

**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR THE
CITY VIEW PLAZA PROJECT**

FILE NO: H19-016
PROJECT APPLICANT: SJ Cityview LLC
APN: 259-41-057, 259-41-066, 259-41-067,
259-41-068, 259-41-070

Project Description: Site Development Permit to allow the demolition of eight buildings and the subterranean parking garage in the existing City View Plaza totaling approximately 960,567-square feet, the removal of 31 ordinance size trees, and the construction of an office development totaling approximately 3.66 million square feet of office and commercial space above a subterranean parking garage on an approximately 6.9-gross acre site. **Location:** 150 Almaden Boulevard, site bounded by Almaden Boulevard on the west, W. San Fernando Street on the north, Market Street on the east, and Park Avenue on the south (City View Plaza). Site excludes the buildings at 121 and 190 Park Center Plaza.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this SEIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and a brief summary of the probable environmental effects that will be analyzed in the EIR for the project are attached.

A Community and Environmental Scoping meeting for this project will be held as follows:

When: Monday, August 19, 2019 6:00 – 7:30 p.m.
Where: Bowers Institute Meeting Room, 145 W. San Carlos Street, San Jose, CA 95113
Validated parking will be provided in the Convention Center Parking Garage

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. The City will accept comments on the scope of the EIR until **5 p.m. on September 9, 2019**. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: David Keyon, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905
Phone: (408) 535-7898, e-mail: david.keyon@sanjoseca.gov

Rosalynn Hughey, Director
Planning, Building and Code Enforcement



Deputy

8/2/19

Date

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY VIEW PLAZA PROJECT

August 2019

A. INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

A Supplemental EIR (SEIR) is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare an SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of the proposed City View Plaza Project.

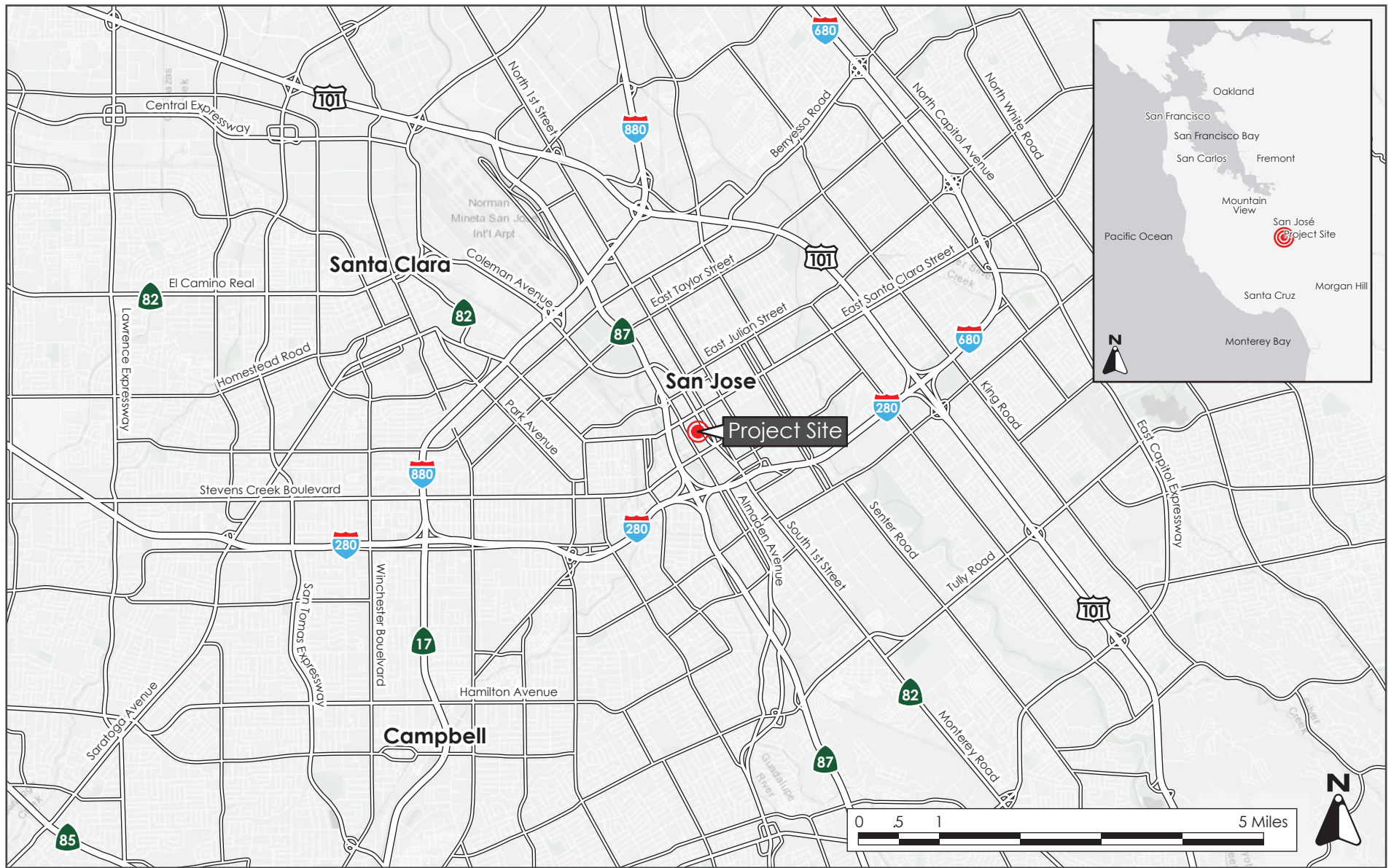
An Initial Study (IS), based on the CEQA checklist, will be prepared to focus the SEIR on issues that are specific to the project and the project site, and/or address changes in environmental conditions that have occurred since the Downtown Strategy 2040 FEIR was completed. The IS will be included as Appendix A of the SEIR and will serve as the basis for all less than significant impact discussions.

The SEIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the SEIR will include the following:

- A summary of the project, project impacts, and alternatives;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

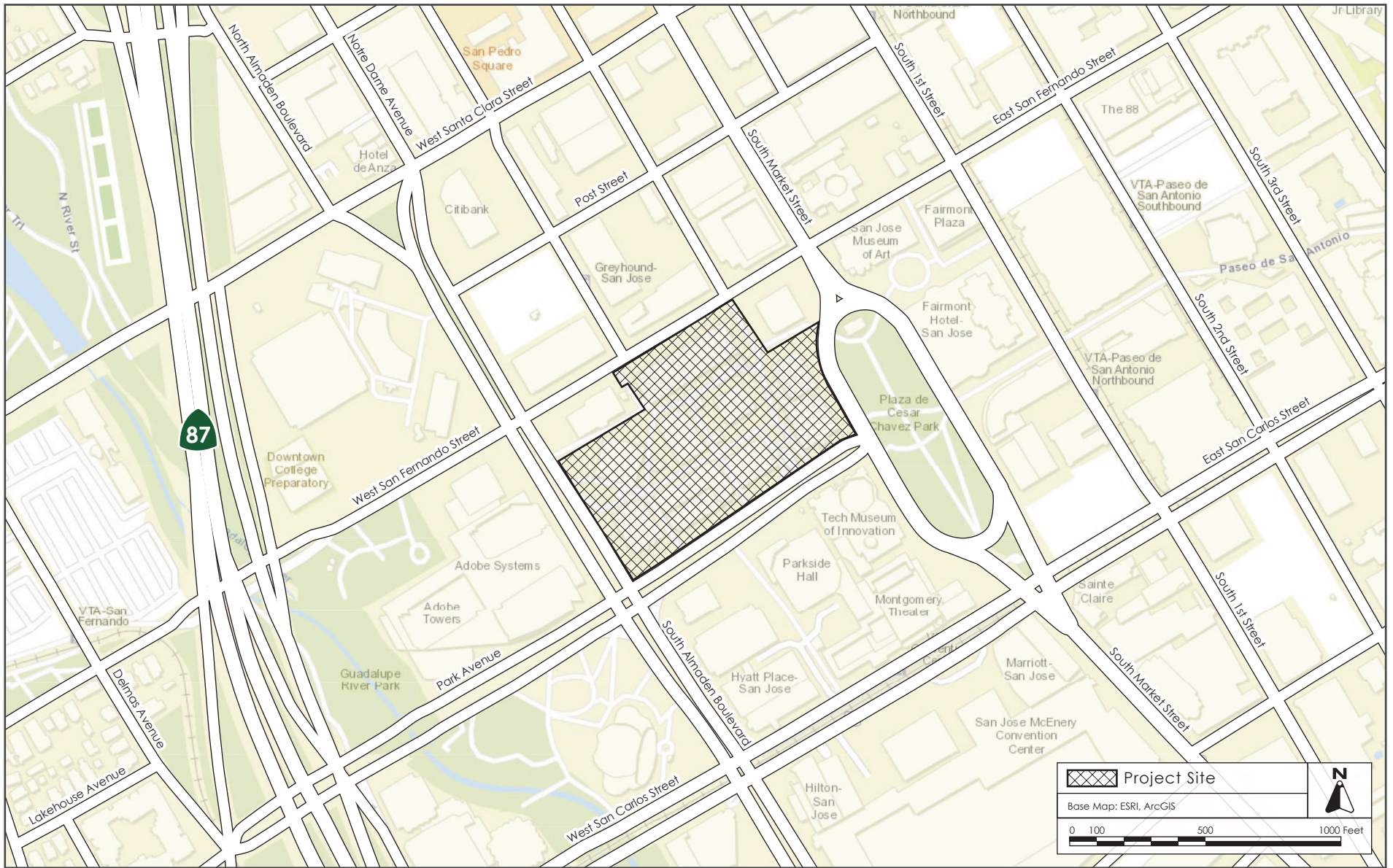
B. PROJECT LOCATION

The 6.9-acre project site is comprised of five parcels (APNs 259-41-057, -066, -067, -068, and -070) which comprise most of the city block bound by Almaden Boulevard on the west, West San Fernando Street on the north, Market Street on the east, and Park Avenue on the south. Regional, vicinity, and aerial maps, as well as a site plan and rendering of the project site are attached as Figures 1, 2, 3, 4, and 5 respectively.



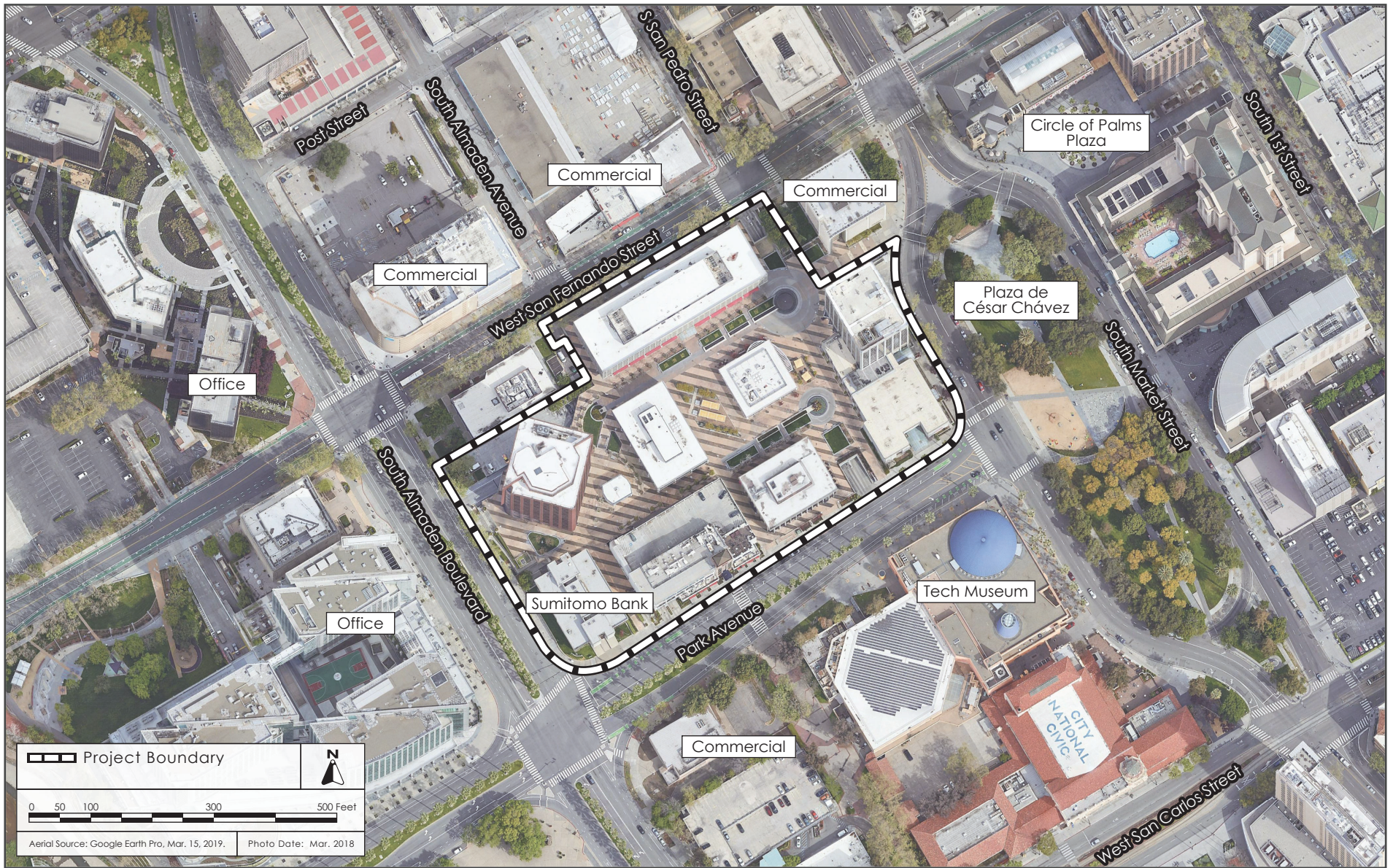
REGIONAL MAP

FIGURE 1



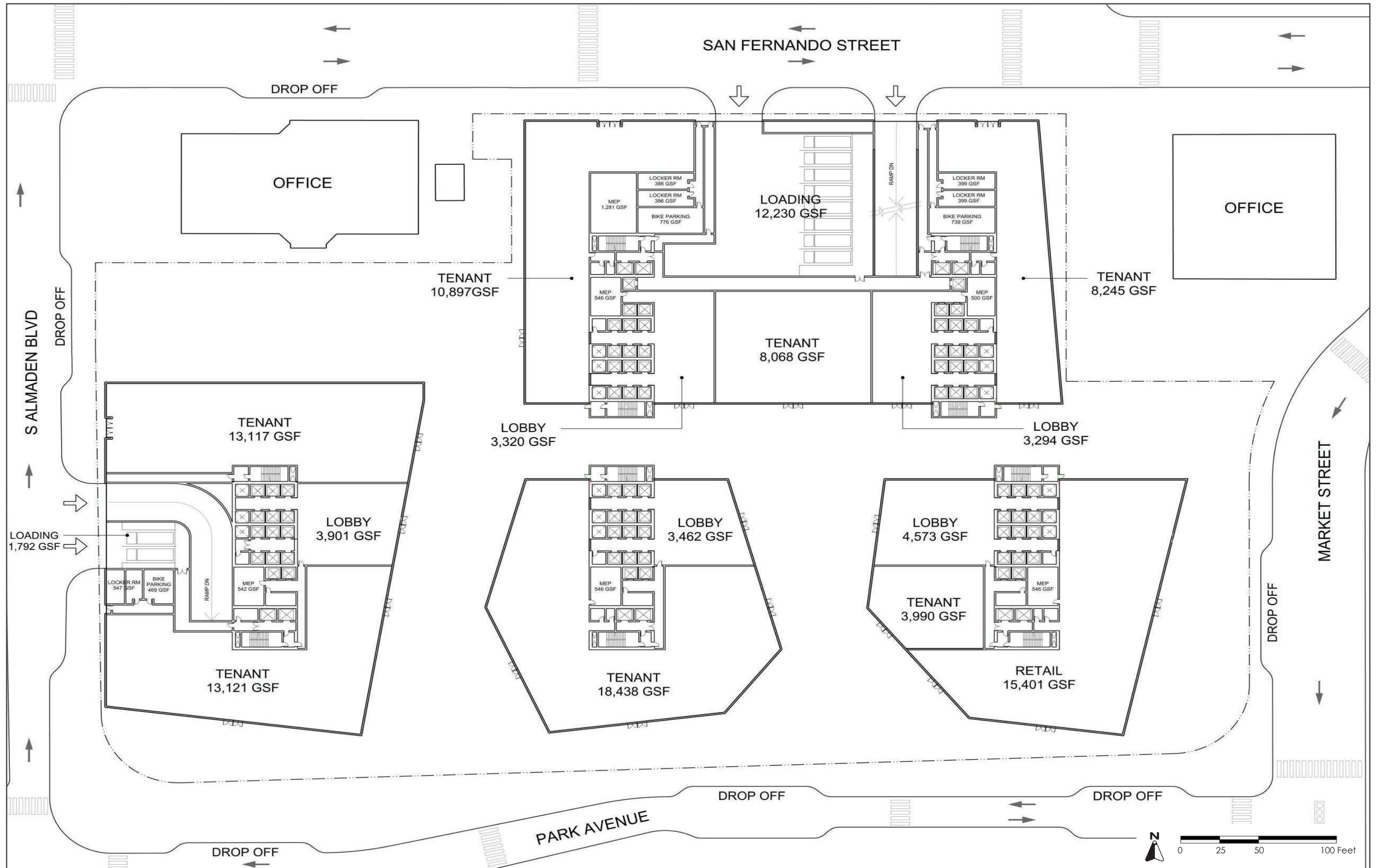
VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



CONCEPTUAL SITE PLAN

FIGURE 4



CONCEPTUAL BUILDING RENDERING

FIGURE 5

C. DESCRIPTION OF THE PROJECT

Project Description

There are currently eight buildings on-site as shown in the table below.

Address	Size
100 W. San Fernando Street	116,720 square feet
150 Almaden Boulevard	218,400 square feet
130 Park Center Plaza	20,290 square feet
115 Park Center Plaza	8,272 square feet
170 Park Avenue	23,280 square feet
185 Park Avenue	162,144 square feet
177 Park Center Plaza	33,543 square feet
101 Park Center Plaza	359,918 square feet
Parking Garage	257,970 square feet

As proposed, the project would demolish the eight buildings and parking garage on-site and construct three 19-story office towers, connected by a series of bridges, which would contain both office and amenity spaces. The ground floor would contain a combination of commercial/retail, lobby, and office amenity spaces. Beneath the office towers would be five levels of below grade parking. The amount of office /amenity and commercial use will increase as is called for in the City of San Jose General Plan.

The overall parking and square footage proposed are:

- Parking = approximately 5,612 parking stalls
- Office/Amenity/Commercial/Retail = approximately 3.66 million square feet

Construction of the office development is planned in three phases with each of the towers being independently constructed as a phase. The connecting bridges would be incorporated into phases two and three. The below grade parking phasing is yet to be determined. One of the eight buildings proposed for demolition (the Sumitomo Bank Building located at 170 Park Avenue, as shown on Figure 3) is listed on the City's Historic Resources Inventory as a Candidate City Landmark.

The project site is designated *Downtown* under the City of San Jose's adopted General Plan and has a zoning designation of *DC – Downtown Primary Commercial*.

Possible Required Project Approvals:

1. Site Development Permit(s)
2. Building Permits
3. Grading Permits
4. Public Works Clearances

D. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT

The SEIR will describe the existing environmental conditions on the project site and will identify the potentially significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted.

The SEIR will include the following specific environmental categories as related to the proposed project:

1) Aesthetics

The proposed project would replace an existing commercial development comprised of multiple buildings of varying height and architectural styles within the downtown core of San José. The SEIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project.

2) Air Quality

The SEIR will describe the existing air quality conditions in the Bay Area and will evaluate the air quality impacts of the project, based on a detailed air quality analysis prepared for the proposed project. Construction and operational air quality impacts will be evaluated. Mitigation and/or avoidance measures will be identified for significant air quality impacts, as appropriate.

3) Biological Resources

The project site is currently developed with multiple commercial buildings and a parking structure. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. There are trees and limited landscaping on-site. The SEIR will describe the project's impacts to biological resources during project construction and operation and the project's consistency with the Santa Clara County Habitat Conservation Plan. Due to the project's location near Caesar Chavez Park, the SEIR will also address the proposed building design relative to the City's bird safe design standards.

4) Cultural Resources

Because of the early occupation and development in the project vicinity, there is the potential for subsurface resources associated with this early development to be located on-site. In addition, the former Sumitomo Bank building at 170 Park Avenue, located at the northeast corner of Park Avenue and Almaden Boulevard is listed on the City's Historic Resources Inventory as a Candidate City Landmark.

The SEIR will address any known and unknown buried cultural resources on and adjacent to the site as well as the project's potential impacts to historic structures. Mitigation and/or avoidance measures will be identified for significant cultural resource impacts, as appropriate.

5) *Energy*

Implementation of the proposed project could result in an increased demand for energy on-site. The SEIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption.

6) *Geology and Soils*

The project site is located in the most seismically active region in the United States. The SEIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

7) *Greenhouse Gas Emissions*

The SEIR will address the project's consistency with the City's Greenhouse Gas (GHG) Reduction Strategy and the State's GHG reduction goals. If significant impacts are identified, mitigation measures will be developed to lessen or avoid impacts when feasible.

8) *Hazards and Hazardous Materials*

The SEIR will address existing hazards or hazardous material conditions on and in the vicinity of the site, based upon an environmental site assessment. Mitigation and/or avoidance measures will be identified for significant hazardous materials impacts, as appropriate.

9) *Hydrology and Water Quality*

The SEIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the projects effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board.

10) *Land Use/Planning*

The project site is in an urbanized area surrounded by a mix of commercial, hotel, and office land uses. The SEIR will describe the existing land uses adjacent to and within the project area. Land use impacts that will occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan and zoning code and compatibility of the proposed and existing land uses in the project area. Increased shade and shadows on nearby public spaces and parks will also be evaluated.

11) *Noise and Vibration*

The SEIR will address impacts to off-site sensitive receptors resulting from on-site noise sources and project-generated traffic noise, and temporary noise increases during project construction. Mitigation and/or avoidance measures will be identified for significant noise impacts, as appropriate.

12) *Public Services*

Implementation of the proposed project would introduce more commercial development in the downtown area, resulting in an increased demand on public services, including police and fire protection, and recreational facilities. The SEIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

13) *Transportation*

The project site is located within the downtown core. Transportation impacts in the project area were previously evaluated in the Downtown Strategy 2040 Final EIR. A Local Transportation Analysis (LTA) will be completed to evaluate the proposed site access/circulation and intersection operations in the project area to identify any necessary improvements.

14) *Tribal Cultural Resources*

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. If the tribe has notified the City the SEIR will include the documentation of the consultation process. The SEIR will include mitigation measures if required.

15) *Utilities and Service Systems*

Implementation of the proposed project could result in an increased demand on utilities and public facilities compared to existing conditions. The SEIR will examine the impacts of the project on public services, including utilities such as sanitary systems and storm drains, water supply/demand (based on a water supply assessment), and solid waste management.

16) *Cumulative Impacts*

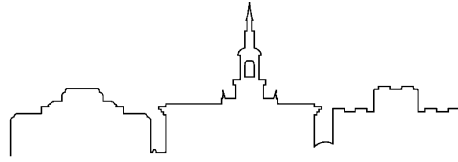
In conformance with CEQA, this section will address the impacts of implementing the project in combination with other past, pending, and reasonably foreseeable future projects in the development area. Mitigation and avoidance measures will be identified for significant cumulative impacts, as appropriate.

17) *Alternatives to the Project*

Alternatives to the proposed project will be evaluated, including a “No Project” alternative. Other alternatives analyzed will be selected based on their ability to avoid or lessen one or more significant impacts while still meeting most of the basic objectives of the proposed project.

18) *Other CEQA Sections*

The SEIR will include other sections required by CEQA, including Growth Inducing Impacts, Significant Unavoidable Impacts, Authors and Consultants, References, and Technical Appendices. The SEIR will also discuss Agriculture and Forestry Resources, Mineral Resources, and Wildfire consistent with the CEQA checklist.



PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

August 7, 2019

City of San Jose Historic Landmarks Commission
Edward Saum, Chair
200 E Santa Clara Street
San Jose CA 95113

Public Hearing Item H17-050 (City View Plaza)

Dear Commissioners,

Preservation Action Council of San Jose (PAC*SJ) welcomes the opportunity to provide comments to the Commission regarding the proposed City View Plaza project.

We are extremely concerned that the project proposes to demolish the circa 1971 Bank of California building designed by architect César Pelli.

When first evaluated "in 2000, the then twenty-nine-year-old building was described as an excellent example of the minimalist school of modern architecture." Although the building was considerably younger then, "it was noted: The building is representative of the work of a master architect, and appears to have been designed as a signature building in downtown San Jose's first redevelopment area".

We believe the Bank of California Building represents the most historically significant resource in Park Center Plaza, which was a new sort of civic/corporate architecture of the 1970s. In fact, in an effort at urban renewal, local leaders and the City's own Redevelopment Agency brought renowned architects in to redevelop downtown. They were successful in that endeavor, and the Pelli designed building remains its most unique manifestation of that effort.

As stated in the Historic Report prepared by Archives and Architecture, "the Bank of California building is an exceptional regional example of César Pelli's acclaimed body of early work. The building embodies the stylistic elements of his work that can be found in critical studies and books on contemporary architects and the architecture of our times. The building is a sophisticated example of architectural design that represents in a distinctive way a specific era of development in San Jose's history". Although the building is slightly less than fifty years old, it is an extraordinary work.

Not only is this building identified with an architect who is world renowned, the building also holds a unique place in the history of the development of downtown San Jose. Many of our City Landmark buildings such as the Jose Theatre, Montgomery Hotel, De Anza Hotel and California Theater date from the early 20th century. The Bank of California Building is a significant historic resource from the latter half of the same century. It should not only be preserved, but elevated to the same status. It clearly qualifies as a City Landmark based upon several criteria.

We urge the Commission to strongly advocate for the preservation of this important building.

André Luthard
Board President, Preservation Action Council of San Jose



August 8, 2019

David Keyon
City of San Jose
200 East Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Keyon,

Thank you for submitting the 150 Almaden Blvd 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.
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: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.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 12 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 12 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 12 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 15 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) 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.

Keyon, David

From: Aerieways <aerieways@aol.com>
Sent: Tuesday, August 13, 2019 9:24 PM
To: Keyon, David
Subject: Re: Notice of Preparation of an EIR for the City View Plaza Project (H19-016)

Per agreement these lands are represented by the Muwekma Tribal Band. Please contact Alan Leventhal.

Ed Ketchum
Amah Mutsun Tribal Band
Historian

-----Original Message-----

From: Keyon, David <david.keyon@sanjoseca.gov>
To: Keyon, David <david.keyon@sanjoseca.gov>
Sent: Wed, Aug 7, 2019 11:04 am
Subject: Notice of Preparation of an EIR for the City View Plaza Project (H19-016)

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FILE NO: H19-016
PROJECT APPLICANT: SJ Cityview LLC
APN: 259-41-057, 259-41-066, 259-41-067, 259-41-068, 259-41-070

Project Description: Site Development Permit to allow the demolition of eight buildings and the subterranean parking garage in the existing City View Plaza totaling approximately 960,567-square feet, the removal of 31 ordinance size trees, and the construction of an office development totaling approximately 3.66 million square feet of office and commercial space above a subterranean parking garage on an approximately 6.9-gross acre site.

Location: 150 Almaden Boulevard, site bounded by Almaden Boulevard on the west, W. San Fernando Street on the north, Market Street on the east, and Park Avenue on the south (City View Plaza). Site excludes the buildings at 121 and 190 Park Center Plaza.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this SEIR may be used by your agency when considering subsequent approvals related to the project.

A Community and Environmental Scoping meeting for this project will be held as follows:

When: Monday, August 19, 2019 6:00 – 7:30 p.m.

Where: Bowers Institute Meeting Room, 145 W. San Carlos Street, San Jose, CA 95113

Validated parking will be provided in the Convention Center Parking Garage

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at <http://www.sanjoseca.gov/index.aspx?nid=5962>, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. The City will accept comments on the scope of the EIR until 5 p.m. on September 9, 2019. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: David Keyon, Environmental Project Manager

200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905
Phone: (408) 535-7898, e-mail: david.keyon@sanjoseca.gov

David Keyon

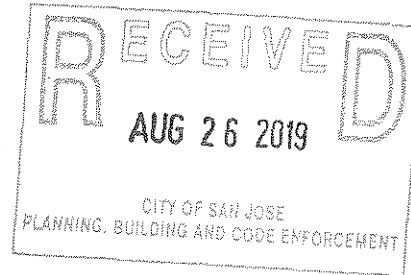
City of San Jose PBCE
Principal Planner Environmental Review
(408) 535-7898

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



August 21, 2019

David Keyon
San Jose, City of
200 E. Santa Clara St., T-3
San Jose, CA 95113



RE: SCH# 2018022032, City View Plaza Residential Tower Project, Santa Clara County

Dear Mr. Keyon:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

Keyon, David

From: Aghegnehu, Ben <ben.aghegnehu@rda.sccgov.org>
Sent: Friday, September 6, 2019 8:50 AM
To: Keyon, David
Cc: Talbo, Ellen
Subject: RE: Notice of Preparation of an EIR for the City View Plaza Project (H19-016)

September 6, 2019

David Keyon

City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

SUBJECT: Notice of Preparation of an EIR for the City View Plaza Project (H19-016)

Dear Mr. David Keyon:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of Preparation of an EIR for the City View Plaza Project (H19-016) and is submitting the following comments:

- Please make sure that the SEIR looks into any possible impacts to nearby County facilities, i.e., Almaden and Central Expressway.

Thank you for reaching out and considering these comments. If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you,

Ben Aghegnehu

Associate Transportation Planner
County of Santa Clara | Roads & Airports
101 Skyport Rd | San Jose, CA, 95110
408-573-2462 (o)

From: Keyon, David <david.keyon@sanjoseca.gov>
Sent: Wednesday, August 7, 2019 11:02 AM
To: Keyon, David <david.keyon@sanjoseca.gov>
Subject: [EXTERNAL] Notice of Preparation of an EIR for the City View Plaza Project (H19-016)

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE CITY VIEW PLAZA PROJECT

FILE NO: H19-016
PROJECT APPLICANT: SJ Cityview LLC
APN: 259-41-057, 259-41-066, 259-41-067, 259-41-068, 259-41-070

Project Description: Site Development Permit to allow the demolition of eight buildings and the subterranean parking garage in the existing City View Plaza totaling approximately 960,567-square feet, the removal of 31 ordinance size trees, and the construction of an office development totaling approximately 3.66 million square feet of office and commercial space above a subterranean parking garage on an approximately 6.9-gross acre site.

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City of San José, Department of Planning, Building and Code Enforcement
Attn: David Keyon, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905
Phone: (408) 535-7898, e-mail: david.keyon@sanjoseca.gov

David Keyon

City of San Jose PBCE
Principal Planner Environmental Review
(408) 535-7898

Keyon, David

From: Lisa Brancatelli <LBrancatelli@valleywater.org>
Sent: Tuesday, September 10, 2019 12:54 PM
To: Keyon, David
Cc: Colleen Haggerty
Subject: NOP of an EIR for the City View Plaza Project City file H19-016
Attachments: NOP EIR.pdf

Dear Mr. Kenyon,

Valley Water does not have comments at this time but would appreciate the opportunity to review the Supplemental EIR when it becomes available.

Thank you,
Lisa

LISA BRANCATELLI
ASSISTANT ENGINEER II (CIVIL)
Community Projects Review Unit
Tel. (408) 630-2479 / 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