

Appendix A:
NOP and NOP Comments

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A.1 - River Oaks Parkway NOP

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**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT**

FILE NO: H23-041, T23-028 and ER23-253
PROJECT APPLICANT: Valley Oak Partners LLC (Attn: Scott Connelly)
APNs: 097-33-033 and 097-33-034

Project Description: Site Development Permit to allow the demolition of three buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

Location: The project site is located at 211-281 River Oaks Parkway, in between Iron Point Drive and Cisco Way.

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

An **environmental public scoping meeting** for this project will be held:

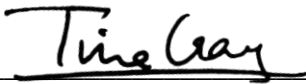
When: Thursday, November 14th, 2024 from 6:00 to 7:00 p.m.

Where: Via Zoom (see instructions on www.sanjoseca.gov/PlanningCommunityMtgs)

The project description, location, and probable environmental effects to be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00p.m. on Tuesday, December 10th, 2024**. If you have comments on this Notice of Preparation(NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Kara Hawkins, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Kara.Hawkins@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

A handwritten signature in black ink, reading "Tina Gray", is positioned above a horizontal line.

Deputy

**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE 211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT**

November 2024

Introduction

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

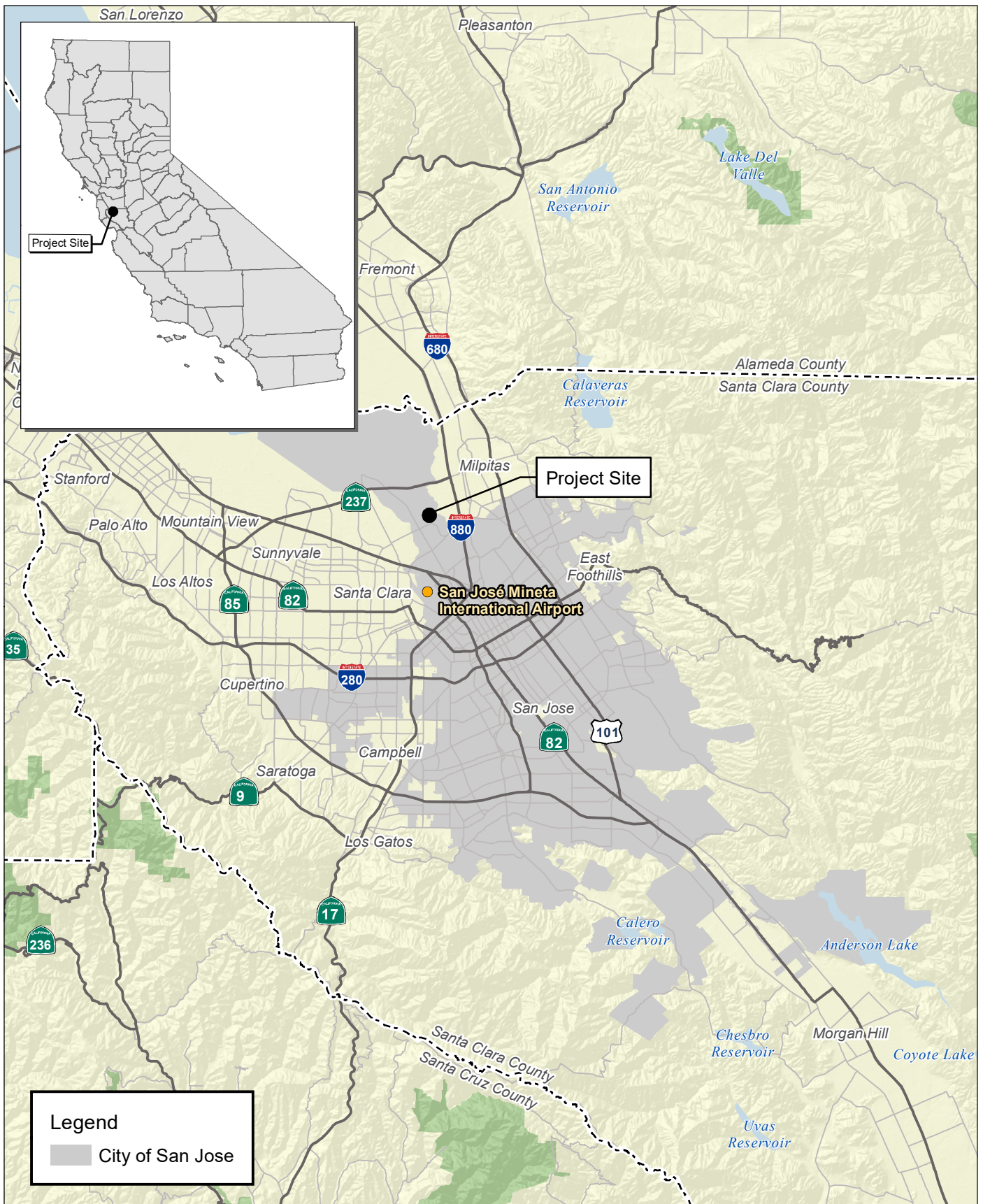
An EIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José (City) will prepare a Draft EIR to address the environmental effects of the proposed 211-281 River Oaks Parkway Residential Project (proposed project).

The Draft EIR will be prepared and processed in accordance with the California Environmental Quality Act (CEQA), as amended, and the requirements of the City. In accordance with CEQA Guidelines, the Draft EIR will include the following:

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

Project Site and Location

The project site is located at 211, 251, and 281 River Oaks Parkway in San José, which collectively spans 9.82 acres and corresponds to Assessor's Parcel Numbers (APNs) 097-33-034 and 097-33-033 (Figure 1 and Figure 2). Of this area, 9.67 acres would be allocated for the proposed project and approximately 0.15 acre reserved for widening Iron Point Drive. The project site is bounded by Anza Road and Levee Road to the north; Iron Point Drive to the west; River Oaks Parkway to the south; and Cisco Way to the east.



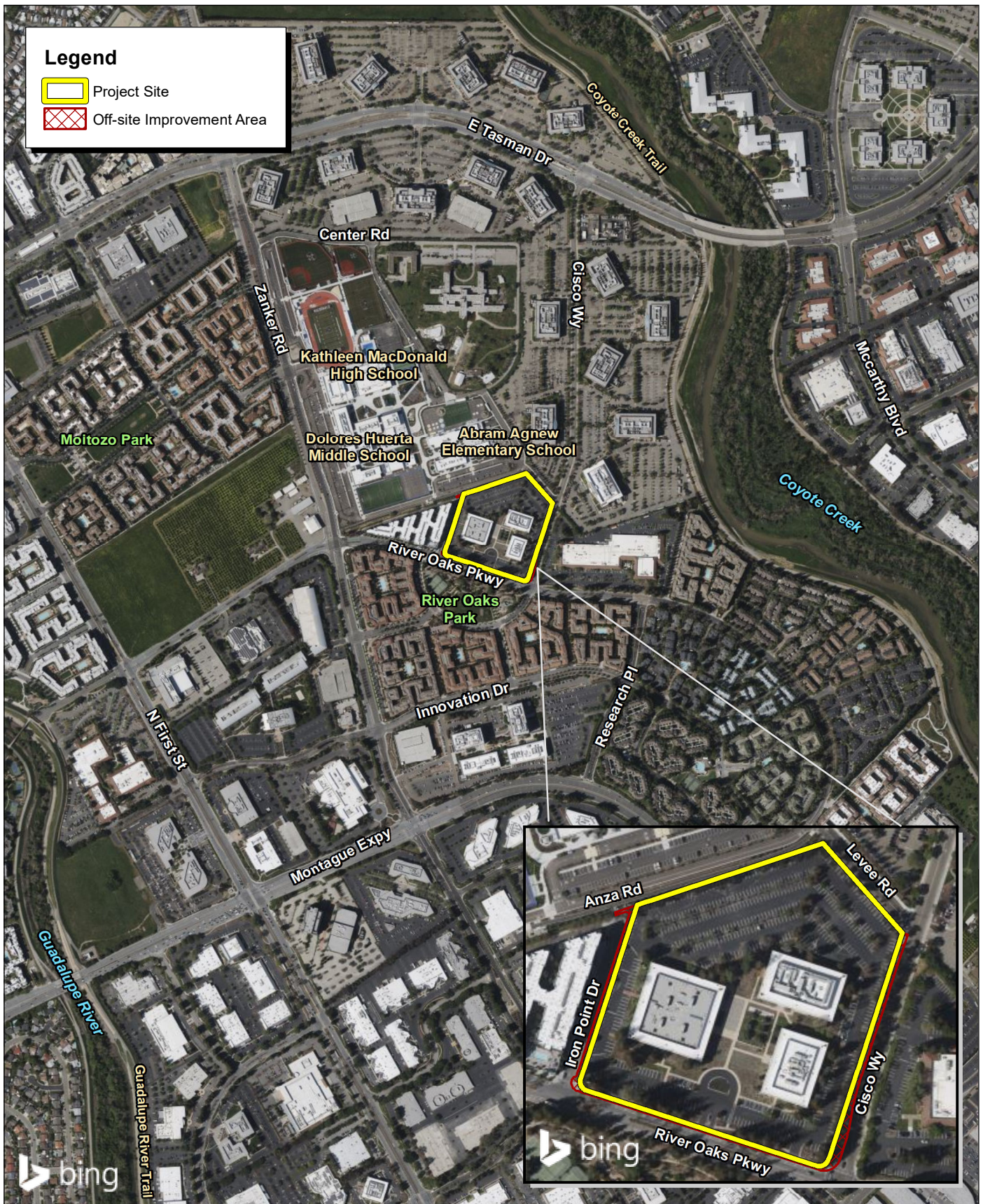
Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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5 2.5 0 5
Miles

Figure 1
Regional Location Map



Source: Bing Aerial Imagery. Civil Engineering Associates, 05/17/2024.

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1,000 500 0 1,000
Feet

Figure 2
Local Vicinity Map

Existing Development and Land Use Activities

The project site is currently occupied by three vacant 2-story commercial office buildings, associated surface parking, and landscaping consisting of ornamental trees (deciduous and evergreen), ruderal vegetation, weeds, parking lot lighting fixtures, and pedestrian pathways. The project site includes approximately 164,606 square feet of existing buildings. Access to the project site is currently provided via three driveways on River Oaks Parkway.

Land uses surrounding the project site are as follows:

- **North:** Abram Agnew Elementary School and Dolores Huerta Middle School, across Anza Road; and office, across Levee Road
- **West:** residential, across Iron Point Drive
- **South:** River Oaks Park, across River Oaks Parkway
- **East:** office, across Cisco Way

General Plan and Zoning Designations

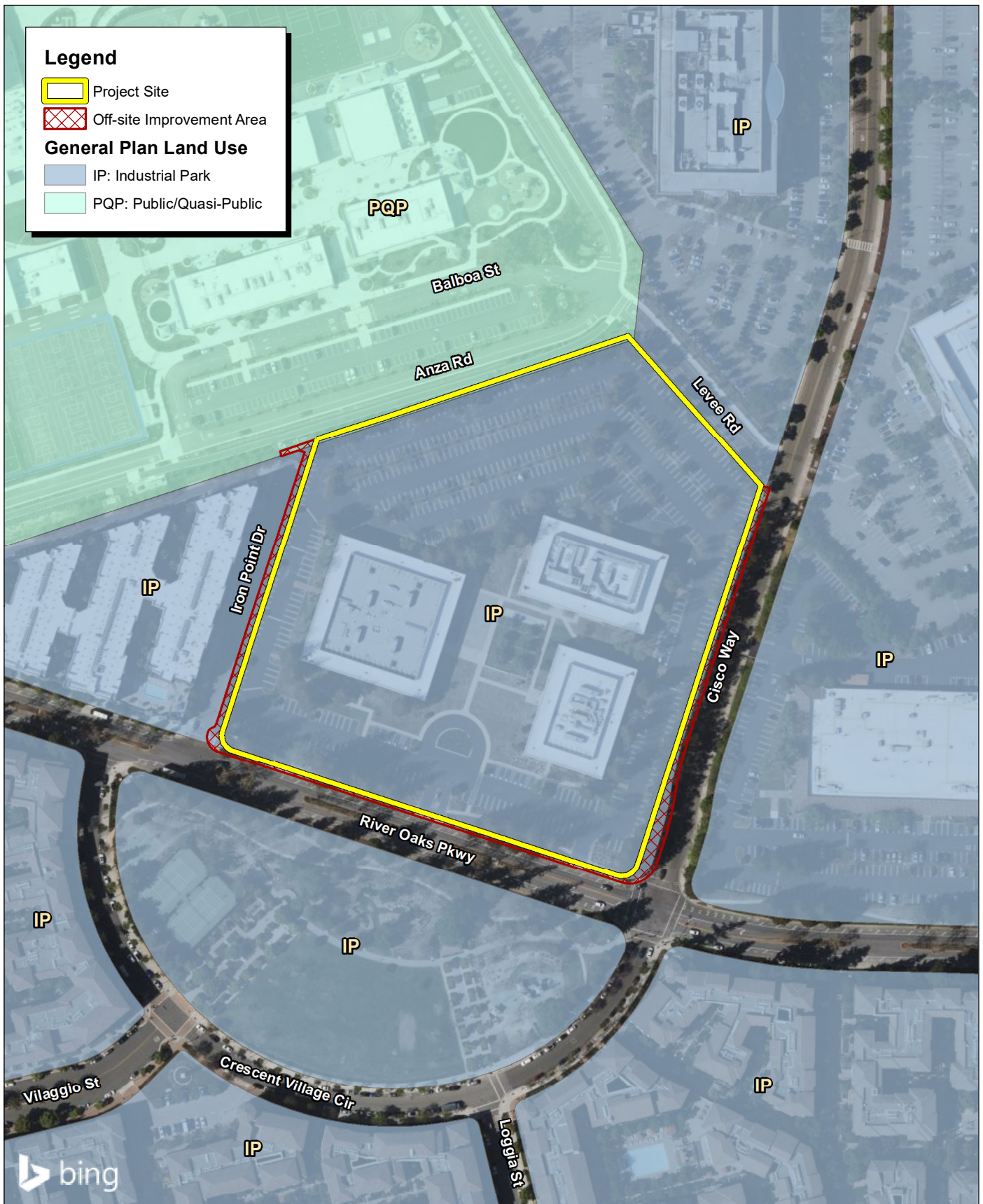
The project site has a General Plan Land Use Designation of IP (Figure 3 and Figure 4). The project site is located within the TERO. This overlay identifies sites within the North San José Employment Center that may be appropriate for residential development and supports residential development as an alternate use at a minimum average net density of 75 units per acre. Sites with this overlay may also be developed with uses consistent with the underlying designation. The proposed project anticipates 76.2 dwelling units per acre, providing a mix of apartment housing and market-rate townhomes. The proposed project would comply with TERO height and development standards. See Figure 5 for the tentative site plan.

Habitat Plan Designation

The project site is within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) area and is designated as follows:

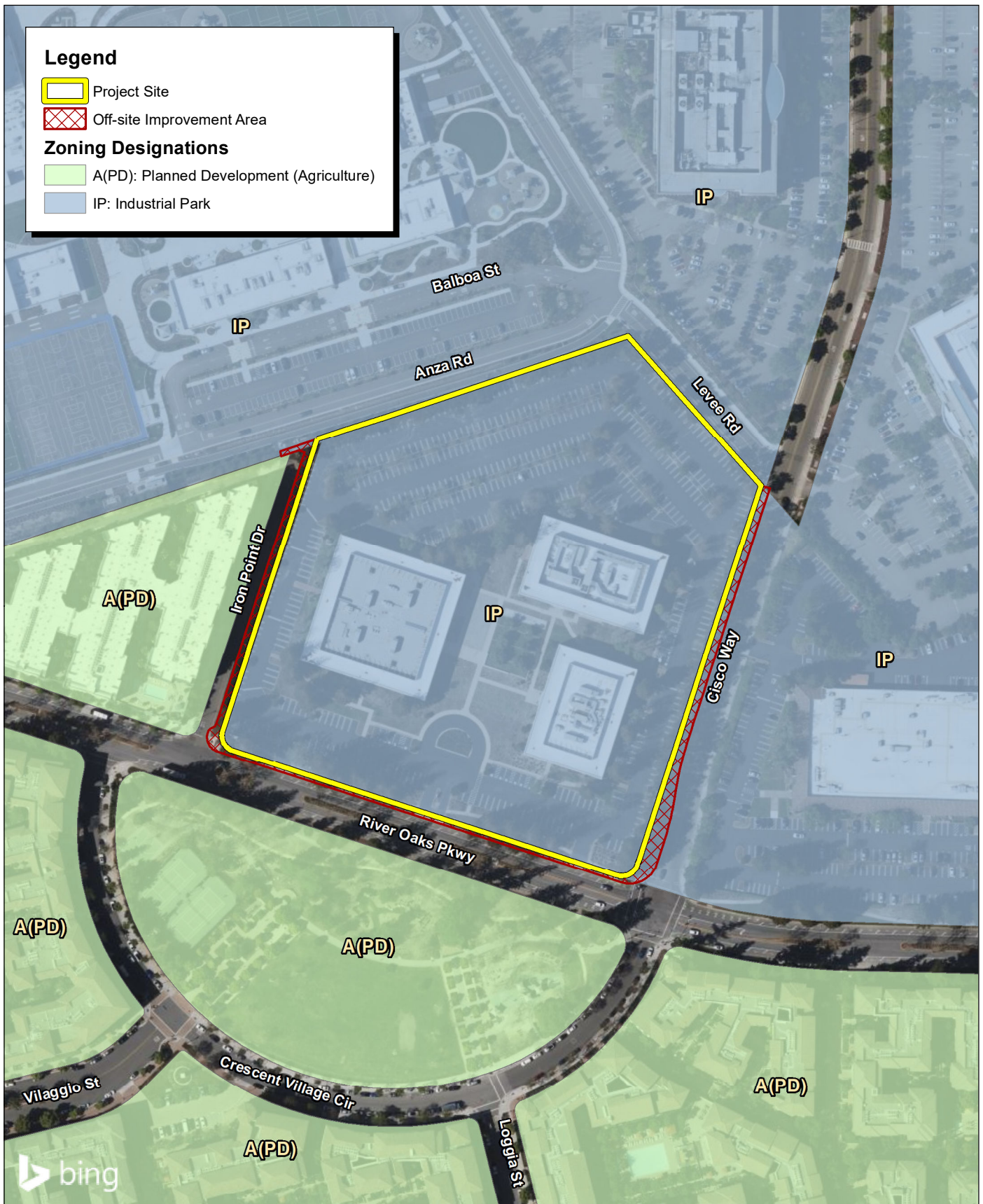
- Land Cover Designation: Urban Area
- Land Cover Fee Zone D: Urban Area

According to the City of San José GIS map, the parcel located at 211-281 River Oaks Parkway falls within the designated Habitat Conservation Plan (HCP) Zone: D, which, per the HCP guidelines, is exempt from Permanent Impact Fees.



Source: Bing Aerial Imagery. Civil Engineering Associates, 05/17/2024. City of San Jose.





RIVER OAKS PARKWAY

CISCO WAY

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CITY OF SAN JOSE
211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Project Description

Demolition: The project proposes to demolish three existing buildings and the surface parking in the demolition of approximately 164,606 square feet of buildings. The existing buildings to be demolished are currently vacant.

Proposed Project: The proposed project would construct 100 market-rate townhome units, a 100 percent affordable apartment building featuring 130 affordable units and two manager units, and a market-rate apartment building comprising 505 units, resulting in a total of 737 residential dwelling units. The project density would be 76.2 dwelling units per acre across the entire project site.

Affordable apartment units would range in size from 360 to 1,037 square feet; market-rate apartments from 536 to 1,290 square feet; and townhomes from 1,230 to 1,790 square feet. Affordable and market-rate apartments would include a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, while townhomes would be a composition of 2- and 3-bedroom units. Approval of a Vesting Tentative Map would allow subdivision of the existing two lots into 31 lots (16 residential, 10 open space lots, and five private streets).

Cisco Way serves as the primary vehicular access to the site. In addition, River Oaks Parkway and Iron Point Drive would provide primary vehicular access to the parking structures. Alongside Cisco Way and River Oaks Parkway, Class II bicycle lanes would be integrated to promote alternative transportation methods.

The City's standard minimum width for two-way drive aisles is 24 feet where 90-degree parking is provided to allow sufficient room for vehicles to back out of the parking stalls. According to the site plan, all two-way drive aisles would be at least 24 feet wide.

Parking for the townhomes would be provided in two-car garages (either side-by-side or tandem design) for each unit, with a total of 200 assigned garage stalls. Additionally, there would be approximately 12 unassigned outdoor guest stalls. Bicycle parking facilities would also be provided, with a total of 120 Class 1 and Class 2 bike stalls along with four designated motorcycle parking spots.

The affordable apartments include a total of 104 assigned residential parking stalls on one at-grade level beneath the concrete podium of the building. These stalls would be distributed across various types, including standard, standard Americans with Disabilities Act (ADA), Van ADA, Electric Vehicle Charging Station (EVCS) Standard ADA, EVCS Van ADA, Electric Vehicle- (EV-) capable, EV-ready, and EVCS. Ten percent of the assigned stalls would be EV and 20 percent EV-ready, with 70 percent of the market-rate parking stalls EV-capable. Unassigned guest stalls would comprise the same ratio of EV-capable, EV, and EV-ready. Additionally, the affordable apartments would exceed the minimum requirements for bicycle parking by providing 48 Class 1 and Class 2 bike parking stalls and accommodating three motorcycle parking stalls. No guest parking would be provided for the affordable apartment units.

For the market-rate apartments, a total of 587 parking stalls would be provided under the concrete podium for the building, comprising 557 residential and 30 guest stalls. Similar to the affordable apartments, these stalls would encompass a mix of standard, standard ADA, Van ADA, EVCS Standard ADA, EVCS Van ADA, EV-capable, EV-ready, and EVCS. Ten percent of the assigned stalls would be EV and 20 percent EV-ready, with 70 percent of the market-rate parking stalls EV-capable. Unassigned guest stalls would comprise the same ratio of EV-capable, EV, and EV-ready. Furthermore, the market rate component includes up to 177 Class 1 and Class 2 bike parking stalls, surpassing the required minimum, and would include 15 motorcycle parking spots for residents' needs.

Sustainability measures for the proposed project would include, but are not limited to, all electric buildings with on-site solar photovoltaics (PV) arrays that meet California Green Building Standards Code (CALGreen) and City of San José Reach Code minimums, ample EV charging stations, on-site bicycle storage and repair facilities, water-efficient plumbing fixtures, use of native/adapted species to reduce irrigation needs, and high-quality construction materials with longer lifespan and durability to reduce construction waste and increase performance.

Construction: Construction of the market-rate townhomes would occur in phase 1, beginning in approximately November 2026. Construction of the affordable apartments would be completed in the next phase in approximately July 2028, followed by buildout of the market-rate apartments completed in August 2028.

Anticipated Project Approvals

The proposed project may require the following discretionary approvals from the City of San José:

- Planned Development Permit
- Planned Development Rezoning
- Vesting Tentative Map (VTM)/Tentative Map/Final Map
- Dedication of public right-of-way
- Encroachment Agreement(s) for utilities crossing public right-of-way

Ministerial Building and Public Works Department Clearances such as grading permits, building, and occupancy permits, would also be required.

In addition, the following waivers may be sought in connection with the proposed project. Please note these are subject to change and other waivers may be added during the entitlement process.

- Density Bonus Waiver
- Lot Depth Waiver
- Waiver of Citywide Design Standards and Guidelines Section 3.2.2–Vehicular Entrances and Driveways, Standard 3

Topical Sections to be Included in the Draft EIR

The Draft EIR will describe the existing environmental conditions on the project site, discuss and analyze the impacts of the project, and identify the significant environmental effects anticipated to result from development of the proposed project. Mitigation measures will be identified for potentially significant environmental impacts, as warranted. The analysis in the Draft EIR will include the following specific categories of environmental impacts and concerns related to the proposed project. Additional subjects may be added at a later date if new information becomes available.

1. Air Quality

The Draft EIR will discuss sensitive receptors (including adjacent residences), temporary construction impacts to air quality, and operational air quality impacts. The Draft EIR will address the regional air quality conditions in the San Francisco Bay Area and discuss the proposed project's impacts to local and regional air quality based on the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds. Mitigation measures, if found to be required, will be discussed. An Air Quality, Greenhouse Gas (GHG) Emissions, and Energy Analysis Study will be prepared and appended to the Draft EIR that evaluates the proposed project's potential effects.

2. Biological Resources

A Biological Resources Technical Memorandum will be prepared to analyze potential impacts to biological resources for the proposed project. It is anticipated that with consistency with General Plan implementation policies, mitigation measures, and SCVHCP permit conditions, project-related impacts to biological resources on-site would be less than significant. This topic will be further addressed in the Draft EIR.

3. Greenhouse Gas Emissions

The Draft EIR will address the proposed project's contribution to regional and global GHG emissions impacts in compliance with Senate Bill (SB) 32 and based on the City of San José's 2030 GHG Reduction Strategy for consistency with policies for reducing GHG emissions adopted by the City of San José. Proposed design features to reduce energy consumption, which in turn will reduce GHG emissions, will be analyzed. Mitigation measures, if found to be required, will be discussed. An Air Quality, GHG Emissions, and Energy Analysis Study will be prepared and appended to the Draft EIR that evaluates and confirms the proposed project's potential effects. Potential GHG emissions impacts and the proposed project's compliance with the City's GHG Reduction Strategy (GHGRS) Project Compliance Checklist will be discussed in the Draft EIR.

4. Land Use and Planning

This section will summarize the existing land use for the proposed project and determine the potential environmental effects of the proposed project related to land use and planning.

The project site is located within the TERO. This overlay identifies sites within the North San José Employment Center that may be appropriate for residential development and supports residential development as an alternate use at a minimum average net density of 75 units per acre. Sites with

this overlay may also be developed with uses consistent with the underlying designation. The proposed project would be rezoned to Planned Development.

The Draft EIR will evaluate the proposed project's consistency with existing land use regulations including the City's Envision San José 2040 General Plan, San José Zoning Ordinance and Municipal Code, and the City's Design Guidelines and Standards. If significant impacts related to land use are found, mitigation measures will be identified.

5. Noise

The Draft EIR will identify existing ambient noise and analyze potential noise and vibration impacts of project operation and construction on the existing environment and nearby sensitive receptors.

Noise levels will be evaluated for consistency with applicable standards and guidelines from the City of San José Municipal Code and General Plan. If noise and vibration impacts are found to be significant, mitigation measures will be identified.

6. Transportation

The Draft EIR will evaluate the project's transportation impacts pursuant to SB 743 and the City's Transportation Analysis Policy (Council Policy 5-1). The proposed project's consistency with programs, plans, ordinances, or policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities) will be discussed in the Draft EIR. The proposed project's impact on Vehicle Miles Traveled (VMT) will be discussed. The Draft EIR will include a Local Transportation Analysis (LTA) to evaluate the proposed site access/circulation for informational purposes. Mitigation measures, if found to be required, will be discussed.

7. Alternatives

Pursuant to CEQA Guidelines Section 15126.6, the Draft EIR will examine alternatives to the proposed project, including a "No Project" alternative and one or more alternative development scenarios depending on any impacts identified. Other alternatives that may be discussed could include reduced development alternatives (e.g., a smaller project), alternative land uses, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified basic objectives of the proposed project.

8. Significant Unavoidable Impacts

The Draft EIR will identify those significant impacts that cannot be avoided if the proposed project is implemented as proposed.

9. Cumulative Impacts

The Draft EIR will include a discussion of Cumulative Impacts in each topical section that will address the proposed project's potential to substantially contribute to a cumulative impact when considered with other past, present, and reasonably foreseeable future projects in the City or other identified

geographic context. Mitigation measures will be identified to reduce and/or avoid significant impacts, as appropriate.

10. Other CEQA Topics

In conformance with CEQA Guidelines Section 15130, the Draft EIR will also discuss all other sections required by the Public Resources Code and the State CEQA Guidelines, including: (1) consistency with local and regional plans and policies, (2) growth-inducing impacts, (3) significant irreversible environmental changes, (4) references and organizations/persons consulted, and (5) EIR authors. Relevant technical reports will be provided as appendices to the Draft EIR.

Topics to be Addressed in the Effects Found not to be Significant Section

The following resource sections are not anticipated to result in significant impacts and would be scoped out in the Draft EIR. Unless specific comments are received during the Notice of Preparation (NOP) public comment period that indicated a potential for the proposed project to result in significant impacts, these issues will be addressed in the Effects Found not to be Significant section of the Draft EIR.

1. Aesthetics

The General Plan identifies significant visual resources throughout the planning area that are key to the City's visual character. The key scenic resources described in the General Plan include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the Baylands, and the urban skyline itself, particularly high-rise development. The City also has a number of Gateway locations, including Coleman Avenue at Interstate 880 (I-880), 13th Street at U.S. Highway 101 (US-101), and US 101 in the vicinity of the State Route (SR) 85 Interchange. Urban Corridors designated in the General Plan are all State and Interstate Highways within the City's Sphere of Influence (SOI). Together, Gateways and Urban Corridors contribute greatly to the overall image of San José and the image of its individual communities.¹ The project site is not located in the vicinity of any of the General Plan-designation scenic resources. The proposed project would be located on the Valley floor in an area recognized by the General Plan Program Environmental Impact Report (PEIR) and Housing Element Update Supplemental Environmental Impact Report (SEIR) as having a less than significant impact on scenic resources. In addition, the proposed project would follow General Plan Policies to ensure impacts to scenic resources are less than significant.

The nearest State Scenic Highways, I-680 and I-280, are located approximately 11 miles northeast and northwest of the project site, respectively, and are not visible from the Valley floor due to the distance and intervening development. The proposed project is located in an urbanized area; therefore, impacts to scenic quality are analyzed in terms of compatibility with applicable zoning and other regulations governing scenic quality. The project site is within the North San José Planning area, which is defined as the area located between Downtown and SR-237. The General Plan described the visual context of North San José as predominantly urban, though a few undeveloped and partially developed properties remain within the area. The General Plan states that this area is expected to maintain its urban, modern industrial character as it develops into more densely urban

¹ City of San José. 2011. Envision San José 2040 General Plan. Adopted November 1, As Amended May 12, 2023.

forms. The project site is within a predominantly Industrial Park and Planned Development designated area. The City would confirm the project's consistency with these requirements as part of the development review process.

The proposed project would be required to adhere to all applicable development standards and design guidelines provided in the General Plan and Zoning Code, which are intended to reduce daytime glare and nighttime lighting. All proposed lighting would comply with Council Policy 4-3 Outdoor Lighting, by shielding outdoor lighting to reflect away from nearby residential uses, and Chapter 18.120 of the Municipal Code, which includes performance standards to prevent glare. The City would confirm consistency with these requirements as part of the development review process. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

2. Agricultural and Forestry Resources

The project site is situated within an urbanized area, is currently developed with commercial offices, and does not contain and is not adjacent to lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is located within an urban environment and no existing agriculture or forestry land use activities occur within the project site boundaries. The project site is not subject to a Williamson Act contract. The project site is zoned as IP, which does not permit agricultural uses. As such, the proposed project would not result in significant effects related to agriculture and forestry resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

3. Cultural Resources and Tribal Cultural Resources

Results from the NWIC indicate that five historic resources have been recorded within the 0.5-mile search radius, none of which are located within the project boundaries. Additionally, no cultural resources were identified during the pedestrian survey. However, in accordance with Section 15064.5 of the CEQA Guidelines, in the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified Archaeologist shall provide recommendations in order to protect the discovered resource. It is anticipated that, with implementation of Standard City Permit Conditions and following General Plan Policies, impacts to Cultural and Tribal Cultural Resources would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

City Standard Permit Conditions

Subsurface Cultural Resources

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist in consultation with a Native American Tribal representative, who is registered with the Native American Heritage Commission (NAHC) for the City of San José and is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall examine the find. The Archaeologist, in consultation with the Tribal representative, shall (1) evaluate the find(s) to determine whether 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 the Director of PBCE or the Director's designee, the City's Historic Preservation Officer, and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 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 permittee shall immediately notify the Director of PBCE or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- I. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- ii. The MLD identified fails to make a recommendation.
- iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

General Plan Policies—Archaeology and Paleontology

ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

ER-10.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.

- ER-10.3** Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and prehistoric resources.

General Plan Action—Archaeology and Paleontology

- ER-10.4** The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

4. Energy

Implementation of the proposed project could result in increased energy demand in the area; however, such growth is anticipated under the General Plan. Compliance with General Plan objectives and policies would ensure that effects related to this energy demand increase would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

- Goal MS-2** Energy Conservation and Renewable Energy Use Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.
- Policy MS-2.2** Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- Policy MS-2.4** Promote energy-efficient construction industry practices.
- Policy MS-2.6** Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

5. Geology and Soils

A geotechnical investigation was conducted for the project site by Cornerstone Earth Group in June 2023. The study found that from a geotechnical standpoint, the proposed project is feasible provided concerns regarding strong ground shaking, potential for significant static and seismic settlements, shallow groundwater, and presence of moderately to highly expansive soils are addressed through project design. Recommendations are included for further design-level geotechnical evaluation. Compliance with the recommendations contained in the geotechnical investigation, as well as relevant General Plan Policies and adherence to the City's Standard Permit Conditions, would ensure that the proposed project's impacts related to geology and soils (including earthquakes, seismic ground shaking, seismic ground failure, landslides, erosion, geologic instability, and expansive soils) would be less than significant. Furthermore, implementation of the City's Standard Permit Conditions would ensure less than significant impacts to paleontological resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

- Policy EC-3.2** Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Standards Code will be followed.
- Action EC-3.10** Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
- Policy EC-4.3** Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.
- Policy EC-4.4** Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
- Policy EC-4.5** Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
- Action EC-4.10** Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
- Policy EC-4.11** Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
- Action EC-4.12** Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
- Action ER-10.4** The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

City Standard Permit Conditions

Seismic Hazards

- a) A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining, and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
- b) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- c) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- d) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- e) The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- f) If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Paleontological Resources

If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of PBCE or the Director's designee shall be notified, and a qualified professional Paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The permittee shall be responsible for implementing the recommendations of the qualified Paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

6. Hazards and Hazardous Materials

A modified Phase I Environmental Site Assessment (Phase I ESA) was conducted by ENGEO on July 5, 2023.² This report summarized the current conditions of the site, as well as the historical conditions of the site. The site reconnaissance and records review did not find documentation or physical

² ENGEO. Phase 1 Environmental Site Assessment. July 5, 2023

evidence of soil, soil gas, or groundwater impairments associated with the use or past use of the property. A review of regulatory databases maintained by county, state, tribal, and federal agencies did not identify contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the property and found no documentation of hazardous materials violations or discharge on the property. Since the property was historically used for agricultural activities, an agrichemical assessment of near-surface soil was conducted to evaluate the potential for residual concentrations of organochlorine pesticides (OCPs), lead, and arsenic. OCPs were detected above laboratory reporting limits but below their residential Environmental Screening Levels (ESLs) in all five composite samples. Lead and arsenic were detected above laboratory reporting limits in all 10 samples analyzed for these constituents. Lead was detected at a maximum concentration of 35.3 milligrams per kilogram (mg/kg), well below the residential ESL of 80 mg/kg. Arsenic was detected at a maximum concentration of 15.2 mg/kg.

In addition, a Soil Gas Report was prepared by ENGEO for the property dated July 5, 2023. The report was prepared to address potential environmental concerns associated with former off-site commercial/industrial facilities. While benzene was detected above its residential ESL in all five soil gas samples, the marginal exceedances of benzene residential ESLs are not an environmental concern given the overall oxygen levels are sufficient to support bio-attenuation.

Based on the findings of this assessment, no Recognized Environmental Conditions (RECs), no historical RECs and no controlled RECs were identified for the property. No further environmental studies were recommended and the property was deemed suitable for residential development.

Compliance with relevant General Plan Policies and adherence to the City's Standard Permit Conditions would ensure that the proposed project would not result in significant impacts related to Hazards and Hazardous Materials. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy EC-7.1 For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine whether any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2 Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State, and federal laws, regulations, guidelines, and standards.

Policy EC-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos-

containing materials, shall be implemented in accordance with State and federal laws and regulations.

Policy EC-7.5 On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

City Standard Permit Conditions

Asbestos and Lead-based Paint

- i. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- ii. During demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- iii. All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, California Code of Regulations Section 1529, to protect workers from asbestos exposure.
- iv. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- v. Materials containing more than 1 percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

7. Hydrology and Water Quality

Click and type text here. Stormwater management at the project site will traverse through a network of features, including multiple bioretention facilities and planters designed to collect stormwater along with a large landscaped self-retaining area situated at the southern portion of the site adjacent to River Oaks Parkway. Stormwater collected will be directed toward a 15-foot storm drainage pipe located beneath Iron Point Drive. In instances where runoff exceeds infiltration capacity, it would be directed into storm drainage lines via grates positioned around proposed internal streets, parking areas, and loading spaces. Runoff originating from most areas of the site will flow over rooftops, parking areas, sidewalks, and landscaped regions. It will then be directed toward vegetated buffer

strips and vegetated swales serving as pretreatment and treatment zones for stormwater quality. Along the frontage, runoff will be directed over landscaping toward the public right-of-way, where it will undergo self-treatment processes.

These project features would protect water quality, prevent erosion and siltation, prevent surface runoff, and control flooding. As the project site is already developed, development of the site would not impact groundwater recharge. Therefore, compliance with General Plan policies and adherence to City's Standard Permit Conditions would ensure impacts related to hydrology and water quality are less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

- Policy IN-3.7** Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
- Policy IN-3.10** Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.
- Policy MS-3.4** Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
- Policy ER-8.1** Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
- Policy ER-8.3** Ensure that private development in San José includes adequate measures to treat stormwater runoff.
- Policy EC-4.1** Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
- Policy EC-5.7** Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

City Standard Permit Conditions

Construction-related Water Quality

- i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- vii. Vegetation in disturbed areas shall be replanted as quickly as possible.
- viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- ix. The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

8. Mineral Resources

The General Plan identifies Communications Hill as the only known area in the City to contain mineral deposits that are of regional significance as a source of construction aggregate materials; this area is approximately 4.12 miles northwest of the project site. No activities related to mineral resources occur within the project site and no portion of the project site is designated as relevant for mineral resources by the City or the State.³ As such, the proposed project would not result in impacts related to mineral resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

9. Population and Housing

The project site is currently occupied by vacant office buildings. There are no residential units at the project site. The proposed project would develop 747 residential units. The proposed project aligns with the General Plan PEIR by not exceeding the growth projections established by the Association of Bay Area Governments (ABAG) for the San Francisco Bay Area. The Housing Element Update (2023) identified the project site as a potential area for future residential development, consistent with the growth projections in the General Plan. The Housing Element Update SEIR, incorporating ABAG's 2040 projections, indicates that San José's population is expected to reach 1,377,145 by 2040, an increase of 355,359 persons from 2019.

According to the U.S. Census Bureau, for the period from 2018 to 2022, the average household size in San José is 3.03 persons per household. The proposed project would result in 132 affordable apartment units, 505 market-rate apartment units, and 100 townhomes, totaling 737 units. Using the average household size, the proposed project would add approximately 2,234 people to the

³ California Department of Conservation. California Geological Survey. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed October 10, 2024

area. This increase represents about 0.006 percent of ABAG's total growth projections for the City. Therefore, the proposed project would be consistent with the growth projections outlined in both the General Plan PEIR and the Housing Element Update SEIR. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

10. Public Services

The proposed project would be served by existing public services throughout the San José area as envisioned under the 2040 San José General Plan. The closest fire station to the project site is San José Fire Department's Station 29, located on 199 Innovation Drive, approximately 0.25 miles southwest of the project site, which would presumably allow emergency personnel to reach the site within the City's target response time of 4 minutes. The San José Police Department operates out of their headquarters located at 201 West Mission Street, approximately 3.95 miles south of the project site. The project site is located within the existing response area and the multi-family residential use on the project site resulting from the proposed project would not increase response times for various calls for service as the proposed project is located in an area already currently served by police protection services with sufficient capacity to serve the proposed project. The project site is surrounded on all sides by existing industrial and residential uses that receive fire and police services from the San José Fire and Police Departments. Therefore, the proposed project would not cause the San José Fire or Police Departments to travel farther or require additional time to reach the project site. In addition, the proposed project would meet the California State Fire Code and City building requirements.

The project site falls within the jurisdiction of the Santa Clara Unified School District. As per the additional capacity outlined in Table 3.9-4 of the General Plan PEIR, the proposed project is situated in a district boasting the highest available additional capacity throughout San José, amounting to 3,566 additional student slots alongside planned construction of new facilities. Consequently, this student capacity aligns with the projected growth assessed in the General Plan. Considering both the potential increase in student population indirectly generated by the proposed project and its location within the district offering the greatest capacity, the proposed project is not expected to result in significant impacts on school capacity.

Other public services, such as parks and libraries, are also located in the immediate area and would serve the proposed project. Therefore, impacts to public services would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of 11 minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the City.

Policy ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the City.

Policy ES-3.6 Work with local, State, and federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

Policy ES-3.10 Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.11 Ensure that adequate water supplies are available for fire suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects

Policy PR-1.3 Provide 500 square feet per 1,000 population of community center space

Policy PR-2.4 To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.

Policy IP-15.1 Require new development to construct and dedicate to the City all public improvements directly attributable to the site. This includes neighborhood or community parks and recreation facilities, sewer extensions, sewer laterals, transportation network improvements, sidewalks, street lighting, fire hydrants and the like. In the implementation of the City Council Transportation Analysis Policy 5-1 for transportation, and level of service policies for sanitary sewers, and neighborhood and community parks, development is required to finance improvements to nearby intersections or downstream sewer mains in which capacity would be exceeded, and dedicate land, pay an in lieu fee or finance improvements for parks and recreation needs which would result from the development.

11. Recreation

The proposed project would be expected to increase demand for recreation areas in the planning vicinity. There is an existing park directly across the street from the proposed project, and open space areas would be provided within the proposed project. The applicant would be required to pay in lieu fees to cover any additional parkland requirement. Since growth from the proposed project is included in the projections of the General Plan, compliance with General Plan policies, including the parkland-to-resident ratio, would ensure that impacts to recreation would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

- Policy PR-1.1** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
- Policy PR-1.2** Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
- Policy PR-1.4** Provide access to high-quality recreation programs/services through a three-tiered multi-service hub, satellite, and neighborhood community center concept.

12. Utilities and Service Systems

The project site would be served by existing utility infrastructure from the surrounding urban areas. Water would be provided by the San José Water Company with Sanitary Sewer and Storm Drain being provided by The City of San José. Additionally, electricity would be provided by Pacific Gas and Electric Company (PG&E), telephone services would be provided by AT&T, and internet services would be provided by AT&T and Spectrum. No new utility lines would need to be built; thus, the proposed project would not result in significant effects related to Utilities and Service Systems. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

13. Wildfire

The proposed project is not located within or near a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ). The project site is located within the Urban Growth Boundary (UGB), whose entire area is non-VHFHSZ. As such, the proposed project would not result in significant impacts related to wildfire. The project site is mostly surrounded by urbanized uses and is currently connected to existing infrastructure. Furthermore, as part of the proposed project, landscaping and vegetation would be managed to avoid providing fuel for a fire. As such, the proposed project would not result in significant impacts related to wildfire. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.


A.2 - River Oaks Parkway DTSC Comments

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Re: NOTICE OF CEQA POSTING: 211-281 River Oaks Parkway Residential Project NOP (H23041, T23-028, & ER23-253)

From AMTB INC [REDACTED]
Date Fri 11/8/2024 12:31 PM
To Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

 2 attachments (247 KB)
General Recommendations.pdf; MLD Recommendations 2024.pdf;

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Kara,

I wanted to make sure to provide the City of San Jose any information we have on this proposed project location. I know it is some distance from Coyote Creek but it is still within the area of high sensitivity for impact of Tribal cultural resources. I will attach our MLD recommendations as well as our General recommendations to help prepare for the possible findings that may come along during the progression of this project. If you have any questions or concerns, please let me know.

Thank you,

Shelby Brown
Amah Mutsun Tribal Band of Mission San Juan Bautista

On Fri, Nov 8, 2024 at 10:47 AM Amah Mutsun Tribal [REDACTED] wrote:

----- Forwarded message -----

From: **Hawkins, Kara** <Kara.Hawkins@sanjoseca.gov>

Date: Thu, Nov 7, 2024 at 11:53 AM

Subject: NOTICE OF CEQA POSTING: 211-281 River Oaks Parkway Residential Project NOP (H23041, T23-028, & ER23-253)

To:

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT**

FILE NO: H23-041, T23-028 and ER23-253

PROJECT APPLICANT: Valley Oak Partners LLC (Attn: Scott Connelly)

APNs: 097-33-033 and 097-33-034

Project Description: Site Development Permit to allow the demolition of three buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

Location: The project site is located at 211-281 River Oaks Parkway, in between Iron Point Drive and Cisco Way.

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

An environmental public scoping meeting for this project will be held:

- **When:** Thursday, November 14th, 2024 from 6:00 to 7:00 p.m.
- **Where:** Via Zoom (see instructions on www.sanjoseca.gov/PlanningCommunityMtgs). The direct Zoom link is also available here: <https://sanjoseca.zoom.us/j/97078121319>

The project description, location, and probable environmental effects to be analyzed in the EIR for the project can be found on the Project's EIR website at <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/211-281-river-oajks-parkway-residential-project>, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00p.m. on Tuesday, December 10th, 2024**. If you have comments on this Notice of Preparation(NOP), please identify a contact person from your organization, and send your response via mail or email to:

11/13/24, 11:35 AM

Mail - Hawkins, Kara - Outlook

City of San José, Department of Planning, Building and Code Enforcement
Attn: Kara Hawkins, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Kara.Hawkins@sanjoseca.gov

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Provisions to Address Discovery of a Tribal Cultural Resource During Construction

Tribal Cultural Resources Sensitivity Training. The project sponsor, in consultation with any Cultural Resources Team if one is available, shall retain the services of an Ohlone Native American representative and/or archeological consultant from the Qualified List of Archaeological Consultants to provide cultural sensitivity and archeological awareness training to all work crews who will be involved in ground disturbing activities at the project site. The training shall inform all project contractors, subcontractors and work crew members to be on the alert for evidence of the presence of potential tribal cultural resource(s), of how to identify the evidence of such a resource(s), and of stop work, resource protection, and notification requirements in the event of suspected discovery of a tribal cultural resource by construction crew members.

Stop Work and Notification Upon Discovery. Should any indication of a tribal cultural resource be encountered during any soils-disturbing activity of the project, the project Head Foreperson and/or project sponsor shall immediately notify tribe and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the Cultural Monitor and a qualified archeological consultant from the Qualified Archeological Consultants List have assessed the find and the respective parties have determined whether and what additional measures should be undertaken.

Preservation in Place. In the event of the discovery of a tribal cultural resource, the cultural resource team (if one is present on job), the project sponsor, the archeological consultant, and the Ohlone representative shall consult to determine whether preservation in place would be feasible and effective in preserving the values represented by the resource. The archeological consultant, in consultation with the Ohlone representative, shall document the find to current professional standards. The tribe may also require that the project sponsor immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions.

If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, the archeological consultant shall prepare a Resource Preservation Plan (RPP) in consultation with the Ohlone representative, for review, which shall be implemented by the project sponsor during construction.

If it is determined that preservation in place would not be feasible or effective, then archeological assessment and treatment shall be implemented and in consultation with the Ohlone representative, as detailed below.

Archeological Treatment. If it is determined, in consultation with the Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option to preserve the values represented by the resource, then the archeological consultant, in consultation with the Ohlone representative, shall conduct archeological assessment to determine

the significance of the find and determine whether it retains sufficient integrity to warrant additional treatment. If the tribal cultural resource is determined to be a significant archeological resource, the archeological consultant, in consultation with the Ohlone representative, shall recommend appropriate archeological treatment to preserve the data and values of the tribal cultural resource, which may include archeological data recovery. Data recovery shall be implemented in consultation with the Ohlone representative and shall include appropriate analyses and reporting. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with Standard guidelines for such programs and shall be implemented immediately.

Human Remains and Funerary Objects. The treatment of any human remains, and funerary objects discovered during any soils disturbing activity shall comply with applicable State laws, including Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.98. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The project sponsor shall immediately notify the Medical Examiner of the County in which the job resides and the Tribe of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours and all provisions of Public Resources Code 5097.98 will be followed.

Interpretive Program. If it is determined, in consultation with Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resource is not a sufficient or feasible option, the project sponsor, in consultation with local Native American representatives, shall prepare a Cultural Resources Public Interpretation Plan (CRPIP) to guide the interpretive program. The CRPIP shall be submitted for review and approval prior to implementation of the program. The interpretive program may but is not limited to artist installations, preferably by local Native American artists, oral histories with local Native Americans, cultural displays, educational panels, or other interpretive elements agreed upon by the sponsor, and Ohlone Native American representatives, and shall include an on-site acknowledgement that the project is built on traditional Ohlone land. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. Upon approval of the CRPIP and prior to project occupancy, the interpretive program shall be implemented by the project sponsor. The project sponsor shall work with the tribal representative to identify the scope of work by the tribal representative to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives shall be compensated for their work as identified in the agreed upon scope of work.

Amah Mutsun Tribal Band of Mission San Juan Bautista

I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

1. Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.
2. I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all

Amah Mutsun Tribal Band of Mission San Juan Bautista

of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

3. The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.
4. It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.
5. As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our

Amah Mutsun Tribal Band of Mission San Juan Bautista

aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site, I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

Amah Mutsun Tribal Band of Mission San Juan Bautista

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

Sincerely,

Irenne Zwierlein

Tribal Chief of the Amah Mutsun Tribal Band of Mission San Juan Bautista

MLD

Tribal Chairwoman of the Amah Mutsun Tribal Band of Mission San Juan Bautista



3030 Soda Bay Road Lakeport, CA 95453
amtbc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 15, 2024

Kara Hawkins
Planner III
City of San Jose
200 E Santa Clara Street T3
San Jose, CA 95113
kara.hawkins@sanjoseca.gov

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE 211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT DATED
NOVEMBER 7, 2024, STATE CLEARINGHOUSE NUMBER [2024110255](#)

Dear Kara Hawkins,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 211-281 River Oaks Parkway Residential Project (Project). The project requests a Site Development Permit to allow the demolition of three buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

DTSC recommends and requests consideration of the following comments:

1. Section 6. Hazards and Hazardous Materials of the NOP of a DEIR discusses that ENGEO conducted a modified Phase I Environmental Site Assessment (Phase I ESA) on July 5, 2023 and a Soil Gas Report was prepared for the property. The NOP of a DEIR states:
“The report was prepared to address potential environmental concerns

associated with former off-site commercial/industrial facilities. While benzene was detected above its residential ESL in all five soil gas samples, the marginal exceedances of benzene residential ESLs are not an environmental concern given the overall oxygen levels are sufficient to support bio-attenuation. Based on the findings of this assessment, no Recognized Environmental Conditions (RECs), no historical RECs and no controlled RECs were identified for the property. No further environmental studies were recommended and the property was deemed suitable for residential development.”

DTSC recommends the City of San Jose enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC’s voluntary agreements, please note that DTSC uses a single standard [Request for Lead Agency Oversight Application](#) for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional

information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the 211-281 River Oaks Parkway Residential Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Purvis".

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Kara Hawkins
November 15, 2024
Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Jason Brandman
Sr. Vice President
First Carbon Solutions
jbrandman@fcs-intl.com

Scott Connelly
Project Manager / Project Applicant
Valley Oak Partners LLC
scott@valleyoakpartners.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
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Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov



November 8, 2024

Kara Hawkins
City of San Jose
200 East Santa Clara St, 3rd Floor Tower
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Kara Hawkins,

Thank you for submitting the 211-281 River Oaks Parkway 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/account/service-requests/building-and-renovation.html>.
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) 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.



November 8, 2024

Kara Hawkins
City of San Jose
200 East Santa Clara St, 3rd Floor Tower
San Jose, CA 95113

Re: 211-281 River Oaks Parkway

Dear Kara Hawkins,

Thank you for giving us the opportunity to review the subject plans. The proposed 211-281 River Oaks Parkway plan is within the same vicinity of PG&E's existing facilities that impact this property.

The 211-281 River Oaks Parkway requires the relocation or modification of existing PG&E gas and electric service facilities. The applicant must contact the below resources to apply for the relocation or modification of any existing PG&E gas and electric services that exist on the subject parcels before the proposed demolition begins.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

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 me at paul.takemoto@pge.com.

Sincerely,

Paul Takemoto
Land Management



County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

November 22, 2024

Kara Hawkins,
Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905

SUBJECT: 211-281 River Oaks Parkway Residential Project NOP

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the 211-281 River Oaks Parkway Residential Project NOP. We submit the following comments:

- Recommend that the LTA include all County signalized intersections within a 2-mile radius of the project, specifically all Montague Expressway signals between Mission College and Great Mall.
- Include the Montague Expressway and Research Place intersection, considering a right-in/right-out configuration.
- Suggest evaluating all CMP intersections using the HCM 7th Edition methodology in PTV VISTRO analysis software, aligning with VTA's planned adoption of VISTRO as the standard for traffic LOS analysis in the forthcoming TIA Guidelines Update.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ayeh.khajouei@rda.sccgov.org

Thank you,

Ayeh Khajouei, Ph.D., AICP, PTP
County of Santa Clara | [Roads & Airports](#)
101 Skyport Rd | San Jose, CA, 95110
408-573-2495



Re: H23-041/ER23-253 - AB 52 Notification - please respond by December 19, 2024

From Tracie Carrasco <tcarrasco@tamien.org>

Date Tue 11/19/2024 5:46 PM

To Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

Cc qgeary@tamien.org <qgeary@tamien.org>; jcostillas@tamien.org <jcostillas@tamien.org>; Garg, Tina <Tina.Garg@sanjoseca.gov>

 1 attachment (883 KB)

AB 52 Notification Response For 211 River Oaks Parkway.pdf;

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

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

Dear Kara,

We appreciate you taking the time to contact us regarding the AB 52 for the 211 River Oaks Parkway Project. Please see the attached letter requesting formal consultation.

We look forward to your response.

Best regards,

Tracie Carrasco
Administrative Assistant
Tamien Nation
www.tamien.org



On Tue, Nov 19, 2024 at 1:59 PM Garg, Tina <Tina.Garg@sanjoseca.gov> wrote:

Hi Chairwoman Geary and Mr. Costillas, attached is the Initial AB52 Notice request/additional information for the project noted below. Please reach out to the Project Manager noted below and copied here.

Project File Nos.: H23-041, T23-038, & ER23-253

Project Manager: Kara Hawkins

Project Location: 211-281 River Oaks Parkway

Project Description: Site Development Permit for the demolition of three existing buildings totaling approximately 164,606 square feet and the removal of 184 trees (116 ordinance-size, 68 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

Project Point of Contact: Kara Hawkins, Environmental Project Manager, Kara.Hawkins@sanjoseca.gov, 408.794.7852

If you are interested in further AB 52 consultation for this project, please let us know in writing within 30 days, by December 19, 2024.

Thank you.

Tina Garg

Supervising Planner | Planning, Building & Code Enforcement

City of San José | 200 East Santa Clara Street

Email: tina.garg@sanjoseca.gov

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



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

Thank you for the notification. We sincerely appreciate your time and effort in reaching out to us. This letter serves as a formal request for tribal consultation in accordance with 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 project notification on

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation (Public Resources Code section 21080.3.2.

- ☒ 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 draw your attention to CEQA Guidelines Section 15126.4, subdivision (b)(3), emphasizing that avoidance and preservation in place is the preferred method for mitigating impacts to archaeological sites. The California Court of Appeal has clarified in the case of 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) 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."

It is crucial to adhere to this guideline in order to ensure the effective preservation of tribal cultural resources. If you have any questions or require further clarification on this matter, please do not hesitate to reach out.

To streamline the process, please send us the requested documentation at least ten (10) business days before our initial consultation meeting. You can view our availability and schedule a consultation meeting with us here: <https://calendly.com/tamien/ab-52sec106-consultation>.

Tamien Nation lead contact for consultation is:

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

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter.

Please refer to identification number _____ in any correspondence for this project.

On behalf of Tamien Nation, we thank you for providing us with this notice and the opportunity to comment.

Sincerely,



Quirina Geary
Chairwoman

cc: Native American Heritage Commission



RE: NOTICE OF CEQA POSTING: 211-281 River Oaks Parkway Residential Project NOP (H23041, T23-028, & ER23-253)

From Andrew Quan <AQuan@valleywater.org>

Date Wed 12/4/2024 1:21 PM

To Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

Cc Lisa Brancatelli <LBrancatelli@valleywater.org>

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Hi Kara,

Valley Water has received the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed 211-281 River Oaks Parkway Residential Project in San Jose, received by Valley Water on November 7, 2024. Upon our review, we have the following comments:

1. Under state law a Water Supply Assessment is required to evaluate the proposal's consistency with San Jose Water Company's Urban Water Management Plan and determine if adequate water supplies are available to serve the development. The Urban Water Management Plan assumes a substantial increase in water conservation to meet future water demand (as does the Urban Water Management Plan for Valley Water). Valley Water encourages the City to help meet this goal by requiring all available water conservation measures in new development and redevelopment. Valley Water has been working with jurisdictions throughout the county on a Model Water Efficient New Development Ordinance that the City may consider to ensure that sufficient water supplies are available into the future.
2. Please note that Valley Water records show that groundwater can be shallow (ten to twenty feet below grade) in this region. Groundwater may be encountered if underground structures are proposed, and any such structures should have waterproof foundations to avoid the need for permanent dewatering after construction is complete.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) 06085C0068J, effective February 19, 2014, the entire site is located within Zone X (shaded), which is defined as areas of 0.2% annual chance flood hazard.
4. Please note that portions of the project site are subject to dam inundation as they are within the Leroy Anderson Dam failure inundation zone.

5. According to Valley Water's records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

We appreciate the opportunity to comment on the NOP and would also appreciate the opportunity to review the DEIR document when it becomes available. If you have any questions, or need further information, you can reach me at (408) 630-1667, or by e-mail at AQuan@valleywater.org. Please reference Valley Water File No. 1731 on future correspondence regarding this project.

Thank you,

ANDREW QUAN

ASSISTANT ENGINEER II - CIVIL

Community Projects Review Unit

Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

Sent: Thursday, November 7, 2024 11:53 AM

Subject: NOTICE OF CEQA POSTING: 211-281 River Oaks Parkway Residential Project NOP (H23041, T23-028, & ER23-253)

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**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT**

FILE NO: H23-041, T23-028 and ER23-253

PROJECT APPLICANT: Valley Oak Partners LLC (Attn: Scott Connelly)

APNs: 097-33-033 and 097-33-034

Project Description: Site Development Permit to allow the demolition of three buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

Location: The project site is located at 211-281 River Oaks Parkway, in between Iron Point Drive and Cisco Way.

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

An environmental public scoping meeting for this project will be held:

- **When:** Thursday, November 14th, 2024 from 6:00 to 7:00 p.m.
- **Where:** Via Zoom (see instructions on www.sanjoseca.gov/PlanningCommunityMtgs). The direct Zoom link is also available here: <https://sanjoseca.zoom.us/j/97078121319>

The project description, location, and probable environmental effects to be analyzed in the EIR for the project can be found on the Project's EIR website at <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/211-281-river-oajks-parkway-residential-project>, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00p.m. on Tuesday, December 10th, 2024**. If you have comments on this Notice of Preparation(NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Kara Hawkins, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Kara.Hawkins@sanjoseca.gov

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