

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
1881 WEST SAN CARLOS PROJECT**

FILE NOs: Burbank 44, C20-011, CP20-020, T20-016
PROJECT APPLICANT: Oak Glen Ventures, LLC
APNs: 274-16-049, -050, -051, -052 -053; -069, and -070

Project Description: The project includes four planning applications:

- Burbank 44: An Annexation application to annex five parcels (1883, 1891, 1899 West San Carlos St. and 13 Boston Ave.) from the County of Santa Clara to City of San Jose
- C20-011: Rezoning of six parcels (the above five parcels and 17 Boston Avenue) to Commercial Pedestrian Zoning District;
- CP20-020: A Conditional Use Permit to allow the demolition of all existing buildings on-site for the construction of an up to seven-story, approximately 187,400-square foot mixed-use development consisting of a 157-bed Residential Care Facility for the Elderly (RCFE), 61 multi-family residential units, and 6,000 square-foot ground floor retail space on the ground floor and in the basement on a 1.23-acre site. The Conditional Use Permit also includes car lifts (“alternative parking arrangement”);
- T20-016: A Vesting Tentative Map application to merge the existing seven lots into one lot and allow one lot subdivision for condominium purpose to include up to 61 residential condominium units, one RCFE unit, seven retail condominium units, and one retail parking garage condominium unit.

Location: 1881, 1883, 1891 and 1899 West San Carlos Street, 13 & 17 Boston Avenue, San José, CA 95128

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 on **Thursday, December 17, 2020 at 6:30 p.m.**

The live meeting will be held via Zoom. If you have not participated in a Zoom meeting before, we encourage you to download the Zoom app to your phone, tablet, or computer and feel free to log in early to troubleshoot any technical issues that may arise. Participants can also join a meeting through their computer's web browser. Zoom currently works best with Google Chrome, Apple Safari, Mozilla Firefox, and Chromium Edge.

Electronic Device Instructions

For participants who would like to join electronically from a PC, Mac, iPad, iPhone or Android device, please click this URL: <https://sanjoseca.zoom.us/j/96420247443>. Please ensure your device has audio input and output capabilities. During the session, if you would like to comment, please use the 'raise hand' feature in Zoom conference call or click *9 to raise a hand to speak.

Telephone Device Instructions

For participants who would like to join via telephone please dial: +1 408 638 0968 or +1 213 338 8477 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free) and when prompted, enter meeting ID: 964 2024 7443. You may also click *9 to indicate you wish to speak.

Public Comments prior to meeting:

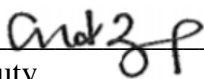
If you would like to submit your comments prior to the meeting, please e-mail Reema.Mahamood@sanjoseca.gov. Comments submitted prior to this meeting will be considered as if you were present in the meeting.

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, 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: Reema Mahamood, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-6872, e-mail: reema.mahamood@sanjoseca.gov

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy



11/25/2020

Date

**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE 1881 WEST SAN CARLOS RESIDENTIAL PROJECT**

November 2020

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the public of the environmental effects of a proposed project that an agency may 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 avoiding or reducing adverse impacts, and to consider alternatives to the project.

As the Lead Agency, the City of San José will prepare an EIR for the proposed project in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended.

In accordance with Sections 15120 et seq. of the CEQA Guidelines, the EIR will include the following:

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

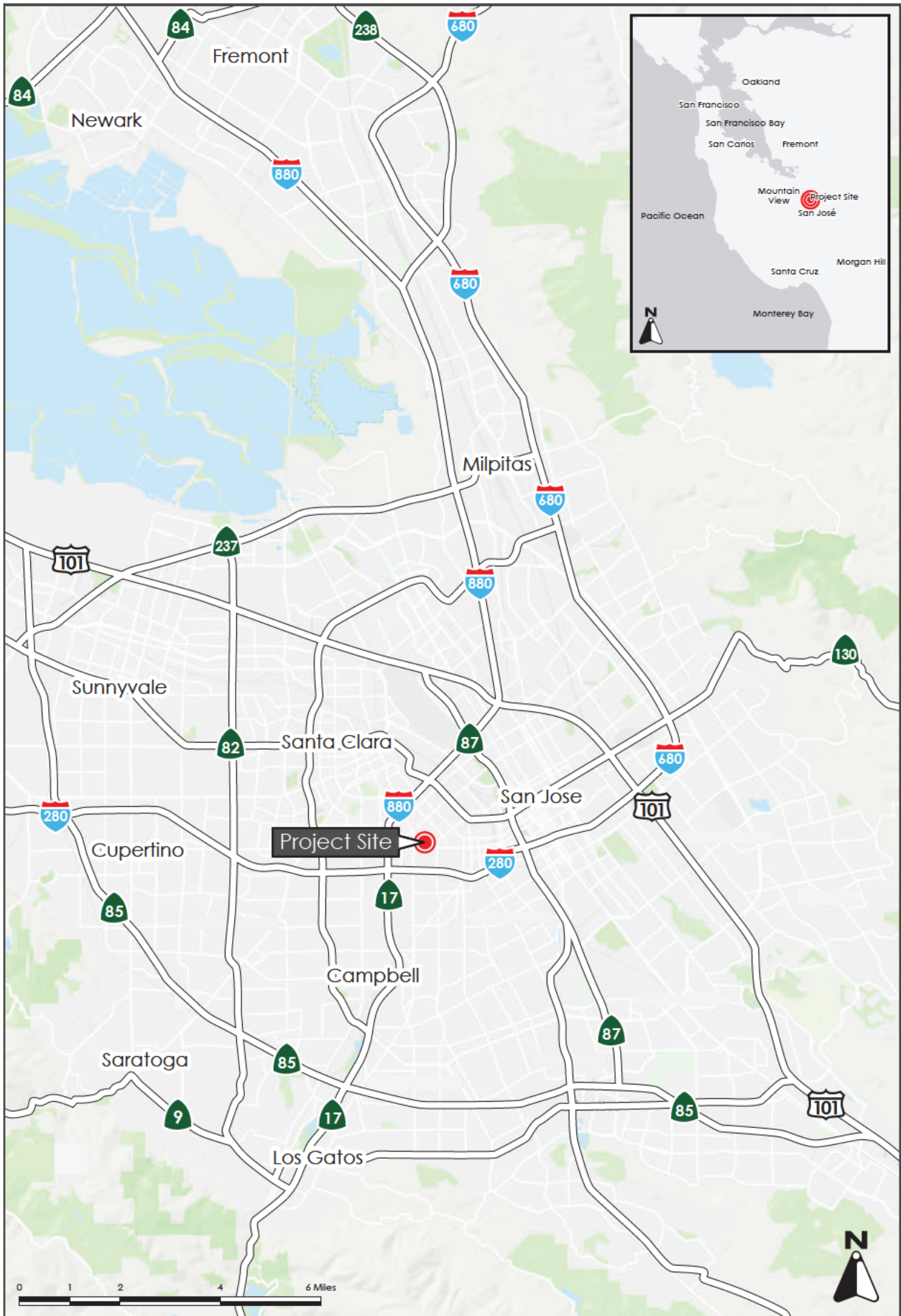
Project Location

The approximately 1.23-acre site is comprised of seven parcels (Assessor Parcel Numbers [APNs] 274-16-049, -050, -051, -052, -053, -069, and -070) located north of West San Carlos Street, between Brooklyn Avenue and Boston Avenue, in the City of San José. The following addresses are associated with the project site: 1881, 1883, 1891 and 1899 West San Carlos Street, 13 and 17 Boston Avenue.

Currently, the site is developed with four commercial buildings, an accessory structure, and associated parking. Regional, vicinity, and APN maps, as well as a conceptual site plan and elevations, are provided in Figures 1 through 5.

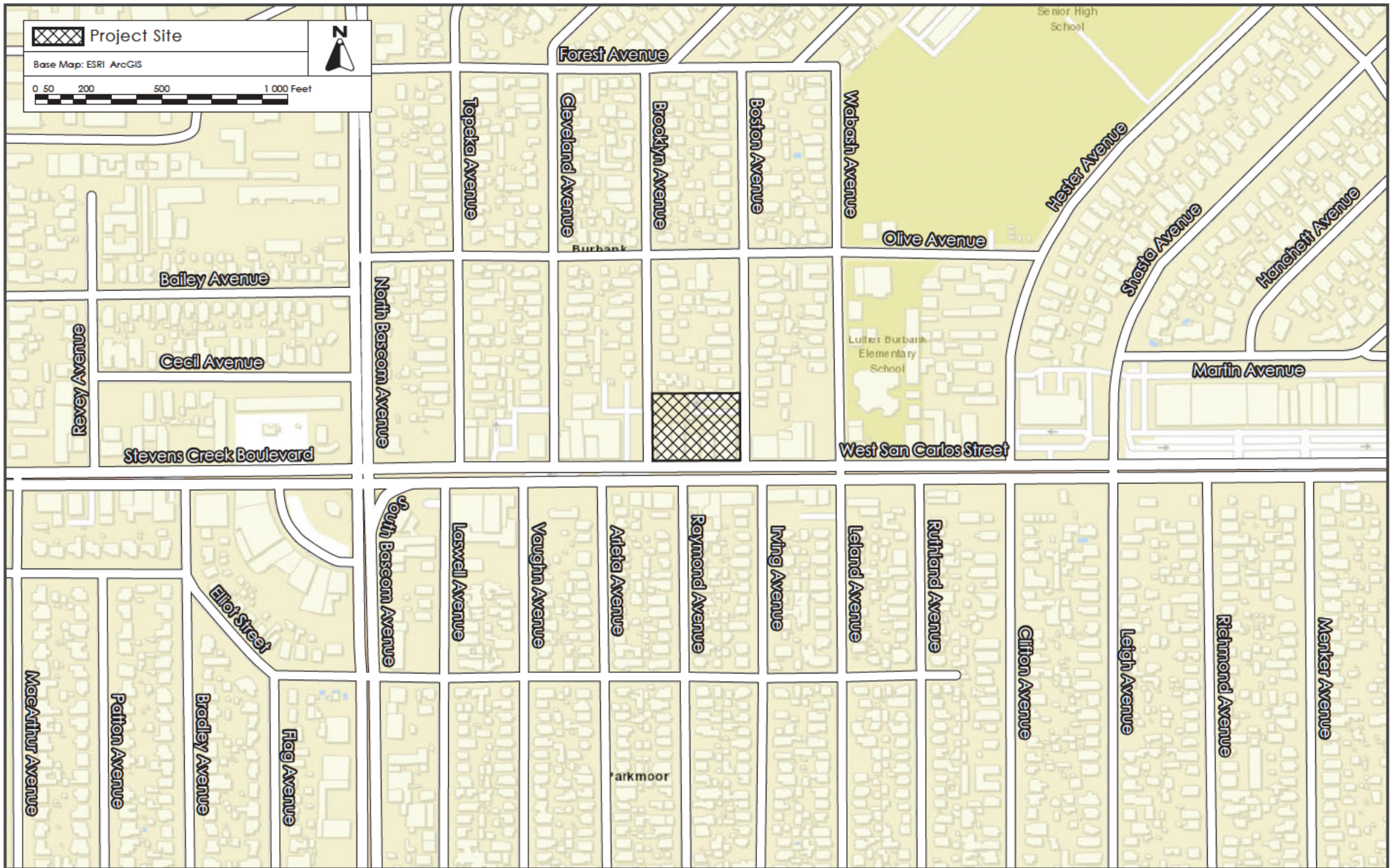
Project Description

As proposed, the project would demolish the existing buildings and construct two buildings (a senior care building and a condominium building). The condominium building would be seven stories tall



REGIONAL MAP

FIGURE 2.1-1

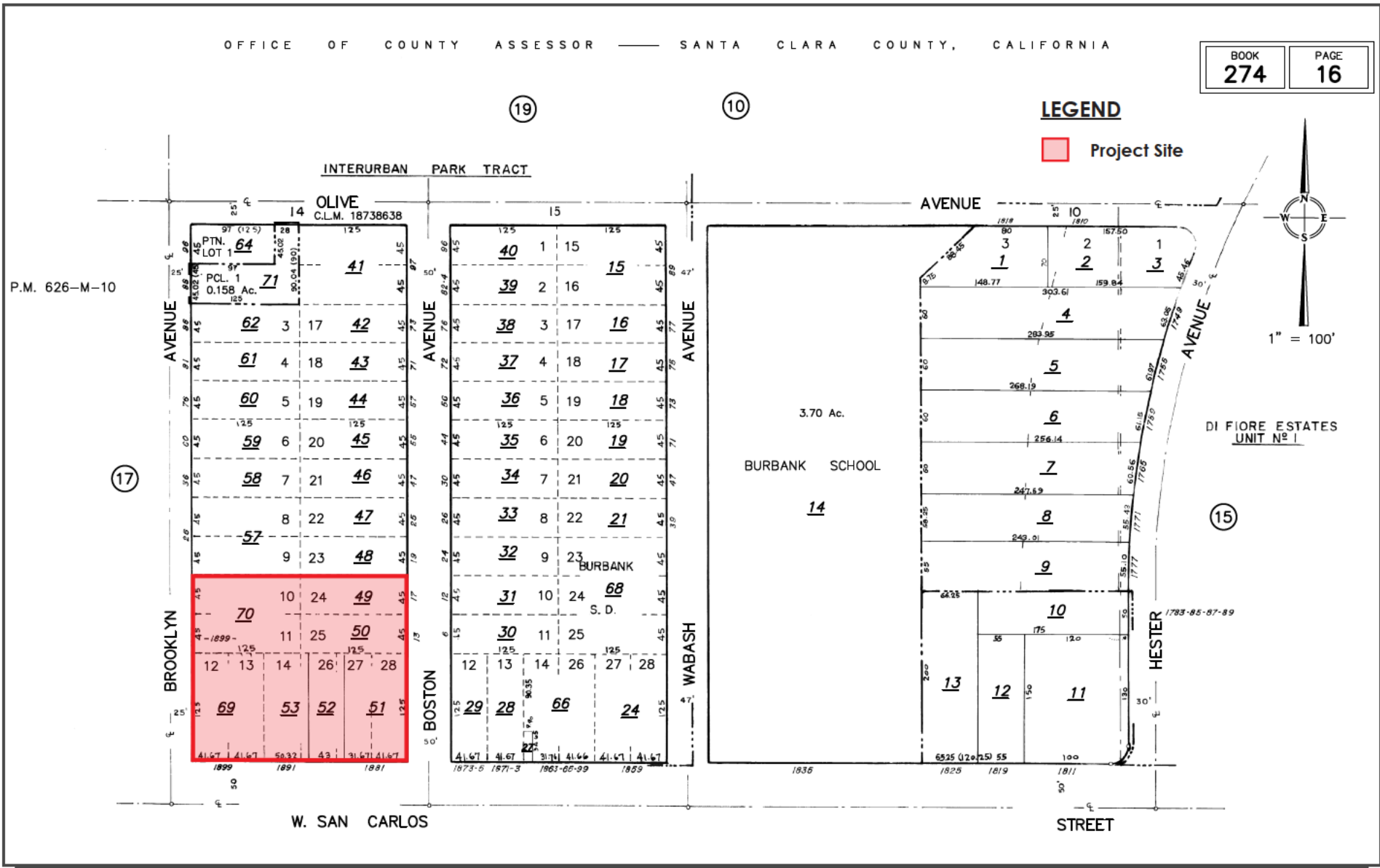
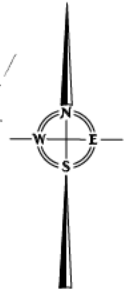


VICINITY MAP

FIGURE 2

LEGEND

Project Site



ASSESSOR'S PARCEL MAP

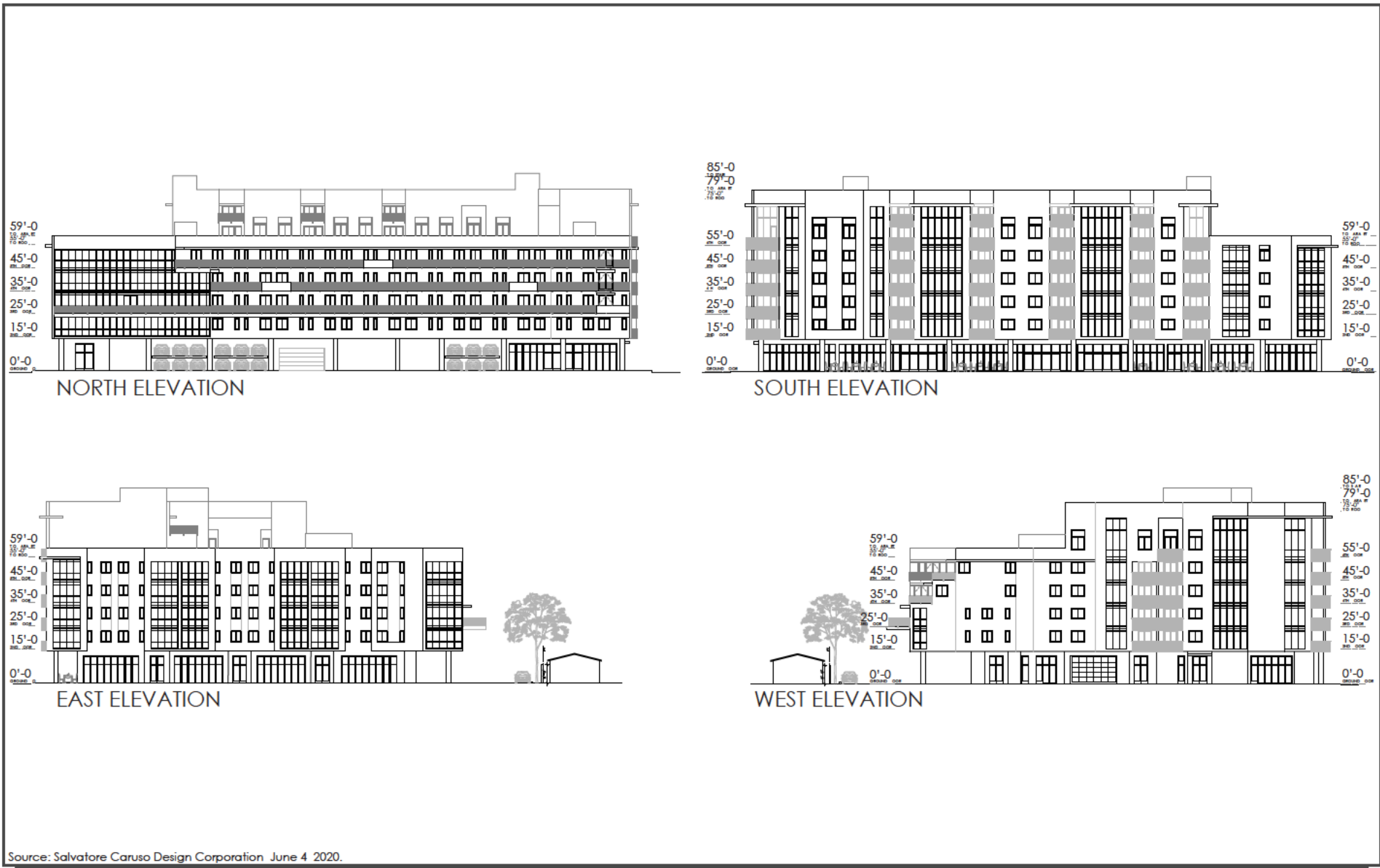
FIGURE 3



Source: Salvatore Caruso Design Corporation, June 4, 2020

CONCEPTUAL SITE PLAN - GROUND FLOOR

FIGURE 4



Source: Salvatore Caruso Design Corporation June 4 2020.

CONCEPTUAL ELEVATIONS

FIGURE 5

(79 feet to the top of the parapet) with up to 61 dwelling units. Up to 6,000 square feet of ground floor retail would be located within the condominium building along West San Carlos Street. The senior care building would be five stories tall (59 feet to the top of the parapet) with up to 79 memory care and 78 assisted living beds for a total of 157 senior care beds. Parking would be located on the ground level for the senior care building, and with additional parking for residents in the basement of the proposed buildings. A central courtyard would be located between the two buildings.

The site is designated *Mixed-Use Commercial* under the City’s General Plan and has two zoning designations. The property at 1881 West San Carlos is zoned *Commercial Pedestrian* and the property at 17 Boston Street is zoned *Multiple Resident District*. The remainder of the site has no designated zoning as it is currently unincorporated; therefore, annexation through the Local Agency Formation Commission (LAFCO) would be required.

The project includes four planning applications:

- File No. Burbank 44: An Annexation application to annex five parcels (1883, 1891, 1899 West San Carlos Street and 13 Boston Avenue) from the County of Santa Clara to City of San José;
- File No. C20-011: Rezoning of six parcels (the above five parcels and 17 Boston Avenue) to Commercial Pedestrian Zoning District;
- File No. CP20-020: A Conditional Use Permit to allow the demolition of all existing buildings on-site for the construction of an up to seven-story, 187,400-square foot mixed-use development consisting of a 157-bed Residential Care Facility for the Elderly (RCFE), 61 multi-family residential units, and 6,000 square-foot ground floor retail space on the ground floor and in the basement on a 1.23-acre site. The Conditional Use Permit also includes car lifts (“alternative parking arrangement”);
- File No. T20-016: A Vesting Tentative Map application to merge the existing seven lots into one lot and allow one lot subdivision for condominium purpose to include up to 61 residential condominium units, one RCFE unit, seven retail condominium units, and one retail parking garage condominium unit.

Required Project Approvals

1. Vesting Tentative Map
2. Rezoning
3. Site Development Permit
4. Conditional Use Permit
5. Department of Public Works Clearances
6. Annexation through LAFCO

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 discuss the project’s significant environmental impacts on the topic areas described below.

- **Aesthetics** – The proposed development would demolish the existing one- to two-story structures on-site and construct two five- to seven-story buildings. 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.
- **Air Quality** – The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project’s construction and operational impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and thresholds.
- **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 within, and adjacent to, the construction zone. In addition, the EIR will identify and discuss the project’s biological impacts during construction and operation and the project’s consistency with the Santa Clara County Habitat Conservation Plan.
- **Cultural Resources** –Currently, none of the buildings on-site are listed under the City’s Historic Resources Inventory. The following buildings are located within 200 feet of the project site and listed under the City’s Historic Resources Inventory.
 - 24 Brooklyn Avenue (Identified Site/Structure)
 - 36 Brooklyn Avenue (Identified Site/Structure)
 - 12 Boston Avenue (Identified Site/Structure)
 - 19 Boston Avenue (Identified Site/Structure)
 - 30 Boston Avenue (Identified Site/Structure)
 - 39 Wabash Avenue (Identified Site/Structure)
 - 47 Wabash Avenue (Identified Site/Structure)

While the buildings on-site are not currently on the City’s Historic Resources Inventory, they are over 50 years old and will be assessed for historic significance. Demolition of a historic resource would be a significant unavoidable impact.

The EIR will also identify and discuss potential subsurface archaeological resource impacts from project construction.

- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The EIR will discuss the increase in energy usage on-site and energy efficiency measures proposed by the project.
- **Geology and Soils** – The EIR will describe the existing geologic and soil conditions and discuss the possible geological impacts associated with seismic activity and the existing on-site soil conditions.
- **Greenhouse Gas Emissions** – The EIR will address the project’s contribution to regional and global greenhouse gas (GHG) emissions based on established thresholds and consistency

with policies adopted by the City of San José for reducing GHG emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will also be discussed.

- **Hazards and Hazardous Materials** – The EIR will address existing hazards and hazardous materials conditions on and near the project site and will address the potential for hazardous materials impacts which may result from implementation of the proposed project.
- **Hydrology and Water Quality** – The EIR will address the project’s impact to the storm drainage system. In addition, the EIR will address the possible flooding issues (the site is not within a 100-year flood zone) and the project’s effect on storm water runoff quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).
- **Land Use** – The project site is located within a developed, urbanized area of San José surrounded by residential and commercial 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 land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.
- **Noise and Vibration** – Noise levels in the project area are primarily influenced by vehicular noise on surrounding roadways, primarily West San Carlos Street. The EIR will discuss noise and vibration that would result from the construction and operation of the proposed project (including noise from project-generated traffic) and its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable noise standards and guidelines. Additionally, the EIR will evaluate the effects of vibration during project construction on adjacent buildings.
- **Population and Housing** – The EIR will discuss the consistency of the project with planned growth within the City. The project would be demolishing commercial buildings and is not anticipated to displace any residents.
- **Public Services** – Implementation of the proposed project would increase the resident population of the City which could result in an increased demand on public services, including schools, police and fire protection, libraries, and recreational facilities. The EIR will address the availability of public facilities and services and the project’s potential to result in adverse physical impacts to the service facilities.
- **Transportation** – Based on Santa Clara Countywide Vehicle Miles Traveled (VMT) Evaluation Tool, initial project screening indicates that the project would not exceed the City’s VMT threshold. Nevertheless, the EIR will evaluate the project’s transportation impacts pursuant to the City’s Transportation Analysis Policy (Council Policy 5-1). The project’s consistency with programs, plans, ordinances, or policies addressing the circulations system (including transit, roadway, bicycle, and pedestrian facilities) will also be discussed in the EIR.

- **Tribal Cultural Resources** – The EIR will discuss the project’s potential for impacts to tribal cultural resources under Assembly Bill 52.
- **Utilities and Service Systems** – Implementation of the proposed project could result in an increased demand on utilities and service systems compared to existing conditions. The EIR will examine the impacts of the project on utilities and service systems, including the sanitary sewer and storm drainage systems, water supply, and solid waste management.
- **Wildfire** –The proposed project is located within a developed area of San José. The EIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- **Other CEQA Sections** – In addition to the resource sections noted above, the EIR will address the project’s impacts on Agricultural Resources and Mineral Resources consistent with the CEQA checklist. The project’s Significant Unavoidable Impacts and potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the development area will also be identified in the EIR. The EIR will also provide alternatives to the proposed project which could reduce project impacts identified in the environmental document.

December 8, 2020

Dear Ms. Wang,

Today I write on behalf of my family and community, as many of us in the neighborhood do not feel as though we have a voice in current redevelopment plans within the Burbank district of San Jose.

When San Jose shared the Urban Villages plans the neighborhood was excited to see an interest in investment, although we were scared for our “mom and pop” businesses that make up so much of San Carlos Avenue. We were shown plans that were aesthetically pleasing and reflected the history of the community. Now however everything appears to have changed we find ourselves with little voice in the matter.

Through news articles and community meetings we have learned that instead of the low-rise urban village that was shared with us, our stretch of San Carlos Avenue will be a corridor of 6 – 8 story mid-rise, high density housing that will eventually overtake both sides of the street for blocks. We had little to no notice or say and are concerned on many fronts. I am not writing today only in terms of the current project (Oak Glen Ventures LLC) but regarding the totality of the pending projects for the Burbank corridor of San Carlos Avenue. The large-scale vision for the San Carlos corridor appears to have deviated from the Urban Village Plan based on the information our small informal neighborhood group has. The City of San Jose information has been limited and difficult to obtain. Regarding this specific project and those yet to come, we are concerned for many of the following reasons that far outweigh aesthetics:

Environmental Impact:

- The San Carlos Avenue corridor traffic was congested prior to Covid. Adding hundreds of additional apartments and shops will impact this further.
- Parking, which is currently limited, will spill over into our residential areas which currently have limited parking on narrow streets.
- There are concerns about smog, pollutants, and noise from increased traffic.
- Continued traffic safety issues, there have been fatal accidents and we currently have traffic that routinely cuts through residential areas to circumvent the Bascom/San Carlos traffic patterns. Cars speeding through the residential neighborhoods put residents at risk.
- Roads in the neighborhood were not planned as thoroughfares to meet the traffic needs of a high-density housing corridor.
- Significant impact to water, power, and sewage use in an area with infrastructure that is aging.
- No environmental impact study has been provided to the Burbank community looking at the totality of building projects, detailing the effects of several hundred housing units within a span of a few blocks of a narrow suburban corridor.

Sewer Impact and Costs to Low and Middle Income Residents and Homeowners

- As the City of San Jose annexes land, they will essentially take over the income generated from commercial land holdings. These current holdings help fund the Burbank Sanitary District. If these funds are taken there would be a significant impact on homeowners in an area that only encompasses approximately 0.28 square miles. The two non-contiguous unincorporated areas that are surrounded by

the City of San Jose will see huge increases to already high sewer costs which are the highest costs of all the tributaries.

- Our understanding is that the waste from hundreds of new homes will have to travel through sewers paid for by Burbank homeowners. There are concerns that the city will be taking advantage of homeowner responsibility to fund the sewer maintenance. Many of the Burbank homeowners could be stretched to pay for expensive neighborhood sewer repairs and upkeep. This would also impact renters as costs go up landlords will pass increases on to renters. Increasing rents would impact many families; 84% of children in the Luther Burbank School come from low income households, most of whom come from families who rent, although some are from low income home-owning households.

Impact to Limited K-8 Educational Resources

- Currently the area of projected building on San Carlos Avenue falls within the Luther Burbank School District. The school is currently considered inadequate to meet community needs and as a result voter passed a 30-year general measure bond (HH in 2018). HH will:
 - Build 12 new classrooms, replace the school's main education building with a modern state of the art facility, upgrade the library and restrooms, improve safety and security.
- With the building of hundreds of apartments in the Burbank San Carlos Avenue corridor, especially those focusing on families, the only K-8th grade school will continue to be insufficient for community needs. Further general measure bonds for the school could result in additional tax burdens on middle and low income homeowners, as well as increased rental costs within the tiny Burbank School District community.
- Current San Jose City approved construction plans will result in the removal of the majority of teacher and staff parking which will exacerbate the neighborhood's already impacted parking.
- Additional schools in the area such as Trace Elementary are impacted and currently struggle to serve the children who do live within the school's boundaries. Lack of educational resources could require children in the Burbank to be assigned elsewhere outside of district.

- Luther Burbank School District map:



<https://www.lbsd.k12.ca.us/Page/419>

Crime and Police/Sherriff Response

- Currently Santa Clara County Sherriff respond to the Burbank neighborhood except for the San Carlos Corridor, which is San Jose PD jurisdiction. We are thankful for the prompt response of our County Sherriff officers. Currently when law enforcement has been needed in the San Carlos Corridor long wait times for SJPD have occurred and at times has this has put residents adjacent to the San Carlos Avenue corridor at risk.
- There are safety concerns with the plan to build a very large 8-story housing complex in the Burbank’s San Carlos Avenue corridor that will be providing housing to the chronically homeless which is slated to be built on the same side of the street as this current project.
 - <https://www.mercurynews.com/2020/09/24/affordable-homes-some-for-the-homeless-eyed-near-san-jose-malls/>
 - It does not appear that there will be on site case management and there is a neighborhood concern that there will be similar issues to those that have plagued the 2nd Street Inn (over 500 calls to police, quality of life issues, trash, and fires). Many children walk to school on San Carlos Avenue and if this becomes like 2nd Street Inn there will be safety concerns: <https://sanjosespotlight.com/eckhart-second-street-studios-one-year-later-what-has-changed/>

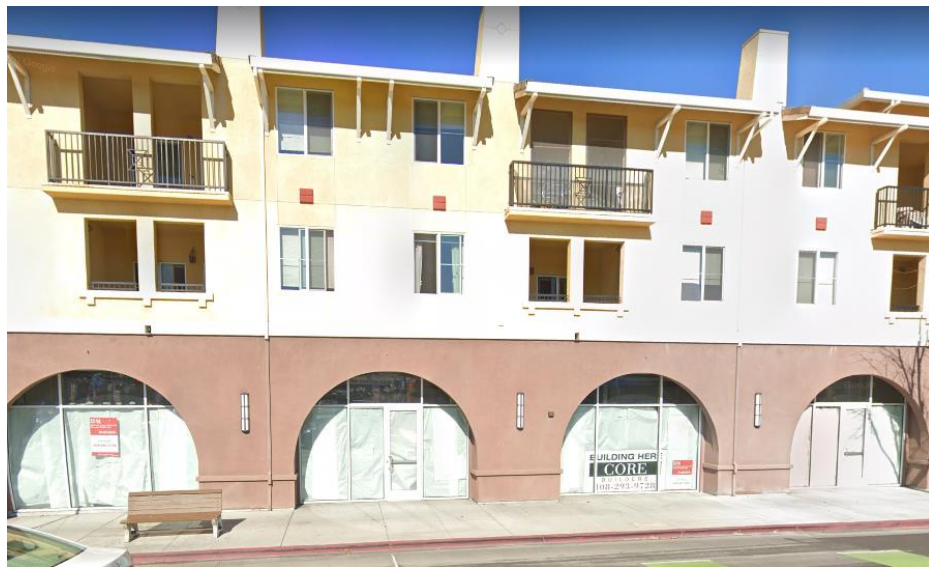
Equity in Neighborhood Development

- The Burbank neighborhood is changing demographically and socioeconomically, however, we still have a high number of lower-income homeowners and renters. There are equity issues that our neighborhood is slated to bear the brunt of “high-rise style” building. No recently built Mid-town building on San

Carlos Avenue has been more than 5 stories (including the high-ceiling retail bottom floors). Our few blocks are slated for 6 -8 story builds.

- Some San Carlos projects that have been built still have empty retail spaces. Empty retail spaces bring no benefit to a neighborhood and can invite crime and vandalism. “Mom and pop” shops cannot afford to rent the high cost spaces and when business do come in many residents of the Burbank cannot afford to shop and eat in the new retail spaces.
- Empty retail on San Carlos:

1533 San Carlos Avenue retail spaces have been unoccupied since this project was completed several years ago.



We hope that the City of San Jose can address the above concerns. None of us are opposed to supportive housing or positive steps towards change, we are just asking that it is done thoughtfully with the input of the community in the unincorporated neighborhoods surrounding the Burbank’s San Carlos Avenue corridor.

Respectfully,

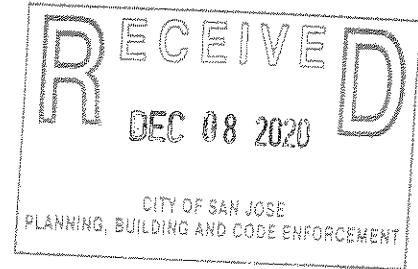
██████████, Burbank resident.



NATIVE AMERICAN HERITAGE COMMISSION

December 3, 2020

Reema Mahamood, Planner III
City of San Jose
200 E. Santa Clara Street, T-3
San Jose, CA 95113



CHAIRPERSON
Laura Miranda
Luiseño

Re: 2020120059, 1881 West San Carlos Project, Santa Clara County

VICE CHAIRPERSON
Reginald Pagaling
Chumash

Dear Ms. Mahamood:

SECRETARY
Merril Lopez-Kelfer
Luiseño

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).

PARLIAMENTARIAN
Russell Atebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

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.

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
**Julie Tumamait-
Stenslie**
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

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.

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

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

- 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

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: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

From: [Wang, Angela](#)
To: [Mahamood, Reema](#)
Subject: FW: Public Comment on PROJECT NO. CP20-020
Date: Tuesday, December 15, 2020 8:17:11 AM

Good morning Reema, here is another one including concerns on traffic.

From: Burbank Resident <[REDACTED]>
Sent: Monday, December 14, 2020 3:42 PM
To: Wang, Angela <Angela.Wang@sanjoseca.gov>
Subject: Public Comment on PROJECT NO. CP20-020

[External Email]

RE: PROPOSED ANNEXATION, REZONING, CONDITIONAL USE PERMIT, AND VESTING TENTATIVE MAP AT 17 BOSTON AVENUE, COMMUNITY MEETING, PROJECT NO. CP20-020

Dear Angela,

I am hoping that the request for Public Comments is actually not just a checkbox on the way to green lighting this project like my friends and family assure me it is because I do not think that it is in the benefit of the community for this project to move forward.

I really have a hard time stating how much I dislike this project. This is not Downtown San Jose, or even an industrial area, this is a residential community. A 6 story building in this area is undesirable and sets a bad precedent where two stories is unusual. There is a relatively new three story building on the corner of Buena Vista and W. San Carlos that looms over the street and doesn't look to be fully utilized. A 6 story building will completely block the skyline.

Why try and wedge another large project one into this residential community? On a regular afternoon, not during this COVID period, the traffic going through that area is already bumper to bumper. This 6 story building's presence will create an increase in traffic in the surrounding neighborhoods, in particular the route to and from 280 to West San Carlos via Leigh and Leland. These are both streets that are so narrow that parking is only allowed on one side. There are already traffic controls at the corner of West San Carlos and Leigh/Shasta during school hours. People trying to access 1881, 1883, 1891 and 1899 West San Carlos Street from Stevens Creek and 280 must go past the property and make a U-Turn right in front of a school which already has crossing guards.

This project is just too large for the area. I understand the desire to increase revenue and provide more housing, but this is not a good prospect. There are already a large number of large buildings going in down near W. San Carlos and the train tracks that should provide construction work, increased revenue, and more housing. Maybe a three story building would work at 1881 -

1899 W. San Carlos, but I would still be concerned about the impact on traffic.

I am also curious if anything is gained by anyone other than the developer and the city by changing the zoning? If not, why are we going to this trouble?

Sincerely,
Resident of the Burbank Neighborhood

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December 18, 2020

Reema Mahamood
City of San Jose
Dept of Planning
200 E Santa Clara St, 3rd Flr
San Jose, CA 95113

Re: 1881 West San Carlos Project

Dear Reema Mahamood,

Thank you for providing PG&E the opportunity to review your proposed plans for 1881 West San Carlos project dated 12/2/2020. 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

County of Santa Clara

Roads and Airports Department
Planning, Land Development and Survey

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276



January 7, 2021

Reema Mahamood,
Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
reema.mahamood@sanjoseca.gov

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the 1881 West San Carlos Project

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Preparation of a Draft Environmental Impact Report for the 1881 West San Carlos Project, and is submitting the following comments:

1. The City of San Jose should consider annexation of adjacent roadways within ½ mile radius of the project site.
2. The Burbank Community Association should be given the opportunity to review and comment on this project application and proposed partial annexation of Burbank located within the unincorporated area of the County.
3. The Environmental Impact Report (EIR) should include transportation impact analysis and mitigation measures on County facilities. Furthermore, the Traffic Study should include traffic circulation, site access, and queuing analysis.
4. Please identify any potential speeding and cut-through traffic issues along the surrounding residential streets.
5. Recommendation:
 - perform sight distance analysis at project driveways and at unsignalized intersections adjacent to the project site (San Carlos/Brooklyn & Boston Ave).
6. The proposed project should be able to accommodate all parking on-site.
7. The project plan should ensure vegetation plan does not block sight distance.

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you.



CP20-020 Joint Community Meeting/EIR Scoping Meeting

December 17, 2020

Public Comments

Commenter	Comment Summary
Megan Leney	How much parking is the project providing for the new units? How is the parking calculated? The EIR should discuss the impact of the new residents on sewer capacity.
Ben Leech, PACSJ	The EIR should include a Historic Resources Assessment. Information on the existing buildings scheduled for demolition under the project should be shared with the public.
Alex Shoor, Catalyze SV	What community engagement has occurred thus far? Emails to the developer have not received responses.
Rose Litvin	How will the project address the inequity in the neighborhood (84% of the children in the Burbank neighborhood are eligible for free lunches)? How will the project affect the Burbank Sewer District capacity and the amount that residents currently pay for service? The design of the building should reflect the cultural celebration of the neighborhood. We don't want a cookie-cutter building and empty retail space on the first floor.
Steve Corchado	The neighborhood has 1- to 2-story buildings surrounding the project site. The proposed 6-8-story building is incongruent to the neighborhood. How will the proposed project affect local school bonds when the site moves under the jurisdiction of the City of San Jose.
Rebecca Yoder	Where will visitor parking for the project be located? Where will retail parking be located? What does it mean when you say the City is coordinating with the Burbank Sewer District?
Michelle	My recollection during the meetings for the Urban Village the residents wanted 4 stories max. The proposed project doesn't fit the old character neighborhood. The Monroe Plaza project architectural style fits in better. Most retail spaces along San Carlos Street has no retail business and sits empty. How are you going to fill the retail space? Lack of occupancy creates areas for loitering? How will demolition of the old buildings handle asbestos and lead abatement? How will large equipment on our narrow streets be managed?

Megan Leney	Concerned about people parking on neighborhood streets; parking is only on one side so there's limited parking already. 100 spaces for 61 units, 114 bedrooms is not enough.
Rose Litvin	Concerned that residents of the new building would not use the parking lifts and parking will overflow onto the neighboring streets. The Monroe project captures the flavor and history of the Burbank district.
Daniel Carpenter	This meeting violates the Brown Act by impeding my ability to share my comments. The project should provide 224 parking spaces. The setbacks are not met. 4 handicapped spaces are not enough. Demolition of existing buildings will result in loss of 80% retail space without abatement. The parking lifts are not earthquake safe. The existing buildings are eligible for historic designation The project will increase tax liability of the entire area.
Alex Shoor, Catalyze SV	It would nice if the EIR could show how the perceived lack of parking spaces lessens the greenhouse gas emissions for the project.
Laura Salcido	Happy with the Urban Village concept and the application of the project. I agree with Alex Shoor The Monroe project style fits in with the neighborhood. Glad the project is providing public/private community space, because there is very little open space in the neighborhood. Add trashcans, grass, benches.
Joel Behrman	Parking is a concern for residents. I reiterate concern about what adding residents will do the sanitation district; need assurance that the neighborhood would not be impacted. What plans does the City have to create more public transportation options on San Carlos Street.