

Chapter 1 Introduction

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (EIR) has been prepared for the West Valley-Mission Community College District (WVMCCD or District) in compliance with the California Environmental Quality Act (CEQA) requirements. CEQA requires the preparation of a full disclosure document to inform the public, West Valley College Board of Trustees, and Responsible/Trustee Agencies of the direct and indirect environmental effects of the proposed project on the local and regional environment. This document provides a program-level assessment of the potential environmental consequences of adoption and implementation of the proposed Long Range Development Plan (LRDP) for West Valley College. The West Valley-Mission Community College District is the Lead Agency for the project.

1.2 CEQA EIR PROCESS

This EIR assesses the environmental impacts on a “first tier” or “program” level that would be associated with implementing the proposed LRDP. Consultation with the State Office of Planning and Research indicates that the preparation of a Program EIR is the most appropriate course of action for the evaluation of the LRDP’s environmental impacts.¹ (See also Pub. Resources Code, §§ 21080.09, subs. (b), (c) (approval of a long range development plan may be addressed in a “tiered environmental analysis”), 21093 (legislative policy favoring tiering), 21094 (mechanics of tiering); Cal. Code Regs., tit. 14, div. 6, ch. 3 [“CEQA Guidelines”], § 15168 (rules governing the use of program EIRs); *Sierra Club. v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318-1321 (court treats program EIR as equivalent of first tier EIR).) The Program EIR provides the first tier of environmental analysis for the LRDP and forms the basis for future evaluation of project elements at appropriate times. Section 15168, subdivision (b), of the CEQA Guidelines encourages the use of Program EIRs, citing the following advantages:

- *Provision for a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR;*
- *Focus on cumulative impacts that might be overlooked in case-by-case analysis;*
- *Avoidance of continual reconsideration of recurring policy issues;*
- *Consideration of broad policy alternatives and programmatic mitigation measures at an early stage;*
- *Reduction of paperwork by encouraging the reuse of data (through tiering).*

¹ Personal Communication with Katie Shulte-Jong, California Office of Planning and Research, on July 2, 2002.

The proposed LRDP and this Program EIR provide a framework for the subsequent review of individual discretionary projects as they occur at West Valley College. Each such project with the potential to affect the physical environment will be assessed within this framework to determine the appropriate level of CEQA review. Whether such individual projects will require additional formal environmental analysis will be determined on a case by case basis. CEQA Guidelines section 15168, subdivision (c), provides that, where a lead agency is considering a “subsequent activity” consistent with an approved “program,” the agency shall examine the activity “in light of the program EIR to determine whether any additional environmental document must be prepared.” In general, two possible outcomes are possible. First, the agency, after preparing a “written checklist or similar device,” may determine that the environmental effects of the proposed activity “were covered in the program EIR.” In such an instance, because the activity is “within the scope of the project covered by the program EIR,” and because there are no “effects that were not examined in the program EIR,” “no new environmental document would be required.” Alternatively, if the activity “would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.”

For this proposed LRDP, it is anticipated that many projects will not require formal “second tier” review in the form of a new EIR, negative declaration, or mitigated negative declaration. The District reaches this conclusion for two reasons. First, most of the individual projects will be small in scale, and will have impacts generally confined to on-campus areas immediate adjacent to the buildings at issue (e.g., those requiring replacement or improvements). This EIR is intended to fully address such localized, and relatively small-scale impacts, and includes proposed mitigation measures that, when applied to such projects, will reduce their effects to less than significant levels. The District therefore anticipates being able to find that many such proposals are “within the scope” of this EIR and would not cause “effects that were not examined in the program EIR.” Secondly, many such projects, when proposed individually, would qualify for various “categorical exemptions” obviating the need for a negative declaration, mitigated negative declaration, or EIR. Such exemptions exist, for example, for the following: “the operation, repair, maintenance, . . . or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use” (CEQA Guidelines, § 15301); “replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced” (*id.*, § 15302); “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure” (*id.*, § 15303); “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes” (*id.*, § 15304); “construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities” (*id.*, § 15311); and “projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife” (*id.*, § 15333). The fact that many

likely future activities within the proposed LRDP, standing alone, would qualify for one or more of these exemptions is an indication of the small scale, localized nature of their adverse environmental effects.

Once CEQA review, if any is required, has been completed for each individual project, each project must then be approved by the WVMCCD Board of Trustees, depending on the scope and nature of the project.

1.2.1 Initial Study and Notice of Preparation

In accordance with Section 15063 of the CEQA Guidelines, the WVMCCD, as Lead Agency, prepared an Initial Study and Notice of Preparation (NOP) for the proposed LRDP. The NOP for this EIR was issued on May 17, 2004. The Initial Study and NOP are included as Appendix A. The NOP and Initial Study were circulated to local, state, and federal agencies and other interested parties. The distribution list is included as Appendix B. The Initial Study determined that the project could result in significant impacts on the environment, although some of the project's potential impacts were determined to be less than significant. The Initial Study required preparation of an EIR, and focused the EIR on the following issues:

- Land Use, Plans, and Policies
- Aesthetics
- Biological Resources
- Hazards and Hazardous Materials
- Traffic and Circulation
- Air Quality
- Noise
- Cultural Resources
- Public Services and Utilities
- Growth-Inducing Impacts (Population)
- Cumulative Impacts

As part of the scoping process, the Initial Study determined that the proposed project would have less than significant impacts on the following types of resources:

- Agriculture Resources
- Mineral Resources
- Housing
- Recreation

The Initial Study also identified potentially significant impacts related to the following topics but provided mitigation measures that would reduce these potential impacts to a less-than-significant level:

- Geology and Soils
- Hydrology and Water Quality

These mitigation measures are listed in the Effects Found Not to be Significant section in Chapter 5 of this EIR. Since these measures are now part of the proposed LRDP and therefore will be required as part of Plan implementation if the LRDP is approved, no further analysis of these topics is required in this Program EIR.

1.2.2 Scoping

Subsequent to circulation of the Initial Study and NOP, four responses to the NOP were received, raising the following concerns:

- **U.S. Army Corps of Engineers, San Francisco District.** The Corps of Engineers expressed interest in any project activities along Vasona Creek or any tributary channels. Since these activities could involve discharge of fill material into waters of the United States, the Corp of Engineers will need to review those portions of the project. All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands adjacent to navigable waters.
- **California Department of Transportation.** A traffic impact analysis is recommended and it should include: the project's trip generation, distribution, assignment; average daily traffic (ADT) as well as AM and PM peak hour volumes at all significantly affected streets, highway segments, intersections, and ramps; evaluation of existing, existing + project, and cumulative conditions at these intersections; calculation of cumulative traffic volumes based on all existing and future traffic-generating developments with the potential to affect State Highway facilities; and mitigation measures considering highway and non-highway improvements (including financing, scheduling, implementation responsibilities, and lead agency monitoring), with particular attention to solutions that do not rely on increased highway construction.
- **Bay Area Air Quality Management District (BAAQMD).** Since the Bay Area is currently a non-attainment area for national and state ambient air quality standards for ground level ozone and state standards for particulate matter, the BAAQMD agrees that the project's air quality impacts should be evaluated in the Draft EIR (DEIR). The DEIR should provide quantitative summaries of the region's attainment status with regard to ambient air quality standards, discuss the health effects of air pollution, and identify the contribution of mobile and stationary sources to air pollution emissions. The DEIR should also evaluate potential nuisance impacts, such as odors and dust, that could result from project implementation. The DEIR should analyze the potential air quality impacts from project construction and project operation at buildout. The BAAQMD suggests that the WVMCCD do as much as possible to reduce vehicle trips associated with the project and encourage alternative transportation modes by strengthening linkages between the campus and any existing or future transit facilities in order to minimize vehicle trips and emissions. The BAAQMD suggests that the WVMCCD address proposed realignment of campus roadways and walkways in ways that promote alternative transportation modes. The BAAQMD recommends that the WVMCCD carefully review the number of additional parking spaces proposed in the Master Plan and consider reducing spaces and implementing a cash-out program in addition to other programmatic transportation demand (TDM) measures (e.g., EcoPass program, transit passes, guaranteed ride home program, flexible work

schedules, bicycle and pedestrian incentive programs, transit/ridesharing subsidies in the amount equivalent to the value of the subsidized parking).

Demolition activity could result in short-term exposure of people to hazardous materials and such activity requires careful mitigation planning and may require prior approval and/or a permit from the BAAQMD.

The BAAQMD encourages the WVMCCD to minimize emissions from diesel construction equipment. Although the BAAQMD does not typically require quantification of construction emissions, it urges the WVMCCD to require implementation of all feasible control measures.

- **Valley Transportation Authority (VTA).** VTA maintains bus stops and a transit center at the West Valley Community College campus. VTA staff recommends that the DEIR discuss the existing transit services and impacts of the project, including construction impacts, on these services and facilities. The DEIR should include provisions for the protection of the existing transit center or mitigation of all impacts to the center. Access to and from the transit center by buses should be maintained during construction. Safe, convenient, and Americans with Disabilities Act (ADA) compliant access to and from the transit center by pedestrians should also be maintained during construction.

VTA staff suggests that a transportation analysis be performed to determine the trip origins, transportation modes, and travel routes of its students and staff. Projections should also be made about the transportation habits of the future students expected to enroll. This information can be used to tailor Transportation Demand Management (TDM) strategies that encourage alternative-mode travel and reduce dependence on the single-occupant automobile. Such strategies include: Eco Passes, permit parking, carpool parking, financial incentives to use alternative transportation modes, and bicycle circulation/parking facilities.

VTA's Congestion Management Program requires a transportation impact analysis (TIA) for any project expected to generate 100 or more new peak-hour trips, and it appears that a TIA may be required for this development. VTA's *Transportation Impact Guidelines* should be used when preparing the TIA.

These issues as well as those already identified in the Initial Study (Appendix A) as needing further evaluation are addressed in this EIR.

1.2.3 Draft EIR

This document constitutes the Draft EIR. It contains a description of the project, description of the environmental setting (existing conditions), identification of project impacts and proposed mitigation measures for impacts found to be significant or potentially significant, and an analysis of project alternatives. This EIR addresses the issues that were identified by the Initial Study as potentially significant environmental impacts of the project as well as issues that were raised in the responses to the Notice of Preparation.

Significance criteria vary for each environmental issue analyzed in this EIR and are defined at the beginning of each impact analysis section. Impacts are categorized as follows:

- Significant and Unavoidable (no feasible mitigation measures exist or any feasible mitigation would not reduce impact to a less-than-significant level)
- Potentially Significant (impacts that could occur but are mitigable to a less-than-significant level)
- Less than Significant (no mitigation required under CEQA, but may be recommended)

Significance is the basis for determining whether or not the EIR must propose potentially feasible mitigation measures for potential project impacts. The existence of significant impacts, moreover, triggers certain mandatory legal procedures and duties at the time of action on a project, as discussed in Section 1.2.5 below.

1.2.4 Public Review

The information in this report is subject to review by the WVMCCD, responsible agencies, trustee agencies, and other interested agencies, as well as the public, for a period of 45 days. Publication of this Draft EIR marks the beginning of the public review period, during which written comments will be received by the WVMCCD at the following address:

Ms. Brigit Espinosa, Director
General Services
West Valley-Mission Community College District
14000 Fruitvale Avenue
Saratoga, CA 95070-5698

During this 45-day review period, persons are encouraged to comment on the contents of the Draft EIR in writing to the WVMCCD. On May 19, 2005, the WVMCCD Board of Trustees will hold a public hearing on the Draft EIR to receive oral public comments.

1.2.5 Final EIR, EIR Certification, and Project Approval

Following the close of the 45-day review period, relevant written and oral comments received on the Draft EIR will be responded to in writing in a Comments and Responses document. The Comments and Responses document, together with the Draft EIR, will constitute the Final EIR. After completion of the Final EIR on a date yet to be determined the WVMCCD Board of Trustees (“Board”) will hold a public hearing on the Final EIR and the proposed LRDP. At that time, the Board will consider whether to certify the Final EIR and whether to approve the proposed LRDP or one of the alternatives proposed herein. Under CEQA, the certification of a Final EIR is a three-step finding. As the District’s decision-making body, the Board must certify that: (1) the document “has been completed in compliance with CEQA”; (2) the document was presented to the Board, which reviewed and considered the information contained

therein; and (3) the document reflects the District's "independent judgment." (CEQA Guidelines, § 15090, subd. (a).)

Upon Final EIR certification, the Board may proceed, if it chooses, with project approval actions. Specifically, CEQA requires that, where a proposed project, as addressed in a certified EIR, could have significant environmental effects, a lead agency, in approving such a project, must adopt findings addressing each such potential significant effect. Such findings shall disclose whether: (i) the effect can be substantially lessened or avoided through the adoption of feasible mitigation measures or a feasible alternative; (ii) the effect can only be mitigated by an agency other than the agency making the findings; or (iii) the effect cannot be substantially lessened or avoided because proposed mitigation measures or alternatives are infeasible. (CEQA Guidelines, § 15091, subd. (a); Pub. Resources Code, § 21081, subd. (a).)

In addition, any adopted mitigation measures must be memorialized in a mitigation monitoring or reporting program intended to ensure implementation of the measures. (Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) That program must be adopted concurrently with the findings described above.

Finally, where, even after the adoption of all feasible mitigation measures or a feasible alternative, there remains one or more effects that cannot be rendered less than significant, the lead agency, as part of its project approval, must also adopt a written "Statement of Overriding Considerations" setting forth the economic, social, or other benefits that, in the decision-makers' judgment, render these significant effects acceptable (CEQA Guidelines, § 15093).

1.3 EIR ORGANIZATION

The Draft EIR has been organized into the following sections:

Chapter 1, Introduction. This section describes the purpose of the EIR, the CEQA review and certification process, and organization of the EIR.

Chapter 2, Summary. This section summarizes the project description, significant environmental impacts that would result from project implementation, and alternatives and mitigation measures proposed as part of the project or recommended by the EIR to reduce or eliminate impacts.

Chapter 3, Project Description. This section describes the project location and project sponsor's objectives, as well as providing a detailed project description.

Chapter 4, Environmental Setting, Potential Impacts, and Mitigation Measures. These sections describe existing conditions in the vicinity of proposed facilities, discuss project consistency with relevant

local plans and policies, identify the environmental impacts associated with project construction and operation, and present mitigation measures for the nine issue areas studied by this Draft EIR.

Chapter 5, Other CEQA Considerations. This section discusses several issues required by CEQA, including significant unavoidable impacts, growth inducing impacts, cumulative impacts, and alternatives to the project.

Chapter 6, Report Preparation and Persons/Agencies Consulted. This section lists the persons involved in preparation of this report, and summarizes all personal, telephone, and email communications identified in Chapters 1 through 5. Other references are listed at the end of each chapter.

Chapter 7, Appendices. The appendices provide relevant reference material and data that support discussions in the EIR. In addition, the appendices contain the Initial Study, NOP, and distribution list.