

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINDINGS IN CONNECTION WITH THE APPROVAL OF
EVERGREEN VALLEY COLLEGE 2025 UPDATED FACILITIES MASTER PLAN**

I. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The San José/Evergreen Community College District (“SJECCD”), as the lead agency, has prepared the Final Environmental Impact Report (“Final EIR”), SCH # 2000112004, for the 2025 Updated Facilities Master Plan (“2025 Updated FMP” or “Project”) proposed at the Evergreen Valley College (“EVC”) campus. The Project involves the reorganization of campus facilities and reconfiguration of campus access and circulation. Activities outlined in the EVC 2025 Updated FMP include (1) the demolition/removal of existing buildings on campus; (2) the construction of new buildings on campus; and (3) the renovation of existing buildings on campus. In addition, the EVC 2025 Updated FMP includes recommended vehicle and pedestrian circulation plans for the campus and recommended landscape improvements.

The Final EIR assesses the potential environmental effects of the EVC 2025 Updated FMP, identifies the Project’s significant and less than significant impacts, and evaluates a reasonable range of alternatives to the Project. In addition, the Final EIR includes Responses to Comments on the Draft EIR from responsible agencies, interested groups, and individuals.

The Board of Trustees (“BOT”) of the SJECCD hereby certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA). The BOT further certifies that it has received the Final EIR, and reviewed and considered the information contained in the Final EIR prior to making the approvals set forth below in Section III. The BOT further certifies that the Final EIR reflects its independent judgment and analysis. The conclusions presented in these Findings are based on the Final EIR and other evidence in the administrative record.

II. FINDINGS

In this action, the BOT, having received, reviewed and considered the Final EIR and other information in the administrative record, adopts the following Findings in compliance with CEQA. The BOT certifies that its Findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR, and are supported by substantial evidence. The BOT adopts these Findings in conjunction with its approval as set forth in Section III, below.

A. Environmental Review Process

1. *Preparation of the EIR*

On July 10, 2012, the EVC campus released a Notice of Preparation (NOP)/Initial Study announcing the preparation of a Draft EIR and describing its proposed scope. The Campus conducted a public scoping meeting on July 31, 2012. The Initial Study determined that implementation of the Project would not adversely affect agricultural and forestry resources,

cultural resources, hazards & hazardous materials, mineral resources, or population and housing, and that further evaluation of these topics was not required in the Draft EIR.

The EVC campus issued the Draft EIR on February 8, 2013, and circulated it for public review and comment for a 45-day period ending on March 25, 2013. Three agencies provided written comments on the Draft EIR. No comments were received at the February 28, 2013, public hearing on the Draft EIR. The Final EIR contains all of the comments received during the public comment period, together with written responses to those comments which were prepared in accordance with CEQA. The BOT certifies that it has reviewed the comments received and responses thereto and finds that the Final EIR provides adequate, good faith, and reasoned responses to the comments.

2. *Absence of Significant New Information*

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that “[n]ew information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Having reviewed the information contained in the Draft and Final EIRs and in the administrative record as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the BOT hereby finds that no significant new information was added to the EIR following public review and thus, recirculation of the EIR is not required by CEQA.

B. Impacts and Mitigation Measures

The following section summarizes the environmental impacts of the Project identified in the Final EIR, and provides Findings as to those impacts, as required by CEQA and the CEQA Guidelines. A full explanation of these environmental Findings and conclusions is set forth in the Final EIR. These Findings hereby incorporate by reference the analysis in the Final EIR supporting the Final EIR’s findings and conclusions and in making these Findings, the BOT ratifies, adopts and incorporates the evidence, analysis, explanation, findings, responses to comments, and conclusions of the Final EIR except where they are specifically modified by these Findings.

Section 15130(a) of the CEQA Guidelines requires that an EIR discuss the cumulative impacts of a project when the project’s incremental effect is determined to be cumulatively considerable. The discussion of cumulative impacts must evaluate whether the impacts of the project will be significant when considered in combination with past, present, and reasonably foreseeable future projects, and whether the project would make a cumulatively considerable contribution to those

impacts. As discussed in detail in the Final EIR, all cumulative impacts of the Project will be less than cumulatively considerable.

1. *Project Impacts that are Less Than Significant without Mitigation*

The Final EIR found that impacts of the Project would be less than significant without project-specific mitigation under the following environmental resource topics: aesthetics (except visual character) (see Draft EIR pages 4.1-1 to 4.1-17); agricultural and forestry resources (see Initial Study pages 20 and 21); air quality (see Draft EIR pages 4.2-1 to 4.2-26); biological resources (except special-status wildlife species) (see Draft EIR pages 4.3-1 to 4.3-20); cultural resources (except paleontological resources and unknown human remains) (see Initial Study pages 27 to 29); geology and soils (except seismic ground shaking and/or landslides) (see Draft EIR pages 4.4-1 to 4.4-12); greenhouse gas emissions (see Draft EIR pages 4.5-1 to 4.5-29); hazards and hazardous materials (except hazards due to site contamination) (see Initial Study pages 34 to 37); hydrology and water quality (see Draft EIR pages 4.6-1 to 4.6-12); land use and planning (see Draft EIR pages 4.7-1 to 4.7-9); mineral resources (see Initial Study page 43); noise (except construction noise and vibration) (see Draft EIR pages 4.8-1 to 4.8-34); population and housing (see Initial Study page 46); public services (see Draft EIR pages 4.9-1 to 4.9-8); recreation (see Draft EIR pages 4.9-1 to 4.9-8); transportation and traffic (except conflicts with City of San José standards for intersections) (see Draft EIR pages 4.10-1 to 4.10-35); and utilities and service systems (see Draft EIR pages 4.11-1 to 4.11-15).

2. *Project Impacts that are Less Than Significant with Incorporation of Mitigation Measures*

i. *Aesthetics*

a) *Impact AES-1: Implementation of the 2025 Updated FMP could substantially degrade the existing visual character or quality of the site and its surroundings.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure AES-1: Prior to the final design of each project, a landscape architect shall review the construction footprint of the project. All feasible measures, such as changes to the building footprint, shall be used to preserve and protect healthy mature trees. Trees that cannot be saved shall be considered for relocation or replaced with new trees (due to the costs of tree relocation, trees that cannot be saved would most likely be replaced).

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure AES-1 that is included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant aesthetic impacts related to visual character.

ii. *Biological Resources*

a) *Impact BIO-1: The implementation of the 2025 Updated FMP could have a substantial adverse effect on special-status wildlife species.*

The following EIR Mitigation Measures are included in and a part of the Project as proposed:

Mitigation Measure BIO-1a: Prior to the implementation of any 2025 Updated FMP projects that would disturb undeveloped portions of Montgomery Hill, a burrowing owl habitat evaluation shall be conducted of the disturbance footprint and a surrounding 500-foot area. If it is determined that habitat conditions are not suitable for burrowing owl at the time of the habitat evaluation (taking into consideration factors such as height and density of vegetation and absence of suitable small mammal burrows), then no further actions would be required. If it is determined that suitable burrowing owl habitat is present, then the following action shall be implemented:

- Focused burrowing owl surveys shall be conducted according to the accepted CDFW protocol (see Staff Report on Burrowing Mitigation, CDFW 2012). If nesting burrowing owls are observed on or within 500 feet of the disturbance area, then the nest sites shall not be disturbed during the nesting season (February 1 through August 31) or until all young have fledged as determined by a qualified biologist. If non-nesting burrowing owls are observed in the disturbance area, then the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Mitigation Measure BIO-1b: If construction of 2025 Updated FMP projects would commence anytime during the nesting/breeding season of native bird species (including white-tailed kite and Cooper's hawk) potentially nesting near the project sites (typically February through August in the project region), a pre-construction survey of the project vicinity for nesting birds shall be conducted. The survey shall be conducted by a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) within two weeks prior to the commencement of construction activities. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present within the construction zone or within 500 feet of the construction zone. The survey area would include all trees, shrubs, and grasslands in the construction zone and a surrounding 500-foot area.

If active nests are found in areas that could be directly affected or within 500 feet of construction and would be subject to prolonged construction related noise, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined by the qualified biologist taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or another appropriate barrier, and construction personnel shall be instructed on the sensitivity of nest areas.

Mitigation Measure BIO-1c: A qualified biologist shall conduct a roosting bat habitat evaluation prior to the demolition of any buildings. The evaluation shall determine if any buildings proposed for demolition provide potential bat roosting habitat. If it is determined that the building to be removed does not provide potential roosting habitat, no further action would be required. If suitable roost structures are identified, then surveys shall be conducted to determine if roosting bats are present. If it is determined that roosting bats are present, then a site-specific bat protection plan shall be developed by the qualified biologist to prevent disturbance of an active maternity or hibernation roost; the plan may include the use of passive bat exclusion devices, adjusting project timing to when the roost is not active, or other protective measures. It should be noted that there are two acceptable seasonal time windows for humane exclusion:

- Between about March 1, when bats become active again after heavy winter rains and when evening temperatures are above 45 °F, and April 15, when females start giving birth to pups.
- Between August 31 and about October 15, or before heavy winter rains and when evening temperatures are above 45 °F. After that time, torpid bats are unable to fly out through the one-way exits.

Additionally, conducting bat surveys during the hibernation period (generally October 16 through February 28) may not provide conclusive results as bats are inactive and may be difficult or impossible to detect. Therefore, the timing of these seasonal time windows must be taken into consideration in planning and conducting the bat habitat evaluation/surveys.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measures BIO-1a through 1c that are included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant impacts related to special-status bird and bat species.

- b) *Cumulative Impact BIO-1: Emissions from increased traffic generated by cumulative development in the Santa Clara Valley, including the 2025 Updated FMP, could negatively impact the Bay checkerspot butterfly.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure C-BIO-1: The Campus shall provide a one-time payment based on a fee of \$3.60 per new vehicle trip to the Santa Clara Valley Habitat Plan Agency for use in acquiring and managing new land consistent with the adopted Santa Clara Valley HCP.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure C-BIO-1 that is included in and a part of the Project, the project's contribution to the cumulative impact on the Bay checkerspot butterfly would be rendered cumulatively not considerable (i.e., less than significant).

iii. Cultural Resources

- a) *Impact CUL-1: There is a potential for disturbance of previously unknown paleontological resources during site construction.*

The following Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure CUL-1: If known, suspected, or potential vertebrate fossil materials are discovered during construction, work will stop within a 75-foot radius of the find until a qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology or consistent with Caltrans standards for a Supervising Paleontologist) can assess the nature and importance of the find and recommend appropriate treatment, if any. Based on the paleontologist's professional judgment, treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The campus will be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure CUL-1 that is included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant impacts related to paleontological resources.

- b) *Impact CUL-2: There is a potential for disturbance of previously unknown human remains during site construction.*

The following Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure CUL-2: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist

determines the bone is human, the Campus will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the Campus will ensure that the remains and vicinity of the find are protected against further disturbance.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure CUL-2 that is included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant impacts related to human remains.

iv. *Geology and Soils*

a) *Impact GEO-1: Development under the 2025 Updated FMP could expose people and structures on campus to substantial adverse effects related to seismic ground shaking and/or landslides.*

The following Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure GEO-1: Where existing geotechnical information is not adequate, detailed geotechnical investigations shall be performed for areas that will support buildings or foundations. Such investigations for building or foundation projects on the Evergreen Valley College campus will comply with the California Geological Survey's *Guidelines for Evaluating and Mitigating Seismic Hazards in California* (Special Publication 117), which specifically address the mitigation of landslide hazards in designated Seismic Hazard Zones (CGS 2003). All recommendations of the geotechnical investigations shall be incorporated into project designs.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure GEO-1 that is included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant impacts related to seismic ground shaking and/or landslides.

v. *Hazards and Hazardous Materials*

a) *Impact HAZ-1: It is possible that contamination could be present on campus and, if encountered during construction, could result in the exposure of the public or construction workers to hazardous materials.*

The following Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure HAZ-1: If evidence of contaminated soil and/or groundwater, such as discolored soil, odors or oil sheen, is encountered during the removal of on-site debris or during excavation and/or grading both on- and off-site, the construction contractors shall stop work and immediately inform the Campus. An environmental hazardous materials

professional shall be contracted to conduct an on-site assessment. If the materials are determined to pose a risk to the public or construction workers, the construction contractor shall prepare and submit a remediation plan to the appropriate agency and comply with all federal, state, and local laws. Soil remediation methods could include excavation and on-site treatment, excavation and off-site treatment or disposal, and/or treatment without excavation. Remediation alternatives for cleanup of contaminated groundwater could include in situ treatment, extraction and on-site treatment, or extraction and off-site treatment and/or disposal. Construction plans shall be modified or construction postponed to ensure that construction will not inhibit remediation activities and will not expose the public or construction workers to hazardous conditions.

FINDING: For reasons stated in the Final EIR, the BOT finds that with the implementation of Mitigation Measure HAZ-1 that is included in and a part of the Project, the EVC 2025 Updated FMP would result in less than significant impacts related to unknown soil or groundwater contamination.

3. *Project Impacts that are Significant and Unavoidable with Incorporation of Mitigation Measures*

i. *Noise*

a) *Impact NOISE-4: Construction on the campus pursuant to the 2025 Updated FMP could expose existing and future noise-sensitive receptors to elevated construction noise levels and result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*

The following Mitigation Measures are included in and a part of the Project as proposed:

Mitigation Measure NOISE-4a: Construction activities on campus shall be restricted to between the hours of 7:00 AM and 7:00 PM on weekdays and Saturdays and 10:00 AM to 6:00 PM on Sundays and holidays.

Mitigation Measure NOISE-4b: Prior to initiation of campus construction, the Campus shall approve a construction noise mitigation program including but not limited to the following:

- All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with exhaust mufflers and air-inlet silencers where appropriate, in good operating condition, that meet or exceed original factory specification.
- Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.

- All mobile or fixed noise-producing equipment used on the project that is regulated for noise output by local, state or federal agency shall comply with such regulation while engaged in project-related activities.
- Material stockpiles and mobile equipment staging, construction vehicle parking, and maintenance areas shall be located as far as practicable from noise-sensitive land uses.
- Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible.
- The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. No project-related public address loudspeaker, two-way radio, or music system shall be audible at any adjacent noise-sensitive receptor except for emergency use.
- The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.
- Construction vehicle trips shall be routed as far as practical from existing sensitive uses.
- The loudest campus construction activities, such as demolition and pile driving, shall be considered for scheduling during academic breaks when fewer people would be disturbed by construction noise.
- Whenever possible, academic, administrative, and sensitive use areas that will be subject to construction noise shall be informed a week before the start of each construction project.

FINDING: For reasons presented in the Final EIR, although these Mitigation Measures would reduce this impact to some extent, no further mitigation measures are available to reduce this impact to a less than significant level. The BOT finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable environmental impact of the Project for the reasons set forth in Section II.E of these findings.

b) *Impact NOISE-5: Construction on the campus pursuant to the 2025 Updated FMP could generate and expose persons on the campus to excessive groundborne vibrations, although it would not expose off-campus receptors to excessive groundborne vibrations.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

EIR Mitigation Measure NOISE-5: Pile driving activities that could result in vibration and are within 75 feet of a classroom building and demolition and construction activities with no pile driving that could result in vibration and are within 50 feet of a classroom building will be scheduled to occur on weekends or during periods when instruction is

not occurring on the campus when feasible. If pile driving activities within 75 feet of a classroom building and demolition and construction activities within 50 feet of a classroom building are scheduled to occur during periods when instruction is occurring on the campus, a notice shall be posted in the vicinity of the affected classroom buildings notifying the campus community of the upcoming construction activities.

FINDING: For reasons presented in the Final EIR, although this Mitigation Measure would reduce this impact to some extent, no further mitigation measures are available to reduce this impact to a less than significant level. The BOT finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable environmental impact of the Project for the reasons set forth in Section II.E of these findings.

ii. *Transportation and Traffic*

a) *Impact TRANS-1: Implementation of the 2025 Updated FMP would conflict with City of San José standards for signalized intersections under 2025 plus project conditions.*

The following Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure TRANS-1: The Campus shall provide a proportional share of the cost of feasible improvements to applicable intersections based on the project's actual contribution to the impact. The project's contribution shall be determined based on a formula agreed to by the City of San José and/or Caltrans and the Campus.

FINDING: For reasons presented in the Final EIR, although this Mitigation Measure would reduce this impact to some extent, no further mitigation measures are available to reduce this impact to a less than significant level. The BOT finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable environmental impact of the Project for the reasons set forth in Section II.E of these findings.

C. Mitigation Monitoring and Reporting Program

Public Resources Code §21081.6 and CEQA Guidelines §15091(d) require the lead agency approving a project to adopt a Mitigation Monitoring or Reporting Program for mitigation measures it has adopted to avoid or substantially lessen significant environmental impacts. In compliance with this requirement, the Mitigation Monitoring and Reporting Program includes those mitigation measures that have been designed to ensure compliance during implementation of the Project. The Mitigation Monitoring and Reporting Program designates responsibility and anticipated timing for the implementation of mitigation measures for conditions within the jurisdiction of SJECCD. Implementation of the mitigation measures specified in the EIR and contained in the Mitigation Monitoring and Reporting Program will be accomplished through administrative controls over Project planning and implementation. Monitoring and enforcement of these measures will be accomplished through inspection and documentation by appropriate EVC campus personnel.

The SJECCD finds that the impacts of the EVC 2025 Updated FMP Project will be mitigated to the extent feasible by the Mitigation Measures identified in the EIR and in the Mitigation Monitoring and Reporting Program (“MMRP”) and hereby adopts the Mitigation Monitoring and Reporting Program as the MMRP for the EVC 2025 Updated FMP Project. The Campus reserves the right to make amendments and/or substitutions to the mitigation measures and MMRP in accordance with the provisions of CEQA if, in the exercise of its discretion, it determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

D. Alternatives

Chapter 5 of the Draft EIR evaluated a reasonable range of potential alternatives to the EVC 2025 Updated FMP, both on-site and off-site. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis also included an analysis of a No Project Alternative and discussed the environmentally superior alternative. The analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the project objectives identified in Section 3.6 of the Draft EIR. The Draft EIR compared the environmental impacts of the Project and each of the alternatives.

The BOT certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and finds that all the alternatives are infeasible or would not meet most of the project objectives in comparison to the EVC 2025 Updated FMP for the reasons set forth below.

1. *Project Objectives*

The BOT finds that the objectives for the Project are as described in Chapter 3.0 of the Draft EIR. The key objectives of the EVC 2025 Updated FMP are as follows:

- Keep pace with and anticipate the changing needs of the students and the communities served by the College
- Develop a Facilities Plan that supports the anticipated courses, programs and services of the College for the next decade, and to assure that the plan is flexible enough in design to accommodate changes in instructional methodology, technology, and delivery systems
- Update the existing campus and provide modern, attractive facilities appropriate for the instructional programs and support services offered
- Clarify and fix distinct identities of three main areas (hubs) on the campus
- Draw activity out of isolated clusters and into the pedestrian streets
- Visually connect the campus to the larger surroundings

- Establish a clear differentiation between the “front” and “rear” entrances to campus
- Create a vehicle-free inner campus

2. *Alternatives Not Evaluated in Detail*

The Final EIR considered the following three alternatives for the Project but did not evaluate them in detail because they did not meet project objectives or were found to be infeasible for technical, environmental, or social reasons.

i. Alternate Location

Construction of the proposed facilities at an alternative location was not included as a project alternative because of the infeasibility of such an alternative, and the lack of evidence that such an alternative would avoid or substantially reduce the significant impacts of the Project. Even if constructing the new facilities on another site were feasible from an economic or educational standpoint, establishment of a new campus of this size would take many years to obtain funding, find a feasible site, and prepare and implement campus plans. For these reasons, this alternative was determined to be infeasible and was not carried forth in the EIR for detailed evaluation.

ii. Shifting Growth to the San José City College Campus

The San José City College (SJCC) campus, which is also under the SJECCD, is located in central San José at the intersection of Moorpark Avenue and Leigh Avenue. The SJCC campus currently has plans for expansion that would allow it to accommodate approximately 14,450 students. The 2025 Updated FMP for the SJCC campus includes replacement and construction of classroom facilities, additional physical education facilities, and expansion of parking lots. However, the campus at buildout under its 2025 Updated FMP cannot accommodate the additional students that would be “shifted” from the EVC campus as capacity even after implementation of the 2025 Updated FMP on the SJCC campus would be limited. Furthermore, it is not known how many of the students from EVC would attend SJCC, considering that it is approximately 9 miles west of the EVC campus. For these reasons, this alternative was determined to be infeasible and was not carried forth in the EIR for detailed evaluation.

iii. No Project/No Development

Section 15126.6 of the 2013 State CEQA Guidelines states that “the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” Under this alternative no demolition or new construction would occur on the EVC campus. Enrollment on the campus would either be capped at approximately 11,980 students or would increase slightly, with the additional students being accommodated in existing facilities. However, this alternative would not meet any of the project objectives contained in the 2025 Educational Master Plan for the EVC campus nor would it meet the projected need for new facilities to meet the growing demand for higher education. For these reasons, this alternative was determined to be infeasible and was not carried forth in the EIR for detailed evaluation.

3. *Alternatives to the EVC 2025 Updated FMP*

The Final EIR evaluated two alternatives to the EVC 2025 Updated FMP in detail: the Reduced Enrollment Capacity Alternative and the No Project/1999 Facilities Master Plan. The following summarizes the two alternatives that were considered in detail.

i. *Reduced Enrollment Capacity Alternative*

This alternative would increase campus enrollment by 2025 but the increase would be 50 percent of the increase under the proposed EVC 2025 Updated FMP. Under the EVC 2025 Updated FMP, enrollment capacity would increase by approximately 2,860 students over the current enrollment level of about 11,980 students, reaching approximately 14,840 students by 2025. Under the Reduced Enrollment Capacity alternative, enrollment capacity would only increase by approximately 1,430 students over the current enrollment level, to about 13,410 students by 2025. Less building space would also be needed to serve the student population under this alternative as compared to the Project. Under the EVC 2025 Updated FMP a total of approximately 355,150 square feet of building space would be required to accommodate the projected student population by 2025, which is an increase of about 10,250 square feet above existing conditions. Under the Reduced Enrollment Capacity alternative, approximately 320,930 square feet of building space would be required to accommodate the projected student population by 2025, which is a decrease of about 23,970 square feet compared to existing conditions. Therefore, the overall extent and duration of construction activity under this alternative would be lower than required for the Project.

As compared with the Project, the Reduced Enrollment Capacity Alternative would reduce impacts related to aesthetics, construction and operational air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, operational noise, public services, traffic, and utilities. Impacts related to land use, construction vibration, construction noise, and recycled water would be comparable to those of the Project. This alternative would not avoid the Project's significant construction noise and vibration and traffic impacts.

This alternative is rejected because, in addition to not reducing the Project's significant construction noise and vibration and traffic impacts, it would not thoroughly satisfy Project objectives as would the Project. The campus would not be able to accommodate anticipated student growth and additional courses, programs and services that are expected over the next 10-12 years as there would be a reduction in the amount of building space on the campus.

ii. *No Project/1999 Facilities Master Plan*

Under the No Project Alternative, the EVC 2025 Updated FMP would not be implemented. The EVC campus would not grow beyond the capacity of its existing facilities, as all the facilities approved under the Campus' 1999 Facilities Master Plan have been built. However, the Campus' previous plan did provide for an enrollment capacity of approximately 16,000 students. As a result, under the No Project Alternative, the enrollment on the campus could increase by approximately 4,020 students over the current enrollment level of about 11,980 students.

As compared with the Project, the No Project Alternative would avoid impacts related to aesthetics, construction air quality, biological resources (including on-site special-status species), geology and soils, construction greenhouse gas emissions, hydrology and water quality, land use, construction vibration and noise, and utilities (electricity and natural gas). Impacts related to operational air quality, biological resources (Bay checkerspot butterfly), operational greenhouse gas emissions, operational noise, public services, traffic, and utilities (potable water, wastewater, and solid waste) would be greater than those of the Project. Impacts related to non-potable water would be similar. This alternative would not avoid the Project’s significant construction noise and vibration and traffic impacts.

This alternative is rejected because it would not achieve any of the Project objectives.

vi. Environmentally Superior Alternative

The BOT finds that the Reduced Enrollment Capacity Alternative is the environmentally superior alternative because it would reduce impacts related to aesthetics, construction and operational air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, operational noise, public services, traffic, and utilities. Impacts related to land use, construction vibration, and noise, and non-potable water would be comparable to those of the Project. However, it fails to meet many important Project objectives.

E. Statement of Overriding Considerations

i. Impacts that Remain Significant

As discussed above, the BOT has found that the following impacts of the EVC 2025 Updated FMP remain significant, either in whole or in part, following implementation of the mitigation measures described in the Final EIR:

Number	Impact
<i>NOISE-4</i>	<i>Construction on the campus pursuant to the 2025 Updated FMP could expose existing and future noise-sensitive receptors to elevated construction noise levels and result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</i>
<i>NOISE-5</i>	<i>Construction on the campus pursuant to the 2025 Updated FMP could generate and expose persons on the campus to excessive groundborne vibrations, although it would not expose off-campus receptors to excessive groundborne vibrations.</i>
<i>TRANS-1</i>	<i>Implementation of the 2025 Updated FMP would conflict with City of San José standards for signalized intersections under 2025 plus project conditions.</i>

ii. Overriding Considerations

In accordance with CEQA Guidelines Section 15093, the BOT has, in determining whether or not to approve the Project, balanced the economic, social, technological and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project

outweigh the three significant adverse environmental effects that cannot be mitigated to a less-than-significant level or for which no feasible mitigation is available, for the reasons set forth below. This statement of overriding considerations is based on the BOT's review of the Final EIR and other information in the administrative record.

A. When compared to the alternatives analyzed in the Final EIR (including the No Project Alternative), the EVC 2025 Updated FMP provides the best available balance between maximizing attainment of the Project objectives and minimizing significant environmental impacts.

B. The development of the campus under the EVC 2025 Updated FMP enables the Campus to address projected enrollment demand and to improve and expand access to higher education for the residents of the City of San José and the Santa Clara Valley as a whole.

C. The EVC 2025 Updated FMP creates a physical framework to support the teaching and public service mission of the Campus, including instruction, support, and infrastructure; a dynamic intellectual and social community; and educational opportunities for an increasingly diverse population.

D. Under the EVC 2025 Updated FMP, development of new and renovated educational/public facilities would result in a net increase of approximately 10,250 square feet of building area. New educational facilities would include a Math/Science Complex, Applied Technology Building, General Education Building, General Education/Engineering/Applied Tech Building and Fitness Center. Existing facilities, including classrooms, would be renovated and modernized. These new and renovated facilities would enable the Campus to fulfill its academic mission and implement its Educational Master Plan through new and expanded educational programs that would benefit both the student body and the community and also support and enhance the regional economy.

E. Buildings that would be constructed under the EVC 2025 Updated FMP would include "green" design features or elements to conserve resources and promote a cleaner environment in accordance with SJECCD policy. These "green" design elements will be based on the national Leadership in Energy & Environmental Design sustainable building standards. Replacement of aging, deteriorating buildings with new energy-efficient buildings employing environmentally sound technologies would help reduce energy operating costs, sustain the environment, and conserve energy, which is especially important in light of California's recent energy crisis.

F. Demolition of Cluster Acacia and Cluster Roble under the EVC 2025 Updated FMP would remove facilities that are located within the earthquake fault zone of the Evergreen Fault.

F. Record of Proceedings

The record of proceedings upon which the BOT bases its findings consists of all the documents and evidence relied upon by the EVC campus in preparing the EVC 2025 Updated FMP Final

EIR. The custodian of the record of proceedings is Administrative Services, Evergreen Valley College, 3095 Yerba Buena Road, San José, California 95135.

G. Summary

1. Based on the foregoing Findings and the information contained in the record, the BOT has made one or more of the following Findings with respect to the significant environmental effects of the Project identified in the Final EIR:

a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.

b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.

c. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section II.E., above.

III. APPROVALS

The BOT hereby takes the following actions:

A. The BOT certifies the Final EIR for the EVC 2025 Updated FMP, as described in Section I, above.

B. The BOT hereby adopts the Findings in their entirety as set forth in Section II, above.

C. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, and adopted the foregoing Findings, the BOT hereby approves the implementation of the EVC 2025 Updated FMP.