

Telahun, Bethelhem

From: KKLLC Admin <admin@kanyonkonsulting.com>
Sent: Friday, April 2, 2021 11:24 AM
To: Telahun, Bethelhem
Subject: 375 and 383 S. Baywood Avenue and 382 S. Redwood Avenue in the City of San José.

[External Email]

To Whom it may concern,

My name is Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter dated : April 1,2021

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to **Honor Truth in History**. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that **#HonorTruthinHistory**. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

Potential Approaches to Ingenious Culture Awareness/History:

--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.
Best Regards,
Kanyon Sayers-Roods
Creative Director/Tribal Monitor
Kanyon Konsulting, LLC

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Telahun, Bethelhem

From: Telahun, Bethelhem
Sent: Friday, May 14, 2021 7:35 AM
To: 'KKLLC Admin'
Cc: Le, Thai-Chau
Subject: RE: 375 and 383 S. Baywood Avenue and 382 S. Redwood Avenue in the City of San José.
Attachments: KK LLC (H19-055).pdf; KK LLC (H20-017).pdf; KK LLC (SP20-008).pdf

Hello,

Thank you for your interest in our projects and providing comments. We received three email comments from you on three separate projects during each CEQA public circulation phase and wanted to ensure that we are following up with you on the findings and the recommendations. Below is a quick summary of each project and what the physical work would entail. Attached are the three email comments from you.

- a. Baywood Mixed-Use project (SP20-008): The site is heavily disturbed and is currently developed with three single-family residences. The project would demolish everything to build the mixed-use project. Based on the cultural resources records search completed for the project (Section 4.5 of the Initial Study here: <https://www.sanjoseca.gov/home/showpublisheddocument/70856/637528749487900000>). The site has a low potential for pre-historic Native American and historic archaeological deposits to occur. However, in the event cultural resources are encountered during excavation and construction, standard permit conditions would be implemented. The standard permits are summarized below separately.
- b. Stevens Creek Chrysler Showroom (H19-055): The project site was first developed as a new car dealership in 1973 with the current showroom building and has remained a dealership since. Prior to urbanization, the project site had agricultural land use. The new showroom will be built in the same location as the existing showroom, where the ground has already been significantly disturbed and the project does not propose significant excavation. Given the site's past history and the scope of the project, subsurface artifacts of prehistoric, historic or cultural significance are not expected to be encountered. Therefore, the City is requiring the standard permit conditions for accidental discovery. The full document is available here: <https://www.sanjoseca.gov/home/showpublisheddocument/71759/637550494192230000>
- c. Almaden Retail Project (H20-017): The site has been developed with a gas station and fully paved. This project proposes to demolish the existing gas station to build a new retail building, which would include grading and ground-disturbing activities. Previous surveys and surface reconnaissance (Section 4.5 of the Initial Study) did not discover any archaeological materials within the project site or surrounding areas, nor were any resources previously recorded on site or in the vicinity. However, the project would implement standard permit conditions. The full documents is available here: <https://www.sanjoseca.gov/home/showpublisheddocument/71725/637550464052870000>

Based on the scope of the three projects and the area, we apply our standard permit conditions, which is as follow:

- 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 topped, 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 shall examine the find. The archaeologist 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 Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

- **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 §§ 7054 and 7050.5 and PRC §§ 5097.9 through 5097.99, as amended per AB 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent remains. The Applicant shall immediately notify the Director of PBCE or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner, who shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall 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 Santa Clara County Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance.
 - 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.
 - The MLD identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

These conditions were considered as adequate for the purposes of CEQA due to the level of disturbance proposed. Based on the information provided above, please let us know if recommendation for Native American monitoring is requested and we will pass this on to the applicant teams for consideration for incorporation.

We post both the comments and responses for the public and administrative record. Please let me know if you have any further questions or concerns.

Best,

Bethelhem Telahun

Planner I Environmental Review
City of San Jose Planning Div.
Planning, Building & Code Enforcement Department
200 E Santa Clara St T3 San Jose CA 95113
Bethelhem.telahun@sanjoseca.gov | 408-535-5624

From: KKLLC Admin <admin@kanyonconsulting.com>

Sent: Friday, April 2, 2021 11:24 AM

To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>

Subject: 375 and 383 S. Baywood Avenue and 382 S. Redwood Avenue in the City of San José.

[External Email]

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We look forward to working with you.

Best Regards,

Kanyon Sayers-Roods

Creative Director/Tribal Monitor

Kanyon Konsulting, LLC

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From: [Colleen Haggerty](#)
To: [Telahun, Bethelhem](#)
Cc: [Michael Martin](#)
Subject: Baywood Mixed-Use Project MND
Date: Monday, April 19, 2021 5:59:57 PM

[External Email]

Hi Bethelhem,

Valley Water has reviewed the MND for the Baywood Mixed-Use Project received on April 1, 2021.

Based on our review we have the following comments:

1. Under “Groundwater supplies” on page 104, please note Valley Water is the wholesale water supplier for the County; San Jose Water Company provides water to the project site.
2. The discussion on page 106 under “Flooding” and “ Flood Flows” notes the project would reduce potentially significant impacts to flooding through use of LID measures and connecting the site directly to the existing storm drain system. Please note that site currently drains to the existing storm drain system and will be increasing the impervious surface area which would result in an increase in runoff from the site. LID measures are designed for protecting surface water quality by reducing pollutants entering the receiving water body and reducing the volume of runoff from the smaller, more frequent storm events that cause erosion to the receiving water body. The use of LID measures typically does not significantly impact runoff from larger storm events such as the 50 or 100 year events. It is unclear how the proposed project will reduce the potential flood impacts due to the larger, less frequent storm events, *i.e.* 100 year storm.

If you have any questions please let me know.

Colleen Haggerty, PE

Associate Civil Engineer

Community Projects Review Unit

Santa Clara Valley Water District

5750 Almaden Expressway, San Jose, CA 95118

(408) 630-2322 direct | (408)265-2600 main | chaggerty@valleywater.org | www.valleywater.org

* Mailing address for FedEx, UPS, Golden State, *etc.*

Winfield Warehouse-5905 Winfield Blvd. San Jose, CA 95123-2428

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Telahun, Bethelhem

From: Telahun, Bethelhem
Sent: Tuesday, May 11, 2021 12:38 PM
To: 'Colleen Haggerty'
Cc: Michael Martin
Subject: RE: Baywood Mixed-Use Project MND

Hello,

Thank you for taking time to review and provide comments for this project. I have discussed your comments with our Public Works team and the environmental consultants to provide the following responses:

Comment 1: Under "Groundwater supplies" on page 104, please note Valley Water is the wholesale water supplier for the County; San Jose Water Company provides water to the project site.

Response 1: This comment is acknowledged and will be accurately presented in future initial studies. However, this comment does not change the conclusions in the analysis and does not require any changes to mitigation measures in the mitigated negative declaration. Therefore, no changes to the MND are required.

Comment 2: The discussion on page 106 under "Flooding" and "Flood Flows" notes the project would reduce potentially significant impacts to flooding through use of LID measures and connecting the site directly to the existing storm drain system. Please note that site currently drains to the existing storm drain system and will be increasing the impervious surface area which would result in an increase in runoff from the site. LID measures are designed for protecting surface water quality by reducing pollutants entering the receiving water body and reducing the volume of runoff from the smaller, more frequent storm events that cause erosion to the receiving water body. The use of LID measures typically does not significantly impact runoff from larger storm events such as the 50 or 100 year events. It is unclear how the proposed project will reduce the potential flood impacts due to the larger, less frequent storm events, i.e. 100 year storm.

Response 2: Acknowledged. See pages 103 and 106 for discussions related to the increase in stormwater runoff; however, the following provides additional clarification. The LID measures identified in the initial study do address water quality. The proposed project addresses the increase in stormwater by directing stormwater to the landscaped areas onsite. These landscaped areas include flow-through planters and are also used as drainage management areas; therefore, stormwater runoff would be directed to these locations and drain onsite prior to entering the City's storm drain system. The project plans Sheet C3.1 states that routine maintenance would occur to ensure that the drainage management landscaped areas are draining completely within five days. In the occurrence of excess stormwater onsite, excess flows would be directed to the existing storm drain manhole at the corner of Hemlock and South Baywood Avenues and subsequently flow into the San Francisco Bay. Furthermore, there are no flood nor Hydromodification requirements that apply to this project. The project would be designed pursuant to the requirements of Provision C3 of the Municipal Regional Stormwater NPDES Permit. This comment does not change the conclusions in the analysis and does not require any changes to mitigation measures in the mitigated negative declaration. Therefore, no changes to the MND are required.

We post both the comments and responses for the public and administrative record. Please let me know if you have any further questions or concerns.

Thank you,

Bethelhem Telahun

Planner I Environmental Review
City of San Jose Planning Div.
Planning, Building & Code Enforcement Department
200 E Santa Clara St T3 San Jose CA 95113
Bethelhem.telahun@sanjoseca.gov | 408-535-5624

From: Colleen Haggerty <CHaggerty@valleywater.org>
Sent: Monday, April 19, 2021 6:00 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Michael Martin <MichaelMartin@valleywater.org>
Subject: Baywood Mixed-Use Project MND

[External Email]

Hi Bethelhem,

Valley Water has reviewed the MND for the Baywood Mixed-Use Project received on April 1, 2021. Based on our review we have the following comments:

1. Under "Groundwater supplies" on page 104, please note Valley Water is the wholesale water supplier for the County; San Jose Water Company provides water to the project site.
2. The discussion on page 106 under "Flooding" and "Flood Flows" notes the project would reduce potentially significant impacts to flooding through use of LID measures and connecting the site directly to the existing storm drain system. Please note that site currently drains to the existing storm drain system and will be increasing the impervious surface area which would result in an increase in runoff from the site. LID measures are designed for protecting surface water quality by reducing pollutants entering the receiving water body and reducing the volume of runoff from the smaller, more frequent storm events that cause erosion to the receiving water body. The use of LID measures typically does not significantly impact runoff from larger storm events such as the 50 or 100 year events. It is unclear how the proposed project will reduce the potential flood impacts due to the larger, less frequent storm events, *i.e.* 100 year storm.

If you have any questions please let me know.

Colleen Haggerty, PE
Associate Civil Engineer
Community Projects Review Unit
Santa Clara Valley Water District
5750 Almaden Expressway, San Jose, CA 95118
(408) 630-2322 direct | (408)265-2600 main | chaggerty@valleywater.org | www.valleywater.org
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Winfield Warehouse-5905 Winfield Blvd. San Jose, CA 95123-2428

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April 23, 2021

City of San José Department of Planning, Building, and Code Enforcement
200 E. Santa Clara St., 3rd Floor
San José, CA 95113

Attn: Bethelhem Telahun
By Email: bethelhem.telahun@sanjoseca.gov

Dear Bethelhem,

VTA appreciates the opportunity to comment on the Mitigated Negative Declaration/Initial Study for the 375 Baywood Mixed-Use project. VTA Planning staff discussed this project with Department of Transportation and Public Works staff on April 9, 2021. Thank you for extending the comment period for VTA until April 23, 2021. VTA has reviewed the documents and has the following comments:

Land Use

VTA supports the location and density of this project. It is in a location that provides good pedestrian and transit access which will encourage these uses. Residents and commercial employees will have nice connections to amenities, shopping, groceries and services.

Access to Transit

Two VTA bus stops (served by Route 23 and Rapid 523) are located within 1000 feet of the project on Stevens Creek Boulevard. To provide safe pedestrian access to these stops, VTA recommends the City of San José and/or project stripe and mark crosswalks at Baywood Avenue and Redwood Avenue on the southside of Stevens Creek Boulevard. Striping these crosswalks was discussed at our meeting on April 9, 2020. The curb ramps at these crossings were recently upgraded with ADA accessible ramps. The new curb ramps combined with marked crosswalks and improved sidewalks proposed by the project would provide a safer and better-defined walking route for transit riders.

Transit Signal Priority (TSP)

The new Baywood Avenue/Stevens Creek Boulevard signal should have TSP technology installed prior to activation to support Fast, Frequent, Safe and Reliable transit along this important Grand Boulevard corridor.

Transportation Demand Management (TDM)

VTA supports the parking reductions for this project, required by the Santana Row/Valley Fair Urban Village. A TDM program will assist in the reduction of solo vehicle trips and miles travelled. VTA

recommends developing a transit use incentive program for residents and employees.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-550-4559 or brent.pearse@vta.org.

Sincerely,

Brent Pearse
Transportation Planner

SJ1814

Telahun, Bethelhem

From: Telahun, Bethelhem
Sent: Tuesday, June 15, 2021 12:40 PM
To: 'Torney, Lola'
Cc: plan.review
Subject: RE: VTA Comments on 375 Baywood Mixed Use project [SJ1814]

Hello,

Thank you for taking time to review and provide comments for this project. We have discussed your comments with our Public Works teams and the environmental consultants to provide the following responses:

Comment 1: Access to Transit. Two VTA bus stops (served by Route 23 and Rapid 523) are located within 1000 feet of the project on Stevens Creek Boulevard. To provide safe pedestrian access to these stops, VTA recommends the City of San José and/or project stripe and mark crosswalks at Baywood Avenue and Redwood Avenue on the southside of Stevens Creek Boulevard. Striping these crosswalks was discussed at our meeting on April 9, 2020. The curb ramps at these crossings were recently upgraded with ADA accessible ramps. The new curb ramps combined with marked crosswalks and improved sidewalks proposed by the project would provide a safer and better-defined walking route for transit riders.

Response 1: The restriping of the crosswalk across Baywood will be completed as part of a new traffic signal conditioned under another project (H06-027) for the Westfield Valley Fair expansion project.

Comment 2: Transit Signal Priority (TSP). The new Baywood Avenue/Stevens Creek Boulevard signal should have TSP technology installed prior to activation to support Fast, Frequent, Safe and Reliable transit along this important Grand Boulevard corridor.

Response 2: The traffic signal, conditioned as part of H06-027, is currently under construction. The traffic signal specifications were reviewed and approved by Public Works and the Department of Transportation according to current design standards and guidelines.

Comment 3: Transportation Demand Management (TDM). VTA supports the parking reductions for this project, required by the Santana Row/Valley Fair Urban Village. A TDM program will assist in the reduction of solo vehicle trips and miles travelled. VTA recommends developing a transit use incentive program for residents and employees.

Response 3: The project is required to provide a TDM program for reduction in parking. However, the applicant has the discretion to choose the TDM programs that are feasible for the project.

We will post both the comments and responses for the public and administrative record. Please let me know if you have any further questions or concerns.

Thank you,

Bethelhem Telahun

From: Torney, Lola <Lola.Torney@vta.org>
Sent: Monday, April 26, 2021 8:35 AM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: plan.review <plan.review@vta.org>
Subject: VTA Comments on 375 Baywood Mixed Use project [SJ1814]

[External Email]

Good morning, Bethelhem,
Attached are VTA's comments on the 375 Baywood Mixed Use Project. Thank you again for the extension for comments. Please let us know if you have any questions!

~Lola

Lola Torney | She/Her
Transportation Planner III
Bicycle and Pedestrian Program

Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San José, CA 95134-1927
Phone [408-321-5830](tel:408-321-5830)



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