

**NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
AVALON WEST VALLEY EXPANSION PROJECT**

FILE NO: PDC17-056 and PD17-027  
PROJECT APPLICANT: AvalonBay Communities, Inc.  
APN: 299-37-024, -026, -030, -031, -032, and -  
033

**Project Description:** Planned Development Rezoning and Planned Development permit to demolish the existing sports courts, parking garage, pool and amenity building and develop approximately 307 additional residential units, 17,800 square feet of commercial/retail space, residential amenities including two pools, and 1,110 new parking spaces all within the existing Eaves West Valley by Avalon residential development.

**Location:** 700 Saratoga Avenue, San Jose.

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.

**Community/Scoping Meeting:** The Department of Planning, Building and Code Enforcement of the City of San José will hold a Public Scoping Meeting for the EIR to describe the proposed project and the environmental review process and to obtain your verbal input on the EIR analysis for the proposal. An EIR Public Scoping/Community Meeting has been scheduled for:


**When:** Thursday, April 26, 2018 from 6:30 p.m. – 8:00 p.m.

**Where:** West Valley Branch Library, 1243 San Tomas Aquino Road, San José, CA 95117

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](http://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, we would appreciate all comments to be submitted by **Wednesday, May 16, 2018**. If you have comments on this Notice of Preparation, 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, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

  
Deputy

4/4/18  
Date

**NOTICE OF PREPARATION OF  
AN ENVIRONMENTAL IMPACT REPORT  
FOR THE AVALON WEST VALLEY EXPANSION PROJECT**

**April 2018**

***Introduction***

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

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

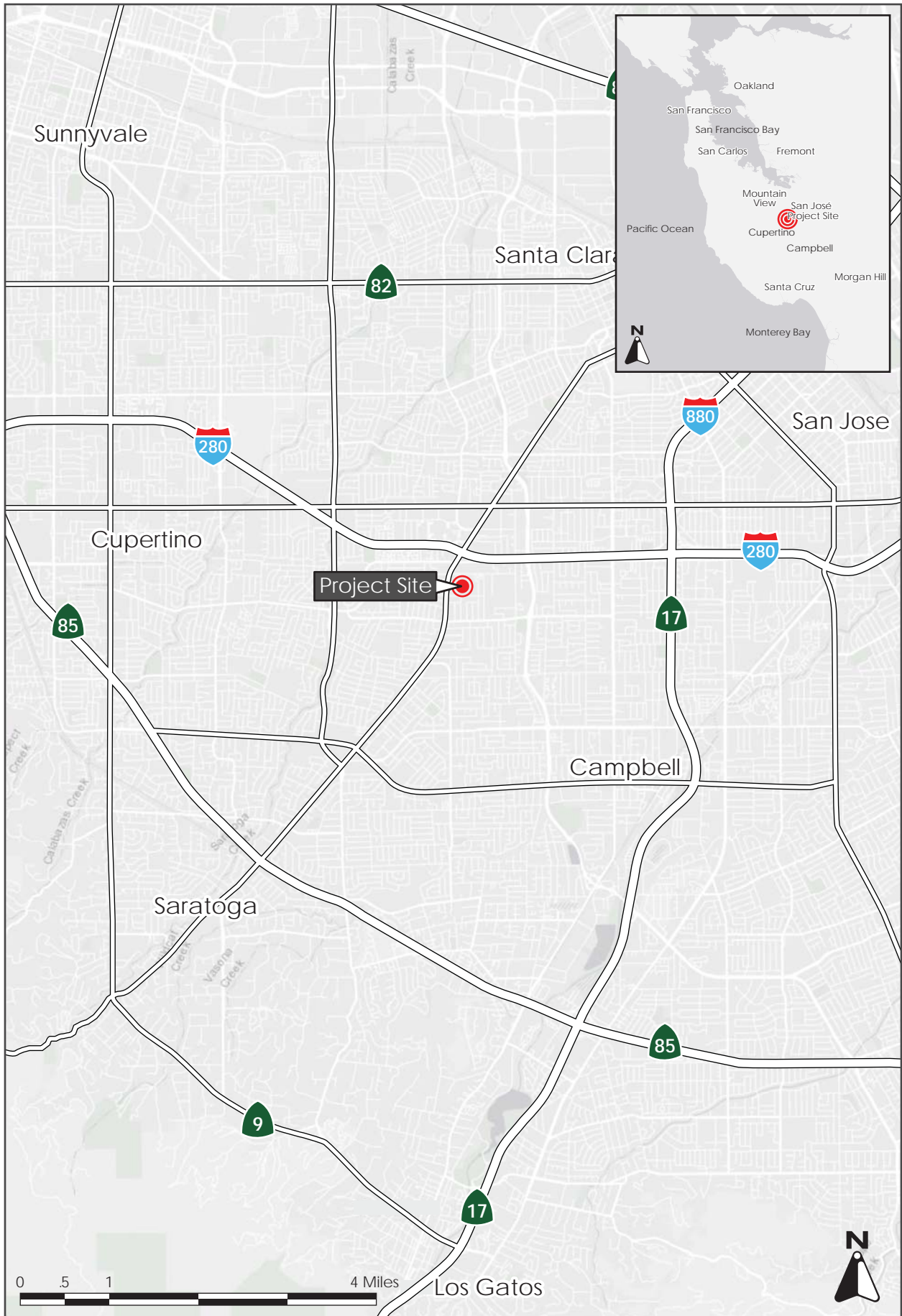
- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects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

***Project Location***

The 18.9-acre project site is comprised of six parcels (APNs 299-37-024, -026, -030, -031, -032, and -033) located east of Saratoga Avenue, between Blackford Avenue and Manzanita Drive in the City of San José. Regional, vicinity, and project site maps of the project site are shown in Figure 1 to Figure 3, respectively.

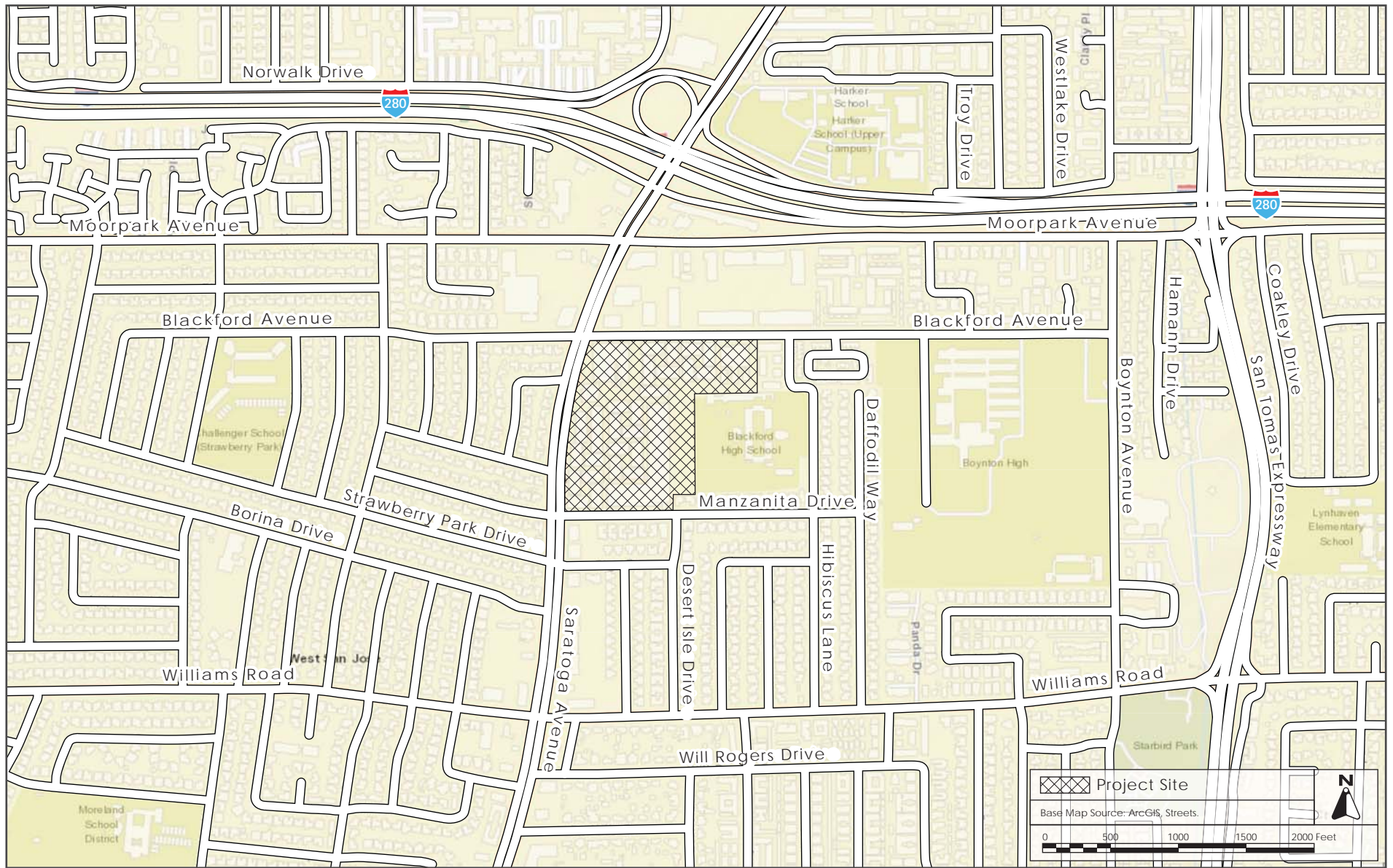
***Project Description***

The project site is currently developed with 873 residential apartment units and three parking structures (the Saratoga Garage, the Manzanita Garage, and the Eaves Garage). The Saratoga Garage is located at the southeast corner of the Saratoga Avenue/Blackford Avenue intersection. The Manzanita Garage is located near the center of the site and along Manzanita Drive. The Eaves Garage is located along Blackford Avenue along the northeast corner of the project site. The project site is currently designated *Mixed Use Neighborhood* under the City's General Plan and has a zoning designation of *R-M – Multiple Residence*. The project site is located within the Saratoga Avenue Urban Village and is proposed as a Signature Project. It is anticipated that the project would be rezoned to a Planned Development Zone District.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



PROJECT SITE

FIGURE 3

The project, as proposed, would redevelop approximately 6.9 acres of the 18.9-acre site. The project would demolish the Saratoga and Manzanita Garages (a total of 830 parking stalls), the sports courts above the Saratoga Garage, and the leasing/amenity building and pool area directly south of the Saratoga Garage. The project would construct up to 307 residential units in two buildings, approximately 17,800 square feet of retail, and a new parking structure with approximately 1,110 parking stalls. Additionally, approximately 19,400 square feet of amenity space and two swimming pools would be constructed within the two buildings. The Avalon Building, which would be located at the northwest corner of the site, would have up to 252 residential units and a maximum height of 85 feet. The Manzanita Building, which would be located along Manzanita Drive, would have up to 55 residential units and a maximum height of 45 feet. The new stand-alone parking structure would be located immediately northeast of the proposed Manzanita building.

***Possible Required Project Approvals:***

1. Planned Development Zoning
2. Planned Development Permit
3. Tentative Map
4. Demolition Permit
5. Building Permit
6. Grading Permit

***Potential Environmental Impacts of the Project***

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The EIR will include the following specific environmental categories as related to the proposed project:

*1. Aesthetics*

The proposed development would demolish two parking structures, along with the leasing/amenity building and pool area, and construct up to 307 residential units and approximately 17,800 square feet of retail, and a new parking structure. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the development.

*2. Air Quality*

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational emissions impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds.

### 3. *Biological Resources*

Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will address the loss of trees on-site, within and adjacent to the construction zones. In addition, the EIR will identify and discuss potential biological impacts resulting from construction of the project.

### 4. *Cultural Resources*

This area of San José is not considered a sensitive area for prehistoric and historic resources. No buildings on-site or within the immediate vicinity of the site have been listed in the City's Historic Resources Inventory. The EIR will address the impacts to known and unknown buried archaeological resources on-site, as well as impacts to potential historic structures on and/or near the site.

### 5. *Energy*

Implementation of the proposed project would result in an increased demand for energy on-site. The EIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption.

### 6. *Geology*

The project site is located in the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

### 7. *Greenhouse Gas Emissions*

The EIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions based on BAAQMD thresholds and consistency with policies for reducing GHG emissions adopted by the City of San José. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

### 8. *Hazards and Hazardous Materials*

The project area is developed with a school, single-family residences, and commercial/retail land uses. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for hazardous materials impacts to result from implementation of the proposed project.

### 9. *Hydrology and Water Quality*

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the EIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage

system and the projects effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).

#### *10. Land Use*

The project site is located within a developed urbanized area of San José surrounded by a school, single-family residences, and commercial/retail land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan and zoning code and compatibility of the proposed and existing land uses in the project area.

#### *11. Noise and Vibration*

The EIR will discuss noise that would result from operation of the proposed project, including a discussion of the increase in traffic noise that would result from implementation of the project, and the impact of any noise increase on nearby sensitive receptors. The EIR will also discuss temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José.

#### *12. Public Services*

Implementation of the proposed project would increase the resident population of the City which would result in an increased demand on public services, including police and fire protection, schools, and recreational facilities. The EIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

#### *13. Transportation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. A Transportation Impact Analysis (TIA) will be prepared that will identify the transportation impacts of the proposed project on the existing local and regional transportation system and the planned long-range transportation network.

#### *14. Utilities*

Implementation of the proposed project would result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public services, including utilities such as sanitary sewer and storm drains, water supply/demand, and solid waste management.

#### *15. Other Topic Areas*

The EIR will also address the project's impacts on agricultural resources, population and housing, and mineral. These discussions will be based, in part, upon information provided by the project applicant, as well as the City's General Plan EIR and other available technical data.



## *16. Alternatives*

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include reduced development alternatives (e.g., 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 objectives of the project.

## *17. Significant Unavoidable Impacts*

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

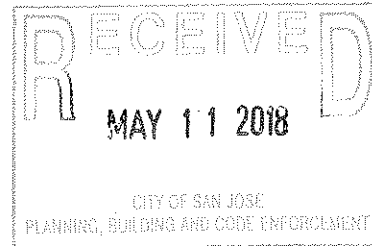
## *18. Cumulative Impacts*

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 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.

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



May 7, 2018

Thai-Chau Le  
City of San Jose  
200 E. Santa Clara St. Tower, 3<sup>rd</sup> Floor  
San Jose, CA 95113

RE: SCH#2018042029 PDC17-056 AvalonBay Communities, Inc.

Dear Thai-Chau,

The Native American Heritage Commission 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 section 21084.1, states that a project that may cause a substantial adverse change in the significance of an 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 Section 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, § 15064 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 with the area of project 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 or a notice of negative declaration or 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

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 sections 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 section 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 section 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 section 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 section 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 nonfederally 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 sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 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 section 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](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](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 section 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 sections 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

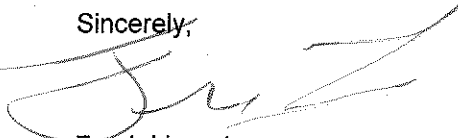
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](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 been 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, section 15064.5(f) (CEQA Guidelines section 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 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, please contact me at my email address: [frank.lienert@nahc.ca.gov](mailto:frank.lienert@nahc.ca.gov)

Sincerely,



Frank Lienert  
Associate Governmental Program Analyst

cc: State Clearinghouse

## Le, Thai-Chau

---

**From:** Randy Shingai <randyshingai@gmail.com>  
**Sent:** Monday, April 16, 2018 2:13 PM  
**To:** Le, Thai-Chau  
**Cc:** Ross, Rebekah; jeanann2@aol.com; Bob Levy; Jones, Chappie; Pressman, Christina  
**Subject:** Comments to NOP for PDC17-056 and PD17-027, Avalon West Valley Expansion Project.

### **General Plan Requirement for Parkland.**

The PR-2.6 in San Jose's General Plan says:

*PR-2.6 Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.*

1/3 of a mile is 1760 ft. There is no existing or planned public park within 1760 ft. walking distance of the proposed, 307 housing unit, development that I can identify. Challenger, Action Day and Harker Middle, the nearest schools in the area, are all private schools.

Here is a link to San Jose's General Plan:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/474>

The Notice of Preparation for the project dated 4/4/18 does not mention a park in the proposal.

<http://www.sanjoseca.gov/DocumentCenter/View/76313>

Please explain how the project is in compliance with PR-2.6 of the General Plan, or if it is not, please explain why?

Thank you,  
Randy Shingai

## Le, Thai-Chau

---

**From:** Aerieways <aerieways@aol.com>  
**Sent:** Wednesday, April 11, 2018 12:15 PM  
**To:** Le, Thai-Chau  
**Subject:** Re: Notice of Preparation for the Avalon West Valley (Eaves West Valley by Avalon) Expansion Project Draft Environmental Impact Report (PDC17-056)

Thai,

The subject project, Avalon West Valley (Eaves West Valley by Avalon) Expansion Project, is located within the lands once resided by Tamien speakers of the present day South San Francisco Bay. Per agreement these are best represented by the Muwekma Tribal Band. Please contact the Muwekma Tribal Band.

Ed Ketchum  
Amah Mutsun Tribal Band  
Historian

-----Original Message-----

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
Sent: Wed, Apr 11, 2018 12:08 pm  
Subject: Notice of Preparation for the Avalon West Valley (Eaves West Valley by Avalon) Expansion Project Draft Environmental Impact Report (PDC17-056)

**NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
AVALON WEST VALLEY EXPANSION PROJECT**

FILE NO: PDC17-056 and PD17-027  
PROJECT APPLICANT: AvalonBay Communities, Inc.  
APN: 299-37-024, -026, -030, -031, -032, and -033

**Project Description:** Planned Development Rezoning and Planned Development permit to demolish the existing sports courts, parking garage, pool and amenity building and develop approximately 307 additional residential units, 17,800 square feet of commercial/retail space, residential amenities including two pools, and 1,110 new parking spaces all within the existing Eaves West Valley by Avalon residential development.

**Location:** 700 Saratoga Avenue, San Jose.

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.

**Community/Scoping Meeting:** The Department of Planning, Building and Code Enforcement of the City of San José will hold a Public Scoping Meeting for the EIR to describe the proposed project and the environmental review process and to obtain your verbal input on the EIR analysis for the proposal. An EIR Public Scoping/Community Meeting has been scheduled for:

**When:** Thursday, April 26, 2018 from 6:30 p.m. – 8:00 p.m.

**Where:** West Valley Branch Library, 1243 San Tomas Aquino Road, San José, CA 95117



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](http://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, we would appreciate all comments to be submitted by **Wednesday, May 16, 2018**. If you have comments on this Notice of Preparation, 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, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

Best regards,  
Thai

Thai-Chau Le  
Planner | City of San Jose  
Environmental Planning  
Planning, Building & Code Enforcement  
[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)  
1.408.535.5658

## Le, Thai-Chau

---

**From:** Matthew Sheu <usa250ms@gmail.com>  
**Sent:** Thursday, May 17, 2018 10:40 AM  
**To:** Le, Thai-Chau  
**Subject:** PDC17-056 Avalon W V expansion

Hi,

I am a business owner on Blackford , cross the street from Avalon. I oppose this development.

My environmental concerns:

1 with shopping center and Harker school traffic daily, especially on the weekends, the traffic is already congested to a grid lock. Now they are adding more retails. It will be a traffic nightmare as soon as starting to demolitions to construction to even more traffic from new and existing residents of Avalon.

2 the new 1110 New parking space means 1110 more cars going to 280 and 1110 more cars coming back to Avalon. Mr Le, do you want to live here with this traffic grid locks?

3 the traffic has to divert to other freeway entrances, but where?

Please record my opposition and come up a better plan. We want more sales tax money but without smooth traffic, every car stuck at freeway exit and entrance, there no sales.

Thanks,

Matthew Sheu

M M Sheu

## Le, Thai-Chau

---

**From:** Delphine Gan <delphinemgan@gmail.com>  
**Sent:** Wednesday, May 16, 2018 11:57 PM  
**To:** Le, Thai-Chau  
**Subject:** Avalon West Valley Expansion Project - Comments

Dear Thai-Chau,

We are the property owner for 4089 Manzanita Dr, San Jose. Our house is right next to the Avalon Apartment Communities and will be mostly impacted by the expansion project.

We understand and applaud the city's effort to build more affordable housing, and are supportive of mixed-use development when it is properly planned. We hope that this project will be a successful milestone, a win-win for the city, the developer and the community.

Thank you for reaching out and giving us the opportunity to comment.

As the property owner directly impacted by the project, we hope you understand and support our following requests:

1) Drive way on Manzanita - Current project proposal is to open a drive way right next to my house and face Desert Island Dr. intersection. We are against this plan. We would like to request this drive way to be moved to closer to Saratoga Ave. The current Service Lane next to our house can be used as a Fire Lane.

2) Privacy - To maximize privacy, please plant tall evergreen trees along the wall bordering residential houses. This simple gesture will go a long way, and also improve the Apartment Complex's look and feel.

3) Club House - Open pool and club house will generate heavy noises. Please consider moving to in-door or relocate them further away from the residential houses on Manzanita.

4) Parking - Parking is a going concern. We would like to further understand city and developer's plan to improve this situation, provide apartment tenant onsite parking and discourage them from parking in the neighborhood.

5) We like to understand your construction plan, how it will impact residents living right next door while construction is going on. Our house is currently occupied by a family with young children. Please help us understand what will be done to minimize the impact to their daily living and ensure their safety. We do not want them to be forced to move out due to construction.

Thank you again for your time in speaking with us. I am hopeful that with your leadership and support, this project will be designed with the community in mind and will be supported by the community.

I look forward to hearing from you re the above and next steps of the project. Please don't hesitate to contact us if you have questions or talk to chat more.

Best regards,

Delphine Gan  
Howard Yin  
408-431-2590  
Property owner of 4089 Manzanita Dr.



# City of Santa Clara

May 16, 2018

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street, 3<sup>rd</sup> floor Tower  
San Jose, CA 95113-1905

Attention: Thai-Chau Le

Subject: Avalon West Valley Expansion Project Notice of Preparation

Dear Ms. Le:

Thank you for including the City of Santa Clara in the environmental review process for the above referenced project. City staff have reviewed the Notice of Preparation for the Planned Development Rezoning and Planned Development permit to demolish the existing sport courts, parking garage, pool and amenity building and develop approximately 307 additional residential units, 17,800 square feet of commercial/retail space, residential amenities including two pools, and 1,110 new parking spaces all within the existing Avalon West Valley residential development at 700 Saratoga Avenue in San Jose.

## **Comments on the Notice of Preparation**

### Avalon West Valley Expansion Traffic Comments

1. The City of Santa Clara understands the City of San Jose no longer views congestion as a CEQA impact and Vehicles Miles Travelled (VMT) is now the adopted CEQA metric to measure transportation environmental impacts per City Council Policy 5-1. However, the City is kindly requesting a “local transportation analysis” per the City of San Jose’s Transportation Analysis Handbook dated April 2018 for this project. Local operational analysis at signalized intersections using level of service and delay within a mile of the project site is requested. Intersections that meet the “10-trip rule” along the corridors of Stevens Creek Boulevard and Saratoga Boulevard should be analyzed as project trips most likely will utilize these two streets.
2. The residential neighborhoods within Santa Clara to the north of the project site are very sensitive to cut-through traffic intrusion. This should be analyzed as part of the local

transportation analysis and any measures to combat the intrusion should be identified and discussed with the City of Santa Clara.

3. The local transportation analysis must also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Santa Clara can be found on the City's website at <http://santaclaraca.gov/government/departments/public-works/engineering/committees/bicycle-and-pedestrian-advisory-committee>.

4. The project site is located near the southern boundary of the City of Santa Clara. Relevant approved projects within Santa Clara need to be included in the study estimates of the Background traffic volumes. This is consistent with the CMP TIA Guidelines. A list of approved projects within the City of Santa Clara is attached.

5. Similarly, pending projects within Santa Clara needs to be incorporated in the Cumulative traffic volume estimates, in order to reflect the growth in both the local and regional traffic. A list of pending projects within the City of Santa Clara is attached.

6. Any physical improvements required or planned at study intersections need to be evaluated for secondary impacts to alternative modes of transportation.

7. Fair share contributions should be made for significant impacts found along roadways and/or intersections, including along San Tomas Expressway, Stevens Creek Boulevard and Saratoga Avenue.

8. Per the Santana West settlement agreement, fees shall be collected for any impacts found at protected intersections and those fees shall be used for transportation improvements along the corridor that will alleviate congestion in and be coordinated with the City of Santa Clara.

The City of Santa Clara looks forward to meeting with the City of San Jose to discuss the findings of the local transportation analysis. Thank you for the opportunity to comment on the Avalon West Valley Notice of Preparation. Please continue to keep the City of Santa Clara informed of future steps in the environmental review process. Should you have any questions regarding this letter, please contact Reena Brilliot, Planning Manager, at 408/615-2450.

Sincerely,



Andrew Crabtree  
Director of Community Development

## Le, Thai-Chau

---

**From:** Joanne Glen <joanne.glen@gmail.com>  
**Sent:** Wednesday, May 16, 2018 1:45 PM  
**To:** Le, Thai-Chau; Van Der Zweep, Cassandra  
**Cc:** Jenny Bixby  
**Subject:** PD17-027 & PF17-056 Avalon Bay - Comments, Questions & Concerns  
**Attachments:** Primrose EIR Final (1).pdf

Hi Thai & Cassandra.

I wanted to officially submit these comments, concerns & questions in regards to PD17-056 & PD17-027 for the EIR & General Comments for the City. I'm submitting these on behalf of the residence whos names are listed at the bottom of the document.

To better help, my neighbors and I understand the process, what happens now that we submitted these? When should we expect to hear the answers to these questions, study results, and comments back? How can we take part in these studies or help in the process?

Thank you and please feel free to reach out to Jenny (cc'd) and me with any questions or comments

Joanne Glen  
408-396-5059

## **PRIMROSE EIR**

### **Comments & Questions from Primrose Neighborhood**

We, the residents of the Primrose Neighborhood, are greatly concerned about the negative impact of the proposed Avalon Signature project development at the current Eaves apartment location, in particular the safety and quality of life in our neighborhood. Bringing 300 housing units into this area will bring more traffic along Saratoga Avenue and Manzanita Drive resulting in more congestion, more street parking problems, and more dog waste. We are opposed to the proposal in its current form and request that the forthcoming Environmental Impact Report (EIR) and the City of San Jose respond to the following questions and concerns.

#### **00 General Comments**

1. Zoning Ordinance (Title 20) of the San Jose Municipal Code states, “the [Zoning Ordinance](#) promotes and protects the public peace, health, safety, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the [Envision San José 2040 General Plan](#)”

Currently there are 3 approved or proposed projects within 2 miles of this proposed Signature project. Santana Row West, Garden City PDC16-006 with 871 residential units and 15,500 sq ft of retail/commercial space & PD15-067 at Winchester at Williams with 640 multi family residential units and 8,000 sq ft of commercial spaces. How does the City of San Jose plan to control and regulate the growth within this area of District 1/West San Jose? What does San Jose view as the maximum capacity of this area?

2. Avalon Bay have submitted plans PF17-027. The maps included in these are not consistent with one another and often contradict each other. For example.

1. 3.1 on the submitted plans PD17-027 show mix use zoning 300ft beyond the current zoning on East & West Saratoga
2. 3.2 shows a pedestrian crossing at Manzanita over Saratoga, this doesn't currently exist.
3. 3.2, 9.2.3, 9.2.4 shows a vehicular path along the westside of the proposed garage. This contradicts landscape plan 10.0 thru 10.3.

3. Avalon Bay proposed development plans to decreasing the ratio of parking spaces per units to 1.25 on the proposed Manzanita Parking garage and 1.45 at the proposed Saratoga Garage, from their current parking of 1.4.

Avalon Bay says that with ride sharing services and transit services will mean fewer people own cars. This may be true in San Francisco where the population is denser, where there is less parking, and where there is better public transportation. Having spoken with Karen Mack with the Department of Transportation in San Jose, she said there haven't been any studies done in San Jose but in fact over the last 3 years they have seen an increase in cars on the road in the South Bay/San Jose. Avalon Bay's proposed development is in an area with a very weak transit service resulting in more car ownership that surpasses the city guidelines of 1.2 parking spaces per apartment unit.

In addition, the neighborhood has been severely impacted by Avalon Bay (Eaves) tenants parking on surrounding streets in the last few years, resulting in great

overcrowding of cars, especially on Manzanita, Blackford, Olga and Desert Isle. This has resulted in a great reduction of quality of life, safety, and even home value. Residents aren't even able to put out trash barrels or have visitors. We request that the EIR evaluate the impact of Avalon Bay providing fewer parking spaces will have on the surrounding neighborhoods and recommend that the parking ratio be kept at the current level of 1.45, not decreased.

#### **01- Transportation and Circulation**

1. Avalon Bay proposes going from 4 accesses to parking on Manzanita to 1, their plan is to redesignate the fire lane in the 4 access count. This fire lane is right next to a single-family residence and severely impacts this residence with traffic and noise. It has been proposed that this still be the main entry/exit which will continue this local impact. We request that the EIR study show the different traffic impact to the neighborhood, using the proposed entry/exit (current firelane) next to 4089 Manzanita Drive compared to using the existing but (not used) driveway across from 412 Manzanita Drive?
2. We request that EIR look at the number of residents that will likely use the Manzanita exit, the Saratoga exit, and the Blackford exit. EIR needs to study the increase in traffic through all of the surrounding streets in our Primrose neighborhood. In addition, we request that EIR assess the visibility for drivers on those streets and for residents exiting Avalon.
3. The EIR study should address the impact of only have only one entry/exit for the garage proposed on Manzanita Drive versus having two?
4. Blackford is already severely impacted with traffic to and from the Harker School on Mondays – Saturday. Residents in condos on Hibiscus Place and on Blackford have a great deal of trouble getting onto Blackford during peak times. We request that a traffic impact assessment include these streets and that all traffic studies are done when all neighboring schools are in session Archbishop Mitty, Harker Middle, Harker High, Moreland School District and any other private school within 1.5 miles of the proposed project site. .
5. Traffic on all streets between Williams & Stevens Creek that feed on to Saratoga Ave and in turn onto 280 N and S. We'd like the EIR to study the increase of congestion during all times specifically during peak travel hours. This will greatly increase the congestion in this area, including onto neighborhood streets. We'd like to know what percent increase is predicted.
6. Saratoga Ave., Northbound and Southbound 280 currently has queuing issues that prevent a smooth flow of traffic. This creates traffic back ups which encourages reckless behavior and unsafe situations. How will these intersections at Blackford, Moorpark, Kiely and 280 be reconfigured to accommodate the additional traffic from this development?
7. We would like the EIR to study the safety impact to pedestrians and bicycles of as a result of increased traffic.



8. Existing maps of the proposed development do not include space for a/several loading docks to support residents and retail establishments. Where is a truck loading dock? The EIR needs to evaluate how that dock - and the subsequent need for large delivery trucks and moving vans - will affect traffic on the surrounding city streets and what routes those trucks will be allowed to travel on. The neighborhood currently has moving trucks at all hours and they often double park, blocking traffic and causing safety issues. How will truck traffic affect pedestrian safety? How will trucks queued up for loading affect access to fire and other emergency vehicles?
9. Traffic currently drives through neighborhoods on the following streets to avoid back ups on Saratoga and Blackford; Hibiscus, Olga, Manzanita. Currently, morning traffic on Saratoga backs up across Manzanita. What measures will be implemented to prevent additional cut through traffic to prevent dangerous situations for residents pulling out of their driveways, pedestrians, bicyclists, and school children?
10. The EIR needs to study what impact there will be on increased resident loading and unloading from passenger pick-up services and/or goods (taxis, Lyft, Uber, instacart, google express, amazon fresh, etc.) At times, there is already a problem with these services in their drop-off and pick-ups on Manzanita Dr. and Saratoga Avenue eg. Double-parking.
11. The EIR should study the impact of Avalon Bay reducing the number of the current parking spaces per bedroom, even if it meets new city requirements as parking on the streets outside of the complex is out of control. It makes no sense to add more residents and fewer parking spaces overall in these circumstances.
12. The EIR should study the impact of not having sufficient allocated parking spots for residents and visitors to the Avalon Residents will have on the surrounding neighborhood. If there is not sufficient allocated visitor parking, then visitors to residents will not have a place to park their car within a reasonable distance of the house they are visiting and will cause additional traffic spillover into the neighborhoods. This is already a very bad problem on Desert Isle, Blackford, Olga and Manzanita, with cars blocking driveways and preventing placement of trash bins. Eaves should not be able to reduce the current apartment complex ratio of parking spaces per bedroom, even if it meets new city requirements as parking on the streets outside of the complex is out of control. It makes no sense to add more residents and fewer parking spaces overall in these circumstances. Eaves should not be able to count any parking spaces that require residents to pay an additional fee to use as part of their required parking ratio. This apartment complex has been in the neighborhood for a long time, yet street parking only recently became an issue, after one of the parking structures was closed, due to safety issues, and Eaves started charging for parking for more than one vehicle.

13. What consideration in the project plan for parking will be given, during the teardown of the current Manzanita parking structure and construction of the new structure? i.e. How will Eaves maintain the current parking space ratio for the apartment complex during this time period?
14. Vehicle, pedestrian and bicycle traffic and car parking will be impacted during the construction. What steps will be taken to minimize disruption to traffic, particularly during commute hours? What steps will be taken to provide adequate parking?
15. The increased traffic will affect school bike and pedestrian routes to Harker High & Middle campus, Archbishop Mitty, Easterbrook Discovery School, and Phelan School on Hibiscus. How will the EIR study the safety impact on pedestrians, bikes and school car traffic in this area?
16. The VTA 2040 plan does not view the Primrose/Strawberry Park neighborhoods as an investment priority for additional transit services. Will the city engage the VTA to develop a statement of any future changes to all current bus services that better serve a high-density development?
17. How will the EIR address and study one of the 9 keys strategies listed in the Climate Smart San Jose Plan, Pillar 2- strategy 2.4L Develop integrated, accessible public transport infrastructure ([Page 101](#)) ?
18. What consideration and encouragement in the project plans for parking will be given to allocation of parking spaces that are dedicated to charging stations for electric vehicles in order to encourage vehicles that are environmentally friendly?
19. Traffic back-up at all of the turn signals and left hand turn lanes heading north on Saratoga Ave from 280 during commute hours. The EIR should study what mitigations are needed to turn the lane length and traffic signaling, to relieve traffic back-up and reduce car emissions.
20. Will the EIR evaluate whether or not improvements need to be made along Saratoga Avenue (from Williams to Stevens Creek) to accommodate the additional increase in traffic?
21. Vehicle, pedestrian and bicycle traffic will be impacted during the construction. What steps will be taken to minimize disruption to traffic, particularly during commute hours? How will demolition and construction activities impact the traffic on Saratoga, Blackford, Manzanita and other nearby streets/roads? What is the traffic control plan during construction phase?
22. Pedestrian safety at the corner of Saratoga & Blackford is terrible, and cars disregard pedestrians waiting to cross the road when turning. What steps will be taken to not only protect pedestrians at the intersection and surrounding intersections by the developer, but to improve pedestrian safety?

23. The developer has proposed street side seating at the retail area on Blackford & Saratoga Ave. What steps will be taken to protect patrons eating outside from injury by car accidents? What steps will be taken to ensure that children dining with their parents at the restaurant are unable to enter Saratoga Ave or Blackford Street? The development is intended to be family friendly.
24. The EIR MUST study current traffic flow during peak times:
  - a. Monday-Friday 7-10 am & 2:30-7:30pm
  - b. Saturday 8-4pm
  - c. Sunday 9-2pm
25. Given that no increase in public transit is proposed for Saratoga Ave, it is necessary that the EIR evaluate how the proposed development will function without adequate transit in place. In addition, it is necessary for the EIR to study how the proposed development will function without local roads and intersections having anymore widening capacity.
26. The traffic report needs the EIR to consider the impact of u-turns at the intersection of Manzanita & Saratoga Ave at all hours, when drivers are attempting to make u-turns from Saratoga N to Saratoga S. to get to 700 Saratoga Ave and now the proposed new apartment development and retail space.
27. Will the EIR consider whether for right hand turns, the vehicles be provided with a right hand turn signal prior to allowing pedestrians to cross the street, in order to improve the flow of traffic at Blackford to Saratoga S.
28. Will all curb ramps and pedestrian facilities located within the limits of the project be required to be brought up to current ADA standards as part of this project, and if so, at what point during the project?
29. Will the EIR look at Zoning Ordinance (Title 20), Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way, and if so what measurements will be used to determine this is being met by the city and developer?
30. Heavy construction vehicles damage asphalt on neighborhood streets. After new construction five years ago, Avalon Bay was not required to repair damaged streets. We request that Avalon Bay be required to resurface Manzanita, Blackford and any other Streets affect by construction, once construction is done.
31. Tenants very often pull out of the Eaves property onto Manzanita, Blackford, and Saratoga without stopping at the stop sign, which is on Eaves property. For vehicle and pedestrian and bike safety, we request that speed bumps be put at every entrance to slow down exiting tenants.

## **02-Air Quality**

1. Part of the proposal has potential common space used for eating and other common activities in the sidewalks next to Saratoga, Blackford & Manzanita Dr. How will the air quality impact be assessed for this increase in traffic which is expected to idle longer causing more particulate injection into this common area?
2. **Ambient air quality standards** The “primary” standards have been established to protect the public health. The “secondary” standards are intended to protect the nation’s welfare and account for adverse air pollutant effects on soil, water, visibility, materials, vegetation and other aspects of the general welfare.  
Attainment Status-State Standards: The Bay Area as a whole does not meet State ambient air quality standards for ground level ozone, PM10, and PM2.5. At the State level, the region is considered in serious nonattainment for ground level ozone and nonattainment for PM10. The region is required to adopt plans on a triennial basis that show progress towards meeting the State ozone standard. The area is considered in attainment or unclassified for all other pollutants. What measures is the city of San Jose taking to improve and meet air quality standards that will worsen with current high density proposal?
3. **Asbestos Levels** The scale of proposed Avalon development raises concerns about outdoor asbestos levels--in the soil or in the air, and in currently proposed demo of structures. Lightweight asbestos fibers have been known to stay airborne for weeks and travel for miles. Despite the abundance of naturally occurring asbestos in the rock of the Santa Clara Valley, all forms of asbestos are considered carcinogens. Who is monitoring the potentially deadly fibers released into the air? Another concern is sourcing of construction materials like dirt and rock that might contain high levels of chrysolite. Has the EPA tested asbestos levels? Which agency will be scheduled to inspect and test for airborne asbestos and when? What are the test results? What precautions will be taken during and after construction to keep asbestos from being blown into the air?

### **03- Aesthetics and Visual Resources**

1. When will height poles be in place on the property for folks to reference “real size and dimension” so we can ask needed clarifying questions during this scoping period?
2. How will the EIR study and address the creation of a seven story mixed use building on the corner of Blackford and Saratoga Ave. as there are no other structures in the area even close to this height?

### **04- Greenhouse Gas Emissions**

1. The assumption of the project is that people will live and work at the development. Given that the all of the housing will be market rate apartments, and the majority of the jobs proposed are low-skill and low-wage jobs, the assumption that people will live at the development is faulty as most workers would not be able to afford the housing at the plaza. Therefore, what mitigations will the EIR consider be put in place to ensure additional greenhouse gases are not created by workers traveling to the development to work?

2. How will the EIR analyze how new bicycle lanes, to be included on Saratoga Avenue in the future, and if no new lanes are proposed for Saratoga Avenue, how the reduction in traffic lanes will affect traffic north and south bound on Saratoga during peak and non-peak hours?

#### **06- Noise and Vibration**

1. The Occupational Safety and Health Administration (OSHA) has a noise exposure standard which is set at the noise threshold where hearing loss may occur from long-term exposure. The maximum allowable level is 90 dBA averaged over eight (8) hours. With this in mind, please have the EIR evaluate the following noise and vibration environmental issues:
  - a. What is the estimated impact to residents along the property lines and in the neighborhood of construction noise and vibration?
  - b. What will be done to monitor noise levels as the construction progresses in order to protect residents?
  - c. What is the estimated additional impact to traffic noise and vibration along Blackford, Saratoga & Manzanita once the development is complete?
  - d. What time of day will trucks be permitted to access roadways inside the project? What types of limits on time of day access will be used to protect neighboring properties from excess truck noise and vibration?
2. How will the noise from demolition, asphalt grinding, construction vehicles, construction equipment, and other associated construction activities negatively impact the immediate neighbors? What mitigation will be done to keep this noise to an acceptable level?
3. What type of mitigation measures will be evaluated by the EIR should heavy earth compaction be needed given the close proximity to residential property lines?
4. How will an adjacent residential property owner measure the construction impact on their home's vintage foundation? Will there be a foundation inspection "baseline" established before the earth compaction begins? Will there be an earth vibration calibration receptor device installed on the adjacent residential property that will record potential violations?
5. We request that the EIR assess the noise, especially at night, from the pool area near Manzanita and its impact on residents on the street.

#### **07- Hydrology and Water Quality**

1. What contaminants and what level of those contaminants have been detected in the groundwater at the plaza to date?
2. What methods will be used to test for contaminants in the ground water after the buildings are demolished to ensure that the groundwater has not been contaminated?

3. How will the groundwater be protected from toxins and contaminants contained in the property when the buildings are demolished?
4. What measures will be taken to ensure that 2040 levels of water use are built into this project and meet the newly approved Climate Smart San Jose Plan, Page 84 graphic, since this project is jumping horizons so should meet the 2040 goals to start, 20 gallons per day per person?
5. If this is a signature project, are there plans for rainwater harvesting, LEED certified, and green roofs.
6. What measures are being taken to avoid the heat island effect of asphalt, roofs, paving?

#### **08- Geology and Soils**

1. What chemicals have been detected in the soil by the property owner? The EIR should study the impact of those chemicals on residents who live on the property line, as well as current and proposed future residents on the property.
2. The EIR should study how will current residents of Avalon and those who live on the property line and in adjoining neighborhoods be protected from soil contaminants released during demolition.

#### **09- Hazardous Materials**

1. How will residents who live on the property line and in adjoining neighborhoods be protected from asbestos dust and other dust contained in the property during the property demolition?
2. Will any hazardous materials be used during the construction? If so, will those be disclosed to residents? How will residents be protected from exposure to those materials?
3. How will residents be protected from exposure to construction dust during construction?

#### **10- Biological Resources**

##### **1. Collision Impacts to Birds, Wildlife Movement**

As stated Envision San José 2040 General Plan, the city of San Jose is located along the Pacific Flyway for migratory birds and the mosaic of habitats at the edge of the Bay and surrounding the City results in large-scale movements of birds during both migration and as a part of daily movements between roosting and foraging areas. Many birds migrate at night when it is difficult for them to see structures such as buildings and power lines in their path. In addition, birds migrating at night are often attracted to sources of artificial light, particularly during inclement weather. As a result, bright lights on buildings can result in bird collisions with the buildings. Even during the day, birds may collide with windows or with tall, glass-covered buildings. Intensification of development within established urban areas, may result in additional bird collisions with new structures by urban-adapted bird species that are currently using habitats within these urban areas. The proposed development and densities is in direct conflict with birds migration path. What studies and analysis

have been performed to support the current development design? What non profit organizations like “The Nature Conservancy” have been contacted? When and where is this documented?

### **11- Land Use**

1. Avalon Development is proposing splitting the property into two separately properties and management. Taking away over 3 acres of community space from current Avalon residents. This needs to be a community space - what is the City doing to ensure that this is the case and fits with the Envision 2040 Plan “the creation of great places”? How will the city address the splitting of parcels and property?
2. Currently, Avalon allows two pets per unit. There is no dog park for residents at 700 Saratoga Avenue. The surrounding neighborhoods' front lawns have been used as litter boxes for current residents of the complex who have dogs. What is the city/developer doing to ensure that enough space is allocated to the dogs that the property owner allows?
3. 2040 Plan narrative extensively discusses community input. How is the neighboring community’s input used to shape this development? How will this community input be used to modify the development proposal?

### **12 - Utilities**

1. What is the proposed increase in sewage and water waste that the development will create based on the current proposed design and the impact to city lines?
2. Were the current city sewer lines built to accommodate an increase in usage of sewage and water?
3. What will be the impact on the sewer lines of the increased flow of sewage and waste water from the new residents to those sewer lines?
4. What upgrades will be made to the power lines to accommodate an increase in usage and how will this affect the environment for surrounding neighbors? If there is a power outage at the property, how will neighbors be protected from experiencing the same power outage - can the lines be separated to minimize the impact on neighbors?
5. The EIR for the initial 2040 plan seems to only address the water requirements of approximately 10% of the city and does not cover the balance of San Jose served by San Jose Water. What impact will this development have on water usage and future restrictions during drought conditions?

### **13- Public Services**

1. Will the EIR examine what upgrades should be made to existing public services for gas, electricity, water and sewage as a result of this development?
2. How will existing neighbors be protected from the impact to their existing services for gas, electricity, water and sewage?

3. San Jose is currently understaffed in the area of public safety, particularly the police department. How will the city handle the additional workload associated with the annexing and development of this property?
4. How will the city address emergency response times for Fire, Police, Ambulance, and other emergency responders, after the increase in congestion, combined with additional street parking which will effectively restrict the street width and reduce the availability of the shoulders, plus a 1,000%+ increase in bicycle traffic, a 1,000%+ increase in pedestrian traffic, combined with increased demand for emergency services due to an increase in population as well as an aging population?
5. Will the EIG study the local impact to the public schools that will see an increase in students. Currently, Easterbrook Discovery school has a wait list. How will the city and school district address this?

#### **14 - Energy**

1. One of The Climate Smart San Jose Plan Goals is to have approximately 38,000 Zero Net Energy Homes, Page 92 Low-Carbon Growth Milestones, within the city by 2030. In what ways will the city encourage the developers of the various parts of this Signature Property to make sure its goal is at the forefront of their plans?
2. Will rooftop solar generation be required on new buildings & parking garage to help create more reusable energy use in the development? Will the construction require standards meet The Climate Smart San Jose Plans 2030 level for lower emissions where Page 94 states, "A significant contribution to greenhouse gas (GHG) emissions in San José is indoor natural gas use due to water heating, space heating, and cooking. Households will need to transition to electric-powered alternatives or solar thermal for low-temperature thermal uses"?
3. Will there be requirements for rainwater harvesting, green roofs, LEED certification?

#### **15- Other Topic Areas**

1. Will there be a detailed lighting plan, so that the EIR can determine nighttime lighting impacts to residents on Manzanita, Saratoga, Blackford and surround streets?
2. How will the new construction change the grade of the existing lot? Will this construction raise the grade? Will the affect runoff and drainage, negatively affecting adjacent landowners? Will any additional grade raise the effective height of the buildings? Or will maximum building height be measured from the level of the existing street?
3. Tenants often leave dog waste or bags containing dog waste on parking strips in front of neighboring homes, especially on Manzanita. We request that Eaves provide a dog walk area in the complex, and several dog bag dispensers and trash cans along Manzanita and Blackford. We also request that The Clean Paws Pledge that Eaves pet owners must sign include mention that they need to bag



dog waste on the adjoining street as well. Reviews of the apartments state that dog owners do not clean up after their dogs within the condo area either, and that there are no fines or consequences. This is a health and quality of life issues for all residents in the Primrose neighborhood.

4. There has been an increase in car thefts at 700 and 800 Saratoga Ave (Eaves). From October 2017 to April 2018, there were 5 reported thefts. We would like to know what Avalon Bay will do to improve security. And what measures the City of San Jose will do to continue to ensure safety to their residents.

## **16- Significant Unavoidable Impacts**

### **California Climate Adaptation Strategy and Executive Order S-13-2008**

The guiding principles of the subsequently prepared California Climate Adaptation Strategy (2009) include ensuring a coordinated effort in adapting to the unavoidable impacts of climate change, establishing strong partnerships between agencies, the private sector, and non-government agencies, and coordinating with the California Air Resources Board AB 32 Scoping Plan process. Recommendations in the Strategy include building resilience to increased temperature increases. Local health departments and other agencies are anticipated to use state developed guidance to mitigate effects on vulnerable populations and communities. Executive Order S-13-2008, signed by the governor on November 14, 2008, called for state agencies to develop a strategy for California to identify and prepare for expected climate change impacts.

One of the possible effects of climate change is increased temperatures and associated elevated levels of ozone.

## **17- Cumulative Impacts**

### **District 1 Signature Projects & EIR**

Since the Avalon Signature project has a direct impact on the quality of lives of the city of San Jose residents and adjacent cities, this EIR should include all other existing and proposed District 1 signature projects and their EIRs. How is the Avalon signature project and its EIR taking into account all others District 1 signature projects and their EIRs?

In summary, the residents of the Primrose Neighborhood have numerous concerns with the Avalon Signature project at the Eaves apartment location and would like the San Jose Planning department to address these concerns within the forthcoming EIR. If you would like to meet with us to address these concerns in person, please contact us at the below emails.

From

**Primrose Neighborhood Residents:**

Joanne Glen

Email: joanne.glen@gmail.com  
4152 Manzanita Drive, San Jose, CA 95117

Jenny Bixby and Ken Rosenfeld  
Email: ennybixby@sbcglobal.net  
941 Hibiscus Lane, San Jose, CA 95117

Harry Andriotis  
4038 Manzanita Dr. San Jose, CA. 95117

Spiro and Sophia Andriotis  
4038 Manzanita Dr. San Jose, CA. 95117

Elena Kukhtina  
805 Desert Isle, San Jose, CA 95117

Gary Sweet  
4067 Manzanita Drive, San Jose, CA 95117

Dina and Igor Yevelev  
4065 Manzanita Drive, San Jose, CA 95117

Ralph and Johanna Byrd  
919 Camellia Way, San Jose, CA 95117

Dioscelina Huerta  
998 Camellia Way, San Jose, CA 95117

Francois Billaut and Toshiko Sasaki  
985 Hibiscus Lane, San Jose, CA 95117

Doug and Kristi Erpenbeck  
3961 Olga Dr. San Jose, CA 95117

Doug Yung  
4152 Manzanita Drive, San Jose, CA 95117

Lorie and Cary Laird  
3965 Manzanita, San Jose, CA 95117

**From:** [Le, Thai-Chau](#)  
**To:** [Pooja Nagrath](#); [Fiona Phung](#)  
**Cc:** [Le, Thai-Chau](#); [Van Der Zweep, Cassandra](#)  
**Subject:** FW: Comments to NOP for PDC17-056 and PD17-027, Avalon West Valley Expansion Project.  
**Date:** Tuesday, April 17, 2018 2:53:24 PM

---

Public Comment on PDC17-056 NOP

**From:** Randy Shingai [mailto:randyshingai@gmail.com]  
**Sent:** Monday, April 16, 2018 2:13 PM  
**To:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Cc:** Ross, Rebekah <rebekah.ross@sanjoseca.gov>; jeanann2@aol.com; Bob Levy <robertlouislevy@yahoo.com>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Pressman, Christina <Christina.Pressman@sanjoseca.gov>  
**Subject:** Comments to NOP for PDC17-056 and PD17-027, Avalon West Valley Expansion Project.

### **General Plan Requirement for Parkland.**

The PR-2.6 in San Jose's General Plan says:

*PR-2.6 Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.*

1/3 of a mile is 1760 ft. There is no existing or planned public park within 1760 ft. walking distance of the proposed, 307 housing unit, development that I can identify. Challenger, Action Day and Harker Middle, the nearest schools in the area, are all private schools.

Here is a link to San Jose's General Plan:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/474>

The Notice of Preparation for the project dated 4/4/18 does not mention a park in the proposal.

<http://www.sanjoseca.gov/DocumentCenter/View/76313>

Please explain how the project is in compliance with PR-2.6 of the General Plan, or if it is not, please explain why?

Thank you,

Randy Shingai