



April 17, 2009

TO: San Jose/Evergreen Community College Board of Trustees
Robert Dias, Executive Director
Facilities - Construction Management - Operations
San Jose/Evergreen Community College District
4750 San Felipe Road
San Jose, CA 95135-1599

RE: Draft Subsequent Environmental Impact Report (SDEIR)
San Jose City College Facilities Master Plan Update 2021

Dear Trustees and Mr. Dias;

Before addressing the specifics of the Draft Subsequent Environmental Impact Report (SDEIR) for the San Jose City College Facilities Master Plan Update 2021, the Sherman Oaks Neighborhood Association (SONA) would like to take this opportunity to express our ongoing appreciation for the actions taken by Dr. Michael Burke, President of San Jose City College (SJCC). President Burke's actions have saved the district costly litigation and have gone a long way towards healing the damage caused by previous administrators and staff that have misled us and misrepresented SJCC Capital Improvement Plan (CIP). Had somebody of Dr. Burke's caliber been at the reins throughout this process we believe the CIP would have proceeded in an open manner that would have expedited improvements while protecting neighboring residents, thus avoiding dispersal of bond funds for projects that did not meet California Environmental Quality Act (CEQA) requirements. We hope that this recent cooperative effort will continue and we look forward to the continued vitality and growth of the campus.

Before addressing the analysis, we believe that it is necessary to describe the history of SONA's relationship with the campus to put things in perspective. While Administrators, Staff, Trustees and Chancellors may come and go with no obvious means of maintaining institutional memory, SONA residents are the one constant.

SONA has made a point of meeting with administrators and staff multiple times each year to review ongoing concerns and the CIP. We usually begin this process prior to the football season to review problems from the last year. At times these meetings have included San Jose Police Department and the San Jose/Evergreen Community College District Police Department along with event organizers. We have scheduled "getting to know you" meetings with each new administrator that has been in place over the last decade. We have reviewed prior events and advised campus staff of our inability to reach campus security and the need to continually call out San Jose Police Department to deal with parking control, crowd control and problems related to events held on campus. We have been told the campus cannot regulate what its users do when they leave the campus and have no control over noise other than the ability to ask (not demand) that loudspeakers be turned down. At one point a prior President stated he would just cancel all outside use of the stadium and notify the teams it was because we were complaining. This is something we never wanted and was designed to put us at odds with users of the site.

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SJCC SDEIR Response Page 1 of 16



During this process, staff and administration downplayed changes to the Master Plan adopted in 1999 and often did not notify us of changes until after the fact. New surface parking lots along Leigh simply appeared. In multiple presentations to our general membership and during meetings on campus with our Board of Directors, the Baseball Field Complex was always referred to as a playing field, not a complex. We were always shown diagrams of a flat field, never a major construction with poles, nets, buildings or walls. We always asked, “Will there be lights, PA systems or bleachers?” and were told “No”. We (and the general public) were never advised of development of engineering documents, plans or design. This could be viewed as a deliberate attempt to deceive or an error in judgment compounded by continued turnover in the administration. While some believe there was intent to withhold this information deliberately in the past, it was obvious that President Burke was unaware that CEQA had been circumvented. Thus, we believe many of the Trustees are unaware of our historical perspective.

Beginning with the original scoping meetings for the Prior Plan, residents on the south side of campus have lobbied for a sound wall to mitigate the impact of construction and development. We were assured that, while not included in the original plans, the sound wall would be designed and constructed to act as a good neighbor fence and buffer for residents. The cost of the sound wall was considered minimal and the construction of it would not have triggered any threshold with CEQA. With each administrative change we had to re-trace our steps in this process, advise the current President or administrator of previous promises, start the process anew and hope the information would be passed along to the next person. This did not happen and residents, in fact, felt threatened by statements made. After going through this process for the umpteenth time and thinking there was finally going to be progress, residents were told that the campus had not calculated for emergency access appropriately and that the campus was investigating the use of eminent domain to transfer residential property to the district to allow for such access. Residents felt that they were being delivered a message of, “Don’t push for the fence or you’ll be sorry.”

The residential area south of the campus was also the subject of many discussions and promises because of the problems created with traffic and parking. Long term parking limitations did not work and a permit parking ordinance was implemented at a cost to San Jose and residents because it was impossible for residents to park on their own streets or safely put trash containers on the curb. The south side of the campus experiences excessive speeding and inappropriate delivery vehicle traffic due to the access point. Prior to and since the 1999 approved plan, various administrations have said they would look into it, close it or figure out how to limit the problems for the neighborhood associated with the southern access but this has not been done. While we recognize the need for emergency ingress/egress, it could be addressed without making the south access point a major conduit for the campus, generating cut through traffic in the neighborhood.

Prior to the completion of Parking Garage #1 SONA began discussions regarding the impact on the eastern neighborhoods due to the weighting of parking on the Leigh Avenue side of campus and the alteration of the Leland/Moorpark signal from a 3-way to a 2-way signal. We were told by district and City staff that people knew better than to make illegal left or u-turns along Leigh Avenue and that they would use the Moorpark access. SONA residents were unhappy to see our dire predictions come true and the Leigh Avenue side of campus has been the subject of numerous attempts to correct the dangerous situation created when campus users are making illegal maneuvers along Leigh and down Kingman Avenue. The City of San Jose installed “run me



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over” poles that simply had to be replaced and were ignored. “No Left Turn” signs prominent on Leigh and on campus and are ignored. The City of San Jose installed “No U-Turn” signs along Leigh at Kingman and when not ignored this simply results in people travelling half a block down Kingman and turning in the middle of an intersection. All of this occurs during peak pedestrian times when hundreds of elementary, middle and high school students are walking to their schools. Currently Kingman/Leigh is being signalized to control some of this, but the main problem has never been addressed and it took years for us to convince the campus to install directional signs (which still need improvement/upgrade) on campus telling people to access Highway 280 from Moorpark. We cannot blame users of the campus for the design flaw of the Moorpark/Leland signal that never allows them the right of way.

While our review of the document calls out flaws, inconsistencies and disagreements with conclusions, we would like to state up front that there are significant issues about which we not only feel strongly, but are anxious to resolve without litigation or compounded expense.

- 1) **The Baseball Field Complex site on Leigh Avenue is an unacceptable alternative to residents.** Implementation of the installation occurred outside the realm of public discourse, violated CEQA and is in conflict with local policies and ordinances that cannot be mitigated. We agree with the document that this alternative is the most inferior alternative. It presents unknown dangers from use and creates a noise nuisance for adjacent and nearby residents. It creates potential new pedestrian, bicycle and vehicle conflicts. It is a visually degrading element to residential areas including mid-century Eichler homes that have the potential for historic designation.
- 2) **We cannot comment on or support the option of moving the complex to the “original” site as the ramifications of such a move have not been outlined in the document.** Needless to say, the neighborhood would not approve of moving the problem from one side of your residential buffer to another and would not condone a project that would create the same problems elsewhere. If the facility cannot be moved to the Evergreen campus, this leaves us with nothing we can support.
- 3) **The existing and ongoing and potential traffic, parking, light and noise problems must be resolved.** Parking Garage #2 must be prioritized, the Moorpark/Leland signal must be prioritized, southern campus access point must be closed or designed to cause minimal (not more) access through the neighborhood and access in/out of the campus should be reoriented onto arterial and collector streets that can handle the loads and reduce conflict with residential areas. The additional sources of light and noise from stadium and special events use were created during the development period. There should be mitigation measures in place to allow us to enjoy our yards and homes.
- 4) **The City of San Jose and its residents cannot continue to pay for design flaws or security issues.** Traffic and parking mitigation expenses have been born by San Jose and local residents. Security problems stemming from events held at the campus have been born by San Jose and local residents. Property owners should not bear the burden of devalued real estate due to campus incursion. Property tax revenue loss cannot be absorbed by the City and County.
- 5) **The San Jose/Evergreen Community College District has made a significant and costly mistake that must be undone.** We recognize the immense cost and financial blow to the District, but it is not our fault and we should not have to bear the consequences. There can be no mitigation for the impact of the Baseball Field Complex in the current site and our opinions are codified by the document. As an institution of higher learning and as educators, we cannot imagine that the District



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would be willing to continue along this course and teach the lesson that the burden of your mistakes should be borne by others. We also cannot imagine that the District would be willing to risk litigation costs on top of correcting the problem. We recognize that this has huge financial consequences for the District, but it is the District's responsibility to correct the problem in a manner that does not negatively impact residents or the City of San Jose.

- 6) **Based on the extensive amount of material noted as missing in the document we have concerns that there will not be enough time for residents to obtain new information, review new documents and form an appropriate response.** With this noted, we would request that all documentation be forwarded immediately, not just included in a meeting packet and that we be allowed enough time to review and respond to any new information. In addition, we request that all future trustees meetings regarding this issue be automatically held at the San Jose City College Campus to allow easier access for residents.

We have no solutions for some of the dilemmas faced by the district but are willing to work with everyone to ensure that the campus grows in a healthy manner that is consistent with surrounding land use policies. We look forward to renewing our relationship with the district and working towards mutual objectives of growing the campus while preserving surrounding residential areas.

Our analysis of the SDEIR follows. We hope that it helps in the process.

Respectfully,

Randi Kinman, President
Sherman Oaks Neighborhood Association

cc: San Jose/Evergreen Community College District Trustees
Rosa Perez, Chancellor
San Jose/Evergreen Community College District
Dr. Michael Burke, President San Jose City College
Supervisor Ken Yeager
County of Santa Clara, District 4
Councilmember Pierluigi Oliverio
City of San Jose, District 6
Councilmember Rose Herrera
City of San Jose District 8
Joseph Horwedel, Director
City of San Jose, Planning, Building and Code Enforcement
Jim Helmer, Director
City of San Jose, Department of Transportation
Rob Davis, Chief of Police
City of San Jose Police Department



**Review of Supplemental Draft Environmental Report
San Jose City College Facilities Master Plan Update 2021**

Chapter 2 - Introduction

Pg. 2-4 section 2.2.1 Scoping Meeting and Notice of Preparation, pg 2-39 Fig 2.1-3: At the scoping meeting residents asked specifically for side by side map comparisons of the original plan, changes already implemented outside the original plan and changes proposed to the original plan. This would have allowed a comparison, for example of the original plan that did not include additional surface lots along Leigh Avenue (behind football field and parking garage) that have added more than 130 spaces to that side of the campus. The referenced figure shows completed items, but does not note that they differ from the original plans. This comparison should be included in the document along with any other alterations to the original plan that are already completed. While not significant in terms of construction of buildings, additional parking has created more stress on access in this area.

Chapter 3 – Project Setting

Pg.3-3 paragraph one states that “...the majority of the developments included in the implementation of the Prior Plan have occurred...” but omits the fact that a significant structure (second parking garage) has been delayed. Residents have been repeatedly told that it is “too expensive” and that there are no plans in the near future to build the garage. Please provide a timeline for completion of projects per the Prior Project and how they relate to the new project.

Pg.3-3 paragraph two discusses the “new” student parking lot on the south side of campus. Please provide the timeline for the decision making process along with implementation of this change in the Prior Plan. Omitted in the description is the fact that residents contacted the campus and complained that this was loading parking onto one side of the campus and that no public input had been obtained prior to the construction. We feel that the change from the Prior Project is inconsistent with CEQA.

Pg.3-3 discussion of the “Baseball Field Complex” notes that SONA residents were advised of this at regular intervals. Omitted is the fact that at no time was the community advised of the magnitude of the project and documents provided at meetings showed only a flat playing field without buildings, fence lines, bleachers or poles and netting. This would be similar to the field as it was in its previous use as a multipurpose practice area. At SONA general meetings and at meetings held with various staff and administrators, residents consistently asked about lights, bleachers, and sound systems. We were shown and given diagrams showing a plain field and assured that no bleachers, lights or sound systems would be installed. At no time was there any mention of the poles, netting and associated buildings. Residents also advised campus staff and administrators that because of the traffic problems associated with students and campus guests that conflicted with parents safely walking children to school and residents safely moving through the Kingman/Leigh area, a signalized intersection had been approved by the City of San Jose. This was a significant change to the existing area and the campus was notified well in

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advance of beginning construction of the baseball area. In addition, meetings with SONA were documented via our monthly newsletter which is published online. SJCC staff and administrators are notified when it is posted online which would have allowed them to correct any misinterpretation of the proposed project. **The SDEIR should reflect the fact that SJCC is out of compliance with CEQA to allow a better understanding of the impacts of the current situation and should outline specifically when decisions were made and actions taken.** Please refer to the Prior Plan, the map of the previously approved plan and the Notice of Preparation which all note the site as a field not a complex.

Pg.3-3 Campus Access and Parking should note the inability to regulate right-in/right-out on Leigh Avenue and should note the ongoing mitigations costs absorbed by the City of San Jose. Prior attempts to correct traffic problems via a “No U-Turn” sign on Leigh at Kingman were insufficient and the installation of a signalized intersection has cost close to half a million dollars. This is in addition to the cost to residents and the city of initiating a permit parking zone on the south side of campus. The project creates no adjacent parking to the proposed Baseball Field Complex which begs the question: Where are people likely to park to access the field? Our concern is that we will see residential streets used, creating a hazard for pedestrians and vehicles. Our experience is that events held at that field (e.g. soccer clinics) create large numbers of vehicles loading and unloading unsafely adjacent to the field, residential streets crowded with cars and pedestrians walking across Leigh Avenue at multiple unsafe points.

Pg.3-5 Moorpark Avenue description omits the remnants of right turn arrows and lanes that are no long active due to the change in entryways nor does it outline how the campus is proposing to correct the problems.

Pg.3-7 Noise level discussion is incomplete and inaccurate in describing the noise level from the stadium and draws an incorrect conclusion that the noise levels should not be included in the current plan. The reconstruction of the stadium was part of the prior plan, including light and sound systems, thus the problems should correctly be classified as stemming from the Prior Plan and mitigated in the proposed plan. In addition, the removal of mature trees for all phases of all projects has removed a barrier that protected neighbors from noise and light intrusion. SONA has notified the campus staff and administration repeatedly regarding the ongoing and escalating problems of noise and light. Citing the noise level on an unknown campus in an unknown city under unknown circumstances in no way provides accurate data much less mitigation outlines. Accurate data should be obtained, mitigation measures should be outlined and a timeline for correcting deficiencies should be noted. When noise levels are so loud off campus that residents four blocks away are disturbed, this is a problem for everyone that cannot be dismissed.

Pg.3-9 Figure 3.2-1 and pg.3-10 Figure 3.2.-2 documents should be consistent in either calling out a baseball field or Baseball Field Complex. The figures should also identify projects (e.g. surface parking lots on Leigh) already completed as being different from the Prior Plan. All elements that have been constructed, are in the process of construction or are anticipated should be identified clearly if they are different from the Prior Plan.



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Pg.3-11 through 3-13 Figures 3.2-3a-c are not a complete or accurate visual depiction of the impact of the baseball complex because they are taken from such a distance that they do not represent the distance from adjacent or nearby buildings. While we regret that SJCC did not accept our offers to take pictures from our yards, we are providing photos that we feel better depict the situation. The document should include true measurements regarding how far the proposed facility is physically from nearby structures. Please see review photos attached in **Figures xx-xx**.

Chapter 4 – Project Description

Pg. 4-3 Project Description states, “...Implementation to date of the Prior Plan resulted in a shift in the general locations of buildings from the central and northern portions of the Campus to the western and southern areas of the campus. Implementation of the Update will continue this direction of development...” This is a significant change for the development of the campus, pushing the more active areas closer to residential units and away from the commercial borders. This represents a change that will inherently create land use conflicts with adjacent residential areas and removes the ability to move across the campus via the originally planned pedestrian arch. The proposed plan does not develop parking closest to new facilities unless Parking Garage #2 is built.

Pg.4-5, 4-6, 4-7 Parking Garage #2 discussions are incomplete, conflicting and confusing. There are no details for the garage and the document alternates between saying development is intended for a student body enrollment of 12,000 and 15,000. It is not clear whether there is room for the garage, whether it will be designed or space will be left for it if other facilities “migrate” in any direction as they have in the past. There are no secure triggers as the document states it will be built when enrollment reaches approximately 15,000 students “...or as deemed needed based on on-going monitoring of construction and assessments of parking needs.” The document also needs to clarify the ability to build out all other proposals and come back at a later date to construct a parking garage in the middle of a developed campus; is it feasible? Considering we have been advised repeatedly there is no funding, the campus would rather spend money elsewhere and the general disinclination to commit to the structure, along with the question raised regarding Phase III funding, SONA would request that these questions be clarified. Page 4-7 states that enrollment is expected to be 15,000 prior to 2021 so it would seem that a parking structure to accommodate the student body would need to be in place to meet the needs of enrollment at that level. The safety of students and the reduction of energy costs for the campus and its users would depend on appropriate parking measures.

Pg. 4-6 refers to a Light Tower that SONA residents have always questioned. There was no analysis of what the impact would be visually under the Prior Plan and the current document is incomplete in this area. Considering that implementation of the Prior Plan resulted in removal of mature trees that shielded residents from some of the light previously, an accurate depiction of the tower, the light it would cast and how it would affect views is required. While an iconographic structure could hold necessary equipment and hide functional operations, a five story tower that can be viewed from the freeway requires at the very least a simulated drawing that shows how it would be seen from nearby residences. In addition, SONA would request that the proposal be consistent with San Jose’s Outdoor Lighting



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Policy, show non-conflict with Lick Observatory and that the SDEIR evaluate and disclose energy usage associated with the tower.

Chapter 5 – Environmental Impact Evaluation

Pg.5-3 Aesthetics draws an incorrect conclusion that the project does not degrade a scenic vista or the “...existing visual character or quality of the site and its surroundings.” The 90’ poles and nets related to the Baseball Field Complex in fact impair the view of mountain ranges (towards Santa Cruz) while travelling south on Leigh Avenue as well as degrade existing views from residences adjacent and near the project.

Pg.5-10 through 5-14 Visual Analysis draws incorrect conclusions as the simulated views do not reflect impact on residences nearby (e.g. Richmond Avenue). The perspectives of VP-4, VP-5, VP-6, VP-9, VP-10, VP-11, VP-12 and VP-13 are distorted due to the distance of the view and do not accurately reflect the disparity of height (poles to adjacent structures). VP-6, VP-7, VP-12 and VP-13 are incomplete views as the tops of poles are cut out of the pictures. There are no viewpoints from yards or streets along Richmond Avenue or Menker Avenue as requested at the scoping meeting. Without these views, the impact of the project visually is incompletely rendered. Mitigation measure 5.2.5-1 calls for painting the poles; blue poles are still 90’ tall poles that affect views and have demonstrated shadow casting more than a block away. Mitigation measure 5.2.5-2 describes net color, but, again, 90’ of net cannot be mitigated by hoping we don’t notice the color. Mitigation measure 5.2.5-3 calls for an evergreen vine on a wooden fence that abuts a sidewalk. This would still create a monolithic wall adjacent to a sidewalk that is incompatible with City standards as there is virtually no setback. Mitigation measure 5.2.5-4 discussing trees implies the ability to plant trees that would reach a height that would hide 90’ poles and netting, an obviously false conclusion. There is no ability to plant such trees abutting a sidewalk without encroaching on public right of way and by the time any tree reached such a height the campus would be far into another phase of improvement. **For these reasons, there is no ability to mitigate the impact to a less than significant level and the document should be amended to state this.**

Pg. 5-14, 5-15 Tree Removal sections does not outline mitigation measures and an arborist report should have been included in this section. The report should call out what has already been removed and what has been replaced along with a plan to mitigate the Prior Plan before developing a new plan. Without such a report and a specific plan in place, there is no ability to determine whether or not mitigation has been (or can be) accomplished regarding the Prior Plan, much less the proposed plan. The mitigation plan should outline a timeline or this will continue to roll over with no ability to enforce mitigation. **Until such time, the SDEIR should be considered incomplete.**

Pg. 5-14 through 5-16 Light and Glare reaches a conclusion that light incursion can be reduced to a less than significant level with no documentation regarding how mitigation would be achieved. As previously stated, the implementation of a portion the Prior Plan (stadium) along with the implementation of the proposed plan prior to approval (new parking lots on Leigh, baseball field) resulted in significant light intrusion on neighboring residential areas. Mature trees were removed and

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the proposed plan does not outline any mitigation measures. While the document states that the stadium is used during the fall season, it would be more accurate to say this incursion occurs from summer months through fall and into winter. The stadium is used by the district and outside entities for practices during the week and games all weekend. **Until mitigation measures are outlined, the project creates an impact that cannot be reduced below a significant level.**

Pg.5-16 Mitigation Measure 5.2.5-7 regarding the light tower indicates that it is possible to mitigate the impact on surrounding residential areas of a “translucent lantern” that can be clearly seen from the freeway but does not outline how that would be achieved. **Until mitigation measures can be clearly outlined, this should be classified as a significant impact on surrounding areas.**

Pg. 5-17 Unavoidable Adverse Impacts clearly states that the Baseball Field Complex will create an unavoidable adverse impact. **We agree with this and would also ask that the issues of light/glare and tree mitigation also be classified as adverse impacts unless evidence is presented that shows how the campus will mitigate the impacts to a less than significant level.**

Air Quality as discussed in section 5.3 does not clarify the enrollment numbers assumed in this process. Are we discussing 12,000 or 15,000 students by 2021? Which enrollment number is reflected in the charts? As the document states that new development is moving towards the south and north, it should be noted that the primary impact of pollution generated by autos will be in the residential areas, including a senior housing complex on Leigh Avenue at Moorpark Avenue. The document does not outline the variables in air quality regarding the number of students enrolled or the possibility that Parking Garage #2 is in a later phase.

Consistency with San Jose 2020 General Plan:

Pg. 5-53 does not include any discussion on the alternate locations for the Baseball Field Complex, yet clearly states the current location is in conflict with local land use policies. The project is inconsistent with Urban Design guidelines regarding setbacks, privacy protection for residential units, height design and traffic impact. We disagree with the conclusion that the wall constructed for the complex would be sufficient to mitigate noise and see nothing in the document that supports such a conclusion.

Pg. 5-55 states that under the Prior Plan the campus was organized to maximize a pedestrian friendly atmosphere, yet the new plan eliminates the pedestrian walkway through campus. In addition, the “walk ability” along Leigh Avenue has been impacted by removal of trees which cannot be replaced and installation (prior to approval of the plan) of wooden fencing, metal poles and netting.

Pg. 5-56 parking discussion states that the Prior Plan is inconsistent with local parking policies and the update will meet guidelines for community colleges. This does not state it will be consistent with local policies and there is still the question regarding the target enrollment numbers; are we discussing 12,000 or 15,000?



Pg. 5-56 Historic, Archaeological and Cultural Resources cites a 1999 study. The document should include up to date information and surveys of resources to determine whether there are any changes.

Pg. 5-54 clearly states that the plan is inconsistent with local Level of Service (LOS) thresholds yet there is no discussion of mitigation measures. Absent is the fact that the Leland/Moorpark signal was changed during implementation of the Prior Plan, restricting access to right in/right out and removing direct access to/from the main driveway. Implementation of mitigation is not outlined and should be part of the project.

Pg. 5-56 Scenic Routes describes the Light Tower as an enhancement to local areas and as a marker for the “front door” of the campus. Without mitigation, the tower has the potential to create a significant negative impact on the surrounding area. As noted above, the “front door” was altered and it bewilders us to think we would be directing traffic via a visual marker to a closed front door.

Pg. 5-58 Energy states that the project is generally consistent with local policy and states, “All outdoor lighting fixtures would be designed to minimize adverse impacts to surrounding neighborhoods.” There is no discussion regarding how that will happen and there is no plan in the project to correct existing impacts. In addition, there is no reference to potential affect to Lick Observatory research or to green building standards. San Jose has an updated Green Building Policy which should be referenced and adhered to.

Pg. 5-59 Noise states that the project is consistent with San Jose objectives but there is no documentation that shows how the noise has been estimated around the Baseball Complex, how it would be regulated or how mitigations will be determined. Noise levels at all points adjacent to the facility and, based on our experience with noise travelling from the campus, a report that outlines potential for noise “bouncing” off walls and adjacent buildings would travel is needed. Our experience is that the stadium noise level is often louder off campus than on campus. The document should include noise mitigations for all activities beyond adjacent property lines and take into account the impact of noise travelling beyond the border of the campus. Residents have complained previously that garbage trucks, construction, grounds maintenance, traffic and on campus events travels beyond the campus.

Pg. 5-60 Hazards-Land Use Compatibility states that the proposed poles and nets will not guarantee containment of errant balls. We would like to know why such a structure was considered without guaranteeing the safety of people in the immediate area and would like clarification on the potential risk and liability.

Pg. 5-60 through 5-62 Project-Specific Mitigation Measures, Cumulative Impact and Unavoidable Impact sections all state that **the project is incompatible with City of San Jose thresholds and conflicts in numerous areas with local policies**. CEQA is designed to ensure



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that projects do not conflict with adjacent policies even if the local entity has no jurisdiction. The cumulative impacts create significant conflicts that should not just be acknowledged but mitigated. Identifying a problem is only the first step; avoiding conflict should be the goal.

Pg. 5-69 Noise levels discusses the affects of noise generated by the campus stadium but states that since the Update does not affect stadium operations, the persistent problems with noise from the stadium should not be part of the new project. Again, we want to reiterate that implementation of the Prior Plan and portions of the new project have resulted in excessive noise levels outside the campus. Residents have complained every year and have experienced escalating problems instead of relief. Noise levels have never been monitored on the site or in the neighborhoods; this was requested prior to the scoping meeting and at the scoping meeting. Referencing noise levels at another site is not an acceptable method of determining local noise. There has been no plan generated to control noise from the stadium. The document minimizes the amount of days the stadium is used (at least 25% of the year) and it discounts events such as the high school All Star game, CCS playoffs, mid-week practice sessions and the occasional cannon fire from some teams. The stadium is used from August through November for football and there are track meets and other events at other times of the year. The noise generated from this site is loud enough to interfere with normal inside activity (talking, watching television, and talking on the phone) for several blocks outside the campus even when windows are shut, drapes are drawn and air conditioners running because there are no controls. SONA requests mitigation of existing noise from the stadium be included in the project.

Pg. 5-71 through 5-76 Traffic Roadway Noise Impacts discusses traffic noise conditions and states there will be a “small increase” but it is not clear whether the document is discussing 10,000 or 12,000 or 15,000 enrolled students. The data and trip generation information should be based on the maximum 15,000 enrollment if that is the projection for 2021. Any increase in cumulative noise levels should be discussed in the SEIR.

Pg. 5-79 Operational Noise Input: Please see above remarks regarding pg. 5-69 above.

Pg. 5-85 Item 5.6.7 Unavoidable Adverse Impacts notes that there is no ability to mitigate the adverse impact of the Baseball Field Complex. This makes it an unacceptable alternative. Also, not discussed is the affect on local recreational facilities if they must absorb the need for additional space to make up for the lack of the facility.

Pg. 5-90 forward through accompanying traffic and signal analyses should be referred to the City of San Jose and comply with LOS policies. An analysis by the City should be included to show exactly which intersections cited as warranted for signalizations would actually conform to local standards or, in fact, be feasible from a traffic management perspective. Several intersections cited would be impossible to signalize and this should be included and the perceived option for signalization be removed. In addition, the document clearly states that the change of the Moorpark/Leland signal from the original plan in the Prior Project has significantly affected traffic patterns in an adverse way. The realignment and correction of signals at



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Leland/Moorpark and Leland/Parkmoor need to be included in the project, cleared with San Jose and Caltrans and funding secured to correct the problems.

Pg. 5-91 and 5-92 Existing Parking describes the current parking spaces sufficient for current existing uses which would imply that significant additional parking must be included in the immediate future to allow for enrollment growth. The document incorrectly states that a small amount of on street parking is utilized by the campus and notes that occupancy is not 100% at peak times. The parking analysis fails to note the number of on street spaces utilized by users of the campus during the week. The following numbers are averaged over three different days over the most recent term. They were gathered by observing the number of cars parking on the streets mentioned between the hours of 7:30-9am then following up between 3:30-4:30 pm when students would be done for the day and residents not yet home from work. The numbers were gathered after the deadline to drop classes, allowing for a natural decline in use during the term. The far right column reflects the number of cars parked on the streets during the recent spring break. This time period reflects a weekday that would not include high use by residents who would be at work or users of the adjacent churches.

Street Location	AM	PM	Spring Break
Richmond between Kingman and Fruitdale	15	3	3
Menker between Kingman and Fruitdale	8	4	3
Kingman from Leigh to College	35	8	6
Leigh from Kingman to Fruitdale	30	6	3
Leigh from Kingman to Moorpark	33	5	4
Moorpark from Leigh to Hwy 280 exit	20	3	3
Moorpark between Leigh and Leland	75	8	3
Moorpark between Leland and Bascom	70	6	0

The above numbers obviously indicate a significant level of on street parking is due to the campus. These numbers are not reflected in the document. The parking analysis should be conducted to include the number of parking spaces actually utilized off campus. In addition, the document should note that due to intrusive on street parking from the campus, a permit parking zone was created in the residential neighborhood south of campus. SONA therefore requests: (1) the analysis be conducted with the idea that 15,000 students will be enrolled; (2) on street parking be factored into the equation.

Chapter 6 – Discussion of Alternatives

Pg. 6-51 refers to the no project alternative as environmentally superior but not meeting the goals of the objectives. It is unclear how the no alternative option with 15,000 students is superior to the 12,000



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student enrollment cited in the project regarding the impact of noise, light and traffic. Shouldn't the previously approved plan be the "No Project" alternative?

Pg. 6-51 "No Closing of the Southern Campus Entry" cannot be considered a superior alternative if one takes into account the impact of continued access via neighborhood streets. Noise and air pollution generated from traffic should not continue to be funneled into residential areas. SONA met with campus officials dozens of times and has received repeated promises that this access will be closed to reduce the problems associated with speed and traffic through residential areas. It makes no sense to relieve pressure on other access points that are on commercial streets designed for higher loads by pushing the problem onto residential streets. There has been no analysis of any options other than "open or shut".

Pg. 6-51 Alternative Baseball Field Complex location does not outline how the complex could be located within the campus. We have previously been advised that due to shifting of elements during construction of the Prior Plan, there is not enough room to actually locate the field on campus. The discussion of the option to move the facility to the Evergreen Campus has been declared environmentally inferior with no data to back this up the statement. **The SDEIR lacks the data that shows (1) The process that led to a decision to move the facility from the originally approved site in the 1999 Master Plan; (2) Why the original location was not feasible; (3) Why the alternatives are not feasible; and, (4) The impacts of alternatives. This portion of the document is severely incomplete and only refers to the need to preserve the "well established" program as the primary reason for declaring the project necessary and superior to any alternative.**

Figures 1-15 follow.

Figure 1



F



Figure 3



Figure 4



Figure 5

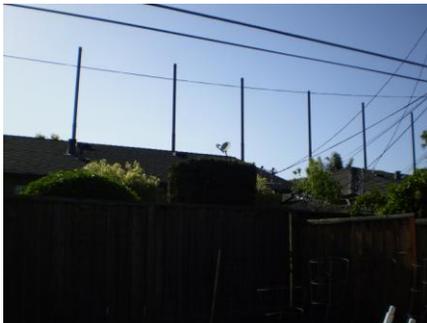


Figure 6



Figures 1-4 show front views of home on Richmond Avenue. These homes face away from the campus. Eichler homes were designed to integrate the use of inside and outside living space. The wall that faces the campus is at least 50% glass, allowing a full view from the kitchen, living and dining room areas. Figures 1-4 also represent the front yard view from the homes across the street. Figures 5 and 6 represent backyard and dining room/living room views. These shots had to be taken closer to the fenceline because views from inside the homes or the patios directly outside cannot show the tops of the poles. Views from patios and inside are completely enclosed in proposed poles/nets.

Figure 7



Figure 8



Figure 9



Figures 7, 8 and 9 were taken at the Kingman/Leigh intersection. Figure 7 and 8 show the perspective first, closest to the home on Leigh the farther back to show that where you take a picture determines how tall the poles will look.

Figure 9 has a small arrow that points out the light standard for the stadium. Note that along Leigh, where there used to be mature trees is a blank wall. This has allowed light and sound to become a bigger problem.

Figures 10, 11 and 12 are views along Leigh Avenue. The fence line abuts the sidewalk. This leaves no room for tree replacement or any softening of the structure. Planting anything along the wooden wall will produce material that impedes on the sidewalk. Residents noted that the shadows cast by the poles extend more than a block away



Figure 10

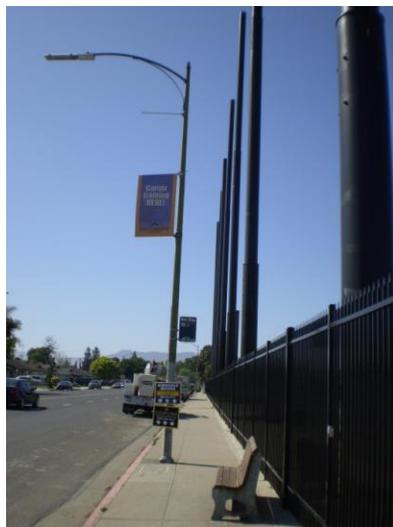


Figure 11



Figure 12

Figure 13



Figure 13 is along the outfield line from Leigh Avenue. The same poles are shown in Figure 14 and Figure 15. Note how close they are to adjacent housing. Bedrooms are adjacent to the stone fence line. The arrow at the bottom of Figure 14 is a hole left in the wall that allows drainage from the street onto the field. It is large enough to allow small children to crawl through.

Figure 14



Figure 15

