

Appendix B  
AB52 Consultation

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AB 52 Notification: File No: H17-025

July 19, 2021

Tamien Nation  
Chairwoman Quirina Luna Geary  
P.O. Box 8053  
San José, CA 95155  
[Qgeary@tamien.org](mailto:Qgeary@tamien.org)

Jonathan Costillas  
Tribal Cultural Resource Officer  
P.O. Box 866  
Clearlake Oaks, CA 95423  
[Jcostillas@tamien.org](mailto:Jcostillas@tamien.org)

*Sent by email and U.S. Postal Service*

Dear Ms. Geary and Mr. Costillas,

In response to the verbal notice we received from you on June 17, 2021 and the written notice received June 28, 2021, that you as the Tamien Nation representatives request notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report; we are sending you by mail and email notification of the following proposed project on file with the City of San José.

<b>Project File Nos.:</b>	H17-025(696 Blossom Hill Road Project)
<b>Project Location:</b>	696 Blossom Hill Road, San José, CA 95123 (southeast corner of Blossom Hill Road and Cahalan Avenue)
<b>Project Description:</b>	Site Development Permit to allow the removal of two ordinance size trees and the construction of a two-story 24,115 square foot commercial and retail building.
<b>Project Applicant</b>	Chris Hall, Eaton Hall Architecture, Inc.
<b>Project Point of Contact</b>	Cassandra van der Zweep, Environmental Project Manager <a href="mailto:Cassandra.vanderZweep@sanjoseca.gov">Cassandra.vanderZweep@sanjoseca.gov</a> , 408.535.7659

Additional information, including project plans, are available electronically through the City's shared one drive account. Please let us know if you have any further document requests or are having trouble accessing the materials.

If you would like to consult with the City on the review of this project, please respond in writing within 30 days of receipt of this letter to the project point of contact noted above. Should the City not receive a

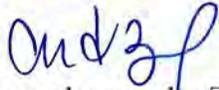
July 19, 2021

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response within 30 days, it will be presumed that you have declined consultation.

Please contact me if you have any questions or need additional information.

Sincerely,



Cassandra van der Zweep  
Supervising Planner, Environmental Review Team  
Department of PBCE, Planning Division

Attachments:

Map of Site

H17-025



ESRI 2021, MIG 2021

 Project Boundary



**Figure 1** Regional Site Map  
696 Blossom Hill Road Retail Project



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

Sent Via Email:

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b),(d) and (e),

Project:

Dear

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

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

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

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

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies standards used by you agency or to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources

Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

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

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

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

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

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

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

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation lead contacts:

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

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

Please refer to identification number \_\_\_\_\_ in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,



Quirina Geary  
Chairwoman

cc: Native American Heritage Commission