

Granite Expo San José LP
Retail Showroom and Warehouse

File No. CP20-016
Initial Study / Mitigated Negative Declaration

**RESPONSES TO PUBLIC COMMENTS AND TEXT
CHANGES**

October 2021

CEQA Lead Agency:



CITY OF SAN JOSÉ
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113 Phone: (408) 535-3555

In Consultation with:

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Table of Contents

SECTION 1	SUMMARY OF COMMENTS	3
SECTION 2	AGENCIES AND PERSONS COMMENTING ON THE IS/MND	4
SECTION 3	RESPONSE TO COMMENTS.....	5
A.	SANTA CLARA VALLEY WATER DISTRICT	
B.	CHAIRWOMAN QUIRINA GEARY, TAMIEN NATION	
C.	PACIFIC GAS AND ELECTRIC	
SECTION 4	TEXT CHANGES	14

Attachments

Attachment A – All Public Comments to IS/MND During Public Review Period

SECTION 1 SUMMARY OF COMMENTS

The Granite Expo (GE) San José LP Retail Showroom and Warehouse Project (Project) Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 20-day review period, from August 6, 2021 to August 26, 2021. During the circulation period, the City of San José received three (3) comment letters.

In summary, the comments received on the draft IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)].

Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

The following pages contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). A copy of the letters submitted to the City of San José are attached to this document in Attachment A.

SECTION 2 AGENCIES AND PERSONS COMMENTING ON THE IS/MND

Letter	Comment Received From	Date of Letter	Response on Page
A.	Lisa Brancatelli, Assistant Engineer: Santa Clara Valley Water District (Valley Water)	August 20, 2021	5
B.	Quirina Luna Geary, Chairperson: Tamien Nation	August 24, 2021	6
C.	Justin Newell, Department of Land Management: Pacific Gas and Electric Company	August 26, 2021	12

SECTION 3 RESPONSE TO COMMENTS

This memo responds to comments on the IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in the comment letter. A copy of the comment letter is attached.

A RESPONSE TO SANTA CLARA VALLEY WATER DISTRICT

Comment A1: The proposed project is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Response A1: The comment is consistent with the administrative record and the text in the Initial Study/Mitigated Negative Declaration (IS/MND). The comment does not address the adequacy of the Draft IS/MND and no further CEQA analysis is required.

Comment A2: Valley Water has the following comment regarding the project: Page 90 Existing Setting describes the range of depths to groundwater within the vicinity of the project site at approximately 17 to 20 feet below ground surface (bgs). Valley Water records indicate the depth to first groundwater is approximately 0 to 10 feet bgs at the project site location. This information should be reviewed and revised for accuracy.

Response A2: Page 90 of the IS/MND is corrected to show that the range of depth to groundwater within the vicinity of the project site is approximately 0 to 10 feet below ground surface (bgs) as shown below, and is included in Section 4 (Text Changes to the IS/MND):

The Project site lies within the Santa Clara Plain Confined Area of the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin (DWR Basin 2-9.02), which is managed by the Santa Clara Valley Water District (SCVWD, 2016). Groundwater in the Santa Clara Subbasin generally flows toward San Francisco Bay, and groundwater quality within the Santa Clara Plain is good with 99 percent of water supply wells tested meeting all health-based drinking water standards in 2019 (SCVWD, 2020). Groundwater in the vicinity of the Project site has generally been encountered at approximately ~~17 to 20~~ 0 to 10 feet below ground surface (bgs) (SCVWD, 2021), and recent groundwater elevations in existing wells on or near the Project site have ranged from approximately 35 to 37 feet above mean sea level (TRC 2020).

This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

Comment A3: We appreciate the opportunity to comment on the draft IS/MND and would also appreciate the opportunity to review any further documents when they become available.

Response A3: This Responses to Comments document will be posted on the City's website and all commenters, including Valley Water, will be notified of its availability. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

B RESPONSE TO TAMIEN NATION CHAIRWOMAN GEARY

Comment B1: 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 regarding the above referenced project.

- 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 standards used by you agency or to determine significance of tribal cultural resources
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.

Response B1: Pursuant to CEQA section 21080.3.1(d), in 2017, the City sent letters to tribal representatives in the area registered with the State's Native American Heritage Commission to welcome participation in the consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. At the time, one Native American Tribal representative, Mr. Andrew Galvan of the Ohlone Indian Tribe, responded to the City of San José's Planning Department requesting formal consultation for projects within the Coyote Valley (approximately 22 miles southeast of the site) or in downtown San José (approximately five miles northeast of the site).

On April 8, 2021, the City sent a letter via email to the Ohlone Indian Tribe representative to solicit comments on the identification, presence, and significance of tribal cultural resources in the project vicinity (Appendix C of the IS/MND). No response or request for consultation

was received.

At the time of preparation of this IS/MND, two additional tribes either sent written requests for notification of projects to the City of San José or provided a verbal request:

- On June 30, 2021, Kanyon Sayers-Roods of the Band of Costanoan Ohlone people verbally requested AB 52 notification for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report.
- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification with the formal written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

Accordingly, the City notified the two additional tribal representatives of the subject project on July 19, 2021. The IS/MND 20-day public circulation period began on August 6, 2021 and ended August 26, 2021. The Tamien Nation representative responded to the AB 52 notification on August 24, 2021, during the 20-day public circulation/comment period of the IS/MND. The City responded to the Tamien Nation's (Chairwoman Geary) consultation request, even though the request was made outside of the 30-day consultation window provided by AB 52.

On September 2, 2021, City staff met with Chairwoman Geary via a Zoom conference call. Given the concerns voiced by Chairwoman Geary for yet unidentified cultural resources on the project site, the project applicant agreed to voluntary permit conditions involving tribal monitoring during major earthmoving activities, including initial grading and excavation and cultural sensitivity training prior to construction activities. Therefore, the following permit conditions are added to the project permit:

- A qualified Native American monitor registered with the NAHC from the City of San José and that is traditionally and culturally affiliated with the geographic area shall be on site to monitor for all major earthmoving activities, such as initial grading and foundation work.
- A qualified Native American representative registered with the NAHC from the City of San José and that is traditionally and culturally affiliated with the geographic area will provide at least one cultural sensitivity training to workers prior to the initial ground-breaking construction activities.

In addition, City staff provided Chairwoman Geary the language in the Standard Permit Condition for Subsurface Cultural Resources and Human Remains which is included in Section V (Cultural Resources) of the IS/MND and shown below:

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or Director's designee and the City's Historic Preservation Officer shall be notified, and a

qualified archaeologist and archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 will examine the find. The archaeologist and Native American representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to 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.

The text above is corrected to read as follows (reflected in Section 4: Text Changes):

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (~~PBCE~~) or Director's designee ~~and the City's Historic Preservation Officer~~ shall be notified, and a qualified archaeologist ~~and archaeologist~~ in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 will examine the find. The archaeologist and Native American representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to 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.

If the finds do not meet the definition of an historical, archaeological, or tribal cultural resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of an historical, archaeological, or tribal cultural resource, the find shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological 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 Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee

and a qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site;
- The identified MLD fails to make a recommendation; or
- 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.

With implementation of the above voluntary permit conditions and the standard permit language (as revised), no further CEQA analysis is required. Because the comment does not address adequacy of the IS/MND, new or more significant impacts, or additional mitigation, the IS/MND does not require recirculation.

Comment B2: 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.

Response B2: A general cultural resource records search was conducted through the California Historical Resources Information System (CHRIS) Northwest Information Center in relation to the subject project. Following the receipt of the Tamien Nation’s comment on the IS/MND, the CHRIS letter was made available to Tamien Nation. The comment does not address the adequacy of the IS/MND under CEQA, or determine that project implementation would result in direct or indirect significant impacts on a historic resource, or increase the severity of impacts or result in in new or more significant impacts or would require additional mitigation not already analyzed. Therefore, no further analysis of the project is necessary, and no recirculation would be required.

Comment B3: 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 on 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’s lead contact person identified in the attached request for notification.

Response B3: The CEQA Guidelines, Section 15126.4 (b), as indicated by the commenter, does outline the consideration and discussion of mitigation measures proposed to minimize significant effects related to impacts on historical resources. The full discussion under subsection (b)(3) follows:

Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

- (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
- (B) Preservation in place may be accomplished by, but is not limited to, the following: 1. Planning construction to avoid archaeological sites; 2. Incorporation of sites within parks, greenspace, or other open space; 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site. 4. Deeding the site into a permanent conservation easement.
- (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

- (D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

City staff met with the Tamien Nation representative, Chairwoman Geary, on September 2, 2021, within the 30-day window of receiving the request for consultation (August 24, 2021). Per the general CHRIS records search, the project site is not within or near an archaeological resource and therefore, the City acting as the lead (public) agency would not damage a known archaeological resource; however, the possibility, although minimal, for yet identified cultural/archaeological resources remains. Sections A-D of Section 15126.4 as outlined above are specific to projects on archaeological sites. Nonetheless, the project's standard permit language requires project construction to stop within 50 feet of the inadvertent discovery of cultural resources, followed by notification to the City's Director of Planning, Building and Code Enforcement or Director's designee. Per the standard permit language detailed in Response B1, the project includes standard permit conditions addressing the treatment of subsurface cultural resources and accidental discovery of human remains. The standard permit condition for the treatment of subsurface cultural resources includes examination by a qualified archaeologist in consultation with a Native American representative(s) geographically and culturally affiliated with the project site area. In addition, the project applicant has agreed to voluntary permit conditions, including pre-construction cultural sensitivity training which would expand upon the types of cultural resources needing protection. The archaeologist in consultation with the Native American tribal representative, as discussed in Section V of the IS/MND, would determine the appropriate treatment and disposition. Per the City's consultation with Chairwoman Geary, it is noted that the Tamien Nation tribe does not want cultural resources to be tested for further scientific research and prefers resources to be buried in place or moved to a portion of the site that will remain undisturbed. As such, the standard permit condition is revised to reflect this request; the condition language now includes the following (See Section 4, Text Changes to the IS/MND):

If the finds do not meet the definition of an historical, archaeological, or tribal cultural resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of an historical, archaeological, or tribal cultural resource, the find shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

Therefore, no further CEQA analysis is required and the comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

C RESPONSE TO PACIFIC GAS AND ELECTRIC COMPANY

Comment C1: Thank you for providing PG&E the opportunity to review your proposed plans for CP20-016: Granite Expo San Jose LP, Retail Showroom and Warehouse dated 8/6/2021. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights. However, below are recommended planting guidelines for any landscaping to be done within proximity to PG&E's facilities.

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.

Response C1: The project includes permit conditions which speak to coordination with Pacific, Gas and Electric (PG&E) Company prior to the issuance of a Grading Permit, as outlined below:

PG&E Coordination. Prior to the issuance of a Grading Permit, the applicant shall coordinate with the Pacific, Gas & Electric (PG&E) Company to ensure proposed improvements, including landscaping, do not interfere with existing PG&E facilities or impact PG&E easement rights. The applicant shall also contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing digging or excavation activities. 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.

The comment does not address the adequacy of the IS/MND; therefore, no further CEQA analysis is required.

Comment C2: Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below. If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

Response C2: The applicant has been provided PG&E's comment letter in full and the project permit includes a condition to coordinate with PG&E prior to construction activity as stated in Response C1. The comment does not address the adequacy of the IS/MND; therefore, no further CEQA analysis is required.

Comment C3: As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

Response C3: As stated in Response C1, the project permit includes a condition requiring the applicant to coordinate with PG&E prior to issuance of a Grading Permit. The comment does not address the adequacy of the IS/MND; therefore, no further CEQA analysis is required.

SECTION 4 TEXT CHANGES TO THE IS/MND

Page Number	Description of Change
50	<p>If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or Director’s designee and the City’s Historic Preservation Officer shall be notified, and a qualified archaeologist and archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 will examine the find. The archaeologist and Native American representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to 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.</p> <p><u>If the finds do not meet the definition of an historical, archaeological, or tribal cultural resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of an historical, archaeological, or tribal cultural resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.</u></p>

90	<p>The Project site lies within the Santa Clara Plain Confined Area of the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin (DWR Basin 2-9.02), which is managed by the Santa Clara Valley Water District (SCVWD, 2016). Groundwater in the Santa Clara Subbasin generally flows toward San Francisco Bay, and groundwater quality within the Santa Clara Plain is good with 99 percent of water supply wells tested meeting all health-based drinking water standards in 2019 (SCVWD, 2020). Groundwater in the vicinity of the Project site has generally been encountered at approximately 17 to 20 <u>0 to 10</u> feet below ground surface (bgs), (SCVWD, 2021), and recent groundwater elevations in existing wells on or near the Project site have ranged from approximately 35 to 37 feet above mean sea level (TRC 2020).</p> <p>The IS/MND is corrected to show that the range of depth to groundwater within the vicinity of the project site is approximately 0 to 10 feet below ground surface (bgs).</p>
144-148 (Lists and References)	<p>Adding Santa Clara Valley Water District https://gis.valleywater.org/groundwaterelevations/map.php Accessed October 28, 2021.</p>

SECTION 5 PUBLIC COMMENTS ATTACHMENTS

Please see copy of the original comment letter in Attachment A.

Appendix A –
Public Comments

From: [Lisa Brancatelli](#)
To: [Blanco, Maira](#)
Cc: [Colleen Haggerty](#)
Subject: RE: Public Review of Draft MND: Granite Expo San Jose LP, Retail Showroom and Warehouse Project (CP20-016)
Date: Friday, August 20, 2021 8:34:40 AM
Attachments: [image001.png](#)

[External Email]

Hello Maira,

Valley Water has reviewed the Initial Study (IS)/Draft Mitigated Negative Declaration (MND) for the Granite Expo San Jose LP, Retail Showroom and Warehouse Project, received on August 6, 2021.

The proposed project is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Valley Water has the following comment regarding the project:

1. Page 90 Existing Setting describes the range of depths to groundwater within the vicinity of the project site at approximately 17 to 20 feet below ground surface (bgs). Valley Water records indicate the depth to first groundwater is approximately 0 to 10 feet bgs at the project site location. This information should be reviewed and revised for accuracy.

We appreciate the opportunity to comment on the draft IS/MND and would also appreciate the opportunity to review any further documents when they become available. If you have any questions or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 34511 on future correspondence regarding this project.

Thank you,

LISA BRANCATELLI

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit

lbrancatelli@valleywater.org

Tel. (408) 630-2479 / Cell. (408) 691-1247

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

From: CPRU-Dropbox <CPRU@valleywater.org>

Sent: Wednesday, August 11, 2021 8:32 AM

To: Lisa Brancatelli <LBrancatelli@valleywater.org>

Subject: FW: Public Review of Draft Mitigated Negative Declaration: Granite Expo San Jose LP, Retail Showroom and Warehouse Project (CP20-016)

LISA BRANCATELLI

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit
lbrancatelli@valleywater.org
Tel. (408) 630-2479 / Cell. (408) 691-1247
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

From: Blanco, Maira <Maira.Blanco@sanjoseca.gov>
Sent: Friday, August 6, 2021 11:34 AM
Cc: Blanco, Maira <Maira.Blanco@sanjoseca.gov>
Subject: Public Review of Draft Mitigated Negative Declaration: Granite Expo San Jose LP, Retail Showroom and Warehouse Project (CP20-016)

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

Project Name: Granite Expo San José LP, Retail Showroom and Warehouse Project **File No.:** CP20-016

Project Description: Conditional Use Permit to allow a wholesale retail use and to allow the addition of approximately 14,000 square feet of wholesale retail space, and approximately 6,000 square feet of additional warehouse space to an existing 71,608-square foot warehouse building totaling approximately 91,658 square feet of building space and associated site improvements on an approximately 4.12-acre site.

Location: 1728 and 1750 Rogers Avenue in an industrial area of the City of San José, northwest of Rogers Avenue, approximately 970 feet southeasterly of East Brokaw Road.

Assessor's Parcel No.: 237-09-129 and 237-09-130 **Council District:** 3

Applicant Contact Information: Jacky Li, GE San José LP, 1750 Rogers Avenue, San José, CA 95112, (510) 652-0252

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

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **August 6, 2021 and ends on August 26, 2021.**

The Draft MND, Initial Study, and reference documents are available online at:

www.sanjoseca.gov/negativedeclarations.

In response to the COVID-19 outbreak and closure of City Hall and the library, hard copies of the MND are not available for review at these typical locations. Should you wish to review a hard copy, please contact Maira Blanco by phone at (408)535-7837 or by email at Maira.Blanco@sanjoseca.gov. Please allow time for printing and delivery.

For additional information, please contact Maira Blanco at (408) 535-7837 or via email at Maira.Blanco@sanjoseca.gov.

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TAMIEN NATION
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

Sent Via Email:

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),

Project:

Dear

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 _____ 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 standards used by you agency or 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 contacts:

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

Johnathan Costillas
Tamien Nation, THPO
PO Box 866
Clearlake Oaks, CA 95423
(925) 336-5359
jcostillas@tamien.org

Please refer to identification number _____ 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

August 26, 2021

Maira Blanco
City of San José
200 East Santa Clara Street
San José, California 95113

Re: CP20-016: Granite Expo San Jose LP, Retail Showroom and Warehouse
1728 & 1750 Rogers Avenue, San Jose

Dear Maira:

Thank you for providing PG&E the opportunity to review your proposed plans for CP20-016: Granite Expo San Jose LP, Retail Showroom and Warehouse dated 8/6/2021. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights. However, below are recommended planting guidelines for any landscaping to be done within proximity to PG&E's facilities.

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.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Sincerely,



A handwritten signature in blue ink that reads 'Justin Newell'.

Justin Newell
Land Management
916-594-4068