

## CHAPTER 2 - INTRODUCTION

Note: This Chapter contains revisions to the Draft Subsequent Environmental Impact Report prepared in 2009 ("2009 DSEIR") for the San Jose City College Facilities Master Plan Update 2021 ("Update"). Deletions will appear as ~~strike through~~ and additions will appear in **bold** and together will constitute this Revised DSEIR. These revisions are being made to reflect a planning time horizon of 2011 rather than 2021. Revisions were also required to analyze the potential environmental impacts from modifications to the College that were not consistent with the Prior Plan EIR for the Facilities Master Plan as well as replacement of the Baseball Field Complex with a Multi-Use Athletic Field. The change in the duration of the Update to 2011 was due to the state law requirement that the District undertake a long-range master planning process for its educational curriculum and facilities. The plan will utilize a time period from 2012 through 2025. Because the 2009 DSEIR conflicted with the required duration of the master planning process, the Update was revised to be completed by December 2011.

The 2009 DSEIR was circulated for public review and comment from February 24, 2009 through April 10, 2009. These revisions do not include responses to comments made during that 2009 public review period because there will be a 45-day opportunity to comment on this Revised DSEIR as reflected on the Notice of Completion and Notice of Availability. Responses to all comments to the District on the 2009 DSEIR and the Revised DSEIR will be included in the Final SEIR for the project as modified by the change in planning horizon to 2011 and the replacement of the Baseball Field Complex with a Multi-Use Athletic Field.

Note: All Chapter 2 figures are located at the end of each subchapter, not immediately following their reference in the text.

### 2.1 BACKGROUND

The Regional and Project Site Location of the San Jose City College Facilities Master Plan Update ~~2021~~ **2011** ("Update") is shown on Figure 2.1-1. Figure 2.1-2 shows the location of the Update site ("campus") on the City of San Jose General Plan Land Use Element Map. Figure 2.1-3 is a **graphic depiction of improvements to the College campus that would occur with implementation of the Facilities Master Plan Update ~~2021~~ 2011**. Figure 2.1-4 is an aerial photograph. Implementation of the Update will require the San José/Evergreen Community College District ("District") to approve the Update.

### 2.2 PURPOSE AND USE OF A SUBSEQUENT SEIR (SEIR)

The California Environmental Quality Act (CEQA) was adopted to assist with the goal of maintaining the quality of the environment for the people of the State. Compliance with CEQA, and its implementing guidelines, requires that an agency making a decision on a project must consider its potential environmental effects/impacts before granting any approvals or entitlements. Further, the state adopted a policy "that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Thus, an agency, in this case the District, must examine feasible alternatives and identify feasible mitigation measures as part of the environmental review process. CEQA also states "that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." (§21002, Public Resources Code)

The District is required to identify the potential environmental impacts of the project and where potential significant impacts are identified the ~~agency~~ **District** must determine whether there are feasible mitigation measures or alternatives that can be implemented to avoid or substantially lessen significant environmental effects of a project. The first step in this process, completion of an Initial Study **for the 2009 DSEIR** to determine whether ~~an~~ **a subsequent EIR or a lesser level of environmental review under CEQA** is required, ~~has been~~ **was** completed for Update, the "project being considered for approval and implementation" by the District. Based on the information in the Initial Study **for the 2009 DSEIR**, the District concluded that implementation of the Update might cause significant impacts to the following issues. **The District further concluded** that ~~would require further~~ **based on the Initial Study for the 2009 DSEIR additional** analysis beyond that contained in an EIR certified for the San Jose Facilities Master Plan in 2000 ("**Prior Plan**") **was required** for the following issue areas: aesthetics, air quality, land use/planning, noise, recreation and transportation/traffic. The District directed that a Subsequent EIR (SEIR) be prepared to address the environmental impacts identified in the Initial Study **for the 2009 DSEIR** (impacts listed above) that pose a potential for significant adverse impact based on the **Initial Study for the 2009 DSEIR** preliminary analysis.

Based on the discussion in Section II (Environmental Factors Potentially Affected) and Section VI (Impact Assessment Checklist & Discussion) of the Initial Study **for the 2009 DSEIR**, the District ~~has~~ concluded that a SEIR ~~will~~ **would** be prepared for the Update.

The CEQA Guidelines Section 15162 provides the following test for determining if a subsequent EIR or Negative Declaration is required:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

- significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the Lead Agency determines that neither a subsequent EIR or negative declaration are necessary, the lead agency should consider whether it would be appropriate to prepare an Addendum to a certified EIR or negative declaration.

The CEQA Guidelines Section 15163 provides the following test for determining if a supplement EIR or Negative Declaration is required:

- (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- (2) Only minor additions or changes would be necessary to make the previous SEIR adequately apply to the project in the changed situation.
  - (a) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
  - (b) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
  - (c) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
  - (d) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

CEQA Guidelines Section 15164(a) sets forth the test that the District shall use to determine if an Addendum is the appropriate CEQA document:

- (a) The lead agency or a responsible agency shall prepare an Addendum to a previously certified EIR if some changes are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

In **initially** evaluating the Update **as described in the Project Description for the 2009 DSEIR**, the District's focus was two-fold. First, the District compared the Update with the list of the project issue areas set forth in the Prior Plan EIR (**as** listed in the Initial Study). Second, the District reviewed the Prior Plan EIR to determine what items discussed therein ~~could~~ **needed to** be further clarified or elaborated due to the Update modifications and with the passage of time since the certification of that EIR. As a result of this investigation, the District determined that the conditions described in Section 15162 (a) of the CEQA Guidelines would occur as a result of the ~~project~~ **Update**; thereby, causing the District to prepare a Subsequent EIR (SEIR) for the Update.

The District prepared and circulated a Notice of Preparation (NOP) **for the 2009 DSEIR** for the Update. The NOP **for the 2009 DSEIR** review period began on October 8, 2008 and ended 30 days later, on November 7, 2008. Respondents were requested to send **to the District** their suggestions for and comments on environmental information and issues that should be addressed in the SEIR no later than thirty days after receipt of the NOP. The NOP was distributed to interested agencies, the State Clearinghouse, and surrounding property owners and residents along with the Initial Study **for the 2009 DSEIR**. Six (6) letter responses and two (2) e-mail responses to the NOP **for the 2009 DSEIR** were submitted.

No new issues for consideration in the **DSEIR**, not already identified in the Initial Study **for the 2009 DSEIR**, were raised by the comment letters. This Draft SEIR (DSEIR) ~~has~~ **was** ~~been~~ prepared to address the issues identified above and provide an informational document intended for use by the District, interested and responsible agencies and parties, and the general public in evaluating the potential environmental effects of implementing ~~this project~~ **the Update in 2009. The public review period for the 2009 DSEIR was from February 24, 2009 through April 9, 2009.** A copy of the Initial Study **for the 2009 DSEIR** is attached in Chapter 9, Subchapter 9.1 and a copy of the NOP, comment letters and e-mails **for the 2009 DSEIR** are provided in Chapter 9, Subchapter 9.2 of this **Revised DSEIR**.

**As a result of the public review and comment on the 2009 DSEIR, modifications were made to the Update which, upon review by the District, necessitated the preparation of this Revised DSEIR, and a second 45-day review period. It was determined by the District that the issues raised during the 45-day review period for the 2009 and the resultant changes to the Update would result in lesser impacts than those identified in the 2009 DSEIR. The scope of these changes to the Update is discussed below and in greater detail in Chapter 4.0 of this DSEIR.**

**The District made the determination that the information contained in the Initial Study for the 2009 DSEIR was still applicable to this Revised DSEIR. In addition, the District determined that there was no need to re-circulate a Notice of Preparation (NOP) or hold another scoping meeting for the Update and this Revised DSEIR, as the pertinent issues relating to the Update had been raised multiple times during the 2009 DSEIR preparation and review process and that the scope of this Revised DSEIR was well defined. Additional details about this issue are discussed below.**

CEQA requires that the District, the CEQA Lead Agency, consider the environmental information in the project record, including this **Revised DSEIR**, prior to making a decision on the Update. The decision that will be considered by the District is whether to approve the ~~referenced entitlements for the project, or to reject the Proposed Project~~ **Update as defined herein, to modify it or to reject it entirely and not undertake any of the modifications proposed by the Update.** This **Revised DSEIR** evaluates the environmental effects **from the Update** to aesthetics, air quality, land use/planning, noise, recreation and transportation/traffic issues.

The District will serve as the CEQA Lead Agency pursuant to the State CEQA Guidelines Section 15015(b)(1). This **Revised DSEIR** has been prepared by the Maas Companies, Inc.

under contract to the **Revised** District. The Maas Companies, Inc. was retained to assist the District to perform the independent review of the project required by CEQA before the **Revised** DSEIR is released. The District has reviewed the content of the **Revised** DSEIR and concurs in the conclusions and findings contained herein.

### **2.2.1 Scoping Meeting and Notice of Preparation (NOP) for the 2009 DSEIR**

A Notice of Preparation (NOP) for the preparation of a Subsequent Environmental Impact Report (SEIR) for the San Jose City College Facilities Master Plan Update 2021 (Update) was prepared and distributed in the manner prescribed in Section 15082 of the CEQA Guidelines. **The time horizon for this Revised DSEIR has been changed from 2021 to 2011. The comments below are included in this Revised DSEIR to illustrate the chronology of the Update.** In addition, † The NOP was sent to the persons who were identified as having an interest in the DSEIR. A copy of the NOP and the NOP distribution list are included in subchapter 9.2 of this DSEIR (note – all of the items underlined in this subchapter are included in subchapter 9.2). The circulation period for the NOP was from October 8, 2008 through November 7, 2008.

A scoping meeting was on the held in the Student Center of the SJCC campus for the Update on the evening of October 10, 2008. A notice of the scoping meeting was mailed to the recipients of the Notice of Preparation (NOP), property owners and residents within a 600' radius of the campus, as well as an advertisement in the San Jose Mercury News. A. The mailing to the property owners and residents within a 600' radius of the campus, as well as an advertisement in the San Jose Mercury News are beyond what is required under Section 15082 of the CEQA Guidelines. Approximately twenty-one (21) persons, including SJCC personnel signed the attendance sheet. Overall, it is estimated that 25 people were in attendance. A comprehensive project description was presented. In addition, the Initial Study and NOP of the Update were presented. The scope of issues to be analyzed in the CEQA Guidelines was presented. The members in attendance asked question and provided comments, which are summarized on the scoping meeting minutes.

The CEQA related issues raised at the scoping meeting included the following:

- Aesthetics of the existing ninety foot (90') poles (and other height poles) surrounding the ~~baseball field~~ **Baseball Field Complex**. Impacts of the poles and netting to all adjacent residences.
- Parking adequacy on campus, impacts from events at the athletic fields and the status of the second parking structure.
- Status of the transparent light tower - proposed at the main entrance as part of the Multidisciplinary Classroom Complex. It would be approximately five stories high (roughly 120 feet).
- Campus traffic, circulation patterns and impacts to residential neighborhoods.
- Noise sources: trucks, service vehicles, motorcycles and the PA systems for the sports fields.
- Loss of mature trees.

After the meeting, SJCC Staff was advised that there were additional neighborhood organizations that may be interested in the Project as well as the SEIR. A subsequent letter

was mailed to them, as well as all persons who attended the scoping meeting, dated October 20, 2008. This letter was not required per the CEQA Guidelines, but was sent out in a spirit to inform and solicit input and included an update as well as a link to an “ftp” site where the NOP and Initial Study could be viewed. No phone calls, e-mails, comments letters or other correspondence were received from the additional neighborhood organizations during the NOP review period or to date.

A total of six (6) letters and two (2) e-mail responses were received during the NOP review and comment period. The response letters/e-mails are contained in subchapter 9.2 and are discussed below.

### **2.2.2 Responses to the NOP for the 2009 DSEIR**

The following are responses to the comment letters submitted in response to the NOP for the 2009 DSEIR. This section has not been modified as part of the Revised DSEIR. The District’s responses follow the comment(s) in *italic* font.

■ ***Response Letter #1 from State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, letter dated October 8, 2008.***

1. This letter was a distribution of the NOP to the reviewing agencies contained on the attached distribution. These reviewing agencies included: Resources Agency, Office of Historic Preservation, Department of Parks & Recreation, Department of Water Resources, Fish and Game Region 3, Native American Heritage, California Highway Patrol, Caltrans District 4, Department of Toxic Substances Control and the Regional Water Quality Control Board Region 2.
2. This letter referenced the State Clearinghouse Number (SCH#1999122011), included a 30 day statutory comment period and provided contact information for SJCC and the State Clearinghouse.

*Response(s): No additional analysis is required in the DSEIR based on the information in this letter.*

■ ***Response Letter #2 from Department of Toxic Substances Control, letter dated October 30, 2008.***

1. In this letter, the Department of Toxic Substances Control (DTSC) acknowledged the scope of the Update. The letter also acknowledged that there could be potential environmental concerns from demolition of the older structures on-site. They recommend these concerns be investigated and mitigated in accordance with the DTSC’s “*Interim Guidance, Evaluation of School Sites and Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochloride Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers, dated June 9, 2006.*” Lastly, the letter invited SJCC to participate in DTSC’s School Property Evaluation and Cleanup Program.

*Response(s): The Initial Study indicated that Hazard impacts did not result in an "Unavoidable Significant Impact" in the Prior Project EIR. Hazards were discussed in "Significant Irreversible Environmental Changes" (Section 8.0 of the Prior Project EIR). According to this Section, the District would implement standard (required) safety procedures to prevent worker exposure to asbestos, should asbestos be found during building demolition. In addition to this requirement, the above referenced DTSC recommendation will be included as a mitigation measure for the Update. The DTSC's "Interim Guidance, Evaluation of School Sites and Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochloride Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers, dated June 9, 2006" is included in the Technical Appendices to this DSEIR. No additional analysis is required in the DSEIR based on the information in this letter.*

■ **Response Letter #3 from City of San Jose, Department of Planning, Building and Code Enforcement, letter dated November 19, 2008.**

1. In this letter, the City of San Jose, Department of Planning, Building and Code Enforcement (City) acknowledged receipt of the NOP.
2. The primary concerns raised pertained to Traffic. The City of requested that the "EIR fully analyze program and project level traffic for the proposal and identify and mitigate any projected traffic impacts." In addition, the City indicated that "the EIR should address program, project and cumulative traffic impacts, specify any proposed road and intersection improvements, and analyze consistency with the City of San Jose's Transportation Level of Service Policy as well as consistency with the Santa Clara County VTA guidelines." Contact personnel were provided and the City indicated that they were looking forward to reviewing the Draft SEIR during the public review period.

*Response(s): The traffic issues raised by the City will be fully addressed in the DSEIR in the manner prescribed above. A Traffic Study is being prepared for the DSEIR.*

■ **Response Letter #4 from Santa Clara Valley Transportation Authority (VTA), letter dated November 6, 2008.**

1. This letter acknowledged VTA staff reviewing the Initial Study that accompanied the NOP.
2. The SEIR should address potential Transportation Demand Management (TDM) measures in the analysis of the Transportation/Traffic impacts. Also, the SEIR should consider the role that transit can play in reducing single-occupant automobile trips to the campus.
3. In addition, VTA's Congestion Management Plan (CMP) requires a Traffic Impact Analysis (TIA) for any project that is expected to generate 100 or more peak-hour trips and that the VTA *Transportation Impact Analysis Guidelines* (TIA Guidelines) be used when preparing the TIA.
4. Lastly, VTA recommended the project include bus stop improvements for the existing bus stops on Leigh Avenue (south of Moorpark Avenue) and on Leigh Avenue (opposite Kingman).

*Response(s): The items raised by VTA will be addressed in the DSEIR. A Traffic Study (TIA) is being prepared for the Update and will discuss TDM measures and will utilize VTA's Guidelines when preparing the TIA. Lastly, the bus stop improvements will be included as mitigation measures for Transportation/Traffic in the DSEIR.*

■ **Response Letter #5 from Caltrans, letter dated November 5, 2008.**

1. This letter acknowledged that Caltrans reviewed the NOP and provided the following comments. Caltrans indicated that they are primarily concerned with potential impacts of the proposed project on State highway facilities in Santa Clara County and the regional State transportation network in adjacent counties.
2. Caltrans indicated the District's responsibilities for mitigation from project impacts to the state highways. The letter indicated: "the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's traffic mitigation fees should be specifically identified in the environmental document."
3. Caltrans indicated that a TIA needed to be prepared in coordination with Caltrans Staff and the Caltrans "Guide for Preparation of Traffic Impact Studies." Seven (7) specific items required in the TIA were listed.
4. Lastly, Caltrans indicated that they looked forward to reviewing the TIA (including Technical Appendices) and the DSEIR.

*Response(s): The items raised by Caltrans will be addressed in the DSEIR. A Traffic Study (TIA) is being prepared for the Update and will utilize Caltrans' Guidelines when preparing the TIA.*

■ **Response Letter #6 Ms. Randi Kinman, letter dated November 7, 2008.**

1. I do want to reiterate my concern that crucial offices were not on the notification list at the outset. The County Supervisor and several neighborhood organizations were not on the original contact list, making it impossible for them to have a full 30 days to review the initial study.

*Response: Comment noted. Pursuant to Section 15082(a) of the CEQA Guidelines: "Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to the Office of Planning and Research and each responsible and trustee agency a notice of preparation that an environmental impact report will be prepared." The notice of preparation (NOP) for the DSEIR was prepared and distributed in the manner prescribed in Section 15082 of the CEQA Guidelines. In addition, the NOP was sent to the persons who were identified as having an interest in the DSEIR. The County of Santa Clara was a recipient of the NOP and did not respond within the 30-day comment period.*

*A scoping meeting was held on October 10, 2008. The notice of the scoping meeting was mailed to the recipients of the NOP, property owners and residents within a 600' radius of the campus, as well as an advertisement in the San Jose Mercury News. The mailing to the property owners and residents within a 600' radius of the campus, as well as an advertisement in the San Jose Mercury News are beyond what is*

*required under Section 15082 of the CEQA Guidelines. After the meeting, San Jose City College Staff was advised that there were additional neighborhood organizations that may be interested in the Project as well as the DSEIR. A subsequent letter was mailed to them, as well as all persons who attended the scoping meeting, dated October 20, 2008. Again, this letter was not required per the CEQA Guidelines, but was sent out in a spirit to inform and solicit input. No phone calls, e-mails, comments letters or other correspondence was received from the additional neighborhood organizations.*

### **Background Information, Initial Study and Chronology**

2. A comparison between the original plan and the “new” or current plan should be laid out side by side. There are several things that were not in the “old” plan that have already been completed (e.g. surface parking lots on Leigh) and it is not clear from the document that these were not in the original document.

*Response: Comment noted. This information was summarized in the Initial Study and will be further elaborated upon in the Project Description for the DSEIR.*

3. The document indicates a net loss of building space but does not include a square foot study of pervious vs. impervious square feet. This is an important note because current storm water run off policies look at pervious square foot gain or loss. In addition, it is not an accurate depiction of the project to state a net loss of building space if we are gaining impervious parking lots.

*Response: Comment noted. This will be further elaborated upon in the Project Description in the DSEIR.*

4. Throughout the document there is reference to anticipated student body counts of 12,169 by 2021. Since we have been advised that the campus has seen double digit increase in enrollment and is now at over 10,000 students, it would seem likely that a 2,000 student increase over the next 13 years is underestimating the count. While this means the campus should congratulate itself on being relevant and needed these days, is there a better way to estimate the student body numbers for the future? What is the maximum capacity at any given time? What are the numbers of faculty and staff required to operate, maintain and run the campus with these numbers? Can we assume in future calculations that 1000 students equal a specific number of faculty and support staff? If so, can this be included in future documents?

*Response: Comment noted. This will be further elaborated upon in the Project Description in the DSEIR.*

5. The second parking structure has been pushed from one phase to another and does not appear to be in the time line as originally anticipated. In addition, it was stated at public meetings that there is no real expected time line for this structure as it is “too expensive”. Can the documents reflect original time line for all pieces of the entire project, where they have moved to and how they appear now? It is important for all of to know what was planned and promised originally compared to what is planned and

expected now.

*Response: Comment noted. The second parking structure is included as part of the Facilities Master Plan Update 2021. This item will be analyzed in the DSEIR.*

6. It is difficult to compare the original EIR with the new report since I don't have a copy. Even an electronic copy would be helpful for everyone involved. If this isn't possible, then I'm afraid I'm going to have to ask for a side-by-side comparison when the current document refers to the previous one.

*Response: Comment noted. The Prior Plan EIR has been utilized as an earlier study and will be included in the Technical Appendices of the DSEIR. The Prior Plan EIR is on file with the San José/Evergreen Community College District.*

7. While the housing across Hwy 280 was and is currently in the unincorporated county, much of it will be annexed by the time this current process is complete.

*Response: Comment noted. No other analysis is needed at this time.*

### **Aesthetics**

8. The major fault in the document is to assume that the aesthetics are only concerned with views and vistas affecting the campus itself. Addition of minor landscaping cannot reduce the aesthetic impact of 90' netted towers and a monolithic interface with Leigh Avenue along the proposed ball field site. This project reaches the level of significant impact even with proposed mitigation as it adversely impacts both day and nighttime views for the surrounding area. The front yards of our homes, the sides of apartments and the backyards of historic Eichlers are now met with what feels like a large cage. In the case of adjacent apartments, privacy is also being sacrificed.

*Response: Comment noted. The DSEIR will identify the Project's current aesthetic environmental setting, analyze the Project's impacts and propose mitigation measures to avoid or reduce these impacts, where feasible. In addition, the DSEIR will determine if there are cumulative impacts and any unavoidable adverse impacts. The DSEIR will conclude whether the impacts have been mitigated, or whether they will become either a cumulative or unavoidable adverse impact, or both.*

9. SJCC participated in San Jose's (SJ) Redevelopment Agency (RDA) Strong Neighborhood Initiative (SNI) development process prior to the completion of the original EIR. SJCC staff sat on the Burbank/Del Monte (B/DM) Neighborhood Advisory Committee (NAC) board while this process took place and SJCC is well aware that the area was considered economically, socially and visually blighted. The proposal that creates a monolithic wall of fencing along Leigh Avenue, along with a large wooden fence, creates a visually blighted condition that detracts from the stated purpose of developing pedestrian friendly paths through our neighborhoods and connecting SJ schools.

*Response: Comment noted. See response for Comment No. 8, above.*

10. Additionally, the originally EIR evidently states that landscaped perimeters act as a visual buffer, reducing the impact of the campus. Since the majority of this buffer has been removed, this creates a significant impact that cannot be mitigated. While tree planting comes at the end of a project, there is no proposal to replace the mature lines of trees already removed within a decade of their removal. This implies that there is no mitigation.

*Response: Comment noted. See response for Comment No. 8, above.*

11. The original EIR did not discuss the “new” placement of the ball field, so for this and the reasons previously stated, the SEIR should include aesthetic impact relating to views and vistas.

*Response: Comment noted. See response for Comment No. 8, above.*

### **Agricultural Resources**

12. I have no comments on this section.

*Response: Comment noted. No further analysis is needed at this time.*

### **Air Quality**

13. I believe that the air quality issue is one that should be addressed as it relates to where the bulk of long term campus related auto and bus traffic affects residential units. The original plan called for multiple multi-story parking garages and a full interface in and out of the campus at the Leland/Moorpark intersection. This plan was changed without benefit of study, changing the existing traffic patterns. With a significant amount of traffic entering/exiting the Leigh Avenue side of campus, and with no ability to process through traffic via Leland, the Leigh Avenue side continues to be exposed to the bulk of traffic. This residential side of the campus includes low income and senior housing with a high risk population. In addition, events that bring people to the campus in buses use the Leigh Avenue surface lots, creating congestion and airborne pollutants at a level not previously discussed.

*Response: Comment noted. As discussed in the Initial Study, the following issues areas will be further analyzed in the DSEIR:*

- *Conflict with or obstruct implementation of the applicable air quality plan.*
- *Violate any air quality standard or contribute substantially to an existing or projected air quality violation.*
- *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*
- *Expose sensitive receptors to substantial pollutant concentrations.*

14. What were the results of the air quality studies from the 2000 EIR as cited in the new document?

*Response: Comment noted. According to the Initial Study, Air Quality was analyzed in Section 5.3 of the Prior Plan EIR. According to the Prior Plan EIR, implementation of the Prior Plan would result in the generation of air pollutants during construction and operation activities. Fugitive dust generated by on-site grading activities would be less than significant given that the College would implement dust control measures recommended by the Bay Area Air Quality Management District (BAAQMD). Operational emissions from stationary sources and vehicle trips would not exceed the thresholds of significance recommended by the BAAQMD and, therefore, would not be considered individually significant. Given that the San Jose 2020 General Plan EIR identified unavoidably significant impacts related to regional air quality, and that the Prior Plan would generate more vehicle trips than accounted for in the General Plan EIR, it was concluded that the Prior Plan's contribution toward operational emissions impacts would also be significant. Mitigation measures could reduce operational emissions; but it was determined that there was no guarantee that these measures were feasible or that they would be maximally effective in reducing operational emissions. Cumulative impacts related to operational emissions remained significant and unavoidable.*

*The Prior Plan EIR determined that the Prior Plan impacts related to localized carbon monoxide (CO) emissions along all study roadway intersections and freeway segments of SR-87 and SR-17 would not exceed the State or Federal standards and therefore would not be significant. Localized CO emissions generated by the Prior Plan would contribute to the exceedances of the 8-hour CO standard at the freeway segments along I-880 and I-280. However, the CO 8-hour standard was already exceeded along the I-880 and I-280 under the existing conditions, and the project-generated traffic would not result in a measurable increase in CO levels over existing conditions. Therefore, project-specific impacts from the Prior Plan related to CO emissions along freeway segments of I-880 and I-280 would be less than significant. It was concluded that the localized CO levels generated by cumulative projects (including the Prior Plan) would not exceed Federal or State standards and would not be significant.*

*Subsection G of Section 5.3 of the Prior Plan EIR (Level of Significance After Mitigation) concluded that implementation of the measures identified in the Prior Plan EIR would reduce construction-related impacts to less than significant levels; however, cumulative impacts related to operational emissions would remain unavoidably significant.*

*Air Quality impacts did generate "Significant Irreversible Environmental Changes" (Section 8.0). As stated above, cumulative impacts related to operational emissions would remain significant and unavoidable. Only the Prior Project's non-impacts to expose sensitive receptors to substantial pollutant concentrations; or create objectionable odors affecting a substantial number of people were considered an "Effect Found Not to be Significant" (Section 10.0).*

*Ultimately, the District adopted a Statement of Overriding Considerations as the Prior Plan resulted in significant unavoidable impacts related to this issue area.*

### **Biological Resources**

15. The biological impact of removing mature trees extends beyond the need to preserve raptor and protected species habitat. I see nothing in the document that time lines any tree replacement mitigation and understand that this is usually left to the end of the project, but that would mean a decade before replacements have been planted. This is not acceptable.

*Response: Comment noted. The species identified are those required per CEQA. The Biological Resources, as identified by CEQA are as follows: whether the Proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any specifics identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

*Two issue areas: 1) whether the Proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any specifics identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; and 2) whether the Proposed Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites were identified as having Project impacts that were "Less Than Significant With Mitigation Incorporated." These mitigation measures, which are listed below, were included in the Initial Study and will apply to the Update.*

*The local biodiversity of the campus and surrounding areas has been impacted by the removal of vegetation. Residents are experiencing periodic seagulls associated with the construction sites and an influx of nuisance birds like pigeons. Restoration of habitat should go along with the project. Inclusion of bat houses will diminish the need*

to mitigate for insects. This will have a beneficial ripple affect. Native species should be planted in accordance with local policies.

- 4-1 No earlier than 45 days and no later than 20 days prior to the removal of any woodland habitat that would occur during the nesting/breeding season of native bird species potentially nesting on the site (March 1 through August 1), a qualified biologist will conduct a survey. This biologist will determine if active nests of special-status birds or common bird species protected by the Migratory Bird Treaty Act and/or California Fish and Game Code are present in the construction zone or within 50 feet of the construction zone (100 feet for raptors). If active nests are found within the survey area, clearing and construction within 50 feet (100 feet for raptors) would be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.**
- 4-2 The District shall conduct an update to the 1998 Arborist Report. Based on the findings within the Updated Arborist Report, all existing mature and memorial tress determined as very healthy shall be preserved and protected during Campus renovations.**

The other issues were identified has having "No Impact" from the Project.

Tree removal and replacement was addressed in the Visual Quality Section of the Prior Plan EIR. No specific time requirement for tree replacement was included as a mitigation measure in the Prior Plan EIR. The timing for replacement of trees/planting of new trees is on-going and should be coordinated with the completion of each individual project within the Master Plan. Aesthetics will be addressed in the DSEIR (reference responses to No. 1, above). No further analysis is needed in the DSEIR for Biological Resources.

16. In addition, the removal of large, mature trees and the surrounding greenscape has diminished the ability of the campus to prevent storm water run off. The thousands of gallons each tree stored during the wet season is now flowing down the drains and this results in the Moorpark/Leigh intersection flooding with small rains lately.

*Response: Comment noted. We appreciate your observations and opinion regarding this issue. The Project's Civil Engineer indicated the following:*

- *It is true that a net increase in impervious surface (buildings, walks, parking) will increase storm water runoff if no detention or retention is provided.*
- *Trees draw water from the ground not surface runoff. The removal of trees would not significantly add to surface runoff of storm water.*
- *According to a conversation with Jeff Daniels, City of San Jose Department of Transportation, maintenance records indicate that the only problem that they have had in the past two years at the corner of Moorpark and Leigh is the inlet at the southwest corner filled up with pine needles and caused localized flooding. Once the needles were removed the water subsided.*

*Based on this information, not further analysis is needed in the DSEIR.*

### **Cultural Resources**

17. No comments at this time.

*Response: Comment noted. No further analysis is needed at this time.*

### **Geology/Soils**

18. My only comment on this section is to reiterate conversations we've had concerning the sound wall to be built on the south side of the campus and how it interfaces with existing buildings.

*Response: Comment noted. This is an on-going issue and does not have any environmental effects, beyond those anticipated in the Prior Plan EIR that need to be analyzed in the DSEIR. This comment does not relate to Geology/Soils.*

### **Hazards**

19. I believe that the SEIR needs to address emergency access, not just on the campus, but the problems that have arisen since some of the changes have been made. The realignment of the Leland/Moorpark interface along with the clumping of parking on Leigh Avenue has created a situation that congests traffic, making it more difficult for emergency access. This issue needs to be revisited as the Moorpark Avenue side of campus is a primary route for ambulances leaving the vicinity of Valley Medical Center. I have routinely been stuck in this area when emergency vehicles are trying to access Hwy 280 and have witness the complete stall of traffic that hinders a rapid response. This is a public safety issue for both the campus and general public. It is exacerbated during times when the campus is being used to capacity with events and ball games and hundreds of pedestrians adding to the vehicle mess.

*Response: Comment noted. Since the circulation of the NOP, follow-up conversations were made with the San José/Evergreen Community College Police Department (College PD), the San Jose Police Department (SJPD), the San Jose Fire Department (SJFD) and the American Medical Response (AMR- ambulance service). The following is a synopsis of the conversations:*

- *Ray Aguirre, Chief of Police for the San José/Evergreen Community College Police Department (College PD). The College PD has primary jurisdiction over both San Jose City College (SJCC) and Evergreen Valley College (EVC - located 14 miles away). The College PD has four (4) permanent officers to police both Colleges. They work two (2) shifts each and work Monday through Saturday. The San Jose Police Department (SJPD) takes all calls (after hours). The College PD has four (4) reserve officers for coverage of sick/vacationing officers. He indicated that reportable crimes in the area are pretty standard and not above or beyond what is normal. The College PD has become more proactive and engaged in the*

*community and they try to be seen on and off campus and in the neighborhoods. He indicated that he has seen no upsurge of crime but he could definitely use 6-7 more officers ideally to work graveyard and not depend on SJPD and for better man power in general. As for large events, they contract with SJPD for the number of officers they need per event. Six years ago they had an incident where things were not organized well and there was a problem. Since then they have formed an events committee and they organize and staff officers as needed, handle custodial services and IT and the organizers of the events pay for security and the College PD reserves the right to turn down any event that they feel would not be good for the college or the community. As far as auto theft and burglary in general, he says it is typical for area and compared to De Anza College in Cupertino, which is in a nicer area even, the SJCC has a lower rate for these problems. Trespassing is an issue as the campus is open and anyone can walk onto campus or the surrounding neighborhood and vagrancy can be an issue as well.*

- *Brad Cloutier, Bureau of Fire Prevention. Station 4 on Leigh Avenue provides both truck and engine service. The engines are the first to respond to any emergency; then any subsequent emergencies are dispatched by the truck company. He indicated that the only way response times would be hindered near the campus or on-site is if there are emergencies in progress that the trucks and engines responded to already then station 10 (next closest) or other stations would have to cover. While Moorpark is sometimes congested – Leigh is usually open and easily accessible. American Medical Response handles ambulance service in the area.*
- *Geoff Kady, Fire Department Bureau of Support Services. He indicated that Station 4 achieves the eight minute response time at 98.3% of the time. Their goal is an eight (8) minute 8 response time 80% of the time. He also indicated that Station 10 is operating with an 82.1% efficiency.*
- *Chris Moore, Deputy Chief (San Jose Police Department). He indicated that the City is safe overall and that particular neighborhood is doing well because the neighbors are so involved.*
- *Marcie Morrow, American Medical Response (AMR). AMR is meeting their contracted requirement for response times and other than normal rush hour traffic. It was indicated that there is no problem with congestion near the College; especially since the response times are being met.*

*Based on the analysis in the Initial Study and the information obtained from the pertinent public services entities (above), any impacts from the Update can be mitigated to a less than significant level. No additional analysis is required in the DSEIR.*

## **Hydrology and Water Quality**

20. While the project does not affect a major waterway, the cumulative affect of removing vegetation, increasing surface parking and not initiating mitigation measures has had its effect on local storm systems. It is a simple math equation to count the number of trees that have been removed, multiply by the amount of water each stored and figure out that amount is now (at least partially) running off. Simply watching the storm drains back up is evidence something is not working right and has been getting worse each year. This is an unbelievable hazard for pedestrians who are utilizing the campus or trying to access the local transit stop.

Finally, a mitigation plan to limit pesticide and chemical run off should be developed.

*Response: Comments noted. We appreciate your observations and opinion regarding this issue. The Project's Civil Engineer indicated the following:*

- *It is true that a net increase in impervious surface (buildings, walks, parking) will increase storm water runoff if no detention or retention is provided.*
- *Trees draw water from the ground not surface runoff. The removal of trees would not significantly add to surface runoff of storm water.*
- *According to a conversation with Jeff Daniels, City of San Jose Department of Transportation, maintenance records indicate that the only problem that they have had in the past two years at the corner of Moorpark and Leigh is the inlet at the southwest corner filled up with pine needles and caused localized flooding. Once the needles were removed the water subsided.*

*According to the Project's Civil Engineer, the key factor in determining the impact of development on the local storm system is to calculate the "peak" runoff. The peak runoff is calculated by determining the time it takes for the entire site to contribute to the runoff. If some or all of the new development runoff is "detained" or slowed down so that its runoff contribution is after the traditional "peak" flow, the "peak" flow will then be reduced and provide a benefit to the local storm system. For example, the proposed artificial turf baseball field, which is over 2.5 acres, provides for a reduction in the peak runoff by increasing the time the storm water runoff reaches the local storm system. The field increases the length of the runoff, decreases the slope of the runoff and encourages the water to infiltrate the fields permeable base and collected in a perforated sub-drain system. All these factors create a detention of the storm water and decrease the overall "peak" runoff.*

*This issue does not require any further analysis in the DSEIR.*

21. The increase in surface parking lots also increases localized run off of pollutants.

*Response: Comment noted. This issue was addressed in the Initial Study. According to the Initial Study, the Proposed Project could have a less than significant impact with mitigation incorporated that would violate any water quality standards or waste discharge requirements; create or contribute runoff water which would exceed the*

*capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or otherwise substantially degrade water quality. Construction related impacts would be avoided through preparation of a Stormwater Pollution Prevention Plan (SWPPP), which is required under NPDES for development over five acres. The following mitigation measure will be incorporated to the construction phase of any project.*

**8-1 A Stormwater Pollution Prevention Plan (SWPPP – which is required for any development over five acres) will be prepared prior to any construction activities. The District will also implement standards (BMP’s) to reduce construction-related impacts to water quality.**

*Since the certification of the Prior Plan EIR, new regulations have been enacted to protect water quality during the operational phases of a project. This is achieved through the development of a Water Quality Management Plan (WQMP). The WQMP contains best management practices (BMP’s) and other measures necessary to protect water quality. These best management practices can include management activities, as well as mechanical and infiltrative treatment measures.*

*The implementation of these practices is expected to minimize or eliminate any impacts to water quality. The requirement for the preparation and implementation of the WQMP is contained in the following mitigation measure:*

**8-2 Prior to site grading the District shall approve a Water Quality Management Plan as required by the program requirements in effect at that time.**

*With the incorporation of the above referenced mitigation measure, impacts will be reduced to a less than significant level. It was determined that these issue areas would not be analyzed further in the DSEIR.*

22. What is the plan to prevent pesticide or polluted run off from fields or surface lots? How has the campus mitigated these issues or how does it plan to and when?

*Response: Comment noted. See the response for 8.b., above. According to the Project’s Civil Engineer, pesticide and chemical runoff will be reduced based on the fields being converted from grass to artificial turf, which do not require chemical or pesticide treatment. Surface lots can be mitigated by implementing any of the SCVURPPP C.3 storm water treatment measures; such as a vegetated buffer strip, bio-swale, or a hydrodynamic separator.*

*Mitigation measures (see above) were provided in the Initial Study. This issue does not require any further analysis in the DSEIR.*

### **Land Use and Planning**

23. The current proposed ball field and some of the existing, unapproved (via EIR) improvements are in conflict with local planning and land use guidelines. While the

document originally called out San Jose 2020, this is in update status and the SEIR should go along with proposals being developed for the SJ 2040 plan. In any case, I find some significant flaws in aligning local policies with the campus plan. Since the flaws occur in areas adjacent to each other, more consideration should be given to meeting local standards.

*Response: Comment noted. As stated in the Initial Study, the Proposed Project may create a potentially significant impact that could conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. The San Jose 2020 General Plan does not have jurisdictional authority over the campus, as the College is part of the State Community College System. However, an updated discussion of consistency with policies of the San Jose 2020 General Plan as they pertain to adjacent land uses will be provided in the DSEIR. In addition, the DSEIR will also consider applicable policies of the Santa Clara County General Plan relative to the homes north of the campus. While not applicable in the immediate discussion above, the inclusion of approximately 90' high poles and fencing and a 20' high wall adjacent to the baseball field along Leigh Avenue creates the potential for incompatible adjacent land uses. This includes the potential impacts created by errant balls exiting the baseball field onto adjacent roadways and properties. Additional analysis, as it pertains to impacts from the Proposed Project on adjacent land uses, will be included in the Aesthetic Resources Section of the DSEIR.*

24. The conclusion regarding the ball field that the impacts can be mitigated is flawed because it assumes that 90' netted poles will mitigate the negative impact of a ball field placed in an area incompatible with adjacent use. The nets actually exacerbate the first problem of incompatible land use while creating their own separate problem.

*Response: Comment noted. Please refer to response to 1.a. in Aesthetics. This issue will be further analyzed in the DSEIR.*

25. The field creates a block long wall incompatible with the ideals of walkable communities. This is the main walkway for students attending all levels of education and is now converted to a lengthy, treeless stretch of concrete and wire. Local building would require a set back from the sidewalk for an 8-story project or even a fence exceeding 8'. The "proposed" field is on a zero set back.

*Response: Comment noted. Access points to the campus have been provided along Leigh Avenue, adjacent to the baseball field. This issue are does not require any further analysis.*

26. Construction of active fields adjacent to living quarters is not approved locally as it creates an extreme conflict and hardship for residents when the fields are in use. These fields are just feet away from living spaces with no buffer.

*Response: Comment noted. The potential impacts from the proposed location of the baseball field in proximity to adjacent residences, including aesthetics, noise land use compatibility and traffic will be analyzed in the DSEIR. Mitigation measures will be proposed to avoid or reduce impacts to a less than significant level, when applicable.*

27. Sound systems on campus already are a source of misery for residents. Adding another one adjacent to bedroom windows would not be approved if this were under local jurisdiction and shows a lack of regard for the privacy or welfare of residents.

*Response: Comment noted. Comment noted. The noise effects of new sound system will be analyzed in the DSEIR.*

28. The lack of on site parking for the ball field would not meet local standards. The obvious thing for people using the field to do will be to use surface residential streets, creating a negative impact.

*Response: Comment noted. Parking will be addressed in the DSEIR.*

29. The City of San Jose is installing a signalized intersection at Leigh and Kingman to alleviate the problems associated with illegal in excessive traffic in this area. The driveway currently in use at the field will be closed, creating a field with no vehicle access.

*Response: Comment noted. Traffic circulation will be addressed in the DSEIR.*

30. There is no way to diminish the impact that a 90' net fence has on the neighborhood. The poles are the first thing we see when we walk out our door or sit in our yards. There would, accordingly, be no way to mitigate the impact of a field in constant use. It can be argued that the SJCC use is finite and seasonal, but the campus extends (as it should) it's facilities to other groups and leagues.

*Response: Comment noted. Aesthetic impacts will be addressed in the DSEIR. The baseball field will have restrictions on its use (i.e., no night time use) and will not be in constant use.*

31. Besides the ball field, the document should include the "new" surface parking that was installed on Leigh Avenue. Several lots not included in the original EIR have been built without benefit of public input prior to development. This was a significant land use decision that has long term impacts on the entire project. It affects residents because it tips the balance of parking and traffic away from commercial streets and onto residential streets. It allows a complacent attitude towards the proposed second parking structure because it provides "alternative" parking.

*Response: Comment noted. The existing environmental setting will be part of the DSEIR. An additional parking structure is included as part of the Facilities Master Plan Update 2021. This item will be analyzed in the DSEIR.*

32. The time line and agreement for the wall on the south side of campus need to be part of the SEIR. There have been too many changes and push backs coming from SJCC on this issue and the neighborhood has had to fight this issue over and over.

*Response: Comment noted. It is anticipated that the wall will be installed in the Summer 2009.*

### **Mineral Resources**

33. I have no comment on this section.

*Response: Comment noted. No further analysis is needed at this time.*

### **Noise**

34. The existing changes to the campus under the 2000 EIR have created noise issues that need to be addressed and mitigated in the SEIR. While mitigation of construction noise is possible and should be contained, the long term problems of the sound system that came with the rehab of the football field is a problem for the neighbors that only gets worse each year.

*Response: Comment noted. Construction and operational noise sources will be analyzed in the DSEIR.*

35. Tighter controls over construction issues need to be implemented. Neighbors should receive timely notice of demolition and major projects in advance. Mitigation measures should be in place and stiff penalties should be meted out for violations. In addition, better care should be given when relocating things like garbage dumpster areas because the noise from emptying them at 6am can create a problem for people living across the street.

*Response: Comments noted. Construction and operational noise sources will be analyzed in the DSEIR. Project design, impacts and potential mitigation measures will be recommended in the DSEIR.*

36. The ongoing problem of the sound system at the football field needs to be addressed before any installation of new sound systems elsewhere continues. The levels are incompatible with local guidelines, have been documented repeatedly over the years and have become worse each year. Again, removal of mature trees was a significant act in neighborhood intrusion.

*Response: Comment noted. Construction and operational noise sources will be analyzed in the DSEIR.*

37. The proposed sound system for the proposed baseball field is not acceptable under any circumstance. It does not meet local standards and is completely incompatible

with adjacent land use. It should be noted that time and time again the neighborhood asked SJCC staff and administration and were each time assured that no bleachers and no sound system would be installed. In addition, the constant noise from practice (which goes on for months outside the season) and the increase in noise from use of the field will be at unacceptable levels. Recent studies in San Francisco trace ambient, lower level and aggravating noise to many health conditions that diminish the lives of its citizens. It should be inferred from this that the constant ping/dink/whack of bat on ball is going to be an aggravation and nuisance to those who live just yards from home plate.

*Response: Comment noted. Construction and operational noise sources will be analyzed in the DSEIR.*

38. Finally, while it is easy for the campus to look at each component of the improvement project separately, you need to remember we in the neighborhood have been living in a construction zone (not of our choosing) for almost a decade. Consolidation of projects and timely completion will mitigate the ongoing noise.

*Response: Comment noted. Projects cannot be consolidated, due to scheduling and funding allocations. It is the intent of the College to provide updates to the neighbors, on a regular basis, regarding the planning, timing and duration of individual projects. This issue does not require any further analysis in the DSEIR.*

### **Population/Housing**

39. Please have enrollment numbers reflect not only current enrollment numbers, but how that is calculated for the future, what the campus capacity is and how many support personnel are required.

*Response: Comment noted. This will be further elaborated upon in the Project Description in the DSEIR.*

### **Public Services**

40. Again, existing conditions, due to changes in the campus, must be addressed. The assumptions of the original EIR did not take into account “unintended consequences” that have been documented and discussed.

*Response: Comment noted. The DSEIR will focus on the following issue areas: Aesthetics, Air Quality, Land Use/Planning, Noise, Recreation and Transportation/Traffic. Each issue area will contain a discussion on the current environmental setting, as required in the CEQA Guidelines.*

41. For instance, public safety was greatly hampered during the initial phases and streets along the east (Leigh) side of campus were full of vehicles daily and during special events. It took concerted effort and several years before the auto and subsequent

residential burglaries were reduced. We are again seeing that having a lot of easy targets on the street adds to public safety issues. The City of San Jose and its residents have spent years and revenue mitigating the problems from overflow parking and uncontrolled traffic. We have installed permit parking, signage to allow street sweeping and lobbied constantly for traffic calming.

*Response: Comment noted. The Traffic Analysis to be performed for the DSEIR will review the current environmental setting. As stated in the Public Safety Section of the Initial Study, the Proposed Project would have no substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for schools, parks and other public facilities. The Proposed Project involves the reorganization of campus facilities and the reconfiguration of campus access and circulation from the Prior Plan. The Proposed Project will result in an overall decrease in OGSF and ASF. There were no impacts from the Prior Plan on these issue areas and the same conclusions apply to the Proposed Project. These issue areas will not be analyzed further in the DSEIR.*

*The NOP, Initial Study, notice of scoping meeting, and scoping meeting follow up letter were also sent to the San Jose Evergreen Valley College Police Department (College PD) and the City of San Jose Planning, Building and Code Enforcement. No phone call, e-mails, comments letters or other correspondence was received from these entities. Follow-up conversations were made San Jose - Evergreen Campus Police Department (College PD), the San Jose Police Department (SJPD), the San Jose Fire Department (SJFD) and the American Medical Response (AMR- ambulance service).*

*Based on the analysis in the Initial Study and the information obtained from the pertinent public services entities (see Response No. 18 for more detail), any impacts from the Update can be mitigated to a less than significant level. No additional analysis is required in the DSEIR. A copy of this DSEIR, with will be sent to the public services agencies for their review and comment as these responses pertain to Public Safety issues.*

42. The campus is a mini-city without a police force. There is a need to develop a comprehensive policy for on site officers at all times, extended jurisdiction and action during special events and better coordination for emergency services. The campus has not presented a service plan that addresses existing safety issues and should not continue to expand without one. The ongoing illicit and illegal activities that occur around the perimeter of the campus cannot be addressed by part time staff.

*Response: Comment noted. See Responses No. 19 and 42. No additional analysis is required in the DSEIR.*

43. Lighting around the perimeter of the campus needs to be enhanced to allow safe pedestrian passage. Since it is accepted that students are using public surface streets due to the lack of onsite parking, the campus needs to upgrade its perimeter.

On site parking needs to be developed to accommodate all who use the campus or work there.

*Response: Comment noted. See Responses No. 19 and 42. No additional analysis is required in the DSEIR.*

44. Public safety depends on the ability to safely move vehicle traffic in and out of the campus. The current design leaves no direct freeway access from the Leland/Moorpark point and is not conducive to moving traffic in or out of campus. This means people take the “easy” way and make illegal turns in and out of Leigh Avenue drives. The campus has created a problem on Leigh that cannot be solved until all the original access points are put into place.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

45. There must be security in and around the neighborhoods during large events. The cost of policing illegal parking, trespassers, litter and obnoxious behavior must be borne by the campus and its users. This has been a well documented problem that must be fixed before any discussion of expansion of sports facilities goes forward. We never have violence after a concert but I can guarantee there have been tens of thousands of dollars spent on policing before, during and after football and track and field events.

*Response: Comment noted. See Responses No. 19 and 42. No additional analysis is required in the DSEIR.*

46. The ability for police and fire to respond on or off campus depends on being able to obtain access currently not available to them because people are stuck through multiple signals at intersections.

*Response: Comment noted. See Responses No. 19 and 42. No additional analysis is required in the DSEIR.*

## **Recreation**

47. While I agree with the assumption that students and faculty will not be utilizing the scan resources of “local” parks, I would hope that the campus returns to the idea of being part of the community and opening it’s facilities to local youth programming. This served as a valuable resource in a neighborhood that has no community centers or resources.

*Response: Comment noted. No further analysis is needed at this time.*

## **Transportation**

48. Many of the transportation and traffic issues have been addressed in other sections because the transportation/parking/traffic issue permeates all issues. Until there is an agreement that the current situation is not working out well for everyone, there can be no mitigation. The current situation is faulty at best and dangerous at worst.

*Response: Comment noted. Transportation and traffic will be analyzed in the DSEIR.*

49. Current San Jose policies require that parking for any business, school or club be provided on site. This is not being done currently and the lack of prioritizing the second parking structure leads to the impression that the campus does not intend to mitigate the parking problem it has created.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

50. The lack of parking and inadequate traffic flow pattern leads to dangerous situations. The lack of direct access and a four way light at Leland and Moorpark means people cannot easily access the freeway. This causes problems on Leigh. The lack of parking on the Bascom side means people drive through the neighborhoods searching for parking, causing congestion.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

51. The SEIR should document all of the parking, traffic and congestion problems that have been implemented by the city to mitigate the problem.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

52. SJCC should develop a better pedestrian interface on the Kingman/Sherman Oaks side of campus and close this to all vehicle access as promised.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

53. Close the Leigh Avenue side of the lots to all but right in, right out and construct a low level barrier to discourage the current high rate of illegal u-turns while allowing emergency access.

*Response: Comment noted. Transportation and traffic, as well as parking will be analyzed in the DSEIR.*

54. Bus parking should be central to campus and not on Leigh.

*Response: Comment noted. Based on a comment letter received from VTA on the NOP, VTA prefers that the bus turnout be located on Leigh Avenue. They recommend modifications to the configuration of the bus turnout for better access and maneuverability.*

55. Work with the City and County to install “No Vehicle over 6” signage along perimeter of campus to improve safety of pedestrians and vehicles.

*Response: Comment note. The perimeter streets are not under the jurisdiction of the campus. This is not a CEQA related issue, specifically. Parking and Transportation/Traffic will be addressed in the DSEIR. Mitigation measures related to these issue areas will be proposed as appropriate.*

56. Complete comprehensive traffic studies around the perimeter of the campus to determine existing traffic patterns and allow intelligent design of new ones.

*Response: Comment noted. Transportation and traffic will be analyzed in the DSEIR.*

### **Utilities and Service Systems**

57. Significant changes have been made locally, state wide and nationally in upgrading how we build and maintain our land. I would hope that some of these items would be included:

- Use of graywater and recycled water systems.
- Native and low water landscaping, pervious hardscape.
- Immediate implementation of tree replacement plan.
- On site composting, electronic waste and recycling programs.
- Sustainable and green building practices.

*Response: Comment noted. According to the Initial Study, the Proposed Project involves the reorganization of campus facilities and the reconfiguration of campus access and circulation from the Prior Plan. The Proposed Project will result in an overall decrease in OGSF and ASF. Since the Proposed Project would result in similar types of uses as those on the campus currently, and there is an overall reduction in the total OGSF and ASF, impacts will be less than the Prior Project. Since the adoption of the Prior Plan, older, less water efficient buildings have been demolished, new water efficient buildings have been constructed and water efficient landscaping has been installed. The following mitigation measures, some of which were required in the Prior Plan EIR to mitigate water supply, will be implemented:*

- 16-1      The District will implement water conservation measures in new buildings, including low-flow showers, toilets and faucets.**
- 16-2      The irrigation watering system shall be designed utilizing the latest, state-of-the-art equipment to conserve water.**

*In addition, all buildings are subject to the California Building Code, which is regularly updated to include energy saving and conserving materials. Lastly, comments from the Santa Clara Valley Water District (SCVWD) resulted in expanded language in Mitigation Measure 16-2 being expanded to read: "The irrigation watering system shall be designed utilizing the latest, state-of-the-art equipment to conserve water. In addition, drought tolerant plants shall also be utilized for all new construction or replacement." This issue will not be analyzed any further in the DSEIR.*

58. In addition, I would like documentation of the gain or loss of pervious ground based on what first existed, what was originally proposed and is now proposed.

*Response: Comment noted. This information was summarized in the Initial Study and will be further elaborated upon in the Project Description for the DSEIR.*

■ **Response E-mail #1 from Santa Clara Valley Water District, dated October 15, 2008.**

Comment: This e-mail, which was received from the Santa Clara Valley Water District (SCVWD) acknowledged reviewing the Initial Study for the Update. SCVWD expressed that the proposed project does not require their approval or that they have any right-of-way or facilities within the project area. They indicated that they were concerned with "increasing water conservation when new or redevelopment occurs." They commented on mitigation measure 16-2 which reads: "The irrigation watering system shall be designed utilizing the latest, state-of-the-art equipment to conserve water." They request that the mitigation measure be expanded to include recommending the use of drought tolerant plants. Mitigation measure 16-2 will be modified to read: "The irrigation watering system shall be designed utilizing the latest, state-of-the-art equipment to conserve water. In addition, drought tolerant plants shall also be utilized for all new construction or replacement."

*Response(s): With the modification of Mitigation Measure 16-2, no additional analysis is required in the DSEIR based on the information in this letter.*

■ **Response E-mail #2 from Michael LaRoca, dated November 6, 2008.**

Comment: This letter indicated that they reviewed and commented on the Initial Study for the NOP. Those comments are itemized and responses to each comment are contained below. The letter also indicated that there were the following environmental factors that would be affected by the project. These are:

1. Hazards/hazardous materials such as airborne particulate matter during demolition.

*Response: Comment noted. Please reference Letter #2 from Department of Toxic Substances Control, letter dated October 30, 2008. In this letter, the Department of Toxic Substances Control (DTSC) acknowledged the scope of the Update. The letter also acknowledged that there could be potential environmental concerns from demolition of the older structures on-site. They recommend these concerns be investigated and mitigated in accordance with the DTSC's "Interim Guidance,*

*Evaluation of School Sites and Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochloride Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers, dated June 9, 2006.” Lastly, the letter invited SJCC to participate in DTSC’s School Property Evaluation and Cleanup Program.*

*The Initial Study indicated that Hazard impacts did not result in an “Unavoidable Significant Impact” in the Prior Project EIR. Hazards were discussed in “Significant Irreversible Environmental Changes” (Section 8.0 of the Prior Project EIR). According to this Section, the District would implement standard (required) safety procedures to prevent worker exposure to asbestos, should asbestos be found during building demolition. In addition to this requirement, the above referenced DTSC recommendation will be included as a mitigation measure for the Update. Lastly, airborne particulate matter during demolition will be included in the Air Quality Analysis prepared for the DSEIR and will be discussed in the DSEIR.*

2. Public services impact as it related to public safety services call for services.

*Response: Comment noted. See Responses No. 19 and 42. No additional analysis is required in the DSEIR.*

3. The impacts from on-going construction activities will have on the City and County infrastructure as well as the adjacent community members and their residences.

*Response: Comment noted. Those impacts associated with the Update that were determined by the Initial Study will be analyzed in the DSEIR.*

4. Page 4, Table 2 of the Initial Study: “X” Building – “Should this be X, Y, Z Buildings?”

*Response: Comment noted. This should be the X, Y and Z buildings. This will be reflected in the Project Description in the DSEIR.*

5. Page 5, Table 3 of the Initial Study: Library/LRC – “Was this completed in Phase 1?”

*Response: Comment noted. Yes, this was completed in Phase 1. Table 3 is correct as presented. No changes or additional information is needed in the DSEIR.*

6. Page 6 of the Initial Study: Reference was made that the City of San Jose provided water service. The comment indicated that the water service is provided by the San Jose Water Company.

*Response: Comment noted. The San Jose Water Company shall be referenced in the DSEIR.*

7. Page 7 of the Initial Study, Table: “X” Building – “Should this be X, Y, Z Buildings?”

*Response: Comment noted. This should be the X, Y and Z buildings. This will be reflected in the Project Description in the DSEIR.*

8. Page 8 of the Initial Study: “I question this enrollment amount. Prior enrollment figures quoted were stated at 10,500 students. The current college president has stated that enrollment are up 14% which has an impact on parking ratio requirements.”  
*Response: Comment noted. The enrollment numbers have been tabulated by the Mass Companies, Inc. and verified by the San José/Evergreen Community College District Staff. The enrollment numbers have been utilized for the Traffic Study and will be included in the DSEIR.*
  
9. Page 8 of the Initial Study: “Homes to the north of the College are in unincorporated Santa Clara County and the City of San Jose.”  
*Response: Comment noted. This change will be incorporated into the DSEIR.*
  
10. Page 8, Item 11: “Santa Clara County Water District should read Santa Clara Valley Water District.”  
*Response: Comment noted. This change will be incorporated into the DSEIR. It should be noted that the NOP was mailed to the Santa Clara Valley Water District.*
  
11. Page 8, Item 11: “San Jose Municipal Water District should read San Jose Water Company.”  
*Response: Comment noted. This change will be incorporated into the DSEIR. It should be noted that the NOP was mailed to the San Jose Water Company.*
  
12. Page 9 of the Initial Study, Environmental Factors Potentially Affected, Hazards/Hazardous Materials: “Demolition of existing buildings and structures may pose a hazardous materials situation and should be included in environmental factors considered.”  
*Response: Comment noted. Please reference Response No. 1 to this e-mail.*
  
13. Page 9 of the Initial Study, Environmental Factors Potentially Affected, Public Services: “Impact on SJPd resources i.e. speeding, illegal ingress and egress from college campus, and excessive amounts of calls for service has is an economic drain on city resources and needs to be addressed.”  
*Response: Comment noted. Please reference Response No. 19 to the comment letter from Ms. Randi Kinman.*
  
14. Page 17 of the Initial Study, Aesthetic Resources: “Community members were told that new and/or existing sports facilities would not be lit at night with the exception of the football stadium but the existing lights have been replaced and/or modified which has cause additional glare to the adjacent residences.”  
*Response: Comment noted. Light and glare will be analyzed in the DSEIR.*

15. Page 58 of the Initial Study, Public Services: “The current college president has indicated that there is inadequate police services or features in place to properly protect project area users or facilities and should require further analysis in the SEIR.”

*Response: Comment noted. Please reference Response No. 19 to the comment letter from Ms. Randi Kinman.*

16. Page 65 of the Initial Study, Transportation/Traffic: This area should be further analyzed in the SEIR. If the current parking ratios do not currently exist the phasing of increased parking capacity should be increased to mitigate inadequate parking capacity.

*Response: Comment noted. Existing and proposed parking requirements and adequacy will be analyzed in the DSEIR.*

### **2.2.3 Circulation of 2009 DSEIR**

The 2009 DSEIR was circulated for public review and comment from February 24, 2009 through April 10, 2009. Seven (7) comment letters were received on the 2009 DSEIR. These comment letters are contained in Subchapter 9.4 of this Revised DSEIR. The comment letters were received from the following agencies, individuals and groups:

- Connie Gardner, April 8, 2009 (e-mail).
- Governor’s Office of Planning and Research, State clearinghouse and Planning Unit, April 10, 2009 (letter).
- Department of Transportation, April 9, 2009 (letter).
- William H. Todd, April 8, 2009 (letter).
- Sherman Oaks Neighborhood Association, April 17, 2009 (letter).
- Santa Clara Valley Transportation Authority (VTA), April 10, 2009 (letter).
- City of San Jose, April 10, 2009 (letter).

### **2.2.4 Revisions to Facilities Master Plan Update - 2011**

As stated above, as a result of the comments received on the Update during the public review of the 2009 DSEIR, changes were made to the Update. The following is a summary of these changes, with a more detailed listing contained in Chapter 4 (Project Description).

The Update, which is the “Project” under CEQA, has been revised to focus only on those physical changes to the campus that may be caused by buildings, facilities and activities proposed to be undertaken by the College through December 31, 2011. In contrast to the 21 year planning horizon analyzed in the DSEIR published in 2009 DSEIR, the Project analyzed in the Update consists only of those physical changes to the campus through December 31, 2011 and the reasonably foreseeable physical changes that will occur from those planned physical changes. In addition, the Update has been revised to include buildings

**and facilities constructed on the campus that were either not shown in the Prior Plan or shown in other locations in the Prior Plan. Buildings and facilities that fall into this category include:**

- **Softball field located northeast of where it was planned (to be in area currently occupied by the 100 and 200 Wing Buildings).**
- **Career Technology/Applied Science Building, 18,174 ASF/20,159 OGSF was constructed in 2007 in a location depicted as Parking Garage #2 on the Prior Plan. It was constructed in this area of the campus to allow for a more equitable distribution of instructional space throughout the campus rather than clustering the instructional facilities in only a portion of the campus. The relocation of the building also provided for better pedestrian circulation on the campus.**
- **A student surface parking lot (#6) was installed south of the campus entrance from Leigh Avenue. The general lack of on-campus student parking and the desire to avoid having students park on nearby residential street were the primary reasons for adding this lot.**

**One particular component shown on the Prior Plan will not be constructed and has been removed from the Update. A transparent light tower, proposed to be approximately five stories high (roughly 120 feet), lit at night, and be visible from I-280, was proposed at the main entrance as part of the Multidisciplinary Classroom Building under the Prior Plan. This light tower will be removed as part of the Update.**

**Lastly, the Project Description has changed the “baseline”<sup>1</sup> from which environmental impacts to the campus from the Update are measured from the Prior Plan to the campus’ existing physical conditions. This shift in the manner in which impacts are measured will not materially change the 2009 DSEIR’s impact analysis in Chapter 5.0. Because of the shortened planning horizon, this change in baseline conditions gives the reader a better understanding of how the Project will change the appearance of the campus through 2011.**

**The following is a bullet point chronology of the Baseball Field Complex component of the Update, its inclusion and ultimate deletion, as well as the decision to replace the Baseball Field Complex with the Multi-Use Athletic Field:**

- **December 7, 2006: Presentation to the Board of Trustees on the 2006 Educational Resources and Financing Plan (This plan included the 2011 Site Plan and was based on the 2001 educational master planning process).**

---

<sup>1</sup> The “baseline” under CEQA is generally considered to be those conditions existing at the time of the Notice of Publication of the 2009 DSEIR. See CEQA Guidelines Section 15125(a). Because the Project has been revised to reflect a shorter planning horizon since the publication of the Notice of Preparation, a more accurate assessment of the impacts to the campus are obtained by comparing the physical changes created by the Update against the campus’ existing physical conditions.

- **December 11, 2006:** College Facilities Committee approved the proposed plan to have the Softball field remain in its current location and to construct the Baseball Field in the former Practice Field off Leigh Avenue.
- **December 14, 2006:** Contract with Verde Design to provide design and construction support services for the proposed Baseball-Softball Field project.
- **December 11, 2007:** Award of Construction Contract – Baseball /Softball Field to R. A. Bothman.
- **July 30, 2008:** Directive to stop construction on project issued.
- **September 9, 2008:** Contract with MAAS Companies, Inc. to initiate a Supplemental EIR.
- **September 9, 2008:** Updated master planning information (Enrollment and Facility Space—ASF) submitted by MAAS to architect (Knoll & Tam) for updating the 2006 SJCC Educational Resources and Financing Plan to reflect changes recommended by the SJCC Facilities Committee.
- **October 8, 2008 – November 7, 2008:** Initial Notice of Preparation (NOP) period.
- **October 10, 2008:** Scoping meeting held.
- **February 24, 2009 - April 9, 2009:** Draft SEIR Public Comment period.
- **June 2, 2009:** Board Study Session (Review of background and information related to the Baseball Field Complex project).
- **July 22, 2009:** Board Action to Eliminate the Baseball Field Complex
- **August 2009:** Design Consultant begins review of possible design options for alternative use of the former baseball field.
- **September 3, 2009:** Special meeting with neighbors included a review of schematic design proposal of Multi-Use Athletic Field.
- **September 8, 2009:** Board authorizes the selective demolition of Baseball Field Complex.
- **September 28, 2009:** The College Facilities Committee presented with the initial design proposal of Multi-Use Athletic Field. No Action taken pending further information.
- **September-November 19, 2009:** College review and confirmation of scope of potential alternative use of former location of Baseball Field Complex.
- **November 23, 2009:** College Facilities Committee officially approves the scope and design of the Multi-Use Athletic Field.
- **December 2009:** Approval by Chancellor of scope of work for updating of master planning effort.
- **January 12, 2010:** Item on the Board Agenda recommending approval of a change order to complete the Multi-Use Athletic Field project was pulled off the board agenda due to objections raised by SONA citing requirement to certify FSEIR prior to restarting construction at that location.
- **February 2, 2010:** Meeting with SONA / Others to review proposed plans for Multi-Use Athletic Field.

### 2.2.5 Revised DSEIR

CEQA Guidelines §15088.5 determines whether recirculation of an EIR which has been made available for public review, but not yet certified is required. Under this section, recirculation is required when, as here significant new information has been added to a Draft EIR. However, Section 15088.5 requires recirculation only when that information would result in significant adverse impacts different from or not addressed by the Draft EIR that has not been circulated. Here, the modifications to the Update analyzed in the Revised DSEIR result in fewer and less intense significant impacts than the 2009 DSEIR. That is due to the changing of the planning horizon from 2021 to 2011 and the removal of the Baseball Field Complex.

However, even though recirculation of the Revised DSEIR is not formally required, the District will nonetheless circulate the Revised DSEIR as if it were a new Draft EIR. The Revised DSEIR will be subject to a 45 day public comment period and copies will be provided to the public upon request and to trustee and responsible agencies.

### 2.2.42.2.6 List of Issue Areas Found to have No Impact, be Less Than Significant, or Less Than Significant with Mitigation Incorporated

The following issue areas were evaluated in the Initial Study for the 2009 DSEIR and found to have no impact, or be less than significant, or less than significant with mitigation incorporated. In light of the revisions to the Update, these issue areas remain to have no impact, or be less than significant, less than significant with mitigation incorporated.

- Aesthetics: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, **and substantially degrade the existing visual character or quality of the site and its surroundings; create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.**
- Agricultural Resources: convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non agricultural use; conflict with existing zoning for agricultural use, or a Williamson Act contract; or involve other changes in the existing environmental which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.
- Air Quality: create objectionable odors affecting a substantial number of people, **and conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); or expose sensitive receptors to substantial pollutant concentrations.**
- Biological Resources: have a substantial adverse effect, either directly or through habitat

modifications, on any specifics identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

- **Cultural Resources:** cause a substantial adverse change in significance of a historical resource as defined in Section 15064.5; cause a substantial adverse change in significance of an archaeological resource pursuant to Section 15064.5; directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or disturb any human remains, including those interred outside of formal cemeteries.
- **Geology/Soils:** expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; or have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.
- **Hazards:** create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Sect 65962.5 and, as a result, would create a significant hazard to the public or the environment; for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in the project area; for a project within the vicinity of a private airstrip, the project would result in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

- Hydrology and Water Quality: violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; otherwise substantially degrade water quality; place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; place within a 100-year flood hazard area structures which would impede or redirect flood flows; expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami or mudflow.
- Land Use and Planning: physically divide an established community; or conflict with any applicable habitat conservation plan, or natural community conservation plan, **and conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigation an environmental effect.**
- Mineral Resources: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- Noise: exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; exposure of people residing or working in the project area to excessive noise levels (for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport); or exposure of people residing or working in the project area to excessive noise levels (for a project within the vicinity of a private airstrip), **and exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**
- Population & Housing: induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere; displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Public Services: result in substantial adverse physical impacts associated with the provision

of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection; police protection; schools; parks, other public facilities.

- **Recreation:** increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, **and include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**
- **Transportation/Traffic:** result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks; substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment); result in inadequate emergency access; result in inadequate parking capacity; or conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).
- **Utilities and Service Systems:** exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed; result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's anticipated demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or comply with federal, state, and local statutes and regulations related to solid waste.

These issue areas were analyzed in the Initial Study **of the 2009 DSEIR** (Subchapter 9.1) and were found to have no impact, be less than significant, or less than significant with mitigation incorporated and therefore ~~de~~ **did** not require further analysis in this **Revised** DSEIR.

#### **2.2.4 2.2.7 Issue Areas Remaining Significant**

The following issue areas were determined in the Initial Study **for the 2009 DSEIR** to remain significant areas of impact with implementation of the Update and would require further analysis in this **Revised** DSEIR. Some of these issues have been determined to have a less than significant impact with mitigation incorporated in the **Revised** DSEIR. **Some of these issues have become less than significant due to the revisions to the Update – namely, the deletion of the Baseball Field Complex and the replacement with a Multi-Use Athletic Field** (reference analysis contained in Chapter 5.0 (Environmental Evaluation). **And the duration of the Update from 2021 to 2011. Even though these issue areas have been removed from the list below in this section, they are nonetheless analyzed in Chapter 5.0 in order to allow the reviewer an understanding of the changes between the Update as analyzed in the 2009 DSEIR and the current Update as it is analyzed in this Revised**

**DSEIR. After completing the analysis in this Revised DSEIR, the only issue area that would remain significant is Transportation/Traffic.**

- ~~**Aesthetics:** substantially degrade the existing visual character or quality of the site and its surroundings; create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.~~
- ~~**Air Quality:** Conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); or expose sensitive receptors to substantial pollutant concentrations.~~
- ~~**Land Use and Planning:** conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigation an environmental effect.~~
- ~~**Noise:** exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.~~
- ~~**Recreation:** include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.~~
- **Transportation/Traffic:** cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designate roads or highways.

### **2.2.5 2.2.8 Areas of Any Controversy / Issues to be Resolved**

Aesthetics, air quality, land use and planning, noise, recreation and transportation/traffic resources were identified in the Initial Study **for the 2009 DSEIR** and presented at the public scoping meeting as areas of controversy which had issues that need to be analyzed in the **2009 DSEIR**. These issues were also raised in the comment letters received for the **NOP for the 2009 DSEIR**. In addition, hazards, hydrology, water quality and public services resources were also areas of controversy or issue requiring resolution raised during the **NOP** review process and/or at the public scoping meeting. As a result of further research, conversation, analysis and refinement of mitigation measures, these issues were found to remain less than significant and ~~will~~ **were** not be analyzed further in the **2009 DSEIR**. **This same conclusion applies to this Revised DSEIR.**

The aesthetics, air quality, land use and planning, noise, recreation and transportation/traffic resources issues to be addressed in this **Revised DSEIR** are routine issues that ~~do not~~ posed any new or unusual areas of controversy or any issues requiring resolution. The standard professional analysis is deemed sufficient to address the remaining issues of potential

~~significant impact identified above.~~ **As a result the scope of the Update was modified and this Revised DSEIR was prepared.**

## **2.3 SCOPE AND CONTENT OF THIS REVISED DSEIR**

In accordance with Sections 15063 and 15082 of the State CEQA Guidelines, the District prepared an Initial Study **for the 2009 DSEIR** to identify the environmental resources and manmade systems that could experience significant environmental impact if the Update is implemented. After applying mitigation measures, the District's Initial Study **for the 2009 DSEIR** concluded that potential impacts associated with ten (10) issue areas evaluated would have either no impact, a less than significant impact or a less than significant **impact** with mitigation incorporated if the Update is implemented as proposed (see analysis in Section 2.2.2). **This same conclusion applies to this Revised DSEIR.**

Six (6) issue areas were identified as having the potential to cause significant adverse environmental impacts. The specific environmental issues/topics analyzed in ~~this the~~ **2009 DSEIR** are the potential impacts to aesthetics, air quality, land use/planning, noise, recreation and transportation/traffic issues. **Again, this same conclusion applies to this Revised DSEIR.**

~~Comments on the scope of the DSEIR were considered by the District and after this consideration, the overall focus of the DSEIR remained the same as identified in the Initial Study, and Notice of Preparation.~~

In addition to evaluating the environmental issues listed above, this DSEIR contains all of the sections mandated by the CEQA and State CEQA Guidelines. Table 2.3-1 provides a listing of the contents required in a **Revised** DSEIR along with a reference to the chapter and page number where these issues can be reviewed in the document. This **Revised** DSEIR is contained in two volumes. Volume 1 contains the CEQA mandated sections and Volumes **2 and 2A** contains the technical appendices which are enclosed as CDs in this **Revised** DSEIR.

**Table 2.3-1  
 REQUIRED DSEIR CONTENTS**

<b>Required Section (CEQA)</b>	<b>Section in DSEIR</b>	<b>Page Number</b>
Table of Contents (Section 15122)	same	ii
Summary (Section 15123)	Chapter 1	1-1
Project Description (Section 15124)	Chapter 4	4-1
Environmental Setting (Section 15125)	Chapter 3	3-1
Significant Environmental Effects of proposed project (Section 15126a); Environmental Impacts	Chapter 5	5-1
Unavoidable Significant Environmental Effects (Section 15126b)	Chapter 5	5-1
Mitigation Measures (Section 15126c)	Chapter 5	5-1
Cumulative Impacts (Section 15130)	Chapter 5	5-1
Alternatives to the Proposed Action (Section 15126d)	Chapter 6	6-1
Growth-Inducing Impacts (Section 15126g)	Chapter 7	7-1
Irreversible Environmental Changes (Section 15126f)	Chapter 7	7-1
Effects Found Not to be Significant (Section 15128)	Chapter 5	5-1
Organizations and Persons Consulted (Section 15129)	Chapter 8	8-1
Appendices	Chapter 9	9-1

## **2.4 REVISED DSEIR FORMAT AND ORGANIZATION**

This **Revised** DSEIR contains nine chapters which, when considered as a whole, provide the reviewer with an evaluation of the potential significant adverse impacts from implementing the Update. The following paragraphs provide a summary of the content of each chapter of this **Revised** DSEIR.

Chapter 1.0 contains the Executive Summary for the **Revised** DSEIR. This includes an overview of the Update and a tabular summary of the potential adverse impacts and mitigation measures.

Chapter 2.0 provides the reviewer with an Introduction to the document. This chapter of the document describes the background of the Update, its purpose, and its organization. The CEQA process to date is summarized and the scope of the **Revised** DSEIR is identified. Technical evaluations prepared for the **Revised** DSEIR are discussed and the format and availability of the **Revised** DSEIR are provided.

Chapter 3.0 identifies the project boundaries and the environmental setting.

Chapter 4.0 contains the project description used to forecast environmental impacts. This chapter describes for the reviewer how the existing environment will be altered by the Update. This chapter sets the stage for conducting the environmental impact forecasts contained in the next several chapters.

Chapter 5.0 presents the environmental impact forecasts for the six (6) issue areas considered in this **Revised** DSEIR. For each of the six (6) environmental issues identified in Section 2.3, the following impact evaluation is provided for the reviewer: the project's existing environmental setting; the potential impacts forecast to occur if the project is implemented; proposed mitigation measures; unavoidable adverse impacts; and cumulative impacts.

Chapter 6.0 contains the evaluation of alternatives to the Update. Included in this section is an analysis of the no project alternative and other project alternatives.

Chapter 7.0 presents the topical issues that are required in a **Revised** DSEIR. These include: any significant irreversible environmental changes; and growth inducing effects of the project. As of January 1, 1995, the assessment of short-term benefits relative to long-term impacts is no longer required because it is considered redundant to other sections in a DSEIR. This change was adopted as part of SB 749 (Thompson) which became law in January 1995.

Chapter 8.0 describes the resources used in preparing the **Revised** DSEIR. This includes persons and organizations contacted; list of preparers; and bibliography.

Chapter 9.0 contains those materials referenced as appendices to the **Revised** DSEIR, such as the Initial Study for the **2009 DSEIR**, Notice of Preparation, scoping meeting materials and responses to the NOP for the **2009 DSEIR**, **comments received during the public review period for the 2009 DSEIR**, and **Board of Trustees meeting minutes as they relate to the 2009 DSEIR and the Revised DSEIR**. Appendix material is referenced at appropriate locations in the text of the **Revised** DSEIR.

## **2.5 AVAILABILITY OF THE SAN JOSE CITY COLLEGE FACILITIES MASTER PLAN UPDATE 2011-2011 REVISED DRAFT SUBSEQUENT EIR (REVISED DSEIR)**

The **Revised** DSEIR for this project has been distributed directly to all public agencies and interested persons identified in the NOP mailing list (see Subchapter 9.1, Chapter 9), the State Clearinghouse, **and to those entities that commented on the review of the DSEIR during the review of the prior DSEIR (February 24, 2009 through April 10, 2009)**, as well as any other requesting agencies or individuals who have expressed an interest to date. All reviewers will be provided 45 days to review the **Revised** DSEIR and submit comments to the District for consideration and response. The **Revised** DSEIR is also available for public review at the following locations during the 45-day review period:

San José/Evergreen Community College District  
4750 San Felipe Road  
San Jose, CA 95135-1599

San Jose City College  
2100 Moorpark Avenue, Library  
San Jose, CA 95128

Dr. Martin Luther King, Jr. Library  
150 E. San Fernando Street  
San José, CA 95112

Published or electronic copies of the **Revised** DSEIR are available for purchase from the District for a nominal fee upon request from interested parties.

## **2.6 DISTRICT REVIEW PROCESS**

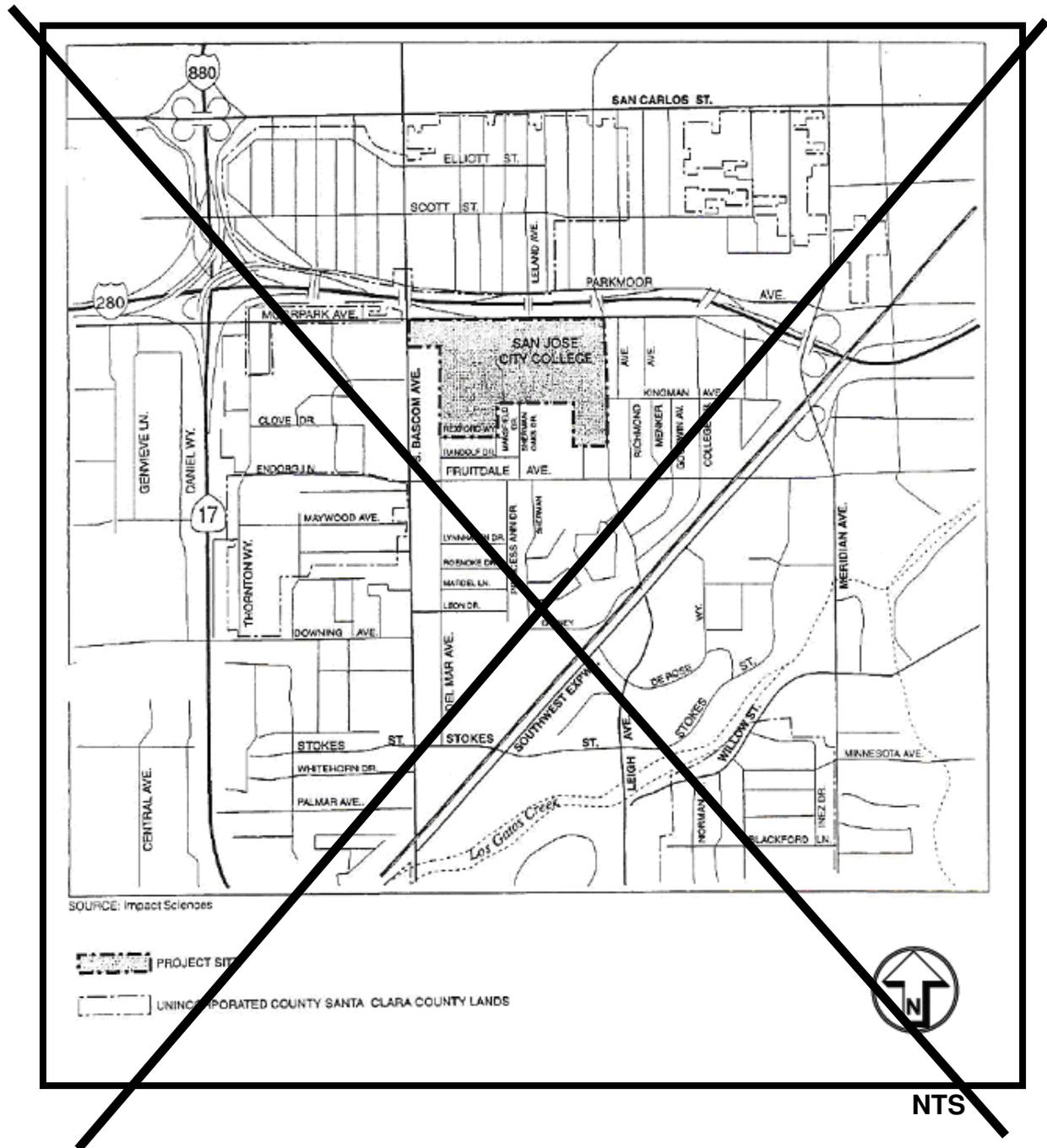
After receiving comments on the **Revised** DSEIR, the District will prepare a Final SEIR for certification by the Board of Trustees of the San José/Evergreen Community College District prior to making a decision on the project. Information concerning the **Revised** DSEIR public review schedule and District meetings for this project can be obtained by contacting:

Robert Dias, Executive Director, Facilities - Construction Management - Operations  
San José/Evergreen Community College District  
4750 San Felipe Road  
San Jose, CA 95135-1599  
408-270-6400  
[robert.dias@sjeccd.org](mailto:robert.dias@sjeccd.org)

Other agency approvals (if required) for which this environmental document may be utilized include:

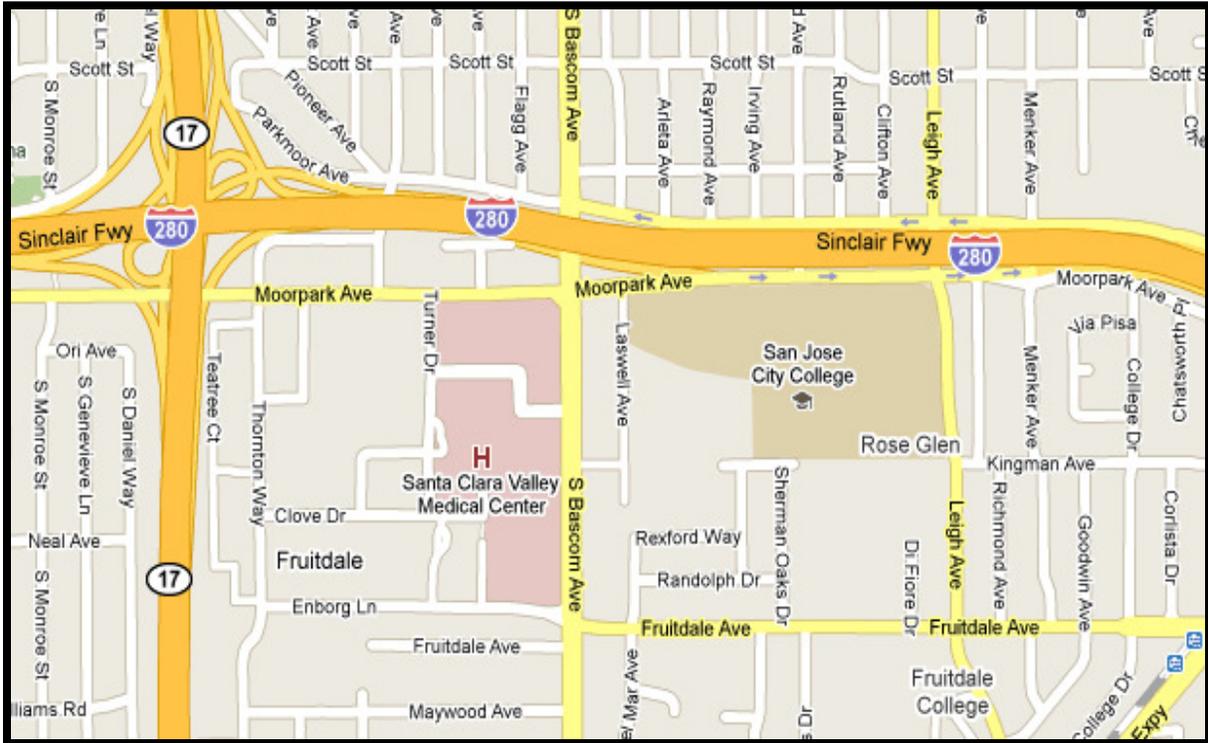
- Division of the State Architect (DSA);

- City of San Jose;
- City of San Jose Fire Department;
- Santa Clara Valley Water District;
- San Jose Water Company;
- Santa Clara Valley Transportation Authority (VTA); and
- California Department of Transportation (Caltrans).



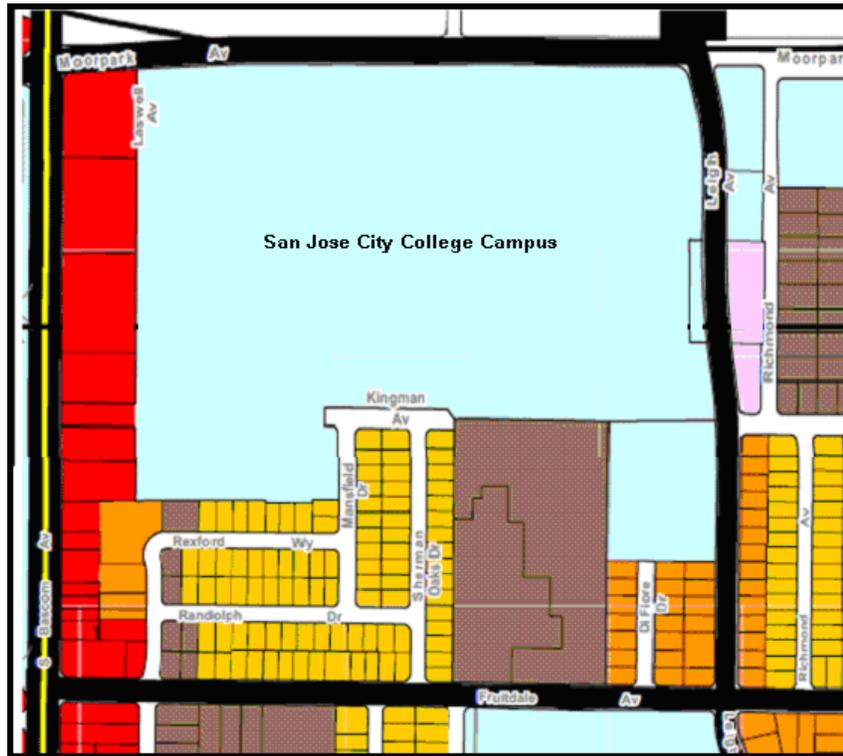
Project Site Location  
Figure 2.1-1

See revised Figure 2.1-1



NTS

**Project Site Location  
Figure 2.1-1**



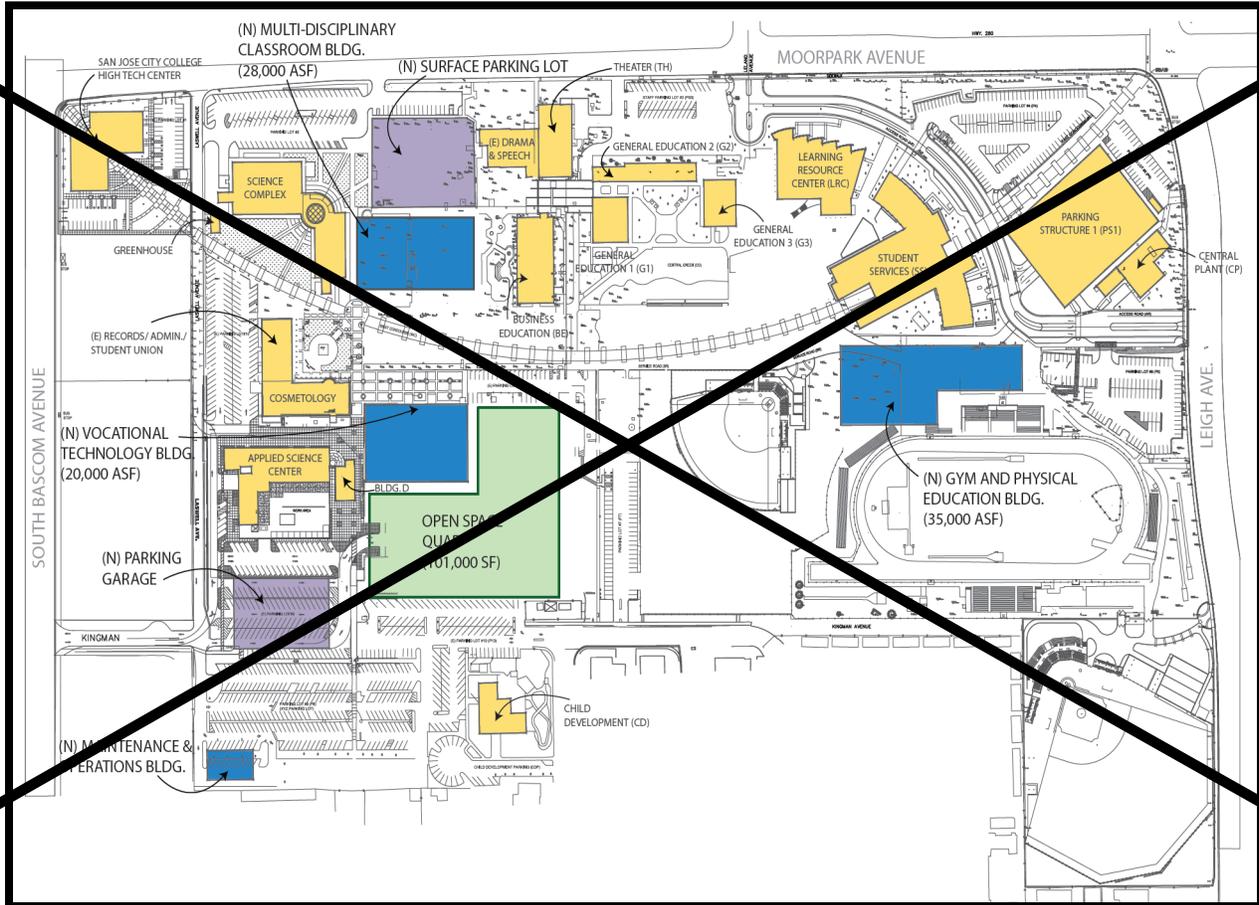
**NTS**

	Rural Residential (0.2 DU/AC)		Industrial Park
	Estate Residential (1.0 DU/AC)		Administrative Office/ Research & Development
	Very Low Density Residential (2.0 DU/AC)		Research/Development
	Low Density Residential (5 DU/AC)		Campus Industrial
	Medium Low Density Residential (8.0 DU/AC)		Light Industrial
	Medium Density Residential (8-16 DU/AC)		Heavy Industrial
	Medium High Density Residential (12-25 DU/AC)		Combined Industrial/ Commercial
	High Density Residential (25-50 DU/AC)		Industrial Core Area
	Transit Corridor Residential (20+ DU/AC)		Public/Quasi-Public

	Residential Support for the Core Area (25+ DU/AC)		Neighborhood Business District
	Transit/Employment Residential District: 55+ DU/AC		Transit-Oriented Development Corridor
	Office		Public Park and Open Space
	Neighborhood/Community Commercial		Private Open Space
	Regional Commercial		Private Recreation
	General Commercial		Non-Urban Hillside
	Core Area		Urban Hillside
	Transit Corridor Commercial		Agriculture
	Combined Residential/ Commercial		Urban Reserve
	Planned Community *		Coyote Greenbelt

	Airport Approach Zone		Mixed Use Overlay
	Solid Waste Disposal Site		Mixed Industrial Overlay
	Candidate Solid Waste Disposal Site		Floating Park
	Contiguous Designation		Light Rail Station
	Urban Service Area Boundary		Transit Mall
	Urban Growth Boundary		Area of Historic Sensitivity
	Urban Service Area/ Urban Growth Boundary (Coterminous)		Pedestrian Corridor
	State Transportation Corridor		Arterial (115-130 ft.)
	Expressway		Arterial (80-106 ft.)
	Interchange		Major Collector (60-90 ft.)
	Separation		

**City of San Jose General Plan Land Use Element Map  
 Figure 2.1-2**

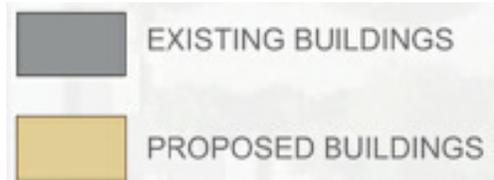
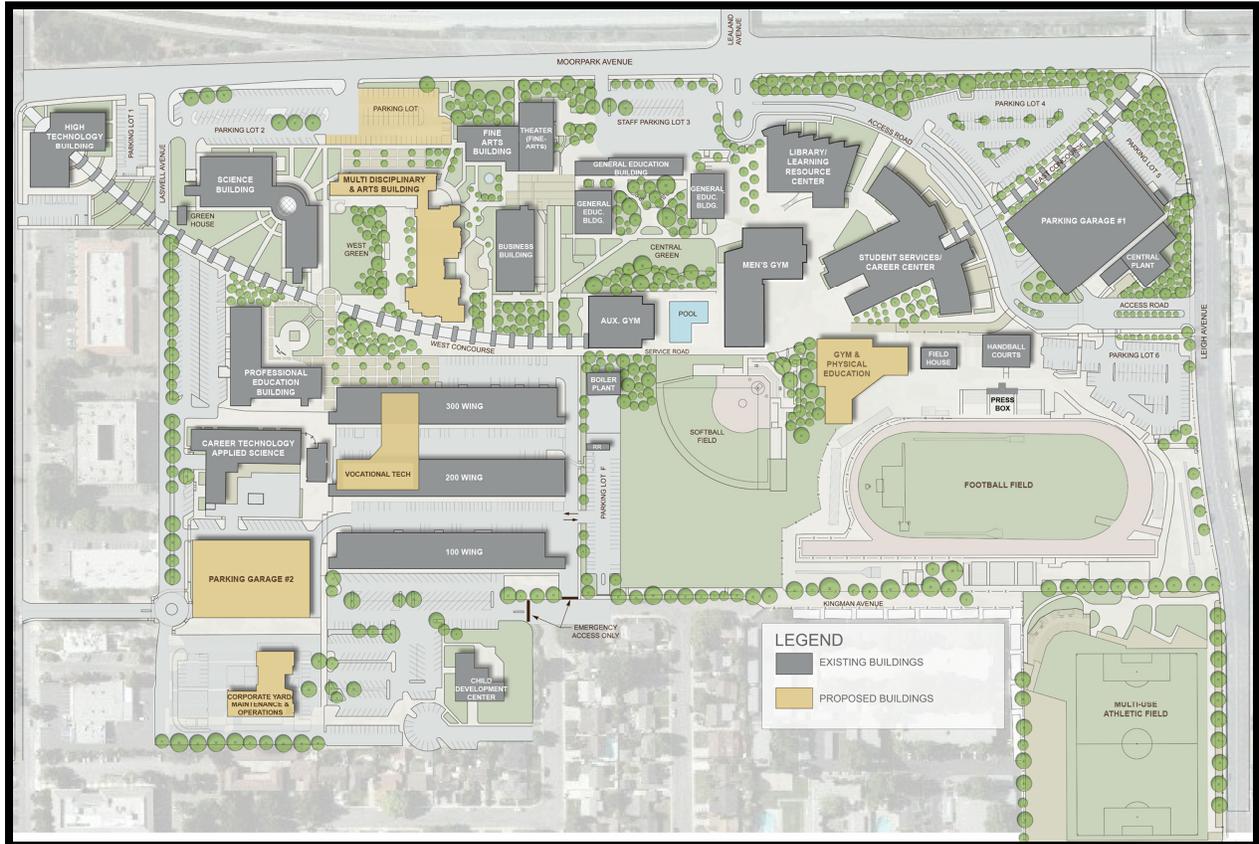


NTS

**Yellow – existing buildings  
Blue – proposed buildings  
Purple – proposed parking**

**Facilities Master Plan Update 2021  
Figure 2.1-3**

**The Facilities Master Plan Update 2021 has been revised. Please see revised  
Figure 2.1-3**



**Facilities Master Plan Update 2011  
 Figure 2.1-3**



NTS

 College Boundary

**Aerial Photograph  
Figure 2.1-4**