

350 West Trimble Road Project

File Nos. PDC22-009, PD22-028, ER22-210

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Initial Study / Mitigated Negative Declaration

## **RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES**

May 2023

***CEQA Lead Agency:***



**City of San José**  
**Department of Planning, Building and Code Enforcement**  
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Appendix A: Comment Letters

## SECTION 1.0 INTRODUCTION

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The Initial Study/Mitigated Negative Declaration (IS/MND) for the 350 West Trimble Road project was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The 20-day public circulation period for the IS/MND started April 3, 2023 and ended April 24, 2023. Section 2.0 contains responses to comments submitted by agencies, organizations, and individuals during the IS/MND public review period. Copies of the comment letters are attached to this document in Appendix A.

CEQA does not require formal responses to comments on an IS/MND, nevertheless responses to the comments are included in this document to provide a complete environmental record. The decision-making body shall adopt the proposed MND only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the lead agency's independent judgment and analysis [CEQA Guidelines §15074(b)].

Pursuant to CEQA Guidelines §15073.5, the recirculation of the MND is required when the document must be “substantially revised” after public notice of its availability. A “substantial revision” is defined as:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

In response to comments received during the public review period, the IS/MND was revised to address minor changes to the document that were requested by Valley Water in their comment letter (see Comment Letter B in Section 2.0 of this document). Revisions to the IS/MND are shown in Section 4.0. No new, avoidable significant effects were identified, and no new mitigation measures or revisions are required to reduce potential effects to a less than significant level. Additionally, at the request of the Tamien Nation, mitigation measure MM CUL-1.1 was voluntarily revised to increase the stop activity radius from 50 feet to 100 feet; however, this addition was not necessary to reduce potential effects associated with ground-disturbing activity to a less than significant level. The City's correspondence with the Tamien Nation is attached to this document as Appendix B. Therefore, under CEQA Guidelines §15073.5, recirculation of the IS/MND is not required.

## **SECTION 2.0      RESPONSES TO DRAFT IS/MND COMMENTS**

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Comments are organized by the source of the letter and its date. The specific comments from each of the letters and/or emails are presented, with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft IS/MND are listed below.

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## REGIONAL AND LOCAL AGENCIES

### A. California Department of Transportation (dated 04/24/2023)

**Comment A.1:** Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 350 W. Trimble Road Project. We are committed to ensuring that impacts to the State’s multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2023 draft IS/MND.

**Response A.1:** This comment is an introductory paragraph and does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

**Comment A.2: Project Understanding** This project proposes to rezone the project, remaining within the San Jose General Plan constraints for the Industrial Zoning, and construct a 50-foot high, 208,000-square-foot manufacturing and assembly building, surface parking, associated landscaping, and removal of 57 trees on an approximately 11-acre site. The project site is approximately 0.5 miles from Highway 101.

**Response A.2:** This comment summarizes the 350 West Trimble Road Project and does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

**Comment A.3: Travel Demand Analysis** With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans’ Transportation Impact Study Guide (link). The project Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research’s (OPR) Technical Advisory and the City of San Jose’s VMT guidance. Per the IS/MND, this project is found to have a significant VMT impact based on the Industrial Employment Uses Criteria.

**Response A.3:** The comment regarding the project’s VMT impact omits the IS/MND’s full discussion and conclusion regarding the project’s VMT impact; per the analysis provided in pages 157-160 of the IS/MND, the project would have a less than significant VMT impact with incorporation of mitigation measures MM TRN-1.1 and MM TRN-1.2. Regardless, the comment does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

**Comment A.4: Mitigation Strategies** Caltrans acknowledges the mitigation measures proposed in the project’s Transportation Impact Analysis. We support the conditions of approval that include the mitigation measures listed, including the pedestrian infrastructure improvement. We encourage the use of Fair Share compensation to improve the pedestrian and bicycle network in the area to support safe multi-modal transportation options.

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, refer to the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity ([link](#)).

**Response A.4:** As documented on page 159 of the IS/MND, mitigation measure MM TRN-1.2 would require the applicant to submit annual trip monitoring reports that demonstrate that the project's VMT is compliant with the 14.37 VMT per employee target. If the annual trip monitoring report finds that the project is exceeding the established trip cap, which is based on the 14.37 VMT per employee threshold and limits employee vehicle trips (and by extension total VMT) such that average VMT per employee does not exceed the threshold, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically will not exceed six months. Monetary penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Monetary penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1, and will fund transportation system improvements that would improve system efficiency and/or safety, enhance non-auto travel modes, and promote citywide reduction of VMT. Identified mitigation measures are incorporated into a Mitigation Monitoring and Reporting Program (MMRP) and will be part of the hearing body's adoption action for the IS/MND. Therefore, consistent with the CEQA Statute and Guidelines, the mitigation measures are feasible and fully enforceable.

**Comment A.5: Lead Agency** As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

**Response A.5:** The project does not require any improvements to the State Transportation Network. The City will review the project's MMRP compliance when the project is implemented in accordance with the MMRP. This comment does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

**B. Valley Water (dated 04/24/2023)**

**Comment B.1:** Valley Water has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed 350 West Trimble Road Project, received by Valley Water on April 3, 2023. The proposed development is not located adjacent to 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 comments regarding the project:

Section 3.1 on page 4, states the project site is currently undeveloped with 455,638 square feet of pervious surfaces which differs from the 462,942 square feet of pervious surfaces noted on pages 108, 111, and 173. The document needs to be revised for accuracy.

**Response B.1:** Page 4 of the IS/MND has been revised to reflect that the site is undeveloped with 462,942 square feet of pervious surfaces; revisions to the IS are identified in Section 3.0 of this document. The analysis in the IS/MND of the project’s impacts due to increased impervious surface area was based on the site currently containing 462,942 square feet of pervious surface area. The text revision represents a minor clarification and does not impact the environmental analysis.

**Comment B.2:** In the Municipal Regional Permit Provision C.3 Section 4.10.1.1 on page 104, the test [sic] should note that the Regional Water Quality Control Board (RWQCB) has re-issued the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008) and effective July 1, 2023.

**Response B.2:** As acknowledged in Comment B.2, NPDES Permit Order No. R2-2022-0018 does not go into effect until July 1, 2023. NPDES Permit Order No. R2-2015-0049 was in effect at the time the IS was circulated. Therefore, no revision to the IS/MND is required. Further, the post-construction stormwater runoff controls (Provision C.3) imposed by the NPDES Permit on the project that are relevant to the analysis provided in the Initial Study would still apply to the project, regardless of whether the 10,000-square-foot threshold used by Order No. R2-2015-0049 or the 5,000-square-foot threshold used by Order No. R2-2022-0018 were applied, since the project would create 364,602 square feet of impervious surface.

**Comment B.3:** In the Water Resources Protection Ordinance and District Well Ordinance discussion of Section 4.10.1.1 on page 105, the text under this section should be replaced with the following:

“Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water’s Water Resources Protection Ordinance, any work within Valley Water’s fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water’s Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.”

**Response B.3:** Page 105 of the IS/MND under the “Water Resources Protection Ordinance and District Well Ordinance” heading has been revised in accordance with Comment B.3; revisions to the IS are identified in Section 3.0 of this document.

**Comment B.4:** Section 4.11.1.2 on page 117, states the Guadalupe River and Guadalupe River Trail are east of the site. The text should be corrected from “east” to “west” for accuracy.

**Response B.4:** Page 117 has been revised to correctly state that the Guadalupe River and Guadalupe River Trail are west of the site as noted elsewhere in the IS/MND; revisions to the IS/MND are identified in Section 3.0 of this document. The added text does not constitute a substantial change to the analysis in the IS/MND nor suggest a prior inadequacy of the IS/MND or the CEQA analysis.

**Comment B.5:** Figures 4.17-1 on page 150, 4.17-2 on page 153, and 4.17-3 on page 154, incorrectly name the closest waterway. “Coyote Creek” needs to be corrected to “Guadalupe River” for accuracy.

**Response B.5:** Figures 4.17-1, 4.17-2, and 4.17-3 have been updated and are attached to this document. The updated figures do not constitute a substantial change to the analysis in the IS/MND nor suggest a prior inadequacy of the IS/MND or the CEQA analysis.

**Comment B.6:** Valley Water records do not show any wells on the project site (APN: 101-02-018); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires the issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

**Response B.6:** Pages 109 and 113 have been revised to reflect the information provided in Comment B.6; revisions to the IS/MND are identified in Section 3.0 of this document. This comment does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

## **ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS**

### **C. Tamien Nation (several emails received between 04/03/2023 – 04/15/2023)**

**Comment C.1:** Hello Maria, Thank you for sending the notice. I do not see a notification letter for this project. Can you please send me a copy. We may have missed it. This project is culturally sensitive with known Tribal cultural resources in the vicinity including burials. Can we meet to discuss strengthening the Mitigation Measures for this project? It may be easier for us both to set up a meeting rather than us sending public comments. Thank you for your time and we look forward to hearing from you. Sincerely, Quirina.



**Response C.1:** As noted on page 165 of the IS/MND, notification of the project was sent to the Tamien Nation on July 6, 2022. The sensitivity of the project site for archaeological resources (including tribal cultural resources) was acknowledged in Sections 4.5.1.2 and 4.18.1.2 of the IS/MND, and the project's potential to impact undiscovered subsurface archaeological and tribal cultural resources would be reduced to a less than significant level through implementation of MM CUL-1.1. Therefore, there is no need to strengthen the mitigation measures provided in the IS/MND. However, as discussed in Section 1.0 of this document, the applicant has voluntarily elected to increase the stop work buffer from 50 feet as described in MM CUL-1.1 to 100 feet in the event that subsurface resources are discovered, as requested by the Tamien Nation. This voluntary commitment was not necessary to reduce potential effects associated with ground-disturbing activity to a less than significant level, as the 50 foot buffer distance was deemed adequate by the archaeologist to prevent disturbance of other resources that may be discovered during construction, and did not change the conclusions presented in the IS/MND, and therefore recirculation of the IS/MND is not required.

**Comment C.2:** Thank you Maira for the information. It looks like we missed this one. I reviewed the MM in the IS. Can you update the 50ft buffer to 100ft buffer if resources are discovered? Also can we add that the Tribe will be involved in developing the monitoring and treatment plan? Other than that, I think it looks good. Thank you and let me know if we need to meet to clarify anything else. We appreciate your flexibility. Best, Quirina.

**Response C.2:** Pursuant to MM CUL-1.1, a Native American tribal representative registered with the Native American Heritage Commission for the City of San José, and that is traditionally and culturally affiliated with the geographic area, would be involved in determining if any potential resources encountered during construction 1) meet the definition of a historic or archaeological resource and b) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Accordingly, no revision to the IS/MND is required to ensure that tribal input on the monitoring and treatment plan is provided. As discussed in Section 1.0 of this document and Response C.1, the applicant has voluntarily agreed to increase the stop work buffer from 50 feet to 100 feet and no recirculation of the IS/MND is required.

**Comment C.3:** Hi Maria. We are finding that a 50ft buffer is not enough. 100ft better protects our ancestors and resources. Within the past few months, our ancestors were still disturbed with a 100ft buffer. A 100foot is reasonable and is often used in mitigation measures throughout the state. Everything else looks fine. Let me know if you have any other questions. Best, Quirina.

**Response C.3:** As discussed in Section 1.0 of this document and Response C.1, the applicant has voluntarily agreed to increase the stop work buffer from 50 feet to 100 feet and no recirculation of the IS/MND is required, since this voluntary revision was not necessary to reduce impacts to a less than significant level.

**D. Pacific Gas & Electric (dated 04/04/2023 – 04/24/2023)**

**Comment D.1:** Thank you for submitting the 350 West Trimble Road Project 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](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.

**Response D.1:** This comment is a preliminary response to the proposed project and does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

**Comment D.2:** Thank you for providing PG&E the opportunity to review the proposed plans for 350 West Trimble Road dated 4/3/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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 the design, we ask that you resubmit the plans to the email address listed below.

If the project requires 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 [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

**Response D.2:** This comment formally concludes that the 350 West Trimble Road Project does not interfere with existing PG&E facilities or impact existing easements. The comment does not raise any issues regarding the adequacy of the IS/MND; therefore, no further response is required.

## SECTION 3.0 DRAFT IS/MND TEXT REVISIONS

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This section contains revisions to the text of the 350 West Trimble Road Project IS/MND dated March 2023. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

**Page 4 Section 3.1 Project Location, paragraph 2, revised as follows:**

The project site was formerly part of a larger 68-acre parcel that included the Lumileds headquarters adjacent to the south (APN: 101-02-019), and a parcel south of the Lumileds site (APN: 101-02-020). As shown on Figure 3.1 3, surrounding land uses in all directions are predominantly office and industrial, with a small private park directly to the south, vacant land to the southeast, and the Guadalupe River located approximately 450 feet to the north. The project site is undeveloped as an open dirt field with a small grassy open space embankment, and trees distributed around the perimeter of the project site (116 trees in total, including 65 ordinance trees and 51 non-ordinance trees). The project site was formerly improved as a paved parking lot and is currently undeveloped with 462,942 ~~455,638~~ square feet of pervious surfaces and no impervious surfaces. An electric utility easement is located towards the eastern end of the project site running in a north-south direction at the western base of the embankment.

**Page 59 Section 4.5.2 Impact Discussion, checklist question b, revised as follows:**

MM CUL-1.1: Prior to the issuance of any grading permits, the project applicant shall provide proof that they have hired a qualified Professional Archaeologist and Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 to be present for monitoring during all ground-disturbing activities.

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a ~~50~~100-foot radius of the find shall be stopped, the Director of Planning, Building, and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer (HPO) shall be notified, and a qualified archaeologist shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include preservation in place, capping, collection, recordation, and/or analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE, the HPO, and the Northwest Information Center (if applicable). Project personnel other than the archaeologist shall not collect or move any cultural materials. Work within the 100-foot radius shall be suspended until the archaeologist determines the buffer can be reduced or is no longer needed to protect the resource.

**Page 105      Section 4.10.1.1 Regulatory Framework, Water Resources Protection Ordinance and District Well Ordinance, revised as follows:**

Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County. Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

**Page 105      Section 4.10.1.2, Existing Conditions, Groundwater, revised as follows:**

The project site is located in the Santa Clara Plain subbasin, which covers 280 square miles extending from the southern San Francisco Bay to the Coyote Narrows near Metcalf Road. The project is not within a designated groundwater recharge zone or near groundwater recharge zones. According to Valley Water records, there are no groundwater wells on the project site. Groundwater was encountered during soil testing between 10 and 15 feet bgs and flows northwest in the project vicinity. Based on hydrostatic water pressure measurement used to determine the natural groundwater level at the project site, groundwater was calculated to be approximately 4.7 to 8.5 feet, through this may be temporary as a result of rainfall and subsurface sandy layers. Groundwater elevations within the project vicinity are between nine and 17 feet bgs year-round (refer to Appendix E). Groundwater levels at the site may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

**Page 113      Section 4.10.2, Impact Discussion, checklist question b), paragraph 2, revised as follows:**

As discussed in Section 4.10.1.2 Existing Conditions, it is estimated that groundwater could potentially be encountered at the project site between 4.7 and 8.5 feet bgs. Any dewatering that would occur during construction would be required to comply with NPDES permit requirements or wastewater discharge permit conditions to the sanitary sewer which may involve installation of a treatment system(s) at the dewatering location. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area. Further, there are no known groundwater wells on-site, and any unrecorded groundwater wells that could provide a vertical conduit for contaminants to pollute groundwater that are discovered are required by Valley Water Ordinance 90-1 to either be destroyed or protected in accordance with Valley Water regulations.

**Page 117      Section 4.11.1.2 Existing Conditions, Surrounding Land Uses, paragraph 1,  
revised as follows:**

An existing industrial campus to the north across West Trimble Road and the Lumileds headquarters building to the south have the same General Plan IP designation. The surface parking lots of the Lumileds headquarters to the southeast and southwest of the project site have a land use designation of Combined/Industrial Commercial. The office campus to the east of the project site is designated as Transit Employment Center (TEC). To the south of the site, there is a vacant office building and parking lot designated as IP. Further to the north and ~~west east~~ of the site is the Guadalupe River and trail, designated as Open Space, Parklands and Habitat (OSPH).

## **SECTION 4.0 CONCLUSION**

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The comments received on the 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. Minor revisions were added to the text of the IS/MND (refer to Section 3.0 Draft IS/MND Text Revisions). The text revisions do not constitute a “substantial revision” pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required.

## **Appendix A: Draft IS/MND Comment Letters**

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# California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



April 24, 2023

SCH #: 2023040034  
GTS #: 04-SCL-2022-01184  
GTS ID: 26971  
Co/Rt/Pm: SC/101/40.344

Maira Blanco, Planner  
200 East Santa Clara St., 3rd Floor  
San Jose, CA 95113

## Re: 350 West Trimble Road Project - Draft Initial Study/Mitigated Negative Declaration (IS/MND)

Dear Maira Blanco:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 350 W. Trimble Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2023 draft IS/MND.

### Project Understanding

This project proposes to rezone the project, remaining within the San Jose General Plan constraints for the Industrial Zoning, and construct a 50-foot high, 208,000-square-foot manufacturing and assembly building, surface parking, associated landscaping, and removal of 57 trees on an approximately 11-acre site. The project site is approximately 0.5 miles from Highway 101.

### Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)). The project Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory and the City of San Jose's VMT guidance. Per the IS/MND, this project is found to have a significant VMT impact based on the Industrial Employment Uses Criteria.

### **Mitigation Strategies**

Caltrans acknowledges the mitigation measures proposed in the project's Transportation Impact Analysis. We support the conditions of approval that include the mitigation measures listed, including the pedestrian infrastructure improvement. We encourage the use of Fair Share compensation to improve the pedestrian and bicycle network in the area to support safe multi-modal transportation options.

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, refer to the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity ([link](#)).

### **Lead Agency**

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,



YUNSHENG LUO  
Acting District Branch Chief  
Local Development Review

c: State Clearinghouse

**From:** [Lisa Brancatelli](#)  
**To:** [Blanco, Maira](#)  
**Cc:** [Colleen Haggerty](#)  
**Subject:** RE: Notice of CEQA Posting: Notice of Intent to Adopt a MND for the 350 W Trimble Rd Project (PDC22-009, PD22-028)  
**Date:** Monday, April 24, 2023 9:33:15 AM  
**Attachments:** [image001.png](#)

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[External Email]

Dear Maira Blanco:

Valley Water has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed 350 West Trimble Road Project, received by Valley Water on April 3, 2023.

The proposed development is not located adjacent to 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 comments regarding the project:

1. Section 3.1 on page 4, states the project site is currently undeveloped with 455,638 square feet of pervious surfaces which differs from the 462,942 square feet of pervious surfaces noted on pages 108, 111, and 173. The document needs to be revised for accuracy.
2. In the Municipal Regional Permit Provision C.3 Section 4.10.1.1 on page 104, the text should note that the Regional Water Quality Control Board (RWQCB) has re-issued the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008) and effective July 1, 2023.
3. In the Water Resources Protection Ordinance and District Well Ordinance discussion of Section 4.10.1.1 on page 105, the text under this section should be replaced with the following:

*“Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.”*
4. Section 4.11.1.2 on page 117, states the Guadalupe River and Guadalupe River Trail are east of the site. The text should be corrected from “east” to “west” for accuracy.
5. Figures 4.17-1 on page 150, 4.17-2 on page 153, and 4.17-3 on page 154, incorrectly name the closest waterway. “Coyote Creek” needs to be corrected to “Guadalupe River” for accuracy.
6. Valley Water records do not show any wells on the project site (APN: 101-02-018); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells

can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires the issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

Thank you for the opportunity to review the IS/MND. 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](mailto:LBrancatelli@valleywater.org). Please reference Valley Water File No. 20430 on future correspondence regarding this project.

Thank you,

**LISA BRANCATELLI**

ASSOCIATE ENGINEER (CIVIL)

Community Projects Review Unit

[lbrancatelli@valleywater.org](mailto: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](http://www.valleywater.org)

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**From:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Sent:** Monday, April 3, 2023 3:48 PM

**Subject:** Notice of CEQA Posting: Notice of Intent to Adopt a Mitigated Negative Declaration for the 350 West Trimble Road Project (PDC22-009, PD22-028)

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

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

**Project Name:** 350 West Trimble Road Project

**File Nos.:** PDC22-009, PD22-028, ER22-210

**Description:** Planned Development Rezoning to rezone the project site from IP(PD) Industrial Park Planned Development Zoning District to IP(PD) Industrial Park Planned Development Zoning District, and a Planned Development Permit to construct a 50-foot-high, 208,000-square-foot manufacturing and assembly building, surface parking, associated landscaping, and the removal of 57 trees, including 43 ordinance-size trees on an approximately 10.9-acre site.

**Location:** The approximately 10.9-acre project site is located at 350 West Trimble Road, on the southwest corner of West Trimble Road and Orchard Parkway.

**Assessor's Parcel No.:** 101-02-018

**Council District:** 4

**Applicant Contact Information:** LBA Realty, Anthony Calderone, 3347 Michelson Drive, Suite 200, Irvine CA, 92612, (949)-955-9369, [ACalderone@lbarealty.com](mailto:ACalderone@lbarealty.com)

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. An 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 **April 3, 2023 and ends on April 24, 2023**. The Draft MND, Initial Study, and reference documents are available online at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/350-west-trimble-road-project>

The documents are also available for review with an appointment during normal business hours at the City of San José Department of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street on the third floor; or during normal business hours at the Dr. Martin Luther King Jr. Main Library located at 150 E. San Fernando Street.

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

### **Maira Blanco**

Planner | Planning, Building & Code Enforcement

City of San José | 200 East Santa Clara Street

Email: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov) | Phone: (408)-535-7837

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## Blanco, Maira

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**From:** Quirina Geary <qgeary@tamien.org>  
**Sent:** Saturday, April 15, 2023 8:00 AM  
**To:** Blanco, Maira  
**Cc:** Johnathan Costillas; Lillian Camarena; Van Der Zweep, Cassandra  
**Subject:** Re: Notice of CEQA Posting: Notice of Intent to Adopt a Mitigated Negative Declaration for the 350 West Trimble Road Project (PDC22-009, PD22-028)

[External Email]

Hi Maria.

We are finding that a 50ft buffer is not enough. 100ft better protects our ancestors and resources. Within the past few months, our ancestors were still disturbed with a 100ft buffer.

A 100foot is reasonable and is often used in mitigation measures throughout the state.

Everything else looks fine. Let me know if you have any other questions.

Best,

Quirina

On Wed, Apr 12, 2023 at 5:17 PM Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)> wrote:

Hi Chairwoman Quirina,

The requests are noted. Is there a reason for the increased buffer? In other words, what would the 100-foot buffer accomplish versus the 50-foot buffer? While it may not affect this project site, increased buffers could lead to a “stop-work” scenario.

Regarding the request to have the Tribe involved in developing the monitoring and treatment plan, I can align the text for MM CUL-1.1. It appears that I inadvertently used different language for the MND cover page and the mitigation measure in the document. I can further clarify the language as requested – see text in red.

CUL-1.1 (p. 59 of the IS/MND):

Mitigation Measures: The following mitigation measures shall be implemented by the project to avoid impacts to archaeological resources (if discovered) to less than significant levels.

MM CUL-1.1: Prior to the issuance of any grading permits, the project applicant shall provide proof that they have hired a qualified Professional Archaeologist and Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 to be present for monitoring during all ground-disturbing activities. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building, and Code Enforcement (PBCE) or the Director’s designee and the City’s Historic Preservation Officer (HPO) shall be notified, and a qualified archaeologist shall examine the find. The archaeologist in consultation with the Tribal representative **registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area** 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 preservation in place, capping, collection, recordation, and/or analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE, the HPO, and the Northwest Information Center (if applicable). Project personnel other than the

archaeologist shall not collect or move any cultural materials. Work within the 50-foot radius shall be suspended until the archaeologist determines the buffer can be reduced or is no longer needed to protect the resource.

Would this be sufficient?

Thanks,

**Maira Blanco**

Planner | Planning, Building & Code Enforcement

[City of San José](#) | [200 East Santa Clara Street](#)

Email: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov) | Phone: (408)-535-7837

---

**From:** Quirina Geary <[ggeary@tamien.org](mailto:ggeary@tamien.org)>

**Sent:** Wednesday, April 5, 2023 5:01 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Lillian Camarena <[Lcamarena@tamien.org](mailto:Lcamarena@tamien.org)>; Johnathan Costillas <[jcostillas@tamien.org](mailto:jcostillas@tamien.org)>; Van Der Zweep, Cassandra <[Cassandra.VanDerZweep@sanjoseca.gov](mailto:Cassandra.VanDerZweep@sanjoseca.gov)>

**Subject:** Re: Notice of CEQA Posting: Notice of Intent to Adopt a Mitigated Negative Declaration for the 350 West Trimble Road Project (PDC22-009, PD22-028)

[External Email]

Thank you Maira for the information. It looks like we missed this one. I reviewed the MM in the IS. Can you update the 50ft buffer to 100ft buffer if resources are discovered? Also can we add that the Tribe will be involved in developing the monitoring and treatment plan? Other than that, I think it looks good.

Thank you and let me know if we need to meet to clarify anything else. We appreciate your flexibility.

Best,

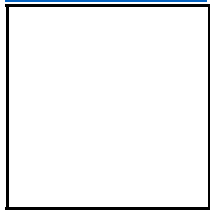
Quirina

**Quirina Luna Geary**

Chairwoman

Tamien Nation

[www.tamien.org](http://www.tamien.org)



On Tue, Apr 4, 2023 at 4:04 PM Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)> wrote:

Hi Chairwoman Quirina,

We sent out the notification on July 6, 2022 (the project file no. was formerly H22-021) – I’m attaching it here for reference. The project includes mitigation for on-site monitoring and cultural sensitivity training as requested by the consulting tribe. Because we’re outside of the consultation period, we can look at clarifying the existing language, but not necessarily adding a different measure. I’m happy to discuss this further and/or hear the suggestions you may have.

I have availability this week as follows:

Wed – 9:30

Thurs – 9:00, 1:30

Friday – any time

I can create the meeting link once you confirm your availability.

Thanks,

**Maira Blanco**

Planner | Planning, Building & Code Enforcement

[City of San José](#) | [200 East Santa Clara Street](#)

**From:** Quirina Geary <[ggeary@tamien.org](mailto:ggeary@tamien.org)>

**Sent:** Monday, April 3, 2023 7:19 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Lillian Camarena <[Lcamarena@tamien.org](mailto:Lcamarena@tamien.org)>; Johnathan Costillas <[jcostillas@tamien.org](mailto:jcostillas@tamien.org)>

**Subject:** Re: Notice of CEQA Posting: Notice of Intent to Adopt a Mitigated Negative Declaration for the [350 West Trimble Road](#) Project (PDC22-009, PD22-028)

[External Email]

Hello Maria,

Thank you for sending the notice. I do not see a notification letter for this project. Can you please send me a copy. We may have missed it.

This project is culturally sensitive with known Tribal cultural resources in the vicinity including burials. Can we meet to discuss strengthening the Mitigation Measures for this project? It may be easier for us both to set up a meeting rather than us sending public comments.

Thank you for your time and we look forward to hearing from you.

Sincerely,

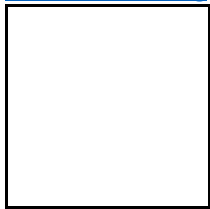
Quirina

**Quirina Luna Geary**

Chairwoman

Tamien Nation

[www.tamien.org](http://www.tamien.org)



On Mon, Apr 3, 2023 at 3:48 PM Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)> wrote:

## PUBLIC NOTICE

### INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

#### CITY OF SAN JOSE, CALIFORNIA

**Project Name:** 350 West Trimble Road Project

**File Nos.:** PDC22-009, PD22-028, ER22-210

**Description:** Planned Development Rezoning to rezone the project site from IP(PD) Industrial Park Planned Development Zoning District to IP(PD) Industrial Park Planned Development Zoning District, and a Planned Development Permit to construct a 50-foot-high, 208,000-square-foot manufacturing and assembly building, surface parking, associated landscaping, and the removal of 57 trees, including 43 ordinance-size trees on an approximately 10.9-acre site.

**Location:** The approximately 10.9-acre project site is located at [350 West Trimble Road](#), on the southwest corner of West Trimble Road and Orchard Parkway.



**Assessor's Parcel No.:** 101-02-018 **Council District:** 4

**Applicant Contact Information:** LBA Realty, Anthony Calderone, [3347 Michelson Drive, Suite 200, Irvine CA, 92612](https://www.3347MichelsonDrive.com), (949)-955-9369, [ACalderone@lbarealty.com](mailto:ACalderone@lbarealty.com)

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. An 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.

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

**Maira Blanco**

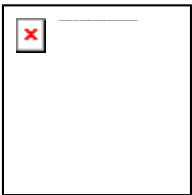
Planner | Planning, Building & Code Enforcement

[City of San José | 200 East Santa Clara Street](https://www.sanjoseca.gov/200-East-Santa-Clara-Street)

Email: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov) | Phone: (408)-535-7837

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--  
**Quirina Luna Geary**  
Chairwoman  
Tamien Nation  
[www.tamien.org](http://www.tamien.org)



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April 24, 2023

Maira Blanco  
City of San Jose  
200 East Santa Clara St  
San Jose, CA 95113

Re: 350 West Trimble Road  
PDC22-009 PD22-028 ER22-210

Dear Maira Blanco,

Thank you for providing PG&E the opportunity to review the proposed plans for 350 West Trimble Road dated 4/3/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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 the design, we ask that you resubmit the plans to the email address listed below.

If the project requires 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 [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management



April 4, 2023

Maira Blanco  
City of San Jose  
200 East Santa Clara St  
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Maira Blanco,

Thank you for submitting the 350 West Trimble Road Project 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](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: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.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 24 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 24 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 24 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 10 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](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.