EVERGREEN VALLEY COLLEGE FACILITIES MASTER PLAN

Response to Comments Document
SCH# 2021010261

Prepared for
San José Evergreen Community College District

October 2021

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787 The Alameda
Suite 250
San José, CA 95126
408.660.4000
esassoc.com

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CHAPTER 1
Introduction and List of Commenters

1.1 Introduction

1.1.1 Purpose of this Document

The San José Evergreen Community College District (District) proposes facilities improvements as envisioned in the Evergreen Valley College Vision 2030 Facilities Master Plan (EVC FMP) and funded by Bond Measures G and X. Facility improvements contained in the EVC FMP to meet the future program needs include demolition and removal of certain existing buildings on the campus; the construction of certain new buildings and the renovation of certain existing buildings and facilities; improvements to vehicular and pedestrian access and circulation systems; expansion of parking facilities and capacity; and open space improvements.

As required by the California Environmental Quality Act (CEQA), this environmental impact report (EIR): (1) assesses the potentially-significant direct and indirect environmental impacts, as well as the potentially significant cumulative impacts, associated with implementation of the EVC FMP; (2) identifies feasible means of avoiding or substantially lessening significant adverse impacts; and (3) evaluates a range of reasonable alternatives to the proposed project.

The District is the Lead Agency for the environmental review of the implementation of the EVC FMP in compliance with the California Code of Regulations, Title 5, Division 6, Section 57121. Specifically, the CEQA Guidelines are expressly adopted as part of the regulations promulgated to implement the Community College Construction Act of 1980.

As described in greater detail under Section 1.1.2, Environmental Review Process, below, the District published a Draft EIR on the funded implementation of the EVC FMP on August 13, 2021, and the public review period for the document ended on September 27, 2021. The Draft EIR, together with this Response to Comments Document, and associated appendices – see Section 1.1.2.3, below, constitute the Final EIR for the proposed EVC FMP in fulfillment of the requirements of CEQA and consistent with the CEQA Guidelines Section 15132.

According to CEQA Guidelines Section 15090, the Final EIR will be considered by the decision-makers before approval of the implementation of the EVC FMP to ascertain that the EIR reflects the Lead Agency's independent judgement and analysis of the physical impacts of the EVC FMP on the environment.

This Response to Comments document provides written responses to comments received during the public review period for the Draft EIR. It contains a list of parties that commented on the

Draft EIR; copies of comments received on the Draft EIR; and written responses to those comments. It also contains revisions to the Draft EIR to clarify or correct information in the Draft EIR. Section 1.1.3, Method of Organization, below, provides a description of the overall contents and organization of this Response to Comments document.

1.1.2 Environmental Review Process

1.1.2.1 Notice of Preparation and Public Scoping

On January 22, 2021, a Notice of Preparation (NOP), including an Initial Study, was published for the EVC FMP EIR. A 30-day public comment period ended on February 22, 2021. A copy of the NOP/Initial Study is included in Appendix A in this Final EIR. Written comments received on the NOP are included in Appendix B in the Final EIR.

1.1.2.2 Draft EIR Public Review

On August 13, 2021, the SJECCD released the Draft EIR on the EVC FMP for public review. A 45-day public review and comment period on the Draft EIR began on August 13, 2021 and closed on September 27, 2021. During the public review period, the District received four comment letters from agencies and individuals. Additionally, individual public comments were received orally during the Draft EIR public comment meeting held on September 16, 2021.

1.1.2.3 Final EIR: Draft EIR and Response to Comments Document

This Final EIR consists of:

- The Draft EIR, and associated appendices; and
- The Response to Comments Document, as described under Section 1.1.1, above, and Section 1.1.3, below.

The District Board of Trustees (BOT) will consider whether to certify the Final EIR as complying with the requirements of CEQA prior to deciding whether to approve the implementation of the EVC FMP. The District will notify all agencies that submitted comments on the Draft EIR of the availability of the Final EIR at least 10 days prior to the District BOT certification of the Final EIR (CEQA Guidelines, Section 15088(b)).

Prior to approval of a project for which the EIR identifies significant environmental effects, CEQA requires the adoption of Findings of Fact (CEQA Guidelines, Sections 15091 and 15092). If the Findings of Fact identify significant adverse impacts that cannot be avoided or substantially lessened, the District BOT must adopt a statement of overriding considerations for those impacts (CEQA Guidelines, Section 15093(b)).

1.1.3 Method of Organization

The Response to Comments Document is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter describes the purpose of the Response to Comments Document, summarizes the project under consideration, and describes the

organization of this document. This chapter also contains a list of all parties that submitted comments on the Draft EIR during the public review period.

Chapter 2 – Revisions to the Draft EIR: This chapter presents changes and revisions to the Draft EIR. The District made changes and revisions to the Draft EIR either in response to comments received on the document, or as necessary to clarify statements and conclusions made in the document. None of the changes and revisions in Chapter 2 substantially affect the analysis or conclusions presented in the Draft EIR.

Chapter 3 – Comments and Responses: This chapter contains the comment letters received during the public review period for the Draft EIR, comments received orally during the Draft EIR public comment meeting, and the District's responses to significant environmental points raised in these letters.

Chapter 4 – Mitigation Monitoring and Reporting Program: This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to guide the District in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code section 21081.6(a).

1.1.4 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when "significant new information" is added to an EIR because the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a project's significant environmental effects or feasible mitigation measures or alternatives to reduce or avoid such effects that are not proposed for adoption. The comments, responses, and Draft EIR revisions presented in this document do not constitute such "significant new information;" instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR revisions disclose new or substantially more severe significant environmental effects of the proposed EVC FMP, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed EVC FMP's significant effects.

1.2 List of Commenters on the Draft EIR

This Responses to Comments document provides written responses to comments received on the Draft EIR during its public review period (August 13, 2021 through September 27, 2021), including all written comments submitted either by letter or email, and additional individual public comments made orally during the Draft EIR public comment meeting held on September 16, 2021.

Table 1-1 lists all parties who submitted comments on the Draft EIR. For each of the comment letters to be responded to, the agency, comment format, comment date, and a commenter code are provided. The commenter codes were assigned to facilitate the preparation of responses, and there is a unique commenter code for each comment letter. The commenter code for comment letters on the Draft EIR begins with a prefix (i.e., A, I, and M).

TABLE 1-1
COMMENT LETTERS ON THE DRAFT EIR

Commenter Code	Name of Agency	Comment Format	Comment Date
A1	Stephanie Fong, Acting Regional Manager, California Department of Fish and Wildlife, Bay Delta Region	Letter	September 23, 2021
A2	Lola Torney, Transportation Planner III, Santa Clara Valley Transportation Authority	Letter	September 24, 2021
I1	Sandra Randles	Letter	September 27, 2021
I2	Robert Reese	Letter	September 16, 2021
M	Comments and responses provided to commenters by the San José Evergreen Community College District (SJECCD) team during the Draft EIR Public Comment Meeting	Public Comment Meeting	September 16, 2021

SOURCE: SJECCD, 2021

Each individual comment from each commenter are bracketed and numbered sequentially following the commenter code. The bracketed comments and corresponding comment codes are shown in the margins of the comments. There is a unique comment code for each distinct comment.

As shown in Table 1-1, two agency comment letters (California Department of Fish and Wildlife, received on September 23, 2021; and Santa Clara Valley Transportation Authority, received on September 24, 2021) and two individual comment letters (Sandra Randles, received on September 27, 2021; and Robert Reese, received on September 16, 2021) were received during the public review period. In addition, individual public comments were made orally during the Draft EIR public comment meeting held on September 16, 2021.

CHAPTER 2
Revisions to the Draft EIR

2.1 Overview

This chapter presents revisions to the text, tables and/or figures to the Draft EIR. These revisions include both (1) revisions made in response to comments on the Draft EIR, as well as (2) District staff-initiated text changes to correct minor inconsistencies, to add minor updates to information or clarification related to the EVC FMP, and/or provide updated information where applicable. None of the revisions or corrections in this chapter substantially change the analysis and conclusions presented in the Draft EIR.

The chapter includes all revisions to the Draft EIR (see Section 2.2) in the sequential order that they appear in those documents. Preceding each revision is the section/page number in the Draft EIR where the revision occurs. Deletions in text and tables are shown in strikethrough (~~strikethrough~~) and new text is shown in underline (underline).

2.2 Revisions to the Draft EIR

Draft EIR Executive Summary

Draft EIR, *Executive Summary*, page ES-1, first paragraph, second sentence is revised as follows:

> The EVC FMP is prepared based on the San José Evergreen Community College District (SJECCD or District) analysis for the evolution of programs and facility needs explained in its ~~San Jose City~~ Evergreen Valley College Educational Master Plan (~~SJCC~~ EVC EMP).

Draft EIR, *Executive Summary*, Table ES-1, page ES-8, third column, the mitigation for Impact 3.1-1 is revised as a staff-initiated change, as follows:

> **Mitigation:** Implement Mitigation Measure 3.1-1: Best Management Practices for Controlling Particulate Emissions during Construction, Mitigation Measure 3.1-2: Construction Health Risk Reduction Plan; and implement Mitigation Measure 3.3-1b, Construct new buildings as Zero Net Energy, Mitigation Measure 3.3-1c, Install on-site photovoltaic systems, and Mitigation Measure 3.3-1e, Electric Vehicle Charging in Section 3.3, Greenhouse Gas Emissions.

Draft EIR, *Executive Summary*, Table ES-1, pages ES-18 to ES-19, third column, the Mitigation Measure BIO-1b is revised as follows:

Mitigation Measure BIO-1b: Western Burrowing Owl Surveys

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

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

Prior to the implementation of the project that would disturb undeveloped portions of Montgomery Hill or grassland areas that could potentially support burrowing owl habitat, the following measures shall be implemented by a qualified biologist to avoid or minimize impacts of Project activities on western burrowing owls.

Habitat Assessment

A burrowing owl habitat evaluation shall be conducted within the disturbance footprint and a surrounding 500-foot area in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). A qualified biologist will conduct a literature search for burrowing owl occurrences within and adjacent to the Project area. The qualified biologist will conduct a habitat field assessment that includes all areas that could be directly or indirectly impacted by the Project and will include data such as vegetation type, vegetation structure and presence of burrows. If it is determined that habitat conditions are not suitable for burrowing owl at the time of the habitat evaluation (taking into consideration factors such as height and density of vegetation and absence of suitable small mammal burrows), then no further actions would be required.

Burrowing Owl Surveys

If it is determined that suitable burrowing owl habitat is present within and surrounding the Project Area, the qualified biologist will conduct burrowing owl surveys according to the accepted CDFW protocol (CDFW 2012). Appropriate surveys should be conducted during both the nesting season (February 1 to August 31) and overwintering period.

Burrowing Owl Avoidance

If nesting burrowing owls are observed on or within 500 feet of the disturbance area, then a protective buffer will be established surrounding the nest sites as described in CDFW 2012; appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), buffer distance should be increased. Area within this buffer shall not be disturbed during the nesting season (February 1 through August 31) or until all young have fledged as determined by a qualified biologist. If non-nesting burrowing owls are observed in the disturbance area, then the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Compensatory Mitigation

If occupied burrowing owl habitat is identified during the habitat assessment and burrowing owl surveys, and if permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, measures to minimize the impacts of construction on the burrowing owl, and effective compensatory mitigation to offset habitat loss will be implemented. A mitigation plan will be prepared in consultation with CDFW.

Qualified Biologist

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements

Draft EIR Chapter 2, Project Description

Draft EIR, Chapter 2, *Project Description*, pages 2-16, second paragraph, is revised to read as follows:

> The current development plan for the 2030 EVC FMP calls for a total of 2,9383~~,536~~ spaces by the 2030 buildout, the majority of which have already been realized through previously implemented restriping and painting projects. The District's proposed building program would include relocation of Lots 4 and 5 further west to allow for new building construction adjacent to the Library. However, the number of parking spaces would not be anticipated to change substantially from the existing number of parking spaces.

Draft EIR Section 3.1, Air Quality

Draft EIR, Section 3.1, *Air Quality,* page 3.1-27, third paragraph, the mitigation for Impact 3.1-1 is revised as a staff-initiated change, as follows:

Mitigation: Implement Mitigation Measure 3.1-1: Best Management Practices for Controlling Particulate Emissions during Construction, Mitigation Measure 3.1-2: Construction Health Risk Reduction Plan; and implement Mitigation Measure 3.3-1b, Construct new buildings as Zero Net Energy, Mitigation Measure 3.3-1c, Install on-site photovoltaic systems, and Mitigation Measure 3.3-1e, Electric Vehicle Charging in Section 3.3, Greenhouse Gas Emissions.

Draft EIR Section 3.3, Greenhouse Gas Emissions

Draft EIR, Section 3.3, *Greenhouse Gas Emissions*, page 3.3-26, Table 3.3-4, second column, the proposed implementation mechanism for Water Conservation Policy MS-3.1 is revised as follows:

> The EVC FMP proposes development of a hierarchy of open spaces, ranging from large, active, formal and informal gathering spaces to smaller, intimate, and purpose-built spaces. All landscaping proposed as part of the ~~SJCC~~ EVC FMP would comply with the State's Model Water Efficient Landscape Ordinance which is implemented as part of building code related to landscape design and installation.

Draft EIR Section 3.4, Noise

Draft EIR, Section 3.4, *Noise*, page 3.4-25, second to last paragraph, the Impact 3.4-4 impact statement is revised as a staff-initiated change, as follows:

> **Impact 3.4-4: Construction activities associated with the implementation of the EVC FMP could result in the generation of excessive groundborne vibration or groundborne noise levels.** ***(Less than Significant ~~with Mitigation~~)***

Draft EIR Section 3.5, Transportation

Draft EIR, Section 3.5, *Transportation*, page 3.5-8, the first sentence of the last paragraph is revised to read:

> The effect on VMT by increasing the student enrollment by ~~1,111~~1,638, from 7,006 (2015) to 8,644 by the year 2030 at EVC was evaluated with the City of San Jose's Travel Demand Forecasting (TDF) model using existing (2015) and year 2030 land use and demographic projections.

Draft EIR, Section 3.5, *Transportation*, the Impact 3.5-1 discussion does not specifically reference bus stop 61253. Therefore, the discussion in the second paragraph on page 3.5-13 is revised to read as follows:

> The new Entry Road project, which is a component of the EVC FMP ~~does not~~ would include improvements ~~or impediments~~ to pedestrian access to these bus stops. However, the new Entry Road project footprint may overlap the VTA bus stop 61253, along the north side of Yerba Buena Road, requiring it to be temporarily or permanently moved. If the stop would be permanently moved, a new stop location would be identified and a new stop would be designed in consultation with both VTA and the City of San José, who owns the right of way within which any new stop would be constructed. Through that

coordination, a new bus stop would be located and constructed in a manner that would be consistent with current policies and standards of both VTA and the City of San José, which would be anticipated to upgrade the quality of the stop relative to its existing condition.

The proposed new Entry Road project would also include the creation of a pedestrian connection between the bus stop 61253 location along Yerba Buena Road, and the west side of the EVC campus, providing for a shorter route of travel. Further the new Entry Road project would also include the creation of a signal-controlled pedestrian crossing, which would enhance access to the EVC campus from the bus stop on the south side of Yerba Buena Road.

Through temporary and/or permanent relocation of bus stop 61253 if needed, ~~I~~implementation of the EVC FMP would not interrupt service to those stops. Further, as described above, EVC FMP may provide improved pedestrian and bicycle access to those stops. ~~or require temporary relocation of VTA stops during construction of projects pursuant to implementation of the EVC FMP.~~ Therefore, implementation of the EVC FMP would not be anticipated to conflict with existing standards, plans, or policies related to transit.

Revisions to Draft EIR Figures

The following revised Draft EIR figure is included at the end of this chapter:

Figure 2-5, *Project Site Access and Circulation*, is revised to show primary pedestrian circulation under the EVC FMP and all transit stops in the project vicinity.

Draft EIR Appendix A, Initial Study/Notice of Preparation

IV. Biological Resources

Draft EIR Appendix A, Initial Study/Notice of Preparation, Section IV, *Biological Resources*, is revised to describe the basis for impact determinations for specific special-status species in response to a comment letter provided by the California Department of Fish and Wildlife on the Draft EIR. The following revisions are implemented:

Draft EIR Appendix A, Section IV, *Biological Resources*, page 29, beginning with the second paragraph, through page 30 end of the second paragraph, is revised to read:

> No special-status plant species were determined to have a moderate or high potential to occur in the study area. Wildlife species with a moderate or high potential for occurrence are discussed below, this includes four bird species and three bat species. No other wildlife species, including invertebrates, amphibians, or reptiles, were identified as having potential to occur within the study area (Appendix A). While not expected to occur within the study area, Bay checkerspot butterfly (*Euphydryas editha bayensis*) is also discussed below, as the project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP/NCCP), which covers this species.

Special-Status Birds

Four special-status birds have ~~the~~ moderate or high potential to occur within the study area: western burrowing owl (*Athene cunicularia hypugaea*), white-tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperii*), and tricolored blackbird (*Agelaius tricolor*) (see Appendix A). Western burrowing owl, a California Species of Special Concern (SSC), is a California resident that prefers open annual or perennial grasslands and disturbed sites with existing burrows, elevated perches, large areas of bare ground or low vegetation, and few visual obstructions. Ground squirrel colonies often provide a source of burrows and are typically located near water and areas with large numbers of prey species, primarily insects. Breeding takes place between ~~March~~ February and August, with a peak in April and May. Breeding western burrowing owls are documented approximately one-mile south project site in annual grasslands (Occurrence No. 395) (CNDDB, 2020). Potential nesting and foraging habitat for western burrowing owl occurs in grasslands on the west side of the existing campus and at Montgomery Hill Park. Construction could lead to direct take of burrowing owls through vehicle mortality or loss of habitat. They could also be indirectly impacted through noise or visual disturbances leading to nest abandonment or disrupted foraging behavior.

White-tailed kite is a California fully protected species. White-tailed kites are found throughout California in a range of habitats including marshes, grassland, and oak woodlands, and commonly perch on treetops, wires and fence posts. Cooper's hawk is included on the California Department of Fish and Wildlife's Special Animals List as a "watch list" species. This species mainly preys on birds and is typically found in woodlands and forests, but is also commonly found in suburban areas. Cooper's hawks nest in a variety of trees including but not limited to pines, oaks, beeches, and spruces. Trees within the study area provide potential nesting habitat for both white-tailed kite and Cooper's hawk. Montgomery Hill Park provides suitable foraging habitat for both species. Construction-related direct impacts on nesting white-tailed kite and Cooper's hawk could result from the removal of trees while an active nest is present. In addition, earth moving, operation of heavy equipment, and increased human presence could result in noise, vibration, and visual disturbance. These conditions could indirectly result in nest failure (disturbance, avoidance, or abandonment that leads to unsuccessful reproduction), or could cause flight behavior that would expose an adult or its young to predators. These activities could cause birds that have established a nest before the start of construction to change their behavior or even abandon an active nest, putting their eggs and nestlings at risk for mortality.

Tricolored blackbird is listed as endangered under the CESA. It is a permanent resident of the Central Valley but breeds in scattered coastal locations from Marin County to San Diego. This species nests colonially, with a typical minimum colony size of 50 pairs, in wetland vegetation such as cattails (*Typha* spp.), bulrush (*Scirpus* spp.), and willows (*Salix* spp.). Tricolored blackbird colonies are now more commonly found nesting in agricultural fields growing crops such as triticale (× *Triticosecale*). The nearest record of this species is located along Silver Creek near Lake Cunningham Park, approximately 2.7 miles to the northwest of the campus and was recorded in 1994 (Occurrence No. 845)

(CDFW, 2020). Tricolored blackbird has potential to nest within the study area in riparian areas including the Yerba Buena Creek riparian corridor.

Tricolored blackbirds and their habitat are not expected to occur within the footprint of construction activities and would therefore not be directly impacted by the project. However, construction activities are expected to occur with 250 feet of riparian habitat, including areas identified in the HCP/NCCP as tricolored blackbird survey areas. If present nearby, tricolored blackbird could be indirectly affected by noise or visual disturbances that could lead to nest abandonment.

Other Breeding and Migratory Birds

Trees adjacent to the project site offer foraging and nesting opportunity to a variety of resident and migratory birds. Raptors observed during the July 17, 2020 reconnaissance survey include red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*). Passerine species which could nest in the area include, but are not limited to, Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), house finch (*Haemorhous mexicanus*), and American crow (*Corvus brachyrhynchos*), among many others. The federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code protect raptors, most native migratory birds, and breeding birds that could occur on the project site and/or nest in the surrounding vicinity.

Construction-related direct impacts on nesting birds protected by the MBTA could result from the removal of trees and vegetation and/or demolition of buildings while an active bird nest is present. Construction-related activities may indirectly impact nesting birds by causing noise, vibration, and visual disturbance that would result in nest failure.

Special Status Bats

Pallid bat (*Antrozous pallidus*) is a California Species of Special Concern and has a high priority designation from the Western Bat Working Group (WBWG). The long-eared myotis (*Myotis evotis*) is included on the CDFW Special Animals List and has a medium priority ranking by the WBWG. Yuma myotis (*Myotis yumanensis*) has a medium priority ranking by the WBWG (CDFW 2019). Pallid bat, long-eared myotis, and Yuma myotis roost in a variety of structure including trees and buildings. The nearest occurrence record for pallid bat and long-eared myotis is from 2007 approximately 2 miles north of the project site (Occurrence No. 421). The nearest occurrence record for Yuma myotis is approximately 9 miles south of the project site (Occurrence No. 37). The study area, which includes aquatic features such as Evergreen Lake, Yerba Buena Creek, Evergreen Creek, and Thompson Creek, provides both foraging and roosting habitat for these species. In addition, buildings on the EVC campus that are proposed for demolition may provide roosting habitat.

The proposed project could directly impact special-status bats if they are present in buildings, or crevices in structures, that would be demolished, or in mature trees that would be removed or pruned to accommodate project construction.

The impact discussion of the relevance of the Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP), as it relates to western burrowing owl requires revision to clarify the relevance of applicable mitigation and the identification of western burrowing owl habitat. In the Draft EIR Appendix A, Section IV, *Biological Resources*, page 33, the following the fifth paragraph, the following text is added:

> Condition 15 is intended to ensure that covered projects do not directly affect burrowing owl individuals during construction/development. The study area is not within areas identified by the HCP/NCCP as burrowing owl survey areas. However, due to the presence of potentially suitable burrowing owl habitat and occurrence records within one mile of the project site, the project would implement **BIO-1b: Western Burrowing Owl Surveys**. Implementation of this measure would reduce potential impacts to burrowing owls to less than significant.

The mitigation measure identified in the IS/NOP to address impacts to western burrowing owl is revised to clarify the application of the accepted CDFW protocol described in that agency's Staff Report on Burrowing Owl Mitigation (CDFW, 2012). The text of Mitigation Measure BIO-1b, in the Draft EIR Appendix A, Section IV, *Biological Resources*, pages 34 and 35, is revised to read:

> **Mitigation Measure BIO-1b: Western Burrowing Owl Surveys**
>
> ~~Prior to the implementation of the project that would disturb undeveloped portions of Montgomery Hill, a burrowing owl habitat evaluation shall be conducted of the disturbance footprint and a surrounding 500-foot area. If it is determined that habitat conditions are not suitable for burrowing owl at the time of the habitat evaluation (taking into consideration factors such as height and density of vegetation and absence of suitable small mammal burrows), then no further actions would be required. If it is determined that suitable burrowing owl habitat is present, then the following action shall be implemented:~~
>
> - ~~Focused burrowing owl surveys shall be conducted according to the accepted CDFW protocol (see Staff Report on Burrowing Mitigation, CDFW 2012). If nesting burrowing owls are observed on or within 500 feet of the disturbance area, then the nest sites shall not be disturbed during the nesting season (February 1 through August 31) or until all young have fledged as determined by a qualified biologist. If non-nesting burrowing owls are observed in the disturbance area, then the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).~~
>
> Prior to the implementation of the project that would disturb undeveloped portions of Montgomery Hill or grassland areas that could potentially support burrowing owl habitat, the following measures shall be implemented by a qualified biologist to avoid or minimize impacts of Project activities on western burrowing owls.
>
> *Habitat Assessment*
>
> A burrowing owl habitat evaluation shall be conducted within the disturbance footprint and a surrounding 500-foot area in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). A qualified biologist will

conduct a literature search for burrowing owl occurrences within and adjacent to the Project area. The qualified biologist will conduct a habitat field assessment that includes all areas that could be directly or indirectly impacted by the Project and will include data such as vegetation type, vegetation structure and presence of burrows. If it is determined that habitat conditions are not suitable for burrowing owl at the time of the habitat evaluation (taking into consideration factors such as height and density of vegetation and absence of suitable small mammal burrows), then no further actions would be required.

Burrowing Owl Surveys

If it is determined that suitable burrowing owl habitat is present within and surrounding the Project Area, the qualified biologist will conduct burrowing owl surveys according to the accepted CDFW protocol (CDFW 2012). Appropriate surveys should be conducted during both the nesting season (February 1 to August 31) and overwintering period.

Burrowing Owl Avoidance

If nesting burrowing owls are observed on or within 500 feet of the disturbance area, then a protective buffer will be established surrounding the nest sites as described in CDFW 2012; appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), buffer distance should be increased. Area within this buffer shall not be disturbed during the nesting season (February 1 through August 31) or until all young have fledged as determined by a qualified biologist. If non-nesting burrowing owls are observed in the disturbance area, then the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Compensatory Mitigation

If occupied burrowing owl habitat is identified during the habitat assessment and burrowing owl surveys, and if permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, measures to minimize the impacts of construction on the burrowing owl, and effective compensatory mitigation to offset habitat loss will be implemented. A mitigation plan will be prepared in consultation with CDFW.

Qualified Biologist

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements.

Appendix A

To provide additional clarity regarding the basis for determination of which special-status species have the potential to occur within the biological study area for the EVC FMP project area,

Table A-1 is added to Appendix A of the Initial Study/Notice of Preparation in Appendix A of the Draft EIR. Table A-1 on the following page, is added to the end of the existing Appendix A. Please note that for readability purposes, this table is shown as clean without showing any underline.

TABLE A-1
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR WITHIN THE STUDY AREA

Common Name *Scientific Name*	Status	General Habitat Requirements	Potential for Species Occurrence
Invertebrates			
Bay checkerspot butterfly *Euphydryas editha bayensis*	FT/—/XSIC: CI	Found in areas with shallow, serpentine-derived soil. The primary larvae host plant is dwarf plantain (*Plantago erecta*). Larvae feed on purple owl's clover (*Castilleja densiflora or C. exserta*) when dwarf plantain is not available or has dried up. Adults rely on nectar from these host plants.	**Low. The study area lacks suitable serpentine soil habitat and associated host plants.**
Bombus caliginosus *Obscure bumble bee*	--/--/--	Coastal areas from Santa Barabara county to north to Washington state. Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.	**Low**. Marginally suitable habitat within study area. Occurrence records in the vicinity of the study area are historical.
Crotch bumble bee *Bombus crotchii*	--/CE/--	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	**Low**. Marginally suitable habitat within study area. Species range has contracted and recent range maps show that study area may be outside of study area.[1]
Western bumble bee *Bombus occidentalis*	--/CE/--	Current range central California to southern British Columbia. Food plant genera include Melilotus, Cirsium, Trifolium, Centaurea, Chrysothamnus, Eriogonum.	**Low**. Marginally suitable habitat within study area. Occurrence records in the vicinity of the study area are historical. Species range has contracted and recent range maps show range outside of study area.[2]
Amphibians			
California red-legged frog *Rana draytonii*	FT/—/—	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	**Low. EVC campus lacks suitable habitat. Potentially suitable habitat within nearby creeks. However, nearby CNDDB records indicate occurrences in the vicinity have likely all been extirpated.**
California tiger salamander *Ambystoma californiense*	FT/ST/—	Central Valley DPS federally listed as threatened. Santa Barbara and Sonoma counties DPS federally listed as endangered. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	**Low. EVC campus lacks suitable habitat. Potentially suitable upland aestivation habitat within adjacent Montgomery Hill Park and in stockponds located east of the project area off Old Yerba Buena Road. However, nearby CNDDB records indicate known occurrences in the vicinity have been extirpated. In addition, Yerba Buena Road would likely serve as a dispersal barrier to the EVC campus.**
Foothill yellow-legged frog *Rana boylii*	—/SE/—	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	**Low. EVC campus lacks suitable habitat. Potentially suitable habitat in within nearby creeks. Nearest occurrence record was recorded in 1971 approximately 2 miles south of project site (Occurrence No. 2087). Unknown if population is still extant.**

1 Xerces Society. 2018. A petition to the state of California Fish and Game Commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered under the California Endangered Species Act.

2 Xerces Society. 2018. A petition to the state of California Fish and Game Commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered under the California Endangered Species Act.

TABLE A-1
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR WITHIN THE STUDY AREA

Common Name ***Scientific Name***	**Status**	**General Habitat Requirements**	**Potential for Species Occurrence**
Birds			
Burrowing owl *Athene cunicularia*	—/SSC/—	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	**Moderate. Suitable foraging and breeding habitat in grasslands around campus, including Montgomery Hill Park.** Breeding western burrowing owls are documented approximately 1 mile south project site in annual grasslands (Occurrence No. 395)
Cooper's hawk *Accipiter cooperii*	—/WL/—	Nests in riparian areas and oak woodlands, and hunts songbirds at woodland edges. Increasingly found nesting in neighborhood street trees.	**High.** Suitable nesting habitat in trees within and surrounding EVC campus.
Golden eagle *Aquila chrysaetos*	—/FP/—	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	**Low. Potentially suitable foraging and nesting habitat within adjacent Montgomery Hill Park. Project area lacks suitable foraging and nesting habitat.**
Grasshopper sparrow *Ammodramus savannarum*	—/SSC/—	Dense grasslands on rolling hills, lowland plains, in valleys and on hillsides on lower mountain slopes. Favors native grasslands with a mix of grasses, forbs and scattered shrubs.	**Low. Potentially suitable foraging and nesting habitat within adjacent Montgomery Hill Park. Project area lacks suitable nesting habitat.**
Loggerhead shrike *Lanius ludovicianus*	—/SSC/—	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub & washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	**Low. Potentially suitable foraging and nesting habitat within adjacent Montgomery Hill Park.**
Swainson's hawk *Buteo swainsoni*	—/ST/—	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	**Low. Marginally suitable foraging and nesting habitat within adjacent Montgomery Hill Park and surrounding riparian areas. Nearest record of this species is approximately 6.5 miles south of project site along Coyote Creek (Occurrence No. 2667).**
Tricolored blackbird *Agelaius tricolor*	—/ST/—	Highly colonial species, most numerous in Central Valley & vicinity. Requires open water, protected nesting substrate, and foraging area with insect prey near colony.	**Moderate. Riparian corridors around campus provide potentially suitable nesting habitat.** The nearest record of this species is located approximately 2.7 miles to the northwest of the project site and was recorded in 1994 (Occurrence No. 845).
White-tailed kite *Elanus leucurus*	—/FP/—	Inhabit savannas, open woodlands, marshes, desert grasslands, partially cleared lands, and cultivated fields. Nests in trees that typically range from 10 to 160 feet tall.	**High.** Suitable nesting habitat in trees within and surrounding EVC campus. Suitable foraging habitat in vicinity of EVC campus, including Montgomery Hill Park.

TABLE A-1
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR WITHIN THE STUDY AREA

Common Name ***Scientific Name***	**Status**	**General Habitat Requirements**	**Potential for Species Occurrence**
Mammals			
Long-eared myotis *Myotis evotis*	—/—/WBWG: Medium	Found in all brush, woodland and forest habitats from sea level to about 9000 ft. Prefers coniferous woodlands and forests. Nursery colonies in buildings, crevices, spaces under bark, and snags. Caves used primarily as night roosts.	**Moderate.** Buildings on campus provide potential roosting habitat. Nearest occurrence record from 2007 approximately 2 miles north of the project site (Occurrence No. 108).
Pallid bat *Antrozous pallidus*	—/SSC/WBWG: High	A wide variety of habitats is occupied, including grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests. The species is most common in open, dry habitats with rocky areas for roosting. Roosts in buildings, caves, tree hollows, crevices, mines, and bridges. Sensitive to human disturbance.	**Moderate.** Buildings on campus provide potential roosting habitat. Nearest occurrence record from 2007 approximately 2 miles north of the project site (Occurrence No. 421).
Townsend's big-eared bat *Corynorhinus townsendii*	—/SSC/WBWG: High	Roosts in caves, mines, hollow trees, and tunnels with minimal disturbance, but can also be found in abandoned open buildings or other human-made structures. Found in all habitats except subalpine and alpine habitats, and may be found at any season throughout its range. Very sensitive to human disturbance.	**Low.** Study area provides marginally suitable foraging and roosting habitat. Nearest occurrence recorded within vicinity of project site in 1933 (Occurrence No. 417)
Hoary bat *Lasiurus cinereus*	—/*/WBWG: Medium	Solitary rooster in tree foliage. Habitats include woodlands, forests, and riparian habitats with dense foliage. Winters along the coast and in Southern California, but is not known to breed on the valley floor. During migration can be found throughout California.	**Low.** Study area provides marginally suitable foraging and roosting habitat. Nearest occurrence from 1990 recorded 6 miles west of project site at the Interstate 280/State Route 87 (Guadalupe Freeway) interchange (Occurrence No. 98).
Yuma myotis *Myotis yumanensis*	—/*/WBWG: Low-Medium	Occupies wide variety of habitats below 8,000-foot elevation. Optimal habitats are open forests and woodlands with sources of water over which to feed. Cluster in groups of up to thousands in maternity colonies; adult males typically solitary; roost in crevices on buildings, under bridges, and trees; also in caves and mines. Common and widespread in California.	**Moderate.** Buildings on campus provide potential roosting habitat. Riparian areas near campus and Evergreen lake provide potential foraging habitat. The nearest record for this species is 9 miles south of the project site (Occurrence No. 37).
American badger *Taxidea taxus*	—/SSC/—	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	**Low. Marginally suitable habitat within Montgomery Hill Park. Nearest occurrence recorded 3.7 miles south of project site (Occurrence No. 551).**
San Francisco dusky-footed woodrat *Neotoma fuscipes annectens*	—/SSC/—	Forest habitats of moderate canopy & moderate to dense understory. May prefer chaparral & redwood habitats. Constructs nests of shredded grass, leaves & other material. May be limited by availability of nest-building materials.	**Low. Riparian areas in the study area provide suitable habitat. No suitable habitat located within EVC campus. No project activities would impact riparian areas.**

TABLE A-1
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR WITHIN THE STUDY AREA

Common Name ***Scientific Name***	**Status**	**General Habitat Requirements**	**Potential for Species Occurrence**
Reptiles			
Western pond turtle *Emys marmorata*	—/SSC/—	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft. elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	**Low. Creeks and riparian areas near project site provide only marginally suitable habitat. EVC campus lacks suitable habitat. Nearest occurrence record is approximately 2.6 miles east in Coyote Creek (Occurrence No. 189).**

NOTES:

CNDDB = California Natural Diversity Database

KEY:

STATUS: Federal/State/Other (CNPS CRPR, Western Bat Working Group, Xerces Society for Invertebrate Conservation)

Federal (U.S. Fish and Wildlife Service)

FDL = delisted
FE = listed as endangered (in danger of extinction) by the federal government
FT = listed as threatened (likely to become endangered within the foreseeable future) by the federal government
FC = candidate to become a *proposed* species

State (CDFW)

SE = listed as endangered by the State of California
ST = listed as threatened by the State of California
SC = state candidate for listing
* = Special Animals List

SSC = California Species of Special Concern
FP = state fully protected
SDL = delisted
SR = state rare (plants)

Other

Western Bat Working Group (WBWG)
Low = Stable population
Medium = Need more information about the species, possible threats, and protective actions to implement
High = Imperiled or at high risk of imperilment

Xerces Society for Invertebrate Conservation (XSIC)
CI = Critically imperiled
IM = Imperiled
VU = Vulnerable
DD = Data Deficit

International Union for Conservation of Nature (IUCN) Red List
LC = Least concern
NT = Near threatened
VU = Vulnerable
EN = Endangered
CR = Critically endangered

SOURCE: Data compiled by Environmental Science Associates in 2020

Draft EIR Appendix C, *Transportation*

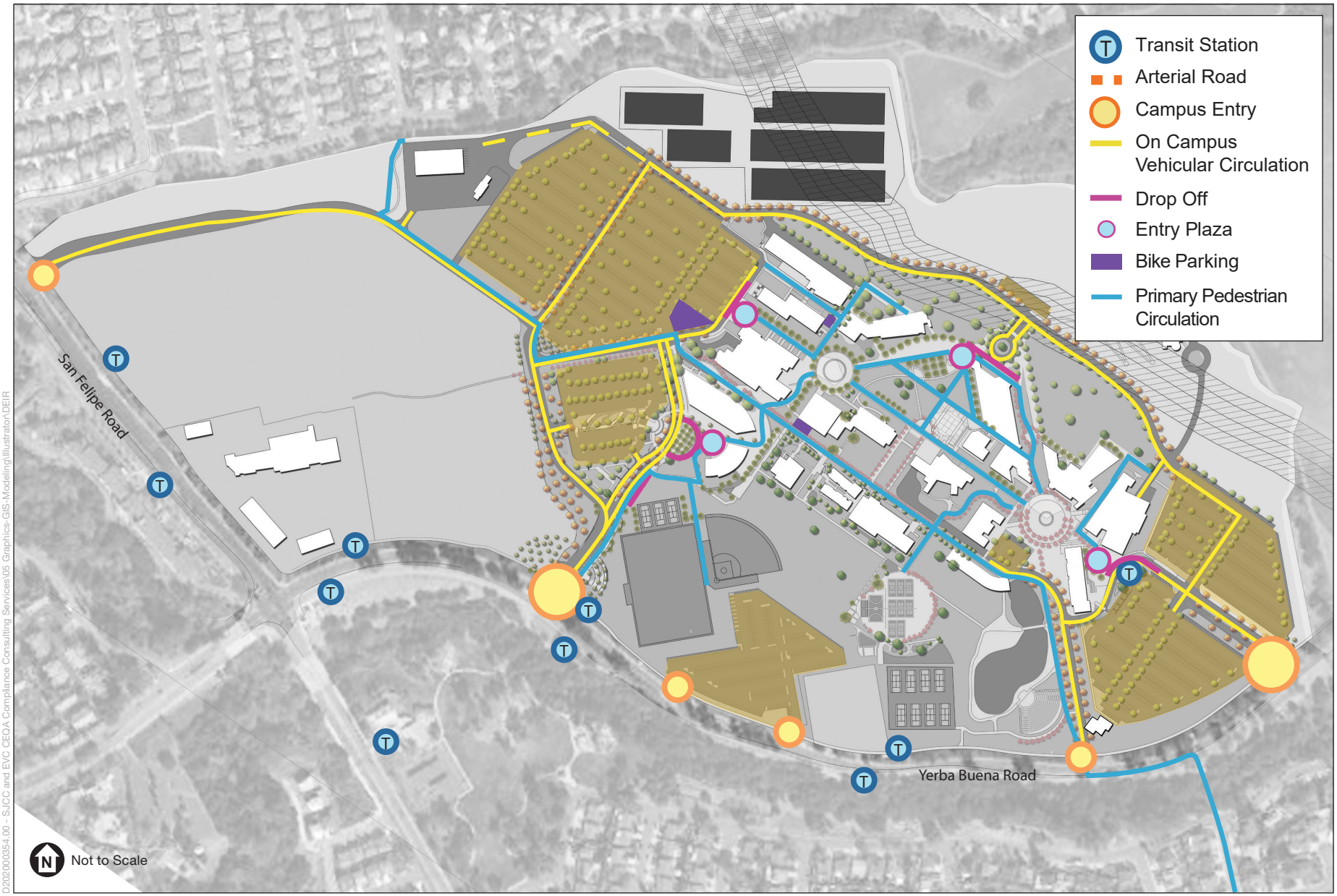
Drat EIR Appendix C, Transportation, Executive Summary, Page i is revised to read to read:

> The project site is located in the City of ~~actually a Santa Clara County pocket, but it is surrounded by~~ San Jose. The Community College District has the approval authority for the project and is the lead agency for the environmental review. However, since any project transportation impacts would occur in San Jose, the project was evaluated following the standards and methodologies established in the City of San Jose's Transportation Analysis Handbook, adopted in April 2020.

To reflect the most recent Valley Transportation Authority (VTA) transit service information, the Draft EIR Appendix C, *Transportation*, Page 12, Table 2 is revised to read as follows:

Table 2
Existing Bus Routes

Bus Route	Route Description	Closest Stop and Distance to Project Site	Weekday Hour of Operation[1]	Headway (minutes)[1]
Local Route 31	Evergreen Valley College – Eastridge	On-Site	6:23~~30~~ AM–10:20~~6:30~~ PM	45 ~~24~~
Local Route 39	The Villages – Eastridge Transit Center	On San Felipe Road, 2,310 feet	6:48~~7:00~~ AM–6:46~~30~~ PM	60
Local Route 42	Evergreen Valley College – Santa Teresa Light Rail Station	On Site	6:00 AM–6:51~~30~~ PM	60
1. Approximate weekday operation hours and headways during peak commute periods in the project area, as of October 2021 ~~November 2020.~~				



SOURCE: San Jose Evergreen Community College District, 2021

Evergreen Valley College Facilities Master Plan - San José Evergreen Community College District

Figure 2-5
Project Site Access and Circulation

ESA

CHAPTER 3
Comments and Responses

3.1 Introduction

This section contains copies of the written comment letters received during the public review period (August 13, 2021 through September 27, 2021) for the Draft Environmental Impact Report for the Evergreen Valley College Facilities Master Plan (Draft EIR). Each letter received during this comment period is reproduced here in its entirety.

3.2 Comments and Responses

Agency and individual public written correspondence were received during the public review period, and additional individual public comments were made orally during the Draft EIR public comment meeting held on September 16, 2021. The commenter code for comments on the Draft EIR begins with a prefix indicating whether the comments represent a public agency (A), an individual (I), or a speaker at the public comment meeting (M). Within each written comment letter, individual comments are labeled with a number in the margin.

Following each comment letter, and following the public comment meeting summary, is a response by the District that supplements, clarifies, or amends information provided in the Draft EIR, that refers the reader to the appropriate place in the document where the requested information can be found, or that otherwise responds to the comment. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft EIR are warranted based upon comments on the Draft EIR, those changes are shown in Chapter 2, *Revisions to the Draft EIR*, where all the text changes to the Draft EIR can be found.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 23, 2021

Mr. Terrance DeGray
San José Evergreen Community College District
40 S. Market Street
San José, CA 95113
Terrance.DeGray@sjeccd.edu

Subject: Evergreen Valley College Facilities Master Plan, Draft Environmental Impact Report, SCH No. 2021010261, Santa Clara County

Dear Mr. DeGray:

The California Department of Fish and Wildlife (CDFW) received the Draft Environmental Impact Report (DEIR) from the San José Evergreen Community College District (District) for the Evergreen Valley College Facilities Master Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

A1-1 CDFW provided comments on the Notice of Preparation (NOP) for the Project in a letter dated February 19, 2021. Thank you for the opportunity to provide additional comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

A1-2 CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

PROJECT DESCRIPTION SUMMARY

Proponent: San José Evergreen Community College District

A1-3

Objective: The Project includes demolition and renovation of existing structures, construction of new structures, improvements to vehicular and pedestrian access and circulation systems, and expansion of parking facilities.

Location: 3095 Yerba Buena Road, San José, CA 95135, Santa Clara County. The coordinates are 37.300278° N latitude and 121.764167 W longitude (NAD 83 or WGS 84). The Assessor's Parcel Numbers are 66021023, 66021016, 66021014, and 66021022.

COMMENTS AND RECOMMENDATIONS

A1-4

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

DEIR page 1-5, 1.5 Scope of this EIR

A1-5

The DEIR states that "Unless new information is presented during the environmental process, the following topics have less-than-significant impacts or can be mitigated to less-than-significant levels, as discussed in the Initial Study: aesthetics, agriculture and forestry resources; biological resources; cultural and tribal cultural resources…". The DEIR does not include a biological resources section in which impacts to biological resources were analyzed and a determination was made that impacts were reduced to less-than-significant levels. In CDFW's February 19, 2021 NOP letter for the Project, we indicated that the Biological Resources section, starting on page 26 of the Initial Study associated with the NOP, clearly shows that the Project will result in significant impacts to biological resources, including special-status species and potential conflict with Natural Community Conservation Plans. CDFW then recommended further impact analyses and mitigation measures be included in the DEIR, and provided specific recommendations for fully assessing the Project's potential impacts on several special-status species.

A1-6

The DEIR provides a more detailed Project description; however, CDFW is greatly concerned that the DEIR did not incorporate important comments and recommendations outlined in our NOP letter. Our recommendations included evaluating and describing in the DEIR all potential impacts of the Project on special-status aquatic and terrestrial wildlife species and the habitats they depend on. The DEIR should also

A1-7

include appropriate avoidance and minimization measures to offset all potential impacts identified, and appropriate mitigation measures for all impacts that cannot be completely

A1-7 cont. avoided. CDFW's outstanding CEQA comments and recommendations that should be addresses in the DEIR are outlined below.

Biological Resources

Executive Summary, Page ES-18, Mitigation Measure BIO-1b: Western Burrowing Owl Surveys

A1-8 This measure states that nesting western burrowing owls (*Athene cunicularia*), which is a CDFW Species of Special Concern, will not be disturbed until nesting season is over or until young have fledged. However, the measure does not describe how disturbance will be avoided. The DEIR should describe implementation of appropriate and effective measures, such as buffers, that will be implemented to avoid take and reduce impacts to less-than-significant.

A1-9 This measure also states that, outside of the nesting season, individual owls will be excluded from the "disturbance area". The specific types of disturbance that would result in exclusion, direct or indirect, are not specified. This measure appears to indicate that direct impacts to western burrowing owl habitat could occur. CDFW recommends that the DEIR be revised to include a description of the type of suitable burrowing owl habitat that could be impacted (e.g., nesting or foraging), area to be impacted (e.g., acres), and the type of impact (e.g., temporary or permanent). In order to reduce impacts to a less-than-significant levels, a revised DEIR should propose compensatory mitigation for loss of nesting and foraging habitat.

A1-10 CDFW recommends following guidance on conducting thorough burrowing owl habitat assessments and protocol-level surveys, establishing protective buffers from Project activities potentially causing disturbance and occupied owl habitat, and implementing effective mitigation measures that are provided in the *CDFW Staff Report on Burrowing Owl Mitigation*, dated March 7, 2012, and available at https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds.

To reduce potential impacts to burrowing owls within or adjacent to the Project area to less-than-significant levels, CDFW recommends the following mitigation measures be included in the revised DEIR:

1. Habitat Assessment: A qualified biologist will conduct a literature search for burrowing owl occurrences within and adjacent to the Project area. The qualified biologist will conduct a habitat field assessment that includes all areas that could be directly or indirectly impacted by the Project and will include data such as vegetation type, vegetation structure and presence of burrows.

A1-10 cont.

2. Burrowing Owl Surveys: If western burrowing owl habitat is present within, and surrounding, the Project area, the qualified biologist will conduct burrowing owl presence surveys. Appropriate surveys should be conducted during both the nesting season (February 1 to August 31) and overwintering period. Burrowing owl surveys will follow protocol-level survey methodologies as described in the CDFW 2012 Staff Report.

3. Burrowing Owl Avoidance: A protective buffer in which construction activities would not occur should be established. Appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), buffer distance should be increased.

4. Compensatory Mitigation: If permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, measures to minimize the impacts of construction on the burrowing owl, and effective compensatory mitigation to offset habitat loss will be implemented. A mitigation plan will be prepared in consultation with CDFW.

5. Qualified Biologist: A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements.

A1-11

California Red-Legged Frog

The DEIR does not discuss the likelihood of presence of California red-legged frog (CRLF, *Rana draytonii*, Federally Threatened, State Species of Special Concern) within or near the Project area. There are CRLF California Natural Diversity Database (CNDDB) occurrences to the east of the Project site (CDFW 2021) and potential riparian habitat is present along the northern and southern border of the Project area (unnamed drainage and Yerba Buena Creek). CDFW recommends that a revised DEIR include an analysis of the potential for CRLF to be present within riparian areas adjacent to the Project site and the potential for CRLF dispersal onto the Project site. If CRLF may be present, the DEIR should analyze how Project implementation may directly and indirectly impact CRLF. The revised DEIR should include measures to avoid, minimize, or mitigate for impacts to CRLF to reduce impacts to a less-than-significant levels.

California Tiger Salamander

The DEIR does not discuss the likelihood of presence of California tiger salamander (CTS, *Ambystoma californiense*, Federal Threatened, State Threatened) within or near the Project area. There are CTS CNDDB occurrences to the east of the Project site (CDFW 2021) and ponds are present within one mile of the Project area. However, as seen on Biogeographic Information and Observation System aerials, the presence of Yerba Buena Road may prevent dispersal of CTS into the Project area.

A1-12 CDFW recommends that the revised DEIR include an analysis of the potential for CTS to be present in ponds near the Project site and the potential for CTS to disperse into the Project area with an evaluation of any partial or full barriers that may be present and restrict or impeded CTS movements. If the Project area may support CTS upland or dispersal habitat, and the Project is likely to result in take of the species, CDFW recommends that the Project proponent obtain an Incidental Take Permit under CESA prior the start of Project construction. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link:

A1-13 https://wildlife.ca.gov/data/CNDDB/submitting-data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

A1-13 cont.

CDFW appreciates the opportunity to comment on the DEIR to assist the District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or Brenda.Blinn@widlife.ca.gov.

Sincerely,

DocuSigned by:
Stephanie Fong
CF047D7F8D234E1...

Stephanie Fong
Acting Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

LITERATURE CITED

California Department of Fish and Wildlife (CDFW). 2021. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed February 11, 2021.

Responses to Comments from California Department of Fish and Wildlife – September 23, 2021 Letter

A1-1 The comment acknowledges a CDFW letter was submitted in response to the Initial Study/Notice of Preparation (IS/NOP) for the EVC FMP EIR. The comment is noted. This letter was considered by the District in its preparation of the Draft EIR.

A1-2 The comment describes CDFW's role in the project under CEQA. The comment does not identify an issue related to the Draft EIR or the proposed EVC FMP. Therefore, the comment is noted.

A1-3 The comment notes an objective of the proposed EVC FMP, and identifies the location of the EVC campus. The comment does not identify an issue related to the Draft EIR or the proposed EVC FMP. Therefore, the comment is noted.

A1-4 The comment provides an introduction to the comments and recommendations included in the letter. The comment does not identify an issue related to the Draft EIR or the proposed EVC FMP. Therefore, the comment is noted.

A1-5 The comment describes that the comment letter provided by CDFW in response to the IS/NOP for the EVC FMP identified that the biological resources section in the IS/NOP shows that the EVC FMP will result in significant impacts to biological resources, and that CDFW provided recommendations regarding further analysis and mitigation measures to be included in Draft EIR, to fully assess project impacts to several special-status species.

The SJECCD and its consultants considered the recommendations of CDFW, as provided in its letter in response to the IS/NOP. With consideration of the potential impacts to special status species from the EVC FMP and based on the study of the EVC FMP project areas and surrounding habitats, the SJECCD concluded that determinations regarding impacts to biological resources and relevant mitigation provided in the IS/NOP remained valid and that no further analysis of impacts related to biological resources was warranted. However, in response to this comment letter which reiterates a number of the assertions from the CDFW comment letter in response to the IS/NOP, the SJECCD has chosen to add text to the biological resources section of the Initial Study, to provide clarification regarding the basis for determinations regarding impacts to special status-species and selection of appropriate mitigation. Those revisions to the Initial Study and responses are discussed in responses to Comments A1-8 through A1-12.

A1-6 The comment asserts that the Draft EIR included a detailed project description, but did not adequately describe all potential impacts to special-status species or their habitat. Please see response to Comment A1-5, which describes how the District is responding CDFW's concerns regarding impacts to special-status species and their habitat.

A1-7 The comment asserts that the Draft EIR should include appropriate avoidance and minimization measures to offset all potential impacts identified, and appropriate

mitigation measures for all impacts that cannot be completely avoided. The comment is noted. Responses to the comment as they relate to specific species are included in the responses to Comments A1-8 through A1-12.

A1-8 The comment asserts that Mitigation Measure BIO-1b, as presented in the IS/NOP (and repeated in the Draft EIR summary of mitigation measures, does not describe how disturbances to western burrowing owl will be avoided, suggesting the Draft EIR should include appropriate and effective measures to avoid take and reduce impacts to those species.

The biological resources section in the IS/NOP, included in Appendix A of the Draft EIR, included a description of the environmental setting related to special-status birds, including western burrowing owl. The setting section (Draft EIR, Appendix A, page 29) provided an overview of western burrowing owl habitat, prey, and breeding. As written, the setting discussion does not clearly state potential nesting habitat for western burrowing owl occurs in the grasslands on the west side of the existing campus and at Montgomery Hill Park, on the northeast side of the campus. The analysis conducted by the SJECCD and its consultants identified the potential for occurrence of burrowing owl to be moderate, based on the quality of the habitat present. To provide additional clarity, the setting text of the biological resources section in the Initial Study (Draft EIR, Appendix A, page 29), is revised. The corrected text can be found in Chapter 2, *Revisions to the Draft EIR*, in this document.

The impact discussion on pages 31 to 32 of the Initial Study identified that the proposed EVC FMP could have a substantial adverse direct or indirect impacts on special-status wildlife species that are known to occur or have a moderate or high potential to occur in the project study area. Specifically, the IS/NOP identified that areas within the project study area contain suitable habitat that may support western burrowing owl. Mitigation Measures BIO-1a: Avoidance and Minimization Measures for Nesting Birds, and BIO-1b: Western Burrowing Owl Surveys, were identified as sufficient to mitigate adverse impacts to western burrowing owl to less than significant.

Mitigation Measure BIO-1a includes the implementation of pre-construction surveys during the nesting season (February 1 to August 31), and avoidance and minimization measures for nesting birds, which would be applied to any western burrowing owl nests identified during pre-construction surveys. If active nests are found, the measure includes avoidance and minimization measures including the implementation of a no-disturbance buffer, as determined by a qualified biologist, and reducible in size through consultation with CDFW. Prohibition of ground disturbance where a nest is found to occur until after the birds have fledged, and more intensive monitoring and behavioral baseline comparison where work must proceed.

Mitigation Measure BIO-1b provided direction regarding a habitat evaluation for western burrowing owl, and focused burrowing owl surveys to be conducted according to the accepted CDFW protocol. The CDFW protocol described in the measure was in

reference to the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If non-nesting burrowing owls are observed in the disturbance area, then Mitigation Measure BIO-1b directs that the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Comment A1-10 provides a suggestion that the district implement effective mitigation measures that are provided in the Staff Report on Burrowing Owl Mitigation (CDFW). The language of Mitigation Measure BIO-1b implements the measures defined in the Staff Report on Burrowing Owl Mitigation; however, the CDFW comments suggest that expansion of the language in the measure to expressly include the measures outlined in the staff report would provide sufficient clarity regarding suggested mitigation. Therefore, the text of Mitigation Measure BIO-1b in the IS/NOP (Draft EIR Appendix A, page 35) of the Draft EIR, is revised. The corrected text can be found in Chapter 2, *Revisions to the Draft EIR*, in this document.

The expanded language of Mitigation Measure BIO-1b does not change the function of Mitigation Measure BIO-1b, as provided in the IS/NOP. The implementation of Mitigation Measure BIO-1a and BIO-1b as modified would continue to mitigate for potentially-significant impacts that could occur to western burrowing owl and their habitat as a result of implementation of the EVC FMP.

A1-9 The comment asserts that the specific types of disturbance that would result in exclusion of western burrowing owl, outside of the nesting season, is not specified in the IS/MND. The comment also recommends that the Draft EIR describe suitable burrowing owl habitat that could be impacted (e.g., nesting or foraging), area to be impacted (e.g., acres), and the type of impact (e.g., temporary or permanent). In order to reduce impacts to a less-than-significant levels, the comment suggests a revised Draft EIR should propose compensatory mitigation for loss of nesting and foraging habitat. Please see response to Comment A1-8, which addresses impacts and mitigation relevant to western burrowing owl.

As described on page 33 and 34 of the IS/NOP, the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) is the applicable adopted habitat conservation plan and natural community conservation plan to the project area. The HCP/NCCP includes Conditions on Covered Activities, including conservation measures to avoid and minimize take of covered species, and avoidance and minimization measures to protect biological resources, such as riparian and aquatic habitat. Condition 15 of the HCP/NCCP is intended to ensure that covered projects do not directly affect burrowing owl individuals during construction/development. The study area is not within areas identified by the HCP/NCCP as burrowing owl survey areas. However, due to the presence of potentially suitable burrowing owl habitat and occurrence records within one mile of the project site, the project would implement BIO-1b: Western Burrowing Owl Surveys. Implementation of this measure, as revised in this document, would reduce potential impacts to burrowing owls to less than significant.

A1-10 The comment suggests that the district implement effective mitigation measures that are provided in the Staff Report on Burrowing Owl Mitigation (CDFW). Please see response to Comment A1-8, which addresses impacts and mitigation relevant to western burrowing owl.

A1-11 The comment identifies that the Draft EIR does not discuss the likelihood or presence of California red-legged from (CRLF), within or near the project area. The comment recommends that a revised Draft EIR include an analysis of the potential for CRLF to be present within riparian areas adjacent to the EVC campus and the potential for CRLF dispersal onto the project sites around the EVC campus. The biological resources section in the IS/NOP identified four birds and three bat species as the only special-status species with moderate to high likelihood of occurrence within the project study area.

The likelihood of occurrence of special-status species in the project study area was the result of database searches from USFWS, CNDDB, and CNPS, combined with knowledge of the habitat present in the study area and the habitat requirements of special-status species, which formed the basis for analysis of special-status species with the potential to occur in the study area. The considerations regarding species with the potential to occur in the project study area were summarized in a table, which provided descriptions of the habitat and potential to occur for all relevant species. Species that are not expected to occur because of the absence of suitable habitat, or because the project area is outside of the species' known range, were excluded from the table. The District intended to reference and include this table as an appendix to the IS/NOP, but the table was inadvertently not included.

To provide additional clarity regarding the basis for determining likelihood of each special-status species with potential to occur within the project study area, the District is adding the table that summarizes the potential for each relevant species to occur in the BSA, as Table A-1, to Appendix A of the IS/NOP, in Appendix A of the Draft EIR. Please refer to Chapter 2, *Revisions to the Draft EIR*, to review the Table A-1.

As is summarized in Table A-1, CRLF would have a low likelihood of occurrence as the campus lacks suitable habitat. There is suitable habitat within nearby creeks. However, suitable habitat was not identified in the reconnaissance-level biological survey conducted for at the EVC FMP project area, and nearby CNDDB records indicate occurrences in the vicinity have likely all been extirpated. As the likelihood of dispersal of CRLF into the project is low, the SJECCD does not anticipate that a potentially adverse impact would occur to CRLF and no mitigation is proposed.

A1-12 The comment asserts that the Draft EIR does not discuss the likelihood of presence of California tiger salamander (CTS), within or near the project area, and recommends that a revised Draft EIR include analysis of potential impacts related to CTS. The comment acknowledges that Yerba Buena Road may be barrier to CTS dispersal into the project area.

Response to Comment A1-11 provides a relevant response regarding special-status species that had potential to occur within the biological study area, but the likelihood of their occurrence is considered low due to a lack of suitable habitat.

To provide additional clarity regarding the basis for determining likelihood of each special-status species with potential to occur within the project study area, the District is adding the table that summarizes the potential for each relevant species to occur in the project study area, as Table A-1, to Appendix A of the IS/NOP. Please refer to Chapter 2, *Revisions to the Draft EIR*, to review Table A-1.

CTS require underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding. The EVC FMP project area lacks suitable habitat, as was confirmed in the reconnaissance-level biological survey conduct for the EVC FMP project area. Potentially suitable upland aestivation habitat occurs within adjacent Montgomery Hill Park and in stock ponds located east of the project area off Old Yerba Buena Road. However, nearby CNDDB records indicate known occurrences in the vicinity have been extirpated. In addition, Yerba Buena Road would likely serve as a dispersal barrier to the EVC campus. For these reasons, the likelihood of occurrence of CTS in the project area is determined to be low, and the presence of CTS is not assumed.

A1-13 The comment requests that the District report any special-status species and natural communities detected during project surveys to the CNDDB. The comment also describes the applicability of filing fees (Fish & Game Code, § 711.4; Pub. Resources Code, § 21089), and provides contact information for coordination with CDFW regarding the EVC FMP impact analysis. The comment does not identify an issue related to the Draft EIR or the proposed EVC FMP. Therefore, the comment is noted.

Santa Clara Valley Transportation Authority

September 24, 2021

San José Evergreen Community College District
40 S. Market Street
San José, CA 95113

Attn: Terrance DeGray, Associate Vice Chancellor, Physical Plant Development and Operations
By Email: Terrance.DeGray@sjeccd.edu

Dear Terrance,

VTA appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Evergreen Valley College Facilities Master Plan (FMP). VTA has reviewed the document and has the following comments:

A2-1 Transit Access

VTA runs three bus routes along San Felipe Road and Yerba Buena Road (Routes 31, 39 and 41), with stops at or near Evergreen Valley College (EVC). These stops allow local access to the college for students, staff and visitors. In addition, Route 42 connects to the Santa Teresa Light Rail station, which seamlessly connects North San José and the whole light rail system to EVC. The FMP should allow clear access to transit and foster a safe and accessible bicycle and pedestrian environment.

A2-2 Figure 2-5 in the DEIR excludes the westbound bus stop at Yerba Buena Road and Footbridge (Bus Stop ID 61253). Please include this stop on future figures. This stop will be impacted by the new driveway onto Yerba Buena Road. As a new access location, VTA recommends the existing bus stop be relocated

A2-3 just west of the new road and the sidewalk be upgraded to accommodate wheelchair boarding. More specifically, an 8'x40' sidewalk area to accommodate wheelchair boarding (shown in Figure 1 below) and a bus stop red curb space of 55'.

A2-3 cont.

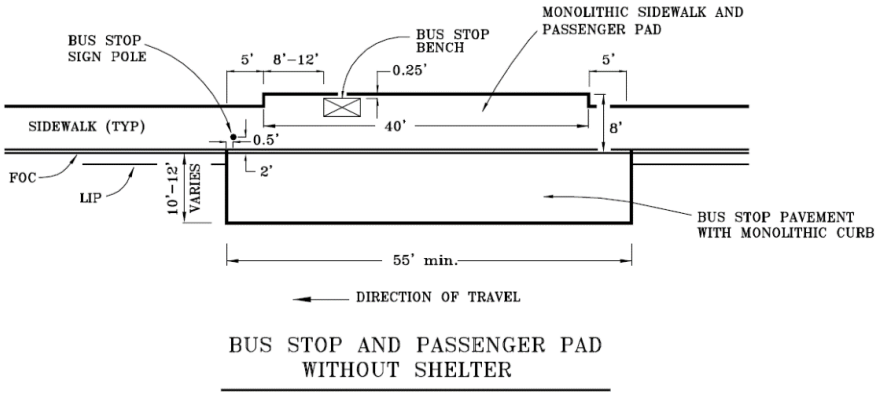


Figure 1: Diagram of 8'x40' sidewalk area to accommodate wheelchair boarding

A2-4 VTA would like the opportunity to review updated site plans to ensure the placement of driveways, landscaping, and any other features do not conflict with bus operations. VTA's Transit Passenger Environment Plan and Bus Stop Placement, Closures and Relocations Policy provide design guidelines and the placement policy for bus stops.

A2-5 Page 3.5-13 of the DEIR discusses the increased VMT from the project. It states there will be "improved transit service." Please clarify what transit improvements this is referring to.

A2-6 VTA has updated its transit service since November 2020. Please update the Existing VTA Transit Service (Table 3.5-1 and Table 2 in Appendix C) to reflect this. In addition, Appendix C states that "transit service near the project site is temporarily reduced due to COVID-19 and shelter-in-place." While this was accurate when the Appendix was written (June 2021), Route 31 will return to pre-COVID-19 service mid-October and Routes 39 and 42 are currently at pre-COVID-19 service.

A2-7 Pedestrian and Bicycle Improvements
VTA recommends the document include more detail on the pedestrian improvements and planned pedestrian circulation network throughout the campus. Page 3.5-11 provides a summary of the pedestrian access and circulation improvements, but the document does not locate these improvements or provide more detail.

A2-8 The pedestrian amenities along the proposed driveway onto Yerba Buena Road is unclear. Please clarify if the driveway would include a continuous ADA-compliant sidewalk and safe bicycle environment. VTA would like to see pedestrian and bicycle amenities along the driveway so students can travel safely from a bus stop on Yerba Buena Road or from the retail developments on the northeast corner of San Felipe Road and Yerba Buena Road to the college.

A2-9 The document should also clarify the pedestrian and vehicle crossing along Yerba Buena Road from the

A2-9 cont. proposed driveway. Page 3.5-12 of the DEIR states the driveway would include a marked and signal-controlled pedestrian crossing but there are other references to a three-way stop-controlled intersection throughout the document. It is also unclear how the median along Yerba Buena Road will be incorporated into the design of the pedestrian crossing. VTA recommends a safe pedestrian crossing for this new intersection as the closest existing crosswalks are approximately 1,100 feet to the west and approximately 2,300 feet to the east. A new crossing would allow direct midblock access to the eastbound bus stops, Yerba Buena Creek Trail, Evergreen Park, Evergreen Community Center and the residential neighborhood to the south of EVC.

A2-10 VTA is supportive of new bicycle parking on the campus; however, the bicycle parking shown in Figure 2-5 of the DEIR is clustered in the northern section of the campus. VTA requests more bicycle parking throughout the site, specifically in the southeast parking lot since it is adjacent to the Montgomery Hill Trail, near the bus stops along Yerba Buena Road, and near the bus stop on-campus. The document

A2-11 does not quantify the number of bicycle parking spots provided. The final number of bicycle parking spaces should be included in the FEIR.

A2-12 VTA is supportive of the new pedestrian plaza at the existing internal roundabout if it does not interfere with the bus route and its operation. Since the pedestrian plaza is near the on-campus bus stop, VTA recommends enhanced transit stop amenities, such as benches, shade structures, real-time transit arrival signs, and enhanced lighting in the plaza.

Transportation Demand Management Measures

A2-13 It is noted that the FMP will increase the number of parking spots on campus. Please clarify the number of existing and proposed parking spots, there is conflicting information in the EIR. VTA is interested in

A2-14 increasing ridership on the existing bus routes near the campus and other methods to reduce the number of single-occupancy vehicles traveling to EVC. The DEIR outlines Transportation Demand Management (TDM) measures that *may* be implemented. In the FEIR, the TDM measures should be finalized with specific measures and methods that *will* be implemented. VTA would be happy to coordinate with you to determine strong TDM measures appropriate for EVC.

Construction Impact Mitigation

A2-15 VTA looks forward to coordination with the project contractor prior to construction to review any temporary disruptions to the transit network and methods to mitigate it. Please email bus.stop@vta.org at least one week prior to construction if bus impacts are anticipated.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or lola.torney@vta.org.

Sincerely,

Lola Torney
Transportation Planner III

SJ2014

Responses to Comments from Santa Clara Valley Transportation Authority – September 24, 2021 Letter

A2-1 The comment identifies Santa Clara Valley Transportation Authority (VTA) transit facilities and routes that provide service to the EVC campus. The comment also recommends that the EVC FMP allow clear access to transit and foster a safe and accessible bicycle and pedestrian environment. The comment does not identify an issue related to the Draft EIR or the proposed EVC FMP. Therefore, the comment is noted.

A2-2 The comment requests that the westbound bus stop at Yerba Buena Road and Footbridge (bus stop ID 61253) be include in Figure 2-5 and all future figures. In response to this comment, Figure 2-5 has been updated to include bus stop ID 61253. Please refer to Chapter 2, *Revisions to the Draft EIR*, for the revised Figure 2-5.

The comment also suggests that VTA bus stop 61253 may be impacted by the new Entry Road project. As currently designed, the intersection of the new Entry Road at Yerba Buena Road, would be located just to the east of the existing bus stop. When project level design plans of the entry road project are available, if it is determined that the new Entry Road project would affect the bus stop, the District will coordinate with VTA and the City of San José, to coordinate the relocation of the bus stop in a manner which satisfies all relevant agencies.

The Impact 3.5-1 discussion in Section 3.5, *Transportation*, of the Draft EIR addresses potential project impacts related to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit. The current location of bus stop 61253 may be in conflict with VTA standards regarding the location of bus stops relative to intersections. To resolve the potential conflict with VTA policy, the SJECCD would coordinate with VTA and the City of San José to relocate the bus stop to a location along the north side of Yerba Buena Road that meets both VTA and City standards, and would be optimally placed to provide access to the EVC campus.

The Impact 3.5-1 discussion does not specifically reference bus stop 61253. Therefore, the discussion in the second paragraph on page 3.5-13 is revised. The corrected text can be found in Chapter 2, *Revisions to the Draft EIR*, in this document.

A2-3 The comment suggests that the VTA bus stop, identified as being impacted by the new campus driveway project in Comment A2-2, be moved to just west of the new project driveway at Yerba Buena Road, and provides design recommendations for a proposed stop at that location. In the instance that the final design of the new Entry Road would not impact the bus stop, the District will still consider the District's feedback regarding the appropriate placement of the stop, along with feedback from the City of San José, which owns the right-of-way within which the current and any future stop would be located along Yerba Buena Road. The District will take all design recommendations provided in the comment into consideration when determining the appropriate level of design for any future transit facilities pursuant to implementation of the new Entry Road project.

A2-4 The commenting agency requests to review updated site plans to ensure project features would not conflict with VTA bus operations. The District will make available the Entry Road site plans for review.

A2-5 The comment requests clarification on the reference to improved transit in the discussion of impacts related to vehicle-miles-traveled (VMT) from the EVC FMP, on page 3.5-15 of the Draft EIR. The analysis in Section 3.5, *Transportation*, is based on a Transportation Analysis, included as Appendix D of the Draft EIR. The Transportation Analysis utilizes the City of San Jose's Travel Demand Forecasting (TDF) model, using existing (2015) and year 2030 land use and demographic projections, as stated on page 3.5-8 of the Draft EIR. The City has developed a number of strategies for increasing transit ridership, for which its TDF model anticipates will lead to improved transit ridership and an expansion of transit services to meet additional demand.[1] For this reason, estimated VMT resulting from implementation of the EVC FMP is anticipated to benefit from some reduction in VMT related to improved transit conditions, pursuant to the implementation of Citywide strategies for the reduction of VMT through improved transit.

A2-6 The comment states that VTA has updated its transit service since November 2020 and requests that Table 3.5-1 and Table 2 in Appendix C be updated to reflect this. In response to this comment, Table 3.5-1 and Table 2 in Appendix C have been updated to include the most recent VTA Transit services. Please refer to Chapter 2, *Revisions to the Draft EIR*, for the updates to Table 3.5-1 and Table 2 in Appendix C.

A2-7 The comment recommends that the Draft EIR include more detail on pedestrian improvements and the planned circulation network throughout the campus. In response to this comment, Figure 2-5 has been revised to show the proposed pedestrian circulation network, under the EVC FMP. Please refer to Chapter 2, *Revisions to the Draft EIR*, for the new Figure 2-5.

A2-8 The comment requests clarification regarding the pedestrian and bicycle facilities constructed as part of the new driveway project, as to how they will provide access to the campus from areas to the west of the proposed driveway. Figure 2-5 which is described in the response to Comment A2-7, and provided in Chapter 2, *Revisions to the Draft EIR*, shows the proposed pedestrian circulation plan under the EVC FMP. The final project design for the proposed pedestrian and bicycle facilities, to be constructed on SJECCD property, will include pedestrian and bicycle facilities that will connect to the existing sidewalk and Class II bicycle lane along Yerba Buena Road (City facilities), and extend north/northeast along the alignment of the proposed new campus driveway and be connected to the internal network of pedestrian and bicycle facilities. Those facilities would be subject to Department of State Architecture (DSA) review and constructed to meet ADA standards and provide safe access to the campus. The bicycle and pedestrian improvements to be constructed within the City of San José right of way, along Yerba

[1] City of San José, 2018. City of San José Website; Mobility: Vehicle Miles Traveled. Available at https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/climate-smart-data-dashboard/mobility-vehicle-miles-traveled. Accessed October 11, 2021.

Buena Road, would be constructed to meet both City standards and comply with ADA standards.

A2-9 The comment requests clarification regarding the proposed pedestrian crossing across Yerba Buena Road, at the proposed new driveway intersection, indicating there is conflicting reference to the crossing in different sections of the Draft EIR. As described on page 3.5-12 of the Draft EIR, the proposed intersection at the new campus driveway and Yerba Buena Road would include a marked and signal-controlled (pole and flashing beacon in both directions) pedestrian crossing that would sustain pedestrian facilities along Yerba Buena Road. The crossing would be located to the east of the proposed new driveway and would cross the median and connect to the pedestrian and bicycle facilities on the south side of Yerba Buena Road. The proposed crossing would be constructed within City of San José right-of-way and would be designed and constructed to meet the City's design standards for such crossings, and would be subject to the encroachment permit to be acquired for construction of the new campus driveway and associated facilities improvements.

A2-10 The comment asserts that bicycle parking facilities should be located throughout the EVC campus, suggesting that previously-provided bicycle facilities appear to be clustered in the northern section of the campus. Figure 2-5 in the Draft EIR shows designated bicycle parking areas, where secure bicycle parking would take place for the majority of students and staff that would access the campus via bicycle. Features such as bike lockers would be anticipated to be located at these sites. Consideration for these sites is intended to encourage bicycle traffic around the perimeter of the campus, with pedestrian-only travel in the Academic core. Figure 2-5 does not identify the numerous existing bicycle parking racks, which are dispersed throughout the campus near existing structures. Except where existing facilities are designated for demolition, all existing bicycle parking facilities, throughout the campus are planned to remain in place under the EVC FMP, ensuring that bicycle parking remains available throughout the campus, through implementation of the EVC FMP.

A2-11 The comment identifies that the Draft EIR does not provide a count of the existing number of bicycle spaces on campus, and suggests that the number of bicycle spaces be included in the Final EIR. The EVC campus intends to develop bicycle parking areas, with secure bicycle parking features at the designated bicycle parking areas identified in Figure 2-5 in the Draft EIR. All existing bicycle parking on the EVC campus is in the form of bike racks, which are distributed throughout the campus and have varying bicycle parking capacities. For this reason, specific number of bicycle parking spaces is not provided. The proposed development program under the EVC FMP does not propose to eliminate existing bicycle parking facilities, and would be anticipated to add approximately 48 new bicycle spaces to the existing number of bicycle spaces on campus.

A2-12 The comment provides transit-supportive feature recommendations for the proposed pedestrian plaza. The District believes there may be a misunderstanding of the current location of the bus stop internal to campus. The existing bus stop is not located on the

internal round-about identified in the comment from VTA. The bust stop is located outside of the Visual and Performing Arts Plaza in a dedicated bus drop-off loop. When this bus stop was constructed, two covered seating areas and two open air seating areas were constructed as amenities directly attached to the bus stop.

A2-13 The comment requests clarification on the number of existing and proposed vehicle parking spaces under the EVC FMP. The EVC FMP, as completed in 2016, estimated that the EVC campus had approximately 2,585 vehicle parking spaces on the campus, and proposed to expand that number to 3,536 spaces through the implementation of the EVC FMP. Through evolution of the plan some previously planned projects that were intended to expand the number of parking spaces were eliminated from consideration. Further, some of those parking spaces were anticipated to be created through restriping projects in the existing parking areas on campus. The SJECCD anticipates that with buildout of the EVC FMP, including development of Lot 4 and Lot 5 adjacent to the new campus driveway, and elimination of the previous Lots 4 and 5, in the footprint of the proposed Student Service Complex, the campus would have total of 2,938 vehicle parking spaces, including up to 297 electric vehicle stalls.

To provide a consistent estimate of parking spaces under the EVC FMP, the Draft EIR is updated to reflect the anticipated campus total of 2,938 vehicle parking spaces at buildout of the EVC FMP. Draft EIR Chapter 2, *Project Description*, on pages 2-16, second paragraph, is revised. The corrected text can be found in Chapter 2, *Revisions to the Draft EIR*, in this document.

A2-14 The comment recommends that Transportation Demand Management (TDM) measures proposed in the Draft EIR be finalized with specific measures and methods that would be implemented. The comment also describes VTA's interest in collaborating with the SJECCD to identify strong TDM measures that would be appropriate for the EVC. Mitigation Measure 3.5-1, on page 3.5-13 of the Draft EIR, calls for the preparation of a TDM plan to achieve a reduction in daily student VMT from 6.42 to 6.39. Mitigation Measure 3.5-1 includes TDM measures that the required plan may include, but does not limit available measures to those listed in the mitigation measure. The District will consider, select, and implement TDM measures, with the goal of implementing efficient and cost effective solutions. As the primary transit service provider in the EVC campus area, VTA would be consulted, where applicable, regarding TDM measures that would be relevant to transit.

A2-15 The comment anticipates that the SJECCD would coordinate with VTA regarding construction activities that may affect transit operations in the project area. The SJECCD anticipates that construction of the new project driveway and associated features would have the potential to impact existing VTA operations along Yerba Buena Road, including the potential relocation of the existing bus stop (61253) on the north side of Yerba Buena Road. The SJECCD will coordinate with VTA regarding any project work pursuant to implementation of the EVC FMP, that would have a known effect on VTA transit service.

Impact 3.5-5 in the Draft EIR considers the temporary impacts of construction, pursuant to the EVC FMP, on transit. To minimize potentially significant transportation impacts related to project construction, the Draft EIR includes Mitigation Measure 3.5-2(a) on page 3.5-16, which calls for the SJECCD to require construction contractors to implement a construction traffic control plan. As is required in the measure, the District and their construction contractor(s) will meet with relevant City and County agencies to coordinate feasible measures to reduce traffic congestion and potential traffic and transit disruption and pedestrian circulation effects during major phases of construction of the EVC FMP projects. Through the process implemented by Mitigation Measure 3.5-2, the SJECCD would coordinate with VTA regarding potential disruptions to its transit service from project construction.

Comment Letter I1

From: DeGray, Terrance
Sent: Monday, September 27, 2021 11:04 AM
To: Payne, Robyn (Bond Services)
Cc: Taylor, Ty (Bond Services); Miller, Mark (Bond Services)
Subject: FW: Written public comments/feedback to be included in the Draft EIR for EVC by 9-27-2021

Hi Robyn,

Please see below for public feedback on the EIR.

Thanks,

Terrance
c: (804) 955-5512

From: Sandra Randles <all4education@yahoo.com>
Sent: Monday, September 27, 2021 10:05 AM
To: DeGray, Terrance <Terrance.DeGray@sjeccd.edu>
Cc: Robert Reese <reeserlest@yahoo.com>; S. Randles <all4education@yahoo.com>
Subject: Written public comments/feedback to be included in the Draft EIR for EVC by 9-27-2021

Dear Mr. DeGray,

We would appreciate these written comments included as part of the Draft EIR public comments feedback from the September 16th, 2021 meeting.

I1-1 1. On page ES-4, there is a list of bullets prefaced by a statement that the EIR state the Project Objectives as required by the CEQA Guidelines. The first objective is to achieve the goals and objectives of the EVC FMP. The fifth bullet states "Assist the District in meeting its EVC FMP goals and objectives, particularly those related to provision of educational programs, supportive needs, and student retention". Student retention analysis from the EVC FMP needs to include the **10,000+ of our SJECCD district's students each year** who are underserved and are having to attend other community colleges (Foothill De Anza and West Valley Mission CC) to get the classes and programs they need.

In the Fall of 2019, 24.2% Foothill-De Anza's students were from SJECCD and were the largest community college district population on campus. In that same period, 35% of West Valley-Mission's students were from SJECCD. Currently De Anza offers 77 associate degrees, West Valley 67, and EVC 47.

I1-2 2. The Draft EIR for EVC - the 130 acres does not include any analyses for the 27 acres and also omitted the 2016 Traffic Analysis for the 27 acres.

I1-3 3. Community Input from the first meeting was not included in the Draft EIR text itself other than the ZOOM translation Minutes which are automated and choppy and not very clear as they were not edited. The governmental agencies which commented had their ideas considered in the Draft EIR text itself.

I1-3 cont. Summary community input needs to be included in the draft EIR text itself and not just memorialized as a ZOOM text translation..

I1-4 4. The cumulative impacts of the development of the 27 acres along with the 130 acres needs to be included in the Draft EIR as the community has requested. The Draft EIR considers development(s) out to Monterey Road, but not the district's own 27 acres of property just adjacent to the college.

I1-5 5. The Draft EIR and the Traffic Report in the Appendix have different conflicting counts of future students @ EVC.

I1-6 6. The Traffic Report for the 27 acres for the 2016 Gen Plan Hearing shows some 600 to 700 new trips on the 27 acres whereas the Draft EIR on the 130 acres shows only about 150 new trips.

Thank you,

Sandra Randles

Please confirm receipt of this message. Thank you

Responses to Comments from Sandra Randles – September 27 2021 Letter

I1-1 The commenter refers to the list of objectives of the EVC FMP, as described on page ES-4 of the Executive Summary in the Draft EIR. The comment indicates student retention analysis from the EVC FMP needs to include the over 10,000 District students who are underserved and having to attend community colleges outside of the District to get the classes they need. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP.

However, as stated on page 2-2 of the Draft EIR, the EVC FMP plans for student growth based on trends in higher education. Proposed improvements to the campus, particularly to programmable instructional spaces would provide flexibility for the evolution of campus programs to more adequately serve community college program demand within the SJECCD's service area.

I1-2 The commenter indicates a 27-acre parcel of land is not analyzed in the Draft EIR. The commenter is referring to a 27-acre parcel owned by the District that is located adjacent to and west of the 130-acre EVC campus. This parcel is not part of the EVC campus, and not associated with the proposed EVC FMP, and accordingly, is not analyzed as part of the EVC FMP.

The commenter also indicates the 27-acre parcel is omitted from a 2016 Traffic Analysis. It should be noted that the commenter is referring to a traffic analysis that was prepared for the City of San Jose in support of a development previously proposed on the 27-acre parcel. However, that proposal for development was subsequently withdrawn. There are no present private projects contemplated for that parcel for which an application has been received. Furthermore, there are also no public projects anticipated for the parcel by the City of San Jose, the District and/or other agency for which funds have been budgeted or included in an adopted capital improvement program, general plan or other plan. Consequently, for purposes of the EVC FMP EIR, there is no reasonably foreseeable development assumed for that property in the cumulative analysis in the EVC FMP Draft EIR, and accordingly, the EVC FMP Draft EIR does not contemplate any cumulative traffic generated by that parcel through the buildout of the EVC FMP.

If and when a potential new development is proposed on that 27-acre parcel it would be subject to environmental review as required under CEQA by the lead agency responsible for carrying out that project, and this would include a traffic analysis of that specific development proposal.

I1-3 The comment refers to public scoping comments provided in response to the Initial Study/Notice of Preparation issued on January 22, 2021 for the EVC FMP EIR, for which scoping comments were received in letter form, and additionally were received in oral form in a public EIR scoping meeting held on February 10, 2021. The SJECCD received four (4) comment letters, in digital or physical format, and oral comments from attendees

of the public EIR scoping meeting, which were recorded in an audio transcript, all of which were included in Appendix D of the Draft EIR.

Section 15083 of the CEQA Guidelines outlines the District's requirements for early public consultation, prior to completion of the Draft EIR. The SJECCD reviewed all comments received during public scoping period, and has considered that feedback in the preparation of the Draft EIR, as appropriate. CEQA provides additional opportunities for public review as well, including, but not limited to, the 45-day public review period for the Draft EIR that the District held. As such, the SJECCD is complying with applicable CEQA Guidelines regarding public review and disclosure of information.

I1-4 The comment asserts that development of the approximately 27-acre parcel located adjacent to the EVC campus and owned by the SJECCD, be included in the cumulative analysis in the Draft EIR, and indicates that development of that parcel is not included in the Draft EIR. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

I1-5 The comment identifies that the Draft EIR and the Transportation Analysis, included in Appendix C of the Draft EIR, include conflicting counts of future students. The comment correctly identified in error in Section 3.5 of the Draft EIR, Transportation, in which the difference between existing on-campus enrolment (7,006) and future on-campus enrolment (8,644) is shown to be 1,111, instead of 1,638. This correction is included in the revisions to the Draft EIR in Chapter 2 of the Final EIR, *Revisions to the Draft EIR*.

I1-6 The comment refers to the transportation analysis prepared for a previous development proposal for the approximately 27-acre parcel adjacent to the EVC campus. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

DeGray, Terrance

From: Robert Reese <reeserlest@yahoo.com>
Sent: Thursday, September 16, 2021 8:03 PM
To: DeGray, Terrance
Subject: EVC Draft EIR
Attachments: 27 acres GP Traffic Report 12.2016.pdf

Hi Terrance!

Thank you for your efforts in allowing the previous and tonight's Zoom..

I wanted to get you some info in short order in case you wanted to take a look at it and potentially address it in your Reports.

The Traffic Report on the 27 acres for the GP hearing to NCC is attached below and it says: 320 am 680 pm new trips

****

March 2019 Presentation by Republic to SJECCD Trustees

Trustee Fuentes noted concern around the ownership of the campus entrance off San Felipe Rd. and asked for clarification.

Mr. Van Every noted that the plan presented here is the same plan that would be submitted to the City of San Jose tomorrow, March 13, 2019.

Mr. Van Every commented on the circulation plan included in the presentation and noted that over time the entrance to the college would change, which is a key focus. The senior care and medical office space would continue to access the Paseo de Arboles.

I2-1

Board President Lease noted that the front entrance to Evergreen Valley College has slowly been moving up to the Yerba Buena Rd. side.

President Aytch noted that as part of the Facilities Master Plan, Evergreen Valley College is building a new student center and with that, a pass-through from San Felipe to Paseo de Arboles. Additionally we are looking ***to build a pass through road behind the senior care facility, which would assist in alleviating some traffic congestion, as well as the possibility of widening streets with the help of the District and Republic.***

Best!

Robert

Placeholder for Letter I2 Attachment:

Evergreen Valley Community College General Plan Amendment Long Range Traffic Impact Analysis (December 2, 2016)

Item has been omitted from inclusion in this Response to Comments Document, but can be provided for reviewed, upon request, through the following contact:

Terrance DeGray, Associate Vice Chancellor, Physical Plant Development and Operations
San José Evergreen Community College District
40 S. Market Street
San José, CA 95113
Email: Terrance.DeGray@sjeccd.edu
Telephone: (408) 274-6401

Responses to Comments from Robert Reese – September 16, 2021

I2-1 The comment refers to the public meeting discussions and transportation analysis prepared for a previous development proposal for the approximately 27-acre parcel, adjacent to the EVC campus, and provides the transportation analysis prepared for that development proposal. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

EVERGREEN VALLEY COLLEGE FACILITIES MASTER PLAN

Draft EIR Public Comment Meeting

This summary document includes comments received and responses provided to commenters by the San José Evergreen Community College District (SJECCD) team, during the Draft EIR Public Comment Meeting, held on September 16, 2021.

Comments and Responses

Commenter: Robert Reese (00:22:14)

I wanted to thank you all for having a series of meetings that you didn't need to have and acknowledge that you're exceeding the requirements of CEQA and you're also exceeding the requirements of the city of San Jose for these kinds of meetings and it's appreciated.

In reading the draft I didn't see exactly that the comments from the other meeting were incorporated and I think what I heard is that perhaps the comments from then and now will be incorporated into your draft.

M-Reese-1 I had a question as to whether or not the two lanes in and out in each direction at Yerba Buena, and the new road are also extended two lanes in and out at [Paseo de Arboles], if I have that right I think that's important for us to understand. I wanted to just make a couple comments on the document, it's a shared document and I realize that your function is more narrow than perhaps reality or what the Community is interested. You're doing a program EIR for the 130 acres based on facilities master plan. But, since it is a shared document I think it's important for the reader of the document, and the trustees, since there's only trustees. When you talk and reference the 27 acres in the beginning of the report, I think it's important to let folks know that since 2004 the district has consistently been interested in very high-density development of the 27 acres at a much greater density than surrounding neighborhood.

M-Reese-2

M-Reese-3 Also in the transportation analysis it says that 130 acres is in the County unincorporated area, and I believe that's an incorrect statement it's actually within the city of San Jose.

M-Reese-4 So I've spoken to you before about wanting the activities of the district to take in the cumulative impacts of the development of 130 acres and the 27 acres, and in many, many, many ways the district has created nexus between the two by the fact that the road goes between the two, the traffic engineer suggests that the pedestrian paths connect the 130 acres to the 27 acres. There's been discussion which I'll share later at the board about the road. But I also wanted to just briefly

M-Reese-4 cont.

highlight the discussion with the City of San Jose on the traffic signal at Yerba Buena and the new road. I have no idea to know what the right solution is. It's more a matter of making sure that we take into account cumulative impacts of growth and be thorough. So I believe that the district had said that the reason that the traffic signal was denied was because it was too close to the existing intersection. But in the information provided in the draft, Ryan Do, Department of Transportation, says there's currently not enough trips to warrant a traffic signal, although future growth may warrant a signal.

M-Reese-5

The other thing I wanted to you to understand, is in the traffic analysis for the draft it talks about 170 acres each for AM and PM trips. I pulled the document for the traffic analysis for the 27 acres that was used at the general plan hearing and the AM trips for the 27 acres based upon some kind of traffic analysis, are 320 new trips, which would be in addition to the 170. And the PM trips are 680 new PM trips, in addition to the 170 PM trips. So this is what I am talking about having a context where you're looking at the cumulative impact.

M-Reese-6

The internal stakeholders at Evergreen Valley College know how difficult traffic is currently so basically want to be very, very careful as we proceed that your limitation to merely the 130 acres when you're really looking at the 27 acres together that something doesn't get lost in the translation.

Thank you very much for the time.

Commenter: Rex Randles (00:26:52)

M-Randles-7

I had a few questions and bullets on my list to point out. One is that in the executive summary, it talks about a proposed evergreen college vision 2030 facilities master plan. And as I'm looking for this what I'm finding is a master plan from January 2016 and I'm wondering, is there an updated plan available? Is that a question that can be answered or do I need to wait?

Terrance DeGray (In Response to Rex Randles Comment): 00:27:31

There's not a more recent one than that right now, but what we did was take our bond list revision and all the projects that have been planned, and incorporated that into this program EIR, which you'll see in the site plan and sitemap. Buildings may have shrunk or grown a little bit, which is reflected in the analysis that ESA did.

Rex Randles (Continued): 00:28:03

M-Randles-8

Okay, so what I'm also seeing is that in that same paragraph then, is that from the educational masterplan perspective that what we're looking at, what the Evergreen College is looking at, is actually the San Jose City College educational master plan, which, from what I can find was written in the fall of 2015. I am looking at the Draft EIR, the first paragraph of the executive summary.

Terrance DeGray: (In Response to Rex Randles Comment): 00:28:41

Okay, thank you for the comment Rex will look into that and see what it is. That may be a typo.

Rex Randles (Continued): 00:28:57

M-Randles-9

Okay well at the same time what I'm seeing as well is that the current Evergreen Valley College Education Master Plan is also from that same date of fall 2015. So I guess, I was expecting to see more recent documents in both of these cases, because traditionally, what I see from the colleges is it's updated about every four years, these plans are updated about every four years.

M-Randles-10

The other comment I have is, well I'm not going to say it's a myth, but it is a point to point out. In at the bottom of the section ES-2, there's mention that we leased a small daycare facility to an independent site provider at the southern edge of the campus And I'm familiar with that facility, but what I wanted to point out was is that, the report should probably also mention that we lease the, I believe it's at the southwest edge of the campus, there's a retail center there that the College also lease. That's the one that has the CVS, McDonald's, Starbucks, and Wells Fargo, etc., and I think the report should include that. Terrance DeGray (Response to Mr. Randles Comment): 00:30:18

Okay. Thank you, Mr. Randles. I appreciate that. And just on the timing of this program EIR and the 2030 facilities master plan,. This is related to our Measure X projects, so as programs develop and we get through the FMP and the projects and needs for the College. That's why we're doing the EIR now rather than in the 2016. Measure X really hadn't started until, really the past year, so. Dr. Gilkerson, do you want to add anything?

Tammeil Gilkerson (she/her)(Additional Response to Mr. Randles Comment): 00:31:09

And I just want to add context. So a facilities master plan and educational master plan is done out for a number of years, so that's why you see the year 2030 on the facilities master plan and the educational master plan through 2025. While you're correct that colleges may do that, the plan is supposed to last in perpetuity for that time period. So right now actually the College will start and begin to engage in an educational master planning process that we're taking community input will be probably next spring. In the spring of 2022 and so we'll certainly be getting out information to the Community about that; we're doing some data collection now to begin that process, then, and so, then that will lead us out farther, so from that, then we will update the facilities master plan with updates from there, so it is sort of a cyclical process, but I think we are on target to sort of meet the general cadence of planning.

Rex Randles (Continued): 00:31:59

All right, no and I appreciate that it's lot of plans to keep ahead of them and they're always looking forward, there is always the current state in the future state.

M-Randles-11

My next thing I guess may appear to be somewhat of a challenge if you will, to you all, but I do want to point out something I'm seeing and feeling, if you will. On page, ES-4 there are some bullets there and it talks about the CEQA guidelines and the project objectives are that are required as a part of those guidelines. And the first objective references achieving the goals and objectives of our Evergreen College facilities master plan and the fifth bullet states that that the

objective is to assist the district in meeting its EVC FM goals and objectives, particularly those related to provision of educational programs, supportive needs, and student retention.

M-Randles-11 cont.

I hope that we're all aware that that since at least 2015 that every Evergreen College, in fact, our district, for that matter, entire district has lost thousands of students, a year to other Community colleges in the area, and these are students for the most part, I believe these are many students who actually started Evergreen College or San Jose City College for their education, But had to leave to actually get the classes and programs that they need. And so I'm wondering if that is included in the retention program is included in our facility master plans and educational plan, and if you know the draft EIR that we're looking at.

Terrance DeGray (Response to Mr. Randles Comment): 00:34:01

Thank you for the feedback, Mr. Randall. We will take a look at that and make sure that, like Jon mentioned at the beginning, we are going to be responding to all public comments that were received. So we will circle back with everybody on these.

Commenter: Janet Holt (00:34:26)

M-Holt-12

I love evergreen college I loved it since it opened in what 74 out in the cow pastures and old vineyards was beautiful then and it's beautiful now, it looks like it's going to be even more outstanding, I hope that the upgrades for everyone involved at the students, the Faculty the staff are well received. The programs there, I think, are wonderful. I'm very happy to see that you guys are adding another entrance/exit as well. I think one of the things I may have confused a little bit, because I know there's another meeting coming up about the 27 acres but because you're going to be having the update to the master plan, and it sounds like Tammy [Tammeil] said that would be next spring, what I see lacking is a day subsidized daycare for students, faculty, and the workers there. So, I'm not sure why because, again, you know other people have talked about not offering enough classes and I think perhaps with some of these new buildings I'm hoping that there's more seats in the classes, like the nursing stations, but that the daycare goes back in so part of that 27 acres can certainly be used for that. I don't think you need a whole lot of space for that. I'd love to see it happen now.

M-Holt-13

Once that's reconfigured I'd also like to see that the EIR be re initiated or added to the EIR so we can talk about it, but we don't want to lose the students that we have lost because they have to drive across town and can't afford or don't have the childcare available here, this is a great campus and we need to keep everybody that we possibly can, and that is basically my comments.

Commenter: Sandra Randles (00:36:40)

M-Randles-14

Again, thank you very much for giving us the opportunity to make comments on the EIR. We, the Community does appreciate it. The EIR on the FMP shows that there's an estimate of increase of students from 8000 to 10,000 in the population by the year to 2030, and again since about 2015

we've had an additional 10,000 students of our SJECCD students each year are underserved by the district having to attend other classes and programs.

Does the 2000 increase of the student population and the report include an estimated increase in our student populations from those that are currently being underserved or I wanted to know specifically what that 2000 number was? That was one question I had.

M-Randles-14 cont.

Terrance DeGray (In Response to Sandra Randles Comment): 00:37:30

Basically we used projections that we get from the state chancellor's office, and then we utilize that data to help with the estimations for the traffic studies. And then we can provide further information when we respond back on the comments.

Sandra Randles (Continued): 00:38:06

Okay, because I'm concerned that we have a substantial amount of students, each year, who are having to go somewhere else, and that somewhere needs to be represented in the EIR.

M-Randles-15

The other question I had was um… I was also asking whether this is San Jose City Colleges educational master plan or you know when reading it, it said SJCC and not EVC, so I wanted some clarification on that

M-Randles-16

Also I want them to know what classes and programs are being added to our current offerings to meet the needs of these students who are having to attend other community colleges. What's in the plans for that.

Terrance DeGray (In Response to Sandra Randles Comments): 00:38:51

M-Randles-15 cont.

Thank you for the feedback I believe President Gilkerson mentioned as well, like our educational master plan, and Ty Taylor shared some of the project updates that we have that'll help support the educational goals and missions of the College. So as these things are developing, I know Dr. Gilkerson has been communicating with the public related to the education masterplan and other items. So we will provide more feedback and follow ups.

Sandra Randles (Continued): 00:39:31

M-Randles-17

And I, and I guess the last thing I wanted to mention is right from the beginning, when we were discussing with the City and what the College regarding the 27 acres, it was said numerous times that this whole this process will be master planned; and one of my concerns in reviewing; I think you did a beautiful job on; I thought that the presentations were very nice, but my concern is that we're doing comprehensive planning and what I see is, I see the 27 acres just being completely separated from the rest of the College and the one thing that the city said, and we heard from the College was that this would be comprehensively done, and so one of the requests, as the Community would like to see is a more holistic development and not quite, not it being just a greyed off area, because I think it's important we look at it holistically and I, I really appreciate the time that you've given us here today and I thought the presentation was very nice. Those are my thoughts, for the moment, so thank you very much.

Commenter: Robert Reese (00:41:14)

M-Reese-18 Thank you, Jon. I wondered if I could have my two basic questions answered: if the new connector road was going to be two lanes in each direction, all the way from San Felipe to Yerba Buena and also if the comments from the other session will be integrated into this report with the

M-Reese-19 comments from this second process.

Ty Taylor (In Response to Mr. Reese's Comment): 00:41:44

That two lanes for the new entry road terminate at the new parking lot, they do not continue through campus and down to the other road.

Terrance DeGray (In Response to Mr. Reese's Comment): 00:42:01

And then the other comment Mr. Reese was related to the previous outreach meeting that we did and if those comments will be incorporated. And I believe Jon and Paul have all that documented as well.

Jon Teofilo (ESA) (In Response to Mr. Reese's Comment): 00:42:15.270

Yes, I can provide an answer to that. All of the comments received in the EIR scoping meeting are included in an appendix in the Draft EIR and so those are available and can be reviewed there and then where relevant those comments are, of course, addressed in the text of the EIR itself.

Robert Reese (Continued): 00:42:35

M-Reese-20 Thank you, both. I wanted to share with you the discussion at the board of trustees meeting in March of 2019 when the prior developer vendor shared with the trustees their plan and there was considerable discussion regarding the access road and, in particular, because the prior developer wanted to use Paseo de Arboles for a major ingress and egress for the new development, there was some concern and you know, President . I can't pronounce Keith's last name, but the prior President was talking about the past road and was talking about the widening of the streets with between the District, and the developer. So I guess what I'm thinking is, again, I understand what the function is of the program EIR for the 130 acres but to the community and to the board of trustees since the connector road uses land in both areas, since you have so many methods of nexus that you've outlined I didn't mention this time, but in your core infrastructure plan with the integration of the 27 acres to the 130 acres there is significant talk about having educational opportunities that are deeply embedded into the commercial use, which would occur on the 27 acres. Even if it's not something that you think is important for the more narrow function of your 130 acre analysis, the Community and the board needs to understand the relationships between the two; need to understand clearly that you're planning two roads in and out at one intersection but not doing the same at the other intersection and that there is a reasonable anticipation that whatever occurs with the 27 acres will be using that road in a similar manner to the prior development.

M-Reese-21 Also I'm wondering if… there was a considerable amount of effort and looking at cumulative impact and background data on the traffic and you are looking at developments as far as way as

M-Reese-21 cont.

Monterey road, but yet there was no reference to the data that you had available to you from the 27 acres next door that was developed in December 2016. I'm wondering, and this is a question I guess, if you felt it relevant to look at developments on Monterey Road which is way across town, but you didn't think it was relevant to look at the traffic impact from the 27 acres; how does that fit together; what was the rationale behind deciding that was not pertinent and could you incorporate it into your analysis at this point?

Terrance DeGray (In Response to Mr. Reese's Comment): 00:45:51

We kept the two separate because we don't know what's going to happen on the 27 acres so it's hard for us to determine and include or make any assumption that that's what that space would be utilized for, so whatever development does take place and that surplus land or that 27 acres, whether it's educational or commercial or whatever it may be they'll have to go through their own environmental impact report and analysis and take into consideration the surrounding areas as well. So that's why we didn't include any information for that space, because then you know, we would be assuming something without getting the community's input before we do that. So we wanted to keep them very separate and those efforts very separate and you know there'll be a separate EIR for whatever that space turns out to be.

Robert Reese (Continued): 00:47:01

M-Reese-22

Okay, I think that you understand my point is the authors of the report deemed it important to talk about developments on Monterey road and important to talk about development at Eastridge but really, an unknown reason to me that's been fully explained that seems to make sense excluded the data that you had on the property next door and especially so when you have the nexus between the two pieces with using the same road.

M-Reese-23

Also, if you could just comment on what is the situation on the traffic signal. Is it that you can't have the traffic signal, because it's too close to the intersection? Or is the issue what Ryan Do says in the letter in the initial study, which is you currently don't have enough traffic, but you could have enough future traffic to warrant it.

Terrance DeGray (In Response to Mr. Reese's Comments): 00:48:00

And then I'll ask Ty to chime in on that one. He has been very involved with the city and traffic engineers, but you know, essentially, our first meeting they said, you know, this is a little too close to the intersection and we had to step back and then based on our traffic studies, as we went through it, it was determined that we didn't need the traffic signal. Ty, do you want to add that?

Ty Taylor (In Response to Mr. Reese's Comments): 00:48:17

That's an accurate characterization of how the development of that conversation happened. At one point, we had it further down the road and moved it back to meet those requirements, as well as safety, so it wasn't just that requirements that we were trying to hit, but it's unsafe, to have a light or stop sign on a curve where it's difficult to see who's coming. So we moved it back to a more straight away, part of the road, and we thought at that point that we may still need a traffic signal,

but the traffic study has come forward with data that shows that it may not be warranted due to the traffic load.

Robert Reese (Continued): 00:48:57

M-Reese-24

Either my sound was going bad or your sound was going bad. I wouldn't be surprised if the city had told you one thing at one point in time and then telling you something different at another point in time. But I would hope that you would take a look at what they said, most recently in terms of not enough warrants currently but maybe for the future and that, to some way shape or form that you look at the traffic impact on the 27 acres to understand cumulative impact just the way that you looked at the cumulative impacts of projects quite some distance at Eastridge and Monterey Road.

Thank you guys for your time.

Tammeil Gilkerson (In Response to Mr. Reese's Comments): 00:49:44

So Mr. Reese I do want to just underscore what AVC DeGray said and Ty Taylor. So, again, we are not, we need to move forward with the environmental impact report for evergreen for the facilities master plan we have. We absolutely are taking a different approach you all have asked us for around this 27 acres, and so we cannot do an EIR on something that we don't know what it is and we don't want to just presuppose. I want to also just make sure that you all know that we're committed to making sure that whatever we do on that property is integrated. We're right next door it's part of our thing, so we will absolutely and I'll be a college stakeholder at the table as well in the development, so I just want to assure you that there will be pieces together, and when we do the EIR for 27 acres whatever project plans we decide to do again that's down the road, and I hope you saw the notes about the Community forums and received that stuff, we will then do another EIR for that project and certainly then, to your point, Mr. Reese, then it would look at traffic impact survey with what's planning to be developed there, what Evergreen has already done, and what's happening in the surrounding areas. Just to like kind of put a point on it, because I know Sandra you also asked the same question; There's a distinct reason why we are only doing the EIR on the Evergreen campus right now, and so I just like I want to make sure that we're really clear that, like we absolutely do see the connection later and we'll be really mindful about that as we move forward. So thank you so much for the comments and I absolutely agree, I love the fact that the City said they'll look at it again. So great points.

Commenter: Janet Holt (00:51:32)

M-Holt-25

Thanks again. Okay so two questions now that that Tammy [Tammeil] brought it up again so is the reason Tammy [Tammeil**]** that it's going to be two EIRs is because there's a lawsuit on the 27 acres?

Tammeil Gilkerson (In Response to Janet Holt's Comment): 00:51:52

So, my name is Tammeil so just so you know, and then additionally no it's absolutely not because of anything related to lawsuits or anything like that. We are doing intentional planning around the 27 acres and so we're doing public forums and Community engagement. We've been working

M-Holt-25 cont.

with the Community. Thank you Mr. Reese. Daniel Reyes as well; and getting some support to do those Community engagements so that we can bring our Board of Trustees up to snuff about what's going on; and we're doing some feasibility studies and so we'll have a much fuller picture of where we are right now. So that's why we're separating the two is because of that.

Janet Holt (Continued):

OK great well thank you, that clears that one up and my apologies for calling you Tammy when your name is Tammeil.

M-Holt-26

And then the last question is in terms of outreach for this meeting, maybe it's Jon. Jon, maybe the question goes you; is the outreach, does it go to like to 500; within 500 feet or 1000 [feet]; or what is the now reach for this particular meeting, the EIR.

Jon Teofilo (ESA) (In Response to Janet Holt's Comment): 00:53:10

The noticing for the meeting, and I think Robyn can confirm was done via public posting, and so there were I believe signs posted at EVC and there was, I believe we did a newspaper advertisement for it as well, and then it was posted to the district's website.

Robyn Payne (In Response to Janet Holt's Comment): 00:53:26

Correct Jon., and there was also outreach to the Community as well.

Janet Holt (Continued): 00:53:36

M-Holt-26 cont.

Okay, so it's not this standard postcard to the surrounding community of at least 500 people. So not everybody sees the, gets the newspaper any longer or the different forms that you were talking about. So yeah, that was my question. And the reason that I'm asking is because certainly there doesn't seem to be very many people on this particular meeting and you think that there would be a lot more interest and maybe it's because they don't know about it, I'm not real sure, but just a question and input, thank you very much.

Responses to Comments from Public Hearing – September 16, 2021

M-Reese-1 The comment requests clarification on whether the proposed new campus driveway from Yerba Buena Avenue into the campus would extend two lanes from Yerba Buena Avenue through to Paseo de Arboles. The proposed the new campus driveway is anticipated to include one travel lane in each direction, extending the full length of the driveway, from Yerba Buena Avenue to Paseo de Arboles. The proposed driveway would include turning lanes to provide access to internal driveways that would connect to the new project driveway. The proposed driveway is still in the design process, which is subject to review and the granting of an encroachment permit for the construction of the intersection onto Yerba Buena Avenue.

M-Reese-2 The comment asserts that development of the approximately 27-acre parcel, adjacent to the EVC campus, which is owned by the SJECCD, be included in the analysis in the Draft EIR as high-density development. The comment argues that the SJECCD has been interested in constructing high-density development on the site since 2004. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Reese-3 The comment identifies that the transportation analysis incorrectly identifies the 130-acre EVC campus as being within unincorporated Santa Clara County. The comment is noted. An inadvertent error was made in the Transportation Analysis in Appendix C of the Draft EIR referring to the EVC campus as being located in unincorporated Santa Clara County, instead of in the City of San José, and has been corrected. The corrected text can be found on in Chapter 2, *Revisions to the Draft EIR*, in this document.

M-Reese-4 The comment asserts that development of the approximately 27-acre parcel, adjacent to the EVC campus, which is owned by the SJECCD, be included in the cumulative analysis in the Draft EIR, as it should be discussed in the context of signal warrants for the new Entry Road intersection at Yerba Buena Road. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Reese-5 The comment refers to the transportation analysis prepared for a previous development proposal for the approximately 27-acre parcel, adjacent to the EVC campus, requesting that the trip generation for the development previously proposed for the 27-acre parcel, be considered in the analysis along with the trip generation pursuant to implementation of the EVC FMP. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Reese-6 The comment asserts that development of the approximately 27-acre parcel, adjacent to the EVC campus, which is owned by the SJECCD, be included in the cumulative analysis in the Draft EIR, identifying that development of that parcel is not included in the Draft EIR and impact may be missed if that development is not considered in the EIR. Please see response to Comment I1-2, which addresses the

relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Randles-7 The commenter inquires as to whether the EVC FMP, which was completed in 2016, is the most recent facilities master plan for the campus. The comment is noted. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP.

However, the EVC FMP has been developed to support the EVC Education Master Plan (EMP) by providing a framework for campus development that addresses the goals of the SJECCD. The standard process of updating EMPs and FMPs typically occurs every five years. The most recent EVC FMP was completed in 2016 and remains applicable with some programming revisions to meet anticipated campus needs. The EVC campus administration has indicated that the process for developing an update to the EVC EMP, which would be followed by the development of an updated EVC FMP, is anticipated to begin within the next year. However, at present, the EVC FMP as updated in 2016 and subsequently modified to include the development program as presented in Chapter 2, *Project Description*, in the Draft EIR is the relevant facilities master plan document for the EVC campus.

M-Randles-8 The comment is noted. An inadvertent error was made in the Draft EIR referring to the San Jose City College Educational Master Plan instead of the Evergreen Valley College Education Master Plan, and has been corrected. The corrected text can be found on in Chapter 2, *Revisions to the Draft EIR*, in this document.

M-Randles-9 The commenter describes their expectation that the EVC EMP and EVC FMP would have been updated more recently than 2015 and 2016, respectively. The comment is noted. Please see the response to Comment M-Randles-7, which addresses the age and planning cycle of the existing EVC FMP, which was last updated in 2016. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP. Consequently, no response is required.

M-Randles-10 The comment asserts that the Draft EIR includes mention of a property leased to a daycare use within the EVC campus, but does not also note that the SJECCD owns the commercial center at the northeast corner of San Felipe Road and Yerba Buena Road, which the District leases to various commercial and restaurant uses. The District-owned commercial property is not located within the boundaries of the EVC campus. While the property is owned by the District, it is not programmed as part of the campus or part of the management considerations for EVC campus facilities. Therefore, the commercial property is not discussed in the Draft EIR, as it is not relevant to the EVC FMP.

M-Randles-11 The comment refers to the EVC FMP objectives, described in the *Executive Summary* of the Draft EIR, describing how since 2015 thousands of students who reside within the SJECCD service area have sought community college services outside of the

District due to limited classes and programs, relative to neighboring community colleges. This comment is addressed in the response to Comment I1-1.

M-Holt-12 The comment is in support of implementation of the EVC FMP, particularly pointing to the proposed new campus entryway at Yerba Buena Road. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP. Consequently, no response is required.

M-Holt-13 The comment suggests the inclusion of childcare facilities in the EVC FMP, and inclusion of childcare facilities in the Draft EIR, as a benefit to students and to facilitate student access to the EVC's educational programming. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP. The comment is noted and included in the project record for consideration by the SJECCD decision-makers.

M-Randles-14 The comment expresses concerns regarding the estimated increase in students anticipated to occur through buildout of the EVC FMP, and identifies an estimated number of potential students who reside within the SJECCD service area that seek community college services outside of the service area. This comment is addressed in the response to Comment I1-1.

M-Randles-15 The commenter indicates not wanting the EVC campus to lose students because there are no childcare services on the campus. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP. Consequently, no response is required. However, the comment will be included as a part of the record and will be considered by the decision makers.

M-Randles-16 The commenter inquires what classes and programs are being added to the current offerings to meet the needs of these students who are having to attend other community colleges. Multiple projects and descriptions are outlined in the FMP as well as how they will enhance the student experience at EVC. Four projects specifically will provide significant enhancements to the ability for EVC to deliver cutting edge education:

1. A new Nursing building: The project charter for this building re-envisions how nursing education will be delivered at EVC. The building will look and feel like a hospital wing in a real-life scenario allowing students to obtain experience in a hospital environment that is directly relatable post-graduation. Students will feel as though they are learning in patient room environment with AI human manikins and machines. No patient care will be provided in this building.

2. The Language Arts building is enhancing the student opportunity for education by consolidating all language art offerings into one building. Additionally, we understand how important the built environment is to how students learn and retain knowledge. Access to natural lighting, various types of seating offerings, and

multimodal learning environments are critical to this cause. As such, the classroom enhancements will include moveable furniture, multiple teaching walls with projectors or teaching monitors in each classroom, highly technologically interconnected spaces, quiet study spaces, and a large lecture hall for student and community use.

3. The General Education building will be the new home for the engineering department and additional general use classrooms. The Engineering Department will move out of the old Acacia building into new and larger spaces, which allows us to expand our Engineering and STEM programs. The department will be able to provide and achieve new educational goals in their new spaces. The additional general education classrooms are designed to the same standard of the language arts building.

4. The Student Services and Administration Complex is bringing together all student centric services under one roof. The campus heard from students that it is vital to their education and the EVC experience that they have all the services they need to register, counsel, pay educational tuition, and get assistance under one roof. This building will be the new face of the campus and will be a one stop building for all student needs.

M-Randles-17 The comment expresses concerns regarding the exclusion of the approximately 27-acre parcel, adjacent to the EVC campus, but also owned by the SJECCD, from the analysis being conducted for the EVC FMP. The commenter would like to see development of the 27-acres considered along with the EVC FMP in the Draft EIR. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

M-Reese-18 The comment requests an answer to a previous comment (Comment M-Reese-1) regarding whether the new Entry Road would be two lanes between Yerba Buena Road and Paseo de Arboles. The comment is a reiteration of the question asked in Comment M-Reese-1. This comment is addressed in the response to Comment M-Reese-1.

M-Reese-19 The comment requests clarification on whether the comments gathered during the EIR public scoping meeting, on February 10, 2021, and the comments received at the Draft EIR public comment meeting, held on September 16, 2021, will be incorporated into the EVC FMP EIR. This chapter of the Response to Comments document includes all comments received on the Draft EIR. Scoping comments received in response to release of the IS/NOP were included in Appendix A of the Draft EIR and remain in the record and are available to the District's decision-makers for future decisions related to implementation of the EVC FMP.

M-Reese-20 The comment introduced prior meeting discussions with District personnel related to the previously proposed, but subsequently withdrawn, development proposal for the 27-acre parcel, adjacent to the EVC campus, which is owned by the District. Comment refers to those discussions as they related to previously anticipated transportation network improvements that would be developed as part of or to serve the

joint needs of that development proposal and the EVC campus. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

M-Reese-21 The comment references the cumulative analysis in the Draft EIR, requesting why the approximately 27-acre parcel, adjacent to the EVC campus, which is owned by the SJECCD, is not included in the cumulative analysis in the Draft EIR. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

M-Reese-22 The comment asserts that the cumulative analysis in the Draft EIR analyzed development on Monterey Road and at Eastridge but did not include the approximately 27-acre SJECCD-owned parcel, adjacent to the EVC campus, in error. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR. The comment is noted.

M-Reese-23 The comment is a request for clarification regarding signalization of the intersection of the proposed new campus driveway at Yerba Buena Road. As is described in Section 3.5, Transportation, page 3.5-11, the proposed west driveway onto Yerba Buena Road was evaluated in the Transportation Analysis (see Appendix C of the Draft EIR) to determine if traffic that would utilize that unsignalized intersection under Existing Baseline Plus EVC FMP conditions would exceed the City of San José's signal warrant standard for which stop control or a traffic signal may be required. The signal warrant analysis concluded that anticipated traffic at the intersection would meet the City's standard for consideration that the intersection be a 3-way stop-controlled intersection. However, the City of San José's encroachment permit process allows for the City to consider how the proposed intersection would impact transportation safety and comply with City design standards and policies, and require the design of the improvements to the intersection to be constructed to comply with City standards for construction safety. Accordingly, the proposed west driveway onto Yerba Buena Road would be designed and constructed to comply with City of San José standards, policies and plans related to transportation. The comment does not identify an issue related to the adequacy or accuracy of environmental analysis in the Draft EIR or pertain to the environmental effects of the proposed EVC FMP. Consequently, no response is required.

M-Reese-24 The comment refers to previous signal warrants at intersections and suggests review of the traffic analysis prepared for the previously proposed and subsequently withdrawn, development proposal for the approximately 27-acre parcel, adjacent to the EVC campus. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Holt-25 The comment questions whether there will be two EIRs, one for the EVC FMP and one for development of the 27-acre parcel, owned by the SJECCD, immediately west of the campus, and if the reason for that separation was a lawsuit regarding the previous development proposal for the 27-acre parcel. Please see response to Comment I1-2, which addresses the relevance of the 27-acre parcel to the EVC FMP and why it is not assumed to be developed in the Draft EIR.

M-Holt-26 The comment requested clarification regarding the type of public outreach that was conducted for the Draft EIR public comment meeting in which this comment was received. The comment also questions the effectiveness of the methods utilized for public noticing of the Draft EIR public comment meeting, and by proxy, the opportunity to provide comment on the Draft EIR.

Section 15087 of the CEQA Guidelines provides guidance regarding public review of a Draft EIR, with which a CEQA lead agency (the SJECCD) is required to comply. Section 15087(a) of the CEQA Guidelines identifies specific requirements regarding for providing notice of availability (NOA) of a Draft EIR, requiring that at least one of the following take place:

1. Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
2. Posting of notice by the public agency on and off the site in the area where the project is to be located.
3. Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

While only one of the three activities listed above is required for compliance, the SJECCD completed two of the methods noted. The SJECCD posted newspaper announcements of the NOA for the Draft EIR in both the San Jose Post Record and the Evergreen Valley Times. The SJECCD also posted hard copies of the NOA on the EVC campus. Digital copies of the NOA and Draft EIR were made available for review on the District's website, the EVC website, the District's Citizen's Bond Oversight Committee (CBOC) website and were also available on the State Clearinghouse website. Therefore, the District has met all requirements for public noticing of the Draft EIR, pursuant to Section 15087 of the CEQA Guidelines.

CHAPTER 4
Mitigation Monitoring and Reporting Program

4.1 Introduction

Public Resources Code Section §21081.6(a)(1)) and the California Environmental Quality Act (CEQA) Guidelines Section 15097 require public or lead agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a mitigated negative declaration or specified environmental findings related to environmental impact reports.

A public or lead agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public or lead agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The following is the MMRP for the EVC FMP. The MMRP includes the mitigation measures identified in the EVC FMP EIR which are required to address the significant impacts associated with the proposed EVC FMP. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures are presented in the Final EIR.

4.2 Format of the MMRP

The MMRP is organized in a table format (see Table 4-1), keyed to each mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures:** This column identifies the mitigation measures associated with the impacts identified in the EIR.
- **Monitoring and Reporting Actions:** This column contains an outline of the appropriate steps to verify compliance with the mitigation measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.

- **Monitoring Schedule:** The general schedule for conducting each monitoring and reporting task, identifying where appropriate both the timing and the frequency of the action.

4.3 Enforcement

If the proposed EVC FMP is approved, the MMRP would be adopted by the District. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. All mitigation measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the new construction, demolition, and renovations of the EVC FMP.

TABLE 4-1
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Aesthetics					
Mitigation Measure AES-1: Minimize Spillover Light and Nighttime Glare.					
All new exterior lighting for future projects on the EVC campus shall incorporate downward-directed lighting or cutoff-type lighting, and/or other design measures as appropriate, in order to minimize light spill and nighttime glare.	1. SJECCD incorporates measure as a condition of approval	1. SJECCD adopts condition of approval with project.	1. SJECCD staff	1. Prior to project approval.	
	2. Construction contractor carries out construction pursuant to contract specifications.	2. SJECCD ensures compliance, and adds inspection report to project file.	2. SJECCD staff	2. After construction.	
Air Quality					
Mitigation Measure 3.1-1: Best Management Practices for Controlling Particulate Emissions during Construction					
To reduce impacts from fugitive dust emissions during EVC FMP construction, construction contractors shall be required to implement the following BMPs recommended by the BAAQMD for all projects. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities but also during vehicle and equipment movement on unpaved project sites: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	1. SJECCD incorporates measure as a condition of approval	1. SJECCD adopts condition of approval with project.	1. SJECCD staff	1. Prior to project approval.	
	2. SJECCD's construction specifications shall include Mitigation Measure 3.1-2.	2. SJECCD reviews construction specifications to verify inclusion.	2. SJECCD staff	2. Prior to construction.	
	3. SJECCD's construction contractor carries out construction pursuant to contract specifications.	3. SJECCD conducts periodic site inspections during grading and construction to ensure compliance, and adds inspection report to project file.	3. SJECCD staff	3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Air Quality (cont.)					
• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.					
Mitigation Measure 3.1-2: Construction Health Risk Reduction Plan EVC shall require construction contractors to implement a Construction Health Risk Reduction Plan that includes the following measures. These measures shall be included as part of contract specifications: a. Construction contractors shall be required to demonstrate that all heavy-duty off-road construction equipment with engines greater than 25 horsepower used for construction activities shall be equipped with the most effective Verified Diesel Emissions Control Strategies (VDECS) available for the engine type. In this case, the best available VDECS would be implementation of Tier 4F engines as certified by CARB and U.S. EPA. This adherence shall be verified through submittal of an equipment inventory and Certification Statement to the BAAQMD. The Certification Statement must state that each contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of the contractor's agreement and/or the general contract with the project applicant. b. Use alternative fuels as commercially available, such as renewable diesel, biodiesel, natural gas, propane, and electric equipment, to the extent feasible. Portable equipment shall be powered by grid electricity or alternative, non-fossil fuels (i.e., not diesel) instead of by diesel generators.	1. SJECCD incorporates measure as a condition of approval 2. SJECCD's construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD conducts periodic site inspections during grading and construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff 2. SJECCD staff	1. Prior to project approval. 2. Periodically, during construction	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Air Quality (cont.)					
c. Idling times on all diesel-fueled commercial vehicles weighing more than 10,000 pounds shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes. This limit is more restrictive than the five-minute limit required by the California airborne toxics control measure (California Code of Regulations Title 13, Section 2485s). Clear signage to this effect shall be provided for construction workers at all access points. d. Idling times on all diesel-fueled off-road equipment exceeding 25 horsepower shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes. Fleet operators must develop a written policy as required by California Code of Regulations Title 23, Section 2449 ("California Air Resources Board Off-Road Diesel Regulations").					
Biological Resources					
Mitigation Measure BIO-1a: Avoidance and Minimization Measures for Nesting Birds • No preconstruction surveys or avoidance measures are required for construction activities that would be completed entirely during the non-nesting season (September 1 to January 31). • For all construction activities scheduled to occur during the nesting season (February 1 to August 31), a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) shall conduct a preconstruction avian nesting survey no more than 14 days prior to the start of staging, site clearing, and/or ground disturbance. • If there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before reinitiating construction. • The surveying biologist shall be capable of determining the species and nesting stage without causing intrusive disturbance. The surveys shall cover all potential nesting sites within 500 feet of the project area for raptors and within 300 feet for other birds. If active nests are found in the proposed project area or vicinity, a no-disturbance buffer shall be created around the active nests, as determined by a qualified biologist. The buffer distance can be reduced in coordination with CDFW if construction activities would not	1. SJECCD incorporates measure as a condition of approval. 2. If construction activities are scheduled to occur during the nesting season, SJECCD contracts with a qualified biologist to implement field surveys. If required, consult with CDFW and/or USFWS. 3. Adopt and implement special-status breeding bird avoidance procedures.	1. SJECCD adopts condition of approval with project. 2. SJECCD includes field surveys in project file and submits to CDFW as determined by qualified biologist. 3. If required, SJECCD will include avoidance procedures in construction contract. Add review to project file.	1. SJECCD staff. 2. SJECCD staff. 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Biological Resources (cont.)					
cause an adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young. If the nest(s) are found in an area where ground disturbance is scheduled to occur, ground disturbance shall be delayed until after the birds have fledged. If work must occur within the established buffers, nests shall be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline and, once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of the project, if feasible. If behavioral changes are observed, work causing the change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. The avoidance and minimization measures shall ensure that the construction activities do not cause the adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young.					
Mitigation Measure BIO-1b: Western Burrowing Owl Surveys Prior to the implementation of the project that would disturb undeveloped portions of Montgomery Hill or grassland areas that could potentially support burrowing owl habitat, the following measures shall be implemented by a qualified biologist to avoid or minimize impacts of Project activities on western burrowing owls. *Habitat Assessment* A burrowing owl habitat evaluation shall be conducted within the disturbance footprint and a surrounding 500-foot area in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). A qualified biologist will conduct a literature search for burrowing owl occurrences within and adjacent to the Project area. The qualified biologist will conduct a habitat field assessment that includes all areas that could be directly or indirectly impacted by the Project and will include data such as vegetation type, vegetation structure and presence of burrows. If it is determined that habitat conditions are not suitable for burrowing owl at the time of the habitat evaluation (taking into consideration factors such as height and density of vegetation and absence of suitable small mammal burrows), then no further actions would be required.	1. SJECCD incorporates measure as a condition of approval. 2. If suitable burrowing owl is present, SJECCD contracts with a qualified biologist to implement field surveys. If required, consult with CDFW and/or USFWS. 3. Adopt and implement Western Burrowing Owl avoidance procedures.	1. SJECCD adopts condition of approval with project. 2. SJECCD includes field surveys in project file and submits to CDFW as determined by qualified biologist. 3. If required, SJECCD will include avoidance procedures in construction contract. Add review to project file.	1. SJECCD staff. 2. SJECCD staff. 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	Monitoring and Reporting Action	Monitoring Responsibility	Monitoring Schedule	Monitoring Compliance Record (Name / Date)
Biological Resources (cont.)					
Burrowing Owl Surveys If it is determined that suitable burrowing owl habitat is present within and surrounding the Project Area, the qualified biologist will conduct burrowing owl surveys according to the accepted CDFW protocol (CDFW 2012). Appropriate surveys should be conducted during both the nesting season (February 1 to August 31) and overwintering period. *Burrowing Owl Avoidance* If nesting burrowing owls are observed on or within 500 feet of the disturbance area, then a protective buffer will be established surrounding the nest sites as described in CDFW 2012; appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), buffer distance should be increased. Area within this buffer shall not be disturbed during the nesting season (February 1 through August 31) or until all young have fledged as determined by a qualified biologist. If non-nesting burrowing owls are observed in the disturbance area, then the owls shall be excluded through the use of the methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). *Compensatory Mitigation* If occupied burrowing owl habitat is identified during the habitat assessment and burrowing owl surveys, and if permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, measures to minimize the impacts of construction on the burrowing owl, and effective compensatory mitigation to offset habitat loss will be implemented. A mitigation plan will be prepared in consultation with CDFW. *Qualified Biologist* A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements					

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Biological Resources (cont.)					
Mitigation Measure BIO-1c: Tricolored Blackbird Surveys To avoid direct impacts of covered activities on nesting tricolored blackbird colonies, the following procedures will be implemented. *Habitat Survey* Projects require surveys if the project-specific verified land cover map shows that the project area is within 250 feet of any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types. If a project meets this criterion, a qualified biologist will conduct a field in**vestigation to identify and map** potential nesting substrate. Nesting substrate generally includes flooded, thorny, or spiny vegetation (e.g., cattails, bulrushes, willows, blackberries, thistles, or nettles). If potential nesting substrate is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat and surveys will be concluded. *Preconstruction Survey* If the project proponent chooses not to avoid the potential nesting habitat and the 250-foot buffer, additional nesting surveys are required. Prior to any ground disturbance related to covered activities, a qualified biologist will: 1. Make his/her best effort to determine if there has been nesting at the site in the past 5 years. This includes checking the CNDDB, contacting local experts, and looking for evidence of historical nesting (i.e., old nests). 2. If no nesting in the past 5 years is evident, conduct a preconstruction survey in areas identified in the habitat survey as supporting potential tricolored blackbird nesting habitat. Surveys will be made at the appropriate times of year when nesting use is expected to occur. The surveys will document the presence or absence of nesting colonies of tricolored blackbird. Surveys will conclude no more than two calendar days prior to construction. To avoid last minute changes in schedule or contracting that may occur if an active nest is found, the project proponent may also conduct a preliminary survey up to 14 days before construction. If a tricolored blackbird nesting colony is present (through step 1 or 2 above), a 250-foot buffer will be applied from the outer edge of all hydric vegetation associated with the site and the site plus buffer will be avoided (see below for additional avoidance and minimization details). The Wildlife Agencies will be notified immediately of nest locations.	1. SJECCD incorporates measure as a condition of approval. 2. If construction activities are scheduled to occur during the nesting season, SJECCD contracts with a qualified biologist to implement field surveys. If required, consult with CDFW and/or USFWS. 3. Adopt and implement Tricolored Blackbird avoidance procedures.	1. SJECCD adopts condition of approval with project. 2. SJECCD includes field surveys in project file and submits to CDFW as determined by qualified biologist. 3. If required, SJECCD will include avoidance procedures in construction contract. Add review to project file.	1. SJECCD staff. 2. SJECCD staff. 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	Monitoring and Reporting Action	Monitoring Responsibility	Monitoring Schedule	Monitoring Compliance Record (Name / Date)
Biological Resources (cont.)					
Avoidance and Minimization Covered activities must avoid tricolored blackbird nesting habitat that is currently occupied or have been used in the past 5 years. If tricolored blackbird colonies are identified during the breeding season, covered activities will be prohibited within a 250-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. This buffer may be reduced in areas with dense forest, buildings, or other habitat features between the construction activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the buffer zone may be increased. Land uses potentially affecting a colony will be observed by a qualified biologist to verify that the activity is not disrupting the colony. If it is, the buffer will be increased. Implementing Entity technical staff will coordinate with the Wildlife Agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis. *Construction Monitoring:* If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).					

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Biological Resources (cont.)					
Mitigation Measure BIO-1d: Special Status Bat Surveys A qualified biologist shall conduct a roosting bat habitat evaluation prior to the demolition of any buildings. The evaluation shall determine if any buildings proposed for demolition provide potential bat roosting habitat. If it is determined that the building to be removed does not provide potential roosting habitat, no further action would be required. If suitable roost structures are identified, then surveys shall be conducted to determine if roosting bats are present. If it is determined that roosting bats are present, then a site-specific bat protection plan shall be developed by the qualified biologist to prevent disturbance of an active maternity or hibernation roost; the plan may include the use of passive bat exclusion devices, adjusting project timing to when the roost is not active, or other protective measures. It should be noted that the there are two acceptable seasonal time windows for humane exclusion: • Between about March 1, when bats become active again after heavy winter rains and when evening temperatures are above 45°F, and April 15, when females start giving birth to pups. • Between August 31 and about October 15, or before heavy winter rains and when evening temperatures are above 45°F. After that time, torpid bats are unable to fly out through the one-way exits. Additionally, conducting bat surveys during the hibernation period (generally October 16 through February 28) may not provide conclusive results as bats are inactive and may be difficult or impossible to detect. Therefore, the timing of these seasonal time windows must be taken into consideration in planning and conducting the bat habitat evaluation/surveys.	1. SJECCD incorporates measure as a condition of approval. 2. If suitable roost structures are identified, SJECCD contracts with a qualified biologist to implement field surveys. If required, consult with CDFW and/or USFWS. 3. Adopt and implement special-status bat avoidance procedures.	1. SJECCD adopts condition of approval with project. 2. SJECCD includes field surveys in project file and submits to CDFW as determined by qualified biologist. 3. If required, SJECCD will include avoidance procedures in construction contract. Add review to project file.	1. SJECCD staff. 2. SJECCD staff. 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	
Mitigation Measure BIO-2: Mitigation for Nitrogen Deposition The project applicant shall submit a SCVHP Coverage Screening Form or Nitrogen Deposition Only Application Form (if no land cover fees apply) to the Habitat Agency for review and shall complete all required subsequent forms, reports, and/or studies as specified in the SCVHP. The project shall provide the applicable fee payment per new vehicle associated with implementation of the project to the Santa Clara Valley Habitat Agency consistent with the adopted Santa Clara Valley HCP/NCCP.	1. SJECCD incorporates measure as a condition of approval. 2. SJECCD to make a payment to SJECCD	1. SJECCD adopts condition of approval with project. 2. SJECCD adds documentation of payment to project file.	1. SJECCD staff. 2. SJECCD staff.	1. Prior to project approval. 2. Prior to construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Cultural Resources					
Mitigation Measure CUL-1: Accidental Discovery of Cultural Resources If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the SJECCD shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If the SJECCD determines, based on recommendations from a qualified archaeologist and a Native American representative (if the resource is Native American-related), that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5) or a tribal cultural resource (as defined in PRC § 21080.3), the resource shall be avoided if feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the SJECCD shall consult with appropriate Native American tribes (if the resource is Native American-related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff. 3. SJECCD staff.	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Cultural Resources (cont.)					
Mitigation Measure CUL-2: Inadvertent Discovery of Human Remains If potential human remains are encountered, all work will halt within 100 feet of the find and the on-site construction crew will immediately contact the SJECCD. The SJECCD will contact the Santa Clara County coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission (NAHC). As provided in PRC Section 5097.98, the NAHC will identify the person or persons believed most likely to be descended from the deceased Native American. The most likely descendent will make recommendations for means of treating, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff.	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	
Geology and Soils					
Mitigation Measure GEO-1: Preconstruction Training and Treatment, Salvage, and Curation of Paleontological Resources Prior to construction, a qualified paleontologist meeting the standards of the Society of Vertebrate Paleontology (SVP) (SVP, 2010) with expertise in California paleontology and on-site construction worker training shall complete an institutional record and literature search and shall develop a paleontological resources training program for all construction personnel and field personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, the proper notification procedures should fossils be encountered, and the laws and regulations protecting paleontological resources. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, all earthwork or other types of ground disturbance within 25 feet of the find shall stop immediately and the monitor shall notify the SJECCD. Work shall not resume until a qualified professional paleontologist can assess the nature and	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff.	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	Monitoring and Reporting Action	Monitoring Responsibility	Monitoring Schedule	Monitoring Compliance Record (Name / Date)
Geology and Soils (cont.)					
importance of the find. Based on the scientific value or uniqueness of the find, the qualified paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The qualified paleontologist may also propose modifications to the stop-work radius and the monitoring level of effort based on the nature of the find, site geology, and the activities occurring on the site, and in consultation with the SJECCD. If treatment and salvage is required, recommendations shall be consistent with the SVP 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and currently accepted scientific practice, and shall be subject to review and approval by the SJECCD. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection (e.g., the University of California Museum of Paleontology), and may also include preparation of a report for publication describing the finds. Upon receipt of the fossil collection, a signed repository receipt form shall be obtained and provided to the SJECCD. The qualified paleontologist shall prepare a paleontological resources report documenting the treatment, salvage, and, if applicable, curation of the paleontological resources. The SJECCD shall be responsible for the costs necessary to prepare and identify collected fossils, and for any curation fees charged by the paleontological repository. The SJECCD shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.					

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Greenhouse Gas Emissions					
Mitigation Measure 3.3-1: Implement Transportation Demand Measures					
a) **Carbon-free Electricity.** To the extent feasible, electricity used at the campus shall be from renewable carbon-free energy sources (San José Clean Energy provides the option to choose the Total Green program that includes electricity generated entirely from renewable, carbon-free sources like solar and wind).	1. SJECCD incorporates measure as a condition of approval.	1. SJECCD adopts condition of approval with project.	1. SJECCD staff.	1. Prior to project approval.	
b) As feasible, **construct new buildings as Zero Net Energy** with no natural gas infrastructure and relying entirely on carbon-free renewable electricity either purchased (see Mitigation Measure 3.3-1a) or generated onsite (see Mitigation Measure 3.3-1c).	2. Measure is incorporated into construction specifications.	2. SJECCD reviews construction specifications to verify inclusion.	2. SJECCD staff	2. Prior to construction.	
c) As feasible, **install on-site photovoltaic systems** on building rooftops and parking lots to reduce the total energy needs of the proposed new buildings.	3. SJECCD's construction specifications shall include Mitigation Measure 3.5-1.	3.SJECCD reviews construction specifications to verify inclusion.	3. SJECCD staff.	3.Prior to Construction.	
d) As feasible, **zero emission vehicles** shall constitute at least 25 percent of the operation and maintenance vehicle fleet at the campus by 2025 and increased to 50 percent of the fleet by 2030.					
e) **Electric Vehicle Charging.** As feasible, as part of project design, allocate at least 10 percent of all parking spaces to be equipped with electric vehicle (EV) charging equipment to promote the use of zero-emission vehicles and plug-in electric passenger vehicles.	4.Construction contractor carries out construction pursuant to contract specifications.	4. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	4. SJECCD Staff.	4. Periodically, during construction.	
f) **LEED or Equivalent Certification**. As feasible, in addition to new buildings, all major renovations shall be constructed to achieve the LEED Silver or equivalent rating.					
g) **Solid Waste Reduction Plan.** The District shall develop and implement a Solid Waste Reduction Plan that evaluates and quantifies current solid waste generation levels at the campus and proposes measures to reduce waste generation. The Solid Waste Reduction Plan shall aim to divert 90 percent of waste from landfills by 2030.					
h) Use of Sustainable products and methods. **Maximize use of sustainable products and services in construction and operation of the campus.** The design team (architect/engineer) shall recommend building materials and methods with life cycles (manufacture, installation, maintenance, repair, and replacement) of reduced environmental impacts. Considerations shall also include energy efficiency, energy required in the manufacturing process, life cycle duration, and maintenance and replacement costs.					

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Greenhouse Gas Emissions (cont.)					
i) **Water Conservation Measures.** Project design shall implement measures to conserve water, including such measures to install controls to optimize irrigation water, reduce water usage in restrooms and showers, and promote the use of reclaimed water. The use of decorative fountains shall be minimized. If feasible, campus uses shall use recycled water for all non-potable demands identified such as toilet flushing, irrigation, and cooling. Irrigation water use for landscaping shall be minimized by using plant species that have low water requirements and are well adapted to San Jose's Mediterranean climate. To the extent feasible, storm water shall be reused for beneficial uses on-campus. j) Implement Mitigation Measure 3.5-1 (Transportation Demand Management Plan).					
Noise					
Mitigation Measure 3.4-1: Construction Noise Reduction Plan The District shall prepare a Construction Noise Reduction Plan, to be implemented as development occurs throughout the campus to address noise from demolition, renovation and construction of buildings. This Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures: 1. **Construction Schedule:** Construction hours shall be limited to between 7 a.m. and 7 p.m., Monday through Friday. Weekend construction shall be limited to the hours to 10 a.m. to 6 p.m. Extreme noise generating activities with the potential to create noise levels exceeding 90 dBA shall be conducted only between 10 a.m. and 4 p.m. The loudest construction activities, such as demolition and excavation, shall be considered for scheduling during academic breaks when fewer people would be present on campus and be disturbed by construction noise. 2. **Stationary Equipment:** Stationary noise sources, such as generators and air compressors, shall be located as far from on-site receptors as possible. These noise sources shall be muffled and enclosed within temporary sheds, or shall incorporate insulation barriers to provide additional noise reduction. 3. **Temporary Power:** Temporary power poles shall be used instead of generators, where feasible.	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction activities.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	Monitoring and Reporting Action	Monitoring Responsibility	Monitoring Schedule	Monitoring Compliance Record (Name / Date)
Noise (cont.)					
4. **Construction Equipment:** All internal combustion–driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. All equipment shall be properly maintained.					
5. **Truck Traffic:** Individual truck idling shall be restricted to no more than two consecutive minutes per trip end. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, to the extent possible, the staging areas shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers.					
6. **Methods:** The construction contractor(s) shall consider alternative, less noise generating equipment and methods wherever feasible. Utilize "quiet" air compressors and other stationary noise sources where technology exists. Unnecessary idling of internal combustion engines shall be prohibited.					
7. **Signals:** The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety and warning purposes only. Noise from public address loudspeakers, two-way radio, or music system used during construction shall not be audible at any adjacent noise-sensitive receptor except for emergency uses.					
8. **Notification Requirements:** A notification including, at a minimum, the estimated duration of the construction, construction hours, and contact information shall be posted at construction site boundaries. On-campus academic and administrative uses shall be notified at least a week ahead of construction activities scheduled nearby.					
9. **Complaint Protocol and Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the EVC FMP construction team. The liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighboring businesses and residents regarding the construction schedule.					

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Noise (cont.)					
Mitigation Measure 3.4.2: Operational Noise Performance Standard for Stationary Sources The District shall ensure that all mechanical equipment for the Central Plant is selected and designed to reduce impacts on surrounding uses by limiting noise from such equipment to 55 dBA and 60 dBA at the property lines of residential and commercial, receivers, respectively. An acoustical study shall be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary design measures to be incorporated to meet the City's standards at adjacent offsite receptors.	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts site testing to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff	1. Prior to project approval. 2. Prior to construction. 3. After construction.	
Transportation					
Mitigation Measure 3.5-1: Implement Transportation Demand Management Plan The District shall implement a Transportation Demand Management (TDM) plan that would include measures to reduce student and staff VMT by 0.5 percent, bringing the daily student VMT from 6.42 in 2030 to 6.39. As feasible, the TDM measures in the plan may include, but would not be limited to the following: • Make available transit passes to staff and students to make transit an attractive, affordable mode of travel. • Subsidized or discounted transit program: Continue to provide subsidized/discounted transit passes; or • Provide pre-tax commuter benefits for staff to exclude their transit or vanpooling expenses from taxable income or an alternate commuter benefit option consistent with the MTC/BAAQMD Commuter Benefits Program required for employers with 50 or more full-time employees. • Use technology-based information, encouragement, and trip coordination services to encourage carpooling, transit, walking, and biking by staff and students. These can include third-party apps to distribute incentives to people who choose to use these modes.	1. SJECCD incorporates measure as a condition of approval. 2. SJECCD finalizes TDM measures. 3. SJECCD implements TDM measures.	1. SJECCD adopts condition of approval with project. 2. SJECCD incorporates final TDM measures in TDM Plan and implements any preplanning efforts prior to operations. 3. SJECCD carries out TDM Plan and conducts periodic oversight to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff.	1. Prior to project approval. 2. Prior to SJCC FMP operations. 3. During operation of SJCC FMP.	

TABLE 4-1 (CONTINUED)
SUMMARY OF EVC FMP MITIGATION MEASURES

MITIGATION MEASURES	Monitoring Program				
	Implementation Procedure	**Monitoring and Reporting Action**	**Monitoring Responsibility**	**Monitoring Schedule**	**Monitoring Compliance Record (Name / Date)**
Transportation (cont.)					
• Provide dedicated parking for carpool and vanpool vehicles near building. • Commute Trip Reduction Marketing/Educational Campaign: promote the use of transit, shared rides, walking, and bicycling through a TDM Coordinator • Provide secure and convenient bicycle parking, such as lockers or secured bicycle rooms. • Free direct shuttle/bus service: provide shuttle service between the school and areas with high concentrations of students.					
Mitigation Measure 3.5-2: Construction Coordination and Monitoring Measures					
a) **Construction Traffic Control Plan** – In order to reduce potential conflicts between construction activities and pedestrians, transit and autos during construction activities at the EVC campus, the District shall require construction contractor(s) to prepare a traffic control plan for major phases of project construction (e.g., demolition, construction, or renovation of individual buildings). The District and their construction contractor(s) will meet with relevant City and County agencies to coordinate feasible measures to reduce traffic congestion and potential traffic and transit disruption and pedestrian circulation effects during major phases of construction of the EVC FMP projects.	1. SJECCD incorporates measure as a condition of approval. 2. Measure is incorporated into construction specifications. 3. Construction contractor carries out construction pursuant to contract specifications.	1. SJECCD adopts condition of approval with project. 2. SJECCD reviews construction specifications to verify inclusion. 3. SJECCD conducts periodic site inspections during construction to ensure compliance, and adds inspection report to project file.	1. SJECCD staff. 2. SJECCD staff 3. SJECCD staff.	1. Prior to project approval. 2. Prior to construction. 3. Periodically, during construction.	
b) **Reduce Drive Alone Mode Share for Construction Workers** – In order to minimize parking demand and vehicle trips associated with construction workers, the District shall require the construction contractor to include in the Construction Traffic Control Plan methods to encourage walking, bicycling, carpooling, and transit access to the campus site by construction workers.					
c) **Project Construction Updates for Adjacent Residents and Businesses** – In order to minimize construction impacts on access for nearby residences, institutions, and businesses, the District shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation),and travel lane closures via a newsletter, website, and/or construction update meetings with neighbors.					