AB 52 Consultation – Meeting Summary
1291 San Carlos Avenue (File Nos: H23-005/Burbank 45/C21-034/ER23-026)

May 3, 2024

Tamien Nation
Chairwoman Quirina Luna Geary
PO Box 8053
San José, CA 95155
Qgeary@tamien.org

Jonathan Costillas
Tribal Cultural Resource Officer
PO Box 866
Clearlake Oaks, CA 95423
Jcostillas@tamien.org

Sent via email only, as requested

Dear Ms. Geary and Mr. Costillas,

On April 18, 2024, the City of San José and the Tamien Nation met to consult as required under AB 52 on the following project:

Project File Nos.:	H23-005/Burbank 45/C21-034/ER23-026
Project Location:	1921 & 1927 West San Carlos Street APNs: 274-17-018, -019, -020, -021, and -022
Project Description:	Demolition of approximately 12,500 square feet of commercial space and construction of a new 100% affordable housing development consisting of 94 rental units, including one manager's unit, and approximately 2,500 square feet of ground floor commercial space.
Project Applicant	PATH Ventures, 340 N. Madison Avenue, San Francisco, CA 94105
Project Point of Contact	Reema Mahamood, Environmental Project Manager reema.mahamood@sanjoseca.gov (408) 535-6872

The presentation presented at the consultation meeting is attached to this letter. At the meeting Chairwoman Geary agreed with the City's determination of no archaeological sensitivity based on the location of the project in a heavily developed area, and the distance of 1.5 miles from Los Gatos Creek, the nearest water body.

Because it is always possible for previously unknown subsurface Tribal resources to be unearthed during construction activities, the following Standard Permit Conditions will be required of the project:

a. **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

b. **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Permittee shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
   i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
   ii. The MLD identified fails to make a recommendation; or
   iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Please let us know if you agree with the information provided above. If the City does not receive a response within 30 days, the City will presume that you agree with the above and have declined further consultation on this project.

Please contact me if you have any questions or need additional information.

Sincerely,

Reema Mahamood

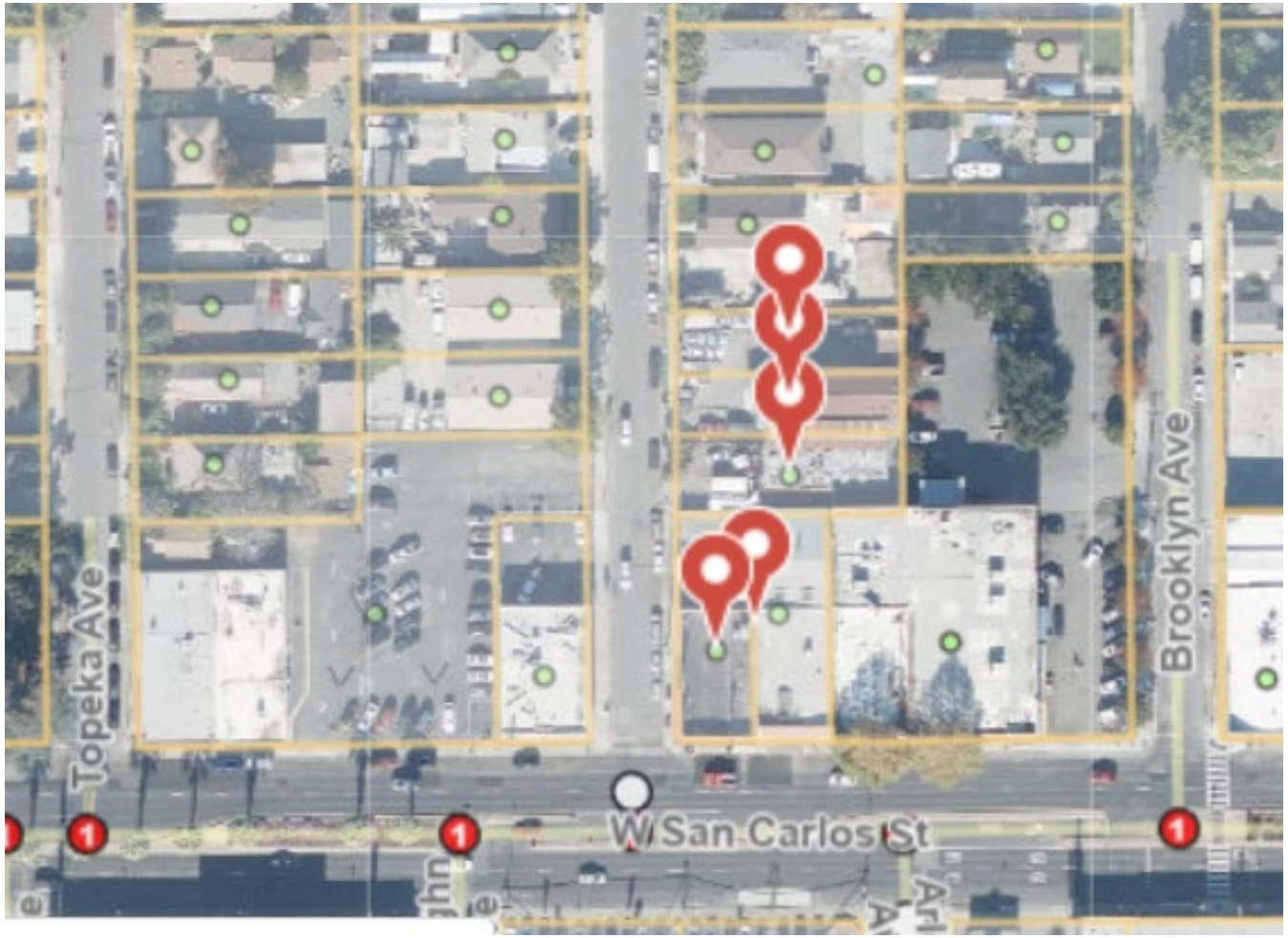
Reema Mahamood
Planner III, Environmental Review Team
Department of PBCE, Planning Division

Attachment: Power Point Presentation

1921 & 1927 West San Carlos Street Project

City of San Jose Planning File Nos.:H23-005/Burbank 45/C21-034/ER23-026

Site Location: 1921 & 1927 West San Carlos Street (APNs 274-17-018, -019, -020, -021, -022)



Project Description

- Demolition of approximately 12,500 square feet of commercial structures
- Construction of a new 100% affordable housing development consisting of 94 rental units, including one manager’s unit
- Approximately 2,500 square feet of ground-floor commercial space
- 0.56-acre site (5 parcels) in unincorporated area of the City
- Permits include annexation, rezoning, and site development

Environmental Review

- Site is in a heavily developed area
- The nearest water body is Los Gatos Creek over 1.5 miles from the site
- The site is not mapped as archaeologically sensitive
- Standard Permit Conditions apply including those for inadvertent discovery of archaeological resources and human remains