1605 South 7th Street Project

First Amendment to the
Draft Environmental Impact Report

File Nos. H24-031

SCH# 2024100562

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

November 2026

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SECTION 1.0 INTRODUCTION

This First Amendment to the Draft Environmental Impact Report (Draft EIR) and technical appendices, constitutes the Final Environmental Impact Report (Final EIR), for the 1605 South 7th Street Project (Project), as defined in the California Environmental Quality Act (CEQA) Guidelines, Section 15132.

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

In conformance with CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed Project. The Final EIR also examines mitigation measures and alternatives to the Project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the lead agency, the City of San José (City), in making decisions regarding the Project.

As described in CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

1) The Final EIR has been completed in compliance with CEQA;
2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

This Final EIR incorporates the Draft EIR and technical appendices by reference. This document contains the following sections:

a) **Section 1.0: Introduction**: This section describes the contents and purpose of this document, contents of the Final EIR.

b) **Section 2.0 Draft EIR Public Review Summary**: This section summarizes the public review period of the Draft EIR.

c) **Section 3.0: Responses to Draft EIR Comments**: In accordance with CEQA Guidelines Section 15088, this section includes written responses to comments received by the City on the Draft EIR.

d) **Section 4.0 Draft EIR Text Revisions:** This section contains revisions to the text of the Draft EIR. Revised or new language is <u>underlined</u>. All deletions are shown with a ~~strikeout~~. Revisions generally update the Draft EIR to clarify or amend the text in response to public or agency comments.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the Final EIR.

The Final EIR and all documents referenced in the Final EIR are available for public review on the City's website:

https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/1605-south-7th-street-project

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the Project, dated November 2025, was circulated to affected public agencies and interested parties for a 52-day review period from November 14, 2025, through January 5, 2026. The City undertook the following actions to inform the public of the availability of the Draft EIR:

a) A Notice of Availability of the Draft EIR was published on the City's website (www.sanjoseca.gov/activeeirs) and in the San José Mercury News and the Post Record on November 14, 2025, and posted with the County of Santa Clara Office of the County Clerk-Recorder;

b) The Draft EIR was posted on the State Clearinghouse on November 13, 2025, as well as sent to various governmental agencies, organizations, businesses, and individuals; and

c) Copies of the Draft EIR were made available on the City's website at www.sanjoseca.gov/activeeirs and the State Office of Planning and Research website at https://ceqanet.opr.ca.gov/2022010135/2.

d) Copies of the Draft EIR were available for public review at:

- Dr. Martin Luther King, Jr. Main Library, 150 E San Fernando Street, San José, CA 95112
- Biblioteca Latinoamericana Branch Library, 921 S 1st St, San José, CA 95110

e) City of San José Department of Planning, Building, & Code Enforcement, 200 E. Santa Clara Street, Tower 3rd Floor, San José, CA 95113.

SECTION 3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City on the Draft EIR. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

Below is a list of comment letters and commentors received on the Draft EIR with a corresponding page number in this Final EIR, where the response to each comment can be found. Comments are generally organized in the sequential order they were received.

Comment Letter and Commenter **Page of Response**

Government Agencies

Comment Letter 1. Santa Clara Valley Water District (dated November 19, 2025) 5

Comment Letter 2. California Department of Fish and Wildlife (dated December 17, 2025) 8

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GOVERNMENT AGENCIES

Comment Letter 1. **Santa Clara Valley Water District (dated November 19, 2025)**

Comment 1-1 The Santa Clara Valley Water District (Valley Water) has reviewed the draft environmental impact report (DEIR) for the proposed warehouse project at 1605 South 7th Street, received on November 14, 2025.

Response 1-1 The comment acknowledges Valley Water's review of the Draft EIR and does not raise a specific environmental concern or identify a deficiency in the analysis. Therefore, no further response is required.

Comment 1-2 Based on our review we have the following comments:

1. Valley Water does not have any right of way or facilities at or adjacent to the project site. Therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the project.

2. According to Valley Water's records, there are no active wells on the subject property. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be property destroyed under permit from Valley Water or registered with Valley Water and protected from damage.

Response 1-2 The Draft EIR does not identify any necessary encroachment permits as part of the Project. This comment is noted for the record and will be provided to the decision makers for review and consideration.

Page 56 in Section 4.10, Hydrology and Water Quality, of Appendix B of the Draft EIR addresses on-site monitoring wells. The Phase I Environmental Site Assessment and Phase II Environmental Site Investigation did not identify any on-site wells and Valley Water's Well Information App indicates that there are three destroyed monitoring wells on-site. Should abandoned wells be discovered on-site during construction, the Project would properly destroy the wells under permit from Valley Water or registered with Valley Water and protected from damage as suggested in the comment letter.

Comment 1-3 3. The subject property is within the inundation zone for the Leroy Anderson Dam. Analysis of the potential hazards of failure of Anderson Dam were not included in this DEIR. https://www.valleywater.org/accordion/anderson-dam-and-reservoir.

Response 1-3 As mapped by the Dam Breach Inundation map Web Publisher, the Project site is within the inundation zone for the Leroy Anderson Dam.[1] As shown in Sheet 17

[1] California Department of Water Resources, Division of Safey of Dams. California Dam Breach Inundation maps. https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed January 27, 2026.

of 67 on the *Inundation Map for the Fair Weather Failure of Leroy Anderson Dam* map (2019), the Project site is located within the inundation zone for the hypothetical failure of the Leroy Anderson Dam.[2] The Project site is primarily mapped as having a maximum inundation depth of 5 to 10 feet under fair weather failure. The southwestern portion of the Project site has a maximum inundation depth of 10 to 20 feet under fair weather failure. As shown on Sheet 21 of 82 on the *Inundation Map for the Hypothetical Inflow Design Flood Failure of Leroy Anderson & Coyote Dam,*[3] the Project site would have a maximum inundation depth of 10 to 20 feet.[4]

The Leroy Anderson Dam falls under the jurisdiction of the California Department of Water Resources Division of Safety of Dams[5]. The California Department of Water Resources Division of Safety of Dams is responsible for inspecting dams on an annual basis to ensure that the dams are safe, performing as intended, and not developing problems[6]. Valley Water has a comprehensive dam safety program to ensure the continued operation of its 10 major dams, including the Leroy Anderson Dam. Valley Water routinely inspects and monitors the condition of each dam[7]. The Valley Water comprehensive dam safety program includes procedures and training for emergency preparedness and response in the event of a dam failure or earthquake. According to Valley Water, a storage restriction of about 55 feet below the dam crest has been put in place for Anderson Dam and Reservoir to protect the public, reducing the allowed storage capacity to 52,553 acre-feet. This voluntary restriction exceeds the 45-foot restriction approved by the regulatory agencies (California Department of Water Resources Division of Safety of Dams and the Federal Energy Regulatory Commission) and was instituted by Valley Water in response to additional findings during the design phase of the Anderson Dam Seismic Retrofit Project. Valley Water and regulatory agencies believe that this restriction will prevent the uncontrolled release of water in case the dam is structurally damaged after a major earthquake.[8]

Additionally, the City of San José General Plan FEIR concluded that implementation of General Plan policies and adherence to existing regulations and adopted plans and policies would substantially reduce flooding and drainage

[2] Santa Clara Valley Water District. Inundation Map for the Hypothetical Fair Weather Failure of Leory Anderson Dam. https://fta.valleywater.org/dl/f0uHPXKX7E. Accessed January 28, 2026.

[3] Inflow design flood failure assumed a dam failure at the highest calculated reservoir elevation due to a probable maximum flood.

[4] Santa Clara Valley Water District. Inundation Map for the Hypothetical Inflow Design Flood Failure. https://fta.valleywater.org/dl/xZFTEFd3kh. Accessed January 28, 2026.

[5] Santa Clara Valley Water District. Anderson Dam. https://www.valleywater.org/sites/default/files/SHELL_Anderson%20Dam_102418.pdf. Accessed January 28, 2026.

[6] California Department of Water Resources. Division of Safety of Dams. https://water.ca.gov/programs/all-programs/division-of-safety-of-dams. Accessed January 28, 2026.

[7] Santa Clara Valley Water District. Dam Safety Program. https://www.valleywater.org/flooding-safety/dam-safety-program. Accessed January 28, 2026.

[8] Santa Clara Valley Water District. Anderson Dam and Reservoir. https://www.valleywater.org/accordion/anderson-dam-and-reservoir. Accessed January 28, 2026.

hazards associated with dam failure, including the implementation of the City of San José Local Hazard Mitigation Plan. With the storage restriction of approximately 55 feet below the dam crest for the Leroy Anderson Dam, and adherence to existing regulations, adopted plans, and policies, the Project would result in less than significant flooding and drainage hazards from dam failure.

As discussed on page 56 in Appendix B of the Draft EIR, the Project would use limited hazardous materials, such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Additionally, Project operations would use and store cleaning supplies and maintenance chemicals in small quantities, and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Due to the lack of hazardous materials present on the Project site, and the relatively flat nature of the site, the Project would not risk release of pollutants due to project inundation in a dam failure zone.

Accordingly, the Draft EIR is revised, as detailed in Section 4.0 of this Final EIR, to clarify information about potential inundation of the Project site from failure of the Leroy Anderson Dam. The incorporation of information related to the Leroy Anderson Dam in the Draft EIR would not result in a new significant environment impact or the implementation of new mitigation nor would it change the conclusion of the Draft EIR. Therefore, the revision to the Draft EIR would not introduce significant new information that would require the recirculation of the Draft EIR, as defined in CEQA Guideline Section 15088.5.

Comment 1-4

4. A number of the plantings shown in Figure 2.3-8: Landscape Plan are considered invasive. Valley Water recommends the following species be removed from the planting list along with some possible replacements in parentheses.

a. Tristaniopsis laurina ‘Elegant’ – (coast live oak or valley Oak)

b. Ulmus hyb. ‘True Green’ – (CA Buckeye, hollyleaf cherry, or CA redbud)

c. Ulmus parvifolia ‘Drake - (CA Buckeye, hollyleaf cherry, or CA redbud)

d. Zelkova serrata ‘Green Vase’ – (Mexican blue elderberry)

e. Callistemon v. ‘Little John’ – (California native Salvia species)

f. Pennisetum orientale – (purple needlegrass) Salvia “Bees Bliss’)

g. Cotoneaster dammeri ‘Lowfast’ – (toyon)

h. Lantana hyb. ‘Spreading Sunshine’ - (Salvia “Bees Bliss’)

Response 1-4

None of the plants proposed in Figure 2.3-8: Landscape Plan on page 30 of the Draft EIR are classified as invasive by the California Invasive Plant Council, the primary statewide authority used to identify invasive plant species in California. The replacement species suggested by the commenter are predominantly native plants that are typically suited to naturalistic settings. These plants would not be appropriate or viable for the industrial warehouse context of this Project. The suggested tree replacements for the Ulmus parvifolia and Zelkova serrata trees

would not provide the canopy coverage needed to comply with the California Green Building Standards Code parking lot shading requirements.[9] The proposed plant palette consists of non-invasive, climate-adapted species that are commonly used in urban settings and have been selected to provide year-long visual interest, durability, function, and reliability. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and no revisions to the landscape plan are warranted.

Comment 1-5 Thank you for the opportunity to provide comments on the 1605 South 7th street Project. We request that any additional documents prepared for this project be sent to us for our review. This project has been assigned to Valley Water File 31511.

Response 1-5 This comment is noted for the record. The City would provide any documents to Valley Water as requested.

Comment Letter 2. California Department of Fish and Wildlife (dated December 17, 2025)

Comment 2-1 Dear Mr. Telahun:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) from the City of San José (City) for the 1605 South 7th Street Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the draft Environmental Impact Report (EIR) to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and G. Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

Response 2-1 The comment summarizes CDFW's statutory authority in review of the Draft EIR but does not raise a specific environmental issue or identify a deficiency in the environmental analysis. Therefore, no further response is required to this comment.

Comment 2-2 CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). For purposes of CEQA, CDFW is charged by law to provide, as

[9] Claire Corbett PLA, personal communication via email, January 15, 2026.

available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Response 2-2 The comment describes CDFW's role as a trustee agency and responsible agency. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 2-3 **California Endangered Species Act**

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

California Environmental Quality Act

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires a Lake or Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Response 2-3 The comment describes CDFW permits and regulations that may be relevant to the Project. Pages 85 through 88 in Section 3.2, Biological Resources, of the Draft EIR describe all relevant State and Federal regulations, including the California Endangered Species Act, Migratory Bird Treaty Act, and Sections 1601 and 1602 of the California Fish and Game Code. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 2-4 Proponent: City of San José

Objective: The Project would construct an approximately 106,752-square-foot new one-story concrete tilt-up warehouse/industrial use building. An approximately 36,613 square-foot prefabricated canopy structure would be installed over the loading zone along the east elevation. The maximum height of the building would be 46 feet. Approximately 8,694 square feet of the total 106,752-square-foot building would be incidental office use. Four access driveways would provide ingress and egress to the Project. The Project would provide approximately 178 employee parking stalls, 10 accessible stalls, 413 van parking stalls, 18 electric vehicle (EV) parking stalls, 72 EV capable stalls with the

ability support future EV equipment, 18 bicycle parking stalls, and 5 motorcycle parking stalls. Project implementation would remove existing vegetation on site, including 36 trees. A total of 179 new shade, accent, and street trees would be planted.

Location: GPS Latitude: 37°19'0.6492"N, Longitude: 121°52'7.6368"W; Cross streets of South 7th Street and East Alma Avenue in the City of San José, in the County of Santa Clara, California.

Timeframe: July 2026 – December 2027

Response 2-4 The comment accurately summarizes the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 2-5 Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream, riparian, or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area include, but are not limited to: the species listed in Attachment A.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

Response 2-5 The commentor attached a special-status species list generated using CDFW's BIOS Map Viewer. The attachment includes several special-status plant and wildlife species that were not identified within the Draft EIR. as this biological resources search was conducted for the nine U.S. Geological Survey quadrangles representing a broader regional study area of approximately 520 square miles. As a result, the search area used by the commenter is considerably broader than the

area appropriate for evaluating potential special-status species impacts associated with the Project. Per page 84 in Section 3.2, Biological Resources, of the Draft EIR, the General Plan EIR identified over 50 special-status wildlife species known or potentially occurring in the City of San José. The Draft EIR evaluated the potential for these 50 and more special-status wildlife species to occur within the Project area. As noted on Draft EIR, page 84 in Section 3.2, Biological Resources, a majority of these species would be absent or unlikely to occur within the Project site due to a lack of suitable habitat. The General Plan EIR identified over 35 special-status plant species known or potentially occurring in the City of San José. A search of CDFW's California Natural Diversity Database within a 5-mile radius of the Project site identified one special-status plant species and five special-status wildlife species with the potential to occur in the Project area. The one special-status plant species, robust spineflower (*Chorizanthe robusta*), occurred in 1882 prior to the development of the area. The five special-status wildlife species included Northern California legless lizard, California tiger salamander, western bumble bee, Crotch's bumble bee, and yellow rail. All occurrences in the Project area were recorded prior to 1980, which predated the development of the Project area, and no occurrences were recorded within the Project site, as described on page 84 in Section 3.2, Biological Resources, of the Draft EIR. While the two bumble bee species and yellow rail are presumed extant for a range that includes the Project site, the lack of habitat and high disturbance of the Project site precludes these species from permanently occurring within the Project site. The legless lizard and California tiger salamander are unlikely to occur on the Project site due to the lack of specialized habitat (e.g., permanent aquatic features, areas for burrowing). As described on pages 94 and 95 in Section 3.2, Biological Resources, of the Draft EIR, the Project site is located in an urban area and is highly developed and disturbed, and does not provide suitable habitat for special-status species. Nesting birds and raptors could use existing mature trees on or near the Project site. The Draft EIR concluded the Project would have a less than significant impact on nesting birds and raptors with implementation of Mitigation Measure (MM) BIO-1 which requires avoidance of work during the nesting season or, should tree removal occur during the nesting season, pre-construction surveys and avoidance of any nests.

Pages 81 through 84 in Section 3.2, Biological Resources, of the Draft EIR describes all special-status plant and wildlife species, vegetation communities and habitats, movements corridors, trees, and jurisdictional waters evaluated for the Project site. Due to the urban and highly disturbed nature of the Project site, it does not contain wildlife movement corridors, jurisdictional waters, riparian habitat, or sensitive natural communities. The Draft EIR's analysis for biological resources was based on information from several sources including, aerial imagery, CDFW's California Natural Diversity Database, Santa Clara Valley Habitat Plan, the City of San José General Plan EIR, and the U.S. Fish and Wildlife Service National Wetlands Inventory. A Certified Arborist also conducted a site visit to evaluate the existing trees, identify potential impacts, and provide recommendations regarding tree preservation. The Arborist Report is located in

Appendix E of the Draft EIR. The comment does not provide new information or substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no revisions are required.

Comment 2-6

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol. Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

Response 2-6

Refer to Response 2-5 above for discussion of the biological resources impact analysis done for the Project. As described on page 94 in Section 3.2, Biological Resources, of the Draft EIR, special-status plant and wildlife species are unlikely to occur given that the Project site is located in an urban area and lacks specialized habitat. Protocol surveys were not proposed given the lack of habitat within the Project site. The comment does not provide new information or, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no revisions are required..

Comment 2-7

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Potential for impacts to fully protected and special-status species;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts resulting from construction and operation of the Project; and
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project;

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and

assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the lead agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service, and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid "take" of fully protected species.

Response 2-7

This comment references the relevant CEQA Guidelines regarding biological resources. Section 3.2, Biological Resources, of the Draft EIR was prepared in accordance with CEQA Guidelines (§15126.2) and evaluates all potential direct and indirect impacts related to biological resources. Refer to Response 2-5 above for discussion of the biological resources impact analysis done for the Project. Cumulative biological resource impacts are evaluated on page 209 and 210 in Section 4.4, Biological Resources of the Draft EIR. Given the developed state of the Project site and its urban surroundings, the Project site is not designated as critical habitat for any special status species. The Project would not disturb any riparian habitat, wetlands, wildlife corridors, or other sensitive natural communities. Therefore, cumulative impacts on biological resources are less than significant.

Page 93 in Section 3.2, Biological Resources, of the Draft EIR identifies MM BIO-1 as to mitigate potential significant impacts to nesting migratory birds and raptors. No take of fully protected species is anticipated for the Project because MM BIO-1 requires avoidance of work during the nesting season or, if work must occur during the nesting season, pre-construction surveys and the implementation of avoidance zones should the surveys identify birds present. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no revisions are required.

Comment 2-8

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Migratory Birds and Nesting Raptors

Issue: The draft EIR acknowledges there is foraging bird habitat and potential nesting habitat on the Project site that may be impacted by Project disturbance. The draft EIR indicates site disturbance may occur during the nesting bird season (February 1 through August 31). Avoidance and minimization measure BIO-1 specifies a Qualified Biologist shall conduct a habitat assessment and pre-construction nesting bird and ground nesting species no more than fourteen (14) days prior to initiation of work and that "if an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds)." CDFW has additional recommendations related to Qualified Biologist authority and raptor behavior, as the draft EIR allows construction and vegetation removal to occur with relatively small nest buffers for raptor bird species. These buffers are not biologically protective for many species and risk nest abandonment, reduced productivity, and unlawful "take" under California Fish and Game Code and the MBTA.

Evidence that the impact would be significant: Raptors are highly sensitive to human disturbance during courtship, incubation, and fledging. Repeated flushes and noise/activity near nests are linked to lower nesting success. Spatial and temporal buffers are necessary to prevent disturbance, and effective distances vary by species and site conditions, often exceeding a few hundred feet (Richardson and Miller 1997). CDFW emphasizes that all raptors are protected under state law (Fish & G. Code §§3503, 3503.5, 3513) and inadequate buffers that cause nest failure or harassment would constitute a significant impact and potential violation (CDFW 2019). Additional raptor research underscores that buffer-setting should account for species traits and local visibility/line-of-sight; conservative distances and seasonal restrictions reduce disturbance risk (White et al. 2022).

Recommendations: The City should revise the draft EIR's mitigation to adopt species specific, seasonally appropriate, and enforceable measures, including:

1. Minimum no-disturbance buffers: General raptors should have a buffer of greater than or equal to 500 feet with direct line-of-sight, which may only be reduced with screening and Qualified Biologist approval (Richardson and Miller 1997). For species like Swainson's hawk, there should be at least a 0.5-mile buffer until fledging is confirmed by a Qualified Biologist (CDFW 2000).

2. Protocol surveys & timing: Conduct protocol-level raptor surveys within at least 1,000 feet of disturbance footprint before any work during nesting season.

3. Seasonal work windows: Schedule tree removal and high-noise activities outside the nesting season where feasible; if not feasible, implement full buffers and monitoring (Richardson and Miller 1997).

4. Regulatory coordination: Consult with CDFW/USFWS when active raptor nests are within buffer zones.

Response 2-8

As noted on page 93 in Section 3.2, Biological Resources, of the Draft EIR, if construction cannot be scheduled to occur outside of the nesting season for most birds in the San Francisco Bay area, February 1st through August 31st (inclusive), MM BIO-1 requires a qualified ornithologist to conduct a pre-construction nesting bird survey no more than fourteen (14) days prior to the start of any construction activities, including tree removals. If an active nest is found, the qualified ornithologist would establish no-disturbance-buffers around the nests, which would remain in place until the nest is determined to be inactive or the nesting season ends.

In response to recommendation one, the buffer around nests, should any be observed, has been updated to reflect up to 500 feet for raptors, which would be confirmed and established at the discretion of the qualified ornithologist. See Section 4.0 of this Final EIR for text changes to MM BIO-1.

The City has considered CDFW's recommendation that nesting birds survey encompass an area within 1,000 feet of the disturbance footprint for activities that must occur within the nesting season. MM BIO-1 requires a qualified ornithologist to survey the Project site and areas within 250 feet of the disturbance footprint. Given the developed nature of the Project site and surrounding area, limited extent of potentially suitable nesting habitat, and the visibility from the Project site and adjacent public right of way, the City has determined that the 250-foot survey buffer is adequate to identify active nests that could be affected by project construction. Surrounding private properties begin approximately 100 feet outside of the disturbance footprint and neither the City or the applicant can ensure access to these properties. CEQA Guidelines Section 15126.4 requires that a mitigation measure should be feasible, roughly proportional to the Project's impacts, and supported by substantial evidence. The comment does not provide project-specific evidence demonstrating that extending the survey area to 1,000 feet would be necessary to identify or avoid impacts to nesting raptors at this developed urban site. Accordingly, the City has determined that no revisions to MM BIO-1 are required for the survey buffer.

MM BIO-1 requires scheduling construction activities outside the nesting season, to the extent feasible, and establishment of buffers for any observed nesting bird, accomplishing recommendation 3. In response to recommendation 4, MM BIO-1 has been revised to require consultation with CDFW/U.S. Fish and Wildlife Service should active raptor nests be observed and buffer zones established. See Section 4.0 of this Final EIR for text changes to MM BIO-1. The comment did not provide new, substantial evidence with respect to the disposition of significant

environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 2-9 CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data#44524420-pdf-field-survey-form. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Response 2-9 Due to the lack of suitable habitat for special-status species and the disturbed nature of the Project site, no biological field surveys were conducted for the Draft EIR other than the arborist survey. If preconstruction bird surveys would be conducted in accordance with MM BIO-1, any special-status species identified during the surveys would be reported to CDFW, consistent with (Pub. Resources Code, § 21003, subd. (e)). The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR.

Comment 2-10 The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

Response 2-10 The comment describes CDFW filing fee requirements for the Project. The applicant would comply with all applicable filing fees at the time of Notice of Determination filing.

Comment 2-11 CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Emily Galli, Environmental Scientist, at Emily.Galli@wildlife.ca.gov; or Jason Faridi, Senior Environmental Scientist (Supervisory), at Jason.Faridi@wildlife.ca.gov.

Response 2-11 This comment is noted for the record. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

ORGANIZATIONS, INDIVIDUALS, AND BUSINESSES

Comment Letter 3. Irenne Zwierlein (dated November 14, 2025)

Comment 3-1 It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

Response 3-1 This comment mentions the monitoring services being offered and does not raise a specific environmental issue or identify a deficiency in the environmental analysis. Therefore, no further response is required.

Comment 3-2 It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or myself directly. A.M.T.B. Inc. 650-851-7747

Response 3-2 As explained on page 98, in Section 3.3, Cultural Resources, of the Draft EIR, cultural resources analysis for the Project included a search of the Native American Heritage Commission's Sacred Lands File and a records search conducted through the Northwest Information Center of California Historical Resources Information System at Sonoma State University. As discussed in the Draft EIR on page 204, previously recorded resources were identified within the 0.25-mile buffer around the Project site. However, no known tribal cultural resources were found on the Project site based on the records search. Per page 107 in Section 3.3, Cultural Resources, of the Draft EIR, the applicant would implement MM TCR-1, which requires Cultural Resources Awareness Training for construction personnel prior to the start of ground disturbance, and MM TCR-2, which requires a qualified Native American monitor and a qualified archaeologist to be present during ground disturbing activities. The comment does not raise a specific environmental issue or identify a deficiency in the environmental analysis. Therefore, no further response is required.

Comment 3-3

Our rates for 2025 are

$200 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2025, standard per diem rate of $425. ($333. lodging, $92 M&IE).

M&IE Breakdown FY 2025

M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
$92.00	$23.00	$26.00	$38.00	$5.00	$69.00

Beginning 2025, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.70 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista. If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Response 3-3

This comment provides information on billing rates for Amah Mutsun monitors and does not raise a specific environmental issue or identify a deficiency in the environmental analysis. Therefore, no further response is required.

Comment 3-4

Tribal Cultural Resources Sensitivity Training. The project sponsor, in consultation with any Cultural Resources Team if one is available, shall retain the services of an Ohlone Native American representative and/or archeological consultant from the Qualified List of Archaeological Consultants to provide cultural sensitivity and archeological awareness training to all work crews who will be involved in ground disturbing activities at the project site. The training shall inform all project contractors, subcontractors and work crew members to be on the alert for evidence of the presence of potential tribal cultural resource(s), of how to identify the evidence of such a resource(s), and of stop work, resource protection, and notification requirements in the event of suspected discovery of a tribal cultural resource by construction crew members.

Response 3-4

Refer to page 205 in Section 3.8, Tribal Cultural Resources, of the Draft EIR for descriptions of tribal cultural resource mitigation measures. MM TCR-1 requires tribal cultural resource sensitivity training for construction personnel prior to ground disturbance. The applicant shall be responsible for hiring a tribal representative from a tribe that is culturally and geographically affiliated with the project area to conduct the training. The City does not require the applicant to hire from a specific tribe.

Comment 3-5

Stop Work and Notification Upon Discovery. Should any indication of a tribal cultural resource be encountered during any soils-disturbing activity of the project, the project Head Foreperson and/or project sponsor shall immediately notify tribe and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the Cultural Monitor and a qualified archeological consultant from the Qualified Archeological Consultants List have assessed the find and the respective parties have determined whether and what additional measures should be undertaken.

Preservation in Place. In the event of the discovery of a tribal cultural resource, the cultural resource team (if one is present on job), the project sponsor, the archeological consultant, and the Ohlone representative shall consult to determine whether preservation in place would be feasible and effective in preserving the values represented by the resource. The archeological consultant, in consultation with the Ohlone representative, shall document the find to current professional standards. The tribe may also require that the project sponsor immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions.

If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, the archeological consultant shall prepare a Resource Preservation Plan (RPP) in consultation with the Ohlone representative, for review, which shall be implemented by the project sponsor during construction.

If it is determined that preservation in place would not be feasible or effective, then archeological assessment and treatment shall be implemented and in consultation with the Ohlone representative, as detailed below.

Archeological Treatment. If it is determined, in consultation with the Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option to preserve the values represented by the resource, then the archeological consultant, in consultation with the Ohlone representative, shall conduct archeological assessment to determine the significance of the find and determine whether it retains sufficient integrity to warrant additional treatment. If the tribal cultural resource is determined to be a significant archeological resource, the archeological consultant, in consultation with the Ohlone representative, shall recommend appropriate archeological treatment to preserve the data and values of the tribal cultural resource, which may include archeological data recovery.

Data recovery shall be implemented in consultation with the Ohlone representative and shall include appropriate analyses and reporting. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with Standard guidelines for such programs and shall be implemented immediately.

Response 3-5 As discussed on page 108, in Section 3.3, Cultural Resource, of the Draft EIR, the Project applicant would be required to follow City Standard Permit Conditions for inadvertent discovery of subsurface cultural resources. In the event of a cultural resource is inadvertently discovered during ground disturbing activities, all construction activity within a 50-foot radius would stop until the find is examined by a qualified archaeologist in consultation with a Native American Tribal representative. The qualified archaeologist would consult with a Tribal representative to evaluate the find and make appropriate recommendations regarding the find. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-6 Human Remains and Funerary Objects. The treatment of any human remains, and funerary objects discovered during any soils disturbing activity shall comply with applicable State laws, including Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.98. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The project sponsor shall immediately notify the Medical Examiner of the County in which the job resides and the Tribe of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours and all provisions of Public Resources Code 5097.98 will be followed.

Response 3-6 Page 109 in Section 3.3, Cultural Resources, of the Draft EIR discusses the City Standard Permit Condition for human remains that would be adhered to if human remains were discovered during Project activities. The Project applicant would follow all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641 in the event human remains are found. Per the Standard Permit Conditions, if human remains were discovered during construction, excavation or disturbance would halt and the Santa Clara County Coroner would be notified. The County Coroner would determine if the human remains were Native American and contact the Native American Heritage Commission within 24 hours. The standard permit conditions also specify that the Native American Heritage Commission would designate a Most Likely Descendant who would inspect and recommend treatment of the remains. The comment did not provide new, substantial evidence with respect to the disposition of significant

environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-7

Interpretive Program. If it is determined, in consultation with Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resource is not a sufficient or feasible option, the project sponsor, in consultation with local Native American representatives, shall prepare a Cultural Resources Public Interpretation Plan (CRPIP) to guide the interpretive program. The CRPIP shall be submitted for review and approval prior to implementation of the program. The interpretive program may but is not limited to artist installations, preferably by local Native American artists, oral histories with local Native Americans, cultural displays, educational panels, or other interpretive elements agreed upon by the sponsor, and Ohlone Native American representatives, and shall include an on-site acknowledgement that the project is built on traditional Ohlone land. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. Upon approval of the CRPIP and prior to project occupancy, the interpretive program shall be implemented by the project sponsor. The project sponsor shall work with the tribal representative to identify the scope of work by the tribal representative to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives shall be compensated for their work as identified in the agreed upon scope of work.

Response 3-7

The Project would adhere to the requirements of Public Resources Code 21083.2, which requires a reasonable effort to preserve unique archaeological resources in place or left in an undisturbed state. In accordance with Public Resources Code 21083.2, measures are required if a unique archaeological resource is unable to be preserved in place or left in an undisturbed state. Page 108 in Section 3.3, Cultural Resources, of the Draft EIR requires the Project applicant to follow Standard Permit Condition in the event of the discovery of pre-contact or historic-era archaeological resources. The Standard Permit Conditions requires an archaeologist, in consultation with a Tribal representative, to evaluate and make appropriate recommendations regarding the disposition of prehistoric or historic resources encountered during ground disturbing activities. These recommendations may include the preparation of an interpretive program if preservation in place is not feasible. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 4. **Patrick Thomas (dated November 17, 2025)**

Comment 4-1

I submit these comments on the Draft Environmental Impact Report (DEIR) for the 1605 South 7th Street Project. My concern is that the DEIR does not analyze the actual travel corridor that project traffic will use on South 7th Street between

the project site, East Alma Avenue and the I-280 ramps. This omission affects both heavy-truck and high-volume van/car traffic and prevents a full understanding of safety, noise, and congestion impacts on an already heavily used residential connector.

Response 4-1

Senate Bill (SB) 743, adopted in 2013, established a new CEQA guidance for measuring transportation impacts for new development projects using vehicle miles traveled (VMT). VMT measures the amount and distance that a project might cause people to drive. Therefore, as required by the CEQA Guidelines, the Draft EIR analyzes the proposed Project's potential transportation-related impacts in terms of VMT, and is not required to provide a discussion of traffic volumes and congestion. An analysis of traffic congestion is not required under CEQA but was provided on pages 200 to 201 in Section 3.7, Transportation, for informational purposes only. A Local Transportation Analysis (Appendix J2 of the Draft EIR) was also completed for the Project, focusing on the South 7th Street and East Alma Avenue, South 7th Street and Phelan Avenue, and Monterey Road/First Street and East Alma Avenue intersections. Modeling these three intersections with the greatest Project-generated traffic volumes represented the most conservative impacts as traffic would dissipate as it gets further from the Project site. Therefore, traffic impacts of the South 7th Street corridor would be less than significant.

Per page 199 in Section 3.7, Transportation, of the Draft EIR, the Project impacts related to hazards due to geometric design features and incompatible use would be less than significant. The Project would improve accessibility and safety by reconstructing the existing bike lane along South 7th Street as a buffer-separated bikeway. Striping compliant with State Detail 39 for bike crossings at unsignalized driveways would be installed where the bike lane would cross Project driveways. Therefore, the Project would result in improved safety for bicyclists. The Project would also be subject to a Transportation Demand Management (TDM) Plan. As part of the Project's TDM plan, the Project will provide monetary contributions to bike network, transit network, and pedestrian improvements along Project frontages and within 1 mile of the Project site. A queuing analysis was also completed for the South 7th Street & East Alma Avenue and South 7th Street & Phelan Avenue signalized intersections (See Appendix J2 of the Draft EIR). It determined that the addition of Project trips at these intersections would not substantially increase the existing hazards at these intersections.

The Acoustical Analysis (Appendix I of the Draft EIR) prepared for the Project evaluated the same roadway segments as the traffic study, as these segments would experience the greatest Project-generated traffic and resulting noise. Since Project-generated traffic volumes would dissipate with greater distance from the Project site, Project-generated mobile source noise impacts would also reduce with greater distance. The DEIR analyzed mobile source noise impacts along South 7th Street from East Alma Avenue to Phelan Avenue, as this segment represents the highest Project-generated traffic volumes. The segment of 7th Street between East Alma Avenue and I-280 would have less Project-

generated traffic volumes and therefore, less mobile source noise than what was evaluated in the Draft EIR. Therefore, the Draft EIR noise analysis represents the most conservative Project impacts related to noise. As discussed on page 178 to 187 in Section 3.6, Noise and Vibration, of the Draft EIR, Project operational noise impacts associated with traffic, mechanical equipment, loading/unloading activities, parking lot noise, and landscape equipment would be less than significant.

Comment 4-2

1. The DEIR analyzes only the South 7th Street segment south of the project site (Alma-Phelan), not the segment north of the site that connects to I-280.

The Noise and Vibration section models "Existing Traffic Noise" only three roadway segments near the project site and reports existing average daily trips (ADT) and noise levels in Table 3.6-5: Existing Traffic Noise (p. 164). For South 7th Street, the only segment analyzed is:

- South 7th Street, East Alma Avenue to Phelan Avenue: 10,604 ADT, 60.4 dBA L_{dn}.

This is a two-way segment south of the project site, selected because it lies within the 1,000-foot study area.

Later, the DEIR evaluates "Existing and Project Traffic Noise" in Table 3.6-10 (p. 179). That table shows:

- South 7th Street, East Alma Avenue to Phelan Avenue: 10,604 ADT existing, 11,587 ADT with project, an increase of 983 daily trips (from 60.4 to 61.0 dBA L_{dn}).

The Opening Year analysis in Table 3.6-12/3.6-11 (p.180) likewise evaluates only this same Alma-Phelan segment.

Nowhere in the DEIR is there a corresponding traffic or noise analysis for the two-way South 7th Street segment north of the project site between the project, Alma Avenue, and the I-280 ramps, even though this is the corridor that must provide freeway access for project-generated trips in both directions. The omission results from the 1,000-foot transportation study radius, which captures Alma-Phelan but not the longer connector to I-280.

Response 4-2

The three intersections evaluated in Section 3.7, Transportation, of the Draft EIR included South 7th Street and East Alma Avenue, South 7th Street and Phelan Avenue, and Monterey Road/First Street and East Alma Avenue. The intersections were selected for analysis based on parameters set forth in the City of San José Transportation Analysis Handbook. These parameters include: (1) intersection within a 0.5-mile buffer from the Project; (2) intersection is a designated Congestion Management Program facility outside of the City's Infill Opportunity Zone and has the potential to be affected by the Project; or (3) intersection is included in the analysis based on engineering judgment of City staff. While the Local Transportation Analysis in Appendix J2 of the Draft EIR did not evaluate any intersections on South 7th Street north of East Alma Avenue, the analysis did

account for trips that would be distributed north of the intersection to access I-280.

The South 7th Street segment north of the Project site was not specifically modeled in the Draft EIR as it did not meet the City of San José's parameters for traffic analysis. However, based on the City's Open Data GIS tool the segment has between 20,173 ADT north of East Alma Avenue near the intersection of South 7th Steet and East Virginia Street to 13,509 ADT at the intersection of South 7th Street and East Alma Avenue. These roadway volumes are similar to the portion of 7th Street that was analyzed by the Project which saw a less than 1 dBA increase in noise levels. The distances to receptors modeled along South 7th Street between East Alma Avenue and Phelan Avenue would be similar and representative of receptors along the South 7th Street segment north of the Project site. As discussed on page 178 to 187 in Section 3.6, Noise and Vibration, of the Draft EIR, the operational traffic noise would have a less than significant impact on the segments analyzed. Therefore, similar surrounding areas with similar or less traffic volumes would not experience significant noise impacts either. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-3

2. The DEIR shows that project operations generate two major daily traffic functions, and both depend on the two-way corridor north of the site.

The Project Description (p.22) describes the facility as a "last mile" e-commerce distribution

The same section provides the key operational volumes

- Inbound line-haul trucks: "A total of 52 daily truck trips are expected to deliver packages to the Project site each day, between 12:00 AM and 7:00 AM."
- Outbound delivery vans: "Approximately 265 delivery vans will load and depart from the Project Site between 9:30 AM and 12:00 PM, at an average rate of approximately 53 vans every 30 minutes."
- Independent contractor vehicles: "Approximately 75 traditional passenger vehicles, associated with independent contractors, would enter the delivery facility between 4:30 PM and 5:30 PM."
- Total daily trips: "In total, the Project is expected to generate a baseline total of 1,588 trips per day."

The Transportation sector reiterates the site-specific trip generation "includes passenger cars, vans, and truck trips, and confirms that "the Project is expected to generate a baseline total of approximately 1,588 trips per day."

In practice, both of these major traffic functions:

1. Inbound heavy trucks (52/day), and
2. Outbound delivery vans plus contractor/passenger vehicles (at least 265 + 75 per day, plus workers), will need to use South 7th Street between the project entrances and the I-280 ramps, in both directions, to access the regional freeway system. Yet there is no ADT, level-of-service, or noise analysis for this two-way connector segment north of the site.

Response 4-3

Refer to Response 4-2 above regarding how the study areas for transportation and noise analyses were selected and why the north segment of South 7th Street was not modeled specifically. As described on page 18 in Section 2.0, Project Information and Description, of the Draft EIR, the 52 daily truck trips would be distributed north along South 7th Street, and southwest toward State Route 87 using South 7th Street, Phelan Avenue, Monterey Road, West Alma Avenue, and Curtner Avenue. In compliance with the posted nighttime restriction on South 7th Street, trucks travelling at night would be required to travel south.

As stated on page 179 in Section 3.6, Noise and Vibration, of the Draft EIR, traffic volumes in Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Page 179 of the Draft EIR also highlights that 3 dBA increase in noise levels is barely perceptible to people, while 5 dBA increase in noise levels is readily noticeable. The Project would not result in a doubling of traffic at the three studied intersections and segments evaluated. Therefore there would not be a doubling of traffic on the roadway segment of 7th Street north of Alma, and noise impacts on this segment would be less than significant.

Refer to Response 4-1 above regarding the use of VMT as the measure of transportation impacts per CEQA guidelines and SB 743. While an analysis of traffic congestion is not required under CEQA, it was provided for informational purposes only. As described on page 201 in Section 3.7, Transportation of the Draft EIR, only the intersection of Monterey Road/First Street and East Alma Avenue would result in an adverse effect to level of service (LOS), which currently operates at an LOS F and would continue to operate at an LOS F under Project conditions. As described in Appendix J2 of the Draft EIR, solutions to improve the delay at the Monterey Road/First Street and Alma Avenue intersection were explored (i.e., signal timing optimization) and ultimately was determined to be infeasible for the Project to implement. As such, the Project would construct or contribute towards offsetting multimodal improvements planned along South 7th Street and East Alma Avenue to help alleviate the congestion. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-4

3. The DEIR's own truck-route map shows trucks on South 7th Street connecting to I-280, but the corridor is not analyzed.

Figure 2.3-7: Project Truck Routes (pp. 2.3-?/graphic on PDF lines 100-153) depicts the planned truck route, including South 7th Street and I-280, labeled as "Project Truck Routes" and "San José Primary Truck Routes."

The Transportation section states:

"The Project would utilize the truck routes identified in Figure 2.3-7: Project Truck Routes, which utilize the City's Primary Truck Routes identified in the General Plan."

By the DEIR's own description, project trucks will travel on South 7th Street and connect to I-280 using designated truck routes. The only viable way to do that from 1605 South 7th Street is by using the two-way South 7th Street corridor between the project, Alma Avenue, and the I- 280 ramps. That corridor:

- is where both directions of heavy truck traffic will concentrate,
- is where outbound vans and return trips must access and leave the freeway, and
- is adjacent to residential properties.

Despite this, no traffic volumes, no noise levels, and no safety metrics are provided for this connector segment. All of the numerical analysis is confined to intersections and to the Alma–Phelan segment south of the site.

Response 4-4

Please refer to Response 4-2 regarding the selection of the intersections used in the Draft EIR and traffic volumes for the northern segment of South 7th Street. Refer to Response 4-1 regarding traffic safety and noise analysis. As shown in Figure 2.3-7: Project Truck Routes, of the Draft EIR, some trucks would travel north along South 7th Street, but others would travel southwest toward State Route 87 using South 7th Street, Phelan Avenue, Monterey Road, West Alma Avenue, and Curtner Avenue. Overall, the Project includes an average of 52 daily heavy-duty truck trips. Therefore, the number of trucks throughout the day using the connector north to I-280 would be small as the vehicles would be distributed based on the truck routes shown in Figure 2.3-7: Project Truck Routes in the Draft EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-5

4. The DEIR's traffic noise analysis is based on the wrong segment and underplays corridor level effects.

The Noise and Vibration section concludes that project traffic will not significantly increase noise because modeled increases are below 3 dBA on the three study roadway segments.

For South 7th Street (Alma-Phelan), Table 3.6-10 shows:

- Existing (2024): 10,604 ADT, 60.4 dBA L_{dn}
- With Project: 11,587 ADT, 61.0 dBA L_{dn}
- Change: +983 ADT, +0.6 dBA L_{dn}

So even within the limited study area, the DEIR shows the project adding nearly 1,000 daily trips to an existing 10,604-ADT segment, an increase on the order of 9-10%. The Opening Year analysis for the same Alma–Phelan segment (Table 3.6-12/3.6-11) shows a similar jump from 10,610 to 11,593 ADT with the project.

However:

- These ADT changes are calculated only on the short Alma–Phelan segment south of the site,
- The DEIR then generalizes its findings to "Project area roadways," and
- The longer and more critical connector segment between the project, Alma Avenue, and I-280 is never quantified.

If, as the DEIR states, the project is expected to generate approximately 1,588 trips per day and this traffic must use the South 7th Street corridor to reach I-280, then the potential increase on a connector segment with volumes on the order of 10,000 ADT could reasonably be on the order of 15%. That is substantially more than the 0.6 dBA modeling result would suggest, and it warrants explicit corridor-level analysis rather than being assumed to be "less than significant" by analogy to a different segment.

Response 4-5

Refer to Response 4-2 regarding the intersections selected in the Draft EIR. Refer to Response 4-3 regarding how the significance of noise impacts, especially those related to transportation, are determined. The Project would generate a total of 1,588 daily trips. Pursuant to the comment, noise was modeled assuming all 1,588 trips would occur on the segment of 7th Street between East Alma Avenue and I-280. If all the Project's 1,588 average daily trips were loaded onto the corridor north of East Alma Avenue, it would result in 61.2 dBA L_{dn} which is a 0.8 dBA increase over the existing measured ambient noise level[10]. This is far below the perceptible 3 dBA standard used in noise analyses. In accordance with Section 2.3, Proposed Project Development, in the Draft EIR, not all traffic would use South 7th Street as the connector to I-280. Per page 18 in Section 2.3, Proposed Project Development, in the Draft EIR "some trucks would travel north along South 7th Street to get to Interstate 280… remaining trucks would travel south to reach State Route 87 using South 7th Street, Phelan Avenue, Monterey Road, West Alma Avenue, and Curtner Avenue." Additionally, as discussed on page 180 in Section 3.6, Noise and Vibration, trucks travelling at night would be

[10] Kimley-Horn and Associates, Inc. 2026. FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with California Vehicle Noise (CALVENO) Emission Levels: San Jose Prologis, Existing Plus Project Scenario.

required to travel south, in compliance with the posted nighttime restriction on South 7th Street. Therefore, South 7th Street connector segment north of the Project site would not see higher volumes than was addressed in the Draft EIR and the Draft EIR traffic noise analysis is appropriate and conservative. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-6

5. The DEIR addresses nighttime truck noise using a hypothetical scenario that is inconsistent with actual, legal truck operations on the corridor.

The DEIR includes a "Nighttime Traffic Noise" discussion that models a worst-case case where 60% of project trucks use 7th Street at night:

"Per the Project Traffic Study, the Project would generate 52 truck trips, and, at most, 60 percent of those trips (i.e., 31 truck trips) would occur along 7th Street."

It then calculates that adding 31 nighttime trucks to 7th Street would result in a combined 63.2 dBA, a 2.8 dBA increase over no-project conditions, still just under the 3 dBA significance threshold.

On the actual corridor between the project, Alma, and I-280, there is a posted 5-ton truck restriction between 8:00 p.m. and 6:00 a.m. This means:

- Heavy trucks are not legally allowed on that corridor segment during the nighttime hours used in the DEIR's worst-case scenario.
- In reality, project truck operations will necessarily be concentrated during the daytime on this two-way corridor, when existing heavy-truck activity is already substantial.

Despite that, there is no daytime truck-noise analysis for the connector segment in either direction, and the only explicit truck-noise calculations in the DEIR are anchored in a hypothetical nighttime configuration that would violate posted restrictions.

From the perspective of nearby residents, the real-world impact is not a hypothetical overnight truck scenario but the daytime cumulative increase in heavy-truck and high-volume van traffic along a two-way residential connector. That scenario is not analyzed.

Response 4-6

As discussed on pages 180 to 181 in Section 3.6, Noise and Vibration, of the Draft EIR, the nighttime traffic noise analysis is a worst-case scenario related to the residential area along South 7th Street. Trucks are not anticipated, nor allowed, to travel along the northern portion of South 7th Street during the nighttime. However, as discussed in the Draft EIR on page 181 in Section 3.6, Noise and Vibration, of the Draft EIR, if trucks were to travel north along South 7th Street, the truck noise would remain below perceptible levels at night. The daytime truck traffic noise analysis is evaluated on pages 179 and 180 in Section 3.6, Noise and Vibration of the Draft EIR and includes roadway segments along Monterey Road

between East Alma Avenue and Phelan Avenue, South 7th Street between East Alma Avenue and Phelan Avenue, and East Alma Avenue between Monterey Road and South 7th Street. Refer to Response 4-1 above regarding the applicability of these roadway segments. The traffic noise analysis in the Draft EIR included all Project-generated traffic including trucks, passenger vehicles, and vans. Therefore, the noise analysis in Section 3.6, Noise and Vibration, of the Draft EIR includes a comprehensive traffic noise analysis which accounts for daytime heavy-truck and van volumes. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-7

6. Existing daytime heavy-truck volumes on this two-way corridor are already high and will be compounded by both project traffic functions.

Based on direct observation, the South 7th Street corridor between Alma Avenue and I-280 currently carries dozens of heavy trucks per hour in each direction during the day, in addition to substantial passenger vehicle traffic. This is not an informal "shortcut"; it is a de facto connector between residential neighborhoods and the freeway.

Against that backdrop, the project adds:

- 52 heavy truck trips per day (line-haul deliveries),
- Approx. 265 outbound delivery vans per day,
- Approx.75 contractor/passenger vehicles per day,
- Plus hundreds of worker arrivals and departures, for a total of 1,588 daily trips.

All of these movements must use the two-way corridor north of the project site to reach or return from I-280. Yet:

- There is no ADT forecast for this connector segment,
- No breakdown between heavy trucks and light vehicles along it,
- No analysis of two-way safety impacts (driveway conflicts, crossing pedestrians, cyclists), and

Response 4-7

As discussed in Response 4-2, the intersections used in the analysis were selected in accordance with the City of San José's Transportation Analysis Handbook and the recommendations from the City's Public Works department. As stated on page 18 in Section 2.3, Proposed Project Development, of the Draft EIR "some trucks would travel north along South 7th Street to get to Interstate 280… remaining trucks would travel south to reach State Route 87 using South 7th Street, Phelan Avenue, Monterey Road, West Alma Avenue, and Curtner Avenue." As shown in Figure 2.3-7: Project Truck Routes, trucks will travel south and west to reach SR-87 and travel north to connect with I-280. Table 3.6-10 and 3.6-11 in Section 3.6, Noise and Vibration, of the Draft EIR show the distribution

in traffic volumes across the three analyzed roadway segments, less than 1,000 trips daily are traveling South 7th Street in the 2024 plus Project scenario. As discussed in Response 4-4, impacts related to transportation hazards are evaluated on pages 199 and 200 in Section 3.7, Transportation, of the Draft EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-8 No cumulative corridor-level noise and vibration assessment

Response 4-8 Cumulative noise and vibration impacts are analyzed on pages 211 and 212 in Section 4.8, Noise and Vibration, of the Draft EIR. The Draft EIR qualitatively analyzed if construction activities were close enough to one another and conducted concurrently. Construction activities of the cumulative projects could potentially overlap with the Project. However, 1,000 feet is generally considered to be the distance in which cumulative noise effects could occur and groundborne vibration diminishes in magnitude with increases in distance. The nearest cumulative project is over 1,200 feet away from the Project site. Even if the construction of cumulative projects did overlap with Project construction, the distance between project sites would prevent them contributing to a cumulative noise and vibration impact. As such, the Draft EIR concluded that cumulative noise and vibration impacts would be less than significant and less than cumulatively considerable. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-9 This is a significant analytical gap given the scale of added traffic relative to an already heavily used two-way residential connector.

Response 4-9 Refer to Response 4-2 through 4-7 regarding why the Draft EIR traffic analysis appropriately evaluates the Project's potential effects. The Draft EIR adequately addressed noise and vibration and transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-10 **7. Requested revisions to the DEIR**

To comply with CEQA's requirement for meaningful disclosure and analysis of reasonably foreseeable impacts, the DEIR should be revised to:

1. Define and study the actual South 7th Street Corridor used by the project to access I-280, in both directions, from the project entrances to the freeway ramps, not just the Alma-Phelan segment south of the site.

Response 4-10 Refer to Responses 4-2 through 4-7 regarding why the Draft EIR traffic analysis appropriately evaluates the Project's potential effects. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-11 Provide ADT forecasts and level-of-service analysis for this corridor segment, including preparation of heavy-truck and light-vehicle volumes for both directions of travel.

Response 4-11 Refer to Response 4-2 regarding the selection of study intersections for the Project. As discussed in Response 4-1, Level of service analysis is not required under CEQA and was provided on pages 200 to 201 in Section 3.7, Transportation, in the Draft EIR for informational purposes only. The Draft EIR analyzes the Project's potential transportation-related impacts in terms of VMT, as required by the CEQA Guidelines. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-12 Analyze daytime heavy-truck noise and vibration along this corridor, reflecting posted nighttime trucks restrictions and existing daytime truck activity, instead of relying on a hypothetical nighttime scenario that would be inconsistent with legal operations.

Response 4-12 Refer to Response 4-6 regarding the daytime and nighttime noise and vibration analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-13 Evaluate safety impacts related to two-way truck and van operations along a residential connector, including conflicts with local traffic, driveways, pedestrians, and cyclists.

Response 4-13 Refer to Response 4-1 and pages 199 to 200 in Section 3.7, Transportation, of the Draft EIR regarding transportation hazards. As discussed on page 199 in Section 3.7, Transportation, in the Draft EIR, the Project's impacts related to hazards due to geometric design features and incompatible use would be less than significant. The Project would reconstruct the existing bike lane along South 7th Street as a buffer-separated bikeway and install striping for bike crossings that would cross Project driveways. A queuing analysis was completed for the signalized intersections of South 7th Street and East Alma Avenue and South 7th Street and Phelan Avenue (Appendix J2 of the Draft EIR). The Draft EIR concluded that the Project would not substantially increase existing queuing hazards at these intersections. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-14 Develop and disclose mitigation measures that address:

- routing and scheduling of heavy trucks;
- management of outbound van and contractor-vehicle flows;
- potential restrictions or improvements to reduce corridor-level impacts on the South 7th Street segment between the project site, Alma Avenue, and the I-280 ramps.

Response 4-14 The Draft EIR concluded that impacts related to transportation would be less than significant and no mitigation is required. Refer to Responses 4-4 and 4-5 regarding heavy truck routes. Heavy trucks would be distributed based on the truck routes shown in Figure 2.3-7: Project Truck Routes in the Draft EIR. The Project would also comply with the posted nighttime restriction on South 7th Street that restricts heavy trucks north along South 7th Street at night. Refer to Response 4-1 above regarding the use of VMT as the measure of transportation impacts per CEQA guidelines and SB 743. While an analysis of traffic congestion is not required under CEQA, it was provided for informational purposes only. As described on page 201 in Section 3.7, Transportation of the Draft EIR, the intersection of Monterey Road/First Street and East Alma Avenue is operating at LOS F under the background conditions. Under Project conditions, the intersection of Monterey Road/First Street and East Alma Avenue would continue to operate under LOS F. However, the Project would also result in an increase in average critical delay greater than 4.0 seconds. The Project would be required to comply with the City's TDM ordinance to address the critical delay effect. To address critical delay adverse effects and adhere to the City's TDM ordinance, the Project would contribute towards offsetting multimodal improvements planned along South 7th Street and along East Alma Avenue. As such, no additional transportation mitigation is required for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 4-15 **Conclusion**

The DEIR's transportation and noise analyses focus on a short segment of South 7th Street south of the project site and a limited set of nearby intersections, while omitting the longer, two-way corridor segment north of the site that is essential for freeway access and already carries substantial heavy-truck activity. At the same time, the DEIR's own text and figure show that the project will generate 1,588 daily trips, including 52 heavy trucks and hundreds of vans and contractor vehicles, and that its trucks will use South 7th Street and the City's designated truck routes to reach I-280.

Because the Draft EIR does not quantify or analyze corridor-level impacts on South 7th Street between the project site, Alma Avenue, and I-280, it does not provide decision-makers or the public with a complete picture of traffic, safety, noise, and cumulative heavy-vehicle effects on this residential connector. A revised and expanded analysis is warranted before the project is approved.

Thank you for your consideration of these comments.

Response 4-15 Refer to Responses 4-1 through 4-8 regarding noise and transportation impacts north of South 7th Street. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 5. Javier Castro (dated December 2, 2025)

Comment 5-1 At a recent public meeting at Kelly Park, we were presented with the proposed plan on 7th Street Amazon distribution center. I just want to provide small comments and feedback based solely on the information that was provided:

Response 5-1 The comment introduces the public letter and does not raise a specific environmental concern or identify a deficiency in the analysis. Therefore, no further response is required.

Comment 5-2 1. Any individual project on its own can be a near "non-impactful" to the surrounding area per the environmental report, but taken collectively with other developments, it can add up, much like a trickle, trickle, trickle of a leaky roof. It is with this fact, that I am interested in the particulate release and sound increase from such a project once complete and in operation.

Response 5-2 Pages 209 through 213 in Section 4.0, Cumulative Impacts, of the Draft EIR evaluates the Project's contribution to any potential cumulative impacts. The Draft EIR concluded that the Project's cumulative air quality and noise impacts would be less than significant and less than cumulatively considerable. Air quality emissions, including particulate matter release, are inherently a cumulative impact. As noted on page 209 in Section 4.3, Air Quality, of the Draft EIR, the Project would not exceed the applicable Bay Area Air District Thresholds of Significance outlined in the Bay Area Air District CEQA Guidelines[11], which establish the project-level and cumulative threshold of significance. If a project's emissions of criteria air pollutants or its precursors are below the Bay Area Air District Threshold of Significance, then the project would result in a less than significant cumulative impact. Therefore, the Project would result in a less than significant cumulative impact. Page 212 in Section 4.8, Noise and Vibration, of the Draft EIR notes that the noise impacts resulting from the Project would be below the City's thresholds of significance and would not considerably contribute to a cumulative operational noise impact. The Draft EIR qualitatively analyzed if construction activities were close enough to one another and conducted concurrently. Construction activities of the cumulative projects could potentially overlap with the Project. However, 1,000 feet is generally considered to be the distance in which cumulative noise effects could occur, and groundborne vibration diminishes in magnitude with increases in distance. The nearest cumulative project is over 1,200 feet away from the Project site. Even if the construction of cumulative projects did overlap with Project construction, the distance between project sites would prevent them contributing to a cumulative noise and vibration impact. As such, the Draft EIR concluded that cumulative noise and vibration impacts would be less than significant and less than cumulatively considerable.

Comment 5-3 2. Due to the cutting of funding to various organizations by the government, I behoove you to seriously consider obtaining your trees from ourcityforest.org

[11] Bay Area Air District, 2022. 2022 CEQA Air Quality Guidelines, 2022.

who are a local group dedicated to the greening through the use of trees and a green approach. They offer a number of services that not only include providing trees, but in converting land into a more native and drought tolerant conversion to existing areas. At minimum, you may get better pricing and it helps such organizations to improve the Bay Area in general. This collaboration looks great on your own website and to your reputation to being partner for a greener and brighter future. The eventual use of trees that are taller will also aid in aesthetics and in aiding in maintaining a more energy efficient operation.

Response 5-3 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment does not raise a specific environmental concern or identify a deficiency in the analysis and therefore, no further response is required.

Comment 5-4 3. Although you're just one building, the individual contribution to easing climate change can be done passively, by just painting the roof white to increase the planet's albedo as well as to preventing heat from building-up in the building.

Response 5-4 As described on page 20 in Section 2.0, Project Information and Description, of the Draft EIR, the Project would include sustainability features and would be designed to meet LEED Silver performance standards. Sustainability features for the Project include a solar-ready roof, EV charging stations, and EV readiness for the potential future electrification of truck fleets as feasible. Furthermore, the Project would be designed to achieve net zero carbon through low embodied carbon building materials, natural/low global warming potential refrigerants, smart building technology, and no on-site combustion. Additionally, as analyzed on pages 125 through 134 in Section 3.4, Greenhouse Gas Emissions, of the Draft EIR, the Project would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which would ensure emissions reductions consistent with the City's 2030 Greenhouse Gas Reduction Strategy (GHGRS). Therefore, the Draft EIR found that there are less than significant impacts related to Greenhouse Gas Emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 5-5 4. I am well aware that this is a distribution building, but the aesthetics of a building, especially one that is going to be around in the foreseeable future is important. From the architectural drawings, it is essentially just a "box" with little to no redeemable visual that adds to a neighborhood despite the investment. I encourage the use of paint design, exterior material accents, plants to "blend" and be a visual focal point that makes not only employees proud, but adds to the neighborhood's visual appeal and value despite it being commercial.

Just some quick thoughts for your consideration.

Response 5-5 The Project would be designed in accordance with the City of San José's design guidelines, including the San José Citywide Design Standards and Guidelines and Industrial Design Guidelines. The Project building exterior, including the paint

design, material accents, and landscaping are shown in Figure 2.3-5: Project Renderings in the Draft EIR. Page 17 of Section 2.3, Proposed Project Development, of the Draft EIR describes the building exterior which includes painting the building in shades of white, grey, and blue. Metal accent features would be installed on the main building entrance and a pre-fabricated canopy structure would be installed over the loading zone. Project landscaping would include the planting of 179 new trees as well as additional landscaping along street frontages and within the site interior. This comment is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter 6. Jordan Moldow (dated January 5, 2026)

Comment 6-1 Regarding "TR-7.1" in the "GHGRS Project Compliance Checklist" in "Appendix G - Greenhouse Gas Emissions Assessment" (pdf page 112): I don't believe there are strong enough measures to bring about the required reduction in Vehicle Miles Traveled:

Response 6-1 Pages 198 to 199 in Section 3.7 Transportation, of the Draft EIR and Appendix J2, concluded that the Project would not exceed the City of San José's VMT threshold of significance for CEQA and additional VMT reduction measures would not be required of the Project. The purpose of the GHGRS Compliance Checklist is to demonstrate the Project's conformance with the City of San José 2030 Greenhouse Gas Reduction Strategy. General Plan Policy TR-7.1, outlined in the GHGRS, requires large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives, and other measures.

Separate from the CEQA VMT analysis, as of April 10, 2023, development project application packages in the City of San José must include a supplemental TDM Checklist, consistent with Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code.[12] As described on pages 197 to 198 in Section 3.7, Transportation, of the Draft EIR and in Appendix J2 of the Draft EIR, the Project would include TDM measures to fund and/or construct pedestrian, transit, and bicycle network improvements within one mile of the Project site. The Project would include other measures to reduce vehicle trips including employee bicycle parking, and a carpool/vanpool drop-off lane. Therefore, the Project is consistent with measure TR-7.1 of the GHGRS Compliance Checklist. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

[12] The San José City Council voted unanimously on December 6, 2022 to update its parking ordinance to no longer have minimum parking requirements for development proposals and to favor other modes of transportation. The new ordinance is in effect as of April 10, 2023. Available at: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALOTRDEMA_PT9TRDEMA. Accessed August 11, 2026.

Comment 6-2 There are only 18 bicycle parking stalls, in a project with 178 employee car parking stalls. Of the 196 stalls (178+18), less than 10% are bicycle parking. Over 90% of the employees will be unable to bike to work, due to parking limitations.

Response 6-2 Per the City of San José Zoning Code Section 20.90.060, bicycle parking spaces are required at 1 space per 10 full-time employees for warehouse uses. As such, the Project would be required to provide a minimum of 12 bicycle parking spaces.[13] Per page 18 in Section 2.3, Proposed Project Development, of the Draft EIR, the Project would provide 18 bicycle parking spaces, which would exceed the City of San José's bicycle parking requirements. Therefore, adequate bicycle parking would be provided for employees. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 6-3 To avoid discouraging biking to work, the bicycle parking stalls must be secure (metal lockers, or bike rooms, etc.). It is not specified whether the bicycle parking stalls are secure, or are regular outdoor bike racks.

Response 6-3 The bicycle parking stalls would be located within a secure Handi-Hut Peapod which is an enclosed, locking bike shelter. The comment does not raise a specific environmental concern or identify a deficiency in the analysis and therefore, no further response is required.

Comment 6-4 The EIR mentions "designated spaces for carpool/vanpool near the building entrance", which is a great measure. But without a commitment to a certain number of these spaces, it isn't possible to determine if this is a sufficient number to achieve the TDM outcomes.

Response 6-4 The Project does not propose carpool/vanpool spaces. See Section 4.0 of this Final EIR for text changes to the GHGRS Project Compliance Checklist in Appendix G. As stated in Appendix J2 of the Draft EIR, the TDM Plan for the Project would fund the design and/or construction of bike network improvements, transit network improvements, and pedestrian network improvements. These measures are sufficient to add up to the Point target of 5 TDM points for the Project in compliance with City of San José Municipal Code Section 20.90.905. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 6-5 Ride-share like taxis/Ubers/Lyfts does not "reduce vehicle trips and vehicle miles" compared to an employee driving themself straight to work. It increases VMT, in the form of the extra driver who has to drive to/from their home, and who has to drive around with an empty vehicle waiting for passengers. So a "ride-share drop off lane" will increase VMT, not reduce VMT.

If Amazon can provide monetary incentives for employees to use carpool ride-share (where the driver is also driving to their own place of employment in San

[13] MG2, 2025, AMZL Delivery Station Site Development Permit 1605 S 7th Street San José, CA 95112.

José) and disincentivize taxis/Ubers/Lyfts, that would have the correct impact on VMT.

Thank you for funding bike/ped/transit projects along the project frontage and within the project area.

Response 6-5 The ride-share drop off lane described in the GHGRS Project Compliance Checklist in Appendix G of the Draft EIR refers to the carpool/vanpool drop off lane located on the northwestern side of the Project site. See Section 4.0 of this Final EIR for text changes to the GHGRS Project Compliance in Appendix G. As stated in Appendix J2 of the Draft EIR, the TDM Plan for the Project would establish a loading zone for carpool/vanpool drop offs. The carpool/vanpool drop off lane would not increase VMT as it would encourage employee ridesharing which would reduce vehicle trips and VMT. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 6-6 I appreciate that "Project would include new shade, accent and street trees to help mitigate urban heat island effect. The proposed shade trees are intended to [...] provide a minimum 50 percent shade coverage within the parking lot." I still encourage the developers to reduce the number of employee car parking spaces, increase bicycle parking spaces, and commit to paid transit passes and bicycle incentives, so that the amount of asphalt can be minimized.

Response 6-6 As described on page 19 in Section 2.3, Proposed Project Development, of the Draft EIR, the Project would comply with the new California Green Building Standards Code regulations, which require trees to provide a minimum 50 percent shade coverage within a parking lot. Additionally, the Project would include more landscaping than existing conditions and would reduce the amount of impervious surface area on the Project site as described on page 64 in Section 3.1, Air Quality, of the Draft EIR. Refer to Response 7-2 regarding TDM measures that would be implemented to improve the pedestrian, bicycle, and transit network. Refer to Response 7-2 regarding the Project's compliance with the City of San José's parking requirements. The comment does not raise a specific environmental concern or identify a deficiency in the analysis and therefore, no further response is required.

Comment Letter 7. Teamsters Joint Council No. 7 (dated January 5, 2026)

Comment 7-1 This letter is submitted on behalf of Joint Council 7 of the International Brotherhood of Teamsters, which together represents nearly 100,000 workers in the logistics and other industries in Northern California. Teamster members form the backbone of the logistics and package delivery industry in the United States and have direct and practical experience of the operations and impacts of this industry on communities where they work and live, including San José and the surrounding area. Teamster members have actively engaged with proposed logistics and package delivery facilities not only as workers in this industry but as residents in the working-class communities most impacted by this industry. As

this industry continues to grow, Teamsters feel it is their responsibility to help communities make the most informed possible decisions as well as consider all possible options to address the adverse impacts of the industry. This letter does not waive any rights the locals, joint council, or individual members may have under applicable state law.

Response 7-1 The comment introduces the public letter. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-2 The 1605 South 7th Street Project (Project) is located in central San José (City), in Santa Clara County, California. This is the latest in a string of recent developments of "last-mile" delivery facilities in the region, including two in the City of Milpitas. The Project will operate as a "last-mile" delivery station for Amazon, the largest e-commerce retailer in the United States.

Response 7-2 The comment provides a project summary and does not raise a specific environmental concern or identify a deficiency in the analysis. Therefore, no further response is required.

Comment 7-3 Several residents who responded to the initial Notice of Preparation ("NOP") raised serious concerns about the increase in truck and van traffic on South 7th, South 10th, and South 11th Streets, impacting the nearby Spartan Keyes community. Residents were concerned because those streets are already overburdened by commercial traffic and the roads show significant wear and tear.

The Draft EIR does not appear to be sensitive to these concerns. To the contrary, the Vehicle Miles Traveled ("VMT") analysis concludes that adding hundreds of vans which will be delivering as far as Santa Cruz, an approximately 65 mile round trip, will result in a net reduction of vehicle miles traveled, because the new facility will supposedly be cannibalizing deliveries currently being made from the Milpitas last-mile delivery stations. (DEIR, Appendix 12 Attachment L at 6).

According to the applicant, despite the fact that the facility is adding 528 van trips and 150 "Flex" (personal vehicle delivery) trips from the facility, and that 40% of trips will be to a region bounded by Los Gatos to the northeast, Davenport to the southeast, Santa Cruz to the south, and Saratoga to the north, the total VMT will only be 13 .1 miles per employee. This is achieved through a formula that relies on "user-provided data," a process that was "approved by the City."

While the City may have approved the use of Amazon's internal data, CEQA does not allow EIRs to shield their assumptions in this way. Assumptions for "unique land uses" should be "documented." (See Association of Bay Area Governments, "Quick Guide for VMT Policy Adoption," at page 4). The Project applicant achieved this reduction in VMT by subtracting the "future" VMT from the "existing" VMT, calculated via this formula: Van VMT ex = 2: (Current Van Trips to Zip Codex Dist. To Zip Codex 2) - Van VMT future = 2: (Future Van Trips to Zip Codex Dist. To Zip Codex 2).

The City, and the public, are asked to simply trust that the addition of an entire new 86,000 square foot facility, and hundreds of additional vans and private vehicle drivers, are not being added to address additional demand, but simply to move operations closer to where packages are being delivered.

Response 7-3

The comment raises two technical issues related to the Project's addition of truck and van traffic to local roadways in the Spartan Keyes community including South 7th, South 10th, and South 11th Streets. The first issue is posed as a concern about adding Project traffic to streets that, "…are already overburdened by commercial traffic and the roads show significant wear and tear." The second issue is whether the VMT methodology adequately captured the Project's effect on delivery VMT.

For the first issue, the comment does not provide evidence of roadways being overburdened or showing significant wear and tear. The term overburdened is not defined but may relate to LOS. As explained on page 194 in Section 3.7, Transportation, of the Draft EIR, the City of San José uses VMT to measure environmental impacts for CEQA purposes consistent with SB 743. SB 743 prohibits the use of LOS as a basis of environmental impact under CEQA. Refer to Response 4-1 above regarding the use of VMT as the measure of transportation impacts per CEQA guidelines and SB 743. The City prepared a LOS analysis to evaluate the potential effects of the Project on roadway operations. However, this analysis was included in the Draft EIR for informational purposes only, and consistent with SB 743, it was not used for any environmental impact conclusions under CEQA. Therefore, to the extent this comment raises concern about LOS, this is not an environmental impact for purposes of CEQA and no further response is required.

To the extent this comment raises a concern about physical roadway conditions, that may be relevant to the safety impact analysis, which is an environmental impact under CEQA. However, the comment does not raise a specific environmental concern, identify a deficiency in the DEIR's analysis, or provide evidence of a safety impact relating to physical roadway conditions. As discussed under Impact TRANS-3 on page 199 in Section 3.7, Transportation, of the Draft EIR, the Project's proposed use is consistent with the General Plan land use designation and zoning for the Project site, which is heavy industrial. The Project would construct all site access improvements consistent with the City's design standards and does not propose modifications to the street network inconsistent with the General Plan or applicable design standards. Trucks serving the project would use the routes designated as primary truck routes by the City's General Plan.[14] The local roadway network has been designed to be consistent with the General Plan's expectations for truck use and the City regularly monitors roadway physical conditions, especially pavement conditions, for needed maintenance or

[14] City of San José. Envision San José 2040 General Plan Primary Truck Routes Diagram. Available at: https://sj-admin.s3-us-west2.amazonaws.com/2011_GPTruckRoutes.pdf. Accessed March 17, 2025.

repairs. The City maintains a pavement conditions index for all City streets that is available at the following website.

https://data.sanjoseca.gov/dataset/pavement-conditions-index.

Review of current pavement conditions on the streets noted in the comment showed ratings of fair to good in the immediate vicinity of the Project site. Pavement conditions on South 7th Street between East Alma Avenue and Phelan Avenue are currently rated as fair. Although Project-related truck trips are not anticipated on South 10th Street or South 11th Street, pavement conditions on South 10th Street between Phelan Avenue and Story Road are rated as fair, while conditions on South 11th Street between East Humboldt Street and Story Road are rated as good. To the extent that pavement conditions worsen over time due to increases in Project and background traffic, the City has an existing process for prioritizing, funding, and constructing improvements. An assessment of the process completed in 2025 showed that San José streets pavement conditions improved for five consecutive years. Documentation is available at the website below.

https://www.sanjoseca.gov/Home/Components/News/News/6452/5104).

As for the second issue relating to the VMT impact analysis, the transportation impact findings discussed in Section 3.7, Transportation, of the Draft EIR, are based on the City of San José Transportation Impact Policy as explained on page 194 in Section 3.7, Transportation, of the Draft EIR. Consistent with CEQA Guidelines Section 15064.3, the City's VMT impact methodology focuses on 'automobile' VMT. Since the Project is industrial, a significant VMT impact would occur if the Project VMT is greater than the average regional per employee VMT. As described on pages 198 through 199 in Section 3.7, Transportation, of the Draft EIR, the Project's employee VMT was calculated using the City of San José's VMT Evaluation Tool, which identified a less than significant VMT impact. Additionally, VMT associated with vans and private carrier (i.e., FLEX vehicle) deliveries were calculated outside of the City's VMT Evaluation Tool and included in Appendix J2 for analysis of other environmental impacts resulting from VMT, as explained below, and to provide full disclosure of the Project's potential VMT impact.

While the impact analysis in Section 3.7, Transportation, of the Draft EIR is based on automobile only VMT, the impact analyses in others sections like Section 3.6, Noise and Vibration, Section 3.4, Greenhouse Gas Emissions, and Section 3.1, Air Quality include effects from all mobile sources. For example, the Project's vehicle trip generation and trip length forecasts from Appendix J2 were used in the air quality impact analysis as stated on page 71 in Section 3.1, Air Quality, of the Draft EIR. Since this data was used as a direct input to CalEEMod, the output from the model represents the total net increase in emissions based on all Project trips, not just automobile trips.

Additionally, the Draft EIR's impact analyses conservatively assumed that all Project trips are new. Contrary to the comment, none of the Draft EIR's impact analyses relied on the 'net effect' forecasts included in the Appendix. The 'net

effect' forecasts were provided for informational purposes only to help provide the public and decision makers with a more realistic picture of the Project's actual likely VMT.

As explained in Appendix J2 of the Draft EIR, the information-only 'net effect' forecasts were based on applicant-provided data about its delivery network. This data was adequately described in the Appendix J2 and independently verified by the City's consultants. The only aspect of the data that was not disclosed in full, but instead presented in a summary, was the percentage of anticipated delivery trips to specific zip codes. This is commercially sensitive and proprietary business data about the applicant's delivery network, which could be misused by business competitors if disclosed in detail. Moreover, as explained above, the environmental impact modeling did not rely on these 'net effect' forecasts, but instead assumed a conservative, worst case scenario in which all trips are new trips.

The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-4 The City, and the public, are also being asked to take on faith the number of van trips to each zip code and the distances to the zip code, without any disclosure of what these proportions are, or how they are being arrived at other than that they were provided by the "user" (i.e., Amazon). The VMT analysis discloses the user-provided trip counts by hour (Appendix J2, Attachment L, at Attachment A) but does not seem to include anywhere the basis for the calculation of vehicle miles traveled.

Response 7-4 As explained in Response 7-3, the applicant-provided delivery vehicle VMT was provided for informational purposes. The applicant-provided data was adequately described in Appendix J2 and verified by a traffic subconsultant to the City's independent CEQA consultants. The purpose was to provide the public and decision makers with a more realistic forecast of the Project's VMT compared to conventional practices. Conventional ITE trip generation rates are collected from sites around the U.S. and are not calibrated or validated to the local area. Likewise, the distribution of package delivery is unique to each local area. Hence, the additional delivery VMT information is intended to complement the VMT impact analysis required by the City and CEQA to provide a more complete picture of potential effects including benefits. However, to be conservative, the environmental analysis assumed a worst-case scenario in which all Project trips were new. Please refer to Response 7-3 regarding the VMT analysis conducted for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-5 Prima facie, it is difficult to accept the applicant's figures, given that forty percent of the packages are going to be delivered to a zone that is, minimally, at least 11 miles away (i.e., the distance from 1605 S 7th Street to the city of Los Gatos).

The furthest distance, Santa Cruz, as stated above, is some 33 miles away. If 40 percent of the 678 van and personal vehicle trips (150 personal vehicle trips, 528 van trips) ate composed of trips to this region and back, and assuming a midpoint distance of 19 miles to Lexington Hills, that would be (678 * .40) * 19 (or calculated a different way, forty percent of339 one-way trips traveling 19 miles, and then doubled for the return trip). That alone equals 5, 152 miles per day. It should be noted that that extremely conservative, because the two most populous towns in the "southwest region" of the delivery zone are between Scotts Valley and the Santa Cruz area, and presumably the bulk of these 40% of trips will be going the full distance. While exact numbers are difficult to calculate-especially without disclosure of how the zip codes were chosen for the VMT analysis-the following would be reasonable: if the Santa Cruz area (including Capitola, Live Oak, etc.) accounts for 65% of the packages delivered to this zone based on its share of the population, then ((678 * .40)* .65)*33) would be the more accurate way to make this calculation; in other words, 5,817 miles per day.

The VMT analysis estimates that the VMT per day for this facility will be 9,342 miles per day. If 40% of the packages are to be delivered to this southwest region, even using the conservative 5,152 miles estimate, then the total VMT would have to be closer to 12,880 miles per day, at a minimum (i.e., 5,152 I 0.4). That is a difference of 3,538 from the DEIR's prediction, a discrepancy of38%. If the VMT was underestimated by 38%, then the VMT per employee would be at least 18.1 (i.e., 13.1 miles currently estimated multiplied by 1.38). That is at least two miles above the threshold of significance of 16.53. (Appendix 12 at 3).

Response 7-5

Please refer to Responses 7-3 and 7-4 regarding the VMT analysis conducted for delivery vehicles. The delivery vehicle VMT was provided for informational purposes in Appendix J2 of the Draft EIR. As described in Appendix J2 of the Draft EIR, the VMT associated with vans and private carrier deliveries was calculated using the individual zip codes within the delivery zones. As described in Figure 2 in Attachment L of Appendix J2 of the Draft EIR, 40 percent of all deliveries from the last-mile distribution center would be delivered to the southwestern zone, which means that 60 percent of the deliveries would be to zip codes closer to the Project site. The 60 percent of deliveries closer to the Project site accounts for the discrepancy between the commentor's calculations and delivery vehicle VMT analysis in Appendix J2 of the Draft EIR. The weighted average trip length to the southwestern zone and to all the individual zip codes was reviewed and verified by a traffic subconsultant to the City's independent CEQA consultants. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-6

Admittedly, all of the foregoing are loose estimates, because they have to be. The DEIR does not disclose at least the following:

1. The basis for the user's (i.e., Amazon's) estimates;

2. The basis for assuming that the new facility will solely replace trips made by existing facilities;
3. The specific zip codes being used for measurement;
4. Whether the distances were calculated by road miles traveled or "crow flies" distances, particularly important in the southwest region which is hilly and mountainous;
5. The proportions of packages going to which zip codes;
6. How, if at all, the increase capacity will drive increased demand and increase the gross number of packages to be delivered.

Number (6) is of particular importance, because CEQA's cumulative impacts and future impacts analyses requirements would counsel for an applicant that is using their own proprietary data to include growth assumptions. Put another way, it is a reasonable assumption that the user, here Amazon, is building a multi-million dollar facility and hiring hundreds of new employees for a purpose other than wanting to reduce the local VMT. It is a reasonable assumption that the addition of so much more capacity is either to accommodate increasing demand, which means there will be more packages to deliver and therefore more trips to be made, or, it is being done to increase efficiency, i.e., to reduce delivery times by moving a facility closer to the addresses where there is an increase in orders. That reduction in delivery time itself could account for an increase in demand by the mere fact that consumers can count of faster delivery of consumer goods.

Response 7-6

Basis of User Estimates. Please refer to Responses 7-3 and 7-4 regarding the VMT analysis conducted for delivery vehicles. As described on page 194 in Section 3.7, Transportation, of the Draft EIR, the City of San José Transportation Impact Policy was used as the basis for the VMT impact analysis. In accordance with CEQA Guidelines Section 15064.3, the City's VMT impact analysis focuses on automobile-only VMT. A significant VMT impact would only occur if the Project's employee VMT exceeds the regional average employee VMT. Using the City of San José's VMT Evaluation Tool, the Project's employee VMT was evaluated on pages 198 through 199 in Section 3.7, Transportation, of the Draft EIR and was determined to be less than significant.

As described in Response 7-3, trip generation associated with Project deliveries was included in Appendix J2 of the Draft EIR for the analysis of other environmental resource sections in the Draft EIR. The impact analysis for other sections, including Section 3.6, Noise and Vibration, Section 3.1, Air Quality, and Section 3.4, Greenhouse Gas Emissions were evaluated using trip generation and conservatively assumed that all Project trips are new. The 'net effect' forecasts in Appendix J2 of the Draft EIR were not used in the Draft EIR's impact analysis and were provided for informational purposes only.

The 'net effect' forecasts were based on applicant-provided data for its delivery network. The methodology used to derive the estimates was adequately

described in Appendix J2 of the Draft EIR and verified by a traffic subconsultant to the City's independent CEQA consultant. The delivery trips to specific zip codes were not fully disclosed as this is commercially sensitive and proprietary business data. However, the percentage of packages that would be delivered to each aggregate area was provided in Appendix J2 of the Draft EIR.

Trip Replacement Assumptions. As described in Appendix J2 of the Draft EIR, the Project would absorb some of the service areas that are currently covered by the following delivery centers DXC8 (1710 Little Orchard Street, San José, California 95125), DSF7 (807 North McCarthy Boulevard, Milpitas, California 95035), and DUR3 (225 North McCarthy Boulevard, Milpitas, California 95035). While the DCX8 facility and the proposed Project facility are located in close proximity to one another, the DSF7 facility and the DUR3 facility are approximately 13 miles farther from these service areas. As a result, the proposed facility would be better positioned to serve the Los Gatos and Santa Cruz delivery areas, reducing travel distances and generating substantially fewer VMT than the existing DSF7 and DUR3 facilities. Therefore, the new facility would reduce overall trip length from existing facilities and increase the efficiency of the delivery network.

Zip Code Selection. As discussed above, a traffic subconsultant to the City's independent CEQA consultant reviewed and verified the applicant-provided data. The specific zip codes were not disclosed in Appendix J2 of the Draft EIR, as this is commercially sensitive business data regarding the applicant's delivery network. The applicant provided the traffic subconsultant with the estimated number of packages to each zip code in the Project's planned service area. The zip codes in the planned service area were compared to the service areas of other delivery centers to identifying overlapping service areas. As shown in Figure 2 in Appendix J2 of the Draft EIR, the traffic consultant created aggregate areas of the zip codes to present a summary of the delivery network without disclosing proprietary business data.

Distance Calculation Methodology. The distances calculated in Appendix J2 of the Draft EIR were calculated by road miles traveled.

Delivery Distribution by Zip Code. The applicant-provided data used in the information-only 'net-effect' forecasts were verified independently by a traffic subconsultant to the City's CEQA consultants. The proportion of packages being delivered to each zip code within the Project's planned service area was presented in a summary format in Appendix J2 of the Draft EIR, as this is proprietary business data about the applicant's delivery network. As shown in Figure 2 in Appendix J2 of the Draft EIR, the traffic consultant identified the percentage of packages that would be delivered to each aggregate area. Using the planned package volume to each zip code, the total delivery trips to and from the zip code were calculated. Trip lengths were estimated by measuring the trip lengths from the delivery center to the approximate center of population within each delivery zone. The VMT to each zip code was calculated using the delivery volume times the distance, and the total VMT was calculated using the sum of

the each zip code's VMT. The detailed methodology and calculations used for the delivery operations VMT is provided in Appendix J2 of the Draft EIR.

The Project would not increase demand as all the customers that would be served by the Project are currently being served by existing distribution centers. The 'net effect' forecasts analysis assumes the Project would not increase the number of packages delivered to customers. Rather, based on information provided by the applicant, the proposed facility would more efficiently serve existing customers and reduce overall trip length from the other existing, further facilities that are currently serving existing customers. As such, the Project would not increase capacity or demand for packages, because the analysis assumes the Project would result in a shift in demand. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-7

In any case, the DEIR is relying on obscured assumptions and calculations and projecting a total reduction in VMT because the new last mile delivery station is closer to a major delivery area, and therefore simply "cannibalizing" existing VMT. So the City and the public are expected to accept a projection that assumes not a single extra package will be delivered as a result of the construction of this facility. This is on top of the other undisclosed assumptions that resulted in the seeming under-counting of VMT.

Response 7-7

Please refer to Responses 7-3 through 7-6 regarding the Draft EIR VMT analysis. As described in Section 3.7, Transportation, of the Draft EIR, transportation impacts were evaluated using the City of San José's Transportation Impact Policy and CEQA Guidelines Section 15064.3, which for industrial projects focuses on employee automobile VMT. The Project's employee VMT, calculated using the City's VMT Evaluation Tool, was determined to be less than the regional average per employee, resulting in a less-than-significant VMT impact. The impact analysis for several sections in the Draft EIR, including noise, GHG, and air quality were evaluated using total VMT and conservatively assumed that all Project trips were new. The Project's vehicle trip net-effect forecasts from Appendix J2 of the Draft EIR were provided for informational purposes only and to provide the public and decision makers with a more complete representation of the Project's potential VMT. The methodology and data were independently verified by a traffic subconsultant the City's independent CEQA consultants and described in Appendix J2 of the Draft EIR. The distribution of deliveries to individual ZIP codes was summarized in Appendix J2 because this information reflects proprietary business data regarding the applicant's delivery network. This summary was verified by the traffic consultant and is adequate to disclose the Project's impacts and allow informed decision-making. It is appropriate to withhold the underlying data to protect commercially sensitive information from potential use by competitors.

As explained in Response 7-6, the Project would shift the demand from existing facilities, as all customers served by the Project are currently being served by existing distribution centers. The Project would reduce travel distances and fewer

VMT as it would be located closer to customers than existing facilities. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 7-8 We would like to request that the City extend the comment period by 15 days, to accommodate the holiday season. The comment period covered the Thanksgiving and winter holidays. While organizations and institutions with resources and staff may have been able to adequately review what amounted to an 8,900-page record and prepare meaningful comments for review, members of the public, including the residents and their homeowners ' association, may not have had adequate time to review the record and identify organizations or experts to help them review the materials and prepare substantive comments given the intervening holidays. An extension of fifteen days would make the total time for comment sixty days, a not-unreasonable period for comment given the holiday season.

Response 7-8 As discussed in Section 2.0 of this Final EIR, the Draft EIR was circulated to affected public agencies and interested parties for a 52-day review period from November 14, 2025, through January 5, 2026. In accordance with CEQA Guidelines Section 15105(a), the required public circulation period for a Draft EIR is 45 days. This exceeded the required 45-day public review period by 7 days and was intended to allow readers extra time to review over the holidays. The City determined that the 52-day review period provided reasonable opportunity for public review and that a further extension was not warranted. The comment does not raise a specific environmental concern or identify a deficiency in the analysis. Therefore, no further response is required.

Comment 7-9 For the reasons stated above, we would ask the City to return the DEIR for more review and disclosure of the critical data so that the City and the public can make informed decisions as required by CEQA. Thank you for your attention to this matter.

Response 7-9 The comment provides a summary of the comments provided earlier in the letter and requests that the Draft EIR be recirculated to provide additional review and disclosure. Refer to Responses 7-3 through 7-7 which address specific concerns raised in the comment letter. Also see Response 7-8 for City's determination on why extension or recirculation of the Draft EIR is not warranted.

SECTION 4.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the 1605 South 7th Street Project Draft EIR dated November 2025. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Draft EIR Section	Page Number	Text Revisions
Executive Summary	4	**MM BIO-1 Preconstruction Bird Surveys** ▪ **Avoidance:** Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive). ▪ **Nesting Bird Surveys:** If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities during the breeding season. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. ▪ **Buffer Zones:** If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 to~~250~~500 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present. ▪ **Reporting:** Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist

Draft EIR Section	Page Number	Text Revisions
		shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. Should any nesting birds be observed and avoidance buffers established, the qualified ornithologist shall initiate consultation with CDFW/USFWS, as appropriate.
3.2, Biological Resources	93	**MM BIO-1 Preconstruction Bird Surveys** ▪ **Avoidance:** Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive). ▪ **Nesting Bird Surveys:** If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities during the breeding season. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. ▪ **Buffer Zones:** If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 to 500 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Draft EIR Section	Page Number	Text Revisions
		▪ **Reporting:** Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. Should any nesting birds be observed and avoidance buffers established, the qualified ornithologist shall initiate consultation with CDFW/USFWS, as appropriate.
Appendix G-GHGRS Compliance Checklist	112	**Consistent**. Proposed site design includes on-site bicycle parking~~, designated spaces for carpool/vanpool near the building entrance,~~ and a carpool/vanpool ~~ride-share~~ drop off lane to reduce vehicle trips and vehicle miles. The Project would also incorporate the following TDM measures: 1. Provide Bike Network Improvements – Fund the design and/or construction of bike and micro-mobility network improvements outside of the Project's property frontage and within 1 mile of the Project site. 2. Transit Network Improvements – Fund the design and/or construction of transit network improvements outside of the Project's property frontage and within 1 mile of the Project site. 3. Provide Pedestrian Network Improvements – Fund the design and/or construction of pedestrian street improvements outside of the Project's property frontage and within 1 mile of the Project site.
Appendix G- GHGRS Compliance Checklist	8	**Consistent**. ~~Parking layout includes designated spaces for carpool/vanpool near the building entrance.~~ The Project would also incorporate the TDM measures listed above aimed to reduce vehicle trips and need for parking spaces. Further, the proposed Project site is located within 2,000 feet of transit stops at Montague Expressway / Trimble Road intersection and Brokaw Road / Junction Avenue intersection and would include several bicycle and pedestrian network improvements which would provide alternative transportation for those who can take advantage.

Draft EIR Section	Page Number	Text Revisions
Appendix B	55-56	~~**No Impact**~~ **Less than Significant Impact**. The Project site is not classified as being within a 100-year flood zone. As mapped by the Dam Breach Inundation map Web Publisher, the Project site is within the inundation zone for the Leroy Anderson Dam.[15] As shown in Sheet 17 of 67 on the *Inundation Map for the Fair Weather Failure of Leroy Anderson Dam* map (2019), the Project site is located within the inundation zone for the hypothetical failure of the Leroy Anderson Dam.[16] The Project site is primarily mapped as having a maximum inundation depth of 5 to 10 feet under fair weather failure. The southwestern portion of the Project site has a maximum inundation depth of 10 to 20 feet under fair weather failure. As shown on Sheet 21 of 82 on the *Inundation Map for the Hypothetical Inflow Design Flood Failure of Leroy Anderson & Coyote Dam,*[17] the Project site would have a maximum inundation depth of 10 to 20 feet[18]. The Leroy Anderson Dam falls under the jurisdiction of the California Department of Water Resources Division of Safety of Dams (DSOD)[19] . The DSOD is responsible for inspecting dams on an annual basis to ensure that the dams are safe, performing as intended, and not developing problems[20] . The Santa Clara Valley Water District has a comprehensive dam safety program to ensure the continued operation of its 10 major dams, including the Leroy Anderson Dam. Valley Water routinely inspects and monitors the condition of each dam[21] . The Valley Water comprehensive dam safety program includes procedures and training for emergency preparedness and response in the event of a dam failure or earthquake. According to Valley Water, a storage restriction of about 55 feet below the dam crest has been put in place for Anderson Dam and Reservoir to protect the public, reducing the

[15] California Department of Water Resources, Division of Safey of Dams (DSOD). California Dam Breach Inundation maps. https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed January 27, 2026.

[16] Santa Clara Valley Water District. Inundation Map for the Hypothetical Fair Weather Failure of Leory Anderson Dam. https://fta.valleywater.org/dl/f0uHPXKX7E. Accessed January 28, 2026.

[17] Inflow design flood failure assumed a dam failure at the highest calculated reservoir elevation due to a probable maximum flood.

[18] Santa Clara Valley Water District. Inundation Map for the Hypothetical Inflow Design Flood Failure. https://fta.valleywater.org/dl/xZFTEFd3kh. Accessed January 28, 2026.

[19] Santa Clara Valley Water District. Anderson Dam. https://www.valleywater.org/sites/default/files/SHELL_Anderson%20Dam_102418.pdf. Accessed January 28, 2026.

[20] California Department of Water Resources. Division of Safety of Dams. https://water.ca.gov/programs/all-programs/division-of-safety-of-dams. Accessed January 28, 2026.

[21] Santa Clara Valley Water District. Dam Safety Program. https://www.valleywater.org/flooding-safety/dam-safety-program. Accessed January 28, 2026.

Draft EIR Section	Page Number	Text Revisions
		allowed storage capacity to 52,553 acre-feet. This voluntary restriction exceeds the 45-foot restriction approved by the regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) and was instituted by the District in response to additional findings during the design phase of the Anderson Dam Seismic Retrofit Project (ADSRP). The water district and regulatory agencies believe that this restriction will prevent the uncontrolled release of water in case the dam is structurally damaged after a major earthquake. The City of San José General Plan FEIR also concluded that implementation of General Plan policies and adherence to existing regulations and adopted plans and policies would substantially reduce flooding and drainage hazards associated with dam failure, including the City of San José Local Hazard Mitigation Plan. The City of San José participates in the Santa Clara County Multijurisdictional Hazard Mitigation Plan. The Project would comply with the Santa Clara County Multijurisdictional Hazard Mitigation Plan which includes actions and measures to reduce the risk of dam failure. The Project includes warehouse uses that would include limited hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Operation of the Project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Additionally, the Project site is relatively flat so the potential for risk release of pollutants due to Project inundation is unlikely. Therefore, due to the geographic location of the Project, compliance with dam inspection and safety programs, and the lack of pollutants or hazardous materials present on the Project site, minimal impacts are likely to occur due to flood hazard, tsunami, or seiche zones. Thus, ~~no impacts would occur~~ the impact would be less than significant and this issue will not be further analyzed in the Draft EIR.