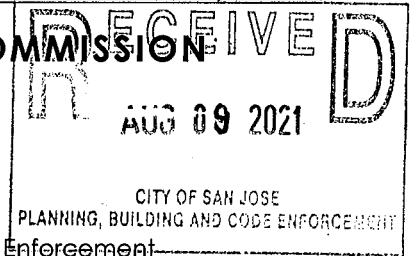




NATIVE AMERICAN HERITAGE COMMISSION



July 26, 2021

Thai-Chau Le

City of San Jose Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2021070496, Valley Title Commercial Project (H21-012/ER21-026), Santa Clara County

Dear Ms. Le:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. 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.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. 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.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse

August 12, 2021

Thai-Chau Le
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose CA 95113

Re: Valley Title Commercial Project
345 South 2nd Street, San Jose

Dear Thai-Chau Le:

Thank you for providing PG&E the opportunity to review your proposed plans for Valley Title Commercial Project dated 7/27/2021. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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

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

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

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

Sincerely,

PG&E Plan Review Team
Land Management

Carolyn Neer

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Sent: Thursday, August 26, 2021 6:17 PM
To: Carolyn Neer
Subject: Fwd: Notice of Preparation for the Valley Title Commercial Project Draft Supplemental Environmental Impact Report (H21-012/ER21-026)

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Shree Dharasker <sdharasker@valleywater.org>
Sent: Thursday, August 26, 2021 5:47:55 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: Michael Martin <MichaelMartin@valleywater.org>
Subject: RE: Notice of Preparation for the Valley Title Commercial Project Draft Supplemental Environmental Impact Report (H21-012/ER21-026)

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

[External Email]

Dear Ms. Le,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (EIR) for the Valley Title Commercial Project (File number H21-012/ER21-026) and has the following comments:

The project is large enough to require the preparation of a Water Supply Assessment (WSA). The City will need to request that the San Jose Water Company prepare a WSA consistent with the requirements of SB610. As the county's groundwater management agency and principal water resources manager, Valley Water would like the opportunity to review the WSA prior to the release of the Draft EIR.

Re-development of the site provides opportunities to minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City and applicant should consider the following:

- Require landscaping that exceeds the requirements of the City's water efficient landscape regulations;
- Weather- or soil-based irrigation controllers;
- Dedicated landscape meters;
- The installation of dual plumbing to facilitate and maximize the use of alternative water sources for irrigation, toilet flushing, cooling towers, and other non-potable water uses

should recycled water lines be adjacent to the site or potentially extended in the future to serve the site. In addition, onsite reuse of water may be appropriate now or in the future. Maximize the use of alternative water sources for non-potable uses including stormwater, rainwater, and graywater.
Installation of separate submeters to separate commercial and retail units to encourage efficient water use.
Be consistent with the City's Green Vision to reduce water use and associated greenhouse gas emissions

The NOP does not note parking for the project. Should underground parking, or other subterranean uses be proposed, Valley Water recommends that a detailed analysis of construction dewatering be conducted, including estimating dewatering volumes/durations and evaluating related impacts. A construction dewatering system should be designed such that the volume and duration of dewatering are minimized to the greatest extent possible. We also recommend that the geotechnical investigation identify the foundation design and waterproofing that will avoid the need for permanent dewatering after construction is complete.

Santa Clara Valley Water District (Valley Water) has no right of way or facilities at this location. No encroachment permit will be required. The project is located in flood zone D, where flood hazards are undetermined but possible, per Flood Insurance Rate Map # 06085C0234 H effective May 18, 2009.

Valley Water records indicate that one (1) abandoned well may be located on the subject property. If this well is found on the subject property during development, it must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. 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.

Thank you for providing an opportunity to review the NOP. Valley Water would like to review the Draft EIR once prepared.

Please contact me if there are any questions,

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

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>

Sent: Tuesday, July 27, 2021 8:15 AM

Subject: Notice of Preparation for the Valley Title Commercial Project Draft Supplemental Environmental Impact Report (H21-012/ER21-026)

***In Response to COVID-19 Pandemic, at this time, the City is utilizing alternative forms of noticing when necessary to reduce in-person contacts and still meet the California Environmental Quality Act (CEQA) noticing mandates. This email notifications contains "Request a Delivery Receipt" and "Request a Read Receipt" to replace the normal certified mailing for CEQA notices such as Notice of Preparation, Notice of Availability, and Notice of Intent. We ask all email recipients to respond to the "Request of Delivery Receipt" or send a follow up email acknowledging the receipt of these notices.**

**NOTICE OF PREPARATION OF DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE VALLEY TITLE
COMMERCIAL PROJECT**

FILE NO: H21-012/ER21-026
PROJECT APPLICANT: Project Valley Title, LLC. (ATTN: Isabelle
Glotman)
APN: 467-46-080, 467-46-081, 467-46-082

The project proposes to demolish and remove the existing three-story office building, parking kiosk structure, and surface parking lot and construct a 20-story (up to 301 foot tall) commercial building. The building would have two towers and total 1,397,321 square feet. The building would include approximately 50,000 square feet of active retail and community serving uses on the ground floor and the remainder of the building would be office space. The applicant is considering two design options for the proposed project, 1) in which the two towers would be connected via two open-air bridges on levels 10 and 11, and 2) where no bridges are proposed.

Location: 345 South 2nd Street, San Jose, CA 95113; approximately 2.8-acre project site (Assessor Parcel Numbers [APNs] 467-46-080, 467-46-081, and 467-46-082) is located at 300 South 1st Street and 345 South 2nd street, bounded by East San Carlos Street to the north, East San Salvador Street and existing commercial buildings to the south, South 2nd Street to the east, and South 1st Street to the west.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced 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.

A **joint community and environmental public scoping meeting** for this project will be held:

When: Monday, August 16, 2021 from 6:00 p.m.

Where: Via Zoom (see instructions below and on www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects that will 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. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Thai-Chau Le, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-5658, e-mail: Thai-Chau.Le@sanjoseca.gov

Best regards,
Thai

Thai-Chau Le
Supervising Planner | Planning, Building & Code Enforcement
City of San Jose | 200 East Santa Clara Street
Thai-Chau.Le@sanjoseca.gov | (408) 535 - 5658

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**PRESERVATION ACTION
COUNCIL OF SAN JOSE**
History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105
www.preservation.org

August 30, 2021

Thai-Chao Le
Environmental Project Manager
City of San José Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905

VIA EMAIL (Thai-Chau.Le@sanjoseca.gov)

**RE: VALLEY TITLE COMMERCIAL PROJECT (H21-012 & ER21-026) DSEIR
SCOPING COMMENTS**

Dear Ms. Le,

The Preservation Action Council of San Jose (PAC* SJ) appreciates this opportunity to provide DSEIR scoping comments for the Valley Title Commercial Project, a proposed 20-story office complex on the current site of the former Valley Title Building and adjacent surface parking lot occupying the majority of the block bounded by West San Carlos Street, First Street, San Salvador Street, and Second Street in Downtown San Jose. As noted in the project's Notice of Preparation (NOP), this area is recognized as sensitive for historic and prehistoric resources.

While the NOP specifically acknowledges the project's proximity and potential impacts to the historic California Theater at 345 S. 1st Street (San Jose City Landmark, California Register of Historical Resources, National Register of Historic Places), this is only one of numerous identified and potentially-eligible historic resources immediately adjacent to the project site. The DSEIR must address potential impacts to all of these resources, including those not currently included, but demonstrably eligible for inclusion on, the City's Historic Resources Inventory as Candidate City Landmarks, including but not limited to the Studio Theater at 396 S. First Street (Cantin & Cantin, 1950).

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PRESERVATION ACTION
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History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105
www.preservation.org

In addition, PAC* SJ requests that the DSEIR include analysis of project alternatives that retain the existing Valley Title Building *in situ*, either as a freestanding structure or incorporated into the proposed complex. Independent of the DSEIR review process, PAC* SJ has requested that the project applicant explore the feasibility of reversing the building's c.1970 alterations, exposing and restoring surviving original features of the building's original Art Deco design as the Hales Department Store (1931). Were this to be proven feasible, PAC* SJ strongly supports the incorporation of the existing building into the proposed development.

Sincerely,

Ben Leech
Executive Director
Preservation Action Council of San Jose



August 30, 2021

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

Attn: Thai-Chau Le
By Email: Thai-Chau.Le@sanjoseca.gov

Dear Thai-Chau,

VTA appreciates the opportunity to comment on the Final Notice of Preparation for the Valley Title Commercial project. VTA has reviewed the document and has the following comments:

Infill Development

VTA applauds the City and developers' vision for this large-scale infill development, especially due to its proximity to existing transit with several bus stops and a light rail station located within one block of this project. Projects such as this increase density of downtown San José and have the potential to increase transit ridership and therefore helping the city reach its sustainability goals.

Project Design Conflicts and Driveway Placement

The proposed north access to the site as shown in the site plans conflicts with existing VTA systems facilities to maintain light rail operations. The proposed driveway footprint on San Carlos Street is located where the existing pad-mounted light rail cabinets, Overhead Contact System (OCS) pole and pullbox are placed. The light rail cabinets (signal and disconnect switch) are indicated on the plans as "existing utility vault to be adjusted to grade" and the OCS pole and pullbox is indicated as "existing streetlight and pull box to be relocated." The light rail cabinets and OCS pole/pullbox are strategically placed and relocating them requires comprehensive consideration of impacts to the light rail system:

- OCS pole (MN196) relocation may trigger a potential redesign of the overhead span support from Paseo de San Antonio between 1st and 2nd Streets to the Market Street and San Carlos Street intersection
- Light rail signal cabinet and disconnect switch cabinet relocation may trigger modifications to the VTA combined duct bank system, construction of new ducts, or new terminations to existing manholes
- Pullbox relocation may affect the streetlight assembly associated with OCS Pole MN196

Additionally, a new driveway on San Carlos Street may require confirmation from the California Public Utility Commission (CPUC) that the project will not result in net new crossings of the light rail tracks. Per the Draft Scope, the north project driveway is configured with right-in-right-out access. VTA recommends physically prohibiting illegal turns or left turns into and out of the driveway using curbs along the light rail right-of-way. The use of signage and striping alone would be insufficient. VTA requests ongoing coordination with Department of Transportation and Public works staff regarding

these proposed changes. This is one of three development projects currently proposing significant changes to the VTA OCS.

Transportation Demand Management

This development has a major office component and therefore likely to attract regional trips. Given the nature of this development and limited opportunities to improve the public infrastructure (being already built out), transportation demand management (TDM) measures must be incorporated with the daily operations of this development to relieve the congestion on the surrounding roadways and freeways (Interstate 280 and State Route 87).

Transportation Impact Analysis (TIA)

Consistent with the City's Transportation Analysis Handbook (page 39) and the practices of the Congestion Management Program administered by VTA, the City should perform operations analysis of key intersections near the project site. The key intersections are along The Alameda-Santa Clara Street, San Carlos Street, First Street, and Second Street corridors. The Local Transportation Analysis (LTA) performed should examine if any localized improvements can be done to these intersections to address the identified operational issues by this analysis.

Transportation Analysis

The project TIA and/or LTA should analyze the impacts to ramp metering operations at the Northbound (NB) SR 87 on-ramp from Park Avenue, Southbound (SB) SR 87 on-ramp from Auzerais Avenue, NB I-280 on-ramp from Almaden Avenue, NB I-280 on-ramp from Fourth Street, and SB I-280 loop on-ramp from First Street.

Transit Impact Analysis

The project TIA and/or LTA should analyze the impacts to VTA's transit operations on Routes 22, 23, 64A, 64B, 66, 68, 72, 73, Rapid 522, Rapid 523, light rail "Green" line, and light rail "Blue" line.

Terrace Landscaping

The landscaping plans include tree canopies on all floors. San Carlos Street does not currently have significant tree canopy. VTA supports additional trees to enhance the urban realm, however the project or Groundwerx will need to increase maintenance to clear debris from the roadway to minimize light rail trackway issues. Vegetation and debris, if left unattended, can cause complications for light rail operations.

Construction Impacts

Current plans do not indicate changes to existing bus stops on South First Street and South Second Street that have not already been negotiated. However, mitigations should be put into place during construction that might necessitate bus stop closures. Any oversize equipment/structure movements to the construction site would need to be planned appropriately to prevent collision with the OCS. Shoring for the construction pit would need to consider a fully loaded three-car light rail train travelling at normal track speed along San Carlos Street.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or lola.torney@vta.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', with a long horizontal stroke extending to the right.

Lola Torney
Transportation Planner III

SJ1908