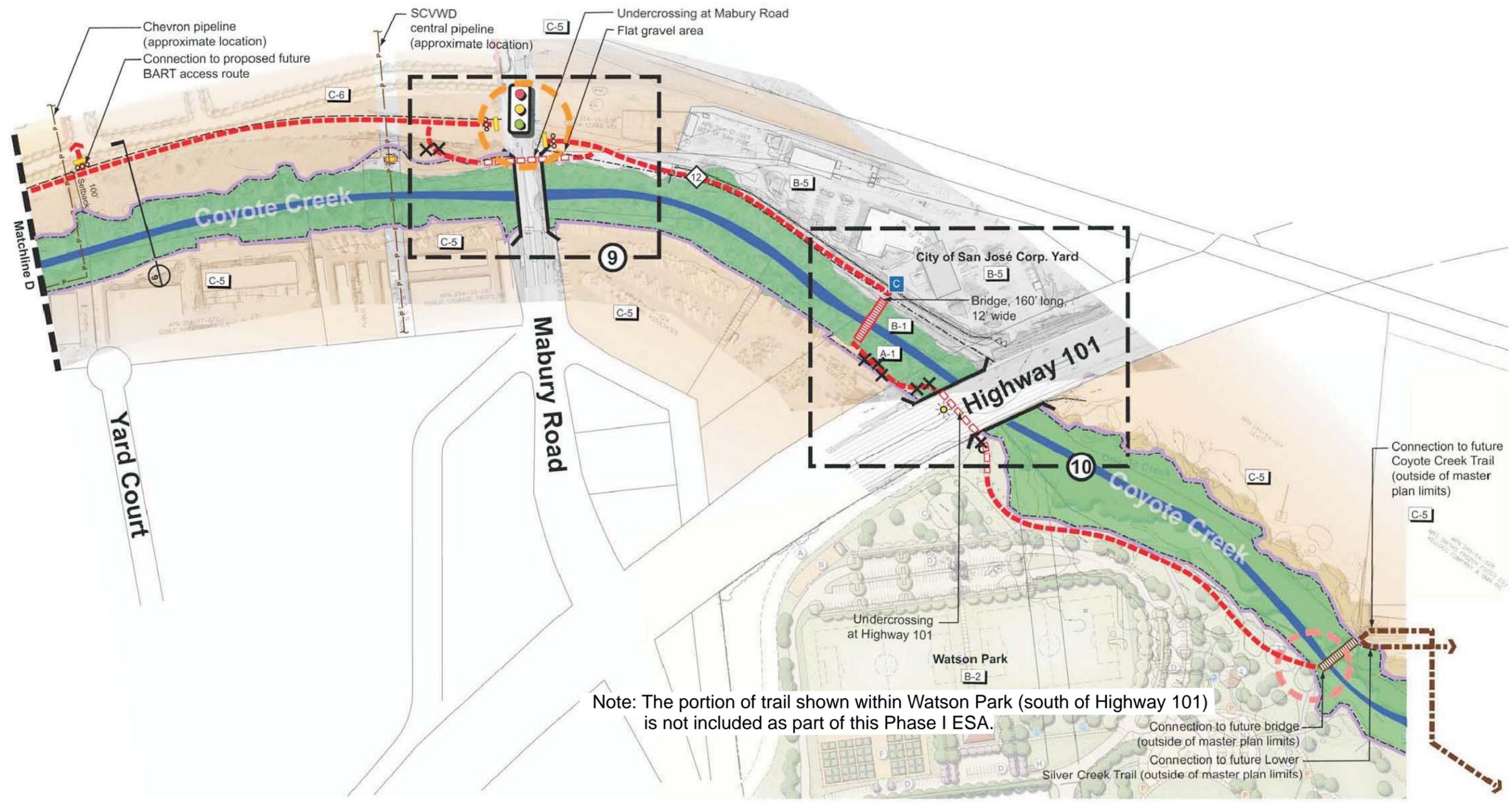
Site Plan	
Coyote Creek Trail San Jose, CA	
 CORNERSTONE EARTH GROUP	Figure Number Figure 2C
	Project Number 118-20-1 March 2010



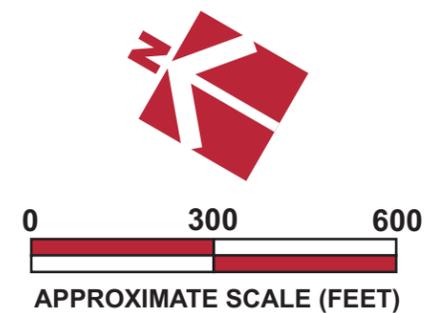
See Figure 2A for legend
 Base provided by Callander Associates, dated August 20, 2009.



Site Plan	
Coyote Creek Trail San Jose, CA	
 CORNERSTONE EARTH GROUP	Figure Number Figure 2D
	Project Number 118-20-1
<small>March 2010</small>	



See Figure 2A for legend
 Base provided by Callander Associates, dated August 20, 2009.



Site Plan	
Coyote Creek Trail San Jose, CA	
	Figure Number Figure 2E
	Project Number 118-20-1
<small>March 2010</small>	