

Mahamood, Reema

From: KKLLC Admin <admin@kanyonconsulting.com>
Sent: Tuesday, June 22, 2021 8:33 AM
To: Mahamood, Reema
Subject: File Nos.: SP20-013, T20-014 Almaden Villas Project

[External Email]

miSmin Tuuhis [Good Day]

Kan rakat Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Consulting, LLC has numerous Native Monitors available for projects such as this, if applicable, we recommend a 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 Consulting is a strong proponent of honoring truth in history, when it comes to impacting Cultural Resources and potential ancestral remains, we need to recognise the history of the territory we are impacting. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after - barely acknowledging the Cultural Representatives of the territory they steward and are responsible for. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences, bringing in considerations about the Indigenous peoples and environment of this territory that you work, have settled upon and benefit from.

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 Indigenous Cultural Awareness/History:

- Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque, page on the website, mural, display, or an Educational/Cultural Center with information about the history/ecology/resources of the land)
- Commitment to consultation with the Native Peoples of the territory in regards to presenting and messaging about the Indigenous history/community of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc, Cultural display of cultural resources/botanical knowledge or Culture sharing of Traditional Ecological Knowledge - Indigenous Science and Technology)
- 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.

Tumsan-ak kannis [Thank You]

Kanyon Sayers-Roods

Consultant / Tribal Monitor [ICMBCO]
Kanyon Konsulting, LLC

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TAMIEN NATION
of the Greater Santa Clara County
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

July 15, 2021

Reema Mahamood, Planner III, Environmental Review

Sent Via Email: reema.mahamood@sanjoseca.gov

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b),(d) and (e) Draft EIR, The Almaden Villas Project, 1747 Almaden Road, Planning File No. SP20-013

Dear Ms. Mahamood,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on June 21, 2021, regarding the above referenced project.

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) 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.
- (4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System(CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

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 in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation lead contact person identified in the attached request for notification.

Quirina Geary
Chairwoman
PO Box 8053
San Jose, CA 95155
(707) 295-4011
qgeary@tamien.org

Please refer to identification number TN-20210621-02 in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,



Quirina Geary
Chairwoman

cc: Native American Heritage Commission

Mahamood, Reema

From: Shree Dharasker <sdharasker@valleywater.org>
Sent: Wednesday, August 4, 2021 11:41 AM
To: Mahamood, Reema
Cc: Michael Martin
Subject: RE: Notice of Availability - Draft EIR - Almaden Villas Project

You don't often get email from sdharasker@valleywater.org. [Learn why this is important](#)

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Dear Ms. Mahamood,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for the Almaden Villas Project at 1747 Almaden Road. In November 2020, Valley Water provided comments on the Notice of Preparation, which were acknowledged in the DEIR. Valley Water has no further comments on the DEIR, and would like an opportunity to review the Final EIR when available.

Please contact me if there are questions.

Shree Dharasker
Associate Engineer-Civil
Community Projects Review Unit
(408)630-3037

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Monday, June 21, 2021 2:56 PM
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Subject: Notice of Availability - Draft EIR - Almaden Villas Project

**NOTICE OF AVAILABILITY OF A
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR
THE ALMADEN VILLAS PROJECT**

Description: The project includes a Special Use Permit to allow the demolition of two vacant existing structures and construction of a six-story, 90,323 square-foot multi-family residential building consisting of 62 residential units with a one-story, at-grade parking garage. Nine of the 62 units will be designated for affordable housing. The building would have a maximum height of approximately 78 feet from grade to the top of the stairwell, with a roof amenity deck and a yoga/exercise area, on an approximately 0.57-gross acre site. The project also includes an application for a Tentative Map for condominium purposes.

Location: 1747 Almaden Road, west of Almaden Road, approximately 380 feet south of Willow Glen Way, in San José.

Assessor's Parcel No.: 456-03-003

The proposed project will have potentially significant environmental effects on construction air quality, biological resources, cultural resources, hazards and hazardous materials, and noise and vibration. With implementation of mitigation measures, the potential impacts would be less than significant.

The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project site is not listed on any toxic sites databases. The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José’s “Active EIRs” website at www.sanjoseca.gov/activeeirs.

In response to the County’s COVID-19 Shelter-in-Place Order, hard copies are not available for review at libraries or at City Hall. Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery.

The public review period for this Draft EIR begins on June 21, 2021 and ends on **August 5, 2021**. Written comments must be received at the Planning Department by 5:00 p.m. on **August 5, 2021** to be addressed as part of the formal EIR review process.

Please submit written comments to **Reema Mahamood** in the Department of Planning, Building and Code Enforcement via the following methods:

Email: reema.mahamood@sanjoseca.gov

Mail: Department of Planning, Building, and Code Enforcement
Attn: Reema Mahamood
200 E. Santa Clara Street, T-3
San Jose, CA 95113

For the official record, please date your comments, and reference **Planning File No. SP20-013**.

Following the close of the public review period, the Director of Planning, Building and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City’s responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the EIR during the public review period.

Reema Mahamood
Planner III, Environmental Review

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