

## 1055 Commercial Court Industrial Project (SP24-008/ER22-299)

### Responses to Public Comments on the Draft IS/MND

<b>Public Comment Letter</b>	<b>Commenter</b>	<b>Date Received</b>
A	Irenne Zwierlein, Amah Mutsun Tribal Band of San Juan Bautista and A.M.T.B. Inc.	April 23, 2024
B	<i>Pacific Gas and Electric, Plan Review team</i>	April 19, 2024
C	<i>Kevin Thai, Associate Engineer, Santa Clara Valley Water District</i>	May 7, 2024

**Re: Notice of CEQA Posting: 1055 Commercial Court Project IS/MND (SP24-008)**

Amah Mutsun Tribal &lt;irennenzwierlein@gmail.com&gt;

Mon 4/22/2024 2:34 PM

To: Hawkins, Kara &lt;Kara.Hawkins@sanjoseca.gov&gt;

 1 attachments (502 KB)

Letter of Response 2024 (3).pdf;

[External Email]

You don't often get email from irennenzwierlein@gmail.com. [Learn why this is important](#)

Thank you, and please see attached.

On Wed, Apr 17, 2024 at 4:30 PM Hawkins, Kara <[Kara.Hawkins@sanjoseca.gov](mailto:Kara.Hawkins@sanjoseca.gov)> wrote:

PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSE, CALIFORNIA

**Project Name:** 1055 Commercial Court Project**File No.:** SP24-008 & ER22-299**Description:** Special Use Permit to allow the demolition of approximately 9,150 square feet of all existing structures on site except for one 3,131-square foot industrial building, addition of 193,639 square feet of paved area for a future corporation yard use, allow commercial vehicle storage on site, and removal of two ordinance-size trees and one non-ordinance-size tree on an approximately 4.88 gross acre site in the HI Heavy Industrial Zoning District.**Location:** 1055 Commercial Court, San Jose**Assessor's Parcel No.:** 241-10-002**Council District:** 3**Applicant Contact Information:** Prologis Targeted U.S. Logistics Fund, (Attn: Bianca Liu), Pier 1, Bay 1, San Francisco, CA 94111, (510) 661-4038

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is present on a list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **April 17th, 2024 and ends on May 7th, 2024.**

The Draft MND, Initial Study, MMRP, and reference documents are available online at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street; and the Joyce Ellington Branch Library, located at 491 E Empire Street.

**Kara Hawkins, Planner III**  
City of San Jose | PBCE  
[kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)  
(408) 535-7852

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**The Amah Mutsun Tribal Band of San Juan Bautista  
&  
A.M.T.B. Inc.**

**Letter of Response**

**To whom it may concern:**

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.

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

*Irenne Zwiierlein*

Irenne Zwiierlein

**Amah Mutsun Tribal Band of San Juan Bautista  
&  
AMTB Inc.**

**3030 Soda Bay Road Lakeport, CA 95453**

Our rates for 2024 are

\$275.00 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.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of \$412. (\$333. lodging, \$79 M&IE).

**M&IE Breakdown FY 2023**

<b>M&amp;IE Total<sup>1</sup></b>	<b>Continental Breakfast/ Breakfast<sup>2</sup></b>	<b>Lunch<sup>2</sup></b>	<b>Dinner<sup>2</sup></b>	<b>Incidental Expenses</b>	<b>First &amp; Last Day of Travel<sup>3</sup></b>
<b>\$79.00</b>	\$18.00	\$20.00	\$36.00	\$5.00	\$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: \$.67 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.

Sincerely,

*Irenne Zwielerlein*

Irenne Zwielerlein

3030 Soda Bay Rd, Lakeport  
CA 95453  
amtbin21@gmail.com  
(650)851-7747



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Allied Brokers 591 Lytton Avenue  Palo Alto CA 94301	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): (650) 328-1000 FAX (A/C, No): (650) 324-1142 E-MAIL: BusinessVIP@alliedbrokers.com ADDRESS:	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Amah Mutsun Tribal Band Consulting & Monitoring, LLC 330 Soda Bay Rd  Lakeport CA 95453	<b>INSURER A:</b> Scottsdale Insurance Company NAIC # 41297	
	<b>INSURER B:</b> United States Liability Insurance Company 25895	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE   <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY   <input type="checkbox"/> PRO-JECT   <input type="checkbox"/> LOC OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY   <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY   <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b>   <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b>   <input type="checkbox"/> CLAIMS-MADE DED   RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in Nh) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE   OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

<b>CERTIFICATE HOLDER</b>  FOR YOUR INFORMATION	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  <i>Mimi Watson</i>

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***Public Comment A: Irenne Zwierlein, Amah Mutsun Tribal Band of San Juan Bautista and A.M.T.B. Inc. (received April 23, 2024)***

The letter from the Amah Mutsun tribal representative suggests several general recommendations, including completing the appropriate records searches, completing Cultural Sensitivity Training, and providing archaeological or Native American monitors during construction if warranted. The letter also serves as a solicitation for training and monitoring services. The comment letter did not include specific comments regarding the content or adequacy of the environmental analysis.

As noted in Section 4.5 of the IS/MND, a records search was conducted through the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) of Sonoma State University. Based on the records, the property itself contains no recorded archaeological resources or recorded buildings or structures listed with the State Office of Historic Preservation Built Environment Resources Directory (OHP BERD). Pursuant to AB 52, the City also sent notices to tribes traditionally and culturally affiliated with the geographic area requesting consultation.

On April 4, 2024, City staff met with a representative of the Canyon Band of Costanoan Ohlone People in response to a request for consultation pursuant to AB 52. The outcome of that consultation resulted in the addition of a voluntary permit condition. The condition requires Cultural Awareness Training for construction personnel, in collaboration with a Native American representative. It is staff's opinion that the added permit condition adequately addresses the recommendations of both tribes.

**RE: Notice of CEQA Posting: 1055 Commercial Court Project IS/MND (SP24-008)**

PGE Plan Review &lt;PGEPlanReview@pge.com&gt;

Fri 4/19/2024 11:52 AM

To:Hawkins, Kara &lt;Kara.Hawkins@sanjoseca.gov&gt;

 1 attachments (260 KB)

Initial\_Response\_Letter\_4-19-2024.pdf;

[External Email]

You don't often get email from pgeplanreview@pge.com. [Learn why this is important](#)**Classification: Public**

Dear Kara Hawkins,

Thank you for submitting the SP24-008 plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights.

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Thank you,

**Pacific Gas and Electric Company****Plan Review Team**Email: [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com)



**From:** Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>  
**Sent:** Wednesday, April 17, 2024 4:30 PM  
**Subject:** Notice of CEQA Posting: 1055 Commercial Court Project IS/MND (SP24-008)

**CAUTION: EXTERNAL SENDER!**

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**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSE, CALIFORNIA**

**Project Name:** 1055 Commercial Court Project  
**File No.:** SP24-008 & ER22-299

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**Location:** 1055 Commercial Court, San Jose  
**Assessor's Parcel No.:** 241-10-002  
**Council District:** 3

**Applicant Contact Information:** Prologis Targeted U.S. Logistics Fund, (Attn: Bianca Liu), Pier 1, Bay 1, San Francisco, CA 94111, (510) 661-4038

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Kara Hawkins, Planner III  
City of San Jose | PBCE  
[kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)  
(408) 535-7852

You can read about PG&E's data privacy practices at [PGE.com/privacy](https://www.pge.com/privacy).

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April 19, 2024

Kara Hawkins  
City of San Jose  
200 East Santa Clara St  
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Kara Hawkins,

Thank you for submitting SP24-008 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

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

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

Sincerely,

Plan Review Team  
Land Management

## Attachment 1 – Gas Facilities

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

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

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

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



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

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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



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

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

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

## Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



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

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

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

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



***Public Comment B: Pacific Gas and Electric, Plan Review team (received April 19, 2024)***

PG&E indicated that they are reviewing the project plans and provided general information regarding working near PG&E facilities and land rights. No comments were provided regarding the contents of the CEQA document, and no further response is required.

## Notice of Intent to Adopt a Mitigated Negative Declaration / Initial Study for the 1055 Commercial Court Project, San Jose (SP24-008, ER22299)

Kevin Thai <KThai@valleywater.org>

Tue 5/7/2024 4:52 PM

To:Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

[External Email]

Dear Kara Hawkins,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration / Initial Study (MND/IS) for the 1055 Commercial Court Project in San Jose, received on April 17, 2024. Valley Water has the following comments:

Valley Water records indicate that 12 active wells are located on the subject property. If the wells will continue to be used following permitted activity, they must be protected so that they do not become lost or damaged during completion of permitted activity. If the wells will not be used following permitted activity, they must be properly destroyed under permit from Valley Water. 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 properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) Panel 06085C0232H, effective May 18, 2009, the site is located within Zone D, an area in which flood hazards are undetermined, but possible.

If you have any questions, please contact me at (408) 630-3157 or [kthai@valleywater.org](mailto:kthai@valleywater.org). Please reference Valley Water File 16186 for any future correspondences regarding this project.

Sincerely,

**KEVIN THAI**

ASSOCIATE ENGINEER - CIVIL

Community Projects Review Unit

Tel. (408) 630-3157 / CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

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***Public Comment C: Kevin Thai, Associate Engineer, Santa Clara Valley Water District (received May 7, 2024)***

Valley Water noted that their records indicate 12 active wells at the subject property and provided information regarding future well use and/or destruction. Comments also note the FEMA flood zone as Zone D, in which flood hazards are “undetermined”.

As noted on Sheet C1.0 (cover sheet) of the civil engineering plans, all known well locations on the site have been included and such wells shall be either maintained or abandoned/destroyed according to current regulations and with permits administered by Valley Water. The project has also been designed to comply with the flood hazard area regulations as stated in Chapter 17.08 of the San Jose Municipal Code.