First Amendment to the Draft Environmental Impact Report

Valley Fair Shopping Center Expansion Project

H06-027
GP06-T-04

City of San José, CA

April 2007

PREFACE

This document, together with the Draft Environmental Impact Report (EIR), constitutes the Final Environmental Impact Report (FEIR) for the *Valley Fair Shopping Center Expansion Project* in San José, California. The EIR was circulated to affected public agencies and interested parties for a 45-day review period. This FEIR consists of comments received by the Lead Agency, the City of San José, on the EIR, responses to those comments, and revisions to the text of the EIR.

In conformance with the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or avoid significant environmental impacts. The FEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making written findings for each of those effects. According to the State Public Resources Code (§21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effects on the environment.

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

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

All documents referenced in this EIR are available for public review in the office of the City of San José, Department of Planning, Building and Code Enforcement, at 200 East Santa Clara Street, San José, California, Monday through Friday from 8:00 a.m. to 5:00 p.m. In accordance with the CEQA Guidelines, the FEIR will be made available to the public ten days prior to the EIR certification hearing.

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I. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS RECEIVING THE DRAFT EIR

Federal and State Agencies

Federal Highway Administration
Regional Water Quality Control Board, Region 2
State of California Department of Transportation, District 4
State of California Department of Toxic Substances Control
State of California Metropolitan Transportation Commission

Regional and Local Agencies

Association of Bay Area Governments
Bay Area Air Quality Management District
Santa Clara Valley Water District
Santa Clara Valley Transportation Agency
Santa Clara County Roads and Airports
Santa Clara County Planning Department
City of Santa Clara
Martin Luther King Main Library
Rose Garden Branch Library

Individual and Local Organizations

San José Water Company

II. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

Presented below is a list of agencies, organizations, and individuals commenting on the Draft EIR. The table below also identifies the date of the letter received, and whether the comment submitted requires substantive responses in the First Amendment. Comments that raise questions regarding the adequacy of the EIR or analyses in the EIR require substantive responses. Comments that contain only opinions regarding the proposed project do not require substantive responses in the First Amendment. Complete copies of all the letters are included in Section V. of this First Amendment to the Draft EIR.

	Comment Received From	Date of Letter	Response Required
State Agencies			
A.	State of California Governor's Office of Planning and Research	February 9, 2007	No
B.	State of California Department of Fish and Game	January 4, 2007	Yes
C.	State of California Department of Toxic Substances Control	February 5, 2007	Yes
D.	State of California Regional Water Quality Control Board – San Francisco Bay Region	February 5, 2007	Yes
E.	State of California Department of Transportation	February 8, 2007	Yes
Local Agencies			
F.	County of Santa Clara Roads and Airports Department	January 26, 2007	Yes
G.	Santa Clara Valley Transportation Authority	February 8, 2007	Yes
H.	City of Santa Clara	February 27, 2007	Yes
Organizations			
I.	Berliner Cohen Attorneys at Law	February 5, 2007	Yes
J.	Cory Neighborhood Association	February 12, 2007	Yes

Individuals

K.	Cameron M. Colson	January 3, 2007	Yes
L.	Kathryn Mathewson	January 8, 2007	Yes
M.	Margo Wixsom	January 27, 2007	Yes
N.	Andres Cathalifaud	February 10, 2007	Yes
O.	Joe Chang	February 10, 2007	Yes
P.	Jeff Land	February 10, 2007	Yes
Q.	Angela D'Orfani	February 11, 2007	Yes
R.	Barbara Ferrell	February 11, 2007	Yes
S.	Alex Morgan	February 12, 2007	Yes
T.	Linda Perrine	February 12, 2007	Yes
U.	Sharon McCray	February 12, 2007	Yes
V.	Kirk Vartan	February 12, 2007	Yes
W.	Douglas V. Handerson, AICP	March 11, 2007	Yes
X.	Yolanda Reynolds	January 16, 2007	Yes

III. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all of the comments on the Draft EIR that were received by the City of San José during the advertised 45-day review period. The comments are organized under headings containing the source of the letter and its date. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). The letters submitted to the City of San José are contained in their entirety in *Section V.* of this document.

STATE AGENCIES

A. STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, DATED FEBRUARY 9, 2007

The State of California Office of Planning and Research sent a letter acknowledging that the City of San José complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. No response is required for this letter.

B. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, DATED JANUARY 4, 2007

Comment B1: The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G). Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Santa Clara County Clerk on or before filing of the Notice of Determination for this project.

Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

Response B1: The appropriate environmental filing fee shall be paid upon filing of the Notice of Determination for the Valley Fair Draft Environmental Impact Report (EIR).

C. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF TOXIC SUBTANCES CONTROL, DATED FEBRUARY 5, 2007

Comment C1: Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion (SCH #2006052162). As you may be aware, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, the California Department of Toxic Substances Control (DTSC) oversees cleanup of sites where hazardous

substances have been released. As a potential Resource Agency, DTSC is submitting comments to help ensure environmental documentation prepared for the Westfield Valley Fair Site under the California Environmental Quality Act (CEQA) adequately addresses any remediation activities pertaining to releases of hazardous substances.

According to the draft EIR, the project includes the expansion of the existing Westfield Valley Fair shopping center to accommodate 650,000 square feet of additional retail space and the demolition and reconstruction of two parking structures and three commercial buildings and realignment of roadways. The various proposed activities in the project area have the potential to disturb soil containing hazardous substances from both agricultural activities.

The draft EIR does not mention the need to thoroughly investigate the historical land use of all properties both within and near the project area. For example, DTSC's EnviroStor database (http://www.envirostor.dtsc.ca.gov/public/) identifies an adjacent site south of Stevens Creek that was used for agriculture until the early 1960s and was found to be contaminated with lead, arsenic, and chlorinated pesticides. The soil at the Valley Fair site may be similarly contaminated. In addition, road work associated with the project may disturb soil potentially contaminated with aerially deposited lead.

Response C1: A site meeting the description of the property mentioned in this comment was not identified when the City of San José reviewed the EnviroStor database (March 2007).

The property referred to in this comment could be the Santa Clara Gardens Development Project site (also known as the Bay Area Research Extension Center or BAREC property), located to the northwest of Valley Fair, across Winchester Boulevard. As described in Section 4.9.2.1, *Database Research*, of the Valley Fair EIR, the Santa Clara Gardens site was tested for hazardous materials associated with its long-term use as an agricultural research facility. Arsenic and dieldrin were detected in the soils on the property which is currently proposed for residential and park development. All contaminated soils would be removed from the Santa Clara Gardens site prior to development in accordance with all applicable federal, state, and local laws and regulations.

The Valley Fair site has not been used for agricultural purposes since at least 1956 when the original shopping center was constructed. The Valley Fair site was never used for agricultural research, which would be expected to use greater amounts of pesticides than typical agricultural uses. In addition, the Valley Fair site has been extensively redeveloped over the years, and there have been no significant hazardous materials incidents reported on the site. For these reasons, it is not believed that soils on the Valley Fair site are similarly contaminated.

The Valley Fair site has been almost completely paved since approximately 1956. Therefore, the potential for aerially-deposited lead to be contained in soils on the project site is low.

Comment C2: Without information about potential contamination from all previous land uses, DTSC will be unable to determine whether hazardous substances may have been released to project areas. We strongly suggest that the City of San Jose thoroughly assess all historical activities within

and near project areas. Based on that information, samples should be collected to determine whether additional issues need to be addressed in the CEQA compliance document. If hazardous substances have been released to the soil, ground water, or surface water, these releases will need to be addressed as part of the Plan.

Response C2: As described in Section 4.9 of the Valley Fair Shopping Center Expansion EIR, a Phase I Environmental Site Assessment was prepared for the project site. Two retail establishments on the shopping center site were listed on federal and state databases as facilities that use or generate hazardous materials. These two establishments were photo processing facilities and no violations or compliance infractions were identified with respect to these establishments. In addition, they are no longer located on the site. One incident that did occur on site was related to the spilling of approximately five gallons of paint primer in 1990. The spill was cleaned up immediately and this minor release has been closed.

Seven leaking underground storage tanks (LUSTs) are located on properties adjacent to the Valley Fair site. These cases have been closed either because they do not exhibit levels of contamination requiring remediation, have been remediated to the satisfaction of the SCVWD, or are not suspected to represent a significant threat to human health or the environment. As such, these sites are not suspected to have had a negative impact on the project site, and no additional investigation or remediation is required.

Comment C3: For example, if the Plan includes soil excavation and remediation, the CEQA document should include: (1) an assessment of air and health impacts associated with soil excavation activities; (2) identification of applicable local standards, which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset if an accident occurs at the Site.

Response C3: The proposed shopping center expansion project does not include the excavation of soils for the purpose of hazardous materials remediation. The project includes the implementation of standard mitigation measures to reduce short-term construction-related air, noise, and traffic impacts to a less than significant level, as described in *Section 4.1 Land Use* of the Valley Fair Shopping Center Expansion Project EIR.

Comment C4: DTSC and the Regional Board signed a Memorandum of Agreement (MOA), March 1, 2005 aimed at preventing duplication of efforts among the agencies in the regulatory oversight of investigation and cleanup activities at brownfield sites. Under the MOA, anyone requesting oversight from DTSC or the Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either DTSC or Regional Board office in your geographic area.

Response C4: As previously described, regulatory oversight of investigation and cleanup activities on the project site will not be required for the expansion of the existing shopping center.

D. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – SAN FRANCISCO BAY REGION, DATED FEBRUARY 5, 2007

Comment D1: Regional Water Quality Control Board (Water Board) staff has reviewed the subject Draft Environmental Impact Report and has the following comments.
Section 4.8.3.3, Long-term Water Quality Impacts (pages 81-82)
This section discusses the project's proposed post-construction stormwater management measures, which would be implemented to comply with Provision C.3 of the City of San Jose's NPDES Permit (Provision C.3) and San Jose's Post-Construction Urban Runoff Management Policy (Policy 6-29). The proposed treatment includes a 6,000 ft^2 bioswale and media filter devices, including below ground vaults and/or manholes containing filter cartridges.

Water Board staff is concerned because the sizing design standards for the post-construction treatment measures were applied only to the net new impervious surface of 13,500 ft^2. Provision C.3 and Policy 6-29 require that post-construction treatment measures be sized to treat *all* new *and/or replaced impervious surface* for the site. Furthermore, if more than 50% of the existing impervious surface on the site is replaced, Provision C.3 and Policy 6-29 require that all the existing, replaced, and new impervious surface be included in the stormwater treatment design. This calculation has not been done in Section 4.8.3.3; rather, proposed disturbed land versus total project site area (44.5%) was used to conclude that only the net new impervious surface area should be used in sizing the treatment systems. Please revise Section 4.8.3.3 to be in compliance with Provision C.3 and Policy 6-29.

Response D1: Section 4.8.3.3. *Long-Term Water Quality Impacts*, of the Valley Fair EIR has been modified to emphasize that the proposed project would result in an additional approximately 13,500 square feet of impervious surfaces on the site, which is an increase of about one percent over the current impervious surfaces, as shown in Table 4.8-1 of the EIR. This condition would not be significantly different from the existing site condition.

The project proposes stormwater treatment controls, numerically sized in conformance with City of San José Council Policy 6-29, to treat the impervious surfaces from the proposed expansion area. Approximately 31.3 acres (the total area to be disturbed as a result of construction) would be treated through a combination of biorention cells, bioswales, and media filter devices, as described in the Valley Fair EIR. Please refer to Section IV. of this First Amendment to the EIR for the text revisions made to Section 4.8.3.3 of the EIR.

Comment D2: Summary of Impacts and Mitigation Measures (pages vi-xviii)
This section does not include a discussion of the Long-term Water Quality Impacts and their corresponding Mitigation and Avoidance Measures. Please include this discussion and ensure that it reflects the revised Section 4.8.3.3. measures.

Response D2: The summary of the EIR includes only significant impacts, as required in §15123 of the CEQA Guidelines. Long-term water quality impacts of the project were determined to be less than significant because standard mitigation measures in accordance with City of San José Council Policy 6-29 are included in the proposed project.

E. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED FEBRUARY 8, 2007

Comment E1: Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Forecasting
The following scenarios should also be analyzed in the Traffic Impact Study (TIS):

a) Existing Conditions
b) Proposed Project Only
c) Cumulative Conditions
d) Cumulative Conditions Plus Proposed Project

Section 5, page 38 of Appendix B, Cumulative growth conditions, includes only the analysis for the Cumulative Condition Plus Proposed Project scenario. The Cumulative Condition without Project traffic should also be analyzed.

Also, the Cumulative Condition and Cumulative Condition plus Proposed Project Condition should be included in the Transportation and Traffic Section, the main body of the DEIR.

Response E1: The Transportation Impact Analysis (TIA) completed for the proposed Valley Fair Shopping Center expansion project followed guidelines set forth by the City of San Jose (*Interim Guidelines for Traffic Impact Analysis of Land Developments*, June 1994) and Santa Clara County Valley Transportation Authority (*Transportation Impact Analysis Guidelines*, March 2004).

As described on page 38 of the TIA, the cumulative condition includes an analysis of all pending projects in the project vicinity. Section 7.3.2 of the EIR (page 121) describes the cumulative condition as all approved, planned, and reasonably foreseeable development projects in the vicinity, which includes the proposed project, in conformance with the state's CEQA and the City's TIA guidelines. Therefore, the cumulative condition without the project is not included in the cumulative scenario. The project's contribution towards the cumulatively significant impacts to intersections and freeway segments is described on pages 124 and 125 of the EIR.

Comment E2: Highway Operations
This project is causing significant impacts to I-880 and I-280 under project and cumulative conditions. This development needs to mitigate for significant traffic impacts to the State facilities and state what this mitigation will be or provide fair share fees and identify improvements for which these fees will be used.

Response E2: The comment is correct in stating that the project would result in significant impacts to freeway segments under project and cumulative conditions. As stated on pages 46 and 125 of the EIR, widening freeways for the purpose of adding new through lanes would constitute a major capital improvement to state facilities, which are under the jurisdiction of Caltrans. The associated costs of acquiring the necessary right-of-way and relocating businesses and

residences along that right-of-way make this mitigation infeasible for one project alone to implement. It should be noted that a "fair share" contribution is only meaningful/feasible if a funded program exists to actually improve freeway conditions. The collection of money without any formal adopted plan to allocate those funds is not mitigation under CEQA. For these reasons, the EIR concluded that there are no feasible mitigation measures available to reduce impacts to freeway segments to a less than significant level.

Comment E3: Queuing impacts to State facilities for project and cumulative conditions should be identified by comparing the calculated 95th percentile queue (design queue) to the available queue storage. Queuing impacts to be identified include, but are not limited to the following: Spillback queues from turn lanes at intersections, queues from one intersection that extend back and impact other intersections, queues from bottleneck locations such as lane drops that impact the operation of the facility and spillback queues on ramps that impact the State facility. Any queuing impact identified needs to be mitigated or fair share fees should be provided with identification of improvements for which these fees will be used.

Response E3: As stated in the TIA for the project and EIR, an operations analysis has been prepared for the project and is included in this First Amendment to the DEIR (Section VI.). The purpose of the simulation analysis is to evaluate the dynamics of traffic operations as they exist today and the effects of planned roadway improvements. It does not identify CEQA traffic impacts, but rather allows analysis of signalized surface networks, freeways, or a combination of both. The model was used to evaluate the effects of vehicle queues spilling out of turn-pockets and blocking adjacent through lanes, queues extending through upstream intersections, failure of vehicles to clear an intersection in the allotted green times, and temporary blockages due to bus stops.

Typically, only the most critical areas of concern for traffic operations are analyzed, such as project street frontages. However, for this analysis, a much larger study area was selected to thoroughly evaluate not only traffic associated with the proposed expansion of Valley Fair, but also traffic operations in the entire area. The roadway network included in the simulation analysis includes Forest Avenue from I-880 west to Winchester Boulevard, Winchester Boulevard from Forest Avenue to I-280, Stevens Creek Boulevard from Winchester Boulevard to I-880, I-880 from Forest Avenue to south of I-280, and I-280 from Moorpark Avenue to west of Winchester Boulevard. The existing roadway network as well as a network that includes planned roadway improvements was analyzed as described in Section V. of this First Amendment to the DEIR. The simulation was run for the PM and Saturday peak hour traffic conditions using existing and cumulative traffic volumes. The results of the simulation are described in Section VI. of this First Amendment to the DEIR.

The City of San Jose is working with the project applicant (Westfield), to identify potential improvements along Stevens Creek Boulevard between I-880 and Winchester Boulevard, including possible improvements to the I-880/Stevens Creek Boulevard and Stevens Creek Boulevard/Monroe Street intersections. Identified improvements in the City of San José will be made by the project. Identified improvements within the jurisdiction of the City of

Santa Clara and/or Caltrans will be done if encroachment permits can be obtained.

The EIR includes all traffic impacts at intersections and on freeway segments as required by the City of San José. This additional operations analysis is being provided for informational purposes only and does not identify additional traffic impacts not already disclosed in the EIR.

Comment E4: This document states that queues from Stevens Creek Blvd. spill back onto the Stevens Creek/I-280-/I-880 collector road and northbound I-280. In addition, queues from the I-280/Moorpark intersection queue back on the southbound I-280 off-ramp. To fully analyze impacts to State facilities from queues on Stevens Creek Blvd., Winchester Blvd., and Moorpark Ave., intersections should not be analyzed as isolated intersections. The intersections on these streets should be analyzed together as a system using a traffic model such as Synchro.

Response E4: Please refer to Response E3, above. The CORSIM simulation was used.

Comment E5: The I-880/Stevens Creek Blvd. intersection analysis, for the A.M. project traffic conditions, is missing from this document.

Response E5: Conditions at the I-880/Stevens Creek Boulevard intersection for the AM peak hour project conditions can be found in Table 4.2-6 of the EIR. Traffic volumes are provided in the Transportation Impact Analysis (Appendix B). The calculation sheets for the transportation analysis were circulated in Volume II of the EIR.

Comment E6: This document states that LOS analysis does not identify the operational problems on Stevens Creek Blvd. and a more detailed traffic operations analysis will be prepared. This detailed traffic operations analysis needs to be submitted for our review before the Final EIR is approved.

Response E6: Please refer to Response E3. As previously stated, the operational analysis is included in this First Amendment to the Draft EIR for informational purposes only. The operations analysis does not identify additional City of San José or CEQA traffic impacts at intersections or freeway segments. Information in the operations analysis is useful to determine potential roadway and intersection improvements in the project area, but the environmental review and ultimate certification of the EIR are not dependent upon this information because LOS impacts are not identified. It is anticipated that Caltrans will review the operations analysis during the design process for the proposed improvements to the I-880/Stevens Creek Boulevard interchange.

Comment E7: Transit and Community Planning
The project Mitigation Measure 4.4-4 indicates that pedestrian crossings shall be enhanced at strategic locations with countdown signals and that pedestrian pathways shall be lined with shade trees.

The Conceptual Site Plan (Figure 4) shows only one intersection improvement with pedestrian crossing treatments along Stevens Creek Boulevard.

Response E7: As stated in Section 4.2.3.8, *Impacts on Pedestrian and Bicycle Facilities*, of the EIR, the proposed project includes extensive improvements to the

intersection of Stevens Creek Boulevard and Santana Row. Currently, only one side of the intersection has a crosswalk and the sidewalk areas at the corners of the intersection are limited. The project includes an additional eastern sidewalk across Stevens Creek Boulevard and widened sidewalks at the northeast and northwest corners of the intersection. The signal at the intersection would be converted to eight-phase operation to allow safe pedestrian travel. Shade trees are included in the improvements as shown on Figure 7 of the EIR along the Valley Fair frontage of Stevens Creek Boulevard.

Comment E8: We suggest that the project proponent include pedestrian crossing treatments at additional intersections between the project and adjacent neighborhoods along Stevens Creek Blvd., Winchester Blvd. and Forest Avenue in order to accommodate alternative modes of transportation and reduce the demand for auto trips.

Response E8: The comment is noted. It is anticipated that additional improvements to accommodate pedestrian access to the Valley Fair site will be included in the project, as necessary. Existing crosswalks on Stevens Creek Boulevard would be retained as part of the project and crosswalks would be installed at the relocated intersection on Winchester Boulevard at Dorcich Street. Pedestrian crossing improvements are not proposed on Forest Avenue as part of the proposed project.

Comment E9: Although I-880 may represent a barrier to pedestrian access to the project from that direction, we suggest that the project proponent also consider enhancements to pedestrian access at the I-880/Stevens Creek Blvd. interchange.

Response E9: As described in the EIR (Section 4.2.4.2), future improvements to the I-880/I-280 interchange are planned which could affect the ramp operations at the I-880/Stevens Creek Boulevard interchange. It is anticipated that should pedestrian access at the I-880/Stevens Creek Boulevard interchange be affected by this future construction, improvements shall be made as part of the interchange project to restore pedestrian access to the Valley Fair site.

LOCAL AGENCIES

F. RESPONSES TO COMMENTS FROM THE COUNTY OF SANTA CLARA ROADS AND AIRPORTS DEPARTMENT, DATED JANUARY 26, 2007

Comment F1: We have received and reviewed your Draft Environmental Impact Report (EIR) for Westfield Valley Fair Shopping Center. The following are our comments:

Traffic Analysis should include the intersections on San Tomas Expressway at Monroe Street, Pruneridge Avenue, and Saratoga Avenue.

Response F1: All intersections to which the project was projected to add 10 or more peak hour trips per lane to any movement were studied per CMP guidelines. The project is expected to add 10 peak hour trips or less to the intersections of San

Tomas Expressway with Pruneridge Avenue, Monroe Street, and Saratoga Avenue. With Lawrence Expressway providing dual left-turn lanes in each direction, a minimum of 20 trips would be required for study. It is expected that project trips would dissipate significantly west of San Tomas Expressway.

Comment F2: The improvements listed in Expressway Planning Study at San Tomas Expressway are not funded. Therefore, this project should pay their fair share for these improvements, or provide mitigation measures at impacted intersections.

Response F2: As described in the Transportation Impact Analysis (TIA) prepared for the project (Appendix B), a significant impact would occur at the intersection of San Tomas and Stevens Creek Boulevard under the cumulative condition. The proposed project would make a significant contribution towards this significant cumulative impact. As stated in Section 7.3.2.3, the County has future plans to improve San Tomas Expressway; however, this project is not yet funded. As stated in the EIR, once funding is secured, the proposed project could be required to make a fair share contribution towards the identified improvements.

Comment F3: Please provide us a copy of your Final Environmental Impact Report for our review and comment.

Response F3: A final EIR will be sent to each respondent to the EIR.

G. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, DATED FEBRUARY 8, 2007

Comment G1: The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft EIR (DEIR) for a 650,000-square foot expansion of the shopping center at the northeast corner of Stevens Creek and Winchester Boulevards. We hope to have the following concerns addressed in the development:

Transit Support

Consideration of Bus Rapid Transit

Valley Transportation Plan 2030 (VTP 2030) and the VTA Measure A Revenue and Expenditure Plan both include implementation of a Bus Rapid Transit (BRT) Corridor on Stevens Creek Boulevard as a major initiative with funding from local and federal sources. The developments near the intersection of Stevens Creek and Winchester Boulevards will be a major focal point for this Corridor. Absent from this DEIR analysis is a discussion of the proposed Stevens Creek Bus Rapid Transit (BRT). It is anticipated that new service will begin within the next three to five years.

As stated in a letter sent by VTA on June 26, 2006 regarding the Notice of Preparation (NOP for the proposed shopping center expansion), the BRT line will require dedicated, street-front right-of-way for stations along both sides of Stevens Creek Boulevard between Monroe Avenue and Winchester Boulevard. In addition, a new bus stop located on Winchester Boulevard immediately north of Stevens Creek Boulevard for VTA Route 60 will provide needed "cross platform transfer" functionality once the Stevens Creek BRT is in service. The letter requested that the environmental

analysis assume BRT operations and include these facilities. City staff will work with VTA to identify locations for BRT stations. Critical to introducing the BRT service in a compressed schedule will be the ability to serve major generators such as the Valley Fair Mall in an efficient manner through well-designed station facilities near the corner of Stevens Creek and Winchester Boulevards. The developer should be required to contribute new transit station facilities at the selected location in conjunction with implementation of BRT.

Response G1: Implementation of the planned Bus Rapid Transit line along Stevens Creek Boulevard is a project exclusive of the proposed Valley Fair Shopping Center expansion. The Bus Rapid Transit will in itself require study that must identify requirements for its implementation. Those requirements may include right-of-way acquisition to accommodate new transit stops. It is expected that Valley Fair as well as any other properties along Stevens Creek Boulevard will cooperate with the implementation of the bus line. However, providing right-of-way along the Valley Fair frontage for a transit stop and location that has yet to be identified, is not feasible. It should be noted that an existing VTA transit center is located in the northwestern portion of the site.

Comment G2: Pedestrian and Bicycle Connections
Please discuss in the DEIR pedestrian access to the proposed project site from adjacent neighborhoods, particularly from the recently approved senior housing at the BAREC site on Winchester Boulevard in the City of Santa Clara. VTA recommends that the pedestrian realm along Winchester Boulevard between the senior housing and the proposed project site be designed to be inviting and safe. As part of the effort to provide an inviting and safe environment, please consider amenities such as landscaping, benches, and a varied facade that is rich in pedestrian detail as described in sections 2.1 and 4.1 of VTA's Pedestrian Technical Guidelines. For more information or a copy of these guidelines, please contact VTA at (408) 321-5725.

Response G2: An evaluation of pedestrian and bicycle connections to Valley Fair was completed as part of the TIA for the project. The major point of pedestrian activity is at the intersection of Stevens Creek Boulevard and Santana Row. The intersection provides a connection between the Santana Row and Valley Fair shopping centers. As part of the Valley Fair expansion project, several pedestrian enhancements will be made to this intersection to enhance access and provide a safer environment for pedestrians.

Several pedestrian/bicycle connections, via signalized intersections, are provided along Winchester and Dorcich Street to Valley Fair from adjacent neighborhoods. Access along Winchester Boulevard to Valley Fair will be provided via the existing Winchester Boulevard/Forest Avenue intersection as well as a proposed relocation of the Dorcich Street signal. In total, there are eight signalized intersections surrounding Valley Fair Mall that provide pedestrian/bicycle connections to surrounding land uses. These access points will continue to be maintained as part of the proposed project.

It should be noted that the Santa Clara Gardens project northwest of the Valley Fair site has not yet been approved.

Comment G3: The DEIR states that San Jose's General Plan designates Stevens Creek Boulevard as a future bicycle facility. VTA considers this corridor important to bicycle travel as well and intends to add Stevens Creek Boulevard to its network of cross-county bicycle corridors in the coming

months. Please provide information regarding the future bicycle improvements that are intended for the proposed project site so that they may be considered as part of the work to add Stevens Creek Boulevard to the network of cross-county bicycle corridors.

Response G3: The proposed shopping center expansion project would not affect any existing or planned bicycle facilities on Stevens Creek Boulevard, as described in Section 4.2.3.8 of the EIR. The proposed project does not include improvements on Stevens Creek Boulevard to facilitate the future designation of this roadway as a bicycle facility, nor would it preclude the roadway from being designated as such.

As described in Section 4.4.4, *Mitigation and Avoidance Measures for Air Quality Impacts*, bicycle amenities shall be provided and/or improved for the project. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers, and bike lane connections throughout the project site.

Comment G4: Transportation Impact Analysis Review

Proposed Mitigation for Freeway Segments

Page 44 of the DEIR states that the results of the freeway level of service analysis indicate that the proposed project would create a significant impact on freeway segments on two freeways (I-880 and I-280) in the project area. The DEIR also states that the proposed project would contribute a fair share contribution towards identified improvements on the southbound side of the I-880/Stevens Creek interchange to be negotiated during the funding process for the improvements. VTA strongly supports such developer contributions towards improvements related to the freeway system adjacent to the development.

VTA is currently undertaking a study for I-880, which includes reviewing improvements to the Stevens Creek Boulevard interchange at I-880, Monroe Street adjacent to Valley Fair Mall, and the Winchester Boulevard interchange at I-280. VTA encourages the developer's input and contribution on these improvements via coordination through the City of San Jose.

Response G4: The comment correctly states that the project would result in significant unavoidable impacts on four directional freeway segments of I-280 and I-880. The comment is also correct that the proposed project would contribute a fair share contribution towards improvements at the I-880/Stevens Creek Boulevard interchange. It is anticipated that the developer will participate in coordination/negotiation efforts during the funding process for these improvements.

Comment G5: Mitigation to CMP Intersection

Page 46 of the DEIR states that there would be a significant impact on the Congestion Management Program (CMP) intersection Stevens Creek Boulevard/Winchester Boulevard if widening of the intersection to include a second southbound left-turn were found to be infeasible by the cities of San Jose and Santa Clara. If this mitigation is found to be infeasible, it is recommended that the developer provide a fair share contribution toward identified improvements at the adjacent CMP intersection at Stevens Creek Boulevard and San Tomas Expressway. An improvement was identified for this intersection as part of the County Expressway Study.

Response G5: As stated on page 44 of the EIR, the proposed project would not result in a significant impact at the intersection of Stevens Creek Boulevard and San Tomas Expressway, according to CMP criteria. As stated in Response F2, a significant impact would occur at this intersection under the cumulative condition. The proposed project would make a significant contribution towards this significant cumulative impact. As stated in Section 7.3.2.3, the County has future plans to improve San Tomas Expressway; however, this project is not yet funded. Once funding is secured, the proposed project could be required to make a fair share contribution towards the identified improvements.

The contribution of funds for improvements at the intersection of Stevens Creek Boulevard and San Tomas Expressway would not mitigate for impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard.

Comment G6: Pass-by Trip Reduction Rates
A twenty five percent (25%) reduction for pass-by trips was used in this DEIR. Please provide back-up documentation on how this percentage was derived.

Response G6: Trip generation for retail uses are typically adjusted to account for pass-by-trips because relatively few trips to a regional shopping center include a visit to just one location within the center. A pass-by trip reduction of 25 percent was applied to the proposed project based on City of San Jose trip generation guidelines outlined in *The City of San Jose Interim Guidelines for Traffic Impact Analysis of Land Developments*, June 1994, which are based on the Congestion Management Agency's TIA guidelines. The proposed Valley Fair Shopping Center expansion meets established criteria for implementation of a pass-by trip reduction.

Comment G7: Parking
The DEIR proposes an additional 114 parking spaces beyond the City of San Jose's zoning ordinance. The concept of not providing these spaces and using the land area for BRT accommodation should be explored working through the City of San Jose and with VTA.

Response G7: Refer to Response G1. As stated in this comment letter, the BRT project has not yet been designed and the locations for future BRT stations have not been determined. It is expected that Valley Fair will cooperate with the implementation of the bus line, but reserving extra parking area on the project site for a transit stop that has yet to be specifically identified is not feasible.

H. RESPONSES TO COMMENTS FROM CITY OF SANTA CLARA, DATED FEBRUARY 26, 2007.

Comment H1: This letter is to follow up on several recent communications between the cities of Santa Clara and San Jose regarding Santa Clara's comments on the Valley Fair Expansion Draft Environmental Impact Report (DEIR). While the City of San Jose has taken the role of Lead Agency in the preparation of the CEQA document, the City of Santa Clara is effectively a Co-Lead Agency as it does need to rely upon and also certify either this document or a similar analysis in order to issue the discretionary permits for a Variance application and Architectural Approval required within its jurisdiction. In this particular case, the entitlements and permits required to implement the project

within our jurisdiction are key components of the overall project. Insofar as we want to utilize the same effort and document, Santa Clara is very interested in assuring that the certification of the Final EIR is a thorough and comprehensive evaluation of the issues of concern.

Response H1: During the preparation of the EIR, the City of Santa Clara was consulted as to their agency status for the project EIR process. The City of Santa Clara determined at that time that they would serve as a Responsible Agency under CEQA. In addition, the City of Santa Clara did not request to be a co-lead agency during the circulation period of the Notice of Preparation (June 16, 2006 through July 17, 2006) for the EIR.

In commenting on the Valley Fair Shopping Center Expansion Project EIR, the City of Santa Clara is acting as a Responsible Agency consistent with CEQA Guidelines §15096 (d) which states that "A responsible agency should review and comment on draft EIRs and negative declarations for projects which the responsible agency would later be asked to approve." The CEQA Guidelines go on to say "The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

In this case, the City of Santa Clara has permitting authority over the components of the project proposed to be constructed in Santa Clara, including the relocated bank and grocery/drugstore buildings.

Comment H2: At the outset, I would like to thank you for the time that you and several City of San José staff members took to meet with our Public Works Director, Acting Traffic Engineer and our Development Review Manager on February 15th to discuss the Dorcich Street Neighborhood Study and the traffic analysis for the Valley Fair DEIR. As we have discussed, the changes to the mall that are being proposed by Westfield are important to both cities in a number of ways. These important and vital changes require an environmental document that analyzes the impacts that will be associated with increasing floor space at the mall by almost 650,000 square feet and altering site access. The alterations may have significant impacts to those who visit the site as well as those who live or work near the site, and even to those who merely pass by the center at certain times. With that in mind, the City of Santa Clara is providing its comments to the DEIR. I apologize for the delay in meeting your deadline and our later commitment of last week, but we hope that these comments will result in a more thorough evaluation for the public and the decision makers in both cities.

Response H2: The comment is noted. No further response is required, as no questions on the EIR are raised by the comment.

Comment H3: Transportation and Traffic Impacts

Issue 1: *Potential neighborhood traffic impacts resulting from the project are not reflected in DEIR.* The Dorcich Street Neighborhood Study by Hexagon Transportation Consultant, Inc., dated October 23, 2006 was prepared for this project. No references have been made in the DEIR to this report; it is referenced in the TIA information in the appendices, but the report itself is not included there. The study appears to recognize that the residential neighborhoods to the west of Valley Fair could experience up to 44% percent increase in vehicle trips on Henry Avenue. While comparing the existing and future daily traffic on Henry Avenue as cited in Figure 2 and 7 of the report, the increase in traffic volume is from 369 to 1,111 (an increase of 742 daily trips, approximately 300%). In contrast, the DEIR concludes that no neighborhood impacts will occur.

Per the discussion with your staff, we understand that San Jose maintains that the traffic increase is attributed to the existing neighborhood traffic being redirected within the neighborhood as a result of proposed street improvements along Winchester Boulevard.

Response Requested: The DEIR should adequately address whether a threshold of traffic impact in the neighborhood has been identified and provide the quantitative criteria and/or applicable City of San Jose policy that specifically addresses this analysis. If there is not a threshold or an impact that is applicable, this should be clearly stated. Changes to the traffic patterns and increased vehicle trips on any given street within the neighborhood may appear to residents as an impact of the project, even if not the result of increased trip generation from outside the neighborhood or even measurable according to any standard acceptable methodology. Even if this not a significant impact under standard analysis methodologies, the neighborhood will still perceive these increases as a negative, qualitative impact on the current operation of the streets in the area. The DEIR should therefore explain how the changes of distribution of trips on streets within the Henry/Dorcich neighborhood is not considered an adverse impact under CEQA, address the effects as significant or not and determine that mitigation measures are or are not required by CEQA.

Response H3: The Dorcich Street Neighborhood Study was prepared by the project traffic engineers at the request of the City of Santa Clara to determine the effects on nearby residential streets immediately west of Winchester Boulevard, of signal modifications on Winchester Boulevard proposed by the Valley Fair and Santa Clara Gardens (BAREC) projects. The Dorcich Street Neighborhood Study was included in Volume II of the EIR, as an Appendix to the TIA.

The proposed signal modifications on Winchester Boulevard as part of the Valley Fair project include relocating the signal at Dorcich Street and Winchester Boulevard to a new shopping center entrance north of the existing signal. Left-turns would be allowed from northbound Winchester Boulevard to westbound Dorcich Street to allow neighborhood access and access to the existing commercial uses on Dorcich Street; however, left-turns from eastbound Dorcich Street to northbound Winchester Boulevard would no longer be allowed. The Santa Clara Gardens project proposes to remove the signal at the intersection of North Forest Street and Winchester Boulevard and North Forest Avenue would be restricted to right-in and right-out only. A new west leg of the Forest Avenue and Winchester Boulevard intersection would be constructed into the proposed Santa Clara Gardens project site.

As described in the Dorcich Street Neighborhood Study, weekday and Saturday daily traffic volumes on Dorcich and Cecil Streets would decrease approximately 68% to 98% in the eastbound direction due to signal modifications on Winchester Boulevard. Traffic on Henry Avenue, however, would increase to serve displaced traffic in the neighborhood. Weekday and daily traffic volumes along northbound Henry Avenue would increase approximately 17% to 44%. Even with the increases due to the displacement of traffic, Henry Avenue would serve a total of 1,000 or fewer trips per day. Residential streets have the capacity to serve anywhere from 1,200 to 1,800 vehicles per day and still maintain a suitable residential character, according to City of San José and Santa Clara criteria.

Neither the City of San José nor the City of Santa Clara has thresholds for CEQA impacts on residential streets. Impacts are determined based on Levels of Service at intersections only. Therefore, the Valley Fair Expansion Project EIR did not identify impacts to these neighborhood streets and no mitigation is required or proposed. It should be noted, however, that the City of San José's Traffic Calming Policy shall be implemented on City of San José streets after project construction and once traffic re-distributes (usually between six months and one year post-construction) as a result of signal modifications on Winchester Boulevard. Studies shall be done to determine what types, if any, of traffic calming mechanisms would be most beneficial to redirect traffic in the neighborhood and where they would be located. The City of Santa Clara will determine a process for implementing traffic calming mechanisms within their jurisdiction. The project applicant shall be required to fund such traffic calming improvements.

Please see Section IV. of this First Amendment to the EIR for revisions to the text of the EIR clarifying how modifications at the Dorcich Street/Winchester Boulevard intersection would not result in any adverse traffic impacts under CEQA or the requirements of the cities of Santa Clara and San José.

Comment H4: ***Issue 2:*** The Traffic Study was done to address the weekend peak hour of the use, with traffic counts taken on a Saturday in April, but it does not account for seasonal traffic increases that are commonly attributed to the November/December shopping period.

Response Requested: Trip generation during busiest season (seasonal variations) should be acknowledged and quantified in the TIA and EIR. Methodology standards for seasonal impacts should be discussed. In the event there are no applicable standards, this should be stated, as it likely will be an item of public concern. If there is an appropriate evaluation, this should be undertaken and consideration should be given to how such seasonal demands could be accommodated, including the impacts and mitigations of seasonal variations to the neighborhood streets. If there are no appropriate mitigation measures for a limited seasonal impact, this should be so stated and justified in the findings at the time of project approval.

Response H4: Analysis of seasonal traffic conditions is not typically completed because it only represents a two to three week period during the year. The analysis of seasonal traffic conditions and its conclusions could warrant costly improvements that would only serve traffic for that short time period. The analysis of weekday peak hour traffic conditions is a representation of the normal traffic conditions throughout the year. Therefore, necessary improvements identified as part of the weekday LOS analyses will be beneficial to roadway conditions year round.

As stated above, neither the City of San José nor the City of Santa Clara has significance criteria for seasonal traffic impacts. It should be noted that the improvements included as part of the project on Stevens Creek Boulevard would serve to improve traffic conditions during the holiday season as well.

Comment H5: ***Issue 3:*** Pass-by trip reduction of 25 percent was used in the Traffic Impact Analysis (TIA) and referenced in the DEIR.

Response Requested: The TIA should clearly explain, justify, and document the 25 percent trip reduction as recommended in the TIA Guidelines prepared by the Valley Transportation Authority (VTA).

Response H5: Please refer to Response G6 of this First Amendment to the EIR.

Comment H6: Utilities
Issue 4: *There is no reference to Silicon Valley Power (SVP) jurisdiction and power supply.*

The DEIR only addresses Pacific Gas & Electric as providing power in the area. For the portions of the site in Santa Clara, the City's electric utility, Silicon Valley Power, will be the provider. The document states that there is no impact to existing utilities. While current power supply appears to be adequate, new electrical service lines and associated vaults would be required from SVP to serve a portion of the development located in Santa Clara. Modification to existing casements and recordation of new easements may be required for the portion of the project in Santa Clara.

Response Requested: Revise language in DEIR to reflect utilities required and provided by the City of Santa Clara.

Response H6: Electricity and natural gas for the shopping center structure, portions of which are located in Santa Clara, would be served by PG&E. The comment is correct that power for the portion of the project site proposed for the relocated grocery/drug store and two bank buildings would be served by Silicon Valley Power. Please refer to Section IV. of this First Amendment to the Draft EIR for text revisions.

As stated in this comment, current power supplies appear to be adequate for the proposed project. The installation of new electric service lines and/or associated vaults would not result in environmental impacts in excess of those identified in the EIR.

Comment H7:
***Issue 5*:** The DEIR incorrectly identifies the City of San Jose as having sole jurisdiction over the provision of wastewater treatment to the site, including conveyance system issues. The portion of the development located in Santa Clara will be served by Santa Clara. The DEIR only identifies San Jose/Santa Clara Water Pollution Control Plant (WPCP) capacity. There is no reference to conveyance. Impacts are identified as "Less than Significant."

Santa Clara Public Works Department has identified several areas where sewer conveyance lines are at capacity, including parts of the system on Winchester Boulevard. There is no environmental assessment made about the conveyance capacity for sewer lines under Santa Clara's jurisdiction. Depending upon proposed sewer connections required for the project area served by Santa Clara facilities, sewer conveyance capacity is a possible factor requiring additional analysis and mitigation. Under this current status, the conclusion regarding impacts of the project is unsubstantiated.

Response Requested: Potential sewer impacts associated with the proposed project must be identified, and appropriate studies undertaken. The conclusion of those studies along and possible mitigation must be included in the DEIR as appropriate. Should the upgrading of sewer lines be required for the project, the potential for growth inducing impacts associated with possible new sewer lines must also be discussed in the DEIR.

Response H7: As stated in Section 4.11.1.3 of the EIR, wastewater treatment service in the project area is provided by the Cities of San José and Santa Clara through the San José/Santa Clara Water Pollution Control Plant (WPCP). This includes the proposed project site.

The proposed relocation and reconstruction of the grocery/drugstore and bank buildings would result in a net increase of approximately 45,000 square feet of commercial/retail space within the City of Santa Clara. This development would generate approximately 2,873 gallons per day of sewage to be treated at the WPCP. As stated in Section 4.11.2.4 of the EIR, this is not a significant increase. There is sufficient capacity in an existing 15-inch City of San José pipeline in Winchester Boulevard to accommodate this discharge. This pipeline was installed to accommodate the Santana Row project.

Comment H8:
Issue 6: In discussing water supplies to serve the project, San Jose did not seek a water supply assessment from the City of Santa Clara. To reach this conclusion, the DEIR split the water requirements based on which portion of the project required what water.

California Water Code sections 10910 to 10912 require that water supplies for certain types of development be included in environmental review documents. First, section 10912 (a)(2) states that "projects" governed by these requirements include any shopping center containing 500,000 square feet. Once a development proposal meets the definition of a project, the lead agency must then identify the public water systems that could serve any portion of the project. Once identified, the public water system must then answer the questions posed in section 10910 regarding whether the project was included in the most recent urban water management plan and other issues regarding the long-term (i.e. more than 20 years) water supply to support the anticipated growth.

In the DEIR, the City of San Jose identified that the City of Santa Clara was a public water system providing water to part of the project site. In a footnote, the DEIR indicated that no water report was necessary from Santa Clara because the portion of the project site within Santa Clara did not meet the statutory threshold. However, the statutory scheme views the entirety of the project, not just what portions of the project may or may not be served by certain public purveyors. This conclusion is borne out by the language in section 10910 that describes the possibility of multiple water suppliers being required to furnish reports for individual projects. Segmenting the project to areas where less than 500,000 is present is contrary to the law. As such, a water supply assessment obtained from Santa Clara needs to be included in the DEIR.

Response Requested: Include a water supply assessment from the City of Santa Clara in the EIR. In the event there is not sufficient water, be prepared to discuss, as required by CEQA, the alternate sources available and the potential impacts associated with using such sources.

Response H8: The Valley Fair Shopping Center site is located within the jurisdiction of two different water retailers as described in Section 4.11.2.2 of the EIR. Because the vast majority (approximately 600,000 square feet) of the project is located within the portion of the site within the jurisdiction of the San José Water Company (SJWC), a Water Supply Assessment (WSA) was requested from SJWC and included in the EIR. A WSA was requested by the City of San José from the City of Santa Clara Water and Sewer Utilities (CSC) on March 22, 2007. Based on a review of the City of Santa Clara's Urban Water Management Plan and current operating conditions for the water distribution

system, the CSC concluded that they will be able to adequately supply the Valley Fair Shopping Center expansion without any additional sources of water supply or operational changes. The CSC WSA is included in this First Amendment to the EIR. No new environmental impacts of the proposed projects were identified in the WSA prepared by the CSC.

Comment H9:
Infeasibility of Mitigation Measures
Issue 7: In several instances, San Jose finds certain mitigation measures infeasible because identified mitigation measures cannot be implemented by San Jose.

In the recent case, City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th 341, the California Supreme Court clarified the role a lead agency plays when imposing mitigation measures where impacts outside the lead agency's jurisdiction occur. Key points raised by the Court are:

- CEQA requires a public agency to "mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment."
- A finding of a mitigation measure to be infeasible, because there was no assurance that the fees would be used to provide the required mitigation is not a basis to reject a jurisdiction's own ability to make a voluntary payment.

Response Requested: In view of the *Marina* case, responses should be amended to include the current legal standard required for determinations of infeasibility of mitigation for impacts that occur outside the lead agency's jurisdiction.

Response H9: The EIR identifies significant impacts at the intersection of Winchester Boulevard and Stevens Creek Boulevard, both during the near-term and long-term (cumulative) conditions. As stated in the EIR (Sections 4.2.4.1, 4.2.5, and 7.3.2.3), mitigation for the impact is available (an additional left-turn lane from southbound Winchester Boulevard to eastbound Stevens Creek Boulevard) and the feasibility of improving the Winchester Boulevard/Stevens Creek Boulevard intersection will be determined by *both* the cities of San José and Santa Clara during their respective permitting processes. The cities have been working together to determine feasibility of the proposed improvements at this intersection; however, the improvements are within the jurisdiction of the City of Santa Clara. The project applicant is willing to fund the improvement if the City of Santa Clara allows its construction.

While the determination of the feasibility of the improvements at the intersection of Winchester Boulevard and Stevens Creek Boulevard has not yet been made, the City of Santa Clara has requested that the impact at this intersection be described as **Significant Unavoidable** rather than **Less than Significant if Mitigation is Determined to be Feasible and made a Condition of Approval** (Section 4.2.4.1 of the EIR). Both scenarios were described in the EIR and therefore, no new impacts are described. Refer to Response H10, below.

Comment H10:
Issue 8: The DEIR identifies certain impacts and proposed mitigations. However, the DEIR then attempts to defer analysis of the mitigations and then feasibility until after the project has been approved.

Public Resources Code section 21002 provides in part:

> "The Legislature finds and declares that is it the policy of the state that public agencies should not approve projects as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects... The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The determination to reject alternatives or mitigation measures must be supported by recorded findings. (Pub. Resources Code § 21081.) In order to meet this requirement, the agency must weigh the feasibility of the proposed alternatives and to make findings regarding feasibility. *Citizens For Quality Growth v. City of Mount Shasta* (1998) 198 Cal.App.3d 433, 243 Cal.Rptr. 727.

Where the determination of infeasibility is premised on the cost of the mitigation measure, the question is not whether there is increased cost or lost profit but upon whether the effect of the proposed mitigation is such that the project is rendered impractical. *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181, 243 Cal.Rptr. 339.) The fact that a project costs too much to be profitable or cannot operate at a profit so as to render it impractical does not hinge on the wealth of its proponent. No proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful. But, if the project can be economically successful with mitigation, then CEQA requires that mitigation, regardless of the proponent's financial status (*Ibid.*)

Response Requested: Findings must be provided for any responses that are deemed "infeasible" at the time the DEIR is prepared. Determination of the feasibility of mitigation measures cannot be deferred under CEQA. Amend responses as necessary to comply with CEQA.

Response H10: As stated in Response H9, the feasibility of the proposed improvements to the Stevens Creek Boulevard/Winchester Boulevard intersection will be determined by the Cities of San José and Santa Clara during their respective permitting processes. The project applicant is willing to provide funding for the identified improvement; however, providing funding is dependent on a determination by the City of Santa Clara that the improvement is feasible since this improvement is to occur with the City of Santa Clara.

As described in Responses F2 and G5, the County of Santa Clara has future plans to improve San Tomas expressway; however, this project is not yet funded. Once funding is secured, the proposed project could be required to make a fair share contribution towards the identified improvements. Impacts to freeway segments cannot be mitigated as described in Section 4.2.4.2 because the cost of business and residential relocation as well as freeway widening is too great for just one project to bear and the improvements are within the jurisdiction and control of Caltrans.

As stated in §15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. One of the possible findings that can be made is that changes or alterations made to a project to reduce the significant environmental effect are within the responsibility and jurisdiction of another agency. In this case, the agency within whose jurisdiction the changes are to occur, can or should make findings.

In this case, the improvements to the intersection of Stevens Creek and Winchester Boulevards and freeway segments are within the jurisdiction of Santa Clara and Caltrans respectively; therefore, the City of San José cannot require these improvements. Santa Clara will determine the feasibility of mitigation within its jurisdiction when it considers the approvals required for the portion of the project within its jurisdiction. The EIR does not attempt to defer analysis of mitigation measures or feasibility. The mitigation measures are identified in Section 4.2.4 of the EIR and the determination of feasibility must be made by the jurisdictions in which the improvements are to occur. Further, the EIR does not make the determination that any of the mitigation measures are infeasible based solely on cost. Jurisdictional issues also play a role in the feasibility of mitigation measures.

Comment H11:
Construction Impacts
Issue 9: The parking analysis only describes post construction circulation and onsite parking numbers. There is no description of parking impacts, on-site circulation modifications, and displaced parking, or their effects on the existing shopping center during construction.

It is anticipated that restricted access necessary to allow for construction vehicles, materials staging, safety buffer zones and construction fields, will have an impact on surrounding roadways, available onsite parking and potentially neighborhood traffic during construction phases, particularly when the Santa Clara portion of the development takes place.

Response Requested: The DEIR should include discussion of site and circulation impacts to the existing shopping center and surrounding roadways.

Response H11: The project applicant has indicated that during construction, overall parking deficits should be no more than one to two percent of the total parking provided on site. As described in Section 2.1.7 of the EIR, the first phase of construction would be development of the new grocery/drug store and bank buildings on the Santa Clara portion of the site. Approximately 50 parking spaces would be removed in order to prepare the building pad for the new grocery/drugstore building. Once construction commences, the existing grocery/drugstore building would be removed and replaced with parking. It is estimated that this process would take approximately three months, during which time, there would be no grocery/drugstore and the demand for parking in this portion of the site would be correspondingly reduced.

Also as described in Section 2.1.7 of the EIR, the new Parking Structure E would be constructed before any expansion of the existing shopping center structure is begun. If parking demand becomes an issue during construction, employees would park off-site at Santa Clara University and be shuttled to the Valley Fair site, just as they do in November and December during the holiday season. Construction traffic would utilize the major arterials that border the site and would be timed to avoid peak hour traffic, to the extent possible. Construction of the proposed project would be phased and on-site construction traffic would be routed in such as way as to minimize potential on-site parking and circulation conflicts.

Comment H12: Attached please find a summary of pages subject to revisions based on the content of this letter. Thank you for allowing us this opportunity to review the DEIR. If you should have any questions, please feel free to contact me, or Gloria Sciara, at (408) 615-2450.

Response H12: The summary of pages subject to revisions provided by the City of Santa Clara and statements as to whether the changes were made to the text of the EIR are included below. The required responses are included in comments/responses H1-H12, above.

1) Section 3.1.3.9 Level of Service Policies:

a) This Section number should be corrected. It comes after Section 3.1.3.4 but before Section 3.1.3.5. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

b) (Page 18) Policy #6: What is the definition of Level of Service "D" for sanitary sewer conveyance capacity? **As stated on page 18 of the EIR, Level of Service "D" for sanitary sewer lines is defined as restricted sewage flow during peak flow conditions. No change was made to the EIR text.**

c) The City of Santa Clara sanitary sewer conveyance capacity criteria is not specified in the report. Need to add. **The proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard that was installed to accommodate the Santana Row project. No change was made to the EIR text.**

d) Consistency: Same mitigation as for the City of San Jose, if the City of Santa Clara sanitary sewer conveyance capacity criteria is exceeded. **The proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard that was installed to accommodate the Santana Row project. No change was made to the EIR text.**

2) Section 4.8.3.3 Long-Term Water Quality Impacts (Page 82)
Table 4.8-1: The column heading of "Existing SF" should read "Project SF" and the column heading of "Project SF" should read "Existing SF". **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

3) Section 4.1.2.3 Impacts from the Project (Page 28)
References the traffic impacts (increases in traffic may affect nearby commercial and

residential, yet concludes that the project impact is "Less than Significant". See comments regarding Hexagon's Dorcich Street Neighborhood Study in our letter under "Transportation and Traffic Impacts" and amend report. **This section refers to the traffic section of the EIR. Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

4) Section 4.1.2.5 Short-term construction and Demolition Impacts (Page 28)
Section does not include discussion on temporary loss of parking and restricted site access. Please refer to comments in our letter under "Construction Impacts" and amend report to include these temporary impacts and measures to offset site and parking impacts. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

5) Section 4.2.1.5 Existing Traffic Operations (Page 37)
Include discussion regarding existing and future traffic numbers as discussed in the Dorcich Street Neighborhood Study as referenced in our letter under "Transportation and Traffic Impacts". **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

6) Section 4.2.2 Background Conditions (Page 37)
Include discussion regarding existing Dorcich Street neighborhood traffic counts. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

7) Section 4.2.3.1 Thresholds for Significance (Transportation and Traffic Impacts) (Page 38)
Include criteria regarding thresholds for neighborhood traffic that would apply to Dorcich Street neighborhood traffic increases. **Neither the City of San José nor the City of Santa Clara has significance criteria for neighborhood street traffic impacts. Therefore, significance criteria were not added to this section of the EIR. The Dorcich Street Neighborhood Study is discussed in Section 4.2.3.11 and 7.3.2.2 of the EIR, as described in Section IV. of this First Amendment to the EIR.**

8) Section 4.2.3.10 Site Access and On-site Impacts (Page 45)
3rd Paragraph references the relocated Dorcich Street Intersection and post-project level of service (LOS B), and references that this improvement is under Santa Clara's authority. Please see Issue 8 of our letter and amend text so that the analysis of mitigation measures is addressed in current document rather than deferred as currently noted. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

9) Section 4.2.4.1 Mitigation for Significant Impact at Steven's Creek Boulevard/Winchester Boulevard Intersection (Page 46)
Impacts are identified as "Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval" "Significant Unavoidable impact if Mitigation is Determined to be Infeasible". Please see "Infeasibility of Mitigation Measure" section of our letter and amend the DEIR to include the current legal standard required for determinations of infeasibility. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

10) Section 4.2.5 Conclusion regarding Transportation and Traffic Impacts (Page 47)
   a) Paragraph 1 concludes that the project "would not result in significant traffic impacts… during weekday peak hours." It further states, "No mitigation measures are required or proposed" This statement needs to be clarified. The project does have significant traffic impacts and mitigation measures are proposed but not referenced

here. **The proposed project would not result in significant impacts at any City of San José or CMP intersections during the *weekday* AM or PM peak hour. Therefore, mitigation measures are not required. Impacts would occur during the *Saturday* peak hour as described in Section 4.2.3.4. This revision was not made.**

b) Paragraph 2 Defers determination of feasibility for the traffic mitigation measures that would be constructed under the City of Santa Clara's approval and jurisdiction. Please see "Infeasibility of Mitigation Measures" section of our letter and amend text to include the current legal standard required for determinations of infeasibility. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

c) Paragraph 3 identifies improvements to the I-280/I-880 interchange, as "Significant Unavoidable Impact" with no feasible mitigation measures available. Please see "Infeasibility of Mitigation Measures" section of our letter and amend text to include the current legal standard required for determinations of infeasibility. **Please refer to Response H10. This revision was not made.**

d) This section should also reference conclusion of Hexagon's Dorcich Street Neighborhood Study as referenced in our letter under "Transportation and Traffic Impacts" with appropriate rationale and conclusions based on San Jose's thresholds for significance. **The results of the Dorcich Street Neighborhood Study have been added to the EIR in Section 4.2.3.11, as described in Section IV. of this First Amendment to the EIR. They are not presented in Section 4.2.5 of the EIR because neither the City of San José nor the City of Santa Clara have significance criteria for impacts on streets and a CEQA impact can therefore, not occur. For this reason, thresholds of significance are not included in Section 4.2.5 of the EIR, as described in Response H9.**

11) Section 4.11.1.2 Storm Drainage Systems (Page 95)
Add the following: "New storm drain lines will be constructed and existing lines will be upgraded, as necessary, to comply with City of San Jose and City of Santa Clara storm drain conveyance capacity criteria." **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

12) Section 4.11.1.3 Sanitary Sewer/Wastewater Treatment (Page 96)
In the first sentence of the last paragraph, include the City of Santa Clara as an additional agency that owns and maintains sanitary sewer lines serving part of the site. Also include in said paragraph, the City of Santa Clara's sanitary sewer conveyance capacity criteria. **Revisions to the text of the EIR regarding the fact that the City of Santa Clara also maintains sanitary sewer lines in the project area are shown in Section IV. of this First Amendment to the EIR. Because the proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard, no changes were made to the EIR text regarding City of Santa Clara sanitary sewer conveyance capacity criteria.**

13) Section 4.11.1.5 Electric, Natural Gas, and Telephone Services (Page 96)
State that Silicon Valley Power (City of Santa Clara Electric Department) as a public electric utility, provides electricity to part of the site. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

14) Section 4.11.2.1 Thresholds for Significance (Utility and Service Impacts) (Page 97)
Include thresholds, which states that, the upgrading or existing sewer lines should current

conditions exceed capacity of the existing sanitary sewer lines located in and served by the City of Santa Clara. Add language stating that the project is to comply with the City of Santa Clara Sanitary sewer conveyance capacity criteria. **Because the proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard, no changes were made to the EIR text regarding City of Santa Clara sanitary sewer conveyance capacity criteria or thresholds.**

15) Section 4.11.2.4 Sanitary Sewer/Wastewater Treatment Impacts (Page 98)
How was the determination made that the expansion would not exceed the capacity of the existing sanitary sewer lines in the City of Santa Clara? Add language stating that the project is to comply with the City of Santa Clara Sanitary sewer conveyance capacity criteria. **Because the proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard, no changes were made to the EIR text regarding City of Santa Clara sanitary sewer conveyance capacity criteria or thresholds.**

16) Section 4.11.2.6 Electricity, Natural Gas, and Telephone Service Impacts. (Page 99)
Need to include Silicon Valley Power (City of Santa Clara Electric Department) as a public electric utility, serving part of the site. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

17) Section 4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities and Service Systems (Page 99)
Need to determine if the City of Santa Clara storm drain and sanitary sewer systems are not significantly impacted before making the statement that there are no significant impacts. **Because the proposed project will utilize existing City of San José sewer conveyance capacity in a pipeline in Winchester Boulevard, no changes were made to the EIR text regarding City of Santa Clara sanitary sewer conveyance capacity criteria or thresholds. Project-generated stormwater flow to the City of Santa Clara storm drain system would not be significantly different than the existing condition. Revisions to the text of the EIR regarding the City of Santa Clara's storm drain system are shown in Section IV. of this First Amendment to the EIR.**

18) Section 4.11.4 Conclusion Regarding Utilities and Service System Impacts (Page 99)
For the second and third paragraphs, see comment made under Section 4.11.3 above. In the fifth paragraph, include input from Silicon Valley Power (City of Santa Clara Electric Department). Also see comment under Section 4.11.1.5. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

19) Section 4.11.2.1 Thresholds for Significance (Page 97)
Include thresholds applicable for the City of Santa Clara as described in our comment letter under Issue 3 of the Utilities discussion. **Revisions to the text of the EIR regarding Santa Clara's storm drain system are shown in Section IV. of this First Amendment to the EIR.**

20) Section 4.11.2.2 Water Supply Impacts (Page 97)
Please see Issue 3 under the Utilities section of our letter and amend discussion in the DEIR to reflect the required water supply analysis. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

21) Section 4.11.4 Conclusions regarding Utilities and Service Systems Impacts (Page 99)
Revise impacts assumptions upon completion of necessary studies and statutes as discussed under the section of our letter titled "Utilities." **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

22) Section 7.3.2 Cumulative Transportation Impacts (Page 121)
This section should include discussion regarding effects of the proposed and future projects in on the Dorcich Street Neighborhood. **Revisions to the text of the EIR are shown in Section IV. of this First Amendment to the EIR.**

23) Section 7.3.2 Mitigation Measures for Cumulative Transportation Impacts (Page 125)
Amend each section's Determination of Significance statements to reflect our discussion under "Infeasibility of Mitigation Measures" of our letter to comply with current legal standard required for determinations of infeasibility. **Refer to Response H9. Revisions to the text of the EIR were not made.**

24) Section 8.2 Growth Inducing Impacts (Page 129)
Reconsider conclusion in light of the potential sewer conveyance capacity issue for parts of the project, which are located in and served by the City of Santa Clara that has not been studied to date. **The proposed project site is located in an area of urban development and would not foster additional growth, either directly or indirectly. Utilities and service systems exist within the project area and would not need to be extended onto the project site. The text in Section 8.2 of the EIR was revised to reflect consistency with the City of Santa Clara's General Plan. Revisions to the text are shown in Section IV. of this First Amendment to the EIR.**

ORGANIZATIONS

I. RESPONSES TO COMMENTS FROM BERLINER COHEN ATTORNEYS AT LAW, DATED FEBRUARY 5, 2007

Comment I1: On behalf of Federal Realty Investment Trust, we submit the following comment on the above-referenced Draft EIR.

The recent rezoning of Santana Row is properly listed as a cumulative project in Table 7.0-1 on page 120. However, the project description is not completely accurate. A more accurate project description would be as follows:

> The Planned Development Rezoning: 1) allows up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second 190 room hotel is built); 2) allows an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) allows up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses.

Response I1: The comment is noted. The traffic included in the Santana Row project for the Valley Fair project cumulative analysis represents this project description and therefore, no new impacts would occur.

J. RESPONSES TO COMMENTS FROM THE CORY NEIGHBORHOOD ASSOCIATION, DATED FEBRUARY 12, 2007

Comment J1: The Cory Neighborhood Association (CNA) has prepared this response in regard to the Draft Environmental Impact Report for the Valley Fair Shopping Center Expansion Project HO6427/GPO&T-04. The Cory Neighborhood Association represents approximately 1,400 households in San Jose, bordered on the west by Winchester Blvd., on the north by Newhall St., on the east by Bascom Ave. and Interstate 880, and on the south by Forest Ave. For a detailed map of our neighborhood please visit http:/www.coryneighborhood.org/map.html

Background

For the past 5 years our Neighborhood Association has been aggressively seeking traffic calming measures and better traffic management of the increasing number of vehicles in our area. Our neighborhood is constantly inundated with cut-through traffic, speeding on major thoroughfares and increased traffic congestion at almost every major intersection around and in our neighborhood. Our attempts to address these issues with traffic calming and other departments within the City of San Jose have not yielded lasting results.

Assessment

Our Association adamantly opposes any further deterioration of intersections around and in our neighborhood without the appropriate measures by the City of San Jose to protect resident safety, acceptable level of service (LOS) at intersections and manageable traffic levels. The cumulative effect of planned developments around our neighborhood (Santana Row expansion, BAREC development, proposed Valley Fair Expansion) will further deteriorate the LOS at intersections that are already operating at or near capacity, further burden a failing freeway interchange at interstate 280/880, and most likely increase the volume of traffic in our neighborhood.

Response J1: The TIA prepared for the proposed Valley Fair Shopping Center Expansion project followed guidelines set forth by the City of San José and the VTA as described in Response E1. All intersections to which the project was projected to add 10 or more peak hour trips per lane to any movement were studied as part of the TIA. The intersection nearest the Cory neighborhood that would experience a significant traffic impact as a result of the proposed project is the intersection of Winchester Boulevard and Stevens Creek Boulevard. This intersection would be impacted during the Saturday peak hour under both the near-term and cumulative condition, which includes the Santana Row and Santa Clara Gardens (BAREC) projects. Mitigation is available for the impact at this intersection and is identified in the EIR; however, its feasibility shall be determined by the cities of San José and Santa Clara during their respective project approval processes.

Comment J2: As advocates for our community, we have consistently strived to maintain a positive dialogue with Westfield's Valley Fair over the past 3 years. Rather than fuel an opposition effort against their proposal, we are trying to partner with them to find mutual interests that benefit both our groups. In the long term, this will not be possible without the support and investment in

infrastructure by the City of San Jose. We fully understand the importance of further development of retail commerce within the City of San Jose. However it is specifically disadvantageous to our neighborhood to force our residents to completely absorb the impact in exchange for increased sales tax revenue that will benefit the entire City of San Jose. Our residents will have to deal with the aftermath of the proposed developments years after they are finished.

To clarify, we are not explicitly opposed to any new development or expansion for the sake of progress, however we ask that the City of San Jose get serious about making long-overdue improvements to our neighborhood and find ways to manage the traffic congestion, support reasonable LOS at intersections, and protect the integrity of our neighborhood community. We would like to see our neighborhood prosper alongside the development, but we really need the full support of the City of San Jose to make that a reality.

The Cory Neighborhood Association would like to be involved as much as possible in ongoing discussions, comments, and reviews regarding this project. Please keep us informed so that we can represent our neighbors and ensure that this project benefits the City of San Jose and all Cory residents.

Response J2: The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the proposed shopping center expansion. No further response is required as the comment does not raise any environmental issues or questions about the adequacy of the EIR.

INDIVIDUALS

K. RESPONSES TO COMMENTS FROM CAMERON M. COLSON, DATED JANUARY 3, 2007

Comment K1: Is the current STORM WATER POLLUTION PREVENTION PLAN for The Westfield SITE a.) current, b.) effective and appropriate, c.) monitored?

Response K1: A stormwater pollution prevention plan is typically only active during construction; therefore, there is no current SWPPP on the site. A SWPPP shall be prepared and approved for the site prior to construction of any phase of the project, as stated in Mitigation Measure MM 4.8-1 of the EIR. Final design of the site's stormwater Best Management Practices (BMPs) shall be approved by the cities of Santa Clara and San José's Directors of Planning and/or Public Works during the respective permitting processes.

Comment K2: I would like to input comment: "Tennant Improvement Projects" result in many common and avoidable Storm Water violations.

RECOMMENDED ACTION: Unannounced video monitor condition of drainage of site, currently. Baseline compliance verification is recommended prior to any council action in this matter. Video monitor from the ground all storm drain inlets, giving perspective to the drainage areas into the inlet itself. Observe inside drain to see the condition of each inlet. Check all loading docks for storm drains. Inspect garbage/refuse areas. Identify surface tracking of residue or other grease from food services. Submit tape to the record in this matter to the city council for their edification.

I believe that there exists reasonable solutions... economical, effective, and ecologically responsible.

Response K2: Mitigation measures are included in the project to reduce impacts associated with short- and long-term water quality impacts of the project. These measures are included in Section 4.8.4 of the EIR.

Comment K3: PS there is/was a mobile vehicle detail company operating on this site.

Response K3: It is possible that mobile vehicle detailing services were administered on the project site from time to time; however, there has never been a permanent vehicle detailing business located on the Valley Fair site. Such a business is not a contemplated use as part of the proposed project.

L. RESPONSES TO COMMENTS FROM KATHRYN MATHEWSON, DATED JANUARY 8, 2007

Comment L1: I attended the hearings at Valley Fair on the expansion and signed my name to receive further information. I am amazed that you have left out the concerned citizens in informing them about the Westfield Valley Fair Draft Environmental Impact Report (DEIR). I have received nothing from you and only by chance received information from a Save BAREC member a few days ago. Thank you for extending the comment period so my voice could be heard. However, I am afraid that many other voices will not be heard because they are unaware of this DEIR.

Response L1: CEQA requires that the Notice of Availability of a draft EIR be published either in a newspaper of general circulation, posting by notice on and off the site, or by direct mailing to the owners and occupants of property contiguous to the subject parcel [§15087(a)]. The City of San José sent notices of availability of the DEIR to all residents within 1,000 feet of the Valley Fair Shopping Center. In addition, a notice was published in the San José Mercury News on December 22, 2006.

Comment L2: I live within a mile of Valley Fair and lived here when it was first built. My family and neighbors visited Valley Fair regularly until the last time it was enlarged and expanded. This expansion made it feel like a walled complex that isolated it from the community. Therefore, it has become a very unfriendly place to visit. Now we never visit it. It is not a place for the local neighborhoods but instead a place for commuters. The new proposals are making this problem even greater. Following are the problems with the expansion as I see it from a professional landscape architecture perspective:

1. The traffic problems at #280 and #880 must be solved before any expansion takes place near this intersection. There should be no more development until the traffic problem has completely disappeared. As indicated on the front page of the San Jose Mercury News (http://www.mercurvnews.com/mid/mercurvnews/I 6213031.htm), the top three worst intersections in the Bay Area are at this intersection. I will be sending you a picture of the traffic here at Christmas taken from the air. The State made more money from the sale of the Agnew property than all other land sales in its history and this money should be returned to our community. This is how you could get the money to fix this problem. See the attachment on "The Dirty Dozen", Mr. Roadshow's worst intersections.

Response L2: As described in Response G4, improvements have been identified at the I-280/I-880 interchange by City of San José and Caltrans staff. The design

phase of the improvements has begun, but funding for construction of the improvements has yet to be identified. It is anticipated that the proposed project would make a fair share contribution towards the identified improvements at the interchange, as described in Section 4.2.4.2 of the EIR.

Comment L3: 2. Regional traffic and traffic to Valley Fair is going through the neighborhoods to avoid #280 and #880. This is creating a very adversarial relationship between Valley Fair and the neighborhoods around it. The City of San Jose should care more about its citizens and creating quality of life for them than continuing to build a complex that creates problems for the community and *is* isolated from the community.

Response L3: Several traffic calming measures in the neighborhoods located north of Forest Avenue were implemented as part of the previous Valley Fair Shopping Center expansion. The currently proposed project is proposing to relocate the existing signal at Dorcich Street/Winchester Boulevard north of its current location, as described in Response H3. The signal relocation will reduce cut-through traffic issues that the Dorcich Street neighborhood currently experiences. City staff as well as the project proponent have met with adjacent neighborhoods to address any concerns of neighbors and will continue to work to identify and implement further neighborhood traffic calming measures in the vicinity of the shopping center.

Comment L4: 3. Placing a many stories high parking garage directly up from the sidewalk along Stevens Creek will create a walled complex and is the best indicator of how the pedestrian is not being considered in this new expansion. This is reinforcing the current unfriendly pedestrian problem and making it even worse. The view along Stevens Creek of this parking garage is ugly and a very inhuman scale and will surely keep pedestrians off the sidewalks. In fact, the elevations of the entire project from the streets are ugly and should be addressed from a pedestrian perspective. San Jose is spending a huge amount of money to get people to take public transportation and to walk. Approving these kinds of details is going in the opposite direction.

Response L4: This comment states the opinion that the project design on Stevens Creek Boulevard is not pedestrian friendly. It should be noted that the project includes improvements to the intersection of Stevens Creek Boulevard and Santana Row to improve pedestrian access and safety at this intersection, as described in Responses E7 and G2.

Comment L5: 4. The walking experience between existing adjacent land usages into Valley Fair should be considered. For example, the regional bus stop should have pleasant walks to the complex. Currently people must walk through dangerous parking lots to get inside. Also, there are many seniors living in senior complexes in the neighborhood and the traffic is too dangerous and fast for them to cross the streets to get into the complex. Possibly there should be walkways over Winchester Blvd. and Stevens Creek that arrive inside buildings. Pleasant walking connections to Santa Row, the Winchester Mystery House (registered as a national historical building), and the BAREC agricultural land (note that BAREC is currently on the San Jose Parks Department map as a possible park and will soon be registered as a historical landmark because of his historical contribution to our community since the 1880s) must be considered in the Valley Fair expansion plans. Even walking from a current parking space through the complex is not pleasant, dark, and unsafe. It is important that all plans link these important places to Valley Fair. This is an opportunity for San Jose to create a wonderful and diverse experience for its visitors.

Response L5: As described in Responses E7, G2, and L4, the proposed project includes pedestrian access improvements at the intersection of Stevens Creek Boulevard and Santana Row to accommodate the high volume of pedestrian traffic at this location. In addition, internal pedestrian access improvements are included in the project to facilitate safe travel from the transit center and parking areas and structures to the shopping center.

The proposed project does not include dedicated pedestrian walkways over Stevens Creek Boulevards for the following reasons: 1) appropriate locations for building-to-building walkways do not exist; 2) crossings that require pedestrians to leave the street level and travel farther in a dedicated walkway over the street would most likely be underutilized; 3) from a land use perspective, pedestrians traveling at street level provide an active, energetic linkage between land uses; and 4) construction of a public over crossing could have difficulty meeting requirements of the Americans with Disabilities Act (ADA) due to site constraints. Dedicated walkways would not be necessary over Winchester Boulevard due to the land uses on the western side of the street and the fact that the street is only four lanes wide.

Comment L6: 5. Read "Urban Sprawl and Public Health" by Howard Frumkin, Lawrence Frank, and Richard Jackson. The classic mistakes cities are making regarding transportation and public health problems are continuing with the direction this DEIR is talking for our land use. Only when the problems are corrected should there be an expansion of Valley Fair and Santana Row.

Response L6: The comment states the opinion of the author. The EIR meets the requirements of the City of San José and CEQA in evaluating environmental impacts of the project and identifying mitigation measures to reduce those impacts. No further response is required.

M. RESPONSES TO COMMENTS FROM MARGO WIXSOM, DATED JANUARY 27, 2007

Comment M1: I am writing to express some of my concerns about the proposed expansion plan of valley Fair Mail. As a resident of Santa Clara who lives within a mile of the mall I have several essential issues that I would like the expansion plan to address and incorporate if it is to move forward. The development of Santana Row opposite the Valley Fair Mall has put extreme pressure on the traffic and land resources in that section of Santa Clara County. Currently the exit ramps off 280 leading to the mall are a major hazard area due to single lanes trying to accommodate hundreds of cars at all times of the day. All of that traffic is heading to the megacomplex of combined malls at Stevens Creek and Winchester. Any expansion plans need to address major changes to the traffic flow BEFORE any expansion should be approved. Any commercial expansion in this currently congested area aggravates an already dangerous situation. The plan must include cooperative funding with state and federal planners to expand and fix the current exit on 280 that drastically conflicts with the exits for Route 17 and 880 due to the excessive amount of mall traffic blocking that interchange.

Response M1: The traffic impacts of the proposed project are described in Section 4.2.3 of the EIR. Significant impacts have been identified at the Stevens Creek Boulevard/Winchester Boulevard intersection during the Saturday peak hour,

and to freeway segments. Mitigation is available to reduce the impact at the intersection to a less than significant level; however, its feasibility is yet to be determined by the cities of San José and Santa Clara. Impacts to freeway segments cannot be mitigated by one project alone, as described in Responses E9 and H10. As stated in Section 4.2.3.10 of the EIR, additional improvements on Stevens Creek Boulevard are also included in the project to reduce congestion. The project will contribute a fair share contribution towards identified improvements at the I-280/I-880 interchange once it is designed and a funding program is in place.

Comment M2: My second major concern is that the intensification of commercial building in this area MUST be balanced with the development of green spaces for the environmental health of your community. Currently the open space at the former BAREC site would provide an excellent balance to this extreme commercial development. I am requesting that the plan for expansion include incorporating the development of the BAREC land for community green space. Currently the only municipality that opposes the use of this land for green space is the Santa Clara City Council. Their rationale for opposition is that there is no funding for green space development. The San Jose City Council and District 6 are in favor of sourcing funding to develop the BAREC land as a green space. I would strongly urge that one of the stipulations of the expansion plan is to get Santa Clara, San Jose, state and county municipalities to join together to fund the development of BAREC as a green space to balance the concentration of commercial development in this area. As an area resident I know how important it is to provide balanced areas of green space amid the commercial development.

Response M2: The Santa Clara Gardens (BAREC) property is located within the City of Santa Clara. As such, the City of San José cannot require Santa Clara to construct a park on this piece of property.

N. RESPONSES TO COMMENTS FROM ANDRES CATHALIFAUD, DATED FEBRUARY 10, 2007

Comment N1: Valley Fair expansion? Valley Fair? What Valley? What Fair? It looks like many just like the sound of those names but completely ignore the deeper meaning of the words. And what "expansion" is that? Income perhaps? On the other hand, to leave BAREC as an open community space IS the true expansion, a reminder of a true valley and a fair.

And why at BAREC? Don't we have already enough empty structures to occupy?

For year I have observed how the many, empty industrial/corporate buildings that populate our old orchards continue to gather dust, while new and old powerful companies continue to erect new structures, seemingly oblivious to the reality that surrounds us all, those empty carcasses lefts after the dot.com bust. None of these corporate and commercial monsters seem to find value in the perfectly constructed buildings in perfectly maintained land.

How is this possible? Why is it that the city of San Jose, Santa Clara, Sunnyvale, the county, the state, do not regulate this wild out-of control activity?

What is this hunger to continue to cover with cement and concrete places like BAREC? What is next? The hills between San Jose and Santa Cruz? Why not a big, long mall there? Perhaps we just don't have enough $200 sweaters to clothe our population ...

Please, allow the green space at BAREC to remain so, as an open community space, free of sales signs and artificial fashionable perfumes.

This land of ours is precious and not meat to be sold to the best bidder nor to the most awesome promise of riches.

This land we own needs room to breathe and remind us all where we come from and where we'll end up. Who wants to lie down under smelly shops and numb shoppers hunting for the latest toy to keep them unconscious? Don't we all dream of the eternal night under trees and flowers?

Well?

Let the garden be!

Response N1: The comment states the opinion of the author regarding development in Santa Clara County. It does not refer to the Valley Fair Shopping Center Expansion Project EIR. The proposed project does not include the development of the Santa Clara Gardens (BAREC) property. Please refer to Response M2.

O. RESPONSES TO COMMENTS FROM JOE CHANG, DATED FEBRUARY 10, 2007

Comment O1: I am writing to express my concern regarding the proposed expansion of Westfield's Valley Fair Mall. I am a homeowner living in the subdivision bounded by Moorpark, Stevens Creek, Bascom and Hwy 880/17. As you can see I am VERY close geographically to the Westfield/Valley Fair site.

My first concern is congestion, traffic, and parking. I am concerned that there will be inadequate upgrades to the roads, crosswalks, traffic signals. I am well aware that there was an independent study/survey to the area before Santana Row received it's approval, however I do not feel that the upgrades were adequate to accommodate the extra traffic generated. Traffic headed to area is regularly backed up maybe up to 1/4 mile onto the northbound 280 freeway. Drivers NB on 280 regularly ignore waiting in line and skip to the front of the line, only to brake heavily at last possible moment to merge into the exit lane for NB 880/Stevens Creek/San Carlos. The same situation repeats itself approaching the area from EVERY direction on every freeway and surface street.

Response O1: Please refer to Responses E9, G4, and M1. The significant traffic impact identified for the Stevens Creek Boulevard/Winchester Boulevard intersection was identified in the EIR for the Santana Row project. However, because the proposed mitigation was located in the jurisdiction of the City of Santa Clara, which found the improvement to be infeasible at that time, it was never constructed. The City of San José is working with the City of Santa Clara to determine the feasibility of constructing the improvement as part of the Valley Fair Shopping Center expansion project.

Comment O2: My second, and perhaps greatest concern is walking to and from Valley Fair/Santana Row. I and my neighbors regularly frequent Santana Row, and Valley Fair. We love it!! However, the walk is treacherous. Specifically, where Stevens Creek overpasses 880/17. This stretch is VERY dangerous. The ON and OFF ramps are EXTREMELY hazardous for pedestrians. Drivers subconsciously "forget" to look for pedestrians and are automatically in the mindset to check over their shoulder (away from oncoming pedestrians) to merge in w/ traffic onto Stevens Creek/San Carlos.

These concerns are not only frustrating, more so they are DANGEROUS.

My question is this: What do you and your office suggest be done in order to address the two concerns listed above?

Response O2: Please refer to Response E7 and E9.

P. RESPONSES TO COMMENTS FROM JEFF LAND, DATED FEBRUARY 10, 2007

Comment P1: Please consider the BAREC property as a possibility for open space. The coming expansion of both Valley Fair and Santana Row could be slightly mitigated by this open space. Thank you.

Response P1: Please refer to Response M2.

Q. RESPONSES TO COMMENTS FROM ANGELA D'ORFANI, DATED FEBRUARY 11, 2007

Comment Q1: Regarding the intersection of Stevens Creek and Winchester Blvd., which will be severely impacted by the further expansion of Valley Fair, it is my understanding that this is a "protected" intersection meaning no further remediation will be done to improve the flow of traffic through this intersection regardless of how bad it gets or what other development projects adversely effect the situation. When it goes to a grade "F" that's the way it is the city is not responsible. I don't understand how this can be a protected intersection when there is still a remediation project that can be done to improve the traffic flow.

Response Q1: The intersection of Stevens Creek Boulevard and Winchester Boulevard is designated by the City of San José as a "Protected Intersection" and is therefore not required to meet the standard City of San Jose Level of Service Policy, as described in Sections 4.2.1.5 and 4.2.3.4 of the EIR. Though the City's policy only applies to weekday peak hours and the identified impact to the intersection occurs during the Saturday peak hour, the project is proposing improvements to the intersection, as described in Response H9. The addition of a second southbound left-turn lane would mitigate project impacts at the intersection during the Saturday peak hour. The feasibility of this mitigation is currently being determined by the cities of San José and Santa Clara.

Comment Q2: Unlike the other three corners at this intersection the northwest corner of the intersection has no right turn only lane. The addition of such a lane would improve the flow of

traffic on southbound Winchester Blvd to westbound Stevens Creek Blvd. Why was this lane not added before designating the intersection as protected?

Response Q2: As described in Section 4.2.3.4 of the EIR, the identified improvement is the addition of a left-turn lane from southbound Winchester Boulevard to eastbound Stevens Creek Boulevard, rather than an a dedicated right-turn movement to westbound Stevens Creek Boulevard. This improvement was identified as part of the previous Santana Row EIR; however, it was determined that the improvement could not be accommodated within the existing curb-to-curb width of Winchester Boulevard and additional right-of-way would be needed from the property on the west side of the street. This right-of-way was not acquired and the intersection was determined to be "protected".

The analysis for the Valley Fair Shopping Center expansion project found that the improvement also be could be constructed on the eastern side of the intersection, south of Stevens Creek Boulevard on the Valley Fair site. This portion of the project site is located in the City of Santa Clara. The feasibility of this mitigation is currently being determined by the cities of San José and Santa Clara.

R. RESPONSES TO COMMENTS FROM BARBARA FERRELL, DATED FEBRUARY 11, 2007

Comment R1: I am writing regarding the proposed expansion of Valley Fair shopping center. I think it is important to keep in mind the other proposed development in the area i.e. BAREC and Santana Row's expansion. Traffic of Winchester Boulevard and Stevens Creek is already so congested, cutting through the Cory neighborhood is an attractive alternative. If the expansion is approved - and I hope it is not, I think Westfield should pick up the tab for the necessary traffic improvements in the surrounding areas.

Response R1: Please refer to Response J1.

S. RESPONSES TO COMMENTS FROM ALEX MORGAN, DATED FEBRUARY 12, 2007

Comment S1: These large complexes create such traffic and people congestion that they discourage people like me from shopping at these places. They create large concentrations of pollution due to traffic congestion and waste lots of personal time navigating them. I and others like myself prefer smaller centers near by where we can quickly walk or take a short drive get what is needed and get back to things I need to do!

Response S1: The comment states the opinion of the author. No response is required.

T. RESPONSES TO COMMENTS FROM LINDA PERRINE, DATED FEBRUARY 12, 2007

Comment T1: With the planned expansion and further encroachment of the Valley Fair/Westfield Mall it is IMPERATIVE that the City of San Jose do EVERYTHING within it's power to see to it the BAREC site located near the shopping center is purchased by the city and declared OPEN SPACE. Our new mayor, Mr. Reed, MUST have enough foresight and intelligence to realize that any other use of the BAREC space would be an absolute tragedy. The SummerHill Homes profit machine, which manufactures and delivers fabricated, misleading, and felonious information to the general public about the BAREC project needs to be held accountable for its actions. The City of San Jose, the City of Santa Clara and the County of Santa Clara, owe it to future generations to preserve what LITTLE open space remains in District 6 of San Jose and District 4 of the County.

The BAREC property should become an educational urban farm providing education to the San Jose and Campbell School Districts. Additionally, it would provide local food production, in the form of an organic vegetable & fruit farm, to the local residents of this dense urban area. It would also serve to provide community events (Harvest Festivals), workshops to the public on gardening, and provide a beautiful public open space and farm for people to enjoy 7 days a week during daylight hours. This same idea has been welcomed with open arms by Santa Clara Unified School District on 11 acres of their Peterson Middle School open space.

With the history of this valley having contributed so extensively to California's agricultural heritage, it is shameful that none of the City governments in Silicon Valley will recognize the historical importance of protecting one of the last agricultural parcels in this valley and educating its future generations on the importance of agriculture in their lives!

Response T1: Please refer to Response M2.

U. RESPONSES TO COMMENTS FROM SHARON MCCRAY, DATED FEBRUARY 12, 2007

Comment U1: I oppose the expansion of the shopping center because the traffic in the area cannot support this type of development. Further, the University of Washington recently completed a study confirming that long term exposure to fine particles, such as emitted from vehicle exhaust, will cause serious health issues, especially women.

More women in the neighborhood will be exposed and die because of the anticipated congestion.

Response U1: The traffic and air quality impacts of the proposed project are described in Sections 4.2 and 4.4 of the EIR, respectively. As described in Section 4.4.3.2 of the EIR, the proposed project would result in significant unavoidable long-term regional air quality impacts according to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds, which can lead to health issues. It should be noted that despite the substantial growth of the San Francisco Bay Area, overall air quality has been improving and the area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality.

V. RESPONSES TO COMMENTS FROM KIRK VARTAN, DATED FEBRUARY 12, 2007

Comment V1: As your email states, today (Monday, February 12, 2007) is the final day for public comment on the Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04). I have included a number of attachments for you to include in your report and will look forward to your office's response to them. I would greatly appreciate it if you could be as detailed as possible in your responses.

I have also included copies of documents and notes regarding the BAREC property. Please include them in the public record. It is critical that San Jose get involved in saving this property from development.

Response V1: The respondent forwarded a significant amount of information to the City of San José regarding the Santa Clara Gardens (BAREC) project, including comments on the Santa Clara Gardens EIR, which was prepared by the City of Santa Clara. As stated in Response M2, the Santa Clara Gardens project is not within the jurisdiction of the City of San José, nor is it the subject of the Valley Fair EIR. The information provided regarding the Santa Clara Gardens EIR and project is included in Section VII. of this First Amendment to the EIR; however, no response is required.

Comment V2: On page 127/128, the Draft EIR states that "Trees would also be removed as part of the BAREC project; however, it is believed that no trees would be removed as part of the Santana Row project." Please define what trees you are referring to and why they would be removed on the BAREC property. The BAREC site is across from Valley Fair and I do not understand why any resources would be affected by a Valley Fair development.

Response V2: No trees on the Santa Clara Gardens (BAREC) property would be affected by the proposed Valley Fair expansion project. The section of the EIR referred to in this comment is the cumulative discussion, which allows decision-makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects in conjunction with the proposed project.

Comment V3: I did not see any description of how the Dorcich intersection light moving would be addressed. How will it affect traffic for the neighbor in Santa Clara? Will now infrastructure be needed? Will this be signalized? What about right turn only? I do not see any diagrams or pictures of what would happen once the supermarket and drug store move. How will that line up with the current light? How will Dorcich residents make a left onto Winchester? What happens when the traffic builds up?

Response V3: Please refer to Response H3 and Section IV. of this First Amendment to the EIR.

Comment V4: What date was the City of San Jose informed about this project (i.e., when did you first know that it may or may not occur)? Was the City of Santa Clara a part of this discussion? When were the local government agencies informed of this proposal, even in an informal setting? Who was told?

Response V4: It is unclear which project is being referred to in this comment. Both the Santa Clara Gardens (BAREC) and Valley Fair projects were noticed according to the requirements of the cities of San José and Santa Clara. The Valley Fair Shopping Center Expansion Site Development Permit was filed on May 10, 2006.

Comment V5: I have provided additional questions and comments in the sections below. Please provide as much detail as possible.

<u>The intersection at Stevens Creek and Winchester Blvd.</u>
Regarding the intersection of Stevens Creek and Winchester Blvd., which will be severely impacted by the further expansion of Valley Fair. The intersection is designated as "protected" meaning no further remediation can be done to the intersection and the Level Of Service (LOS) can fall from "D" to "F" with a development and only a financial penalty will occur. There are three problems with this in regards to this particular intersection:

1. The intersection is not fully built out. It currently has three areas for right turns (Steven Creek headed East, Stevens Creek headed West, and Winchester headed North). There is NO right lane on Winchester heading South. This is a development that would help the intersection and traffic flow. Why is this intersection considered "protected?" The basic requirements have not been met.

Response V5: Please refer to Responses H9 and Q2.

Comment V6:
2. Once a development like the one Valley Fair is proposing is completed, the intersection will get more impacted. I do not think anyone will argue this point. Even the slanted analysis in the Draft EIR of this intersection shows the intersection falling to "F." There is a clause in the definition for this "protected" status that states that the designation of "protected" ceases should a development affect more than one traffic light. The Draft EIR states that there is a desire to remove the light on Dorcich and Winchester. This is a simply ploy to get around the issue of impacting more than one light. Further, if that light is not removed, the impact will easily migrate to the TWO lights on Winchester and Forrest Avenue, just a few hundred yards from the Dorcich light. That is THREE lights that will be affected by the increased traffic from a development.

Response V6: The comment is correct that the intersection of Stevens Creek Boulevard and Winchester Boulevard would be significantly impacted by the Valley Fair project. The "clause" referred to regarding the definition of a protected intersection does not exist. The removal of the signal at the Dorcich Street/Winchester Boulevard intersection would not result in significant impacts at other intersections and would reduce cut-through traffic through the Dorcich neighborhood, as previously described in Response H3.

Comment V7:
3. Should the City of Santa Clara proceed with their development of the BAREC property, additional residential traffic would be generated and even more impact to the intersection would occur.

Response V7: The traffic from the Valley Fair, Santa Clara Gardens (BAREC), and Santana Row projects were analyzed together as part of the cumulative condition for

the project, as described in Section 7.0, *Cumulative Impacts*, of the EIR. The comment is correct that with the traffic generated by these future projects, the intersection of Stevens Creek Boulevard and Winchester Boulevard would continue operate at an unacceptable level of service during the Saturday peak hour.

Comment V8: Please address each item above and give a more detailed analysis of how traffic would flow if lights were NOT removed and how that affects the "protected" status of the intersection of Stevens Creek and Winchester Blvd. Further, if the City of Santa Clara builds 165 units of senior housing on the property (high density), the speed limit will need to be reduced to 25 mph as it is in front of Valley Village just ½ mile north of the Forrest intersection. How have your traffic calculations taken this scenario into consideration?

Response V8: Please refer to the responses above and Responses H9 and Q2. Roadway speed limits will be determined by the jurisdiction in which the roadway is located. The City of San José does not control the speed limits within the City of Santa Clara.

Comment V9: I would also like to formally challenge the intersection at Winchester and Stevens Creek for "protected" status. Please forward this to the appropriate people and give the reasons I listed above. I would like to meet with or discuss with the appropriate people.

Response V9: The comment is noted. No further response is required, as it does not raise any new environmental impacts of the proposed project not identified in the EIR.

Comment V10: Parking and traffic during busy times
As you will see in the attached photograph (I will send in a separate email since this email is large and so are the pictures), cars going to the mall impact the neighborhood. These pictures were taken on December 23, 2006 and shows the many areas where cars will just park. They park in the neighborhood, along Winchester (outside of BAREC), along Dorcich, along Forrest, and just about everywhere they can. This will only get worse. Only people coming from the highway will be able to easily get to the new parking structures, so the neighborhood impacts will continue.

Response V10: Please refer to Responses H3, H4, and L3. Valley Fair has been working with the surrounding residential neighborhoods to reduce shopping center parking on residential streets. The proposed Valley Fair project has been designed to provide parking to visitors arriving from all directions.

Comment V11: Also, look at the traffic backup on 880 South, 17 North, and San Carlos. This will continue until the highway system is fixed. The development should not be allowed to proceed until the traffic issues are worked out and the highway situation is resolved. If this is not a requirement, you must detail to me how the air pollution will be addressed as well as the safety concerns and neighborhood impacts to the surrounding neighborhoods will be addressed.

Response V11: Please refer to Responses G4 and E9.

Comment V12: Walking ramp over Stevens Creek Blvd.
I think it is critical to remove as many people from crossing Stevens Creek as possible. It is already a problem since all traffic needs to stop for over a minute to let pedestrians cross Stevens Creek to get to Valley Fair or to Santana Row. If a walking bridge is installed, pedestrians can easily and safely

cross Stevens Creek without creating a problem for traffic. There are many ways to implement this. You could have a ramp style that is at grade with the street and arches up. Or, a better solution would be to make it a flat walking bridge, anchoring into part of Macy's or The Cheese Cake Factory (with elevator access for ADA needs and a staircase) and go directly over to Crate and Barrel. If private land is an issue, I am sure a creative way for a portion of the footprint for the bridge could be made to encourage the private owners to do this. On the south side, there is an existing open space that could be the touch down point if Crate and Barrel is an issue. Again, this is an area for Santa Clara and San Jose to work together to create a more pleasant environment for everyone. Look at the bigger picture with Santana Row's growth that is occurring at the same time. DO NOT look at the Valley Fair Expansion in a bubble. Look at how it impacts the surrounding areas and resources and figure out a way to leverage the significant development that is going to take place. Valley Fair will grow 35%. That is a lot of money for everyone and some of that needs to go back into the community to make it more livable for everyone. Long term planning (like keeping pedestrians safe, allowing bikes to cross safely, allowing wheelchairs to cross safely, allowing seniors to cross safely, etc.) needs to be a key element in the approval of any plans. The money exists now and will fund this type of asset to the community. It makes sense as is in line with commercial planning.

Response V12: The City of San José has investigated the possibility of installing a pedestrian overpass over Stevens Creek Boulevard to link the Valley Fair and Santana Row shopping areas. It was determined that there is not enough area on the Santana Row side of the street to accommodate such a pedestrian bridge while also meeting the requirements of the Americans with Disabilities Act (ADA) regarding access. The overcrossing is also not desirable for other reasons as described in Response L5.

The proposed Valley Fair and Santana Row expansion projects were considered together under the cumulative condition as described in Section 7.0 of the EIR. As previously described in Responses E7 and G2, significant pedestrian improvements at the intersection of Stevens Creek Boulevard and Santana Row are included in the proposed project to allow for safe pedestrian crossing of Stevens Creek Boulevard.

Comment V13: Further, please give a detailed air quality study of what the impact is when 100s of vehicles every light sit and wait for pedestrians to cross the street. What is the impact to the air quality and the atmosphere? What is the impact to wasted resources (e.g., fuel)? How much would be saved by installing a walking bridge in terms of safety and insurance premiums? Have there been any accidents at the Santana Row street intersection? Has anyone been hurt crossing the street? One of the elements Valley Fair is adding is MORE walking access to Santana Row. This will just make the traffic issue worse since the light will have to be longer. Please give exact measurement on the width of the street and how long you are allowing people to cross the street at this particular location. I am not referring to Stevens Creek and Winchester; I am referring to Santana Row (Cheesecake Factory/Macys to Crate and Barrel). What is the impact to the people waiting at the crosswalk with all the cars going by and how much exhaust and air pollution are they inhaling while waiting to cross the street?

Response V13: As part of the EIR, a detailed air quality analysis was completed according to the requirements of the BAAQMD. As described in the EIR, the proposed project would result in significant long-term regional air quality impacts due to the generation of vehicle trips. Long-term local air quality impacts at congested intersections were also determined, and based on California's 8-hour standard, impacts would be less than significant. As described in

Section 4.12, *Energy*, of the EIR, the proposed project would not result in significant impacts associated with gasoline usage.

Please refer to Response G2 for a discussion of pedestrian and bicycle connections. Providing better accommodations for pedestrian travel between the Valley Fair and Santana Row developments would reduce vehicle trips on Stevens Creek Boulevard and Winchester Boulevard. Stevens Creek Boulevard is approximately 80 feet wide in the vicinity of its crossing with Santana Row. As described in the EIR, the signal at this intersection would be converted to eight-phase operation to allow safe pedestrian travel (Section 4.2.3.8).

Comment V14: The need for a balance of Open Space
The land known as BAREC, located at 125 Winchester Blvd. in Santa Clara sits directly across from Valley Fair. To draw a parallel to NYC, my home, Central Park is 843 acres of the most valuable land in the world. It will never be developed. Why? Because the city planners knew how important it was to balance development with open space. The same is true here, just on a smaller scale. Valley Fair is going to grow to over two million square feet of commercial development. Santana Row is going to grow by 20-30% and maybe more the Century Theater and neighboring buildings become targets. The BAREC site is 17 acres of undeveloped, public land. Approval of this development should be contingent on creating open space in the area since Westfield will make hundreds of millions of dollars from Valley Fair commercial growth. Westfield needs to give back to the community and helping to sponsor the preservation of this open space would be a great way to do this. Santana Row can help. The City of San Jose can help. Grant money can do the rest, but it is critical that exploring how this can help offset the massive amounts of traffic and influx of vehicles to the area. Once people are out of their cars, parked in one of the two new five story parking garages, they can shop and also take a break in an open, public space.

Response V14: Please refer to Response M2.

Comment V15: A way Westfield could help fund this would be to create yet another walking bridge across Winchester Blvd. This would provide a safe way for people to cross Winchester and not stop the flow of traffic. Please provide the impact to traffic when people are trying to cross the street and how much does that affect traffic flow? What are the air quality issues with that? The walking bridge can originate at the existing four story parking structure on Forrest and Winchester and drop down direction behind the Veterans building. Again, elevators would be provided for ADA and other needs.

Response V15: The proposed project does not include the construction of pedestrian bridges over any of the surrounding roadways. Please refer to Responses L5 and V12.

Comment V16: This all leads to how can the City of San Jose leverage the massive growth that Westfield wants to do in a primarily residential area. San Jose needs to look at the long term effects of this development and acknowledge that traffic will increase significantly and do what ever it can to help make that reality more palatable for the neighborhood and the general area. Show leadership in commercial planning and development. There is an approval process for a reason and that is to insure all views are considered and the public is looked after. No plans are final until San Jose agrees with the plan. Where are the plans for how Westfield will embrace the BAREC property if it remains open space or becomes a active farm again?

Response V16: The long-term impacts of the proposed Valley Fair expansion project are included in the EIR. Land use adjacent to the shopping center are primarily commercial, although it is acknowledged that the nearby residential areas are impacted by traffic generated by the shopping center and other commercial retail uses in the project vicinity. The proposed Valley Fair project requires Site Development permit and General Plan amendment approvals from the City of San José. Approvals for construction within the portion of the site within the City of Santa Clara would be issued by Santa Clara. The approval of the Valley Fair project is not dependent in any way on the approval of the Santa Clara Gardens project. Refer also to Responses V1 and V4.

Comment V17: Highway 280/880/17 interchange
This intersection is a disaster. During the holidays, it is common for the off ramp to Stevens Creek coming south on 880 is backed up past the Bascom exit. This is also true from coming north on 17 to Stevens Creek. I have seen the plans the county/state are proposing for making this intersection better; however, this plan has absolutely nothing to do with Westfield's plan for Valley Fair. Before any development occurs at Valley Fair, the highway situation needs to be corrected. Period. There should be no negotiation on this point. Before Westfield tries to (and will) drive more traffic to their mall, the artery (highway) system needs to be fixed. If it takes a couple of years for the state to get it together, so be it. To allow for massive commercial development where it is anticipated that an additional two-five story computerized parking structures will be in complete use without a way for traffic to flow to the destination is foolish and irresponsible. If you are not going to make the fixing of 880/280/17 a prerequisite to the approval of the development, please provide a detailed description on why. How will the new traffic be handled? What happens to new traffic that will start flooding the area? What happens when Santana Row expands? Will Santana Row's development be contingent on highway improvements? Any form of development that occurs in this area needs to be predicated on an improved ingress and egress system. If one does not exist, you will simply break even more and already broken interchange. Refer to the attached document entitled "dirtydozen.pdf" where the San Jose Mercury News designates the 880/280/17 as the top three worst intersections in the Bay Area. How can an application for 35% growth with the goal of thousands of more vehicles coming to the area be approved if the highways that get people to the project site is already broken? Why would the city approve something like this without first fixing the problem? I know the City of San Jose is not responsible for fixing the highways, but it is responsible for making sure the community runs well and is not over-burdened with problems. I ask that you provide a contingency on the plans that require the highway system be fixed before approval can begin. That will make Westfield unhappy, but it will insure that the community is properly serviced by the infrastructure. I have already witnessed three major accidents at Cypress Ave and Stevens Creek in the past three months. More cars mean more accidents and more traffic. Fix the problems before they get worse. Allowing development without having the proper infrastructure in place is foolish and not in the citizen's best interest.

Here is a quote from the article:
http://www.mercurynews.com/mld/mercurynews/16213031.htm

"Traffic jams at the Interstate 880-280-17-Stevens Creek interchange used to be Silicon Valley's unwanted Christmas present, a seasonal sabotage perpetrated by thousands of cars converging on the Valley Fair and Santana Row shopping centers.

Now we're getting that gift almost every day, all year long."

Response V17: As stated previously, there are plans to improve the I-880/I-280 and I-880/Stevens Creek Boulevard interchanges. The proposed project also includes the addition of a direct right-turn lane from the I-880 southbound off-ramp to northbound Monroe Street. To accommodate this additional right-turn lane, one eastbound left-turn lane from Stevens Creek Boulevard to northbound Monroe Street would be removed. Please also refer to Responses G4 and E9.

Comment V18: Green/Environmental Issues
Any future development of the Valley Fair site should be required to use green materials and use green power. Westfield is very progressive in how it develops its malls, and this should be no different. Solar and green power should be a requirement. Sustainable systems (both construction and waste) need to be put in place. Remember, any major development requires ALL parts of the mall to be brought up to current codes and environmental regulations. Please detail all of the environmental improvements that will take place in the new development and the existing stores/locations. How will the construction pollution be offset? What air quality issues will occur from the construction?

Response V18: As described in Section 4.12 of the EIR, the City of San José's General Plan Sustainable City and Green Building policies contain goals regarding energy efficiency and the use of renewable energy technologies. The proposed project would be required to meet all standard building code requirements of the Cities of San José and Santa Clara. Further, the applicant will be applying for LEED (Leadership in Energy and Environmental Design) certification for the shopping center expansion project.

As stated in Section 4.12.3 of the EIR, although the Valley Fair Shopping Center Expansion Project would not result in significant energy impacts, standard measures are included in the project to further reduce energy consumption related to demolition. These measures include: 1) the preparation of a waste management plan for recycling a minimum of 50 percent (by weight) of the generated construction and demolition materials; and 2) the utilization of local and regional building materials to reduce energy consumption associated with transporting materials over long distances.

Comment V19: Traffic Studies
There is a lot of traffic analysis in this report. Please provide an analysis of past traffic projections from the prior Valley Fair expansion and determine if the original projections were accurate. Please do the same with the Santana Row traffic studies. I mention Santana Row since it is entirely in San Jose so San Jose was the lead agency in that development. How accurate were the traffic studies. Please be specific and detailed in your explanation. I examined the data in the current study, and it shows that the Stevens Creek/Winchester will only be minorly affected. Please. Just go out there and look for yourself. Just because you have a couple of data points does not make a trend. Further, adding a single left turn lane will not fix everything. The intersection is already operating below LOS D, something your report does not say. This intersection is one of the worst. By taking two feet of curb out to allow for a left turn lane to Stevens Creek will not fix the problem. Again, you have some say "depending on the City of Santa Clara" statements that it is almost worthless to give as an option. The same for the City of San Jose. The fact is, if the improvements are not allowed, the intersection will get worse and the quality of life here will go down. If there are no improvements, what are the plans to make it work better? Maybe the financial penalties can go towards a walking bridge over both Stevens Creek and Winchester. These roads are not safe to cross. Please measure

the distance from curb to curb, calculate a few different walking patterns (i.e., child, teenager, adult, senior, wheel chair, person with walker, person with cane, etc.) and determine the amount of time needed to cross the street. Now determine how much backup traffic occurs when the needed time is provided to cross safely. It cascades. Look at how NYC does traffic studies. If there is a traffic jam, for every minute of delay, it cascades to five minute of future delay. It gets worse and worse the longer it takes to clear the traffic. Same holds true for any flowing system. Traffic that backs up at a light (say Stevens Creek/Winchester or Stevens Creek/San Tomas or Stevens Creek/Saratoga) causes multiple problems down the line and for a significant time. Please provide this type of analysis for how light delays will impact the area. Please give a radius of two miles.

Response V19: The City of San José does not prepare analyses to determine if past traffic projections were accurate; however, the City maintains a database that analyzes the Levels of Service at every intersection in San José on a yearly or bi-yearly basis. If significant unexpected changes are identified, City staff does an analysis to determine the potential causes of the changes. This analysis can include recounting trips through the intersection or completing a field evaluation to determine the causes. In addition, background traffic from the Approved Trips Inventory is analyzed on a citywide basis on a regular basis.

Please refer to Responses E7 and G2 regarding the proposed pedestrian access and safety improvements at the intersection of Winchester Boulevard and Stevens Creek Boulevard. The improvement will be implemented if found feasible by the cities of San José and Santa Clara. As previously stated in Responses L5, V12, and V15, there is not enough room for pedestrian bridges across Stevens Creek Boulevard.

As described in Section 4.2.3.10 of the EIR, improvements on Stevens Creek Boulevard at Baywood Avenue, Monroe Street, and Santana Row are included in the proposed project to allow additional storage capacity and traffic signal modifications, among other improvements. These improvements would not affect the levels of service at any of these intersections.

Comment V20: <u>San Jose and Santa Clara working together</u>
San Jose and Santa Clara need to work closely together on this since the mall is in both cities as are many of the intersections. You need to look at **ALL** of the development going on and what the best plan is for the area. Look at Valley Fair, Santana Row, and BAREC. Here are three areas that are within a stones throw of each other and each one has its own EIR and plan, yet none of them tie into each other or relate to each other. Take this opportunity to look at all the development activities in the area and see how they can best work together. Once these decisions are made, they cannot be changed. You have a unique opportunity to insure the **area** is developed correctly and not haphazardly. Since all these development applications are being considered now, look at them together and look at the big picture. Look at how this will evolve over the next 20-50 years....or the next 200 years. How will you have impacted the area in a positive note? I am not suggesting you deny the Valley Fair expansion. I like the idea of developing commercial land more effectively and more densely....I'm from NYC, that's what I am used to. Go up, not out. But since all these changes are happening at the same time and no one city has control over all parts, it is critical that you look at all aspects. Do not rush to make this decision and approve the application just because the cities will make lots of money in tax revenue and permits. Look longer term than that. You need

to explore how the area will sustain itself over the long haul....beyond your lifetime....beyond your grand children's children's lifetime.

Response V20: As described in Section 4.2 of the EIR, background traffic conditions include existing traffic plus the traffic from approved but not yet built projects. Project traffic is then added to the background traffic condition to determine project impacts. As described in Responses E1 and J1, the Santana Row, Santa Clara Gardens, and proposed Valley Fair projects were included in the cumulative scenario. An examination of cumulative conditions is intended to allow decision-makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects in conjunction with the proposed project.

The cumulative scenario examines reasonably foreseeable projects; those that are known or anticipated to occur in the reasonably foreseeable future. The San José 2020 General Plan and Santa Clara 2010 General Plan can be reviewed to anticipate the types and densities of urban development in the project area; however, General Plans are sometimes amended and only describe development up to the respective build-out timeframes. Therefore, to attempt to anticipate development that may occur in 20 to 200 years would be speculative.

Comment V21: There needs to be a balance of development and open space. Push for that in all development applications. BAREC is as a resident stated "a no brainer" to keep as open space since it is already open space, not developed in any way, and public land owned by the state. Look at how Santana Row, Valley Fair, and BAREC can build a community....but also look at how people will come and go to the community. If the infrastructure is not correct, all you will have created is a mess that will be very costly to fix. And the citizens will be very angry because you had the chance to do the right thing.

So please, do the right thing.

Response V21: Please refer to Response M1. The proposed Valley Fair project includes all necessary infrastructure as required by the cities of San José and Santa Clara.

Comment V22: Here is the first of two photos for you to look at. They show the Valley Fair area on December 23, 2006. As you can see, the traffic is piled up and backed up along 880 south, 17 north, San Carlos to Stevens Creek, and people are parked all over the neighborhood. Please make sure that you place this in the EIR and detail how these issues will be addressed.

Response V22: These photos are included in this First Amendment to the Draft EIR. Please refer to Responses H4, G4, and E9, as well as other responses in this document. It should be noted that traffic impacts of the proposed project are described in Section 4.2 of the Valley Fair Shopping Center Expansion EIR.

W. RESPONSES TO COMMENTS FROM DOUGLAS V. HANDERSON, AICP, DATED MARCH 11, 2007

Comment W1: As a residential neighbor, I received the Notice of Availability of a Draft Environmental Impact Report for the Valley Fair Shopping Center Expansion proposal. I know that the comment period on the EIR has closed, but it is my understanding that this application has not gone to public hearing yet. Please convey the following four traffic-related concerns to the appropriate staff members, Planning Commissioners and City Council members.

Response W1: Please see responses to comments, below.

Comment W2: Currently the only entry driveway along Winchester located in San Jose is the driveway and aisle that provides ingress and egress for traffic through the Goodyear Tire Store parking lot. It is important that the left-turn movement for southbound Winchester traffic into the Goodyear driveway be preserved. Preservation of this entry could be done in conjunction with the design of the northbound Winchester turning lane into the City of Santa Clara's proposed BAREC residential development on the west side of Winchester.

Response W2: Please refer to Responses H3 and L3. The proposed project includes the relocation of the signal at the intersection of Dorcich Street and Winchester Boulevard to allow for the relocation of the existing grocery/drugstore to the north. The relocated signal would include a left-turn movement from southbound Winchester Boulevard.

Comment W3: I know that the area immediately west of the Macy's store is located in the City of Santa Clara, but having only one north/south aisle between Macy's and the new Safeway is not adequate to meet current traffic demands on the site, let alone the increased traffic resulting from the expansions. Anyone heading to the Safeway/Long's front parking lot from southbound Winchester or Forest Avenue will have to compete with mall shoppers looking for a parking space in this one aisle. I am sending a copy of this letter to the City of Santa Clara as I am concerned that the proposed parking lot design will adversely affect the neighborhood-serving businesses of the grocery store and the drug store.

Response W3: As shown on Figure 4 of the EIR (Conceptual Site Plan), the relocated signal at Dorcich Street and Winchester Boulevard would provide access from southbound Winchester Boulevard into the parking area proposed to serve the new grocery/drugstore. The dedicated (no parking on either side) drive aisle to access the parking area for the new grocery/drugstore would be located adjacent to the existing shopping center structure and would provide a more direct route to the grocery/drugstore parking area.

Comment W4: Currently, there is a permit-parking-only program for Spar Avenue and Hanson Avenue in the County unincorporated area (Winchester Manor subdivision) southwesterly of Stevens Creek and Winchester. When this neighborhood is annexed to San Jose in 2008, the permit parking program should be retained to protect the safety of these neighborhoods and prevent overflow parking from Santana Row and Valley Fair on these residential streets.

Response W4: The comment is noted. The proposed Valley Fair project would not result in the annexation of any neighborhoods.

Comment W5: Finally, but most importantly, the necessary improvements to the Highways 880/280 interchange and the Stevens Creek Boulevard off-ramps need to be at least partially funded by Westfield Valley Fair Shopping Center's property owners. If it is not too late, San Jose should also require contributions for freeway improvements from Santana Row Shopping Center's property owner, as part of the approval of the expansion also proposed there.

Response W5: As stated in Responses E4, F2, G4 and M1 and Section 4.2.4.2 of the EIR, the proposed Valley Fair Shopping Center Expansion project would make a fair share contribution towards identified improvements to the I-880/I-280 interchange improvement project to be negotiated during the funding process.

X. RESPONSES TO COMMENTS FROM YOLANDA REYNOLDS, DATED JANUARY 16, 2007

Comment X1: I understand that the EIR comment period for the proposed development/expansion of Valley Fair is closed. I am unaware of notice of any EIR review for the proposed expansion within the Santana Row development. It has not been widely publicized. If such, is required at all. Because of these proposals coming before the planning department of the city of San Jose, I wish to express some of my concerns regarding these proposed expansions.

Response X1: It is assumed that the following comments are intended to be in response to the Valley Fair Shopping Center Expansion Project.

Comment X2: The city of San Jose has adopted a policy to make every effort to promote pedestrian activity and alternative transportation modes throughout the city. The plans submitted by the Westfield Corporation for the Valley Fair site, in my opinion, will diminish or eliminate pedestrian and bicycle access and mobility.

Response X2: The opinion stated in this comment is noted.

Comment X3: As described to me, the plans for a three or four story parking facility along Stevens Creek abutting the sidewalk will certainly discourage pedestrians. Not only will the walk be unsightly it will be dangerous and most likely often insufferably hot. The parking structure must be positioned to allow large trees and shade along the sidewalk all the way along Stevens Creek to Winchester.

Response X3: As shown on Figure 6 of the EIR, shade trees would be provided along the Stevens Creek Boulevard frontage of the Valley Fair Shopping Center site. The setback of the parking structure from Stevens Creek Boulevard would be in conformance with City of San José commercial design guidelines. The sidewalk along Stevens Creek would be maintained by the proposed project.

Comment X4: To my knowledge, there are currently no bicycle racks anywhere at this shopping center. Furthermore, there is scant, if any attention paid to pedestrian access to the shops, even when they arrive by automobile, but less so, if they walk there from adjoining neighborhoods.

Response X4: Bicycle racks are not currently located on the shopping center site, but will be considered as part of the proposed project. Please refer to Response G2.

Comment X5: At Santana Row the plan to remove surface parking with no additional parking at the site will certainly discourage patrons/customers from going to this wildly successful shopping/eating center. Already on the early hours of week day evenings and, especially, on weekends there is absolutely no parking available. Here too, there are no bicycle racks to welcome cyclists.

Response X5: The proposed project is the expansion of the Valley Fair Shopping Center.

Comment X6: Since so many patrons walk from Westfield/Valley Fair to Santana Row and vice versa, it is perhaps time to consider an elevated passageway over Stevens Creek.

Response X6: Please refer to Responses V12 and V15.

Comment X7: With the combined expansions, I urge that the city take a hard look at the effects of the increased traffic that will occur in combination with the recently adopted policy of "protected intersection", which includes the intersection at Winchester and Stevens Creek. There must be an assessment of anticipation of air quality. Please assess the impact at all intersections within a mile of these planned expansions.

Response X7: The cumulative condition for the project includes the proposed project, and the Santana Row and Santa Clara Gardens projects. The cumulative discussion of the EIR (Section 7.0) includes an analysis of the Stevens Creek Boulevard/Winchester Boulevard intersection, which is a City of San José "Protected Intersection". Improvements shall be made to this intersection as described in Response H9 and Section IV. of this First Amendment to the EIR. The methodology for determining which intersections are studied is described in Response J1.

Comment X8: Though it is still uncertain whether funds will be made available to make improvements at the interface of Stevens Creek/ San Carlos and Highway 880, attention must be drawn to the danger to pedestrians walking to Valley Fair - Santa Row. Currently there are sections with no sidewalk in place and marginal pedestrian walkway markings. Also pedestrians, even though in a crosswalk, must await many minutes for the kindness of drivers to cross auto egress and ingress outlets to and from the freeway on both the north and south sides of Stevens Creek.

Response X8: Please refer to Responses G2, E7, and E9.

Comment X9: Again, there MUST be additional attention to maintaining some shade in the form of vegetation all along the sidewalks to and within the shopping center.

Response X9: Please refer to Response X3.

Comment X10: Finally, this is such a huge development that the city should encourage the use of water permeable surface wherever possible. We must, throughout the city, make every effort to restore the underground water with rainwater and not allow that water to run off to the bay - we already discharge too much from the water treatment plant.

Response X10: The proposed project does not include the use of water permeable pavement. The recommendation is noted.

IV. REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains text revisions to the *Draft Environmental Impact Report, Valley Fair Shopping Center Expansion,* dated December 2006. Underlining depicts text added, while strikouts depict text deleted.

Page 17: **REVISE Section 3.1.3.9** ***Level of Service Policies*** as follows:

Section 3.1.3.5 ***Level of Service Policies***

Page 18: **REVISE Section 3.1.3.5** ***Water Resources Policies*** as follows:

Section 3.1.3.6 ***Water Resources Policies***

Page 28: **ADD** the following text after the first paragraph of ***Section 4.1.2.5 Short-term Construction and Demolition Impacts***:

The project applicant has indicated that during construction, overall parking deficits should be no more than one to two percent of the total parking provided on site. As described in Section 2.1.7 of the DEIR, the first phase of construction would be development of the new grocery/drug store and bank buildings on the Santa Clara portion of the site. Approximately 50 parking spaces would be removed in order to prepare the building pad for the new grocery/drugstore building. Once construction commences, the existing grocery/drugstore building would be removed and replaced with parking. It is estimated that this process would take approximately three months, during which time, there would be no grocery/drugstore and the demand for parking in this portion of the site would be correspondingly reduced.

Also as described in Section 2.1.7 of the DEIR, the new Parking Structure E would be constructed before any expansion of the existing shopping center structure is begun. The project applicant has indicated that if parking demand becomes an issue during construction, employees would park off-site at Santa Clara University and be shuttled to the Valley Fair site, just as they are in November and December during the holiday season. For these reasons, temporary impacts associated with parking would be less than significant. **[Less than Significant Impact]**

Page 34: **ADD** the following text after Freeway Segments discussion of **Section 4.2.1.5** ***Existing Traffic Operations***:

City of Santa Clara Streets: Although traffic impacts are determined at intersections in terms of Levels of Service, a study of the effects of removing the signal at the intersections of Dorcich Street/Winchester Boulevard and North Forest Avenue/Winchester Boulevard was also prepared. The Dorcich Street Neighborhood Study found that during the existing condition, Forest, Henry, and Cecil Avenues and Dorcich Street currently have weekday daily volumes ranging from 370 to 1,340 vehicles and Saturday daily volumes of 335 to 1,360 vehicles. In particular, the

segment of Henry Avenue between Dorcich Street and Forest Avenue currently serves approximately 500-600 vehicles per day.

Page 37: **ADD** the following text after the fourth paragraph of **Section 4.2.2 Background Conditions**:

Background conditions (existing plus the approved trip inventory) were analyzed as part of the Dorcich Street Neighborhood Study, as described in Appendix E of Appendix B of this DEIR.

Page 43: **REVISE** the last paragraph of **Section 4.2.3.4** ***Saturday Traffic Analysis (City of San José Intersections)***:

As part of the analysis for the proposed Valley Fair expansion project, it has also been determined that the improvement could also be constructed ~~if a narrower sidewalk (five feet as opposed to seven feet) were allowed along the eastern frontage of the property located at the northwest corner of the intersection (also located within the City of Santa Clara). It should be noted that a five-foot sidewalk would be consistent with the requirements of the Americans with Disabilities Act (ADA)~~ on the Valley Fair property on the east side of the intersection, south of Stevens Creek Boulevard.

The feasibility of the~~se~~is improvements (widening the intersection ~~or narrowing the sidewalk~~) will be determined by the cities of San José and Santa Clara during the permitting/project approval process. If ~~either of~~ the improvements is determined to be feasible and is implemented, the impact would be less than significant. If it is determined by the cities that neither improvement is feasible, the impact at the intersection would be significant and unavoidable. In order to provide a conservative analysis of the impact, the impact is determined to be significant and unavoidable. ~~**[Less than Significant Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval]**~~ **[Significant Unavoidable Impact ~~if Mitigation is determined to be Infeasible~~]**

Page 45: **DELETE** the third paragraph of **Section 4.2.3.10** ***Site Access and On-site Circulation Impacts***:

~~The proposed project also includes relocating the existing intersection signal at Dorcich Street and Winchester Boulevard further to the north to allow for the relocation of the grocery/drug store to the north of the existing building. The new signalized entrance to the project site would be a T-intersection providing a more direct route to the existing parking structure located in the northwest portion of the site (Parking Structure "B"). The Dorcich Street/Winchester Boulevard intersection is located in Santa Clara and their approval will be necessary prior to the implementation of the signal relocation. Level of service calculations indicate that the new intersection would operate at LOS B or better during all studied peak periods.~~

Page 46: **ADD** the following text after **Section 4.2.3.10** ***Site Access and On-site Circulation Impacts***:

Section 4.2.3.11 ***Dorcich Street Neighborhood Study***

The Dorcich Street Neighborhood Study was prepared by the project traffic engineers at the request of the City of Santa Clara to determine the effects on nearby residential streets immediately west of Winchester Boulevard, of signal modifications on Winchester Boulevard proposed by the Valley Fair and Santa Clara Gardens (BAREC) projects. The Dorcich Street Neighborhood Study is included in Volume II of the DEIR, as an Appendix to Appendix B.

The proposed signal modifications on Winchester Boulevard as part of the Valley Fair project include relocating the signal at Dorcich Street and Winchester Boulevard to a new shopping center entrance north of the existing signal. Left-turns would be allowed from northbound Winchester Boulevard to westbound Dorcich Street; however, left-turns from eastbound Dorcich Street to northbound Winchester Boulevard would not be allowed. Level of service calculations indicate that the new intersection would operate at LOS B or better during all studied peak periods.

The Santa Clara Gardens Development project proposes to remove the signal at the intersection of North Forest Street and Winchester Boulevard and North Forest Street would be restricted to right-in and right-out only. A new west leg of the Forest Avenue and Winchester Boulevard intersection would be constructed into the proposed Santa Clara Gardens Development project site.

As described in the Dorcich Street Neighborhood Study, weekday and Saturday daily traffic volumes on Dorcich and Cecil Streets would decrease approximately 68% to 98% in the eastbound direction due to the elimination of a cut-through route and eastbound left turns from Dorcich Street and the signal modifications at Forest Avenue and Winchester Boulevard. Traffic on Henry Avenue, however, would increase to serve displaced traffic in the neighborhood. Weekday and daily traffic volumes along northbound Henry Avenue would see increases of approximately 17% to 44%. Even with the increases due to the displacement of traffic, Henry Avenue would serve a total of 1,000 or fewer trips per day. Residential streets have the capacity to serve anywhere from 1,200 to 1,800 vehicles per day and still maintain a suitable residential character.

Neither the City of San José nor the City of Santa Clara has thresholds for CEQA impacts on residential streets. Therefore, impacts to these neighborhood streets have not been identified and no mitigation is required or proposed. It should be noted, however, that the City of San José's Traffic Calming Policy shall be implemented on City of San José streets in the project vicinity after project construction and once traffic re-distributes (usually between six months and one year post-construction). Studies shall be done to determine what types, if any, of traffic calming mechanisms would be most beneficial to redirect traffic in the neighborhood and where they would be located. The City of Santa Clara will determine a process for implementing traffic calming mechanisms within their jurisdiction. The project applicant shall be required to fund such traffic calming improvements.

Page 46: **REVISE** the following text of **Section 4.2.4.1** ***Mitigation for Significant Impact at the Stevens Creek Boulevard/Winchester Boulevard Intersection:***

As previously described, the feasibility of widening the intersection ~~or narrowing the sidewalk~~ will be determined by the cities of San José and Santa Clara during the permitting process. If ~~either of~~ the improvements ~~(widening the intersection or narrowing the sidewalk)~~ is determined by the City's of San José and Santa Clara to be feasible and is made a condition of project approval, the impact would be less than significant. If it is determined by the cities that neither improvement is feasible, impacts at the intersection would be significant and unavoidable and a Statement of Overriding Considerations will be required. In order to provide a conservative analysis of the impact, the impact is determined to be significant and unavoidable. **~~[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval]~~ [Significant Unavoidable Impact ~~if Mitigation is Determined to be Infeasible~~]**

Page 47: **ADD** and **REVISE** the following text of the last sentence of **Section 4.2.5 Conclusion regarding Transportation and Traffic Impacts***:*

In order to provide a conservative analysis of the impact, the impact is determined to be Significant and Unavoidable. **[~~Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval]~~ [Significant Unavoidable Impact ~~if Mitigation is Determined to be Infeasible~~]**

Page 81: **REVISE** the following text of the first paragraph of Section 4.8.3.3 Long-Term Water Quality Impacts:

The proposed project would increase the amount of impervious surfaces on the project site, when compared to the existing condition. The proposed project would result in an additional approximately 13,500 square feet of impervious surfaces on the site, which is an increase of about one percent over the current impervious surfaces, as shown in Table 4.8-1. This condition would not be substantially different from the existing site condition.

The total area of the Valley Fair project site is approximately 3,064,000 square feet (approximately 70.3 acres at 43,560 square feet per acre) while the area to be disturbed as a result of construction is approximately 1,362,933 (approximately 31.3 acres)~~; or approximately 44.5% of the total project site,~~ as shown in Table 4.8-1. The existing amount of impervious area on the site is approximately 2,889,122 square feet and the total proposed impervious area within the project construction area is approximately 1,240,933 square feet, as shown in Table 4.8-2. Therefore, approximately 42.5% of the total site area of impervious surface is proposed to be created or replaced. Although the proposed project is considered to be a significant redevelopment project (as described in Council Policy 6-29), the project would not result in an increase or replacement of more than 50% of the impervious surface area of a previously existing development. Therefore, ~~only the net new impervious surface area was included in the application of the sizing design standards as shown in Table 4.8-1~~ the project proposes stormwater treatment control measures, numerically sized in conformance with Policy 6-29, to treat the runoff from impervious surfaces from the proposed expansion area. Approximately 31.3 acres would be treated through a combination of biorention cells, bioswales, and media

filter devices. ~~The proposed project would result in an additional approximately 13,500 square feet of impervious surfaces on the site, which is an increase of about one percent over the current impervious surfaces. This condition would not be significantly different from the existing site condition.~~

Page 82: **REVISE** Table 4.8-1 as follows:

TABLE 4.8-1 PERVIOUS AND IMPERVIOUS SURFACES ON-SITE						
Site Surface	**Existing SF**	**% of Site**	**Project SF**	**% of Site**	**Difference**	**% of Site**
Impervious (Building Footprints, Parking, Driveways, Sidewalks, etc.)	1,240,933	91%	1,227,433	90%	~~+~~-13,500	
Pervious (Landscaping)	122,000	9%	135,500	10%	-+13,500	
Total*	**1,362,933**	**100%**	**1,362,933**	**100%**		+1%

*The total area is the area to be disturbed during construction.
NOTE: Overall, the proposed project will result in a reduction in impervious surfaces and an increase in pervious surfaces over the existing condition.

ADD the following table:

TABLE 4.8-2 PERCENTAGE OF IMPERVIOUS SURFACE AREA TO BE CREATED OR REPLACED		
Total Proposed Impervious Area	Total Site Existing Impervious Area+	Percentage of Impervious Surface Area to be Created or Replaced
1,227,433*	2,889,122	42.5%

+ Total existing impervious area within the project construction area (1,240,933) plus total existing impervious area outside of the project construction area (1,648,189).
* From Table 4.8-1

REVISE the following text of the first paragraph:

It is anticipated that an approximately 6,~~000~~750 square foot treatment control measure would be installed adjacent to Parking Structure "F" along the Stevens Creek Boulevard frontage.

Page 95: **ADD** the following text to the second paragraph of **Section 4.11.1.2** ***Storm Drainage Systems***:

This system is designed to accommodate flows associated with 10-year storm events and existing land uses. The City reviews stormwater management for new development projects on a case-by-case basis to ensure an effective and efficient

solution and has integrated Program requirements into its review and approval procedures (Santa Clara Gardens Development Project Draft EIR, March 9, 2006).

Page 96: **REVISE** the first sentence of the fourth paragraph of **Section 4.11.1.3** ***Sanitary Sewer/Wastewater Treatment***:

The sanitary sewer lines that would serve the proposed project are owned and maintained by the City of San José.

REVISE the following text of the first sentence of **Section 4.11.1.5** ***Electric, Natural Gas, and Telephone Services***:

Electricity and natural gas are provided to the site by PG&E and Silicon Valley Power.

Page 98: **REVISE** the following text of the last sentence of the third paragraph of **Section 4.11.2.2** ***Water Supply Impacts***:

~~It is anticipated that CSC has the ability to supply this additional water demand based on information provided by CSC for the Santa Clara Gardens Development Project DEIR.~~[25] A Water Supply Assessment was completed by CSC for the portion of the project site within Santa Clara (March 27, 2007). According to CSC, the City of Santa Clara would be able to adequately supply the Valley Fair Shopping Center expansion project without any additional source of water supply or operational changes. In fact, the City's Urban Water Management Plan took into account growth and redevelopment within the City of Santa Clara including another significantly larger development in the same area as the Valley Fair project.

ADD the following text after the last sentence of **Section 4.11.2.3** ***Storm Drainage Impacts***:

Based on information contained in the Santa Clara Gardens Development Project EIR, the City of Santa Clara's storm drainage system is designed to accommodate stormwater flows from existing land uses for a 10-year storm event. The proposed shopping center expansion project would not result in a significant increase in the volume of stormwater generated on the portion of the site that would be served by the City of Santa Clara's storm drainage system, when compared to the existing condition. Therefore, the project would not adversely affect the City of Santa Clara's storm drainage system.

REVISE the following text of **Section 4.11.2.4** ***Sanitary Sewer/Wastewater Treatment Impacts***:

The wastewater generated from the proposed expansion would not exceed the capacity of the existing City of San José sanitary sewer lines, including the 15-inch line in Winchester Boulevard that would serve the portion of the site in Santa Clara. This effluent ~~and~~ can be accommodated at the San José/Santa Clara Water Pollution Control Plant, as previously described. The proposed project would comply with City of San José Council Policy 8-7 (Sanitary Sewer Level of Service) which ensures that the collection system is adequate to accommodate new development. **[Less than Significant Impact]**

Page 99: **REVISE** the following text of the first sentence of **Section 4.11.2.6** ***Electricity, Natural Gas, and Telephone Service Impacts***:

Facilities for providing telephone, electrical and natural gas services are built and maintained by the public and private utilities that provide these services under their franchise agreements with the State of California.

REVISE the following text of the first sentence of **Section 4.11.3** ***Mitigation and Avoidance Measures for Impacts to Utilities and Service Systems***:

As previously described in the above sections, ~~T~~the proposed project will not result in significant impacts on City of Santa Clara or City of San José utilities and service systems.

REVISE the following text of the second, third, and fourth paragraphs of **Section 4.11.4 Conclusion Regarding Utilities and Service System Impacts:**

The volume of additional stormwater runoff to be generated by new development can be accommodated by the existing City of Santa Clara and City of San José storm drainage system. **[Less than Significant Impact]**

The proposed expansion of the shopping center would not significantly impact the sanitary sewer system and would not exceed the capacity of the San José/Santa Clara Water Pollution Control Plant. **[Less than Significant Impact]**

Demand for electricity and natural gas would increase under the proposed project, but would not significantly impact PG&E and Silicon Valley Power's delivery systems or supplies. **[Less than Significant Impact]**

Page 125: **ADD** the following text after **Freeway Segments** discussion in **Section 7.3.2** ***Cumulative Transportation Impacts***

Dorcich Street Neighborhood Study

As previously described in Section 4.2.3.11, the Dorcich Street Neighborhood Study was prepared to determine the effects of the proposed signal modifications on Winchester Boulevard on nearby residential streets immediately west of Winchester Boulevard. The Dorcich Street Neighborhood Study is included in Volume II of the DEIR, as an Appendix to Appendix B.

The proposed signal modifications on Winchester Boulevard as part of the Valley Fair project include relocating the signal at Dorcich Street and Winchester Boulevard to a new shopping center entrance north of the existing signal. Level of service calculations indicate that the new intersection would operate at LOS B or better during all studied peak periods.

The Santa Clara Gardens Development project proposes to remove the signal at the intersection of North Forest Street and Winchester Boulevard and North Forest Street would be restricted to right-in and right-out only. A new west leg of the Forest

Avenue and Winchester Boulevard intersection would be constructed into the proposed Santa Clara Gardens Development project site.

As described in the Dorcich Street Neighborhood Study, as a result of the signal modifications on Winchester Boulevard, weekday and Saturday daily traffic volumes on Dorcich and Cecil Streets would decrease while traffic on Henry Avenue, however, would increase to serve displaced traffic in the neighborhood. Henry Avenue would serve a total of 1,000 or fewer trips per day. Residential streets have the capacity to serve anywhere from 1,200 to 1,800 vehicles per day and still maintain a suitable residential character.

Neither the City of San José nor the City of Santa Clara has thresholds for CEQA impacts on residential streets. Therefore, impacts to these neighborhood streets have not been identified and no mitigation is required or proposed. It should be noted, however, that the City of San José's Traffic Calming Policy shall be implemented after project construction and once traffic re-distributes (usually between six months and one year post-construction). Studies shall be done to determine what types, if any, of traffic calming mechanisms would be most beneficial to redirect traffic in the neighborhood and where they would be located. The project applicant shall be required to fund such traffic calming improvements.

Page 129: **REVISE** the following text of the fifth sentence of **Section 8.2 GROWTH-INDUCING IMPACTS**:

As described in *Section 3.0, Consistency with Adopted Plans*, the proposed project is consistent with the San José 2020 General Plan and the Santa Clara General Plan (1990-2005); as a result, it would not cause further growth beyond what is anticipated in these General Plans.

V. COPIES OF COMMENT LETTERS

The original comment letters on the *Draft Environmental Impact Report, Valley Fair Shopping Center Expansion Project,* are provided on the following pages.

A

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cynthia Bryant
Director

RECEIVED
FEB 20 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

February 9, 2007

LETTER A

Janis Moore
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: Westfield Valley Fair Site Development Permit File No. H06-027 and General Plan Text Amendment File No. GP06-T-04
SCH#: 2006052162

Dear Janis Moore:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 8, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

State Clearinghouse Data Base

SCH# 2006052162
Project Title Westfield Valley Fair Site Development Permit File No. H06-027 and General Plan Text Amendment File No. GP06-T-04
Lead Agency San Jose, City of

Type EIR Draft EIR

Description The proposed project consists of a General Plan Text Amendment to increase the allowed building height on the site from 50 to 65 feet and a Site Development Permit to allow approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space. The project also includes the demolition and reconstruction of two existing parking structures and the relocation of three outbuildings. Three existing commercial buildings would be demolished and relocated as part of the project, including two bank buildings located along the southern boundary of the site and the grocery/drug store building located near the southwestern corner of the site. The bank buildings are currently located within the site and the grocery/drug store building located near the southwestern portion of the site in the City of Santa Clara. The grocery/drug store building would be relocated to the north of the existing building, and would remain within the City of Santa Clara. The project also includes access and circulation improvements, including the relocation of a southern driveway along Stevens Creek Boulevard so that it would align with South Baywood Avenue. This realignment would require the relocation of the traffic signal on Steven's Creek Boulevard. Other access and roadway improvements are also proposed along the western boundary of the site along Winchester Boulevard and could include the relocation of the existing traffic signal at Dorcich Street.

Lead Agency Contact

Name Janis Moore
Agency City of San Jose
Phone (408) 535-7815 **Fax**
email
Address 200 East Santa Clara Street
City San Jose **State** CA **Zip** 95113-1905

Project Location

County Santa Clara
City San Jose
Region
Cross Streets I-880 and Stevens Creek Boulevard
Parcel No. 274-43-031, 032, 035, 037, 040, 043, 048, 055, 059, 061 thru 063, 065 thru 073, 075 thru 080
Township **Range** **Section** **Base**

Proximity to:

Highways I-880, Hwy 280
Airports N.Y. Mineta S.J. International
Railways CalTrain, LRT, UPRR
Waterways Los Gatos Creek
Schools S.J. Unified, Campbell Union
Land Use The majority of site is in San Jose: Shopping Center complex / CG-Commercial General Zoning District / Regional Commercial
The southwestern portion of the site is in Santa Clara: Shoppig Center complex / Community Commercial Zoning District / Community and Regional Commercial

Note: Blanks in data fields result from insufficient information provided by lead agency.

State Clearinghouse Data Base

Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Geologic/Seismic; Growth Inducing; Landuse; Noise; Other Issues; Population/Housing Balance; Public Services; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife
Reviewing Agencies	Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Public Utilities Commission; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Aeronautics; Department of Toxic Substances Control

Date Received 12/26/2006 ***Start of Review*** 12/26/2006 ***End of Review*** 02/08/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

State of California – The Resources Agency
ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

January 4, 2007

LETTER B

Ms. Janis Moore
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Dear Ms. Moore:

Subject: Westfield Valley Fair Site Development (Permit #H06-027), SCH 2006052162, San Jose, Santa Clara County

B1 The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G). Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Santa Clara County Clerk on or before filing of the Notice of Determination for this project.

Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 466-0234 or Mr. Greg Martinelli, Acting Habitat Conservation Supervisor, at (707) 944-5570.

Sincerely,

Scott Wilson FOR
Charles Armor
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

LETTER C

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental
Protection

Maureen Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

February 5, 2007

Ms. Janis Moore
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113-1905

Dear Ms. Moore:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion (SCH #2006052162). As you may be aware, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, the California Department of Toxic Substances Control (DTSC) oversees cleanup of sites where hazardous substances have been released. As a potential Resource Agency, DTSC is submitting comments to help ensure environmental documentation prepared for the Westfield Valley Fair Site under the California Environmental Quality Act (CEQA) adequately addresses any remediation activities pertaining to releases of hazardous substances.

C1 According to the draft EIR, the project includes the expansion of the existing Westfield Valley Fair shopping center to accommodate 650,000 square feet of additional retail space and the demolition and reconstruction of two parking structures and three commercial buildings and realignment of roadways. The various proposed activities in the project area have the potential to disturb soil containing hazardous substances from both agricultural activities.

The draft EIR does not mention the need to thoroughly investigate the historical land use of all properties both within and near the project area. For example, DTSC's EnviroStor database (http://www.envirostor.dtsc.ca.gov/public/) identifies an adjacent site south of Stevens Creek that was used for agriculture until the early 1960s and was found to be contaminated with lead, arsenic, and chlorinated pesticides. The soil at the Valley Fair site may be similarly contaminated. In addition, road work associated with the project may disturb soil potentially contaminated with aerially deposited lead.

C2 Without information about potential contamination from all previous land uses, DTSC will be unable to determine whether hazardous substances may have been released to project areas. We strongly suggest that the City of San Jose thoroughly assess all historical activities within and near project areas. Based on that information, samples should be collected to determine whether additional issues need to be addressed in the CEQA compliance document. If hazardous substances have been released to the soil, ground water, or surface water, these releases will need to be addressed as part of the

Plan.

C3 For example, if the Plan includes soil excavation and remediation, the CEQA document should include: (1) an assessment of air and health impacts associated with soil excavation activities; (2) identification of applicable local standards, which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset if an accident occurs at the Site.

C4 DTSC and the Regional Board signed a Memorandum of Agreement (MOA), March 1, 2005 aimed at preventing duplication of efforts among the agencies in the regulatory oversight of investigation and cleanup activities at brownfield sites. Under the MOA, anyone requesting oversight from DTSC or the Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either DTSC or Regional Board office in your geographic area.

Please contact Amy E. DeMasi at (510) 540-3812 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Denise M. Tsuji, Unit Chief
Northern California - Coastal Cleanup Operations Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
PO Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
PO Box 806
Sacramento, California 95812-0806

California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 . FAX (510) 622-2460

Arnold Schwarzenegger
Governor

RECEIVED
FEB 09 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

February 5, 2007
File No. 2188.05 (SKM)

LETTER D

Department of Planning, Building and Code Enforcement
City of San Jose
Attn: Janis Moore
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113-1905

Re: Draft Environmental Impact Report for the Westfield Valley Fair Shopping Center Expansion General Plan Text Amendment and Site Development Permit (File No. GP06-T-04/H06-027; SCH No. 2006052162), San Jose, California

Dear Ms. Moore:

Regional Water Quality Control Board (Water Board) staff has reviewed the subject Draft Environmental Impact Report and has the following comments.

Section 4.8.3.3, Long-term Water Quality Impacts (pages 81-82)
This section discusses the project's proposed post-construction stormwater management measures, which would be implemented to comply with Provision C.3 of the City of San Jose's NPDES Permit (Provision C.3) and San Jose's Post-Construction Urban Runoff Management Policy (Policy 6-29). The proposed treatment includes a 6000 ft^2 bioswale and media filter devices, including below ground vaults and/or manholes containing filter cartridges.

D1 Water Board staff is concerned because the sizing design standards for the post-construction treatment measures were applied only to the net new impervious surface of 13,500 ft^2. Provision C.3 and Policy 6-29 require that post-construction treatment measures be sized to treat **all new and/or replaced impervious surface** for the site. Furthermore, if more than 50% of the existing impervious surface on the site is replaced, Provision C.3 and Policy 6-29 require that all the existing, replaced, and new impervious surface be included in the stormwater treatment design. This calculation has not been done in Section 4.8.3.3; rather, proposed disturbed land versus total project site area (44.5%) was used to conclude that only the net new impervious surface area should be used in sizing the treatment systems. Please revise Section 4.8.3.3 to be in compliance with Provision C.3 and Policy 6-29.

Summary of Impacts and Mitigation Measures (pages vi-xviii)
D2 This section does not include a discussion of the Long-term Water Quality Impacts and their corresponding Mitigation and Avoidance Measures. Please include this discussion and ensure that it reflects the revised Section 4.8.3.3.

If you have any questions, please contact me at (510) 622-2386 or at sma@waterboards.ca.gov.

Sincerely,

Sue K. Ma
Water Resources Control Engineer

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
Melody Tovar, City of San Jose

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD

Flex your power!
Be energy efficient!

LETTER E

February 8, 2007

SCL-880-0.40
SCL880225
SCH2006052162

Ms. Janis Moore
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Ms. Moore:

Westfield Valley Fair Site Development – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Forecasting
The following scenarios should also be analyzed in the Traffic Impact Study (TIS):

E1
a) Existing Conditions
b) Proposed Project Only
c) Cumulative Conditions
d) Cumulative Conditions Plus Proposed Project

Section 5, page 38 of Appendix B, Cumulative growth conditions, includes only the analysis for the Cumulative Condition Plus Proposed Project scenario. The Cumulative Condition without Project traffic should also be analyzed.

Also, the Cumulative Condition and Cumulative Condition plus Proposed Project Condition, should be included in, the Transportation and Traffic Section, the main body of the DEIR.

Highway Operations
E2
1. This project is causing significant impacts to I-880 and I-280 under project and cumulative conditions. This development needs to mitigate for significant traffic impacts to the State facilities and state what this mitigation will be or provide fair share fees and identify improvements for which these fees will be used.

E3 2. Queuing impacts to State facilities for project and cumulative conditions should be identified by comparing the calculated 95th percentile queue (design queue) to the available queue storage. Queuing impacts to be identified include, but are not limited to the following: Spillback queues from turn lanes at intersections, queues from one intersection that extend back and impact other intersections, queues from bottleneck locations such as lane drops that impact the operation of the facility and spillback queues on ramps that impact the State facility. Any queuing impact identified needs to be mitigated or fair share fees should be provided with identification of improvements for which these fees will be used.

E4 3. This document states that queues from Stevens Creek Blvd. spill back onto the Stevens Creek/I-280/I-880 collector road and northbound I-280. In addition, queues from the I-280/Moorpark intersection queue back on the southbound I-280 off-ramp. To fully analyze impacts to State facilities from queues on Stevens Creek Blvd., Winchester Blvd. and Moorpark Ave., intersections should not be analyzed as isolated intersections. The intersections on these streets should be analyzed together as a system using a traffic model such as Synchro.

E5 4. The I-880/Stevens Creek Blvd. intersection analysis, for the A.M. project traffic conditions, is missing from this document.

E6 5. This document states that LOS analysis does not identify the operational problems on Stevens Creek Blvd. and a more detailed traffic operations analysis will be prepared. This detailed traffic operations analysis needs to be submitted for our review before the Final EIR is approved.

Transit and Community Planning

E7 The project Mitigation Measure 4.4-4 indicates that pedestrian crossings shall be enhanced at strategic locations with countdown signals and that pedestrian pathways shall be lined with shade trees.

The Conceptual Site Plan (Figure 4) shows only one intersection improvement with pedestrian crossing treatments along Stevens Creek Boulevard.

E8 We suggest that the project proponent include pedestrian crossing treatments at additional intersections between the project and adjacent neighborhoods along Stevens Creek Blvd., Winchester Blvd. and Forest Avenue in order to accommodate alternate modes of transportation and reduce the demand for auto trips.

E9 Although I-880 may represent a barrier to pedestrian access to the project from that direction, we suggest that the project proponent also consider enhancements to pedestrian access at the I-880/Stevens Creek Blvd. interchange.

When more detailed project information is submitted as requested, the Department will further review and comment at that time.

Should you have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

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JAN 3 1 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

LETTER F

January 26, 2007

Ms. Janis Moore
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Subj: Draft Environmental Impact Report for Westfield Valley Fair Shopping Center
City File No: GP06-T-04/H06-027; SCH NO. 2006052162

Dear Ms. Moore:

We have received and reviewed your Draft Environmental Impact Report (DEIR) for Westfield Valley Fair Shopping Center. The following are our comments:

F1 1. Traffic Analysis should include the intersections on San Tomas Expressway at Monroe Street, Pruneridge Avenue, and Saratoga Avenue.

F2 2. The improvements listed in Expressway Planning Study at San Tomas Expressway are not funded. Therefore, this project should pay their fair share for these improvements, or provide mitigation measures at impacted intersections.

F3 3. Please provide us a copy of your Final Environmental Impact Report for our review and comment.

Thank you for the opportunity to review and comment on this project. Please call me at (408) 573-2462 for any questions.

Sincerely,

Felix Lopez
Project Engineer

cc: MA, AP, MLG, WRL, RN, file

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, Ken Yeager, Liz Kniss
County Executive: Peter Kutras, Jr.

7-007

SANTA CLARA
Valley Transportation Authority

LETTER G

February 8, 2007

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Janis Moore

Subject: City File No. H06-027 / Westfield Valley Fair Draft EIR

Dear Ms. Moore:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft EIR (DEIR) for a 650,000-square foot expansion of the shopping center at the northeast corner of Stevens Creek and Winchester boulevards. We hope to have the following concerns addressed in the development:

Transit Support

Consideration of Bus Rapid Transit (BRT)

G1 Valley Transportation Plan 2030 (VTP 2030) and the VTA Measure A Revenue and Expenditure Plan both include implementation of a Bus Rapid Transit (BRT) Corridor on Steven Creek Boulevard as a major initiative with funding from local and federal sources. The developments near the intersection of Stevens Creek and Winchester boulevards will be a major focal point for this Corridor. Absent from this DEIR analysis is a discussion of the proposed Stevens Creek Bus Rapid Transit (BRT). It is anticipated that the new service will begin within the next three to five years.

As stated in a letter sent by VTA on June 26, 2006 regarding the Notice of Preparation (NOP) for the proposed shopping center expansion, the BRT line will require dedicated, street-front right-of-way for stations along both sides of Stevens Creek Boulevard between Monroe Avenue and Winchester Boulevard. In addition, a new bus stop located on Winchester Boulevard immediately north of Stevens Creek Boulevard for VTA Route 60 will provide needed "cross platform transfer" functionality once the Stevens Creek BRT is in service. The letter requested that the environmental analysis assume BRT operations and include these facilities. City staff will work with VTA to identify locations for BRT stations. Critical to introducing the BRT service in a compressed schedule will be the ability to serve major generators such as the Valley Fair Mall in an efficient manner through well-designed station facilities near the corner of Stevens Creek and Winchester boulevards. The developer should be required to contribute new transit station facilities at the selected location in conjunction with implementation of BRT.

Pedestrian and Bicycle Connections

G2 Please discuss in the DEIR pedestrian access to the proposed project site from adjacent neighborhoods, particularly from the recently approved senior housing at the BAREC site on Winchester Boulevard in the City of Santa Clara. VTA recommends that the pedestrian realm along Winchester Boulevard between the senior housing and the proposed project site be designed to be inviting and safe. As part of the effort to provide an inviting and safe environment, please consider amenities such as landscaping, benches, and a varied façade that is rich in pedestrian detail as described in sections 2.1 and 4.1 of VTA's Pedestrian Technical Guidelines. For more information or a copy of these guidelines, please contact VTA at (408) 321-5725.

G3 The DEIR states that San Jose's General Plan designates Stevens Creek Boulevard as a future bicycle facility. VTA considers this corridor important to bicycle travel as well and intends to add Stevens Creek Boulevard to its network of cross-county bicycle corridors in the coming months. Please provide information regarding the future bicycle improvements that are intended for the proposed project site so that they may be considered as part of the work to add Stevens Creek Boulevard to the network of cross-county bicycle corridors.

Transportation Impact Analysis Review

Proposed Mitigation for Freeway Segments

G4 Page 44 of the DEIR states that the results of the freeway level of service analysis indicate that the proposed project would create a significant impact on freeway segments on two freeways (I-880 and I-280) in the project area. The DEIR also states that the proposed project would contribute a fair share contribution towards identified improvements on the southbound side of the I-880/Stevens Creek interchange to be negotiated during the funding process for the improvements. VTA strongly supports such developer contributions towards improvements related to the freeway system adjacent to the development.

VTA is currently undertaking a study for I-880, which includes reviewing improvements to the Stevens Creek Boulevard interchange at I-880, Monroe Street adjacent to Valley Fair Mall, and the Winchester Boulevard interchange at I-280. VTA encourages the developer's input and contribution on these improvements via coordination through the City of San Jose.

Mitigation to CMP Intersection

G5 Page 46 of the DEIR states that there would be a significant impact on the Congestion Management Program (CMP) intersection Stevens Creek Boulevard/Winchester Boulevard if widening of the intersection to include a second southbound left-turn were found to be infeasible by the cities of San Jose and Santa Clara. If this mitigation is found to be infeasible, it is recommended that the developer provide a fair share contribution toward identified

improvements at the adjacent CMP intersection at Stevens Creek Boulevard and San Tomas Expressway. An improvement was identified for this intersection as part of the County Expressway Study.

G6 Pass-by Trip Reduction Rates
A twenty five percent (25%) reduction for pass-by trips was used in this DEIR. Please provide back-up documentation on how this percentage was derived.

G7 Parking
The DEIR proposes an additional 114 parking spaces beyond the City of San Jose's zoning ordinance. The concept of not providing these spaces and using the land area for BRT accommodation should be explored working through the City of San Jose and with VTA.

Thank you for the opportunity to review this project. If you have any questions, please call Roy Molseed at (408) 321-5784.

Sincerely,

Chris Augenstein
Transportation Planning Manager

CA:RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services
Hans Larsen, City of San Jose

Santa Clara
All America City
2006

Planning Division

February 26, 2007

Mr. Akoni Danielson
Principal Planner
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Draft EIR – Westfield Valley Fair Shopping Center Expansion (H06-027/ GP06-T-04)

Dear Mr. Danielson,

H1 This letter is to follow up on several recent communications between the cities of Santa Clara and San Jose regarding Santa Clara's comments on the Valley Fair Expansion Draft Environmental Impact Report (DEIR). While the City of San Jose has taken the role of Lead Agency in the preparation of the CEQA document, the City of Santa Clara is effectively a Co-Lead Agency as it does need to rely upon and also certify either this document or a similar analysis in order to issue the discretionary permits for a Variance application and Architectural Approval required within its jurisdiction. In this particular case, the entitlements and permits required to implement the project within our jurisdiction are key components of the overall project. Insofar as we want to utilize the same effort and document, Santa Clara is very interested in assuring that the certification of the Final EIR is a thorough and comprehensive evaluation of the issues of concern.

H2 At the outset, I would like to thank you for the time that you and several City of San Jose staff members took to meet with our Public Works Director, Acting Traffic Engineer and our Development Review Manager on February 15th to discuss the Dorcich Street Neighborhood Study and the traffic analysis for the Valley Fair DEIR. As we have discussed, the changes to the mall that are being proposed by Westfield are important to both cities in a number of ways. These important and vital changes require an environmental document that analyzes the impacts that will be associated with increasing floor space at the mall by almost 650,000 square feet and altering site access. The alterations may have significant impacts to those who visit the site as well as those who live or work near the site, and even to those who merely pass by the center at certain times. With that in mind, the City of Santa Clara is providing its comments to the DEIR. I apologize for the delay in meeting your deadline and our later commitment of last week, but we hope that these comments will result in a more thorough evaluation for the public and the decision makers in both cities.

1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2450
FAX (408) 247-9857
www.ci.santa-clara.ca.us

Transportation and Traffic Impacts

Issue 1: *Potential neighborhood traffic impacts resulting from the project are not reflected in DEIR.* The Dorcich Street Neighborhood Study by Hexagon Transportation Consultant, Inc., dated October 23, 2006 was prepared for this project. No references have been made in the DEIR to this report; it is referenced in the TIA information in the appendices, but the report itself is not included there. The study appears to recognize that the residential neighborhoods to the West of Valley Fair could experience up to 44% percent increase in vehicle trips on Henry Avenue. While comparing the existing and future daily traffic on Henry Avenue as cited in Figure 2 and 7 of the report, the increase in traffic volume is from 369 to 1111 (an increase of 742 daily trips, approximately 300%). In contrast, the DEIR concludes that no neighborhood impacts will occur.

Per the discussion with your staff, we understand that San Jose maintains that the traffic increase is attributed to the existing neighborhood traffic being redirected within the neighborhood as a result of proposed street improvements along Winchester Boulevard.

H3

Response Requested: The DEIR should adequately address whether a threshold of traffic impact in the neighborhood has been identified and provide the quantitative criteria and/or applicable City of San José policy that specifically addresses this analysis. If there is not a threshold or an impact that applicable, this should be clearly stated. Changes to the traffic patterns and increased vehicle trips on any given street within the neighborhood may appear to residents as an impact of the project, even if not the result of increased trip generation from outside the neighborhood or even measurable according to any standard acceptable methodology. Even if this not a significant impact under standard analysis methodologies, the neighborhood will still perceive these increases as a negative, qualitative impact on the current operation of the streets in the area. The DEIR should therefore explain how the changes of distribution of trips on streets within the Henry/Dorcich neighborhood is not considered an adverse impact under CEQA, address the effects as significant or not and determine that mitigation measures are or are not required by CEQA.

Issue 2: The Traffic Study was done to address the weekend peak hour of the use, with traffic counts taken on a Saturday in April, but it does not account for seasonal traffic increases that are commonly attributed to the November/December shopping period.

Response Requested: Trip generation during busiest season (seasonal variations) should be acknowledged and quantified in the TIA and EIR. Methodology standards for seasonal impacts should be discussed. In the event there are no applicable standards, this should be stated, as it likely will be an item of public concern. If there is an appropriate evaluation, this should be undertaken and consideration should be given to how such seasonal demands could be accommodated, including the impacts and mitigations of seasonal variations to the neighborhood streets. If there are no appropriate mitigation measures for a limited seasonal impact, this should be so stated and justified in the findings at the time of project approval.

H4

Issue 3: Pass-by trip reduction of 25 percent was used in the Traffic Impact Analysis (TIA) and referenced in the DEIR.

H5 *Response Requested: The TIA* should clearly explain, justify, and document the 25 percent trip reduction as recommended in the TIA Guidelines prepared by the Valley Transportation Authority (VTA).

Utilities

Issue 4: *There is no reference to Silicon Valley Power (SVP) jurisdiction and power supply.*

H6 The DEIR only addresses Pacific Gas & Electric as providing power in the area. For the portions of the site in Santa Clara, the City's electric utility, Silicon Valley Power, will be the provider. The document states that there is no impact to existing utilities. While current power supply appears to be adequate, new electrical service lines and associated vaults would be required from SVP to serve a portion of the development located in Santa Clara. Modification to existing easements and recordation of new easements may be required for the portion of the project in Santa Clara.

Response Requested: Revise language in DEIR to reflect utilities required and provided by the City of Santa Clara.

Issue 5: The DEIR incorrectly identifies the City of San Jose as having sole jurisdiction over the provision of wastewater treatment to the site, including conveyance system issues. The portion of the development located in Santa Clara will be served by Santa Clara. The DEIR only identifies San Jose/Santa Clara Water Pollution Control Plant (WPCP) capacity. There is no reference to conveyance. Impacts are identified as "Less than Significant."

H7 Santa Clara Public Works Department has identified several areas where sewer conveyance lines are at capacity, including parts of the system on Winchester Boulevard. There is no environmental assessment made about the conveyance capacity for sewer lines under Santa Clara's jurisdiction. Depending upon proposed sewer connections required for the project area served by Santa Clara facilities, sewer conveyance capacity is a possible factor requiring additional analysis and mitigation. Under this current status, the conclusion regarding impacts of the project is unsubstantiated.

Response Requested: Potential sewer impacts associated with the proposed project must be identified, and appropriate studies undertaken. The conclusion of those studies along and possible mitigation must be included in the DEIR as appropriate. Should the upgrading of sewer lines be required for the project, the potential for growth inducing impacts associated with possible new sewer lines must also be discussed in the DEIR.

H8 ***Issue 6:*** In discussing water supplies to serve the project, San José did not seek a water supply assessment from the City of Santa Clara. To reach this conclusion, the DEIR split the water requirements based on which portion of the project required what water.

California Water Code sections 10910 to 10912 require that water supplies for certain types of development be included in environmental review documents. First, section 10912 (a)(2) states that "projects" governed by these requirements include any shopping center containing 500,000 square feet. Once a development proposal meets the definition of a project, the lead agency must then identify the public water systems that could serve any portion of the project. Once identified, the public water system must then answer the questions posed in section 10910 regarding whether the project was included in the most recent urban water management plan and other issues regarding the long-term (i.e. more than 20 years) water supply to support the anticipated growth.

H8

In the DEIR, the City of San José identified that the City of Santa Clara was a public water system providing water to part of the project site. In a footnote, the DEIR indicated that no water report was necessary from Santa Clara because the portion of the project site within Santa Clara did not meet the statutory threshold. However, the statutory scheme views the entirety of the project, not just what portions of the project may or may not be served by certain public purveyors. This conclusion is borne out by the language in section 10910 that describes the possibility of multiple water suppliers being required to furnish reports for individual projects. Segmenting the project to areas where less than 500,000 is present is contrary to the law. As such, a water supply assessment needs from Santa Clara needs to be included in the DEIR

Response Requested: Include a water supply assessment from the City of Santa Clara in the EIR. In the event there is not sufficient water, be prepared to discuss, as required by CEQA, the alternate sources available and the potential impacts associated with using such sources.

Infeasibility of Mitigation Measures

Issue 7: In several instances, San José finds certain mitigation measures infeasible because identified mitigation measures cannot be implemented by San José.

H9

In the recent case, City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th 341, the California Supreme Court clarified the role a lead agency plays when imposing mitigation measures where impacts outside the lead agency's jurisdiction occur Key points raised by the Court are:

- CEQA requires a public agency to "mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment."
- A finding of a mitigation measure to be infeasible, because there was no assurance that the fees would be used to provide the required mitigation is not a basis to reject a jurisdiction's own ability to make a voluntary payment.

Response Requested: In view of the *Marina* case, responses should be amended to include the current legal standard required for determinations of infeasibility of mitigation for impacts that occur outside the lead agency's jurisdiction.

Issue 8: The DEIR identifies certain impacts and proposed mitigations. However, the DEIR then attempts to defer analysis of the mitigations and their feasibility until after the project has been approved.

Public Resources Code section 21002 provides in part:

> "The Legislature finds and declares that is it the policy of the state that public agencies should not approve projects as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, ... The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The determination to reject alternatives or mitigation measures must be supported by recorded findings. (Pub. Resources Code § 21081.) In order to meet this requirement, the agency must weigh the feasibility of the proposed alternatives and to make findings regarding feasibility. *Citizens For Quality Growth v. City of Mount Shasta* (1998) 198 Cal.App.3d 433, 243 Cal.Rptr. 727

H10

Where the determination of infeasibility is premised on the cost of the mitigation measure, the question is not whether there is increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical. *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181, 243 Cal.Rptr. 339.) The fact that a project costs too much to be profitable or cannot operate at a profit so as to render it impractical does not hinge on the wealth of its proponent. No proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful. But, if the project can be economically successful with mitigation, then CEQA requires that mitigation, regardless of the proponent's financial status. *(Ibid.)*

Response Requested: Findings must be provided for any responses that are deemed "infeasible" at the time the DEIR is prepared. Determination of the feasibility of mitigation measures cannot be deferred under CEQA. Amend responses as necessary to comply with CEQA.

Construction Impacts

Issue 9: The parking analysis only describes post construction circulation and onsite parking numbers. There is no description of parking impacts, on-site circulation modifications, and displaced parking, or their effects on the existing shopping center during construction.

H11

It is anticipated that restricted access necessary to allow for construction vehicles, materials staging, safety buffer zones and construction fields, will have an impact on surrounding roadways, available onsite parking and potentially neighborhood traffic

during construction phases, particularly when the Santa Clara portion of the development takes place.

Response Requested: The DEIR should include discussion of site and circulation impacts to the existing shopping center and surrounding roadways.

H12 Attached please find a summary of pages subject to revisions based on the content of this letter. Thank you for allowing us this opportunity to review the DEIR. If you should have any questions, please feel free to contact me, or Gloria Sciara, at (408) 615-2450.

Sincerely,

Kevin L. Riley

Kevin L. Riley, AICP
Director of Planning and Inspection
City of Santa Clara

cc: City Manager
Director of Public Works
Interim Manager of Development Review
Assistant City Attorney, S. Cochran

Attachments

I:\PLANNING\2007\Project Files Active\PLN2006-05962 2855 Stevens Creek Blvd.Valley Fair\Final VF EIR comments 2.26.07.doc

Valley Fair Shopping Center Expansion Project
City of Santa Clara EIR Comments
Project File # H06-027/GP06-T-04

1. Section 3.1.3.9 Level of Service Policies
   a. This Section number should be corrected. It comes after Section 3.1.3.4 but before Section 3.1.3.5.

   b. (Page 18) Policy #6: What is the definition of Level of Service "D" for sanitary sewer conveyance capacity?

   c. The City of Santa Clara sanitary sewer conveyance capacity criteria is not specified in the report. Need to add.

   d. **Consistency**: Same mitigation as for the City of San Jose, if the City of Santa Clara sanitary sewer conveyance capacity criteria is exceeded.

2. Section 4.8.3.3 Long-Term Water Quality Impacts
   (Page 82) Table 4.8-1: The column heading of "**Existing SF**" should read "**Project SF**" and the column heading of "**Project SF**" should read "**Existing SF**".

3. Section 4.1.2.3 Impacts from the Project
   (Page 28) References the traffic impacts (increases in traffic may affect nearby commercial and residential, yet concludes that the project impact is "Less than Significant". See comments regarding Hexagon's *Dorcich Street Neighborhood Study* in our letter under "Transportation and Traffic Impacts" and amend report.

4. Section 4.1.2.5 Short-term construction and Demolition Impacts
   (Page 28) does not include discussion on temporary loss of parking and restricted site access. Please refer to comments in our letter under "Construction Impacts" and amend report to include these temporary impacts and measures to offset site and parking impacts.

5. Section 4.2.1.5 Existing Traffic Operations
   (Page 37) Include discussion regarding existing and future traffic numbers as discussed in the *Dorcich Street Neighborhood Study* as referenced in our letter under "Transportation and Traffic Impacts".

6. Section 4.2.2 Background Conditions
   (Page 37) Include discussion regarding existing Dorcich Street neighborhood traffic counts.

7. Section 4.2.3.1 Thresholds for Significance (Transportation and Traffic Impacts)
   (Page 38) Include criteria regarding thresholds for neighborhood traffic that would apply to Dorcich Street neighborhood traffic increases

8. Section 4.2.3.10 Site Access and On-site Impacts

(Page 45) 3rd Paragraph references the relocated Dorcich Street Intersection and post-project level of service (LOS B), and references that this improvement is under Santa Clara's authority. Please see Issue 8 of our letter and amend text so that the analysis of mitigation measures is addressed in current document rather than deferred as currently noted.

9. Section 4.2.4 Mitigation and Avoidance Measures for Transportation and Traffic Impacts

Section 4.2.4.1 Mitigation for Significant Impact at Steven's Creek Boulevard/Winchester Boulevard Intersection

(Page 46) Impacts are identified as "Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval" "Significant Unavoidable impact if Mitigation is Determined to be Infeasible". Please see "Infeasibility of Mitigation Measure" section of our letter and amend the DEIR to include the current legal standard required for determinations of infeasibility.

10. Section 4.2.5 Conclusion regarding Transportation and Traffic Impacts

a. (Page 47) Paragraph 1 concludes that the project "would not result in significant traffic impacts… during weekday peak hours." It further states, "No mitigation measures are required or proposed" This statement needs to be clarified. The project does have significant traffic impacts and mitigation measures are proposed but not referenced here.

b. (Page 47) Paragraph 2 Defers determination of feasibility for the traffic mitigation measures that would be constructed under the City of Santa Clara's approval and jurisdiction. Please see "Infeasibility of Mitigation Measures" section of our letter and amend text to include the current legal standard required for determinations of infeasibility.

c. (Page 47) Paragraph 3 identifies improvements to the I 280/I 880 interchange, as "Significant Unavoidable Impact" with no feasible mitigation measures available. Please see "Infeasibility of Mitigation Measures" section of our letter and amend text to include the current legal standard required for determinations of infeasibility.

d. (Page 47) This section should also reference conclusion of Hexagon's *Dorcich Street Neighborhood Study* as referenced in our letter under "Transportation and Traffic Impacts" with appropriate rationale and conclusions based on San Jose's thresholds for significance.

11. Section 4.11.1.2 Storm Drainage Systems
(Page 95) Add the following:
"New storm drain lines will be constructed and existing lines will be upgraded, as necessary, to comply with City of San Jose and City of Santa Clara storm drain conveyance capacity criteria."

12. Section 4.11.1.3 Sanitary Sewer/Wastewater Treatment
(Page 96) In the first sentence of the last paragraph, include the City of Santa Clara as an additional agency that owns and maintains sanitary sewer lines serving part of the site. Also include in said paragraph, the City of Santa Clara's sanitary sewer conveyance capacity criteria.

13. Section 4.11.1.5 Electric, Natural Gas, and Telephone Services
(Page 96) State that Silicon Valley Power (City of Santa Clara Electric Department) as a public electric utility, provides electricity to part of the site.

Section 4.11.2. Utilities and Service Impacts (page 97)

14. Section 4.11.2.1 Thresholds for Significance (Utility and Service Impacts)
(Page 97) Include thresholds, which states that, the upgrading or existing sewer lines should current conditions exceed capacity of the existing sanitary sewer lines located in and served by the City of Santa Clara. Add language stating that the project is to comply with the City of Santa Clara Sanitary sewer conveyance capacity criteria.

15. Section 4.11.2.4 Sanitary Sewer/Wastewater Treatment Impacts
(Page 98) How was the determination made that the expansion would not exceed the capacity of the existing sanitary sewer lines in the City of Santa Clara? Add language stating that the project is to comply with the City of Santa Clara Sanitary sewer conveyance capacity criteria.

16. Section 4.11.2.6 Electricity, Natural Gas, and Telephone Service Impacts.
(Page 99) Need to include Silicon Valley Power (City of Santa Clara Electric Department) as a public electric utility, serving part of the site.

17. Section 4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities and Service Systems
(Page 99) Need to determine if the City of Santa Clara storm drain and sanitary sewer systems are not significantly impacted before making the statement that there are no significant impacts.

18. Section 4.11.4 Conclusion Regarding Utilities and Service System Impacts
(Page 99) For the second and third paragraphs, see comment made under Section 4.11.3 above. In the fifth paragraph, include input from Silicon Valley Power (City of Santa Clara Electric Department). Also see comment under Section 4.11.1.5.

19. Section 4.11.2.1 Thresholds for Significance
(Page 97) Include thresholds applicable for the City of Santa Clara as described in our comment letter under Issue 3 of the Utilities discussion.

20. Section 4.11.2.2 Water Supply Impacts
(Page 97) Please see Issue 3 under the Utilities section of our letter and amend discussion in the DEIR to reflect the required water supply analysis.

21. Section 4.11.4 Conclusions regarding Utilities and Service Systems Impacts
(Page 99) Revise impacts assumptions upon completion of necessary studies and statutes as discussed under the section of our letter titled "Utilities."

7.3 Analysis of Cumulative Impacts (Page 120)

22. Section 7.3.2 Cumulative Transportation Impacts
(Page 121) This section should include discussion regarding effects of the proposed and future projects in on the Dorcich Street Neighborhood.

23. Section 7.3.2 Mitigation Measures for Cumulative Transportation Impacts
(Page 125) Amend each sections' Determination of Significance statements to reflect our discussion under "Infeasibility of Mitigation Measures" of our letter to comply with current legal standard required for determinations of infeasibility.

24. Section 8.2 Growth Inducing Impacts
(Page 129) Reconsider conclusion in light of the potential sewer conveyance capacity issue for parts of the project, which are located in and served by the City of Santa Clara that has not been studied to date.

BERLINER COHEN

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DAN W. COOPERIDER

February 5, 2007

LETTER I

VIA FACSIMILE & U.S. MAIL

Janis Moore
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, Ca 95113-1905

Re: Draft EIR for Westfield Valley Fair Shopping Center Expansion Project, GP06-TH06-027; SCH No. 2006052162
Our File No.: 09244-047

Dear Ms. Moore:

On behalf of Federal Realty Investment Trust, we submit the following comment on the above-referenced Draft EIR.

The recent rezoning of Santana Row is properly listed as a cumulative project in Table 7.0-1 on page 120. However, the project description is not completely accurate. A more accurate project description would be as follows:

I1

> The Planned Development Rezoning: 1) allows up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second 190 room hotel is built); 2) allows an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) allows up to 20,000 square feet of currently permitted general retail/commercial space to be replaced

with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses.

Thank you for giving us an opportunity to review the Draft EIR.

Very truly yours,

BERLINER COHEN

LINDA A. CALLON
E-Mail: linda.callon@berliner.com

LAC:cem

cc: Randy Everman
Dawn Becker

CORY NEIGHBORHOOD ASSOCIATION

www.coryneighborhood.org
San Jose, California

February 12, 2007

Richard E. Allen
2383 W. Hedding Street
San Jose, CA 95129
(408) 921-2647

Janis Moore
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Janis,

The Cory Neighborhood Association (CNA) has prepared this response in regard to the Draft Environmental Impact Report for the Valley Fair Shopping Center Expansion Project H06-027/GP06-T-04. The Cory Neighborhood Association represents approximately 1400 households in San Jose, bordered on the west by Winchester Blvd., on the north by Newhall St., on the east by Bascom Ave. and Interstate 880, and on the south by Forest Ave. For a detailed map of our neighborhood please visit http://www.coryneighborhood.org/map.html

Background

J1 For the past 5 years our Neighborhood Association has been aggressively seeking traffic calming measures and better traffic management of the increasing number of vehicles in our area. Our neighborhood is constantly inundated with cut-through traffic, speeding on major thoroughfares and increased traffic congestion at almost every major intersection around and in our neighborhood. Our attempts to address these issues with traffic calming and other departments within the City of San Jose have not yielded lasting results.

Assessment

Our Association adamantly opposes any further deterioration of intersections around and in our neighborhood without the appropriate measures by the City of San Jose to protect resident safety, acceptable level of service (LOS) at intersections and manageable traffic levels. The cumulative effect of planned developments around our neighborhood (Santana Row expansion, BAREC development, proposed Valley Fair Expansion) will further deteriorate the LOS at intersections that are already operating at or near capacity, further burden a failing freeway interchange at interstate 280/880, and most likely increase the volume of traffic in our neighborhood.

As advocates for our community, we have consistently strived to maintain a positive dialogue with Westfield's Valley Fair over the past 3 years. Rather than fuel an opposition effort against their proposal, we are trying to partner with them to find mutual interests that benefit both our groups. In the long term, this will not be possible without the support and investment in infrastructure by the City of San Jose. We fully understand the importance of further development of retail commerce within the City of San Jose. However it is specifically disadvantageous to our neighborhood to force our residents to completely absorb the impact in exchange for increased sales tax revenue that will benefit the entire City of San Jose. Our residents will have to deal with the aftermath of the proposed developments years after they are finished.

J2

To clarify, we are not explicitly opposed to any new development or expansion for the sake of progress, however we ask that the City of San Jose get serious about making long-overdue improvements to our neighborhood and find ways to manage the traffic congestion, support reasonable LOS at intersections, and protect the integrity of our neighborhood community. We would like to see our neighborhood prosper alongside the development, but we really need the full support of the City of San Jose to make that a reality.

The Cory Neighborhood Association would like to be involved as much as possible in ongoing discussions, comments, and reviews regarding this project. Please keep us informed so that we can represent our neighbors and ensure that this project benefits the City of San Jose and all Cory residents.

Sincerely,
Richard E. Allen

President - Cory Neighborhood Association

LETTER K

Moore, Janis

From: Cameron M. Colson [cameroncolson@californiacompliant.com]
Sent: Wednesday, January 03, 2007 8:45 AM
To: Moore, Janis
Subject: Westfield EIR Comment INPUT

Good morning JANIS.

THANKS FOR THE PING BACK
I HAVE A ?
DOES EMAIL FORMAT WORK FOR COMMENT SUBMISSION?
If yes, please distribute as appropriate.

K1 Is the current STORM WATER POLLUTION PREVENTION PLAN for The Westfield SITE
a.) current, b.) effective and appropriate, c.) Monitored.

K2 I would like to input comment: "Tennant Improvement Projects" result in many common and avoidable Storm Water violations.
RECOMMENED ACTION Unannounced video monitor condition of drainage of site, currently.
Baseline compliance verification is recommended prior to any council action in this matter. Video monitor from the ground all storm drain inlets, giving perspective to the drainage areas into the inlet itself.
Observe inside drain to see the condition of each inlet. Check all loading docks for storm drains. Inspect garbage/refuse areas. Identify surface tracking of residue or other grease from food services. Submit tape to the record in this matter to the city council for their edification.

I believe that there exists reasonable solutions.....economical, effective, and ecologically responsible.

K3 PS there is/was a mobile vehicle detail company operating on this site.
Cameron Colson
408-205-5757

> From: "Moore, Janis" <Janis.Moore@sanjoseca.gov>
> Date: Wed, 3 Jan 2007 07:57:11 -0800
> To: "'Cameron M. Colson'" <cameroncolson@californiacompliant.com>
> Subject: RE: Westfield EIR
>
> Yes, I am the Environmental Manager for that EIR; and Erin Morris is
> the Project Manager for the actual Project Site Development Permit.
>
> Janis Moore, Planner II
> Environmental Review Section
> City of San Jose
> Department of Planning, Building and Code Enforcement 200 E. Santa
> Clara Street, Tower, 3rd Floor San Jose, CA 95113
> T: (408) 535-7815
> F: (408) 292-6055
>
> -----Original Message-----
> From: Cameron M. Colson [mailto:cameroncolson@californiacompliant.com]
> Sent: Saturday, December 30, 2006 7:07 PM
> To: janism@sanjoseca.gov
> Subject: Westfield EIR
>
> Are you the point person at the city for the Westfield EIR?
>
> Cameron Colson
> 408-205-5757
>
>

LETTER L

KATHRYN MATHEWSON
DISTINCTIVE GARDENS
1698 HANCHETT AVE ▪ SAN JOSE ▪ CA 95128
408 ▪ 292 ▪ 9595 Fax: 408 ▪ 292 ▪ 9166

kmathewson@secretgardens.com
www.secretgardens.com

January 8, 2007

Janis Moore, Planner II
Environmental Review Section
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Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

RE: Comments on Draft Environmental Impact Report for Westfield Valley Fair

Dear Ms. Moore:

L1 I attended the hearings at Valley Fair on the expansion and signed my name to receive further information. I am amazed that you have left out the concerned citizens in informing them about the Westfield Valley Fair Draft Environmental Impact Report (DEIR). I have received nothing from you and only by chance received information from a Save BAREC member a few days ago. Thank you for extending the comment period so my voice could be heard. However, I am afraid that many other voices will not be heard because they are unaware of this DEIR.

I live within a mile of Valley Fair and lived here when it was first built. My family and neighbors visited Valley Fair regularly until the last time it was enlarged and expanded. This expansion made it feel like a walled complex that isolated it from the community. Therefore, it has become a very unfriendly place to visit. Now we never visit it. It is not a place for the local neighborhoods but instead a place for commuters. The new proposals are making this problem even greater. Following are the problems with the expansion as I see it from a professional landscape architecture perspective:

L2 1. **The traffic problems at #280 and #880 must be solved before any expansion takes place near this intersection.** There should be no more development until the traffic problem has completely disappeared. As indicated on the front page of the San Jose Mercury News (http://www.mercurynews.com/mld/mercurynews/16213031.htm), the top three worst intersections in the Bay Area are at this intersection. I will be sending you a picture of the traffic here at Christmas taken from the air. The State made more money from the sale of the Agnew property than all other land sales in its history and this money should be returned to our community. This is how you could get the money to fix this problem. See the attachment on "The Dirty Dozen", Mr. Roadshow's worst intersections.

L3

2. **Regional traffic and traffic to Valley Fair is going through the neighborhoods to avoid #280 and #880.** This is creating a very adversarial relationship between Valley Fair and the neighborhoods around it. The City of San Jose should care more about its citizens and creating quality of life for them than continuing to build a complex that creates problems for the community and is isolated from the community.

L4

3. **Placing a many stories high parking garage directly up from the sidewalk along Stevens Creek will create a walled complex and is the best indicator of how the pedestrian is not being considered in this new expansion.** This is reinforcing the current unfriendly pedestrian problem and making it even worse. The view along Stevens Creek of this parking garage is ugly and a very inhuman scale and will surely keep pedestrians off the sidewalks. In fact, the elevations of the entire project from the streets are ugly and should be addressed from a pedestrian perspective. San Jose is spending a huge amount of money to get people to take public transportation and to walk. Approving these kinds of details is going in the opposite direction.

L5

4. **The walking experience between existing adjacent land usages into Valley Fair should be considered.** For example, the regional bus stop should have pleasant walks to the complex. Currently people must walk through dangerous parking lots to get inside. Also, there are many seniors living in senior complexes in the neighborhood and the traffic is too dangerous and fast for them to cross the streets to get into the complex. Possibly there should be walkways over Winchester Blvd. and Stevens Creek that arrive inside buildings. Pleasant walking connections to Santa Row, the Winchester Mystery House (registered as a national historical building), and the BAREC agricultural land (note that BAREC is currently on the San Jose Parks Department map as a possible park and will soon be registered as a historical landmark because of his historical contribution to our community since the 1880s) must be considered in the Valley Fair expansion plans. Even walking from a current parking space through the complex is not pleasant, dark, and unsafe. It is important that all plans link these important places to Valley Fair. This is an opportunity for San Jose to create a wonderful and diverse experience for its visitors.

L6

5. **Read "Urban Sprawl and Public Health" by Howard Frumkin, Lawrence Frank, and Richard Jackson.** The classic mistakes cities are making regarding transportation and public health problems are continuing with the direction this DEIR is talking for our land use. Only when the problems are corrected should there be an expansion of Valley Fair and Santana Row.

Thank you reading my thoughts and, hopefully, addressing them for a better San Jose.

Sincerely,

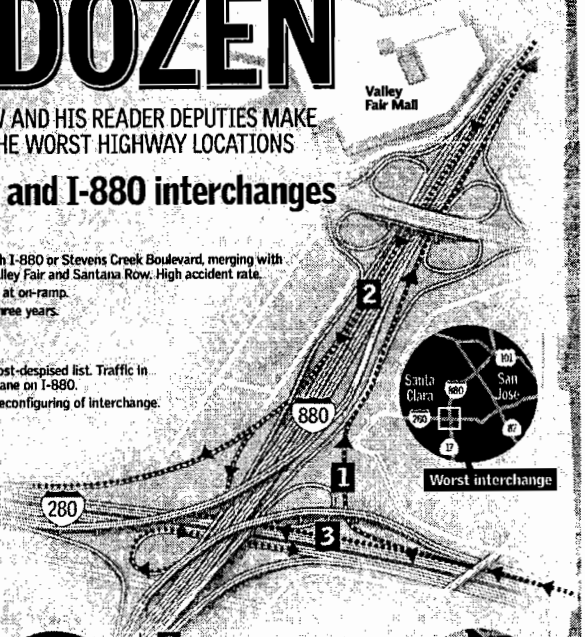
Kathryn Mathewson
Owner, Secret Gardens
President, Save BAREC

BAY AREA S LEAST WANTED

THE DIRTY DOZEN

ONCE AGAIN, MR. ROADSHOW AND HIS READER DEPUTIES MAKE THEIR ANNUAL PICKS FOR THE WORST HIGHWAY LOCATIONS

THE WORST: I-280 and I-880 interchanges



1 North I-280 to North I-880

Problem: One lane takes I-280 traffic to north I-880 or Stevens Creek Boulevard, merging with traffic from Highway 17 — most headed to Valley Fair and Santana Row. High accident rate.
Solution: Separate lanes to end nasty merge at on-ramp.
When: Construction could be under way in three years.

2 South I-880 to I-280

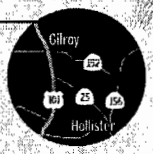
Problem: A newcomer on the Dirty Dozen most-despised list. Traffic in exit lane spills back for a half mile into slow lane on I-880.
Solution: Second lane may be added during reconfiguring of interchange.
When: Work could begin in three years.

3 North I-280 at I-880

Problem: Freeway narrows to three through-lanes under I-880 as slow lane disappears.
Solution: None planned.
When: It may be this way for years.

AND THE REST

4 Hwy. 152 at Hwy. 156



Problem: Good Samaritans headed east on 152 stop to allow westbound traffic to turn left onto 156. Backups can extend 10 miles. On the morning of Thanksgiving Day, it took an hour to cover this stretch.
Solution: Flyover ramp needed.
When: Construction should begin in the spring.

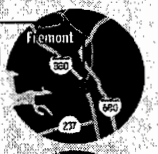
5 North I-880 to east I-238

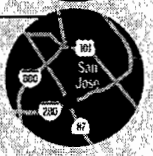
Problem: Slow lane from north I-880 backs up at 4 p.m. — on a Sunday!
Solution: Work just beginning to widen I-238 to six lanes between I-580 and I-880; add merging lanes on I-238 and I-880 and rebuild the north I-880 to south I-238 ramp.
When: Four years before there is relief.

6 Hwy. 85 at Hwy. 101

Problem: Merging woes as motorists from 85, 101 and Shoreline Boulevard try to reach Old Middlefield Road exit.
Solution: Carpoolers from 85 should take non-carpool ramp to 101 to exit at Old Middlefield, and not try to veer across four lanes of traffic.
When: Try it now.

7 Mission Blvd. at I-880 and Hwy. 87 at I-280



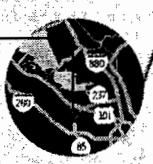


Problem: A tie. Many, many complaints, but heavy-duty construction gets most of blame.
Solution: New lanes, new ramps coming.
When: Hwy. 87 widening will be completed mid-2007; Mission-880 upgrade will take two more years.

8 FasTrak lanes at San Mateo and Dumbarton Bridges

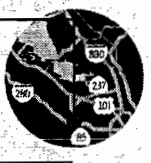
Problem: Not enough of them, and they aren't long enough.
Solution: New, longer lanes are in the plans.
When: April.

9 Hwy. 85 at Hwy. 237



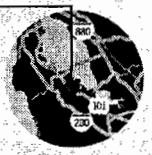
Problem: Outdated ramp can't handle traffic exiting from north 85 to 237, spilling out into slow lane of 85.
Solution: Rebuild interchange.
When: On long-range, 30-year county wish list. For now, take Moffett Boulevard exit.

10 Hwy. 85 at I-280



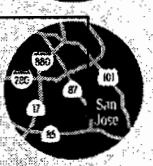
Problem: Ramp to north I-280 and off-ramp to Foothill Expressway are too close together.
Solution: Flyover ramp to separate traffic going to Foothill from I-280.
When: Anyone's guess. A decade perhaps.

11 Hwy. 101 on Peninsula



Problem: Carpool lane ends near Whipple Avenue in Redwood City.
Solution: To extend diamond lane to San Francisco would require monumental shift in state policy, which prohibits converting existing lane into a diamond lane.
When: Not in Roadshow's lifetime.

12 Narvaez Ave. at northbound Hwy. 87



Problem: Drivers turn from straight-only lanes, jamming up entrance to freeway.
Solution: No right turn on red sign recently installed, but has many drivers irate. Opening new lanes on 87 may ease overall commute.

Source: Mercury News reporting

MERCURY NEWS

LETTER M

Moore, Janis

From: Margo Wixsom [wixword@sbcglobal.net]
Sent: Saturday, January 27, 2007 12:33 AM
To: Janis.Moore@sanjoseca.gov; kirk@savebarec.org
Subject: Valley Fair Expansion Plan

Dear Ms. Moore,

M1 I am writing to express some of my concerns about the proposed expansion plan of valley Fair Mall. As a resident of Santa Clara who lives within a mile of the mall I have several essential issues that I would like the expansion plan to address and incorporate if it is to move forward. The development of Santana Row opposite the Valley Fair Mall has put extreme pressure on the traffic and land resources in that section of Santa Clara County. Currently the exit ramps off 280 leading to the mall are a major hazard area due to single lanes trying to accommodate hundreds of cars at all times of the day. All of that traffic is heading to the megacomplex of combined malls at Stevens Creek and Winchester. Any expansion plans need to address major changes to the traffic flow BEFORE any expansion should be approved. Any commercial expansion in this currently congested area aggravates an already dangerous situation. The plan must include cooperative funding with state and federal planners to expand and fix the current exit on 280 that drastically conflicts with the exits for Route 17 and 880 due to the excessive amount of mall traffic blocking that interchange.

M2 My second major concern is that the intensification of commercial building in this area MUST be balanced with the development of green spaces for the environmental health of your community. Currently the open space at the former BAREC site would provide an excellent balance to this extreme commercial development. I am requesting that the plan for expansion include incorporating the development of the BAREC land for community green space. Currently the only municipality that opposes the use of this land for green space is the Santa Clara City Council. Theire rationale for opposition is that there is no funding for green space development. The San Jose City Council and District 6 are in favor of sourcing funding to develop the BAREC land as a green space. I would strongly urge that one of the stipulations of the expansion plan is to get Santa Clara, San Jose, state and county municipalities to join together to fund the development of BAREC as a green space to balance the concentration of commercial development in this area. As an area resident I know how important it is to provide balanced areas of green space amid the commercial development.

Thanks you for your consideration.
Sincerely,
Margo Wixsom
623 Viader Court
Santa Clara, CA 95050

LETTER N

-----Original Message-----
From: Andres Cathalifaud [mailto:cathalifaud@sbcglobal.net]
Sent: Saturday, February 10, 2007 2:26 PM
To: Janis.Moore@sanjoseca.gov
Cc: Kirk Vartan
Subject: The absurdity of Valley Fair expansion
Importance: High

Dear Ms. Moore

Valley Fair expansion?

Valley Fair? What Valley? What Fair? It looks like many just like the $ound of those names but completely ignore the deeper meaning of the words. And what "expansion" is that? Income perhaps? On the other hand, to leave BAREC as an open community space IS the true expansion, a reminder of a true valley and a fair.

And why at BAREC? Don't we have already enough empty structures to occupy?

For year I have observed how the many, empty industrial/corporate buildings that populate our old orchards continue to gather dust, while new and old powerful companies continue to erect new structures, seemingly oblivious to the reality that surrounds us all, those empty carcasses lefts after the dot.com bust. None of these corporate and commercial monsters seem to find value in the perfectly constructed buildings in perfectly maintained land.

N1

How is this possible? Why is it that the city of San Jose, Santa Clara, Sunnyvale, the county, the state, do not regulate this wild out-of control activity?

What is this hunger to continue to cover with cement and concrete places like BAREC? What is next? The hills between San Jose and Santa Cruz? Why not a big, long mall there? Perhaps we just don't have enough $200 sweaters to clothe our population ...

Please, allow the green space at BAREC to remain so, as an open community space, free of sales signs and artificial fashionable perfumes.

This land of ours is precious and not meat to be sold to the best bidder nor to the most awesome promise of riches.

This land we own needs room to breathe and remind us all where we come from and where we'll end up. Who wants to lie down under smelly shops and numb shoppers hunting for the latest toy to keep them unconscious? Don't we all dream of the eternal nigh under trees and flowers?

Well?

Let the garden be!

Sincerely,

Andrés F. Cathalifaud
San José, CA

LETTER O

From: Joe Chang [mailto:jc32665@yahoo.com]
Sent: Saturday, February 10, 2007 3:42 PM
To: Janis.Moore@sanjoseca.gov
Subject: Valley Fair Expansion

Dear Ms. Moore,

I am writing to express my concern regarding the proposed expansion of Westfirld's Valley Fair Mall. I am a homeowner living in the subdivision bounded by Moorpark, Stevens Creek, Basom and Hwy 880/17. As you can see I am VERY close geographicaly to the Westfield/Valley Fair site.

O1 My first concern is congestion, traffic, and parking. I am concerned that there will be inadequate upgrades to the roads, crosswalks, traffic signals. I am well aware that there was an independant study/survey to the area before Santana Row received it's approval, however I do not feel that the upgrades were adequate to accomodate the extra traffic generated. Traffic headed to area is regularly backed up maybe up to 1/4 mile onto the northbound 280 freeway. Drivers NB on 280 regularly ignore waiting in line and skip to the front of the line, only to brake heavily at last possible moment to merge into the exit lane for NB 880/Stevens Creek/San Carlos. The same situation repeats itself approaching the area from EVERY direction on every freeway and surface street.

My second, and perhaps greatest concern is walking to and from Valley Fair/Santana Row. I and my neighbors regularly frequent Santana Row, and Valley Fair. We love it!! However, the walk is treacherous. Specificaly, where Stevens Creek overpasses 880/17. This stretch is VERY dangerous. The ON and OFF ramps are EXTREMELY hazerdous for pedestrians. Drivers subconsiously "forget" to look for pedestrians and are
O2 automaticaly in the mindset to check over their shoulder (away from oncoming pedestrians) to merge in w/ traffic onto Stevens Creek/San Carlos.

These concerns are not only frustrating, more so they are DANGEROUS.

My question is this: What do you and your office suggest be done in order to address the two concerns listed above?

Sincerly,
Joseph Chang
415 Patch Ave
San Jose, CA. 95128

LETTER P

From: threefifth@aol.com [mailto:threefifth@aol.com]
Sent: Saturday, February 10, 2007 6:26 PM
To: Janis.Moore@sanjoseca.gov
Subject: BAREC

P1 Please consider the BAREC property as a possibility for open space. The coming expansion of both Valley Fair and Santana Row could be slightly mitigated by this open space. Thank you.
Jeff Land
threefifth@aol.com

LETTER Q

From: Angela D'Orfani [mailto:adorfani@pacbell.net]
Sent: Sunday, February 11, 2007 4:16 PM
To: Janis.Moore@sanjoseca.gov
Subject: Valley Fair Expansion

Q1 Regarding the intersection of Stevens Creek and Winchester Blvd., which will be severely impacted by the further expansion of Valley Fair, it is my understanding that this is a "protected" intersection meaning no further remediation will be done to improve the flow of traffic through this intersection regardless of how bad it gets or what other development projects adversely effect the situation. When it goes to a grade "F" that's the way it is the city is not responsible. I don't understand how this can be a protected intersection when there is still a remediation project that can be done to improve the traffic flow. Unlike the other three corners at this intersection the northwest corner of the intersection has no right turn only lane. The addition of such a lane would improve the flow of traffic on southbound Winchester Blvd to westbound Stevens Creek Blvd. Q2 Why was this lane not added before designating the intersection as protected?

Sincerely
Angela D'Orfani

LETTER R

From: Barbara Ferrell [mailto:barbara-ferrell@sbcglobal.net]
Sent: Sunday, February 11, 2007 4:47 PM
To: Janis.Moore@sanjoseca.gov
Subject: Westfield Expansion

Dear Ms. Moore,

R1 I am writing regarding the proposed expansion of Valley Fair shopping center. I think it is important to keep in mind the other proposed development in the area i.e. BAREC and Santa Row's expansion. Traffic of Winchester Boulevard and Stevens Creek is already so congested, cutting through the Cory neighborhood is an attractive alternative. If the expansion is approved - and I hope it is not, I think Westfield should pick up the tab for the necessary traffic improvements in the surrounding areas.

Sincerely,

Barbara G. Ferrell, RN, BSN, PHN

LETTER S

-----Original Message-----
From: alex_morgan@wvmccd.cc.ca.us [mailto:alex_morgan@wvmccd.cc.ca.us]
Sent: Monday, February 12, 2007 10:18 AM
To: Janis.Moore@sanjoseca.gov
Subject: Shopping center expansions

S1 These large complexes create such traffic and people congestion that they discourage people like me from shopping at these places. They create large concentrations of pollution due to traffic congestion and waste lots of personal time navigating them. I and others like myself prefer smaller centers near by where we can quickly walk or take a short drive get what is needed and get back to things I need to do!

--
Regards
Alex Morgan
Lab Faculty Specialist
West Valley College
14000 Fruitvale Ave
Saratoga CA 95070
408 741 2686

LETTER T

From: linda perrine [mailto:strangefirewillow@yahoo.com]
Sent: Monday, February 12, 2007 12:23 PM
To: Janis.Moore@sanjoseca.gov
Subject: Valley Fair EIR Comments

Dear San Jose City Government,

With the planned **expansion** and further **enrcoachment** of the Valley Fair/Westfield Mall it is **IMPERATIVE** that the City of San Jose do **EVERYTHING** within it's power to see to it the the BAREC site located near the shopping center is purchased by the city and declared **OPEN SPACE**. Our new mayor, Mr. Reed, MUST have enough foresight and intelligence to realize that any other use of the BAREC space would be an absolute tradgedy. The SummerHill Homes profit machine, which manufactures and delivers fabricated, misleading, and felonious information to the general public about the BAREC project needs to be held accountable for its actions. The City of San Jose, the City of Santa Clara and the County of Santa Clara, owe it to future generations to preserve what LITTLE open space remains in District 6 of San Jose and District 4 of the County.

T1 **The BAREC property should become an educational urban farm providing education to the San Jose and Campbell School Districts. Additionally, it would provide local food production, in the form of an organic vegetable & fruit farm, to the local residents of this dense urban area. It would also serve to provide community events (Harvest Festivals), workshops to the public on gardening, and provide a beautiful public open space and farm for people to enjoy 7 days a week during daylight hours. This same idea has been welcomed with open arms by Santa Clara Unified School District on 11 acres of their Peterson Middle School open space.**

With the history of this valley having contributed so extensively to California's agricultural heritage, it is shameful that none of the City governements in Silicon Valley will recognize the historical importance of protecting one of the last agricultural parcels in this valley and educating its future generations on the importance of agriculture in their lives!

Respectfully,

Linda Perrine
Farmer, Full Circle Farm, Sunnyvale
Environmental Educator, Walden West Outdoor School
2345 Lindaire Ave
San Jose, CA 95128

LETTER U

From: samccray@aol.com [mailto:samccray@aol.com]
Sent: Monday, February 12, 2007 3:53 PM
To: Janis.Moore@sanjoseca.gov
Subject: Valley Fair Expansion

U1 I oppose the expansion of the shopping center because the traffic in the area cannot support this type of development. Further, the University of Washington recently completed a study confirming that long term exposure to fine particles, such as emitted from vehicle exhaust, will cause serious health issues, especially women.

More women in the neighborhood will be exposed and die because of the anticipated congestion.

Sharon McCray
3767 Xavier Court, Campbell, CA 95008
Daytime telephone: 408-264-9654
FAX: 408-264-3014

February 12, 2007

Janis Moore, Planner II
Janis.Moore@sanjoseca.gov
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Ms. Moore,

V1 As your email states, today (Monday, February 12, 2007) is the final day for public comment on the Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04). I have included a number of attachments for you to include in your report and will look forward to your office's response to them. I would greatly appreciate it if you could be as detailed as possible in your responses.

V2 I have also included copies of documents and notes regarding the BAREC property. Please include them in the public record. It is critical that San Jose get involved in saving this property from development. On page 127/128, the Draft EIR states that "Trees would also be Valley Fair Shopping Center Expansion 128 Draft EIR City of San José December 2006 removed as part of the BAREC project; however, it is believed that no trees would be removed as part of the Santana Row project." Please define what trees you are referring to and why they would be removed on the BAREC property. The BAREC site is across from Valley Fair and I do not understand why any resources would be affected by a Valley Fair development.

V3 I did not see any description of how the Dorcich intersection light moving would be addressed. How will is affect traffic for the neighbor in Santa Clara? Will now infrastructure be needed? Will this be signalized? What about right turn only? I do not see any diagrams or pictures of what would happen once the supermarket and drug store move. How will that line up with the current light? How will Dorcich residents make a left onto Winchester? What happens when the traffic builds up?

V4 What date was the City of San Jose informed about this project (i.e., when did you first know that it may or may not occur)? Was the City of Santa Clara a part of this discussion? When were the local government agencies informed of this proposal, even in an informal setting? Who was told?

V5 I have provided additional questions and comments in the sections below. Please provide as much detail as possible.

The intersection at Stevens Creek and Winchester Blvd.
Regarding the intersection of Stevens Creek and Winchester Blvd., which will be severely impacted by the further expansion of Valley Fair. The intersection is designated as "protected" meaning no further remediation can be done to the intersection and the Level Of Service (LOS) can fall from "D" to "F" with a development and only a financial penalty will occur. There are three problems with this in regards to this particular intersection:

V5

1. The intersection is not fully built out. It currently has three areas for right turns (Steven Creek headed East, Stevens Creek headed West, and Winchester headed North). There is NO right lane on Winchester heading South. This is a development that would help the intersection and traffic flow. Why is this intersection considered "protected?" The basic requirements have not been met.

V6

2. Once a development like the one Valley Fair is proposing is completed, the intersection will get more impacted. I do not think anyone will argue this point. Even the slanted analysis in the Draft EIR of this intersection shows the intersection falling to "F." There is a clause in the definition for this "protected" status that states that the designation of "protected" ceases should a development affect more than one traffic light. The Draft EIR states that there is a desire to remove the light on Dorcich and Winchester. This is a simply ploy to get around the issue of impacting more than one light. Further, if that light is not removed, the impact will easily migrate to the TWO lights on Winchester and Forrest Avenue, just a few hundred yards from the Dorcich light. That is THREE lights that will be affected by the increased traffic from a development.

V7

3. Should the City of Santa Clara proceed with their development of the BAREC property, additional residential traffic would be generated and even more impact to the intersection would occur.

V8

Please address each item above and give a more detailed analysis of how traffic would flow if lights were NOT removed and how that affects the "protected" status of the intersection of Stevens Creek and Winchester Blvd. Further, if the City of Santa Clara builds 165 units of senior housing on the property (high density), the speed limit will need to be reduced to 25 mph as it is in front of Valley Village just ½ mile north of the Forrest intersection. How have your traffic calculations taken this scenario into consideration?

V9

I would also like to formally challenge the intersection at Winchester and Stevens Creek for "protected" status. Please forward this to the appropriate people and give the reasons I listed above. I would like to meet with or discuss with the appropriate people.

V10

Parking and traffic during busy times
As you will see in the attached photograph (I will send in a separate email since this email is large and so are the pictures), cars going to the mall impact the neighborhood. These pictures were taken on December 23, 2006 and shows the

many areas where cars will just park. They park in the neighborhood, along Winchester (outside of BAREC), along Dorcich, along Forrest, and just about everywhere they can. This will only get worse. Only people coming from the highway will be able to easily get to the new parking structures, so the neighborhood impacts will continue.

V11 Also, look at the traffic backup on 880 South, 17 North, and San Carlos. This will continue until the highway system is fixed. The development should not be allowed to proceed until the traffic issues are worked out and the highway situation is resolved. If this is not a requirement, you must detail to me how the air pollution will be addressed as well as the safety concerns and neighborhood impacts to the surrounding neighborhoods will be addressed.

V12 **Walking ramp over Stevens Creek Blvd.**
I think it is critical to remove as many people from crossing Stevens Creek as possible. It is already a problem since all traffic needs to stop fro over a minute to let pedestrians cross Stevens Creek to get to Valley Fair or to Santana Row. If a walking bridge is installed, pedestrians can easily and safely cross Stevens Creek without creating a problem for traffic. There are many ways to implement this. You could have a ramp style that is at grade with the street and arches up. Or, a better solution would be to make it a flat walking bridge, anchoring into part of Macy's or The Cheese Cake Factory (with elevator access for ADA needs and a staircase) and go directly over to Crate and Barrel. If private land is an issue, I am sure a creative way for a portion of the footprint for the bridge could be made to encourage the private owners to do this. On the south side, there is an existing open space that could be the touch down point if Crate and Barrel is an issue. Again, this is an area for Santa Clara and San Jose to work together to create a more pleasant environment for everyone. Look at the bigger picture with Santana Row's growth that is occurring at the same time. DO NOT look at the Valley Fair Expansion in a bubble. Look at how it impacts the surrounding areas and resources and figure out a way to leverage the significant development that is going to take place. Valley Fair will grow 35%. That is a lot of money for everyone and some of that needs to go back into the community to make it more livable for everyone. Long term planning (like keeping pedestrians safe, allowing bikes to cross safely, allowing wheelchairs to cross safely, allowing seniors to cross safely, etc.) needs to be a key element in the approval of any plans. The money exists now and will fund this type of asset to the community. It makes sense as is in line with commercial planning.

V13 Further, please give a detailed air quality study of what the impact is when 100s of vehicles every light sit and wait for pedestrians to cross the street. What is the impact to the air quality and the atmosphere? What is the impact to wasted resources (e.g., fuel)? How much would be saved by installing a walking bridge in terms of safety and insurance premiums? Have there been any accidents at the Santana Row street intersection? Has anyone been hurt crossing the street? One of the elements Valley Fair is adding is MORE walking access to Santana

V13

Row. This will just make the traffic issue worse since the light will have to be longer. Please give exact measurement on the width of the street and how long you are allowing people to cross the street at this particular location. I am not referring to Stevens Creek and Winchester; I am referring to Santana Row (Cheesecake Factory/Macys to Crate and Barrel). What is the impact to the people waiting at the crosswalk with all the cars going by and how much exhaust and air pollution are they inhaling while waiting to cross the street?

V14

The need for a balance of Open Space
The land known as BAREC, located at 125 Winchester Blvd. in Santa Clara sits directly across from Valley Fair. To draw a parallel to NYC, my home, Central Park is 843 acres of the most valuable land in the world. It will never be developed. Why? Because the city planners knew how important it was to balance development with open space. The same is true here, just on a smaller scale. Valley Fair is going to grow to over two million square feet of commercial development. Santana Row is going to grow by 20-30% and maybe more the Century Theater and neighboring buildings become targets. The BAREC site is 17 acres of undeveloped, public land. Approval of this development should be contingent on creating open space in the area since Westfield will make hundreds of millions of dollars from Valley Fair commercial growth. Westfield needs to give back to the community and helping to sponsor the preservation of this open space would be a great way to do this. Santana Row can help. The City of San Jose can help. Grant money can do the rest, but it is critical that exploring how this can help offset the massive amounts of traffic and influx of vehicles to the area. Once people are out of their cars, parked in one of the two new five story parking garages, they can shop and also take a break in an open, public space.

V15

A way Westfield could help fund this would be to create yet another walking bridge across Winchester Blvd. This would provide a safe way for people to cross Winchester and not stop the flow of traffic. Please provide the impact to traffic when people are trying to cross the street and how much does that affect traffic flow? What are the air quality issues with that? The walking bridge can originate at the existing four story parking structure on Forrest and Winchester and drop down direction behind the Veterans building. Again, elevators would be provided for ADA and other needs.

V16

This all leads to how can the City of San Jose leverage the massive growth that Westfield wants to do in a primarily residential area. San Jose needs to look at the long term effects of this development and acknowledge that traffic will increase significantly and do what ever it can to help make that reality more palatable for the neighborhood and the general area. Show leadership in commercial planning and development. There is an approval process for a reason and that is to insure all views are considered and the public is looked after. No plans are final until San Jose agrees with the plan. Where are the

plans for how Westfield will embrace the BAREC property if it remains open space or becomes a active farm again?

Highway 280/880/17 interchange

This intersection is a disaster. During the holidays, it is common for the off ramp to Stevens Creek coming south on 880 is backed up past the Bascom exit. This is also true from coming north on 17 to Stevens Creek. I have seen the plans the county/state are proposing for making this intersection better; however, this plan has absolutely nothing to do with Westfield's plan for Valley Fair. Before any development occurs at Valley Fair, the highway situation needs to be corrected. Period. There should be no negotiation on this point. Before Westfield tries to (and will) drive more traffic to their mall, the artery (highway) system needs to be fixed. If it takes a couple of years for the state to get it together, so be it. To allow for massive commercial development where it is anticipated that an additional two five story computerized parking structures will be in complete use without a way for traffic to flow to the destination is foolish and irresponsible. If you are not going to make the fixing of 880/280/17 a prerequisite to the approval of the development, please provide a detailed description on why. How will the new traffic be handled? What happens to new traffic that will start flooding the area? What happens when Santana Row expands? Will Santana Row's development be contingent on highway improvements? Any form of development that occurs in this area needs to be predicated on an improved ingress and egress system. If one does not exist, you will simply break even more and already broken interchange. Refer to the attached document entitled "dirtydozen.pdf" where the San Jose Mercury News designates the 880/280/17 as the top three worst intersections in the Bay Area. How can an application for 35% growth with the goal of thousands of more vehicles coming to the area be approved if the highways that get people to the project site is already broken? Why would the city approve something like this without first fixing the problem? I know the City of San Jose is not responsible for fixing the highways, but it is responsible for making sure the community runs well and is not over-burdened with problems. I ask that you provide a contingency on the plans that require the highway system be fixed before approval can begin. That will make Westfield unhappy, but it will insure that the community is properly serviced by the infrastructure. I have already witnessed three major accidents at Cypress Ave and Stevens Creek in the past three months. More cars mean more accidents and more traffic. Fix the problems before they get worse. Allowing development without having the proper infrastructure in place is foolish and not in the citizen's best interest.

V17

Here is a quote from the article:
http://www.mercurynews.com/mld/mercurynews/16213031.htm

"Traffic jams at the Interstate 880-280-17-Stevens Creek interchange used to be Silicon Valley's unwanted Christmas present, a seasonal sabotage perpetrated

V17

by thousands of cars converging on the Valley Fair and Santana Row shopping centers.

Now we're getting that gift almost every day, all year long."

V18

Green/Environmental Issues
Any future development of the Valley Fair site should be required to use green materials and use green power. Westfield is very progressive in how it develops its malls, and this should be no different. Solar and green power should be a requirement. Sustainable systems (both construction and waste) need to be put in place. Remember, any major development requires ALL parts of the mall to be brought up to current codes and environmental regulations. Please detail all of the environmental improvements that will take place in the new development and the existing stores/locations. How will the construction pollution be offset? What air quality issues will occur from the construction?

V19

Traffic Studies
There is a lot of traffic analysis in this report. Please provide an analysis of past traffic projections from the prior Valley Fair expansion and determine if the original projections were accurate. Please do the same with the Santana Row traffic studies. I mention Santana Row since it is entirely in San Jose so San Jose was the lead agency in that development. How accurate were the traffic studies. Please be specific and detailed in your explanation. I examined the data in the current study, and it shows that the Stevens Creek/Winchester will only be minorly affected. Please. Just go out there and look for yourself. Just because you have a couple of data points does not make a trend. Further, adding a single left turn lane will not fix everything. The intersection is already operating below LOS D, something your report does not say. This intersection is one of the worst. By taking two feet of curb out to allow for a left turn lane to Stevens Creek will not fix the problem. Again, you have some nay "depending on the City of Santa Clara" statements that it is almost worthless to give as an option. The same for the City of San Jose. The fact is, if the improvements are not allowed, the intersection will get worse and the quality of life here will go down. If there are no improvements, what are the plans to make it work better? Maybe the financial penalties can go towards a walking bridge over both Stevens Creek and Winchester. These roads are not safe to cross. Please measure the distance from curb to curb, calculate a few different walking patterns (i.e., child, teenager, adult, senior, wheel chair, person with walker, person with cane, etc.) and determine the amount of time needed to cross the street. Now determine how much backup traffic occurs when the needed time is provided to cross safely. It cascades. Look at how NYC does traffic studies. If there is a traffic jam, for every minute of delay, it cascades to five minute of future delay. It gets worse and worse the longer it takes to clear the traffic. Same holds true for any flowing system. Traffic that backs up at a light (say Stevens Creek/Winchester or Stevens Creek/San Tomas or Stevens Creek/Saratoga) causes multiple

problems down the line and for a significant time. Please provide this type of analysis for how light delays will impact the area. Please give a radius of two miles.

San Jose and Santa Clara working together

V20

San Jose and Santa Clara need to work closely together on this since the mall is in both cities as are many of the intersections. You need to look at **ALL** of the development going on and what the best plan is for the area. Look at Valley Fair, Santana Row, and BAREC. Here are three areas that are within a stones throw of each other and each one has its own EIR and plan, yet none of them tie into each other or relate to each other. Take this opportunity to look at all the development activities in the area and see how they can best work together. Once these decisions are made, they cannot be changed. You have a unique opportunity to insure the **area** is developed correctly and not haphazardly. Since all these development applications are being considered now, look at them together and look at the big picture. Look at how this will evolve over the next 20-50 years....or the next 200 years. How will you have impacted the area in a positive note? I am not suggesting you deny the Valley Fair expansion. I like the idea of developing commercial land more effectively and more densely....I'm from NYC, that's what I am used to. Go up, not out. But since all these changes are happening at the same time and no one city has control over all parts, it is critical that you look at all aspects. Do not rush to make this decision and approve the application just because the cities will make lots of money in tax revenue and permits. Look longer term than that. You need to explore how the area will sustain itself over the long haul....beyond your lifetime....beyond your grand children's children's lifetime.

V21

There needs to be a balance of development and open space. Push for that in all development applications. BAREC is as a resident sated "a no brainer" to keep as open space since it is already open space, not developed in any way, and public land owned by the state. Look at how Santana Row, Valley Fair, and BAREC can build a community....but also look at how people will come and go to the community. If the infrastructure is not correct, all you will have created is a mess that will be very costly to fix. And the citizens will be very angry because you had the chance to do the right thing.

So please, do the right thing.

Regards,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

More views from others in case they did not get to you:

REFER TO LETTER M

I am writing to express some of my concerns about the proposed expansion plan of valley Fair Mall. The development of Santana Row opposite the Valley Fair Mall has put extreme pressure on the traffic and land resources in that section of Santa Clara County. Currently the exit ramps off 280 leading to the mall are a major hazard area due to single lanes trying to accommodate hundreds of cars at all times of the day. All of that traffic is heading to the mega complex of combined malls at Stevens Creek and Winchester. Any expansion plans need to address major changes to the traffic flow BEFORE any expansion should be approved. Any commercial expansion in this currently congested area aggravates an already dangerous situation. The plan must include cooperative funding with state and federal planners to expand and fix the current exit on 280 that drastically conflicts with the exits for Route 17 and 880 due to the excessive amount of mall traffic blocking that interchange.

Another concern is that the intensification of commercial building in this area MUST be balanced with the development of green spaces for the environmental health of your community. Currently the open space at the former BAREC site would provide an excellent balance to this extreme commercial development. I am requesting that the plan for expansion include incorporating the development of the BAREC land for community green space. Currently the only municipality that opposes the use of this land for green space is the Santa Clara City Council. Their rationale for opposition is that there is no funding for green space development. The San Jose City Council and District 6 are in favor of sourcing funding to develop the BAREC land as a green space. I would strongly urge that one of the stipulations of the expansion plan is to get Santa Clara, San Jose, state and county municipalities to join together to fund the development of BAREC as a green space to balance the concentration of commercial development in this area. As an area resident I know how important it is to provide balanced areas of green space amid the commercial development.

REFER TO LETTER N

And some comments by others in case they did not make it to you:

Dear Ms. Moore

Valley Fair expansion?

Valley Fair? What Valley? What Fair? It looks like many just like the $ound of those names but completely ignore the deeper meaning of the words. And what "expansion" is that? Income perhaps? On the other hand, to leave BAREC as an open community space IS the true expansion, a reminder of a true valley and a fair.

And why at BAREC? Don't we have already enough empty structures to occupy?

For year I have observed how the many, empty industrial/corporate buildings that populate our old orchards continue to gather dust, while new and old powerful companies continue to erect new structures, seemingly oblivious to the reality that surrounds us all, those empty carcasses lefts after the dot.com bust. None of these corporate and commercial monsters seem to find value in the perfectly constructed buildings in perfectly maintained land.

How is this possible? Why is it that the city of San Jose, Santa Clara, Sunnyvale, the county, the state, do not regulate this wild out-of control activity?

What is this hunger to continue to cover with cement and concrete places like BAREC? What is next? The hills between San Jose and Santa Cruz? Why not a big, long mall there? Perhaps we just don't have enough $200 sweaters to clothe our population ...

Please, allow the green space at BAREC to remain so, as an open community space, free of sales signs and artificial fashionable perfumes.

This land of ours is precious and not meat to be sold to the best bidder nor to the most awesome promise of riches.

This land we own needs room to breathe and remind us all where we come from and where we'll end up. Who wants to lie down under smelly shops and numb shoppers hunting for the latest toy to keep them unconscious? Don't we all dream of the eternal nigh under trees and flowers?

Well?

Let the garden be!

Sincerely,

Andrés F. Cathalifaud
San José, CA

From: Kirk Vartan [mailto:kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - photos part 1

February 12, 2007

Janis Moore, Planner II
Janis.Moore@sanjoseca.gov
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Ms. Moore,

V22

Here is the first of two photos for you to look at. They show the Valley Fair area on December 23, 2006. As you can see, the traffic is piled up and backed up along 880 south, 17 north, San Carlos to Stevens Creek, and people are parked all over the neighborhood. Please make sure you place this in the EIR and detail how these issues will be addressed.

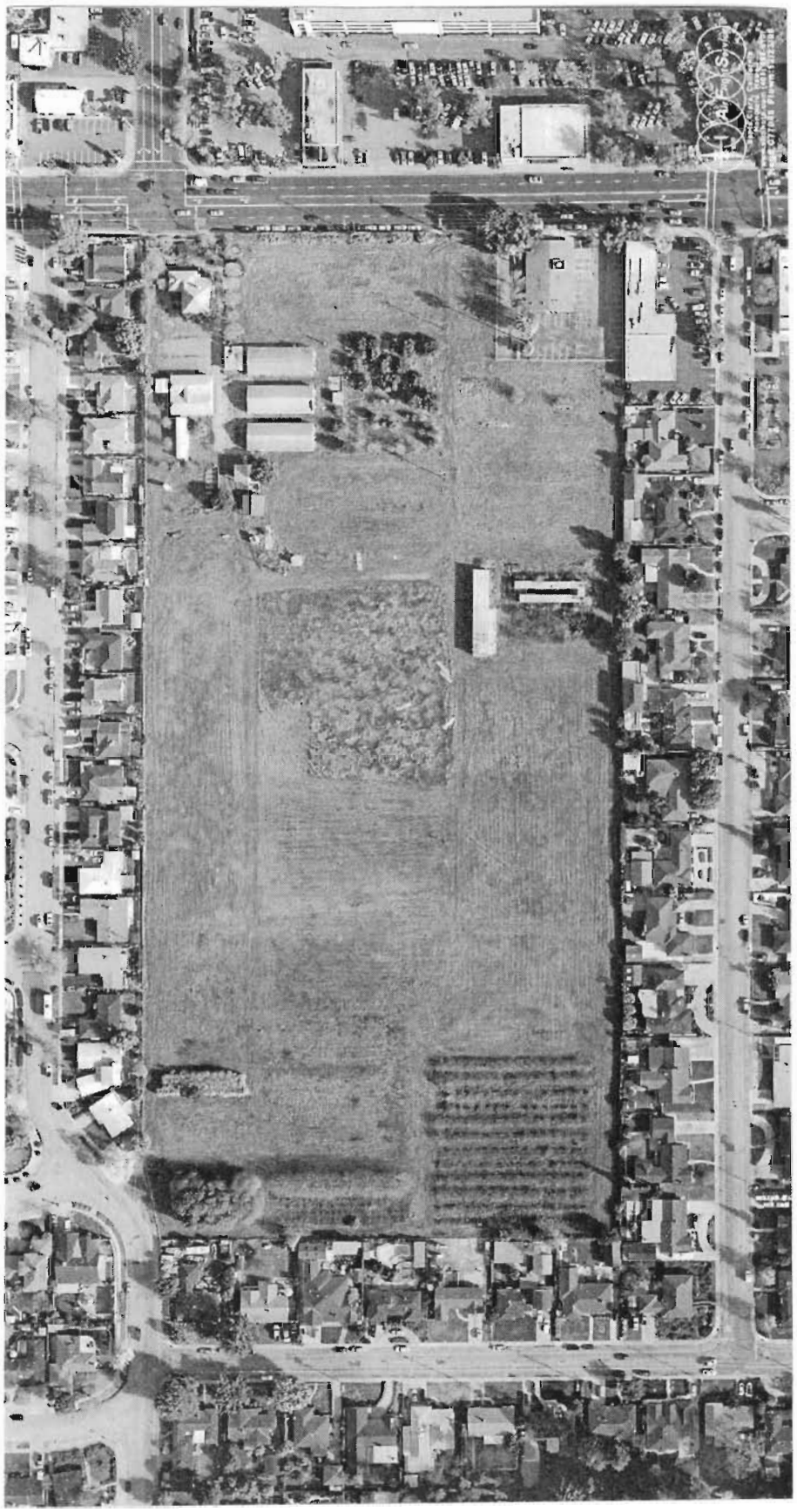
Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Bay Area Research & Extension Center
Santa Clara, CA **Photo taken December 2006**

Bay Area Research & Extension Center
Santa Clara, California

Photo taken December 2006



LETTER W

RECEIVED
MAR 15 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

March 11, 2007

Janis Moore
Department of Planning, Building,
And Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Re: Westfield Valley Fair Shopping Center Expansion (File No. GP06-T-04/HO6-027)

Dear Ms. Moore,

W1 As a residential neighbor, I received the Notice of Availability of a Draft Environmental Impact Report for the Valley Fair Shopping Center Expansion proposal. I know that the comment period on the EIR has closed, but it is my understanding that this application has not gone to public hearing yet. Please convey the following four traffic-related concerns to the appropriate staff members, Planning Commissioners and City Council members.

W2 1) Currently the only entry driveway along Winchester located in San Jose is the driveway and aisle that provides ingress and egress for traffic through the Goodyear Tire Store parking lot. It is important that the left-turn movement for southbound Winchester traffic into the Goodyear driveway be preserved. Preservation of this entry could be done in conjunction with the design of the northbound Winchester turning lane into the City of Santa Clara's proposed BAREC residential development on the west side of Winchester.

W3 2) I know that the area immediately west of the Macy's store is located in the City of Santa Clara, but having only one north/south aisle between Macy's and the new Safeway is not adequate to meet current traffic demands on the site, let along the increased traffic resulting from the expansions. Anyone heading to the Safeway/Long's front parking lot from southbound Winchester or Forest Avenue will have to compete with mall shoppers looking for a parking space in this one aisle. I am sending a copy of this letter to the City of Santa Clara as I am concerned that the proposed parking lot design will adversely affect the neighborhood-serving businesses of the grocery store and the drug store.

W4 3) Currently, there is a permit-parking-only program for Spar Avenue and Hanson Avenue in the County unincorporated area (Winchester Manor subdivision)

southwesterly of Stevens Creek and Winchester. When this neighborhood is annexed to San Jose in 2008, the permit parking program should be retained to protect the safety of these neighborhoods and prevent overflow parking from Santana Row and Valley Fair on these residential streets.

W5

4) Finally, but most importantly, the necessary improvements to the Highways 880/280 interchange and the Stevens Creek Boulevard off-ramps need to be at least partially funded by Westfield Valley Fair Shopping Center's property owners. If it is not too late, San Jose should also require contributions for freeway improvements from Santana Row Shopping Center's property owner, as part of the approval of the expansion also proposed there.

Thank you for the opportunity to provide comments on the Valley Fair Shopping Center expansion.

Sincerely,

Doug Handerson

Douglas V. Handerson, AICP
320 Spar Avenue
San Jose, CA 95117

Cc: Kevin L. Riley, AICP, Director of Planning & Inspection, City of Santa Clara

LETTER X

From: Yolanda Reynolds [mailto:yolandar@worldnet.att.net]
Sent: Tuesday, January 16, 2007 2:40 PM
To: jenny.nusbaum@sanjoseca.gov
Subject: ValleyFair & Santana Row proposed expansions

To whom it may
concern:

January 16, 2007

X1 I understand that the EIR comment period for the proposed development/expansion of Valley Fair is closed. I am unaware of notice of any EIR review for the proposed expansion within the Santana Row development. It has not been widely publicized. If such, is required at all. Because of these proposals coming before the planning department of the city of San Jose, I wish to express some of my concerns regarding these proposed expansions.

X2 The city of San Jose has adopted a policy to make every effort to promote pedestrian activity and alternative transportation modes throughout the city. The plans submitted by the Westfield Corporation for the Valley Fair site, in my opinion, will diminish or eliminate pedestrian and bicycle access and mobility.

X3 * As described to me, the plans for a three or four story parking facility along Stevens Creek abutting the sidewalk will certainly discourage pedestrians. Not only will the walk be unsightly it will be dangerous and most likely often insufferably hot. The parking structure must be positioned to allow large trees and shade along the sidewalk all the way along Stevens Creek to Winchester.

X4 * To my knowledge, there are currently no bicycle racks anywhere at this shopping center.

*Furthermore, there is scant, if any attention paid to pedestrian access to the shops, even when they arrive by automobile, but less so, if they walk there from adjoining neighborhoods .

X5 *At Santana Row the plan to remove surface parking with no additional parking at the site will certainly discourage patrons/customers from going to this wildly successful shopping/eating center. Already on the early hours of week day evenings and, especially, on weekends there is absolutely no parking available.

* Here too, there are no bicycle racks to welcome cyclists.

X6 * Since so many patrons walk from Westfield/Valley Fair to Santana Row and vice versa, it is perhaps time to consider an elevated passageway over Stevens Creek

X7 **** With the combined expansions, I urge that the city take a hard look at the effects of the increased traffic that will occur in combination with the recently adopted policy of "protected intersection", which includes the intersection at Winchester and Stevens Creek. There must be an assessment of anticipation of air quality.**

*Please assess the impact at all intersections within a mile of these planned expansions.

X8 * Though it is still uncertain whether funds will be made available to make improvements at the interface of Stevens Creek/ San Carlos and Highway 880, attention must be drawn to the danger to pedestrians walking to Valley Fair - Santa Row. Currently there are sections with no sidewalk in place and marginal pedestrian walkway markings. Also pedestrians, even though in a crosswalk, must await many minutes for the kindness of drivers to cross auto egress and ingress outlets to and from the freeway on both the north and south sides of Stevens Creek.

X9 *Again, there MUST be additional attention to maintaining some shade in the form of vegetation all along the sidewalks to and within the shopping center.

X10 Finally, this is such a huge development that the city should encourage the use of water permeable surface wherever possible. We must, throughout the city, make every effort to restore the underground water with rainwater and not allow that water to run off to the bay - we already discharge too much from the water treatment plant.

Thank you,

Yolanda Reynolds
Tele.# 2860-6310
cc. John Brazil
T

VI. VALLEY FAIR OPERATIONAL/SIMULATION ANALYSIS

HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

TO: Scot Vallee, Westfield Corporation
CC: Karen Mack and Manuel Pineda, City of San Jose

FROM: Michelle Hunt & Robert Del Rio

DATE: April 11, 2007

SUBJECT: Valley Fair Operational/Simulation Analysis

Introduction

This technical memorandum presents the methodology and findings of the CORSIM microscopic simulation analysis completed for the proposed expansion of Westfield Valley Fair in San Jose, CA. The purpose of the simulation analysis is to evaluate the dynamics of traffic operations as they exist today and the effects of planned roadway improvements. The operational/simulation analysis serves as a supplement to the completed and pending approval Westfield Valley Fair Expansion Traffic Impact Analysis Report, dated November 27, 2006.

Description of CORSIM Model

The CORSIM model is a microscopic simulation model developed for the Federal Highway Administration that allows analysis of signalized surface networks, freeways, or a combination of both. The model is described as microscopic because it tracks individual vehicles and their reactions to each other and the roadway environment. Individual sub-segments of roadway are represented by links while activity points on the roadway are presented by nodes. Nodes are most often used to represent controlled intersections on surface street networks or merges/diverges on a freeway. Vehicles are entered into the network at entry points and leave the network at exit points. The model uses turning percentages at the internal nodes to assign turning movements.

CORSIM models many details that cannot be represented with isolated intersection level of service calculations. Specifically, CORSIM models variations in vehicle and driver characteristics, traffic volumes from one signal cycle to the next, and pedestrian demand. The model can be used to evaluate the effects of vehicle queues spilling out of turn-pockets and blocking adjacent through lanes, queues extending through upstream intersections, failure of vehicles to clear an intersection in the allotted green times, and temporary blockages due to bus stops. As a result, the CORSIM simulation is the closest possible representation of actual traffic operations on the street.

Analysis Methodology

Using CORSIM, any problems concerning vehicle weaving and queue lengths can be determined and recommendations made regarding pocket lengths and lane configurations for the roadway network. PM and Saturday peak-hour traffic conditions were simulated with existing and cumulative traffic volumes as described below. Coding of the model requires several inputs and assumptions regarding roadway network

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phone 408.846.7410 • fax 408.846.7418 • www.hextrans.com

layout and geometrics, traffic volume demands, and roadway and intersection control. Each of these components and their associated inputs and assumptions are described below.

CORSIM Model Components

Roadway Network Representation

Typically, only the most critical area of concern for traffic operations are analyzed, such as project frontages. For this analysis a much larger study area was selected to thoroughly evaluate not only traffic associated with the proposed expansion of Valley Fair, but also traffic operations in general in the entire area. The roadway network included in the simulation analysis includes Forest Avenue from I-880 west to Winchester Boulevard, Winchester Boulevard from Forest Avenue to I-280, Stevens Creek Boulevard from Winchester Boulevard to I-880, I-880 from Forest Avenue to south of I-280, and I-280 from Moorpark Avenue to west of Winchester Boulevard. The existing roadway network as well as a network that includes planned roadway improvements was analyzed. The planned roadway improvements include the following:

Stevens Creek Boulevard

- Addition of an exclusive right-turn lane from the southbound I-880 off-ramp at Stevens Creek Boulevard that directly feeds Monroe Street.
- Widening of Stevens Creek Boulevard along its north side to accommodate right-turning traffic (into Valley Fair driveways).
- The widening of Stevens Creek Boulevard also will allow for the extension of left-turn pockets along Stevens Creek Boulevard from Winchester Boulevard to Monroe Street by shifting of travel lanes and adjustment of medians.
- Pedestrian enhancements at the intersection of Santana Row/Stevens Creek. The intersection will be modified to provide safer pedestrian crossing by realigning the intersection, removing exclusive right-turn lanes, and improving crosswalk treatments and pedestrian waiting areas.

Winchester Boulevard

- Addition of a second southbound left-turn lane at the intersection of Stevens Creek/Winchester.
- Relocation of the existing Valley Fair entrance at Dorcich Street further north. The relocation will eliminate cut-through traffic in the neighborhood and restrict left-turns out of Dorcich Street.
- Addition of an eastbound approach at the intersection of Forest/Winchester (proposed as part of the BAREC development). The leg addition will require that left-turn movements from North Forest Avenue be restricted and signal coordination with the new Valley Fair entrance.

I-880/Stevens Creek

- The improvements will provide separate ramps for traffic traveling from I-280 northbound to I-880 northbound and for traffic accessing Stevens Creek Boulevard. In addition, the loop ramp to westbound Stevens Creek Boulevard will be replaced with a diagonal ramp and signal, which will have much greater capacity.

The existing and planned roadway networks were represented in the model based on measurements in the field and from the latest improvement plans provided by the City of San Jose. Roadway geometric inputs include:

- Roadway segment lengths, widths, and number of lanes
- Intersection lane configurations - Including number and length of turn-pockets
- Free-flow speeds - A free-flow speed of 35 mph was assumed on Stevens Creek Boulevard and Winchester Boulevard. All other minor streets were assumed to have a free-flow speed of 25 mph.
- Pedestrian traffic - CORSIM allows for the classification of pedestrian traffic (none, light, moderate, or heavy). It was assumed that pedestrian traffic in the area is "light (100-250 pedestrians/hour)."
- Queue discharge - The mean time gap (headway) between vehicles discharging from a standing queue was assumed to be 2.0 seconds (FHWA default).
- Start-up lost time - The delay experienced by the first vehicle in queue responding to a phase change was assumed to be 2.0 seconds (FHWA default).
- Vehicle types - 3% of the traffic composition was modeled as heavy trucks.
- Vehicle queue space - The queue length per vehicle was assumed as 25 feet.

Roadway Network Control

Data regarding existing control at intersections in the study area were provided by City staff in the form of signal timing sheets and supplemented with field observation. For the proposed roadway improvements, it was necessary to make assumptions regarding intersection control. The following intersection control assumptions were input as part of the model:

- Signal timing - All existing signalized intersections were assumed as fully actuated. Signal timing was obtained from timing plans. Signal timing with the planned improvements was developed based on demand. Input includes the typical signal timing components:

  -Cycle time
  -Maximum and minimum green times
  -Yellow and red times

- Detectors - Detectors were placed at standard locations at all actuated signals. Typical characteristics of detectors regarding location, length, and operations were followed.

Roadway Network Demand

The simulation was run for PM and Saturday peak-hour traffic conditions using existing and cumulative traffic volumes.

Existing Traffic Volumes

Traffic volumes for the simulation of existing conditions were obtained from several sources including the ongoing reports for the I-280/I-880 improvement project, BAREC development and the Valley Fair expansion.

Cumulative Traffic Volumes

The future turn movement volumes were estimated from several different sources. These included the Valley Fair expansion, Santana Row Residential Conversion, and BAREC traffic impact analysis reports. Traffic associated with each of these developments were added to existing conditions volumes to develop cumulative traffic volumes.

Because the existing counts for the study intersections do not exactly balance (the volume exiting one intersection does not equal the volume entering the adjacent downstream intersection) it was necessary to adjust turn-movement-volumes where appropriate in order to balance all volumes. In some cases, the difference between upstream and downstream intersections is due to an actual source, such as a development driveway, and was modeled within CORSIM as such.

Simulation of Existing Conditions

To assure an accurate reflection of existing field conditions by the CORSIM model, field observations were conducted at selected intersections. Measurements of maximum back of queue for turn-pockets as well as through lanes, queue spillback through upstream intersections, and signal cycle times were made. The CORSIM model was run with the inputs described above to simulate existing traffic conditions. The animation produced by NETSIM was then viewed to compare the simulated queues with those observed in the field. Adjustments were made to various input parameters to match NETSIM results to field observations.

Stevens Creek Boulevard/Winchester Boulevard

The simulation results show that there currently are operational problems at several intersections during both the PM and Saturday peak hours. Operational problems reported by CORSIM that are easily visible in the field are the number of phase failures and vehicle queues that exceed storage capacities. A phase failure is defined as a phase in which a queue fails to dissipate in a single cycle. Intersections where vehicle queues exceeded storage capacities of turn-pockets and/or spilled back through upstream intersections were also observed.

Table 1 presents vehicle queuing results at selected intersections along Stevens Creek and Winchester Boulevards for the simulation. The simulation indicates that the maximum vehicle queues currently exceed the available storage capacity at nearly every intersection along Stevens Creek and Winchester Boulevards. The vehicle queues do not dissipate during each cycle. NETSIM reported a total of 49 phase failures during the PM peak hour.

Stevens Creek Boulevard and I-880 Interchange

The Stevens Creek Boulevard/I-880 interchange area serves as a primary gateway to Stevens Creek Boulevard. As such, the interchange serves a large volume of traffic, not only bound for Valley Fair mall, but also the area in general. The simulation showed vehicle queues extending from westbound Stevens Creek Boulevard back onto the I-880 off ramps and even further back on to I-280 past Moorpark Avenue. The back-up of vehicles restricts the flow of vehicles along the I-880 auxiliary lanes and restricts the flow of through traffic from I-280 to northbound I-880.

Winchester Boulevard and I-280 Interchange

The area near the I-280/Winchester interchange sees heavy congestion during the PM peak hour. Lengthy vehicle queues are prevalent at both the eastbound off-ramp and westbound on-ramp of I-280. Vehicle queues on the eastbound off-ramp extend back on the ramp. Queues at the westbound on-ramp are created by the ramp meter and extend back onto Winchester Boulevard.

Simulation of Cumulative Conditions

The cumulative condition simulation included the planned roadway improvements described above. Signal timing was set-up to adequately serve projected traffic volumes for each of the intersections for which improvements are planned. With the traffic volumes on Stevens Creek Boulevard projected to be much greater than those on minor streets, signals on Stevens Creek Boulevard were coordinated so as to serve traffic most efficiently. The intersection of Winchester Boulevard and Stevens Creek Boulevard was not set-up as part of the coordinated system since volumes along Winchester Boulevard are projected to be in the same order of magnitude as those on Stevens creek Boulevard.

Stevens Creek Boulevard/Winchester Boulevard

The simulation results show that there will continue to be vehicle queuing problems at several of the planned intersections during the PM and Saturday peak hours. Table 1 presents projected vehicle queue results for the simulation.

Based on the findings of the simulation analysis, it is concluded that the proposed Valley Fair expansion will not make any existing operational deficiencies significantly worse nor create additional operational problems in the area. The planned roadway improvements will increase storage capacities for the left-turn movements along Stevens Creek Boulevard between Monroe Street and Winchester Boulevard. With the implementation of signal coordination along Stevens Creek Boulevard and Winchester Boulevard between Forest Avenue and Stevens Creek Boulevard, traffic flow along the streets will improve. The coordination will require that extra green time be provided to the through traffic along Stevens Creek Boulevard and Winchester Boulevard, which may result in longer delays at the minor street approaches.

Though simulation results indicate inadequate storage capacity for some left-turn pockets at intersections below, it may be possible to provide adequate storage upon final design and layout of the proposed improvements along Stevens Creek and Winchester Boulevard. The necessity of additional left-turn pocket storage at each location will be determined upon final design.

Stevens Creek Boulevard and Winchester Boulevard – Southbound
Stevens Creek Boulevard and Santana Row – Southbound, Westbound, and Eastbound
Stevens Creek Boulevard and Baywood Avenue – Southbound and Westbound
Winchester Boulevard and Forest Avenue – Eastbound

The analysis identified inadequate left-turn storage capacity at the following intersections for which it is infeasible to lengthen or add additional lanes due to inadequate right-of-way.

Stevens Creek Boulevard and Monroe Street – Westbound
Stevens Creek Boulevard and Forest Street – Westbound

Stevens Creek Boulevard and I-880 Interchange

The simulation showed that the proposed improvements at the eastside of the I-880/Stevens Creek interchange do create additional storage capacity, but vehicle queues will continue to extend on to I-280. The primary reason for the continued queues back on to I-280 is the restricted capacity of the intersection of Stevens Creek Boulevard and Monroe Street. The simulation was run assuming a single left-turn lane from Stevens Creek Boulevard eastbound to Monroe Street northbound because the improvement design at the time had this change. This single lane was shown to take significant green time away from the

opposing through traffic on Stevens Creek Boulevard, which reduced the capacity. If two left-turn lanes can be maintained from Stevens Creek on to Monroe, then the queuing back on to I-280 should improve.

Also reflected in the simulation is an increase in through-put on the I-880 southbound off-ramp to westbound Stevens Creek Boulevard due to the addition of the separate right-turn lane on the ramp. In conjunction with improvements at Monroe Street and Stevens Creek Boulevard access from the I-880/Stevens Creek interchange will be improved. Further improvement to traffic flow from I-880 to Stevens Creek Boulevard can be achieved by the improvement of the westside of the interchange. Improvement plans are being studied, but no specific design has been selected and no funding has been secured.

Winchester Boulevard and I-280 Interchange

The simulation showed that the coordination of signal timing at the intersections of Winchester Boulevard and Moorpark Avenue and the Winchester/I-280 ramps will improve traffic flow.

Results of the CORSIM model analysis may be observed using the NETSIM animation software. The CORSIM model output and NETSIM animation will be made available to City staff.

Table 1
Vehicle Queuing Analysis

			Existing					Proposed				
Intersection	Mvmt.	Peak Hour	# Lanes	Storage Per Lane (ft.)	Max. Queue /a/	Req. Storage Per Lane (ft.)/b/	Adequate?	# Lanes	Storage Per Lane (ft.)	Max. Queue /a/	Req. Storage Per Lane (ft.)/b/	Adequate?
Stevens Creek Blvd./Winchester Blvd.	SBL	PM	1	275	11	275	YES	2	275	22	275	YES
		SAT	1	275	11	275	YES	2	275	23	288	NO
	WBL	PM	2	350	22	275	YES	2	450	20	250	YES
		SAT	2	350	29	363	NO	2	450	21	263	YES
	NBL	PM	2	275	13	163	YES	2	275	19	238	YES
		SAT	2	275	17	213	YES	2	275	22	275	YES
	EBL	PM	2	400	11	138	YES	2	400	12	150	YES
		SAT	2	400	22	275	YES	2	400	27	338	YES
Stevens Creek Blvd./Santana Row	SBL	PM	1	200	9	225	NO	1.5	200	16	267	NO
		SAT	1	200	11	275	NO	1.5	200	20	333	NO
	WBL	PM	2	150	14	175	NO	2	300	33	413	NO
		SAT	2	150	17	213	NO	2	300	23	288	YES
	NBL	PM	2	190	7	88	YES	2	200	9	113	YES
		SAT	2	190	10	125	YES	2	200	11	138	YES
	EBL	PM	2	150	12	150	YES	1	125	11	275	NO
		SAT	2	150	14	175	NO	1	125	10	250	NO
Stevens Creek Blvd./Baywood Av.	SBL	PM	2	200	15	188	YES	2	200	23	288	NO
		SAT	2	200	19	238	NO	2	200	29	363	NO
	WBL	PM	1	110	15	375	NO	1	100	6	150	NO
		SAT	1	110	13	325	NO	1	100	6	150	NO
	EBL	PM	2	150	11	138	YES	2	375	21	263	YES
		SAT	2	150	16	200	NO	2	375	30	375	YES
Stevens Creek Blvd./Monroe St.	SBL	PM	2	350	22	275	YES	2	500	28	350	YES
		SAT	2	350	28	350	YES	2	500	30	375	YES
	WBL	PM	2	200	16	200	YES	2	200	22	275	NO
		SAT	2	200	14	175	YES	2	200	16	200	YES
	NBL	PM	1	200	7	175	YES	1	200	8	200	YES
		SAT	1	200	8	200	YES	1	200	8	200	YES
	EBL	PM	2	200	8	100	YES	2	300	16	200	YES
		SAT	2	200	12	150	YES	2	300	17	213	YES
Winchester Blvd./Dorcich St.	SBL	PM	1	225	5	125	YES	1	225	9	225	YES
		SAT	1	225	6	150	YES	1	225	9	225	YES
	WBL	PM	1	400	6	150	YES	1	400	10	250	YES
		SAT	1	400	10	250	YES	1	400	16	400	YES
	NBL	PM	1	150	6	150	YES	1	150	4	100	YES
		SAT	1	150	7	175	NO	1	150	5	125	YES
Winchester Blvd./Forest St.	SBL	PM	1	275	5	125	YES	1	275	6	150	YES
		SAT	1	275	1	25	YES	1	275	6	150	YES
	WBL	PM	2	275	32	400	NO	2	275	34	425	NO
		SAT	2	275	20	250	YES	2	275	16	200	YES
	NBL	PM	1	125	1	25	YES	1	125	3	75	YES
		SAT	1	125	2	50	YES	1	125	3	75	YES
	EBL	PM	1	100	1	25	YES	1	100	6	150	NO
		SAT	1	100	1	25	YES	1	100	3	75	YES

/a/ Maximum queue based on CORSIM ouptut (# of vehicles).
/b/ Required storage is calculated based on CORSIM output as follows:

N

VII. OTHER INFORMATION PROVIDED BY COMMENTORS

Moore, Janis

From: Moore, Janis
Sent: Thursday, January 04, 2007 8:23 AM
To: kirk@savebarec.org
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans

I will send you a hard copy in today's mail. While you are waiting to receive your hard copy, you still have access to our web site version, which you referenced in your Dec. 29, 2006 e-mail to me. Based on a 45-day public review period, we can extend the deadline for your written comments to 5:00 p.m., Monday, February 12, 2007. Of course, we would appreciate receiving your written comments earlier, if possible. Again, I apologize for the mix-up.

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Thursday, January 04, 2007 1:03 AM
To: 'Moore, Janis'
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans
Importance: High

Ms. Moore,

Please send me a hard copy:

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Due to the fact that you did not inform the entire population (e.g., at least me), will you reschedule the public comment period so that I may have the full 45 days? Is it not my right as a citizen to be given the full time? Again, you promised me multiple times that you would keep me informed. I am sorry to hear that you had lots to do and that is unfortunate, but frankly not my problem. I was relying on you to keep me informed as you promised you would do. How could I not be on both your email list or a written list? Is my name on a group list? How do you keep all the names organized and the people informed?

Thank you,

Kirk Vartan

From: Moore, Janis [mailto:Janis.Moore@sanjoseca.gov]
Sent: Wednesday, January 03, 2007 1:29 PM
To: 'kirk@savebarec.org'
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans

Mr. Vartan,
I apologize for the oversight.
We were overwhelmed with EIRs going out on that last day before the holiday closure (Dec. 22nd), and I inadvertently missed

sending a copy of the Draft EIR to you. Would you like me to send you a hard copy or a copy on CD? Or would you prefer accessing the on-line version? You can access it on our web site at the following link:
http://www.sanjoseca.gov/planning/eir/eir.asp
Again, I apologize for the inadvertent oversight.

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Friday, December 29, 2006 2:00 AM
To: janism@sanjoseca.gov
Cc: johnazevedo@sbcglobal.net; erin.morris@sanjoseca.gov; ken@kenyeager.com; ken.yeager@sanjoseca.gov; 'Megan Doyle'; mayoremail@sanjoseca.gov; District6@sanjoseca.gov; linda.lezotte@sanjoseca.gov; district7@sanjoseca.gov; dave.cortese@sanjoseca.gov; forrest.williams@sanjoseca.gov; district3@sanjoseca.gov; judy.chirco@sanjoseca.gov; district4@sanjoseca.gov; district10@sanjoseca.gov; district5@sanjoseca.gov
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans
Importance: High

Ms. Moore,

I am very confused, enraged, and disappointed in you. Let me quote the following from **your** prior email dating back in July of this year (see details below):

"As I indicated in my previous e-mail, I have added your name to the notification mailing list for this EIR."

Well, I was just informed by a neighbor that the EIR has been out for weeks. Not one email, not one phone call, not one US post office mail. How can you not inform me? I was very vocal about this and you assured, in fact re-assured me, that I would be contacted regarding the EIR for Valley Fair. I am a San Jose resident and a voter. You have an OBLIGATION to contact me when a voter requests to be notified. I did this. You informed me of nothing.

Please explain your actions or lack of actions. The BAREC property is referenced in the EIR and there is still much to decide regarding that property. There is no development plan yet...only a proposal that requires a lot of agreement before anything happens. The EIR addresses lights being removed or changed, yet no mention of contingency plans for if these changes do not happen. What if that Forrest/Winchester light is not removed? Then what? What is the Dorcich light is not removed?

I would like to formally request time with our group (SaveBAREC) and how our plans of conservation of the BAREC property can integrate with the Valley Fair expansion. Since I was not included on any correspondence about the EIR, please give me the timelines and dates that are in place for the proposed project at Valley Fair. So much can be done with the proposed growth and the open space across the street.

If the politicians...all of you included...would please just take a minute to stop reacting to everything and actually take a minute to look at what can be done with the existing resources, a lot of good can happen. Please do not rush the Valley Fair proposal through without full community review and input. You are shaping the future of this very congested area.

We need to explore all opportunities here. Look farther than the "popular developer" view and think like a citizen and community member. This is an area bounded by two cities. Ken Yeager is now the County District 4 Supervisor that covers all of Santa Clara, Campbell, part of San Jose, and part of Cupertino. He has been very outspoken about having San Jose funds help pay for the preservation of BAREC.

SLOW DOWN before it is too late.

Thank you and I look forward to hearing your explanations and responses.

Kirk Vartan
SaveBAREC

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Monday, July 17, 2006 1:51 PM
To: 'erin.morris@sanjoseca.gov'
Cc: 'johnazevedo@sbcglobal.net'
Subject: FW: Valley Fair EIR and the Santana Row rezoning plans

Ms. Morris,

In case this note was to go to you as well.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

From: John Azevedo [mailto:johnazevedo@sbcglobal.net]
Sent: Monday, July 17, 2006 1:08 PM
To: janism@sanjoseca.gov
Cc: kirk@savebarec.org
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans

Dear Ms. Moore,

I was just forwarded a copy of your email response below to Kirk Vartan regarding the Valley Fair Expansion. I would like to know how the San Jose's Public Outreach Policy goes about development of their lists and methodology for giving such notices, because even though I live in the City of Santa Clara, I also live one block away from the mall on Henry Avenue, (between Dorcich and Forest) and never received any notice on the mall expansion. I have also polled my neighbors and neither did they receive such notice. Our neighborhood is greatly disappointed that we were not included in this process, particularly when we are very much directly affected by any expansion that would put yet more mall traffic through our neighborhood. I would also recommend that the Outreach Program include the posting of signs and flyers within the nearby neighborhoods and at the mall.

Such a project as this greatly impacts our neighborhoods and I am sure that you can appreciate the importance of knowing all that goes on there if you lived less than a block from Valley Fair mall, particularly in light of the negligent impact that Santana Row has already had on us, I would also hope that San Jose does not allow this expansion to take any liberties with State and local building codes as were allowed at Santana Row.

To this end, in the future please ensure that I and my neighbors that border the mall and live in Santa Clara are also included on such notices and/or mailings. I have included my private mailbox and cell phone below to ensure I receive notices. Thank you.

Respectfully,
John Azevedo
5255 Stevens Creek Blvd. # 196
Santa Clara, CA 95051

Cell: (408) 839-3107

From: Moore, Janis [mailto:JanisM@sanjoseca.gov]
Sent: Monday, July 17, 2006 10:40 AM
To: kirk@savebarec.org
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans

Mr. Vartan,
The NOP and EIR Public Scoping Meeting Notices for the Westfield Valley Fair EIR were mailed out per the City's Public Outreach Policy; however, occupants further away from the project site are also welcome to participate in the environmental

process.
As I indicated in my previous e-mail, I have added your name to the notification mailing list for this EIR.
As far as the BAREC Project goes, the Valley Fair EIR will include the projected traffic from the City of Santa Clara's BAREC Project within the cumulative traffic analysis for the Valley Fair EIR.
If you have specific comment/questions about the BAREC Project, please contact the City of Santa Clara, whose project it is.
Thank you.

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Monday, July 17, 2006 10:23 AM
To: 'Moore, Janis'
Cc: erin.morris@sanjoseca.gov; ken.yeager@sanjoseca.gov
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans
Importance: High

Hello,

Thank you for the message. I am disappointed that I was not included in any of the original meeting notifications. I am in an isolated part of San Jose, surrounded by Santa Clara. I cannot participate in any Santa Clara meetings/discussions because I am a San Jose resident, and now, one of the biggest developments in the area is about to take place in walking distance to my house and I don't even know about it. VERY FRUSTRATING!!!!!

I pay a lot of taxes to San Jose and I would appreciate being informed of what is going on in my neighborhood. It looks like I am about 1500 feet from Valley Fair. So does that mean I can even help to scope the EIR? That seems pretty unreasonable. I walk around the area a lot and not once have I seen any signs about the EIR or NOP.

I have some very direct input I want to provide with relation to the property at 90 N Winchester Blvd. (BAREC). I want to understand what scope you have taken with that project. I want to understand and give input on what needs to be looked at and investigated regarding this property and what may or may not be happening with it.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA

From: Moore, Janis [mailto:JanisM@sanjoseca.gov]
Sent: Monday, July 17, 2006 9:35 AM
To: kirk@savebarec.org
Subject: RE: Valley Fair EIR and the Santana Row rezoning plans

Mr. Vartan,
Thank you for your interest in the Westfield Valley Fair environmental process. I am the Environmental Manager for the Westfield Valley Fair Environmental Impact Report (EIR), so all questions and comments on the environmental document/process should be addressed to me. I have added your name to the mailing list for all notifications for the Valley Fair EIR process and have also forwarded your name to Erin Morris, the Project Manager for Valley Fair (and Santana Row) for inclusion within her Project notification mailing lists. Questions/comments on the Project itself (File No. H06-027) should be addressed to Erin Morris.
The Valley Fair EIR is still being written and we do not expect to circulate a Draft EIR for a few weeks.
A Notice of Preparation (NOP) was circulated on June 15th notifying agencies, districts, libraries, neighbors within 1000 feet, etc.

that an EIR is in the process of being prepared for the proposed Project, and inviting comments on what should be included in the EIR analysis. That is where we are in the EIR process at present. When the Draft EIR is ready to circulate, we will send out a Notice of Availability of the Draft EIR to the same list, plus anyone else who has requested notification.
You may view the NOP (and the Draft EIR, once it begins public circulation) on the Planning Divisions web site at the following link: http://www.sanjoseca.gov/planning/eir/WestfieldVF/VlyFairNOP52306.pdf
There are several opportunities for agencies and the public to provide input into the EIR process: during the NOP public circulation period (from June 16 through July 17, 2006), during the EIR Public Scoping Meeting, which was held on June 19, 2006, during the Draft EIR public circulation period and during the EIR certification public hearing process. All of these individual steps are noticed per the City's Outreach Policy.
There are also opportunities for providing input into the **Project process** itself. You may contact Erin Morris, the Project Manager for the Valley Fair Project, at (408) 535-7846 or by e-mail at erin.morris@sanjoseca.gov
if you have project questions or wish to provide comments on the Project.
Please contact me if you have questions, comments or need additional information about the **EIR process**.
Thank you.

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055
E: janis.moore@sanjoseca.gov

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Sunday, July 16, 2006 12:57 AM
To: janis.moore@sanjoseca.gov
Cc: ken.yeager@sanjoseca.gov; info@savebarec.org
Subject: Valley Fair EIR and the Santana Row rezoning plans
Importance: High

Hi Janis,

I just read the Rose Garden Resident and I am hoping that there was a typo. In the June 29th issue it states:

Janis Moore, a planner with the city, invited anyone with questions or comments on the EIR to contact her at janis.moore@sanjoseca.gov or 408.535.7815.

This is the first I have heard about an EIR (I assume a draft EIR). All I have seen is a bunch of community meetings that were hosted by Westfield to show what they would like to build. I would like to know the schedule for public comments, input to the city, and any other form of legal and required public process with regard to this development.

Please notify me of any and all meetings, council meetings, education/study sessions, etc. as well as put me on your official email and mailing lists for this project. My information is as follows:

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117
kirk@SaveBAREC.org

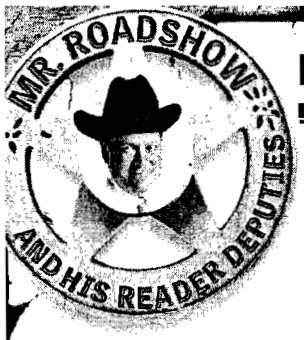
I would also like to be on any official email and mailing list with regard to the changes Santana Row is trying to do. I see there is an agenda item in front of the City Council on August 15th. Please let me know the details on that and if there are other materials I can read up on. Use my above information to make me a part of any official notification.

Please respond with a written confirmation that my above requests have been met.

Thank you,

Kirk Vartan

kirk@savebarec.org
www.savebarec.org
888-BAREC-80



BAY AREA S LEAST WANTED

THE DIRTY DOZEN

ONCE AGAIN, MR. ROADSHOW AND HIS READER DEPUTIES MAKE THEIR ANNUAL PICKS FOR THE WORST HIGHWAY LOCATIONS

THE WORST: I-280 and I-880 interchanges

1 North I-280 to North I-880

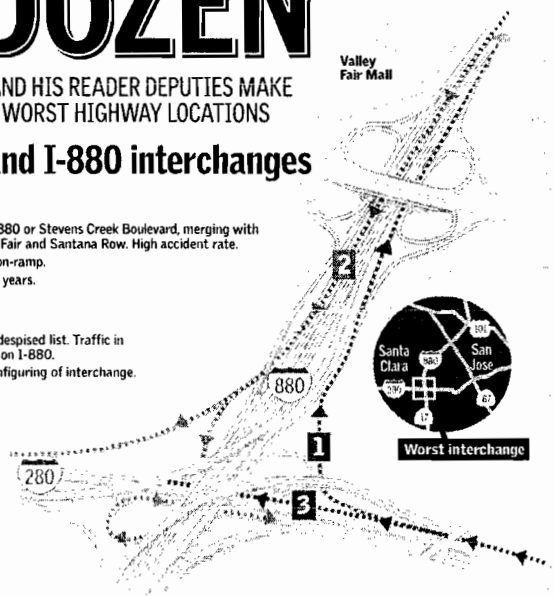
Problem: One lane takes I-280 traffic to north I-880 or Stevens Creek Boulevard, merging with traffic from Highway 17 most headed to Valley Fair and Santana Row. High accident rate.
Solution: Separate lanes to end nasty merge at on-ramp.
When: Construction could be under way in three years.

2 South I-880 to I-280

Problem: A newcomer on the Dirty Dozen most-despised list. Traffic in exit lane spills back for a half mile into slow lane on I-880.
Solution Second lane may be added during reconfiguring of interchange.
When: Work could begin in three years.

3 North I-280 at I-880

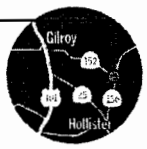
Problem: Freeway narrows to three through-lanes under I-880 as slow lane disappears.
Solution: None planned.
When: It may be this way for years.



AND THE REST

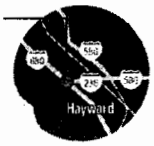
4 Hwy. 152 at Hwy. 156

Problem: Good Samaritans headed east on 152 stop to allow westbound traffic to turn left onto 156. Backups can extend 10 miles. On the morning of Thanksgiving Day, it took an hour to cover this stretch.
Solution: Flyover ramp needed.
When: Construction should begin in the spring.



5 North I-880 to east I-238

Problem: Slow lane from north I-880 backs up at 4 p.m. on a Sunday!
Solution: Work just beginning to widen I-238 to six lanes between I-580 and I-880; add merging lanes on I-238 and I-880 and rebuild the north I-880 to south I-238 ramp.
When: Four years before there is relief.



6 Hwy. 85 at Hwy. 101

Problem: Merging woes as motorists from 85, 101 and Shoreline Boulevard try to reach Old Middlefield Road exit.
Solution: Carpoolers from 85 should take non-carpool ramp to 101 to exit at Old Middlefield, and not try to veer across four lanes of traffic.
When: Try it now.

7 Mission Blvd. at I-880 and Hwy. 87 at I-280

Problem: A tie. Many, many complaints, but heavy-duty construction gets most of blame.
Solution: New lanes, new ramps coming.
When: Hwy. 87 widening will be completed mid-2007; Mission-880 upgrade will take two more years.

8 FasTrak lanes at San Mateo and Dumbarton Bridges

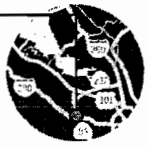
Problem: Not enough of them, and they aren't long enough.
Solution: New, longer lanes are in the plans.
When: April.

9 Hwy. 85 at Hwy. 237

Problem: Outdated ramp can't handle traffic exiting from north 85 to 237, spilling out into slow lane of 85.
Solution: Rebuild interchange.
When: On long-range, 30-year county wish list. For now, take Moffett Boulevard exit.

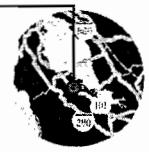
10 Hwy. 85 at I-280

Problem: Ramp to north I-280 and off-ramp to Foothill Expressway are too close together.
Solution: Flyover ramp to separate traffic going to Foothill from I-280.
When: Anyone's guess. A decade perhaps.



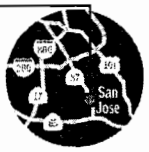
11 Hwy. 101 on Peninsula

Problem: Carpool lane ends near Whipple Avenue in Redwood City.
Solution: To extend diamond lane to San Francisco would require monumental shift in state policy, which prohibits converting existing lane into a diamond lane.
When: Not in Roadshow's lifetime.



12 Narvaez Ave. at northbound Hwy. 87

Problem: Drivers turn from straight-only lanes, jamming up entrance to freeway.
Solution: No right turn on red sign recently installed, but has many drivers irate. Opening new lanes on 87 may ease overall commute.



Source: Mercury News reporting

MERCURY NEWS

Santa Clara City Council Meeting March 7, 2006

While you are getting my handouts, I wanted to acknowledge the ethical behavior of Councilmember McLeod. She has the integrity to identify a potential conflict of interest due to her domestic partner's relationship with the BAREC project and she recused herself from all official meetings regarding BAREC. Thank you for your honesty.

At one of the meetings held by the Santa Clara City Staff (I believe it was the October 3, 2005 EIR Scoping Meeting), it was said that the SummerHill Homes housing proposal would build "like houses." I have taken a picture of every house that borders the former BAREC site, 42 houses in total. You will see, only four of them (that's less than 10%) have anything above one story, mostly above garage add-ons. There is only one house that would be considered a real two story house and it is only about 70% the size of what is being proposed in the new development. If you look at the overall neighborhood, you will see over 90% of the houses are single story, not even with garage add-ons. I have also taken pictures of SummerHill Homes' new development (WoodGlen) by Westgate/El Paseo Mall in San Jose, houses that are actually smaller than what is being proposed for BAREC. Just look at the pictures and judge for yourself. There is nothing similar about these houses. There are three attachments for you to look at.

At the City Council meeting on April 26, 2005, some of the Council members made statements. I want to address some of them:

Councilmember Moore: You stated that the lease for Longs over on Winchester and Stevens Creek, which you shop at, would be up soon and a "Super Safeway" would be put in place. Well, Longs just renewed their lease for another five years.

Councilmember Caserta: You stated: "Where's the money to do this?" If the money were there and City funding was not an issue, would you be in favor of it? If so, say so. We have a plan to accommodate your financial needs.

Mayor Mahan: You stated: "The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it." You further stated to the San Jose Mercury News on January 29, 2006, that "We have to be reasonable in allowing rezoning; we can't withhold entitlements unreasonably, especially when we can't offer a good alternative." This tells the community that if a "good alternative" exists, you would be in favor of it. We have one; one that is financially stable and will not negatively impact tax payers. Come talk to the SaveBAREC group before you leave your current post as Mayor

and run for Santa Clara County Supervisor, District 4...a district that BAREC is square in the middle of. We can make this a win-win for everyone.

Councilmember Mathews: You told us about your generations as a native Santa Claran...how your great, great, great grandfather fought in the Civil War. You said: "The history that I'm going to make is going to be made today...to get this site developed..." Well, let's get this site developed, but in the right way. Let's look beyond the current pressures of today. Let's think about what your great, great, great grandchildren would want.

Let's take this opportunity to make a difference for generations to come. Take the BAREC property and showcase it. Turn it into a Center of Excellence for all to see and learn from. Show leadership for California and the nation on how land use in urban areas should be balanced. Show how urban agriculture can help deliver on the vision of sustainable living. As an agricultural asset, it benefits the community more so than any kind of housing development. Look beyond your political terms and see how this open space can balance the over crowded shopping areas around it (Valley Fair and Santana Row) that exist today. Do not overwhelm the area with more housing. This is state land, not privately owned. This is land of the people. "We the people" own this land and have the right to dictate its future. We are a government Of the People, By the People, and For the People. The People want this land to be an agricultural asset....just ask them. I have. I have over 4,000 signatures of support for keeping this land agriculturally zoned and agriculturally used, people from all over the city, state, and county.

Take this opportunity to show leadership. These meetings are uni-directional...we say something, then you say something. Please engage the audience during this meeting and ask us (me) questions so it is not just a bunch of one sided arguments.

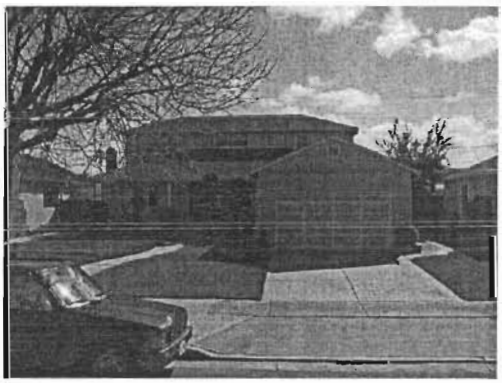
Thank you for your time.

Kirk Vartan

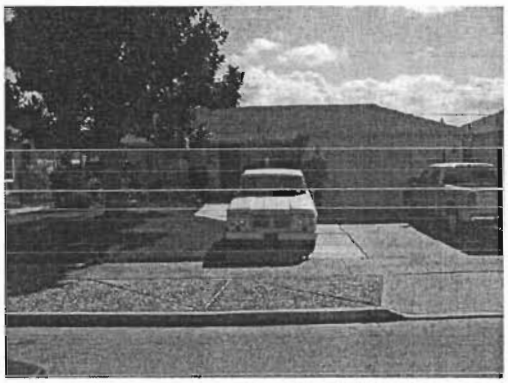
A quote from a long time resident of Santa Clara:

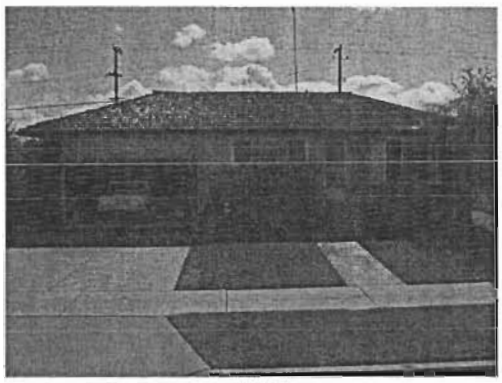
"I enjoyed the tomato tasting of BAREC (the AG Center). I was so sad to hear it would no longer serve the public. Please preserve it!"
M. Houston

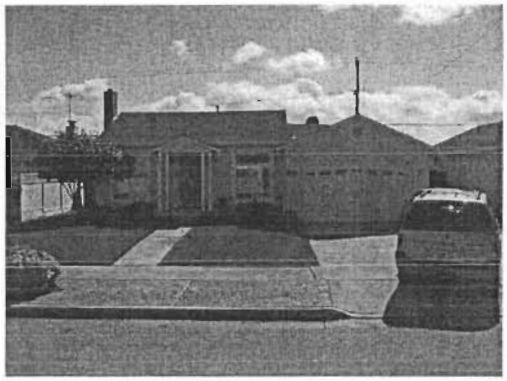
Homes with one story (38 total)

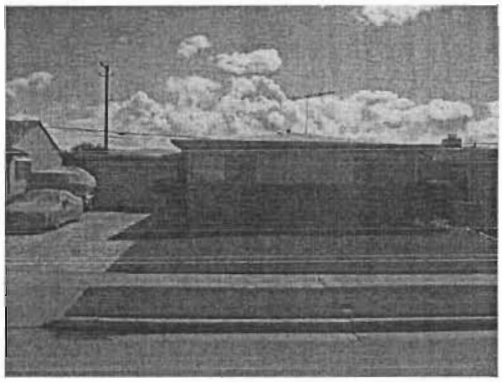


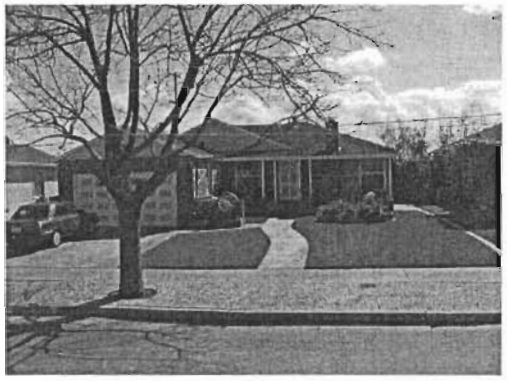
Homes with one story (38 total)



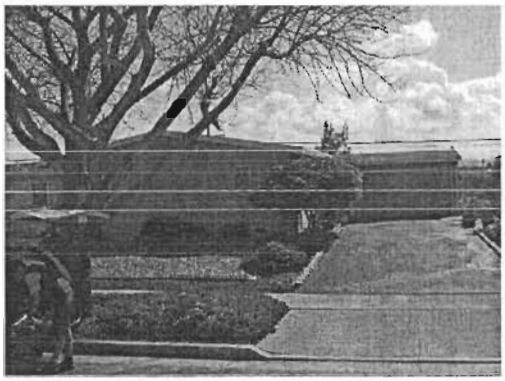


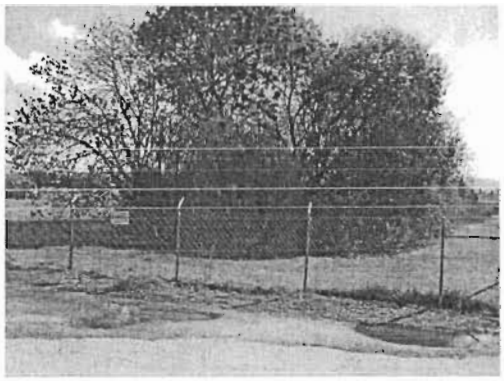


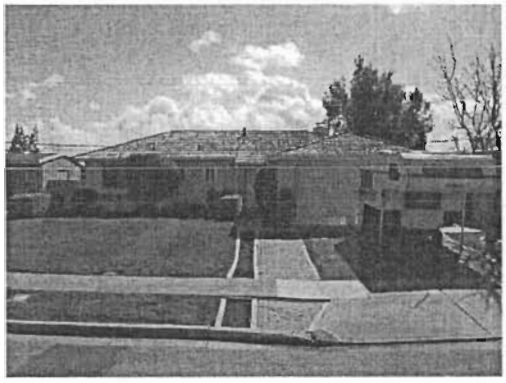


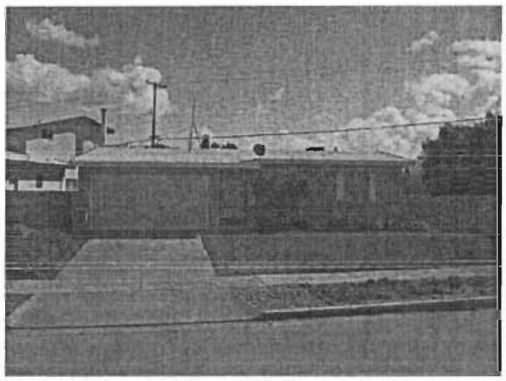


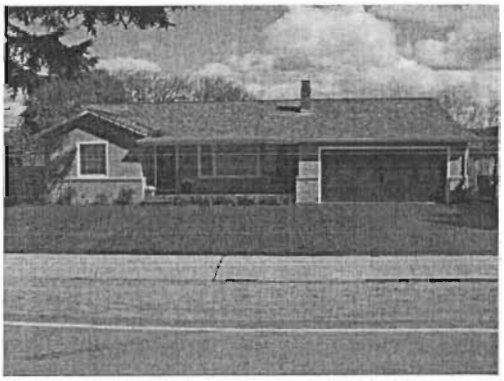
Homes with one story (38 total)

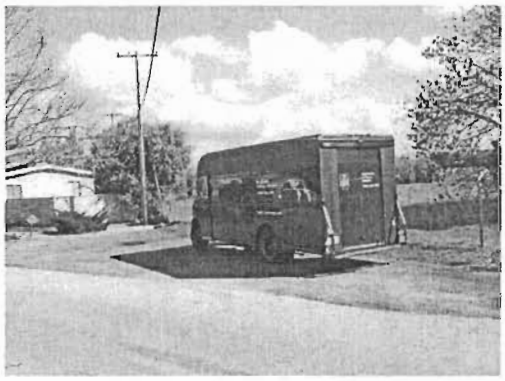




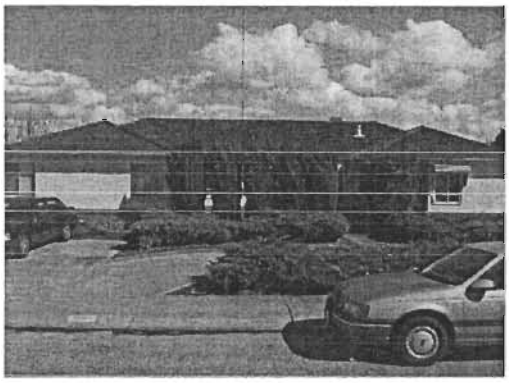


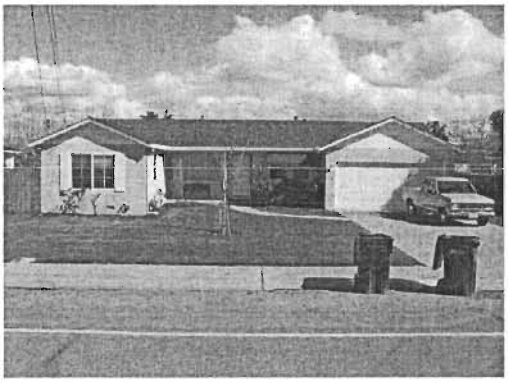


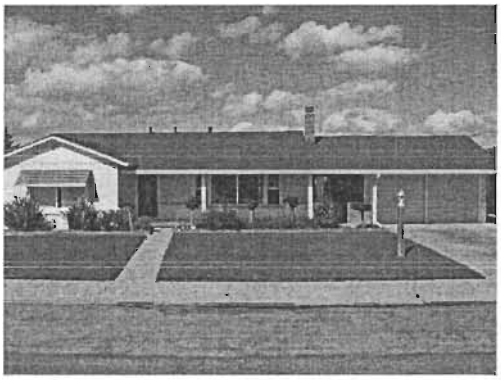




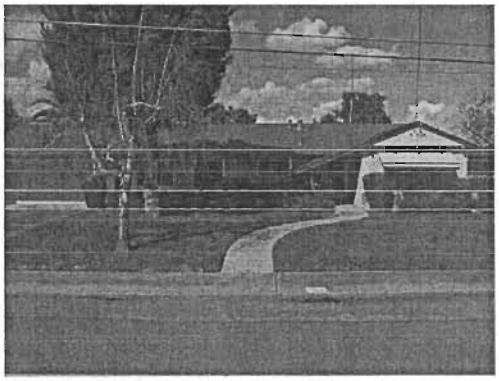
Homes with one story (38 total)

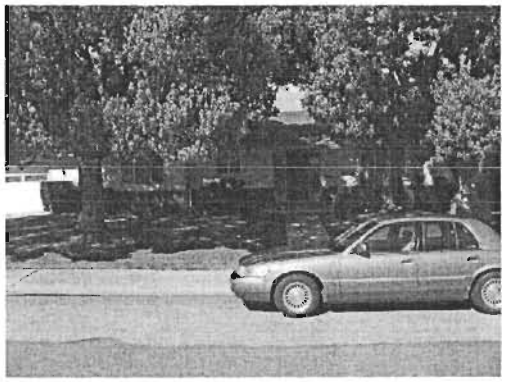


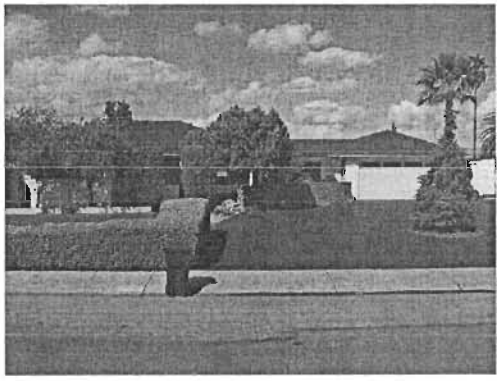


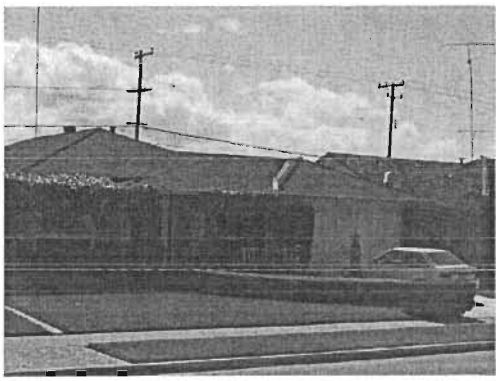


Homes with one story (38 total)



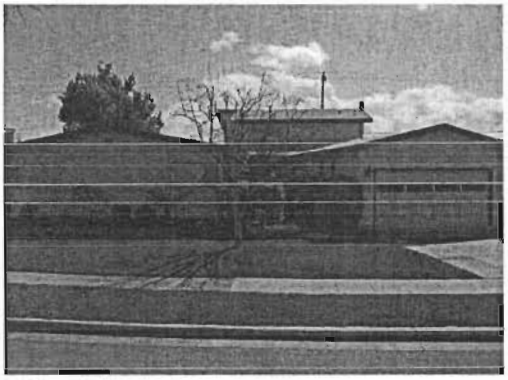






Homes with one story (38 total)

Homes with more than one story (4 total)

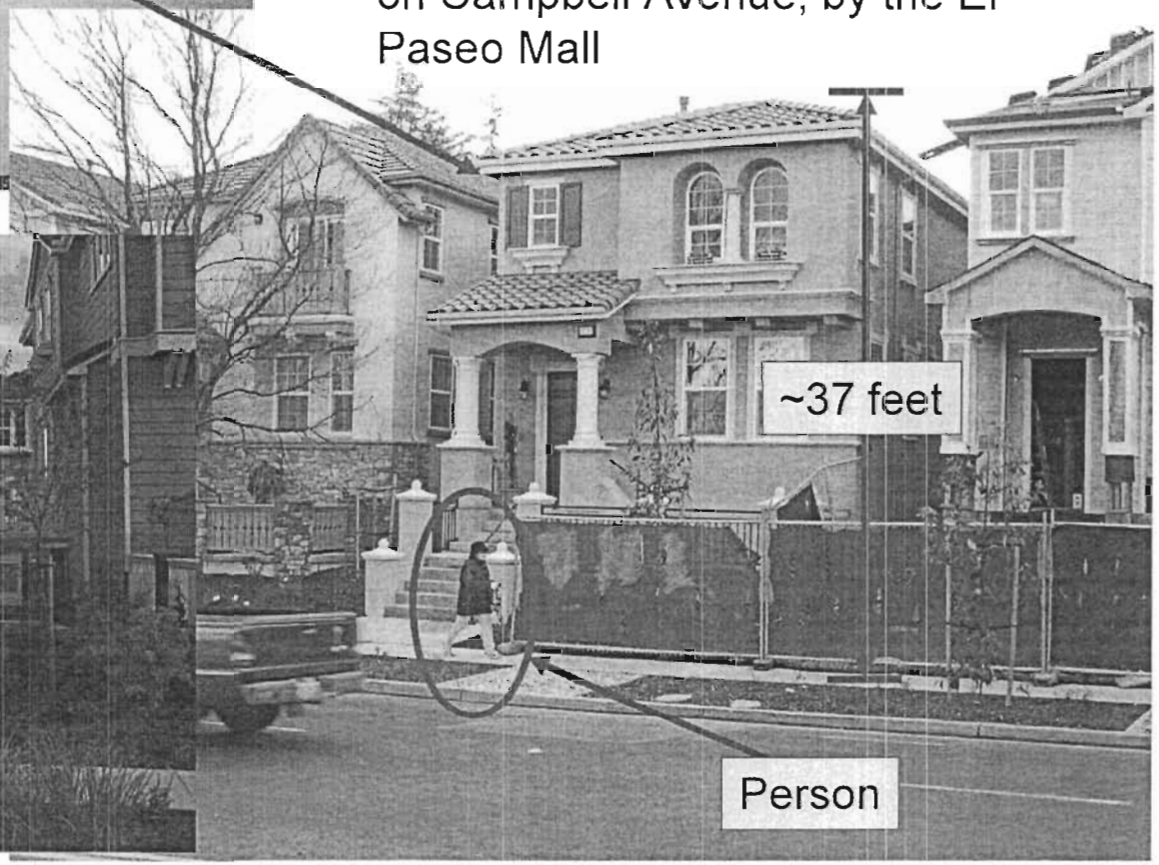


SUMMERHILL HOMES℠

WoodGlen

BY SUMMERHILL HOMES

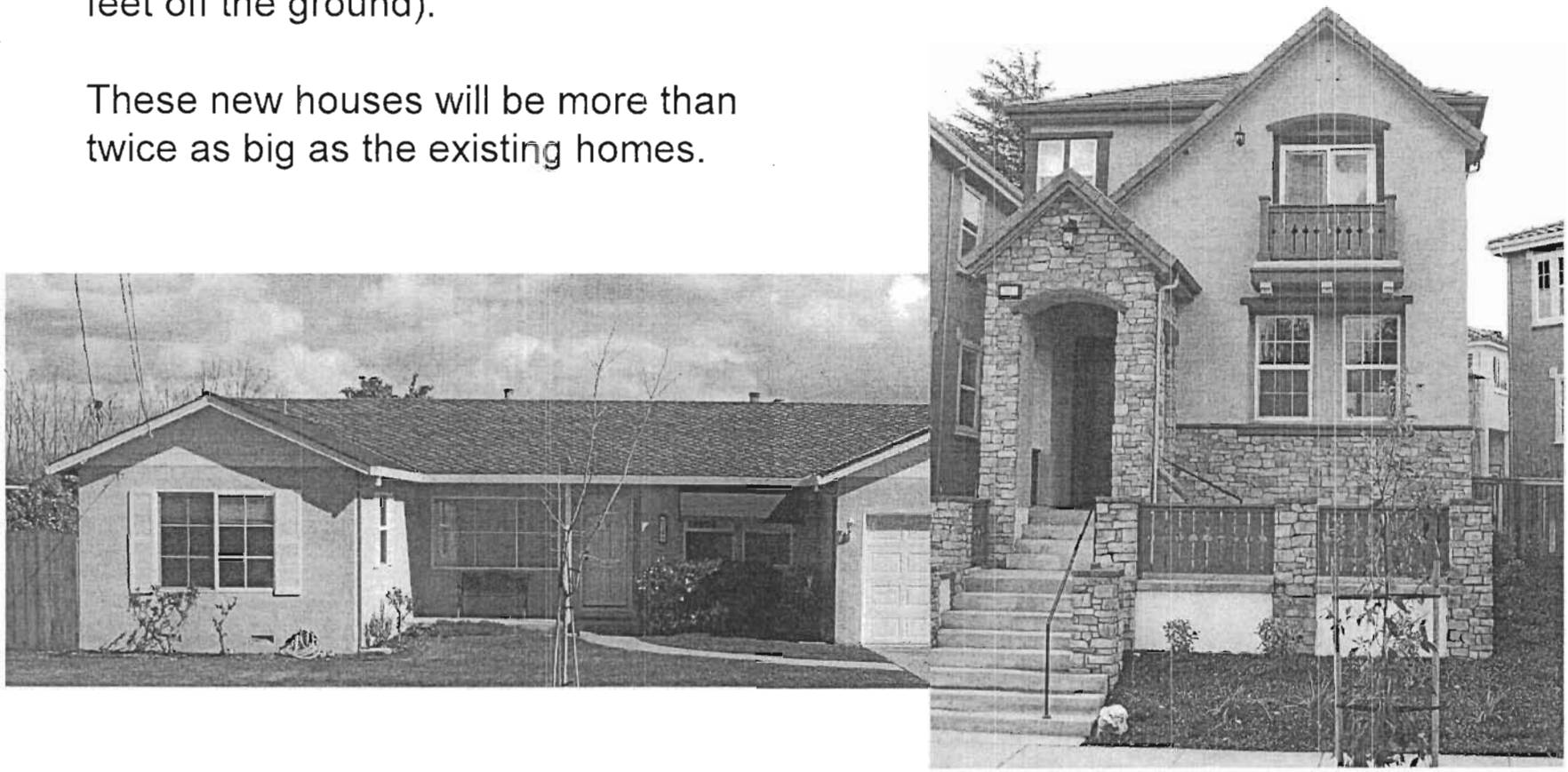
This development is in San Jose on Campbell Avenue, by the El Paseo Mall



Compare Existing to Proposed

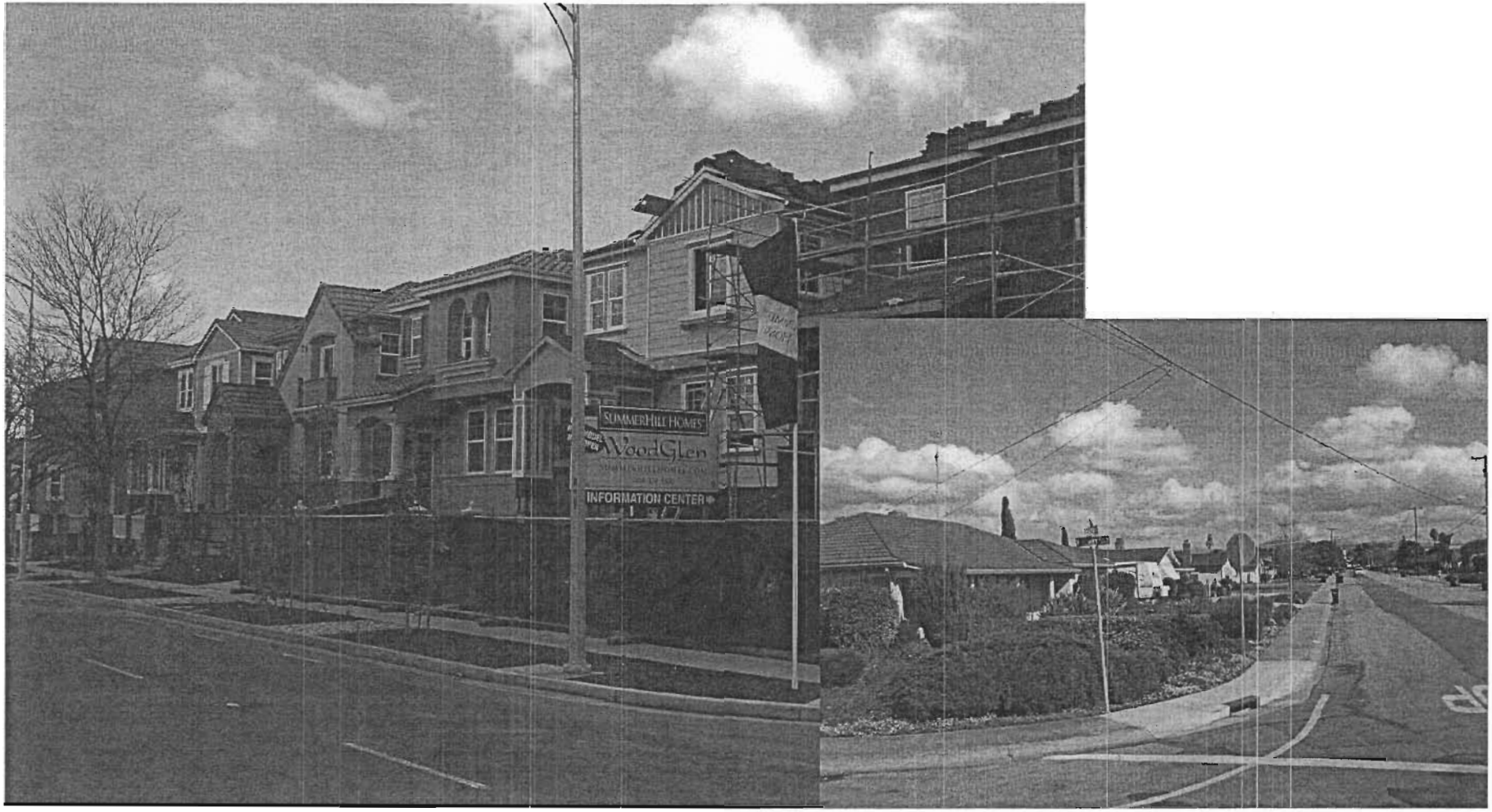
These pictures were taken from the same relative height (about seven feet off the ground).

These new houses will be more than twice as big as the existing homes.

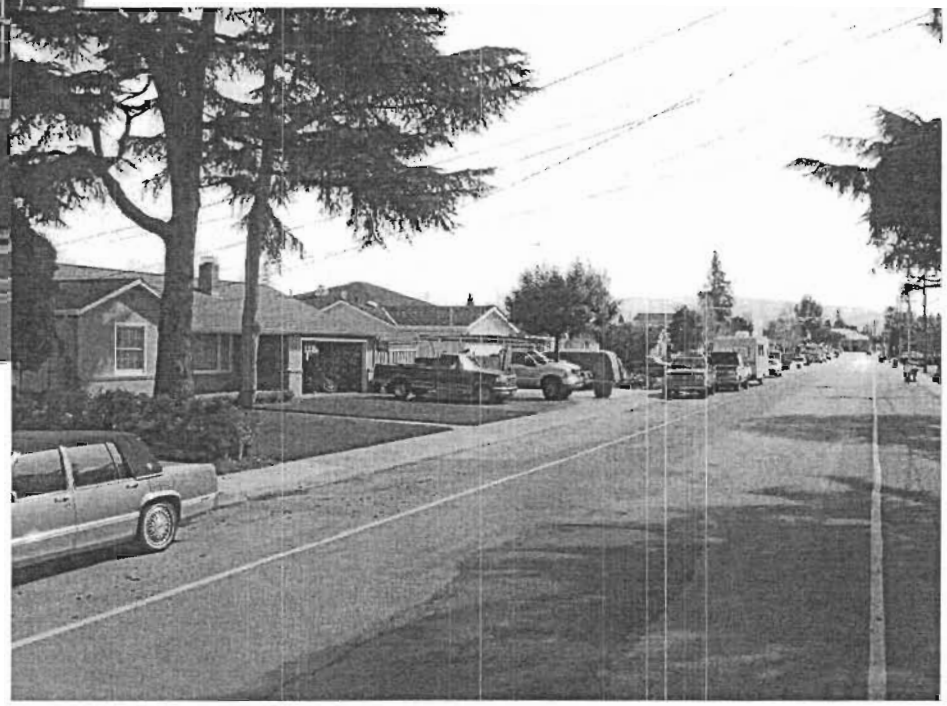


Again, look at the relative size of the existing home on the left on Henry vs. a SummerHill Home on the right. Use the pickup truck as a gauge

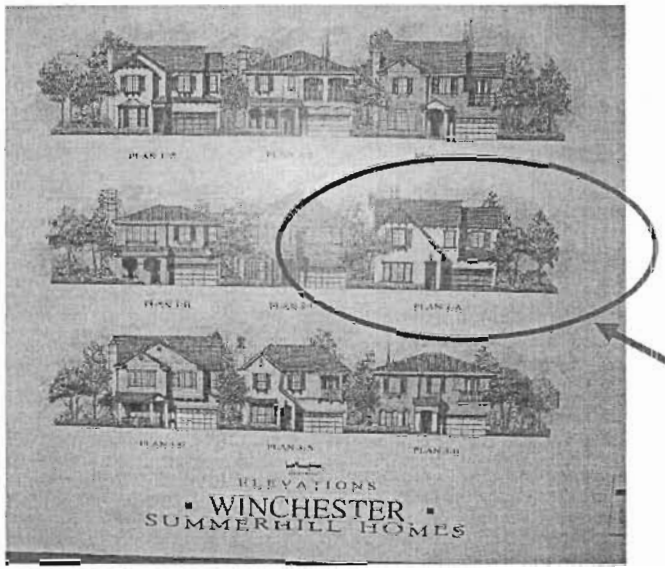
Look at the proposed density compared to existing conditions



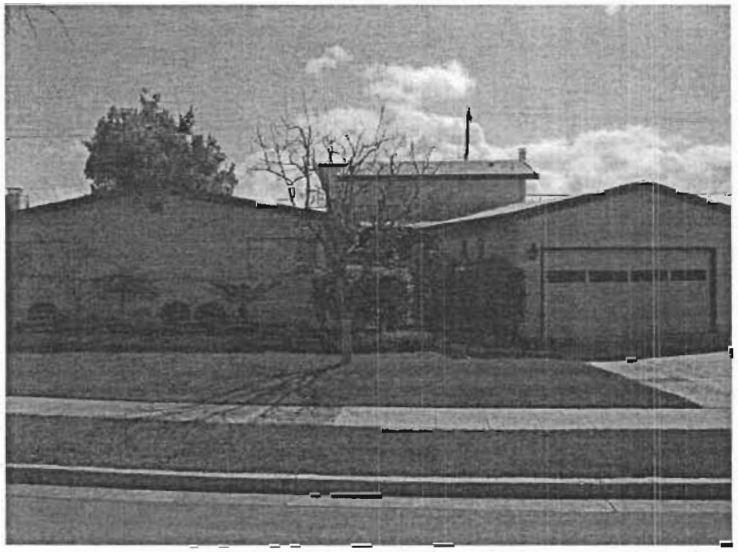
These just do not go together



Is this what you are comparing to "like houses?"

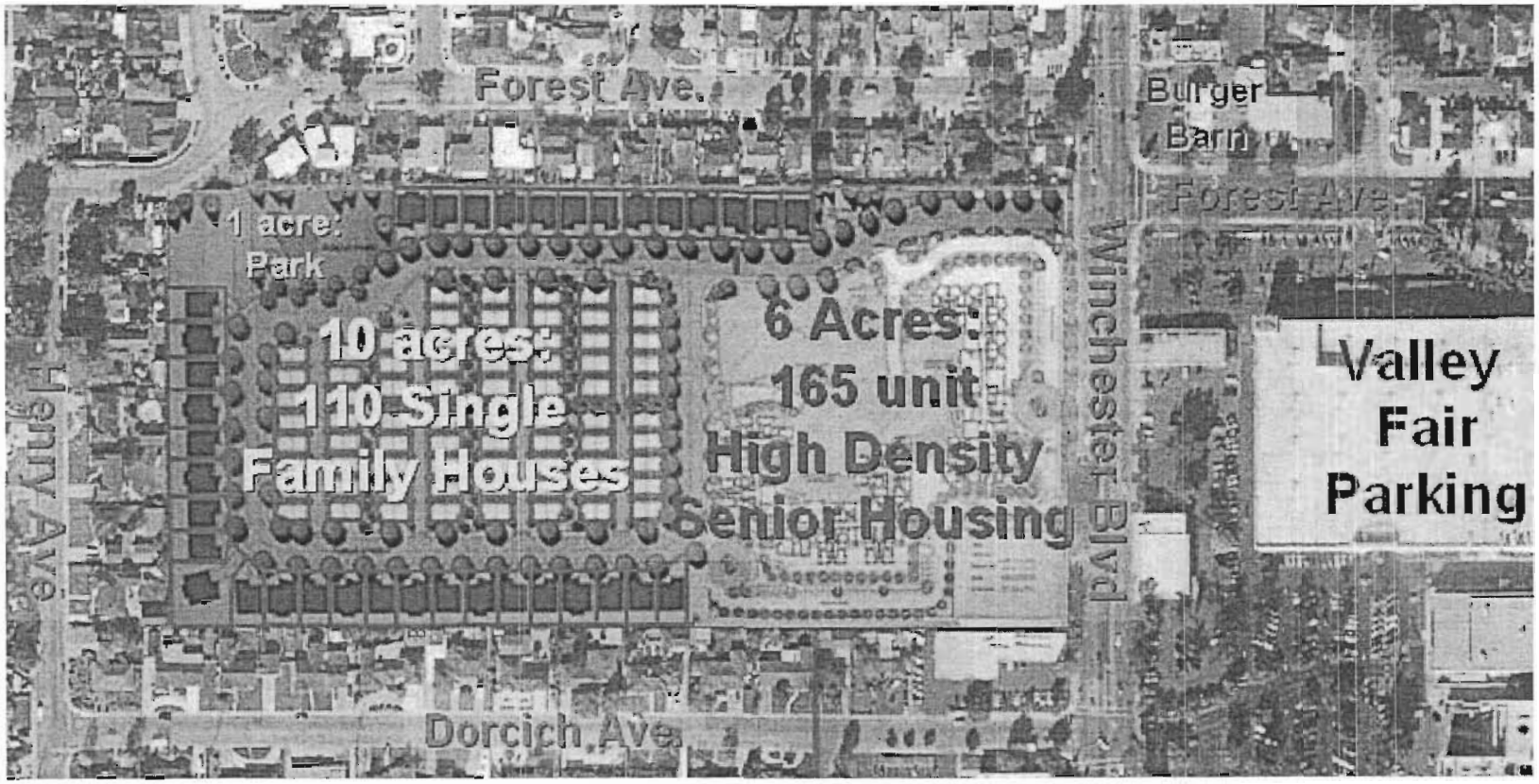


3 of the 4 homes that have more than one floor look like the house on the lower left (e.g., simple additions) usually above the garage. How does this qualify as a similar style to the houses being proposed?



SummerHill Homes…a little cramped

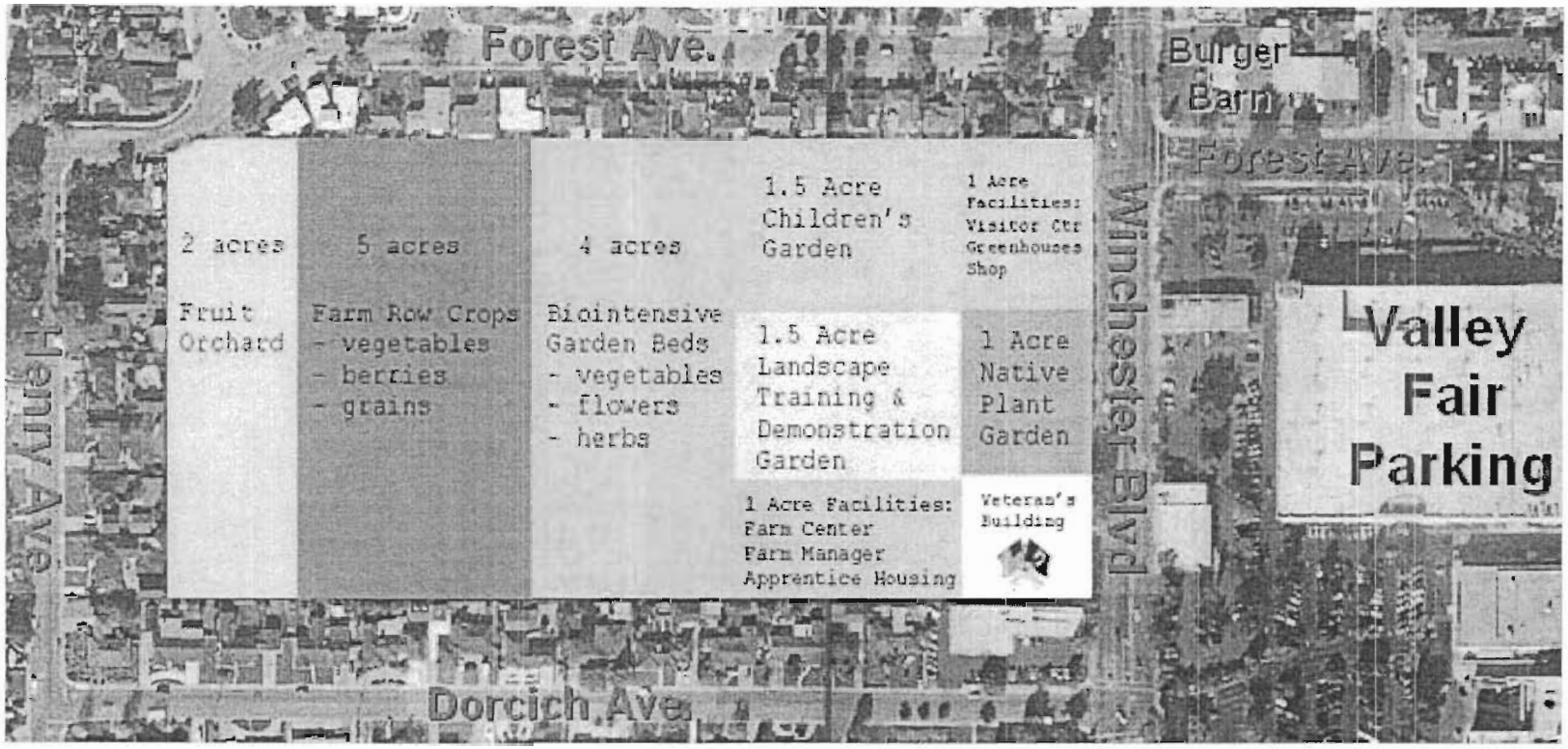
There is no need for this….just ask your citizens…we have.



Please contact: http://www.savebarec.org

An alternative exists…one that is proven financially stable and is self-sustaining.

It will serve the community for generations. This is just one of many options.



Please contact: http://www.savebarec.org

February 12, 2007

Janis Moore, Planner II
Janis.Moore@sanjoseca.gov
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Ms. Moore,

As your email states, today (Monday, February 12, 2007) is the final day for public comment on the Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04). I have included a number of attachments for you to include in your report and will look forward to your office's response to them. I would greatly appreciate it if you could be as detailed as possible in your responses.

I have also included copies of documents and notes regarding the BAREC property. Please include them in the public record. It is critical that San Jose get involved in saving this property from development. On page 127/128, the Draft EIR states that "Trees would also be Valley Fair Shopping Center Expansion 128 Draft EIR City of San José December 2006 removed as part of the BAREC project; however, it is believed that no trees would be removed as part of the Santana Row project." Please define what trees you are referring to and why they would be removed on the BAREC property. The BAREC site is across from Valley Fair and I do not understand why any resources would be affected by a Valley Fair development.

I did not see any description of how the Dorcich intersection light moving would be addressed. How will is affect traffic for the neighbor in Santa Clara? Will now infrastructure be needed? Will this be signalized? What about right turn only? I do not see any diagrams or pictures of what would happen once the supermarket and drug store move. How will that line up with the current light? How will Dorcich residents make a left onto Winchester? What happens when the traffic builds up?

What date was the City of San Jose informed about this project (i.e., when did you first know that it may or may not occur)? Was the City of Santa Clara a part of this discussion? When were the local government agencies informed of this proposal, even in an informal setting? Who was told?

I have provided additional questions and comments in the sections below. Please provide as much detail as possible.

The intersection at Stevens Creek and Winchester Blvd.
Regarding the intersection of Stevens Creek and Winchester Blvd., which will be severely impacted by the further expansion of Valley Fair. The intersection is designated as "protected" meaning no further remediation can be done to the intersection and the Level Of Service (LOS) can fall from "D" to "F" with a development and only a financial penalty will occur. There are three problems with this in regards to this particular intersection:

1. The intersection is not fully built out. It currently has three areas for right turns (Steven Creek headed East, Stevens Creek headed West, and Winchester headed North). There is NO right lane on Winchester heading South. This is a development that would help the intersection and traffic flow. Why is this intersection considered "protected?" The basic requirements have not been met.
2. Once a development like the one Valley Fair is proposing is completed, the intersection will get more impacted. I do not think anyone will argue this point. Even the slanted analysis in the Draft EIR of this intersection shows the intersection falling to "F." There is a clause in the definition for this "protected" status that states that the designation of "protected" ceases should a development affect more than one traffic light. The Draft EIR states that there is a desire to remove the light on Dorcich and Winchester. This is a simply ploy to get around the issue of impacting more than one light. Further, if that light is not removed, the impact will easily migrate to the TWO lights on Winchester and Forrest Avenue, just a few hundred yards from the Dorcich light. That is THREE lights that will be affected by the increased traffic from a development.
3. Should the City of Santa Clara proceed with their development of the BAREC property, additional residential traffic would be generated and even more impact to the intersection would occur.

Please address each item above and give a more detailed analysis of how traffic would flow if lights were NOT removed and how that affects the "protected" status of the intersection of Stevens Creek and Winchester Blvd. Further, if the City of Santa Clara builds 165 units of senior housing on the property (high density), the speed limit will need to be reduced to 25 mph as it is in front of Valley Village just ½ mile north of the Forrest intersection. How have your traffic calculations taken this scenario into consideration?

I would also like to formally challenge the intersection at Winchester and Stevens Creek for "protected" status. Please forward this to the appropriate people and give the reasons I listed above. I would like to meet with or discuss with the appropriate people.

Parking and traffic during busy times
As you will see in the attached photograph (I will send in a separate email since this email is large and so are the pictures), cars going to the mall impact the neighborhood. These pictures were taken on December 23, 2006 and shows the

many areas where cars will just park. They park in the neighborhood, along Winchester (outside of BAREC), along Dorcich, along Forrest, and just about everywhere they can. This will only get worse. Only people coming from the highway will be able to easily get to the new parking structures, so the neighborhood impacts will continue.

Also, look at the traffic backup on 880 South, 17 North, and San Carlos. This will continue until the highway system is fixed. The development should not be allowed to proceed until the traffic issues are worked out and the highway situation is resolved. If this is not a requirement, you must detail to me how the air pollution will be addressed as well as the safety concerns and neighborhood impacts to the surrounding neighborhoods will be addressed.

Walking ramp over Stevens Creek Blvd.
I think it is critical to remove as many people from crossing Stevens Creek as possible. It is already a problem since all traffic needs to stop fro over a minute to let pedestrians cross Stevens Creek to get to Valley Fair or to Santana Row. If a walking bridge is installed, pedestrians can easily and safely cross Stevens Creek without creating a problem for traffic. There are many ways to implement this. You could have a ramp style that is at grade with the street and arches up. Or, a better solution would be to make it a flat walking bridge, anchoring into part of Macy's or The Cheese Cake Factory (with elevator access for ADA needs and a staircase) and go directly over to Crate and Barrel. If private land is an issue, I am sure a creative way for a portion of the footprint for the bridge could be made to encourage the private owners to do this. On the south side, there is an existing open space that could be the touch down point if Crate and Barrel is an issue. Again, this is an area for Santa Clara and San Jose to work together to create a more pleasant environment for everyone. Look at the bigger picture with Santana Row's growth that is occurring at the same time. DO NOT look at the Valley Fair Expansion in a bubble. Look at how it impacts the surrounding areas and resources and figure out a way to leverage the significant development that is going to take place. Valley Fair will grow 35%. That is a lot of money for everyone and some of that needs to go back into the community to make it more livable for everyone. Long term planning (like keeping pedestrians safe, allowing bikes to cross safely, allowing wheelchairs to cross safely, allowing seniors to cross safely, etc.) needs to be a key element in the approval of any plans. The money exists now and will fund this type of asset to the community. It makes sense as is in line with commercial planning.

Further, please give a detailed air quality study of what the impact is when 100s of vehicles every light sit and wait for pedestrians to cross the street. What is the impact to the air quality and the atmosphere? What is the impact to wasted resources (e.g., fuel)? How much would be saved by installing a walking bridge in terms of safety and insurance premiums? Have there been any accidents at the Santana Row street intersection? Has anyone been hurt crossing the street? One of the elements Valley Fair is adding is MORE walking access to Santana

Row. This will just make the traffic issue worse since the light will have to be longer. Please give exact measurement on the width of the street and how long you are allowing people to cross the street at this particular location. I am not referring to Stevens Creek and Winchester; I am referring to Santana Row (Cheesecake Factory/Macys to Crate and Barrel). What is the impact to the people waiting at the crosswalk with all the cars going by and how much exhaust and air pollution are they inhaling while waiting to cross the street?

The need for a balance of Open Space

The land known as BAREC, located at 125 Winchester Blvd. in Santa Clara sits directly across from Valley Fair. To draw a parallel to NYC, my home, Central Park is 843 acres of the most valuable land in the world. It will never be developed. Why? Because the city planners knew how important it was to balance development with open space. The same is true here, just on a smaller scale. Valley Fair is going to grow to over two million square feet of commercial development. Santana Row is going to grow by 20-30% and maybe more the Century Theater and neighboring buildings become targets. The BAREC site is 17 acres of undeveloped, public land. Approval of this development should be contingent on creating open space in the area since Westfield will make hundreds of millions of dollars from Valley Fair commercial growth. Westfield needs to give back to the community and helping to sponsor the preservation of this open space would be a great way to do this. Santana Row can help. The City of San Jose can help. Grant money can do the rest, but it is critical that exploring how this can help offset the massive amounts of traffic and influx of vehicles to the area. Once people are out of their cars, parked in one of the two new five story parking garages, they can shop and also take a break in an open, public space.

A way Westfield could help fund this would be to create yet another walking bridge across Winchester Blvd. This would provide a safe way for people to cross Winchester and not stop the flow of traffic. Please provide the impact to traffic when people are trying to cross the street and how much does that affect traffic flow? What are the air quality issues with that? The walking bridge can originate at the existing four story parking structure on Forrest and Winchester and drop down direction behind the Veterans building. Again, elevators would be provided for ADA and other needs.

This all leads to how can the City of San Jose leverage the massive growth that Westfield wants to do in a primarily residential area. San Jose needs to look at the long term effects of this development and acknowledge that traffic will increase significantly and do what ever it can to help make that reality more palatable for the neighborhood and the general area. Show leadership in commercial planning and development. There is an approval process for a reason and that is to insure all views are considered and the public is looked after. No plans are final until San Jose agrees with the plan. Where are the

plans for how Westfield will embrace the BAREC property if it remains open space or becomes a active farm again?

Highway 280/880/17 interchange

This intersection is a disaster. During the holidays, it is common for the off ramp to Stevens Creek coming south on 880 is backed up past the Bascom exit. This is also true from coming north on 17 to Stevens Creek. I have seen the plans the county/state are proposing for making this intersection better; however, this plan has absolutely nothing to do with Westfield's plan for Valley Fair. Before any development occurs at Valley Fair, the highway situation needs to be corrected. Period. There should be no negotiation on this point. Before Westfield tries to (and will) drive more traffic to their mall, the artery (highway) system needs to be fixed. If it takes a couple of years for the state to get it together, so be it. To allow for massive commercial development where it is anticipated that an additional two five story computerized parking structures will be in complete use without a way for traffic to flow to the destination is foolish and irresponsible. If you are not going to make the fixing of 880/280/17 a prerequisite to the approval of the development, please provide a detailed description on why. How will the new traffic be handled? What happens to new traffic that will start flooding the area? What happens when Santana Row expands? Will Santana Row's development be contingent on highway improvements? Any form of development that occurs in this area needs to be predicated on an improved ingress and egress system. If one does not exist, you will simply break even more and already broken interchange. Refer to the attached document entitled "dirtydozen.pdf" where the San Jose Mercury News designates the 880/280/17 as the top three worst intersections in the Bay Area. How can an application for 35% growth with the goal of thousands of more vehicles coming to the area be approved if the highways that get people to the project site is already broken? Why would the city approve something like this without first fixing the problem? I know the City of San Jose is not responsible for fixing the highways, but it is responsible for making sure the community runs well and is not over-burdened with problems. I ask that you provide a contingency on the plans that require the highway system be fixed before approval can begin. That will make Westfield unhappy, but it will insure that the community is properly serviced by the infrastructure. I have already witnessed three major accidents at Cypress Ave and Stevens Creek in the past three months. More cars mean more accidents and more traffic. Fix the problems before they get worse. Allowing development without having the proper infrastructure in place is foolish and not in the citizen's best interest.

Here is a quote from the article:
http://www.mercurynews.com/mld/mercurynews/16213031.htm

"Traffic jams at the Interstate 880-280-17-Stevens Creek interchange used to be Silicon Valley's unwanted Christmas present, a seasonal sabotage perpetrated

by thousands of cars converging on the Valley Fair and Santana Row shopping centers.

Now we're getting that gift almost every day, all year long."

Green/Environmental Issues
Any future development of the Valley Fair site should be required to use green materials and use green power. Westfield is very progressive in how it develops its malls, and this should be no different. Solar and green power should be a requirement. Sustainable systems (both construction and waste) need to be put in place. Remember, any major development requires ALL parts of the mall to be brought up to current codes and environmental regulations. Please detail all of the environmental improvements that will take place in the new development and the existing stores/locations. How will the construction pollution be offset? What air quality issues will occur from the construction?

Traffic Studies
There is a lot of traffic analysis in this report. Please provide an analysis of past traffic projections from the prior Valley Fair expansion and determine if the original projections were accurate. Please do the same with the Santana Row traffic studies. I mention Santana Row since it is entirely in San Jose so San Jose was the lead agency in that development. How accurate were the traffic studies. Please be specific and detailed in your explanation. I examined the data in the current study, and it shows that the Stevens Creek/Winchester will only be minorly affected. Please. Just go out there and look for yourself. Just because you have a couple of data points does not make a trend. Further, adding a single left turn lane will not fix everything. The intersection is already operating below LOS D, something your report does not say. This intersection is one of the worst. By taking two feet of curb out to allow for a left turn lane to Stevens Creek will not fix the problem. Again, you have some nay "depending on the City of Santa Clara" statements that it is almost worthless to give as an option. The same for the City of San Jose. The fact is, if the improvements are not allowed, the intersection will get worse and the quality of life here will go down. If there are no improvements, what are the plans to make it work better? Maybe the financial penalties can go towards a walking bridge over both Stevens Creek and Winchester. These roads are not safe to cross. Please measure the distance from curb to curb, calculate a few different walking patterns (i.e., child, teenager, adult, senior, wheel chair, person with walker, person with cane, etc.) and determine the amount of time needed to cross the street. Now determine how much backup traffic occurs when the needed time is provided to cross safely. It cascades. Look at how NYC does traffic studies. If there is a traffic jam, for every minute of delay, it cascades to five minute of future delay. It gets worse and worse the longer it takes to clear the traffic. Same holds true for any flowing system. Traffic that backs up at a light (say Stevens Creek/Winchester or Stevens Creek/San Tomas or Stevens Creek/Saratoga) causes multiple

problems down the line and for a significant time. Please provide this type of analysis for how light delays will impact the area. Please give a radius of two miles.

San Jose and Santa Clara working together
San Jose and Santa Clara need to work closely together on this since the mall is in both cities as are many of the intersections. You need to look at **ALL** of the development going on and what the best plan is for the area. Look at Valley Fair, Santana Row, and BAREC. Here are three areas that are within a stones throw of each other and each one has its own EIR and plan, yet none of them tie into each other or relate to each other. Take this opportunity to look at all the development activities in the area and see how they can best work together. Once these decisions are made, they cannot be changed. You have a unique opportunity to insure the **area** is developed correctly and not haphazardly. Since all these development applications are being considered now, look at them together and look at the big picture. Look at how this will evolve over the next 20-50 years....or the next 200 years. How will you have impacted the area in a positive note? I am not suggesting you deny the Valley Fair expansion. I like the idea of developing commercial land more effectively and more densely....I'm from NYC, that's what I am used to. Go up, not out. But since all these changes are happening at the same time and no one city has control over all parts, it is critical that you look at all aspects. Do not rush to make this decision and approve the application just because the cities will make lots of money in tax revenue and permits. Look longer term than that. You need to explore how the area will sustain itself over the long haul....beyond your lifetime....beyond your grand children's children's lifetime.

There needs to be a balance of development and open space. Push for that in all development applications. BAREC is as a resident sated "a no brainer" to keep as open space since it is already open space, not developed in any way, and public land owned by the state. Look at how Santana Row, Valley Fair, and BAREC can build a community....but also look at how people will come and go to the community. If the infrastructure is not correct, all you will have created is a mess that will be very costly to fix. And the citizens will be very angry because you had the chance to do the right thing.

So please, do the right thing.

Regards,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

More views from others in case they did not get to you:

I am writing to express some of my concerns about the proposed expansion plan of valley Fair Mall. The development of Santana Row opposite the Valley Fair Mall has put extreme pressure on the traffic and land resources in that section of Santa Clara County. Currently the exit ramps off 280 leading to the mall are a major hazard area due to single lanes trying to accommodate hundreds of cars at all times of the day. All of that traffic is heading to the mega complex of combined malls at Stevens Creek and Winchester. Any expansion plans need to address major changes to the traffic flow BEFORE any expansion should be approved. Any commercial expansion in this currently congested area aggravates an already dangerous situation. The plan must include cooperative funding with state and federal planners to expand and fix the current exit on 280 that drastically conflicts with the exits for Route 17 and 880 due to the excessive amount of mall traffic blocking that interchange.

Another concern is that the intensification of commercial building in this area MUST be balanced with the development of green spaces for the environmental health of your community. Currently the open space at the former BAREC site would provide an excellent balance to this extreme commercial development. I am requesting that the plan for expansion include incorporating the development of the BAREC land for community green space. Currently the only municipality that opposes the use of this land for green space is the Santa Clara City Council. Their rationale for opposition is that there is no funding for green space development. The San Jose City Council and District 6 are in favor of sourcing funding to develop the BAREC land as a green space. I would strongly urge that one of the stipulations of the expansion plan is to get Santa Clara, San Jose, state and county municipalities to join together to fund the development of BAREC as a green space to balance the concentration of commercial development in this area. As an area resident I know how important it is to provide balanced areas of green space amid the commercial development.

And some comments by others in case they did not make it to you:

Dear Ms. Moore

Valley Fair expansion?

Valley Fair? What Valley? What Fair? It looks like many just like the $ound of those names but completely ignore the deeper meaning of the words. And what "expansion" is that? Income perhaps? On the other hand, to leave BAREC as an open community space IS the true expansion; a reminder of a true valley and a fair.

And why at BAREC? Don't we have already enough empty structures to occupy?

For year I have observed how the many, empty industrial/corporate buildings that populate our old orchards continue to gather dust, while new and old powerful companies continue to erect new structures, seemingly oblivious to the reality that surrounds us all, those empty carcasses lefts after the dot.com bust. None of these corporate and commercial monsters seem to find value in the perfectly constructed buildings in perfectly maintained land.

How is this possible? Why is it that the city of San Jose, Santa Clara, Sunnyvale, the county, the state, do not regulate this wild out-of control activity?

What is this hunger to continue to cover with cement and concrete places like BAREC? What is next? The hills between San Jose and Santa Cruz? Why not a big, long mall there? Perhaps we just don't have enough $200 sweaters to clothe our population ...

Please, allow the green space at BAREC to remain so, as an open community space, free of sales signs and artificial fashionable perfumes.

This land of ours is precious and not meat to be sold to the best bidder nor to the most awesome promise of riches.

This land we own needs room to breathe and remind us all where we come from and where we'll end up. Who wants to lie down under smelly shops and numb shoppers hunting for the latest toy to keep them unconscious? Don't we all dream of the eternal nigh under trees and flowers?

Well?

Let the garden be!

Sincerely,

Andrés F. Cathalifaud
San José, CA

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - photos part 2
Importance: High
Attachments: photo 2006 enlargement.doc

February 12, 2007

Janis Moore, Planner II
Janis.Moore@sanjoseca.gov
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Ms. Moore,

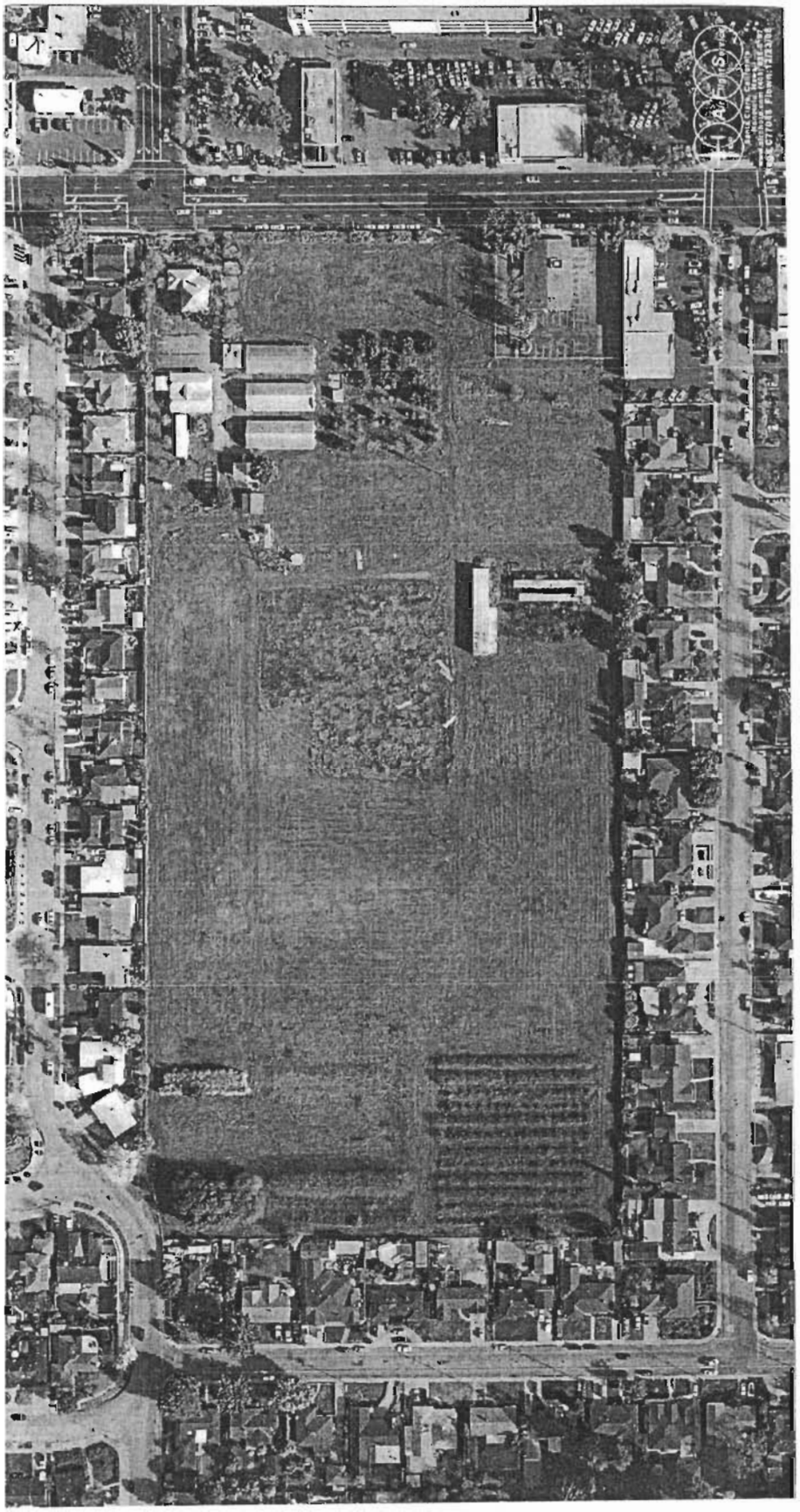
Here is the second of two photos for you to look at. It shows a close up of the Valley Fair area and the parking issues around the neighborhood. If you want hard copies, I can send them as well.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Bay Area Research & Extension Center
Santa Clara, California

Photo taken December 2006



Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - photos part 1
Attachments: photo 2006 aerial.doc

February 12, 2007

Janis Moore, Planner II
Janis.Moore@sanjoseca.gov
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

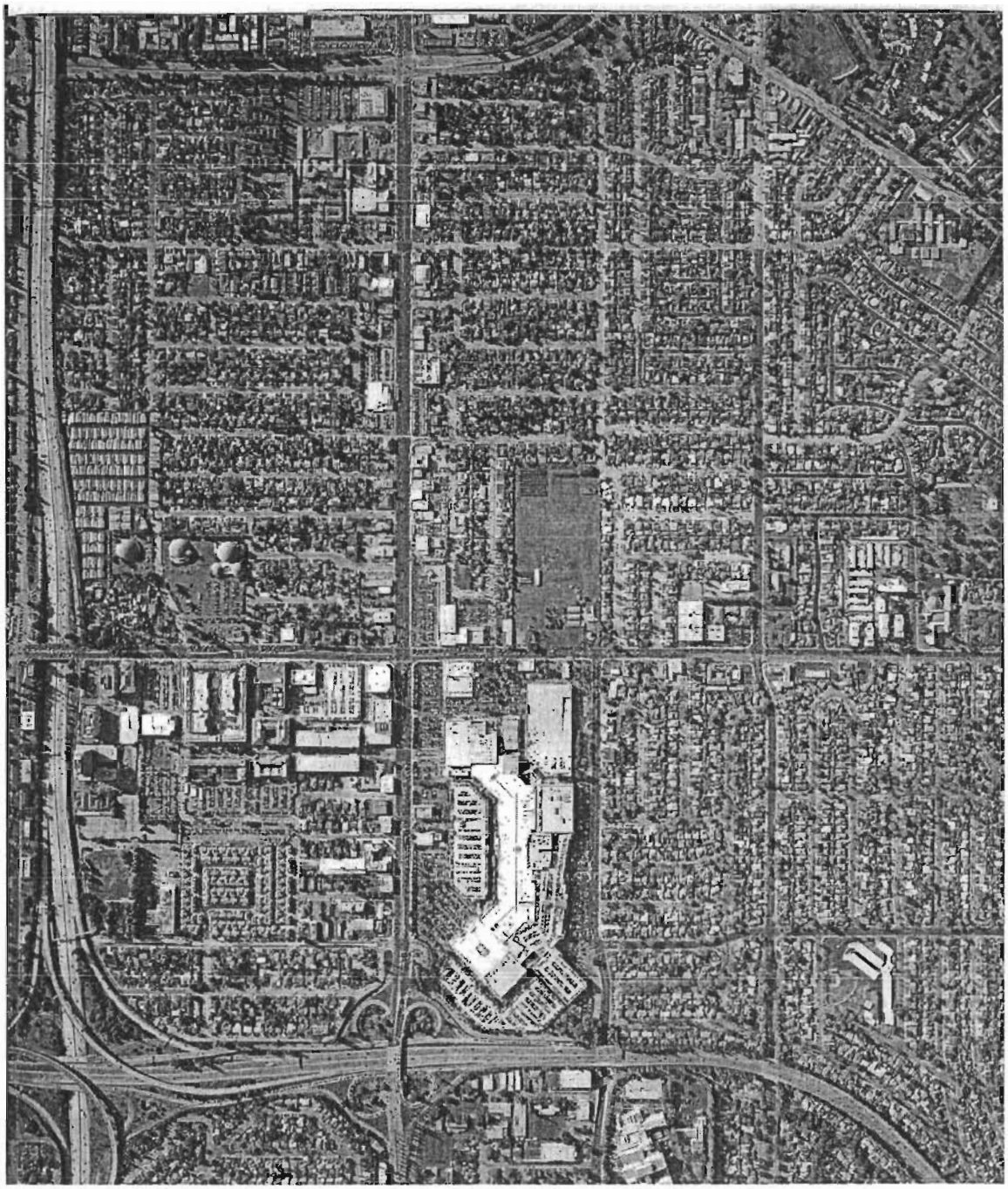
Dear Ms. Moore,

Here is the first of two photos for you to look at. They show the Valley Fair area on December 23, 2006. As you can see, the traffic is piled up and backed up along 880 south, 17 north, San Carlos to Stevens Creek, and people are parked all over the neighborhood. Please make sure you place this in the EIR and detail how these issues will be addressed.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Bay Area Research & Extension Center
Santa Clara, CA **Photo taken December 2006**



Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 7
Importance: High
Attachments: 90nwinchester-package-mailer-may-2006.pdf; bac-vartan.pdf

more details on BAREC

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Sunday, July 23, 2006 10:33 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'; 'legal@savebarec.org'
Subject: Comments on the BAREC DEIR and RDEIR
Importance: High

Hi Gloria,

I have a few requests and comments as follows:

Request:
The notice of availability for the RDEIR was made by Kevin Riley on July 20, 2006. However, as of July 23, 2006, the city web site does not have any updates. I do not feel the 45 day period should start if your letter entitled "Public Notice of Availability" states that the web site is a way to get the information and it is not there. The date should start when the City of Santa Clara posts the information online. Can you please check with the City Attorney to determine if it is lawful to start the clock if all methods stated for viewing the content are not met?

Comments/Requests:

1. Please forward the planning commission the attachment entitled "Here's the Package." The file attached is: 90nwinchester-package-mailer-may-2006.pdf. I am asking that you include this in public comments as the proposed developer sent this to Santa Clara citizens. I spoke to numerous people about this and one person who signed our petition to keep the zoning as agriculture stated she thought this mailing was from the City of Santa Clara, and the scare tactics sentence in the mailer prompted her to send in the postcard. The sentence I refer to is the one which states that by not approving this development plan, the state can do whatever it wants with the land without anyone's input. While this may be technically true, the way it is presented and the way the postcard is created (i.e., showing support for the project only) is misleading and something that the City should not condone. I feel the City should make a public statement that it has not sent out any mailers or propaganda of any kind and that it does not support any private activity to do so.

2. Regarding the mailer listed above (90nwinchester-package-mailer-may-2006.pdf), the title of the group who sent this out is "The Community at 90 N Winchester." The developers know very well the name of the proposed project is Santa Clara Gardens, so why would they deliberately change the name? The only explanation is to confuse the public. These underhanded tactics does not foster educating the public or help the community make an informed decision. As a government body tasked with protecting the public and looking out for its well-being, the City should release a memo or letter stating that they have nothing to do with this mailing.

3. I am attaching a copy of the Bicycle Advisory Committee (BAC) presentation I gave last month (bac-vartan.pdf). Please forward it to the planning commission, the city council, and enter it into the public record for this project. I would also like the city staff to explore how this might be beneficial to the city, if I am allowed to make such a request.

4. I saw the Historical and Landmarks Commission meeting minutes posted on your website. They do not appear accurate. The original one you sent me differs significantly in the area where I presented to them. It shows the motion that was made as failing, but it does not show that it was still a majority (3-2) and how the people voted. This is critical information and Santa Clara citizens

should know how their commission voted. Could you change this please and let me know when this is done?

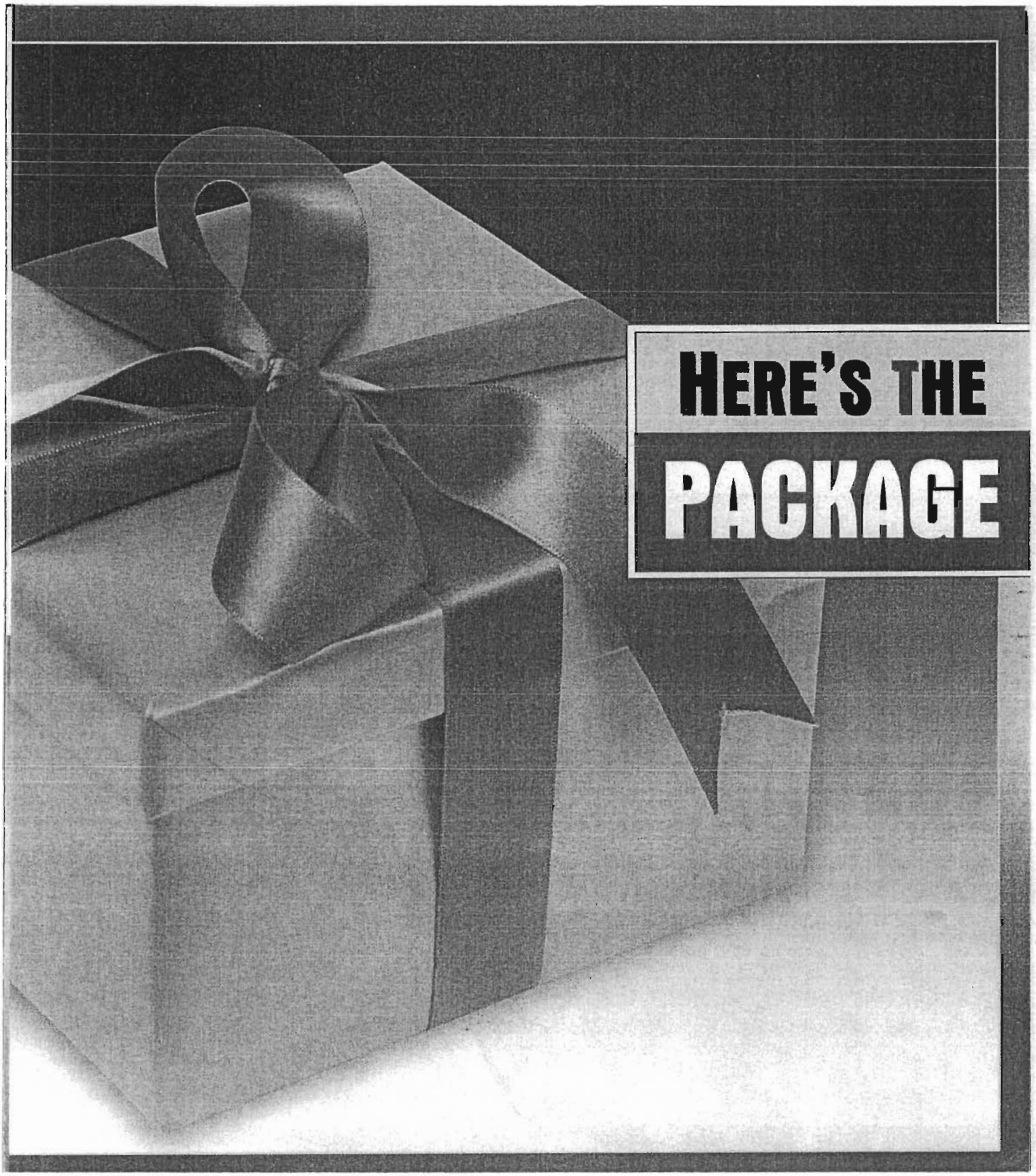
I downloaded the document from your website at:
http://www.ci.santa-clara.ca.us/pdf/minutes/HistoricalLandmarks-20060601.pdf

5. Please ask the planning commission to watch the last City Council meeting (July 18, 2006). In it, our group gave a ten minute presentation to the City Council on the benefits of retaining agriculture land in the City of Santa Clara, the reasons why the City would want to keep agriculture land in Santa Clara, the benefits of an educational urban farm, and examples of successful urban farms. It was agenda item 8B. I would also like to request that they view the public comment section where I spoke (the latter part of agenda item 11). There was also another speaker in this section, Brian Everette, who spoke on urban farming that he does on his property in San Mateo. I think it is critical that everyone on the planning staff (both city staff and commissions) see this presentation so that the mystery of having agriculture in city limits is better understood and how other cities are taking it very seriously.

Please let me know that you received this and the attachments properly.

Thank you very much for your time,

Kirk Vartan
kirk@savebarec.org
www.savebarec.org
888-BAREC-80



HERE'S THE PACKAGE

Affordable Senior Housing, Single Family Homes, A Public Park & Landscaped Gardens

A Good Package for a Better Santa Clara

Following more than five years of public meetings involving several hundred local residents and a thorough and complete Environmental Impact Report, the City of Santa Clara's Planning Commission and City Council will soon review the proposed Community at 90 North Winchester.

Across from Valley Fair Mall, the 17 acre site is a former UC Agricultural Research & Extension Center (BAREC) that was phased out of usage and listed as a surplus property in 2001.

The State is now selling the fenced-off land to generate additional funds for the State and provide needed housing and a public park for Santa Clara residents.

The Community at 90 North Winchester has been planned as a package by nonprofit affordable housing experts and market rate housing professionals. After gathering input from neighbors and the broader community, the proposal includes the following components:

- 162 affordable housing units for independent seniors with 2.5 acres of landscaped gardens
- A one acre public park for nearby families
- Tightly regulated environmental clean-up to meet strict government standards
- 110 single family homes to support Santa Clara's economy and workforce
- Pedestrian-friendly community located near shopping

Rejection of the package could mean that the State of California can choose to develop the property for its own uses, with or without local government and community oversight.

Approval of this package by the City Council will ensure that the community becomes a reality, and Santa Clara residents continue to have a say over development on the site.

Illustration by Barney Davidge Associates

We Want to
HEAR FROM YOU

We want your input on this important issue. Please fill out and return the card below with your comments or questions regarding this community.

For more information, visit www.90NWINCHESTER.com

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

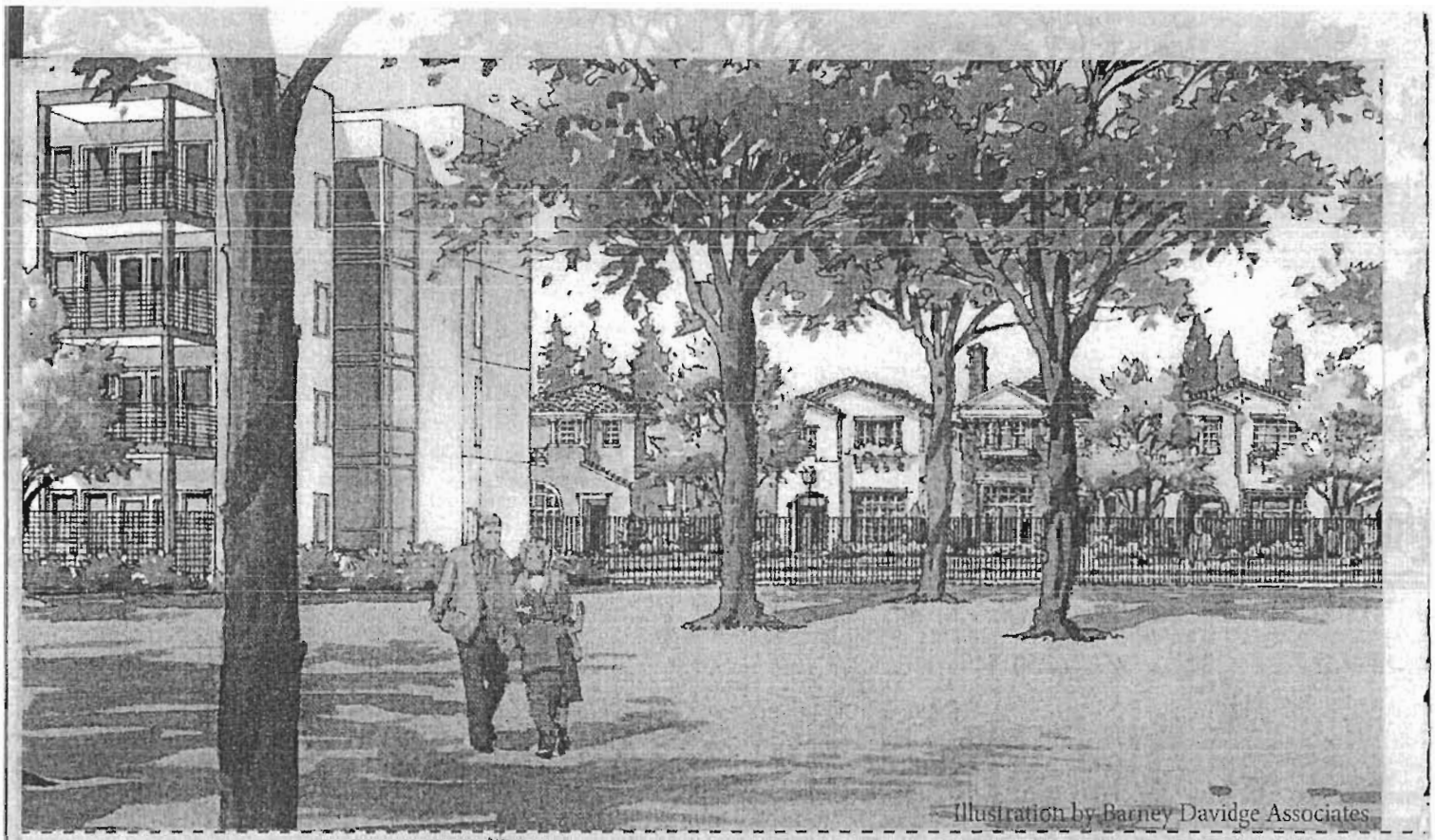
PHONE _____ EMAIL _____

I will: ☐ Support the project. You may use my name along with other supporters.
☐ Attend a public meeting to offer support. ☐ Write a letter in support of the project.

Please write your comments or questions below then drop in the mail and we will get back to you soon via phone or email.

_____

_____



Place
Stamp
Here

The Community at 90 North Winchester
P.O. Box 2712
Santa Clara, CA 95055

The Community at 90 North Winchester
P.O. Box 2712
Santa Clara, CA 95055

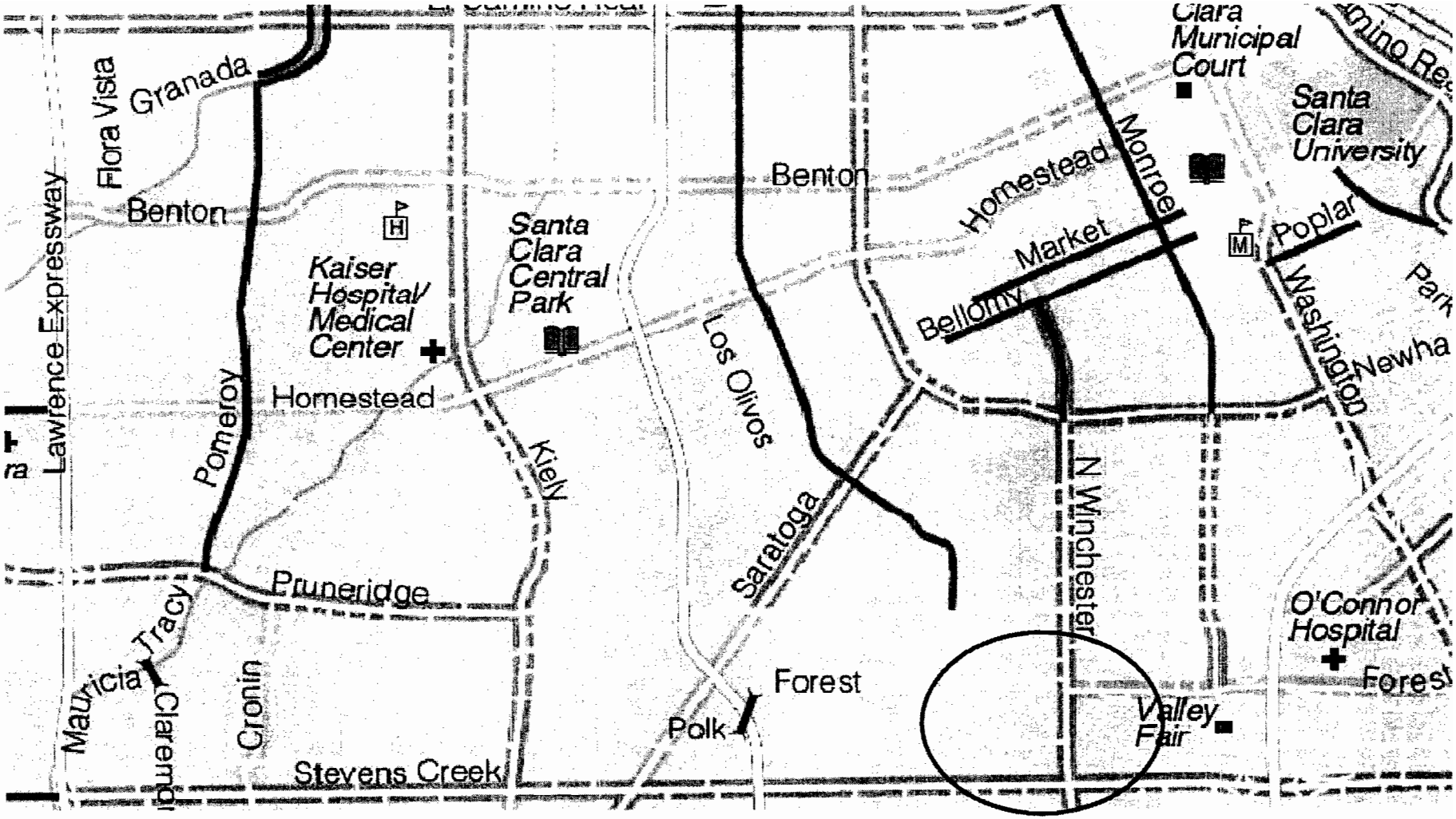
Prsrt. Std.
U.S. Postage
PAID
TBW

**********ECRLOT*
;
SANTA CLARA CA 95050-

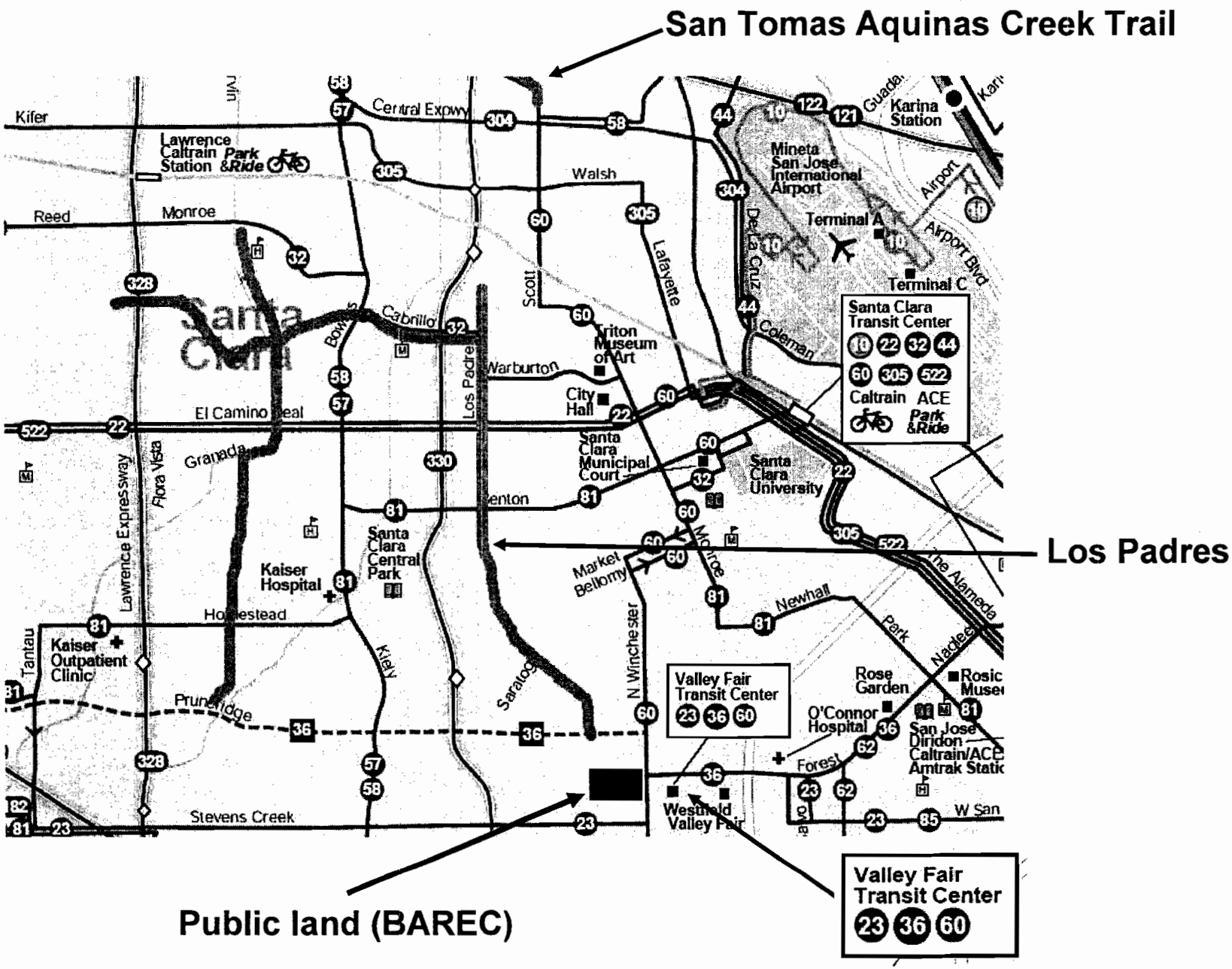
BAC Presentation on BAREC Land Possibilities

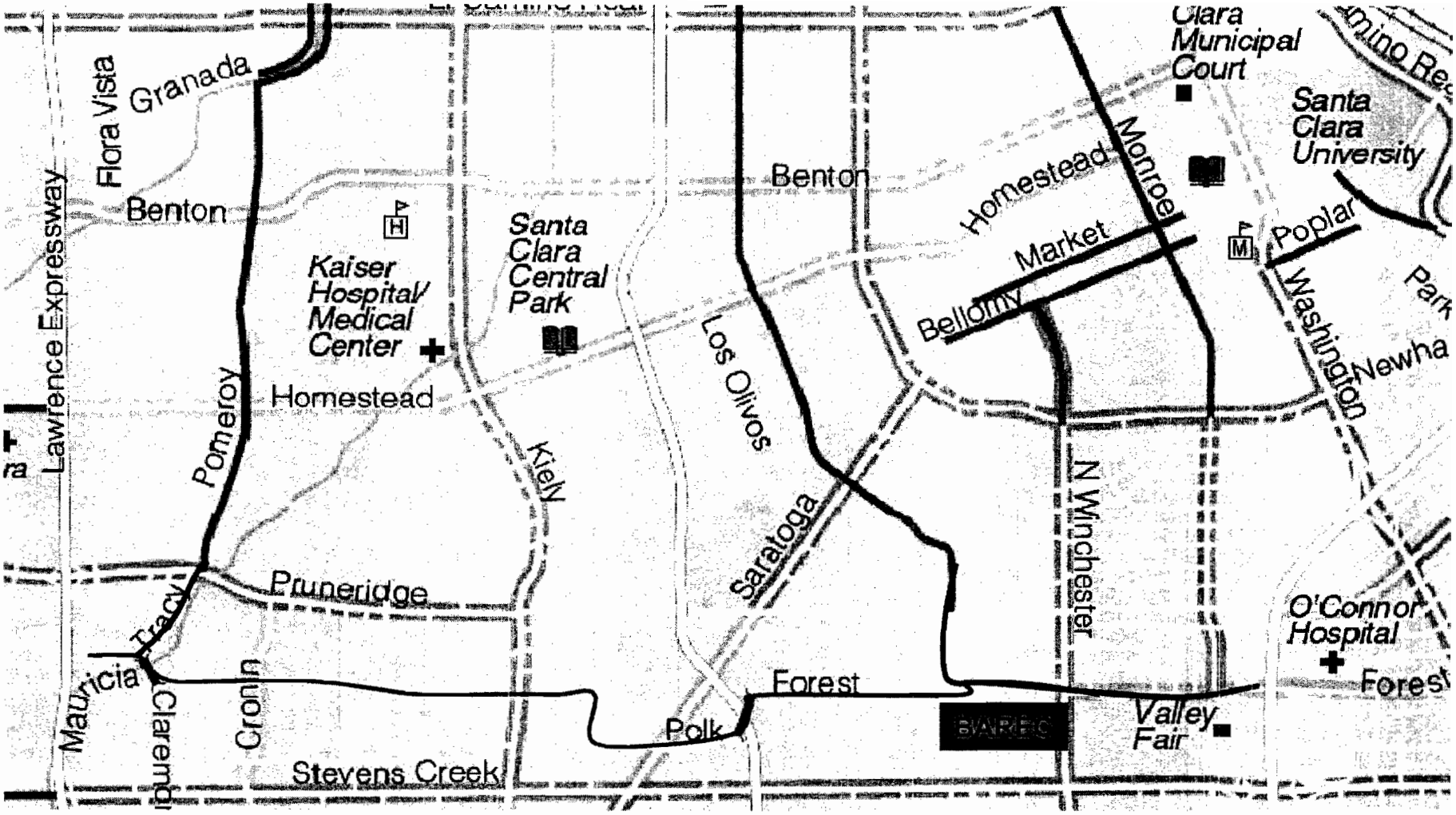
By Kirk Vartan
kirk@SaveBAREC.org

June 28, 2006



- **Possible ingress/egress point for bikes to VTA**
- **Mass transit connections for bikers**
- **Potential connection to hi-tech in Santa Clara from other cities**
- **Possible destination for bikers, rest area, secure storage for malls trips**


San Tomas Aquinas Creek Trail
Los Padres
Public land (BAREC)
Santa Clara Transit Center
10 22 32 44
60 305 522
Caltrain ACE
Park &Ride
Valley Fair Transit Center
23 36 60
Valley Fair Transit Center
23 36 60
Kifer
Central Expwy
Lawrence Caltrain Station Park &Ride
Walsh
Reed
Monroe
Mineta San Jose International Airport
Karina Station
Terminal A
Terminal C
Airport
Airport Blvd
Lafayette
De La Cruz
Coleman
Scott
Cabrillo
Bowers
Los Padres
Warburton
Triton Museum of Art
City Hall
El Camino Real
Santa Clara Municipal Court
Santa Clara University
Granada
Lawrence Expressway
Flora Vista
Benton
Santa Clara Central Park
Kaiser Hospital
Market Bellomy
Monroe
Newhall
Park
The Alameda
Nadeem
Homestead
Kaiser Outpatient Clinic
Tantau
Kiely
Saratoga
N Winchester
Prunerridge
Rose Garden
O'Connor Hospital
San Jose Diridon Caltrain/ACE Amtrak Static
Forest
Westfield Valley Fair
Stevens Creek
W San



- Options for connecting Lawrence to the Mall or I-880
- Linking directly to Los Padres
- Another reason to extend San Tomas Aquinas trail to Los Padres

Opportunities for Public Land

- Bike destination/resting point
- Nourishment/refreshment for travelers
- Direct link to a VTA bus hub
- Extend bike trails access to a single bus ride; encourage more bike usage
- Utilize public space for secure storage of equipment (e.g., bikes)
- Encourage biking to work to hi-tech firms from distances farther than 6-8 miles (VTA can get you to a manageable distance)

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 3
Importance: High
Attachments: Kevin-Reilly-feb-13-2006.doc; signed-petition.jpg

More follow-up....

From: Kirk Vartan (SaveBAREC) [mailto:kirk@savebarec.org]
Sent: Tuesday, May 09, 2006 2:52 PM
To: 'Gloria Sciara'
Subject: FW: BAREC follow-up. Please forward to Ian Champeny
Importance: High

Here ya go. Thanks for helping.

-Kirk

From: Kirk Vartan (SaveBAREC) [mailto:kirk@savebarec.org]
Sent: Thursday, April 13, 2006 2:47 PM
To: 'Planning@ci.santa-clara.ca.us'
Cc: 'info@savebarec.org'
Subject: BAREC follow-up. Please forward to Ian Champeny
Importance: High

Hi Ian,

It was great speaking with you on Sunday at the Farmers' Market. We will actually be at the Santa Clara Farmers' Market this Saturday (Franklin Square) and will be suspending our booth at Santana Row for a month or so while this process is going on so that Santa Clarans can get informed more easily. I'll include a bunch on information in this email, but rather than attaching a lot of documents, I will include links off of our web site: www.savebarec.org. All information and updates are on that site.

As I mentioned when we spoke, Linda and I met with Kevin Riley on February 13, 2006. We presented a fair amount of information to him and left him with some documentation (attached since it is not posted on the web site). Carol McCarthy is also fully aware of our efforts here. We believe the preservation of prime farmland in the area is something that should be on the minds of everyone, especially city planners and council members. This is the **last** piece of Prime Farmland in Santa Clara as shown in the Draft EIR. An unavoidable and significant impact to any housing project on this land is the elimination of 17 acres of Prime Farmland in California, California's highest land designation.

There are many reasons to keep this land as an agricultural asset to the citizens, but an argument that is really a no-brainer is thinking about the future of the city and the community. Just think about what will happen to food prices and availability when fuel costs reach $10/gallon or more. Most of our produce comes from places all over the world, even in this area. Even getting food from a place a close as Gilroy takes energy, energy that could be saved if some of that produce is grown locally. Urban agriculture is a proven way to help scale cities and communities in a way that helps sustain them, providing much more than food alone, including education, open space, children's areas, etc. Still, getting back to the "no-brainer" point, growing food locally allows for the public to get food more easily and cost effectively. When you localize food, you provide for the community.

This is public land and should serve a public need. Housing (all types) will always be needed, no one is denying that; however, there is plenty of land that has residential facilities on it and is already zoned for this purpose. Why is this land so needed for housing? Could it be because it is financially desirable? Maybe, but public assets have a higher purpose and the government (local, state, and federal) are supposed to serve the public the best they can. Is housing in the "public's best interest?" I think not. As I said, there are many issues besides the common sense ones I am trying to communicate. If we just take some time to

think about the long term aspects of this (think in terms of 5, 10, 100 generations from now), the paper arguments for any housing on prime farmland does not make sense. We need to not simply react to the current need for housing everywhere and think about the long term implications for the future. When the Prime Farmland is gone, it never returns.

Here are some items of interest that I would like to direct your attention to. I broke them into five sections:

Section 1:

http://www.savebarec.org/letters-to-all.html

This page above has many of the documents I had at the Farmers' Market. The ones I would specifically call your attention to are in the "Background Documents and Summaries" section of the page. I encourage you to read the letters and flyer too, but I want to explain the items in this section:

1. EIR - Prime Farmland. This document is a compilation of pages from the Draft EIR text where Prime Farmland is referenced, usually talking about the destruction of it. There are a couple of sections highlighted that show some information that is really to the point and one section that is frankly dead wrong. I want to point this one out to you specifically. It is on page 9 of my document (page 4-7 in the Draft EIR). It states: "...it is likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site." They are basically stating two things here: 1. That because of the urban density, you can't farm this land economically, and 2. That the site is too small to farm. This leads me to a document on this page called Fairview Gardens (http://www.fairviewgardens.org). I have listed the document below, but in summary, it is an urban farm (much like BAREC) that is in the middle of serious density in southern California. It is profitable and serves to community, thus proving the first point false. It is 12.5 acres, 30% smaller than BAREC, thus proving the second point false and nullifying the entire section. There is also another example right here in Santa Cruz. The Center for Agroecology and Sustainable Food Systems (CASFS), part of UC Santa Cruz, has a 25 acre plot where they have an urban farm. The model we have for our suggested design (http://www.savebarec.org/docs/barec-land-use-option.pdf) is based on their financially stable and profit generating model. Many designs could exist, these are just two proven, non-tax burdening examples.

2. RAW - Dieldrin Cleanup. This document is a compilation of pages from the Draft RAW text where dieldrin is mentioned and the process for clean up is listed. There are some pretty outrageous claims, like "the truck will never enter a residential neighborhood." That's absurd...the site is surrounded on three sides by residences. How do they expect to get the dirt out of the property? They have to truck it off the lot, there-by going through a residential neighborhood. No where does the report talk about non-excavating options such as phytoremediation and bioremediation, natural and organic ways to fully clean the soil. These methods do not require removal of the soil and will not risk public health by disturbing mass quantities of soil and typically cost 20-80% less than excavation.

It is really unfortunate that these two documents (the Draft EIR and the Draft RAW) are so slanted to developing the land and not being objective. I guess this happens when the State selects the agency that creates a report for disposing of their own land.

3. Fairview Gardens. This document is what I referred to above. It is a 100+ year old farm that had the city grow up around it. It is very similar to what has happened in this area, and more specifically, BAREC. It is a prime example of how urban agriculture works in an urban setting. Ideally, we should be looking at the county level and place strategic urban agriculture centers in neighborhoods (not 17 acres, but more like .5 - 1 acre plots). These centers would be financially self-sufficient and serve the local communities around them.

4. Dieldrin and Cancer. This is a document that shows how this banned pesticide is linked to breast and reproductive organ cancer. There are over 20 documented cases where breast cancer is within 800 feet of this property.

5. Intel Deed Restriction. This shows a site in Santa Clara (17 acres) where similar chemicals were in the soil and a deed restriction was placed on the property so that it could not be used for any form of housing.

Section 2:

Quotes from people that are pretty telling, including the Mayor of Santa Clara. There are also some very informative quotes describing the process and status:
http://www.savebarec.org/docs/barec-useful-quotes.pdf

Section 3:

Here is a web page with lots of information about BAREC from a Council Meeting where I placed BAREC on the agenda on April 26, 2005. I have the entire session captured on video and cut it up so you can look at specific items (also, the entire uncut version is available on the site). I also extracted quotes Planning Director Goodfellow made as well as council members and the Mayor. The quotes are linked directly to the video...word for word.
http://www.savebarec.org/index-sc-council.html

Section 4:

CALIFORNIA CODES: CIVIL CODE - SECTION 815
http://www.leginfo.ca.gov click on California Law, check Civil Code...type in 815, and click search. It is most likely this first item. It states:

"**815**. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

This is a direct quote. It is in the State's best interest to preserve this land as directed by the Civil Code. BAREC meets three if not four of these conditions. If we can halt this sale by keeping the zoning "agriculture," we can then appeal to the State to work with a non-profit (we have identified three) to make this conservation easement happen...like Fairview Gardens has done. Again, it is something that seems to be a no-brainer.

Section 5:

We made a presentation to County Supervisor Jim Beall on September 16, 2005. It is a very good view of the situation and what can be done to make it better:
http://www.savebarec.org/docs/supervisor-jim-beall-sept-16-2005.pdf

I know this is a lot of information and you all have your hands full with 1,500+ pages of Draft EIR and Draft RAW, but we all need to make sure we understand all the forces here, because once the Prime Farmland is gone, it is gone forever. I hope the 45 days is enough time for you to review the entire 1,000+ page Draft EIR and the 30 days is enough time to review the entire 400+ page Draft RAW. I think it is crazy to have both circulating at the same time. It distracts everyone. There is too much to read and digest. To expect the public to read all these pages and sections in 45 (or less) days is just insane. I don't know how your office is doing it and still able to do your normal work load. I think it would be good to get an extension so we have more time to do thorough reading of it.

The last thing I will leave you with is something that I heard from the City Council when the Binding Arbitration agenda item came up this past Tuesday. They are delaying their decision on doing something because they want to get community involvement in something important. They want feedback and to educate the public. This is very encouraging. I would suggest the same diligence be done here...even though the City wants part of the land for itself. This is a far reaching project and the citizens deserve to know what is going on. I have attached a copy of the petition we are having people sign to show how our grass roots effort has broad community support. We have around 4,000 signatures to date. I'd be happy to share this all with you. We are not talking just the neighbors...we are talking all over the city and even the state. I am suggesting that the City really go out and poll the people to learn what they want, because once the zoning changes, there is no going back. Why rush this? We have spoken to the citizens and the vast majority are not in favor of the proposed housing projects. Just ask them, please.

Thank you for your time. If you ever want to meet or have us come down and present to the City Staff of to other officials, we will do so at anytime. We really want our information to be shared by everyone. Unlike the private SummerHill meetings that take place, we want to encourage open communication with everyone. We'd gladly have a debate with SummerHill, Charities Housing, the City and others on the merits of the project and the value of the land in different uses. We believe 100% that our direction, while it is not necessarily the easy one, it is the right one...and we will speak with anyone and anytime to share our views and discuss the options. Please feel free to call me anytime.

Cheers,

-Kirk
kirk@savebarec.org
www.savebarec.org

Agenda for Kevin Reilly and SaveBAREC.org (Kirk Vartan, kirk@savebarec.org; Linda Perrine, linda@savebarec.org)

Goals/Vision

- Overview of SaveBAREC and Friend of BAREC
- Sustainable living vision
- How urban agriculture delivers sustainable living for a community
- Elevate BAREC to a pedestal...stand behind it and show how it leads the way to the future...look at the attached LA article
- Be the "Center of Excellence" for how urban communities can live sustainably
- Based on UC Santa Cruz's Center for Agroecology and Sustainable Food Systems (CASFS) proven, financially stable, educational, non-profit model
- Non-tax burden to the citizens
- Integration with K-12 and universities
- Centrally located to many schools and easy to get to
- Already in a area that is a destination
- Community education center for urban food production and non-toxic landscaping techniques for home gardeners and professionals (the community)
- All year round organic produce sold locally and at Farmers' Markets
- Solves the lack of open space in Santa Clara county District 4
- Capture all the history
- First step in the Santa Clara Valley economic relocalization of food and resources in response to imminent peak in world oil and natural gas supplies.
    - Rapid escalating food prices will naturally occur due to our dependency on cheap energy to grow and transport food
    - Much more planning for Peak Oil needs to occur and soon

Action plan

- ViVA offer to purchase land at agricultural zoned price ($10K – $20K/acre)
    - http://www.savebarec.org/docs/viva-barec-purchase-offer-june-29-2005.pdf
- GCRCD's letter to the State of California requesting to take control of the land
    - http://www.savebarec.org/docs/gcrcd-letter-2005.pdf
- ViVA (or other non-profit) to run operation/facility
- California Civil Code, Section 815 – see attached
- Quotes from Mayor Mahan (April 26, 2005 meeting and January 29,2006 SJ Merc. Newspaper article) and Council Member Caserta (April 26, 2005 meeting) – see attached
- The city can stop this sale. Then we can look at how the land can be used effectively in this city
- Over 3,500 signatures from people all over support this vision
- **Key:** Not state, county, city, nor university run...community based non-profit

Opportunity for SJ and SC to collaborate:

- The bus hub and parking structure can be used for access to the site
- An organic restaurant could be placed on the top of the Valley Fair parking structure overlooking the farm, where the food came from, as well as the mountains
- A walking bridge can be constructed from the parking structure to the property (over Winchester), eliminating any potential traffic hazards, pedestrian accidents, and traffic concerns.

Other things that need to happen regardless:

- Soil clean up
- General plan amendment
- Examination of neighbors' illnesses
- Plan for addressing Peak Oil & Natural Gas for this region and its cities

Quotes relevant to discussion. More compete set at:
http://www.savebarec.org/docs/barec-useful-quotes.pdf

"If the county will step forward and say we will join with the City of Santa Clara and purchase some of that [land] or if the City of San Jose wanted to contribute, it would be marvelous. To have 17 acres reserved as open space would be magnificent. I do not know that anyone of us sitting here today would argue that fact."

Santa Clara City Mayor Patricia Mahan, October 21, 2004 on Comcast TV's "Environmental Concerns"

"We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Santa Clara City Mayor Patricia Mahan, April 26, 2005 at the Santa Clara City Council Meeting

"We have to be reasonable in allowing rezoning; we can't withhold entitlements unreasonably, especially when we can't offer a good alternative."

Santa Clara City Mayor Patricia Mahan, as quoted in *The Valley* section of The San José Mercury News, January 29, 2006

"I know there's a park; I'd like to see it be a little bit bigger. But, I think that neighborhood needs a park."
"On that Safeway across the street...I heard the lease on that Longs, um, when that comes up, they are going to make that a Super Safeway."

Santa Clara Council Member Kevin Moore, April 26, 2005 at the Santa Clara City Council Meeting

→Note: 2006 – Longs just renewed their lease.

CALIFORNIA CODES, CIVIL CODE
SECTION 815

"815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

[City Gov]

- Accomplishments
- Adopted Goals
- Agendas
- Board & Commissions
- Council
- Councilmembers
- Current Issues
- Ethics & Values
- Minutes

November 2005						
S	M	T	W	T	F	Sa
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

BAREC July 11, 2005 Update

The State of California has sold six acres of their surplus 17-acre parcel referred to as the Bay Area Research and Extension Center (BAREC), at 90 North Winchester Blvd., to the City of Santa Clara Redevelopment Agency. The Redevelopment Agency's Housing Fund will utilize $20 million for an affordable senior housing project on this site, with a portion of these funds allocated for land purchase and the remainder to be allocated to a partnership with two non-profit organizations for the proposed construction of the affordable senior housing. The two non-profits are Charities Housing and the Santa Clara Methodist Retirement Foundation.

The City and State staffs began land purchase discussions in 2002, and were trying to complete the negotiations in 2004 when a budget trailer bill impacted the State's ability to sell the land for less than fair market value, essentially halting the negotiations for this affordable senior housing project. The project would not have been feasible if the property had to be purchased at market value. The provisions of the budget trailer bill that were placed into effect in 2004 expired as of June 30, 2005, and the purchase by the Agency was completed with the support and assistance of **Senator Elaine Alquist** (see below). The State has entered into an agreement to sell ten acres of the project site to a housing developer for single-family homes. A one-acre park is proposed for the remainder of the site.

Special thanks to Senator Alquist, who helped ensure that the sale would take place by introducing Senate Bill 472 in February 2005, to require the State to honor its long-standing practice of selling surplus state land to local governments at below market value for the public good. In addition to introducing SB 472, Senator Alquist provided assistance and facilitation that led to the signing of the purchase agreement.

[City Gov]

- Accomplishments
- Adopted Goals
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- Current Issues
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February 2006

90 N. Winchester (BAREC) January 31, 2006 Update

The City of Santa Clara Redevelopment Agency has entered into an agreement to purchase six acres of the State of California's surplus 17-acre parcel located at 90 N. Winchester (formerly the Bay Area Research and Extension Center [BAREC]). The property is located near the southern edge of the City, just north of the retail properties on Stevens Creek Blvd., and immediately west of Winchester Blvd.

The City's Redevelopment Agency Affordable Housing Fund is utilizing $20 million of its Affordable Housing Fund to purchase the six acres at a below-market rate, and to help pay for construction of a proposed affordable housing project for seniors. The affordable senior housing project would be built under a partnership with two non-profit organizations: Charities Housing and the Santa Clara Methodist Foundation. Of the remaining eleven acres, one acre is proposed for a public park and ten acres are proposed for the construction of single-family residential housing by a developer.

Background

Save BAREC (Bay Area Research and Extension Center) Petition

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

		Name	Address, City, State, Zip	Phone (opt.)	email@barec.com (opt.)
1	Sign	[redacted]	[redacted] Santa Clara	[redacted]	
	PRINT	[redacted]	Santa Clara CA 95050		
2	Sign	[redacted]	[redacted] S. WINCHESTER BD [redacted]		
	PRINT	[redacted]	SAN JOSE, CA 95128		
3	Sign	[redacted]	[redacted] Warburton Ave	[redacted]	[redacted] gmail.com
	PRINT	[redacted]	Santa Clara CA 95050		
4	Sign	[redacted]	[redacted] WARBURTON AVE	"	[redacted] yahoo.com
	PRINT	[redacted]	Santa Clara, CA 95050		
5	Sign	[redacted]	[redacted] market St		
	PRINT	[redacted]	Santa Clara, CA 95050		
6	Sign	[redacted]	[redacted] Pineview Drive	[redacted]	[redacted] pacbell.net
	PRINT	[redacted]	Santa Clara CA 95050		
7	Sign	[redacted]	[redacted] Main St.		
	PRINT	[redacted]	Santa Clara CA 95050		
8	Sign	[redacted]	[redacted] Pendergast	[redacted]	
	PRINT	[redacted]	Cupertino CA 95014		
9	Sign	[redacted]	[redacted] ALLEN WAY	408/[redacted]	
	PRINT	[redacted]	SANTA CLARA CA 95051		
10	Sign	[redacted]	[redacted] FRASER PLACE	408 [redacted]	[redacted] @ gmail.com
	PRINT	MAN[redacted]	SANTA CLARA, CA, 95050		
11	Sign	[redacted]	[redacted] Lincoln St. #27	408 [redacted]	[redacted] aol.
	PRINT	[redacted]	Santaclara, CA 95050		
12	Sign	P. [redacted]	[redacted] AVENIDA DE LAGO	(408) [redacted]	[redacted] YAHOO COM
	PRINT	[redacted]	SANTACLARA CA 95054		

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 1

Importance: High

Attachments: Untitled Attachment; sc-draft-eir-letter-apr-24-2006.doc

Untitled Attachment sc-draft-eir-letter-apr 24-200...

Moore, Janis

I am sending you additional comments I made into the BAREC Draft EIR as there were many problems with it. Please include them in this EIR and comment on the points made.

Thank you and please respond via email that all the information has been received.

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

From: Kirk Vartan (kvartan)
Sent: Monday, April 24, 2006 4:50 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC (Santa Clara Gardens) Draft EIR comments
Importance: High

Gloria Sciara
Project Manager
City of Santa Clara
Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

RE: BAREC (proposed Santa Clara Gardens) Draft EIR comments

Dear Ms. Sciara,

I am writing this letter to express my deep concern for the quality and integrity of the current Draft EIR that has been created by EDAW. It is clear to me that they are under the direction of the State agencies and have not provided a complete and well rounded view on the conditions and impacts for a project of this sort. The most disturbing things I have seen in this document is the clear lack of alternative solutions, other than the development proposed by the City of Santa Clara and SummerHill Homes. An Environmental Impact Report is supposed to provide an objective view of the current conditions as well as any and **ALL** impacts and alternatives to the land at hand. Also, the title the developer picked for this project is a joke and insulting: Santa Clara Gardens. And what "gardens" are they exactly referring to? Oh, I know, the gardens that are going to be destroyed will be remembers by the name or it is trying to deceive the public into thinking that a garden type development will occur. By turning a 17 acre piece of public agriculture land in to one acre public park is laughable. The City of Santa Clara should not even allow a name as deceiving as Santa Clara Garden be used in a non-garden proposal. It is deceptive and downright wrong. People who know nothing about the project will think that a garden is being created when it is the polar opposite.

There are so many issues with the report, that I will simply start in and talk about the first and most obvious one: destruction of prime farmland. The Draft EIR makes many references to the fact that this land is Prime Farmland. **Specifically, page 4-6, states: "Therefore, for the purposes of this analysis the entire site is considered Prime Farmland."** Based on this statement and the ones that lead up to it, the entire 17 acre plot of land is Prime Farmland, the highest designation for farmland based on what the California Department of Conservation (CDC) defines in the Farmland Mapping and Monitoring Program (FMMP). Of the four types of farmland (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance (CDC 2001), Prime Farmland is the most desirable for farming. These designations are based on "a particular set of criteria related primarily to soil type and the availability of water" (page 4-5 in the Draft EIR). The BAREC 17 acres is classified as Prime Farmland. To be clear,

Prime Farmland is defined on page 4-5:

> Prime Farmland is defined by CDC as "the best combination of physical and chemical features to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields" (CDC 2001).

In section 7.3 on page 7-5, the section No Project Alternative – Current Zoning makes a number of claims that are not only misleading, they are simply false. For example, it states:

> Further, because the site is completely surrounded by urban development, the establishment of a ranch or dairy would be unlikely because of conflicting adjacent land uses, and would require additional approvals from the City. Therefore, this alternative assumes that the site would be developed with active farming, nursery, and greenhouse uses. It is likely that new structures would be constructed under this alternative to support proposed uses, and that heavy equipment (e.g., tractors, plows, forklifts) would be used as part of site operations. In the event the State sought to develop the site with other uses, the State would first be required to comply with CEQA for any new proposal. Because the project site would not be sold to private developers, funding would not be available for the clean up of contaminated soils on the site.

These statements are just plain silly. It is stating that since it is not being used for this particular private development, that all the existing problems of soil clean-up could not be funded and the site would remain contaminated. Further, it is stating that any type of farming is unlikely. What is this based on? What data have you gathered as to who or what entities could utilize this land as an active public farm? I know the SaveBAREC grass roots organization has approached at least three different non-profit organizations that would do just this...turn it into a working farm. This also includes the citizens of Santa Clara. So why would you think the City of Santa Clara would not want to make this into a working farm if that is what the citizens wanted...and something that would not cost the City millions of dollars. Why would you make these claims? They are simply ignorant.

In section 7.3.1 – Environmental Analysis, subsection Land Use (still under a No Project Alternative), it states:

> This alternative would eliminate the project's significant and unavoidable prime farmland impact as the project site would continue to be used for agricultural operations.

Meaning, that non proceeding with the proposed project and going with an agriculturally based one allows for the perseveration of one of California's most valuable resources: Prime Farmland.

In Section 6, Other CEQA-Mandated Sections, sub-Section 6.1, many "Significant Unavoidable Impacts" exist. The one that cannot be hidden in rhetoric or the thousands of pages is this simple fact listed on page 6-1:

> "**Impact 4.1.2: Conversion of Farmland to Non-Agricultural Use.** The project would involve development of Prime Farmland and Farmland of Statewide Importance with residential land uses. Conversion of farmland to urban uses would be a significant impact.
>
> No feasible mitigation is available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

Again, to be clear, while this statement tries to minimize the significance of this UNAVOIDABLE AND UNMITIGATABLE IMPACT by saying that there are two kinds of land, this same document already stated in two sections earlier (page 4-6) that the entire plot of land is Prime Farmland. So, what this impact means is that 17 acres of Prime Farmland will be destroyed, never to return. Period. No maybes or it could be found somewhere else; it says "No feasible mitigation is available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses." Meaning, once it is gone, it is gone forever. This is something that our future generations will notice. Think a bit further than the next 5-10 years or 5-10 political

elections....think about the next 5-10 generations or 50 generations. Will generic housing on Prime Farmland be the biggest concern or will the actual Prime Farmland be needed? We all know this discussion has gone on for a few years now, but let's not rush things. Sure, three years may seem like a lot, but not in terms of 300 years or more. Our country is only 200 years in terms of what we have done with it. We are seeing all kinds of problems with the way we develop land and communities. Why not take a bit more time and invest some energy into exploring ALL the alternatives. The purpose for public land is to serve the public. Have you examined all the alternatives as to how the public can best benefit from this land? Have you looked more than 5-10 years out? If so, what conclusions have you drawn? What rational and justification have you provided that shows that housing on this last piece of Prime Farmland in Santa Clara is better for the long term growth of the community? If you do not have this data, why not? You owe it to the pubic to do this kind of due diligence in making a permanent decision such as this. Look at home much effort you are putting into the Police and Fire Fighter's Binding Arbitration decision. That is a Charter Change and deserves a lot of attention. However, in reality, Charters can be amended time and time again. If you change the zoning of this land and allow for ANY form of housing on this land that is residential in nature (i.e., senior housing and private developer housing), you will be making a decision that can NEVER be changed. The decision is final. Don't you think that deserves more careful thought and exploration. Why rush it? SO what if it take another six months or a year, in the big picture, that is almost unnoticeable... except to the private developers that want to make $50M+ on the housing deal. And don't use the excuse of needing the tax revenue, because we have heard "The City [Santa Clara] loses money with housing as it is costly to maintain it" directly from the Santa Clara Director of Planning, Geoffrey Goodfellow, at the Neighborhood Outreach Meeting on January 15, 2003. This was further confirmed by Terry Trumbull on the October 21, 2004 Comcast TV show "Environmental Concerns," where Mayor Mahan was also present, when he stated: "Housing is a dead bang looser for income. In the United States we have gone from 5th to 48th in the most efficient use of our tax money. We have the highest unemployment in this country. The average person in Santa Clara Valley travels 35 miles one way to work each day."

Further, I suggest you change the General Plan to be inline with the current zoning of Agriculture and make the General Plan show that this land is to be designated for agriculture.

Continuing on with Section 6 under Cumulative Impacts – Agriculture Resources (page 6-3), it states:

> The project would develop approximately 17 acres of Prime Farmland and Farmland of Statewide Importance for which there are no feasible mitigation measures to reduce this impact to a less-than-significant level. This would be a significant and unavoidable cumulative impact.

In section 5.2, the report also states:

> The project would convert approximately 17 acres of prime farmland and farmland of statewide importance to urban uses. No other farmland resources are located within the City of Santa Clara and the City has no adopted policies that protect or preserve farmland resources.

Again, showing that once the land is gone, there is NO WAY TO REGAIN IT. And just because the city does not have an current policies to "protect or preserve farmland resources" doesn't mean it shouldn't or it won't in the future.

In section 5.2, under the Cumulative Impact Analysis, the section entitled Land Use and Agricultural Resources states something that is frankly laughable and written by someone that is clearly not from the area. It states:

> Development of the project would not substantially change the development intensity of the area or overall land use patterns.

The housing proposed increased the density 2-5 times. To say there is no change is insulting. How you came up with this information is a joke. Have you actually looked at the area? I have included a document that you can refer to that shows all the direct surrounding houses and the vast majority of them are single

story homes. Most of the four homes that are not one story, all but one are above garage add-ons. You are really suggesting that 37 foot 2 ½ story houses are roughly equivalent to the surrounding neighborhood? Come on, just walk around and get your nose out the legal texts and just look. The structures being suggested in this project are not even in the same ballpark. Stop kidding yourselves and stop trying to deceive the public.

I also looked at the traffic measures and you mention that the Stevens Creek Blvd/Winchester Blvd. intersection would not have any significant traffic or pollution impact. That is just a complete lie. Ask anyone that even tries to maneuver that area during any holiday or semi-holiday and you will see any additional density in housing will just exacerbate the problem. The traffic analysis you performed...the three days in August even before all the schools opened is just not acceptable to measure traffic impact in this area. You can't just take three days in a row and extrapolate the data for an entire year. Even adding the prior traffic analysis (that was done the exact same way), you and not getting a realistic picture of what takes place ALL YEAR ROUND. Stop hiding behind the technical minimums that need to be done to rush a project through (yes rush).

The next section I want to bring you attention to is the one under Impact Analysis. The claims made in Impact 4.1-2 on page 4-7 is so far off base, so incorrect, and so ignorant that the entire Draft EIR should be redone by another agency. It clearly shows that EDAW does not have the capacity to comprehend what Prime Farmland is and how it can be effectively used in an agricultural way. The purpose for EDAW's report and the Draft EIR in general is to capture all the facts about the land and to outline all possible alternatives that that land can be used for. Since the State owns the land and the State's consultants contracted with EDAW, it is clear that EDAW cannot do an objective job. This entire Draft EIR is slanted with the idea of housing development. It is not EDAW's job to determine the best use of the land...it is their job to outline all facets of the proposed project and then do a COMPLETE analysis on the alternatives. This section clearly shows they are not objective and cannot perform this job. Again, the only democratic and ethical thing to do is to contract with another group to perform an EIR. The fact that this is now needed should NOT persuade you from requiring it. It is not the City of Santa Clara's responsibility that the State's consultants contracted with someone not capable of doing a thorough job. Further, since tax payers are footing the bill that EDAW is obviously giving the State, how much has been spent to date? When this question was asked on the October 3, 2005 Scoping meeting, the City Staff and the EDAW consultants thought is was a big joke and no one knew, but one person stated that "they never saw an EIR go for less than $1 Million." Well, here we are over seven months later and over 1,000 pages later, so I ask again, how much has been spent on the EIR to date? How much is budgeted for this? What are the parameters for delivering a quality document? What if the consultant (i.e., EDAW) does not deliver? What are the consequences? Who is responsible and who is accountable for this? What is the timeline they were give to do this job and how much has been completed? Are they over budget or under budget? Where is the money coming from to pay for it?

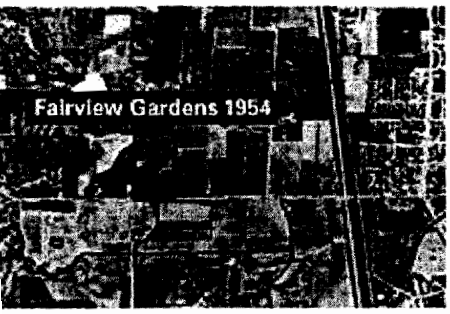
Anyway, on to the single item I was referring to that shows the level of competence (or lack there of) that EDAW has with this type of property. On page 4-7, Impact 4.1-2, it states:

> **Conversion of Farmland to Non-Agricultural Use.** *The project would involve development of Prime Farmland and Farmland of Statewide Importance with residential land uses. Conversion of farmland to urban uses would be a* ***significant*** *impact.*
> The CDC classifies the site as Prime Farmland and Farmland of Statewide Importance. Remnants of fruit orchards are found on the site. No other important Farmlands or agricultural lands are located in the project vicinity and the city has no adopted policies for protection of farmland resources. Agricultural operations at the site ceased in January 2003. Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils; however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site.

want to point out the fact that it states: "Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils." Again, this continues to confirm that this is classified as Prime Farmland.

Now onto the second half of that statement that shows the lack of research (they never talked to ANYONE at the SaveBAREC group nor any other urban farmer) and lack of understanding on how a community can utilize agriculture. They state: "...however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site." Let me break this into two parts. First, it is saying that a farm is not feasible in an urban developed area, and second, that the site is too small for anything significant.

The first part talks about the fact that you can't have a farm in an urban environment. There are many obvious examples of this, ranging from Community Supported Agriculture (CSAs) plots all over the county (including areas in NYC that are measured in 1,000s of square feet, to the more relevant examples of what UCS Santa Cruz has done with their Center for Agroecology and Sustainable Food Systems (CASFS) (http://zzyx.ucsc.edu/casfs/index.html). I have included an example of this as the SaveBAREC group used this as a model for how an urban farm could sustain itself, not costing the City anything and helping to provide for a sustainable living community. However, an even more relevant example that parallels BAREC even more is a place called Fairview Gardens in southern California (http://www.fairviewgardens.org). This is a non-profit run urban farm very similar to what has happened with BAREC, It was once surrounded by orchards and farmland in the 1950s, and it is now in the middle of a dense urban society. Just take a look at the images below from their website:



Even the shape parallels BAREC. I believe I have made my point about the viability of having an urban farm.

Second, the report says the land is too small. The above mentioned Fairview Gardens has been operating for over 100 years and is 12.5 acres, 30% smaller than the BAREC property. Just think about how much more BAREC can do for the community.

Therefore, the rational for not taking this piece of land seriously for farming is absurd. It shows a complete lack of understanding about sustainability and community growth. Is it EDAW's job to make these claims? I would say only with facts to back them up. I have shown you two examples that show how an urban farm sustains itself and contributes on multiple levels to the community (e.g., localizing food production, a place for training and guidance, children's learning, visitor's center, apprentice learning, integration with K-12, quality of life, etc.). The potential is limitless and only grows as the community gets involved.

In section 4.1.3, Mitigation Measures, it states:

> "Based on the above evidence, this Draft EIR has determined that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

There is no way to make up for the fact that you would be allowing the destruction of 17 acres of PUBLIC Prime Farmland.

Again, on page 2-9, it states:

> **"Loss of Land for Agriculture**
> The project would develop approximately 17 acres of designated Prime Farmland and Farmland of

Statewide Importance for which there are no feasible mitigation measures to reduce this impact to a less-than-significant level. This would be a significant and unavoidable cumulative impact."

'here is no way to develop this land into housing and preserve the 17 acres of Prime Farmland. It just can't appen. Do not change the zoning.

Vhat about the want of the Santa Clara citizens for a senior housing facility where Martin's Bar is? If you ut all your money into this development (which no one but the developers want), the community that wants senior housing facility in their neighborhood (a area friendly to seniors) would be denied.

'hink for a minute about a senior trying to cross the 6-7 lanes of Winchester Blvd with a cane or a walker. Vhat about crossing 8-10 lanes of Stevens Creeks Blvd? Do you think this is a safe thing to do? What bout the recent (mid-April 2006) car crash right through the intersection of Forest Ave, right where the enior center is proposed? The car when through the intersection, jumped the curb, took out the bushes, nd destroyed the fence. How safe is that?

'here are many alternatives to this development. Do not let the State scare you in the a lawsuit as videnced by Mayor Mahan stating on April 26, 2005 (see http://www.savebarec.org/index-sc-council.html or a video these exact words):

> "The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Vhy would the City get sued? Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services, stated "The State has never challenged a city on a zoning issue." As Dan Potash stated at the pril 13, 2006 DTSC meeting as again during April 18, 2006 Parks and Recreation Commission: "The City of anta Clara has the final land use authority." He said it is up to the City of Santa Clara if they want housing here. He said this publicly and it is on record.

will conclude my statements by saying we have over 4,000 signatures on a petition from people all over the ty, county, state, and county. The petition simply states:

> Save BAREC (Bay Area Research and Extension Center) Petition
>
> "I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

is is not something that is localized to a neighborhood or a block. It has state, national, and global port. Show leadership in how to grow communities long term. Show how to begin to balance the need not just open space, but productive open space. Imagine a beautifully landscaped garden, that produces d, serves the public, and COST THE CITY NOTHING!!!! In fact, it actually generates money in terms of revenues for the City and the State. There are already non-profits that have offered to purchase this d, but the State is not will to discuss any alternatives until this deal goes away. I know the City see an ortunity to purchase some land at a discount, but don't let short term needs influence the long term ons and goals for a City. You have an opportunity to show significant leadership as a large City that ws how to balance land use and sustain a community. It can be the Center of Excellence for how urban culture is done around your city and in other cities. The people want this. It is your duty to listen to n. Go talk to the citizens about this. Hold more meetings. DO NOT RUSH THIS DECISION, FOR CE YOU MAKE IT FOR A PRIVATE USE AND HOUSING, YOU CAN NEVER GO BACK. HOWEVER, OU KEEP THE ZONING AS IT IS, CHANGE THE GENERAL PLAN TO REFLECT AN AGRICULTURE , YOU CAN ALWAYS CHANGE YOUR MIND IN THE FUTURE SHOULD THE PEOPLE WANT

HOUSING THERE. KEEPING IT AS AN AGRICULTURE ASSET FOR NOW IS THE SAFEST THING YOU CAN DO FOR THE FUTURE OF THE CITY AND THE COMMUNITY.

I have included some web sites and attachments for you to review. I will send the attachments under a separate in case they are too big.

Instead of copying all of the SaveBAREC.org information into an email, please refer to the following website to gather additional information: http://www.savebarec.org. It is very complete and very thorough on how the land can be used for successful urban agriculture. Again, this is just **ONE** of many financially stable and self-sufficient options available for this land.

Thank you for your time and consideration. I am available to talk with anyone and present the alternatives with you at any time.

Kirk Vartan
598 N Henry Ave.
San Jose, CA 95117

P.S. I commented on the DTSC's effort in this process and I think it is problematic at best.

I would also like to know how the City of Santa Clara has incorporated the following guidelines on Environmental Justice. Please see the following:
As of 2001, a general plan must include guidelines on Environmental Justice. Under this general plan guidelines, in chapter 2, sustainable development and environmental justice (page 20). Sustainable development and goals include to "conserve prime agricultural land".

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf

Gloria Sciara
Project Manager
City of Santa Clara
Planning Division
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Meaning, that non proceeding with the proposed project and going with an agriculturally based one allows for the perseveration of one of California's most valuable resources: Prime Farmland.

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No feasible mitigation is available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

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The housing proposed increased the density 2-5 times. To say there is no change is insulting. How you came up with this information is a joke. Have you actually looked at the area? I have included a document that you can refer to that shows all the direct surrounding houses and the vast majority of them are single story homes. Most of the four homes that are not one story, all but one are above garage add-ons. You are really suggesting that 37 foot 2 ½ story houses are roughly equivalent to the surrounding neighborhood? Come on, just walk around and get your nose out the legal texts and just look. The structures being suggested in this project are not even in the same ballpark. Stop kidding yourselves and stop trying to deceive the public.

I also looked at the traffic measures and you mention that the Stevens Creek Blvd/Winchester Blvd. intersection would not have any significant traffic or pollution impact. That is just a complete lie. Ask anyone that even tries to maneuver that area during any holiday or semi-holiday and you will see any additional density in housing will just exacerbate the problem. The traffic analysis you performed...the three days in August even before all the schools opened is just not acceptable to measure traffic impact in this area. You can't just take three days in a row and extrapolate the data for an entire year. Even adding the prior traffic analysis (that was done the exact same way), you and not getting a realistic picture of what takes place ALL YEAR ROUND. Stop hiding behind the technical minimums that need to be done to rush a project through (yes rush).

The next section I want to bring you attention to is the one under Impact Analysis. The claims made in Impact 4.1-2 on page 4-7 is so far off base, so incorrect, and so ignorant that the entire Draft EIR should be redone by another agency. It clearly shows that EDAW does not have the capacity to comprehend what Prime Farmland is and how it can be effectively used in an agricultural way. The purpose for EDAW's report and the Draft EIR in general is to capture all the facts about the land and to outline all possible alternatives that that land can be used for. Since the State owns the land and the State's consultants contracted with EDAW, it is clear that EDAW cannot do an objective job. This entire Draft EIR is slanted with the idea of housing development. It is not EDAW's job to determine the best use of the land...it is their job to outline all facets of the proposed project and then do a COMPLETE analysis on the alternatives. This section clearly shows they are not objective and cannot perform this job. Again, the only democratic and ethical thing to do is to contract with another group to perform an EIR. The fact that this is now needed should NOT persuade you from requiring it. It is not the City of Santa Clara's responsibility that the State's consultants contracted with someone not capable of doing a thorough job. Further, since tax payers are footing the bill that EDAW is obviously giving the State, how much has been spent to date? When this question was asked on the October 3, 2005 Scoping meeting, the City Staff and the EDAW consultants thought is was a big joke and no one knew, but one person stated that "they never saw an EIR go for less than $1 Million." Well, here we are over seven months later and over 1,000 pages later, so I ask again, how much has been spent on the EIR to date? How much is budgeted for this? What are the parameters for delivering a quality document? What if the consultant (i.e., EDAW) does not deliver? What are the consequences? Who is responsible and who is accountable for this? What is the timeline they were give to do this job and how much has been completed? Are they over budget or under budget? Where is the money coming from to pay for it?

Anyway, on to the single item I was referring to that shows the level of competence (or lack there of) that EDAW has with this type of property. On page 4-7, Impact 4.1-2, it states:

Conversion of Farmland to Non-Agricultural Use. *The project would involve development of Prime Farmland and Farmland of Statewide Importance with residential land uses. Conversion of farmland to urban uses would be a* ***significant*** *impact.*

The CDC classifies the site as Prime Farmland and Farmland of Statewide Importance. Remnants of fruit orchards are found on the site. No other important Farmlands or agricultural lands are located in the project vicinity and the city has no adopted policies for protection of farmland resources. Agricultural operations at the site ceased in January 2003. Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils; however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site.

I want to point out the fact that it states: "Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils." Again, this continues to confirm that this is classified as Prime Farmland.

Now onto the second half of that statement that shows the lack of research (they never talked to ANYONE at the SaveBAREC group nor any other urban farmer) and lack of understanding on how a community can utilize agriculture. They state: "...however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site." Let me break this into two parts. First, it is saying that a farm is not feasible in an urban developed area, and second, that the site is too small for anything significant.

The first part talks about the fact that you can't have a farm in an urban environment. There are many obvious examples of this, ranging from Community Supported Agriculture (CSAs) plots all over the county (including areas in NYC that are measured in 1,000s of square feet, to the more relevant examples of what US Santa Cruz has done with their Center for Agroecology and Sustainable Food Systems (CASFS) (http://zzyx.ucsc.edu/casfs/index.html). I have included an example of this as the SaveBAREC group used this as a model for how an urban farm could sustain itself, not costing the City anything and helping to provide for a sustainable living community. However, an even more relevant example that parallels BAREC even more is a place called Fairview Gardens in southern California (http://www.fairviewgardens.org). This is a non-profit run urban farm very similar to what has happened with BAREC, It was once surrounded by orchards and farmland in the 1950s, and it is now in the middle of a dense urban society. Just take a look at the images below from their website:

Even the shape parallels BAREC. I believe I have made my point about the viability of having an urban farm.

Second, the report says the land is too small. The above mentioned Fairview Gardens has been operating for over 100 years and is 12.5 acres, 30% smaller than the BAREC property. Just think about how much more BAREC can do for the community.

Therefore, the rational for not taking this piece of land seriously for farming is absurd. It shows a complete lack of understanding about sustainability and community growth. Is it EDAW's job to make these claims? I would say only with facts to back them up. I have shown you two examples that show how an urban farm sustains itself and contributes on multiple levels to the community (e.g., localizing food production, a place for training and guidance, children's learning, visitor's center, apprentice learning, integration with K-12, quality of life, etc.). The potential is limitless and only grows as the community gets involved.

In section 4.1.3, Mitigation Measures, it states:

> "Based on the above evidence, this Draft EIR has determined that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

There is no way to make up for the fact that you would be allowing the destruction of 17 acres of PUBLIC Prime Farmland.

Again, on page 2-9, it states:

> **"Loss of Land for Agriculture**
> The project would develop approximately 17 acres of designated Prime Farmland and Farmland of Statewide Importance for which there are no feasible mitigation measures to reduce this impact to a less-than-significant level. This would be a significant and unavoidable cumulative impact."

There is no way to develop this land into housing and preserve the 17 acres of Prime Farmland. It just can't happen. Do not change the zoning.

What about the want of the Santa Clara citizens for a senior housing facility where Martin's Bar is? If you put all your money into this development (which no

one but the developers want), the community that wants a senior housing facility in their neighborhood (a area friendly to seniors) would be denied.

Think for a minute about a senior trying to cross the 6-7 lanes of Winchester Blvd with a cane or a walker. What about crossing 8-10 lanes of Stevens Creeks Blvd? Do you think this is a safe thing to do? What about the recent (mid-April 2006) car crash right through the intersection of Forest Ave, right where the senior center is proposed? The car when through the intersection, jumped the curb, took out the bushes, and destroyed the fence. How safe is that?

There are many alternatives to this development. Do not let the State scare you in the a lawsuit as evidenced by Mayor Mahan stating on April 26, 2005 (see http://www.savebarec.org/index-sc-council.html for a video these exact words):

> "The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Why would the City get sued? Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services, stated "The State has never challenged a city on a zoning issue." As Dan Potash stated at the April 13, 2006 DTSC meeting as again during April 18, 2006 Parks and Recreation Commission: "The City of Santa Clara has the final land use authority." He said it is up to the City of Santa Clara if they want housing there. He said this publicly and it is on record.

I will conclude my statements by saying we have over 4,000 signatures on a petition from people all over the city, county, state, and county. The petition simply states:

> Save BAREC (Bay Area Research and Extension Center) Petition
>
> "I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

This is not something that is localized to a neighborhood or a block. It has state, national, and global support. Show leadership in how to grow communities long term. Show how to begin to balance the need to not just open space, but productive open space. Imagine a beautifully landscaped garden, that produces food, serves the public, and COST THE CITY NOTHING!!!! In fact, it actually generates money in terms of tax revenues for the City and the State. There are already non-profits that have offered to purchase this land, but the State is not

will to discuss any alternatives until this deal goes away. I know the City see an opportunity to purchase some land at a discount, but don't let short term needs influence the long term visions and goals for a City. You have an opportunity to show significant leadership as a large City that knows how to balance land use and sustain a community. It can be the Center of Excellence for how urban agriculture is done around your city and in other cities. The people want this. It is your duty to listen to them. Go talk to the citizens about this. Hold more meetings. DO NOT RUSH THIS DECISION, FOR ONCE YOU MAKE IT FOR A PRIVATE USE AND HOUSING, YOU CAN NEVER GO BACK. HOWEVER, IF YOU KEEP THE ZONING AS IT IS, CHANGE THE GENERAL PLAN TO REFLECT AN AGRICULTURE USE, YOU CAN ALWAYS CHANGE YOUR MIND IN THE FUTURE SHOULD THE PEOPLE WANT HOUSING THERE. KEEPING IT AS AN AGRICULTURE ASSET FOR NOW IS THE SAFEST THING YOU CAN DO FOR THE FUTURE OF THE CITY AND THE COMMUNITY.

I have included some web sites and attachments for you to review. I will send the attachments under a separate in case they are too big.

Instead of copying all of the SaveBAREC.org information into an email, please refer to the following website to gather additional information: http://www.savebarec.org. It is very complete and very thorough on how the land can be used for successful urban agriculture. Again, this is just **ONE** of many financially stable and self-sufficient options available for this land.

Thank you for your time and consideration. I am available to talk with anyone and present the alternatives with you at any time.

Kirk Vartan
598 N Henry Ave.
San Jose, CA 95117

P.S. I commented on the DTSC's effort in this process and I think it is problematic at best.

I would also like to know how the City of Santa Clara has incorporated the following guidelines on Environmental Justice. Please see the following:
As of 2001, a general plan must include guidelines on Environmental Justice. Under this general plan guidelines, in chapter 2, sustainable development and environmental justice (page 20). Sustainable development and goals include to "conserve prime agricultural land".

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 5
Attachments: historical-commission-june-1-2006.doc

nore info...

---

rom: Kirk Vartan [mailto:kirk@savebarec.org]
ent: Wednesday, June 21, 2006 3:10 PM
o: 'Gloria Sciara'
ubject: BAREC Draft EIR - Additional Comments

li Gloria,

lease place the following attached document into public record for the review process. I presented this at the last Historical and andmarks Commission meeting on June 1st. I was out of town on May 4th, so I couldn't make the meeting right after the official ublic Review meeting on April 6th.

n odd thing worth noting was the meeting I attended on June 1st had a small black cassette tape recorder. I find it very odd and nfortunate that the meeting we were in on April 6th was note recorded. That way, there would not be a need for my attached ote or another meeting...we could simply quote it directly. It might come down to the point where the meeting minutes need to eflect the sentiments and words more clearly from that meeting. Could you find out if they did happen to record the April 6th neeting? Even if the recording is poor, at least we can get verbiage that shows the emotion and conviction in the room that night.

ust so you know, the motion to agendize it failed because there were not four votes. There was a majority of commissioners resent (it was a 3-2 vote), but I was told that you need four votes to pass a motion no matter how many commission members re present (there were only five that evening instead of seven). Rosalie Wilson, (who would have been the key vote in favor of e motion) was not present so we did not have her yes vote. We both know she would have voted in favor of agendizing it given e fact that at the meeting we attended on April 6th, she was the most vocal one, saying it was the land that had historical gnificance and to not focus or get hung-up on the building's historical significance. This was not even presented in the Draft R, but it is a very good and valid point.

yway, just thought I'd ask and see if maybe they recorded it and make you aware of the last meeting.

anks,

rk

Good evening. My name is Kirk Vartan and I live in San Jose.

On April 6, 2006, during the public meeting reviewing the BAREC Draft Environmental Impact Report (Draft EIR) section entitled: Historical and Cultural Resources, a motion was made by Mr. Jim Boynton. The motion basically stated: To accept this section of the Draft EIR, including the recommendations to photograph all buildings prior to them being demolished and to file these pictures with Washington, DC. Ms. Mary Ann Marinshaw seconded this motion.

After some deliberation, the commission voted on this motion made by Mr. Boynton. The motion failed by a 5-2 vote. Well done. Thank you for not rolling over on this. However, there has been some controversy as to what your actions actually meant, even going so far as to say that no action was taken. I was in the room when you voted and I heard your strong and powerful comments.

So, I would like to suggest to this commission that someone make a new motion that sounds something like this, knowing that there will most likely not be consensus, but there will be a majority:

To DECLINE/DISAPPROVE the section of the BAREC property (90 N Winchester Blvd) Draft Environmental Impact Report entitled: "Historical and Cultural Resources" as it is currently written. This commission believes there is significant history in this property, be it in the buildings or the land, and we do not approve of the property's proposed change in land use leading to it's destruction and the significant unavoidable impact of the destruction of 17 acres of prime farmland. We recommend that that City of Santa Clara keep the zoning agricultural, maintaining a part of what our Mission City used to be like. Further, we want to recommend, as the Draft EIR did, to photograph all buildings and file them with the proper Washington, DC office for permanent record.

This motion will clearly state your collective feelings about this section of the document and let everyone know how you feel about the proposed land use. This is your time to make a strong statement. Please do so.

As a side note, the local chapter of the Sierra Club (Loma Prieta chapter) recently voted (unanimously) to keep BAREC in 100% agricultural open space and we continue to get signatures on our petition from hundreds of Santa Clarans. We have over 4,000 signatures in all. The petition simply states:

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

There is broad community support for keeping (not changing) the agricultural status of the land. Remember, it is currently zoned agricultural.

Thank you.

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 14
Importance: High

nore comments to include to show the wide spread focus on this land...

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Sunday, September 24, 2006 1:41 AM
To: 'Gloria Sciara'
Cc: 'legal@savebarec.org'; 'BAREC - Kathryn Mathewson'; 'BAREC - Sharon McCray'; 'BAREC - Linda Perrine'
Subject: Please include in Santa Clara Gardens comments

Please include in the BAREC public comments for the EIR for Santa Clara Gardens/BAREC.

Thank you,

Kirk

From: JC Rowen [mailto:jcrowensanjosestate@yahoo.com]
Sent: Saturday, September 23, 2006 9:56 AM
To: Val Alexeeff; jim.beall@bos.co.santa-clara.ca.us; bbartindale@mercurynews.com; jpatel@mercurynews.com; mclemore@aol.com
Cc: Kirk Vartan; mayor&council@ci.santa-clara.ca.us; Jim Beall; Ken Yeager; Jane Decker; Dana Peak; Ed Souza
Subject: Re: Barec

he BAREC organization is planning to submit the site to be placed on the California State Resourves List.

iven Mr. Alexeef's lack of cooperation on the first matter, though legally the County Historic Commission is ıpposed to be provided with comment on the matter once it has been submitted, we on the commission will likely be evented from commenting on the project.

ormally request to be apprised of any further correspondence on the matter of BAREC and the county. I have that ght. I discussed the matter with Jim Beall at a party for John McLemore, and he agreed, as did Ken Yeager, that the ounty Commission was not put in the loop as much as it should have been. Well, we cannot change the past, but any storic commission is there to help the future. No doubt given Mr. Alexeef's lack of desire to keep the commission in loop about historic issues, we will not be apprised of anything further to do with BAREC. However, Kirk, I am mally requesting that your organization monitor any further county involvement in this issue so at least someone can us know what is happening.

Ms. Decker is on this list, I formally ask that this email be sent to Mr. Kutras, who failed to return Kirk's follow up l my follow up call on this matter.

en the SHOP asks in the next few months why the county commission was not kept in the loop when BAREC kes the state application, this email along with several others, will show members of the commission wanted to be rised.

The purpose of county commissions is to involve the public. I am sorry that as members of the public, some of us are passionate about county history. I was told by Mr. Beall it was a requirement to be on the commission. It seems with the county planning director, it is liability. The commission has not been well respected on this issue at all and the Mercury News should wonder why a EIR for our review and comment was never given to us.

Val Alexeeff <Val.Alexeeff@pln.sccgov.org> wrote:

>

> I have prepared a summary of our understanding of the BAREC site
> and the procedures in play.

> _____
>

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 4

More comments...

From: Kirk Vartan (SaveBAREC) [mailto:kirk@savebarec.org]
Sent: Saturday, May 20, 2006 9:26 AM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC: More traffic and building in the area

Hi Gloria,

Please add the following comments and the referenced article to the pile of information your team is reviewing for the BAREC Draft EIR:

It was just made public that Valley fair wants to grow in size by almost more than 30%. That will take it to 2.1M square feet (up from 1.5M square feet). The additional parking and traffic that would occur is very significant. See an article in the SJ Mercury News on May 20, 2006:

http://www.mercurynews.com/mld/mercurynews/14627724.htm

I am concerned that the traffic impact analysis was not taking this into account when the studies were done. We met with the group that did the traffic studies for SummerHill Homes for the BAREC project and they were not aware of any development like this. They definitely did not take any of these calculations into consideration.

There are also talks of "Santana Row 2" which would be on the other side of Winchester. They specifically said they were not aware of any developments like that and said they did not have any traffic information on any future plans.

I am very concerned that traffic in general is not be adequately addressed. It's like these massive developments are throwing up their hands and saying, "well, we can't fix that problem over there, so we're going to just focus on our section."

The article listed above affects both San Jose and Santa Clara residents...yet another reason to put a moratorium on the BAREC project until you see what will actually be taking place. Adding more housing to this commercial expansion is a huge mistake. If a beautifully landscaped urban farm were put there, the community and the visitors could *walk* over to the open space and relax, learning about natural food production and taking a break. It keeps people in the area without more driving and generate more tax revenue for the City of Santa Clara. The real benefit is the food production it can do for the community and others.

Please add this to the list of things to review.

Thank you,

Kirk Vartan

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The requested article was not found.

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 6

More details on the BAREC issues...

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Sunday, July 09, 2006 9:36 AM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'; 'kathryn@savebarec.org'; 'linda@savebarec.org'; 'cameron@savebarec.org'; 'legal@savebarec.org'
Subject: Additional BAREC/Santa Clara Gardens input

Hi Gloria,

Please add the following CBS News program content "CBS 5 Investigates: Is Toxic Land Going Up For Sale In The Bay Area?" dated June 19, 2006 to the public record for the Draft EIR.

http://cbs5.com/video/?id=14277@kpix.dayport.com

Thank you,

-Kirk

kirk@savebarec.org
www.savebarec.org
388-BAREC-80

Enlarge

Play ▶ CBS 5 Investigates: Is Toxic Land Going Up For Sale In The Bay Area?

CBS 5 Investigates: Is Toxic Land Going Up For Sale In The Bay Area?

June 19, 2006

CBS 5 Investigates' Anna Wener reports the state plans to make millions of dollars by selling 17 acres of contaminated land in Santa Clara, but neighbors want to know if there are any plans to clean it up.

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Brian's Daily Briefing, February 12, 2007

02/12/07

4 Shootings In San Francisco In 24 Hours, 2 Dead

02/12/07

Weather Anchor Roberta Gonzales And Her Extended Weather Webcast

02/12/07

PAGE 1 of 1127

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 2.5
Importance: High
Attachments: barec-mccray-history-feb-2005.ppt

Additional comments and documents...

From: Kirk Vartan (kvartan)
Sent: Monday, April 24, 2006 4:59 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC (Santa Clara Gardens) More information for Draft EIR comments
Importance: High

And let me give you an alternative email address:

barec-eir@kvartan.com

Please use this email for all communication.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Also worth noting is the following:

CALIFORNIA CODES, CIVIL CODE
SECTION 815

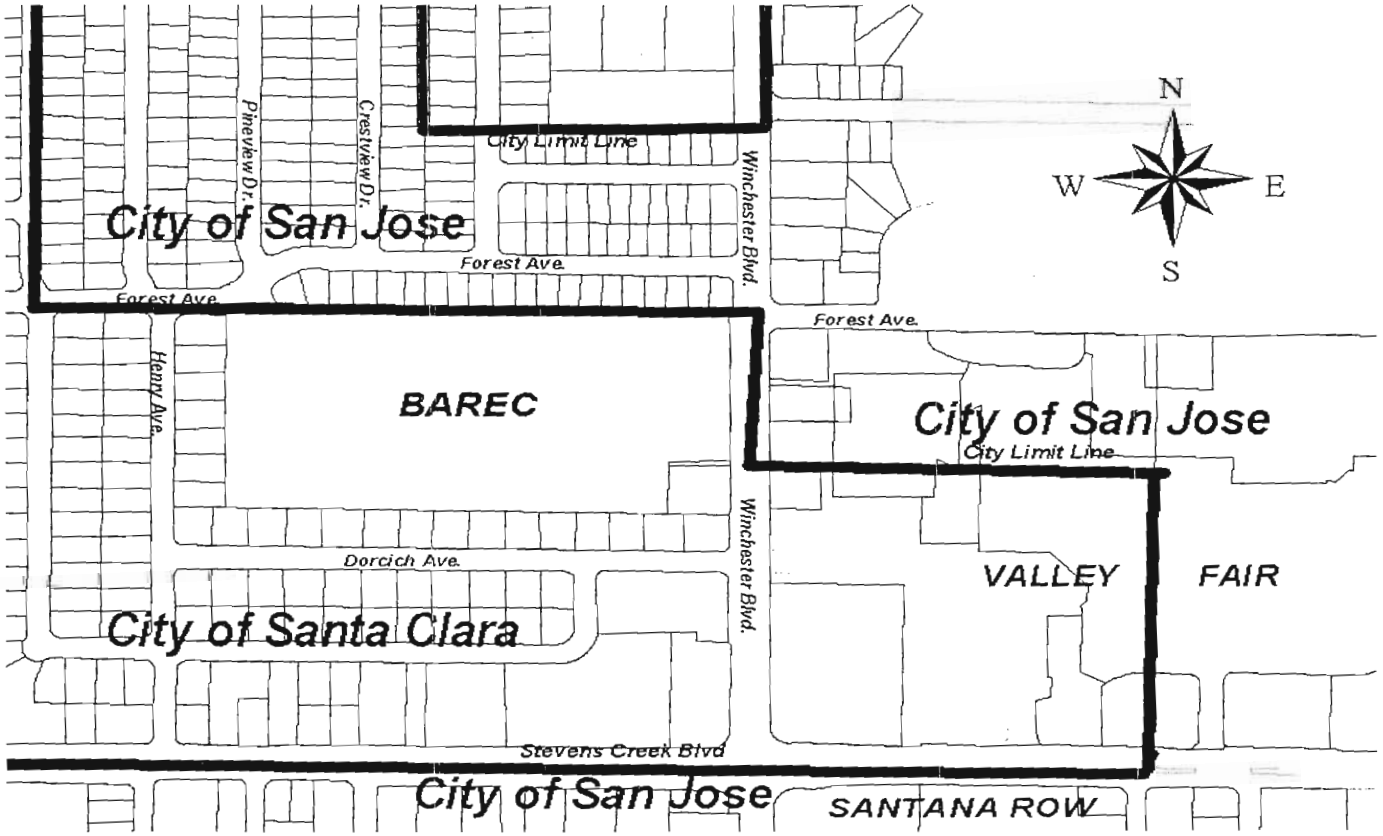
815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

Bay Area Research & Extension Center

A historical report prepared by

Sharon McCray

Where is BAREC?



- 1876 Thompson & West Atlas shows this property was first part of a 40 acre parcel – formerly housing part of the Stevens Creek School

- 1886 – Dr. Antrim Edgar Osborne was Superintendent of the Home for the Feeble Minded on this site in Santa Clara. At the time, this land belonged to the City of San Jose. The facility could house up to 160 inmates and was the only facility of its type west of Nebraska.

- "Dr. Osborne instigates many activities with an emphasis on cadet drilling, music and physical activities. He introduces the custom of identical uniforms for staff and patients: cadets grey." Dr. Osborne's obituary outlines the importance of his research in the areas of dealing with children with disabilities such as blindness and hearing loss.

Photos of "Sanitarium" as it looked April 22, 1921

- 1921 ~ Senator A.E. Osborne sold the hospital to the Women's Relief Corps as a home for Civil War widows and their daughters. The hospital operated until 1962. The sale included the total 17.5 acres.
- 1920 ~ The University of California began operating the Deciduous Field Station. The research facility operated until 2000 when the property was sold.
- The University of California returned to property to the State of California because it believed it was no longer needed for research AND because they would receive $2 million annually to the UC Budget. They were mistaken on both counts.

Grand Army of the Republic Women's Relief Corps

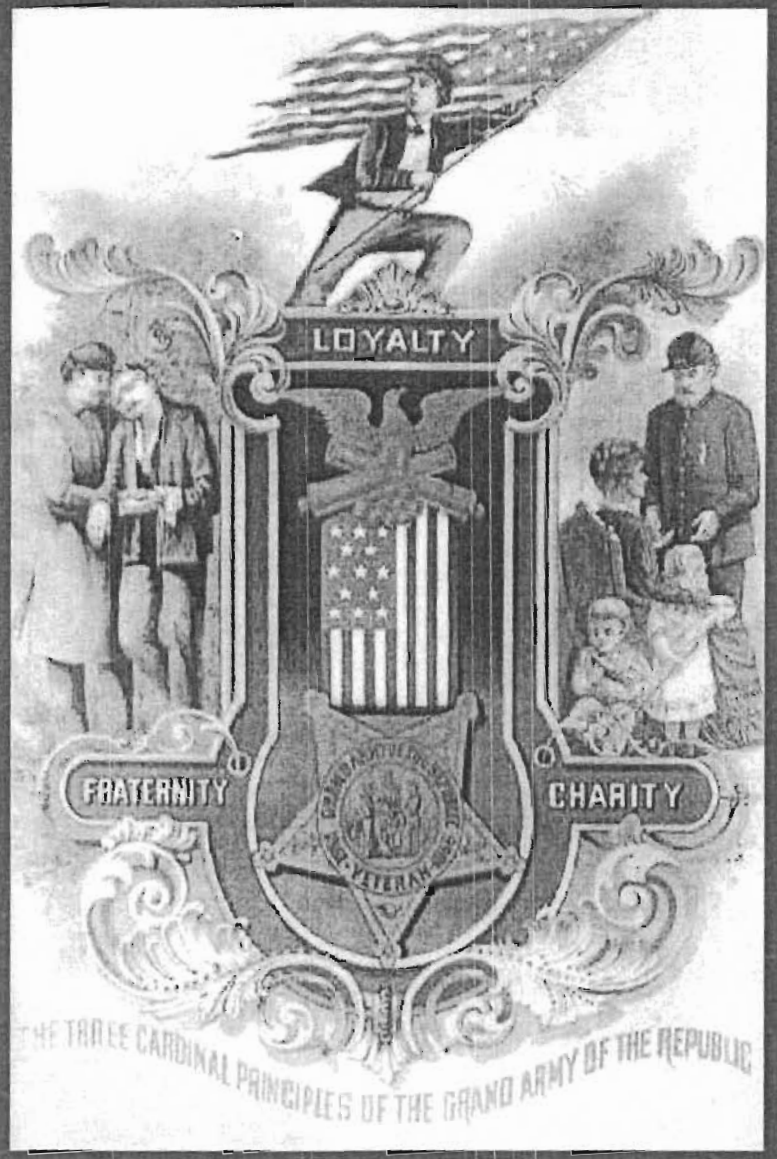
Mrs. E. Florence Barker,
FIRST PRESIDENT OF THE WOMAN'S RELIEF CORPS.

- The Clara Barton Association, auxiliary to Colonel Allen Post 45, GAR, Bosworth Relief Corps, Ladies Aid Society, Forsyth Aid Society, John A. Rawlins Aid Society, were organized to serve the veterans and their families. This auxiliary would become the W.R.C.

Who is the GAR?

GAR members sought to:

- strengthen the bonds of comradeship
- to preserve the memory of their fallen comrades
- give aid to soldier's widows, orphans and to handicapped veterans
- to fight for pension increases
- fought to establish Memorial Day



Women's Relief Corps

- 1883 - An auxiliary to the GAR, the WRC, a women's patriotic society, was organized.
- Women's Relief Corps built and operated a hospital for widows and veterans on 5 acres in the Evergreen area of San Jose on Cadwallader Road. The corner stone for this home was set April 6, 1889 and the property dedicated December 28, 1889. The five-acre property housed "inmates" until October 10, 1920, when it burned to the ground.

Operations of the WRC home in Santa Clara

- Women of the WRC raised $20,000 to make the Santa Clara facility ready for new patients and acquire an additional 5 acres.
- The total cost of the property was $55,000 with the balance of the funds coming from the State of California and $12,500 from insurance money from the fire.
- There were only 3 such homes west of the Mississippi River. This facility cared for over 400 women during its operations.

Holderman Sanitarium

Patients from the Evergreen WRC home were moved to the site in Santa Clara which became known as Holderman's Sanitarium.

Women Relief Corps

FRI APRIL 16 1954

Women's Relief Hom

The Woman's Relief Corps Home on Winchester Road has been leased to Mr. and Mrs. Charles N. Holderman by the State of California for a five-year period, as of next Monday when it will become a private nursing home.

However, the home, which has been operated by the State Department of Veterans Affairs for the care of widows and destitute unmarried daughters and sisters of Civil War veterans, will continue to care for present patients, 15 daughters and two widows of members of the Grand Army of the Republic under a contractural arrangement with the State.

Some 25 private patients will be accommodated in renovated and additional facilities provided by Mr. and Mrs. Holderman. Mrs Holderman, the former Miss Genevieve Charette, has been supervisor of the home for the past eight years. Her husband is the son of the late Col. Nelson M. Holderman, commandant of the California Veterans' Home at Yountville whose duties also included operation of the Women's Relief Corps Home here.

TABU
The House of Good Spirits
Rhannon's

In 1947, with patient numbers dwindling, the State was forced to make annual budget decisions that would control the destiny of the facility, it's staff and future.

43 Old Ladies Face Eviction By the State

Special to The Chronicle

SAN JOSE, June 4—Forty men in Sacramento today were pondering a decision on which rests the fate of 43 old ladies, residents of the Women's Relief Corps Home near Santa Clara.

A bill to abolish the home by withdrawing State aid of $1103 per inmate per year has passed the Assembly and now is before the 40-member Senate. Opponents argue the home—established in 1910 for widows, daughters and sisters of Civil war veterans—is no longer needed.

The 43 old ladies feel differently.

"I'd rather die than leave," said Miss Eva Simpkins, the longest resident. She has called the place home since the year it opened. She became bed-ridden in 1910.

More voluble was Mrs. Nette Rowe, 75, who has lived at the home for 15 years:

"You know there aren't many places for old people to go and be really happy. We all had homes and families of our own once, but life

Relief Home Closing Voted By Assembly

The State Assembly at Sacramento, by a poll of 54 to 20, yesterday voted to close the Santa Clara county Women's Relief Corps Home.

Assemblyman Thompson of San Jose gave notice he would ask for reconsideration of the measure. It would disperse 43 widows and daughters of Civil war veterans now residing in the home and give them $100 a month for subsistence elsewhere.

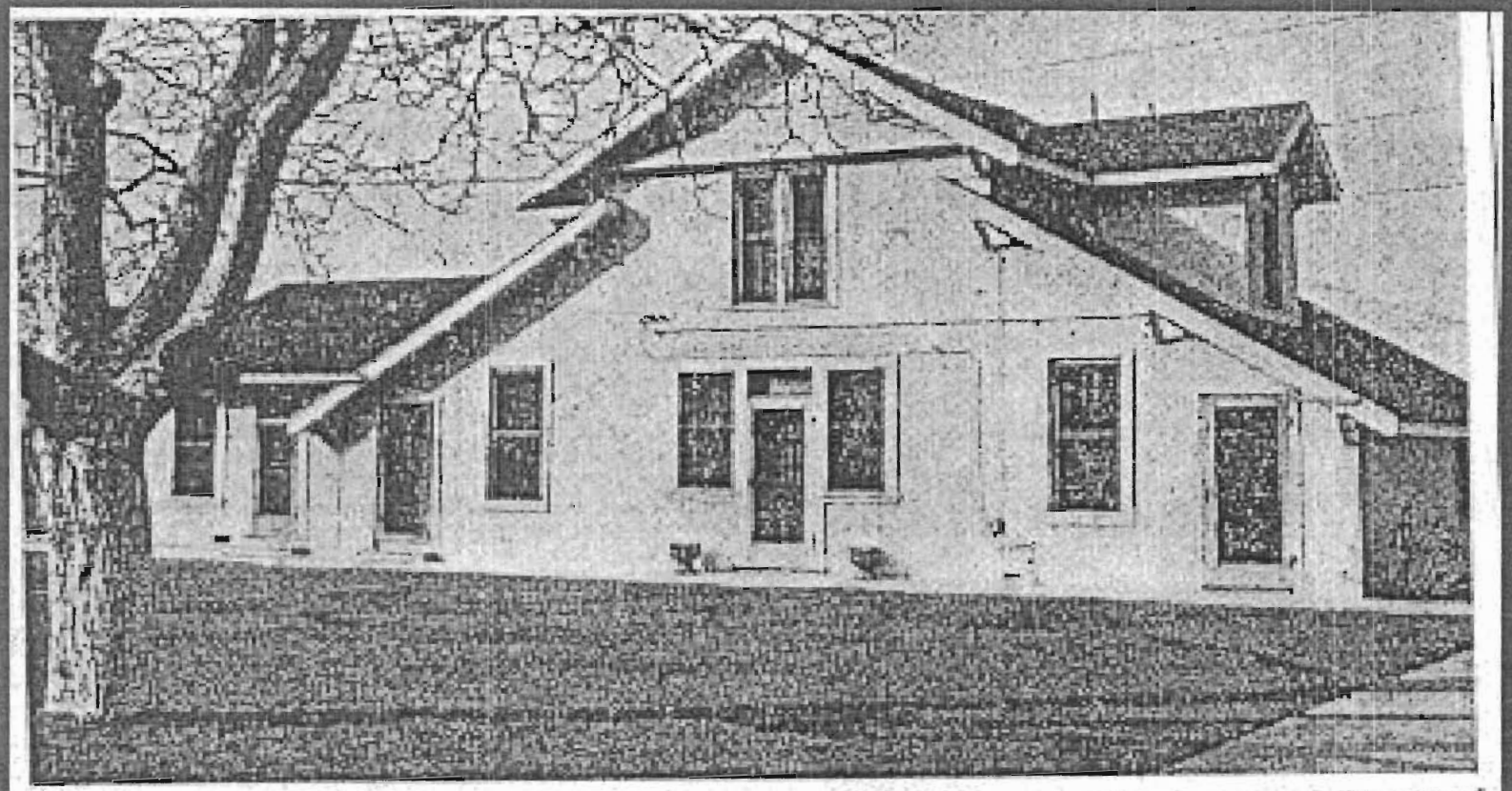
The Assembly action immediately stirred protests at San Jose.

Supervisor Joseph M. McKinnon, who five years ago led a successful fight in the Legislature to prevent similar action, said:

"It would be a crime to close the home. It is well operated and well managed and the old ladies there are happy. It's the only home most of them have known for many years.

"The Assembly proposes to give the old ladies $100 a month to fend for themselves. It would cost them $150 to $200 to live elsewhere."

The last Civil War orphan, Eva Simpkins, was moved to a facility in San Jose where she died in 1966, having lived her entire life institutionalized. This building was part of the original facility known as "Osborne Hall" and later known as Holderman's Sanitarium.



This is one of the buildings at the Women's Relief Corps home Winchester Road, which may be turned over to the county by the State. County supervisors are skeptical about wanting it, however, because of the age of some of the buildings.

University of California Deciduous Field Station

- Sometime around 1920, when the Agricultural Stations in Mountain View and Willow Glen were closed, the full operation moved to the back 13 acres of the property and was known as the **Deciduous Fruit Experiment Station**. It is reported that they operated through a "gentlemen's agreement" and were carrying out their research on "borrowed land".

- An undated history, unsigned, states that the Deciduous Fruit Field Station moved to 125 N. **Santa Clara-Los Gatos Road** in 1920, but did not purchase the land or build on it. It appears that the facility in Mountain View was leased for five years and it was closed in 1926. At the urging of influential farmers a temporary station was opened in 1927 on Settle Avenue in Willow Glen. There were two original parcels, one 13 and one 5 acres each. One-half acre would later be sold to the California VA.

- The report goes on to say that 13 acres were leased from the WRC in 1928 at the site on Santa Clara-Los Gatos Road. The WRC owned a total of 18 acres.

BAREC ~ 2002

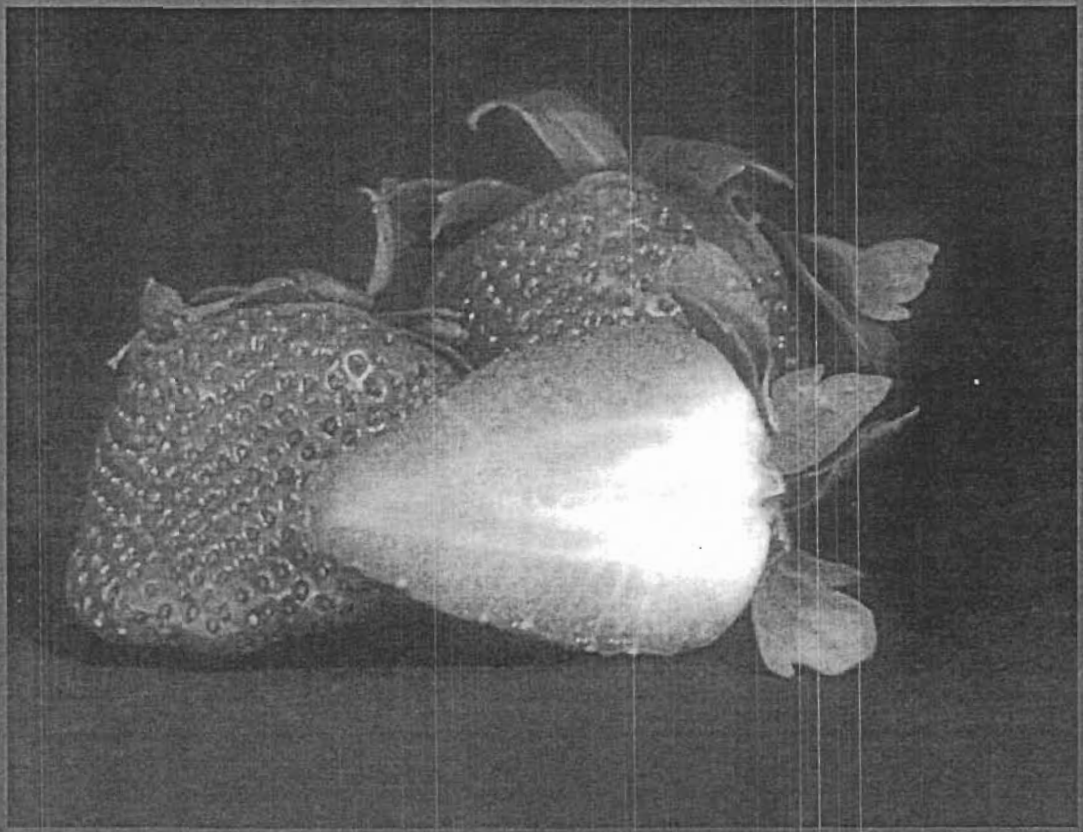
University of California Agricultural Research

Since 1920, the University of California has conducted research on the property.

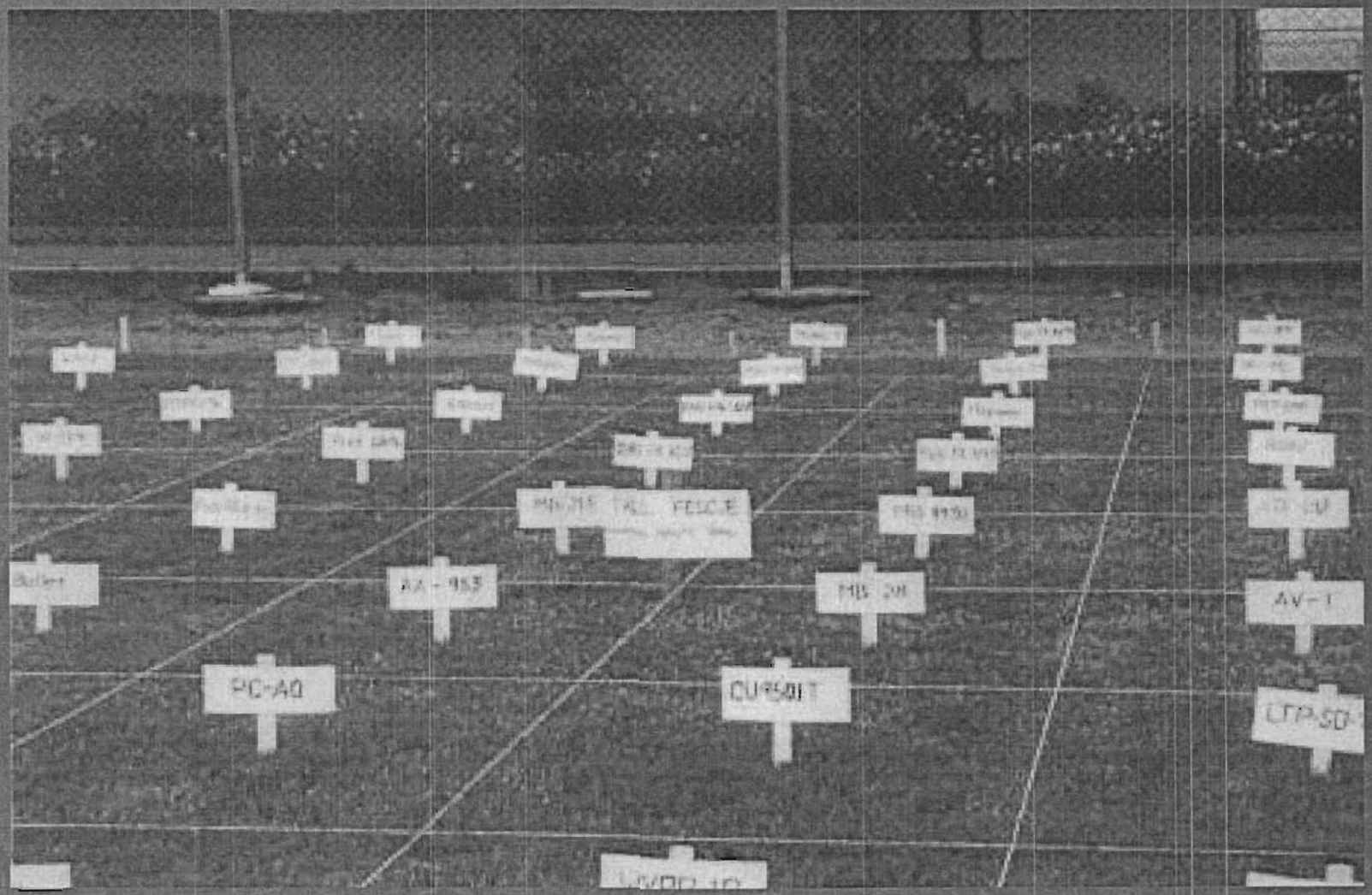
All of it is important to our Valley's history, progress and diversity.

In the 1960's, the research focus turned to the Home Gardener including reduction of water and pesticide use .

The importance of strawberry research done by the University of California in Santa Clara, especially after the war, cannot be over stated.



Turf 1997

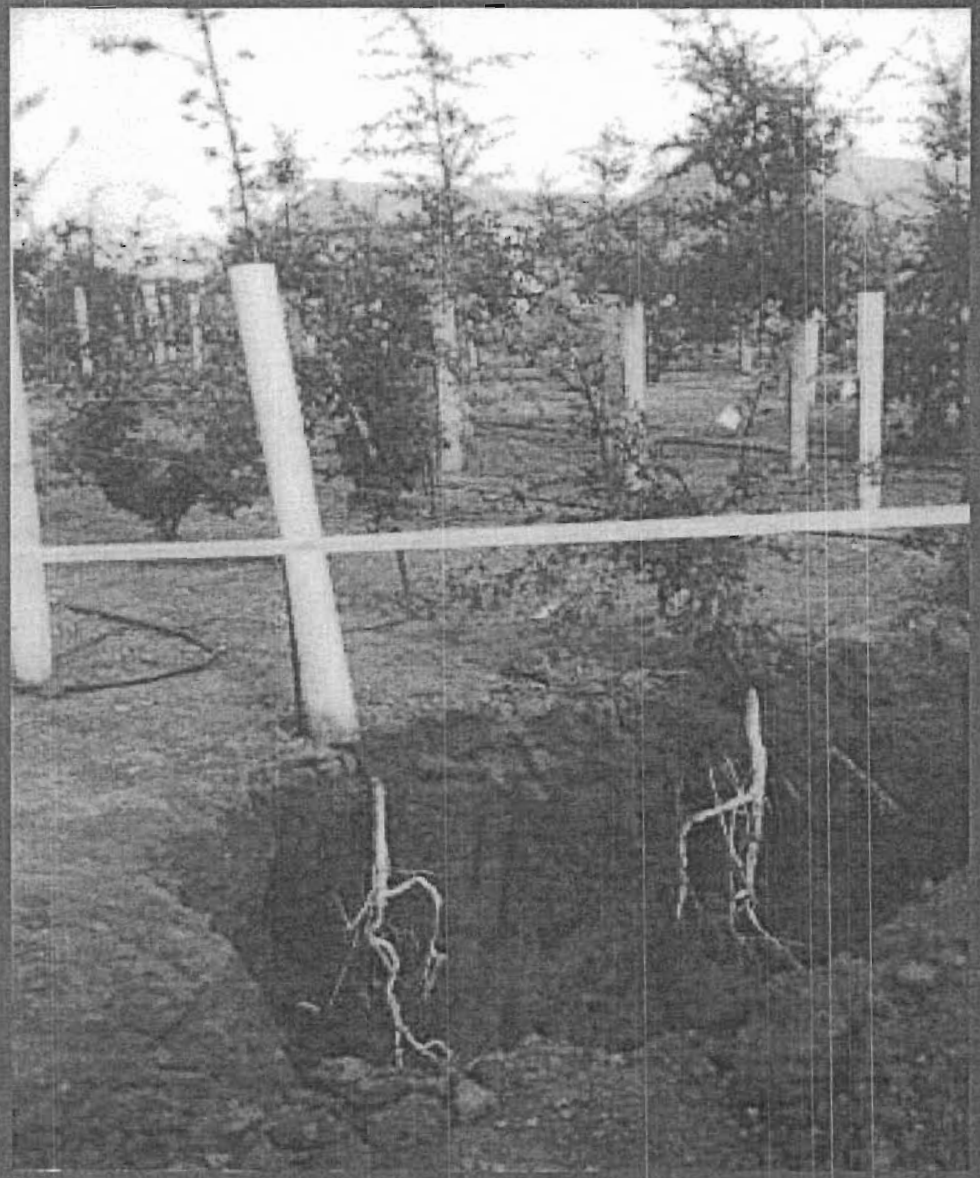


CIMIS Weather Station in turf grass plots ~ 1997

Oaks

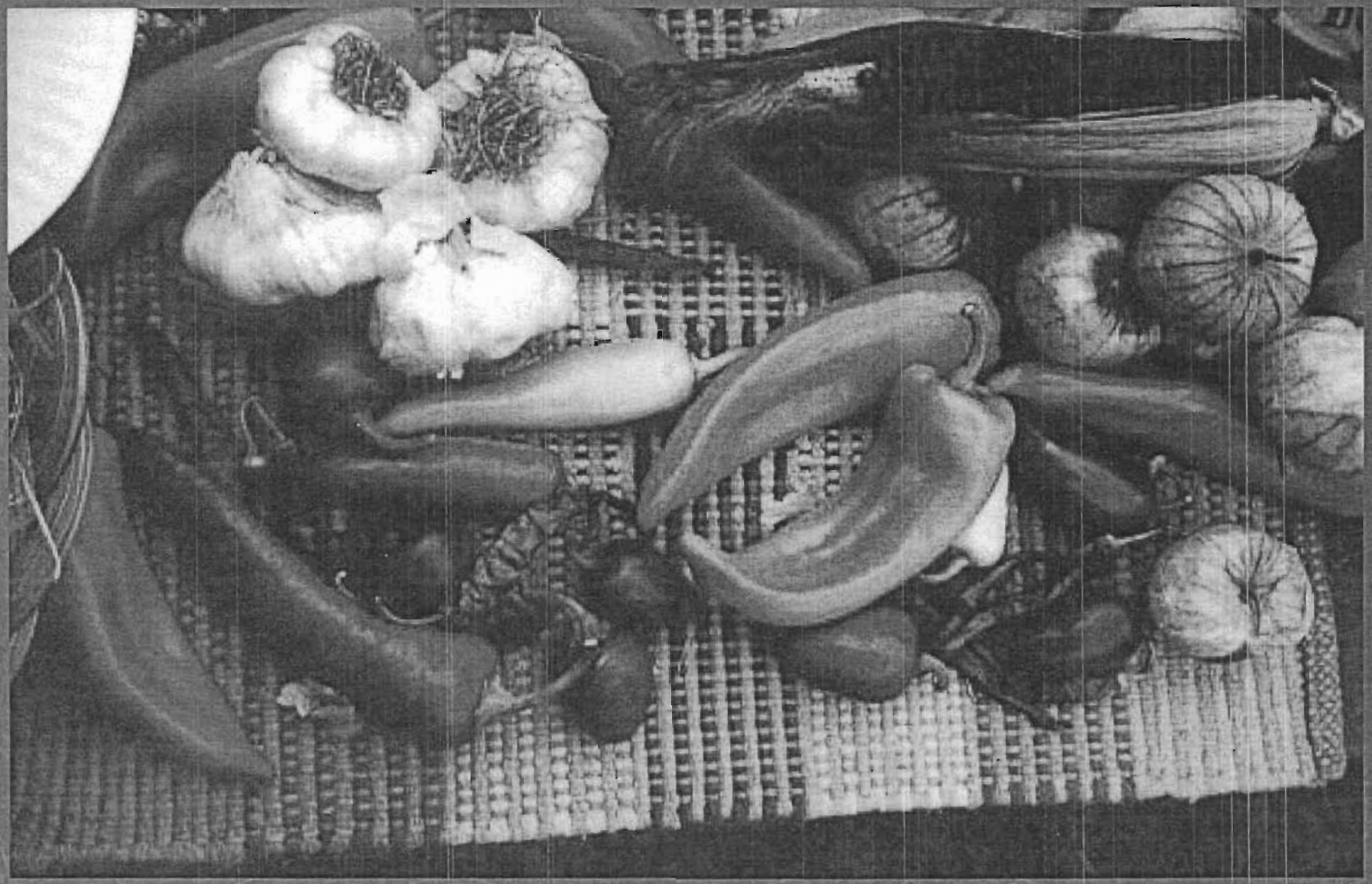
Root growth based on use of tree chambers (greenhouses in background)

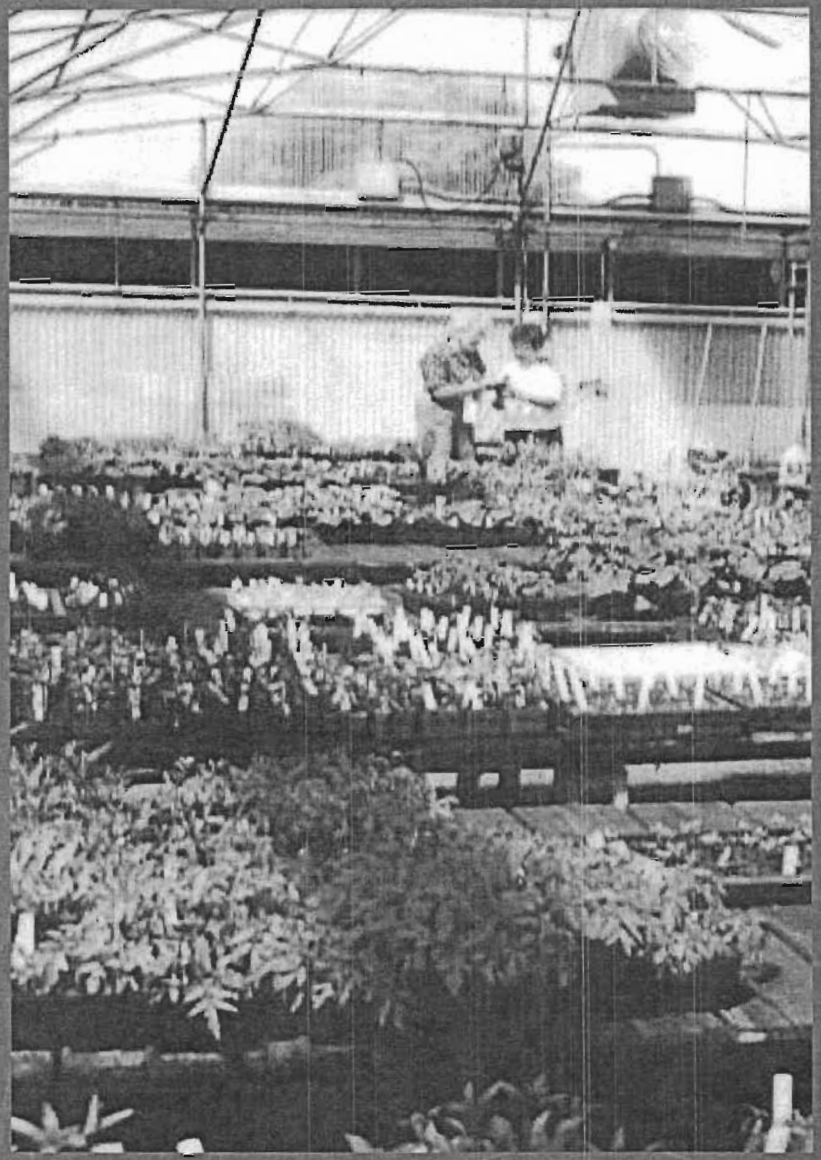
1997



Reaching our children with innovative educational programs. Thousands of students from throughout the valley picked apples from the orchard to take home and share

Chilli pepper & garlic research





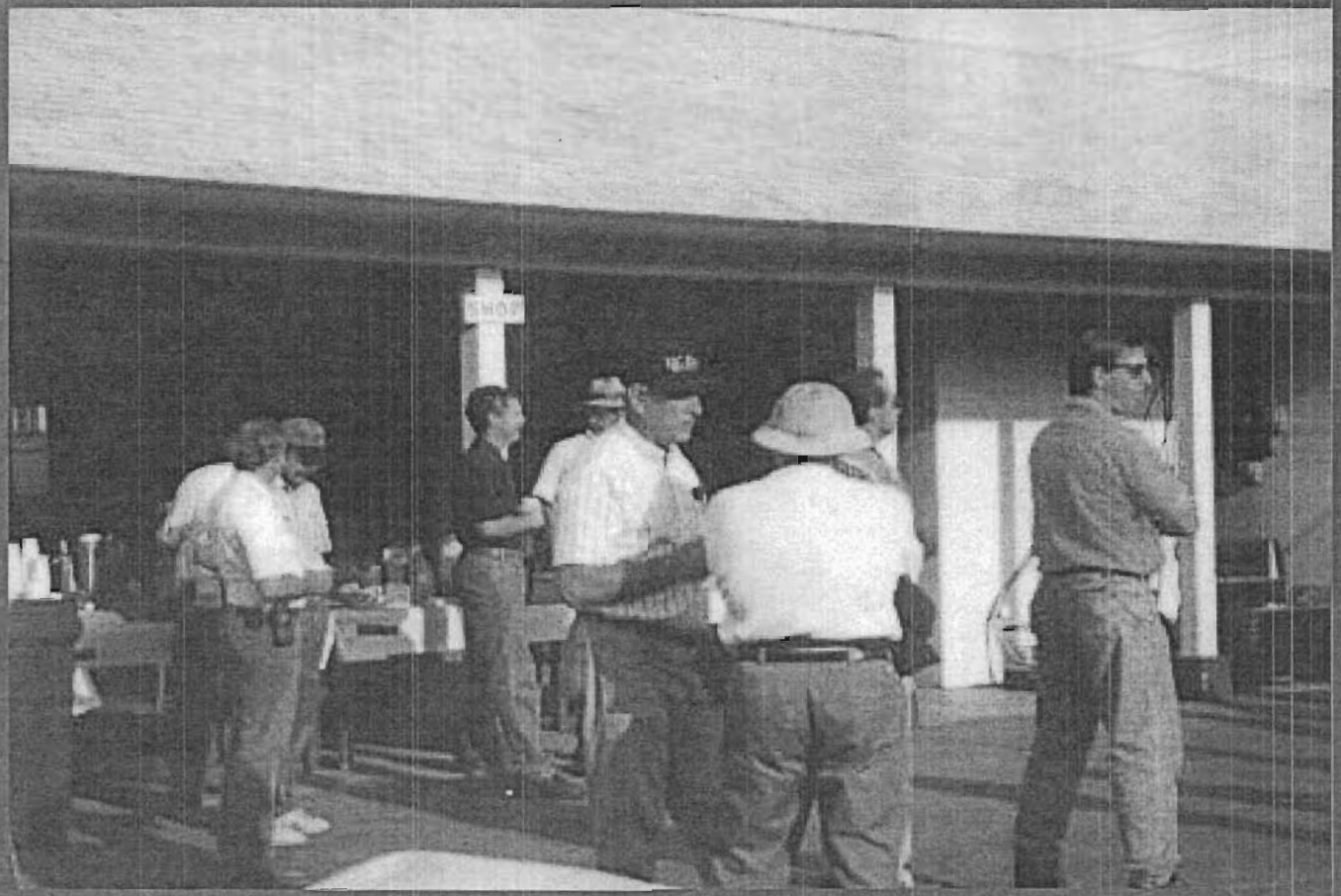
Greenhouse research

Training days for Industry Professionals

Some Other Research

- Oak Root Fungus (Armillaria)
- Field Corn
- Walnut blight, aphid
- Verticillium wilt on cotton
- Brown rot on apricots
- Shot hole borer
- Cyclamen mite
- Mealy aphid on plum

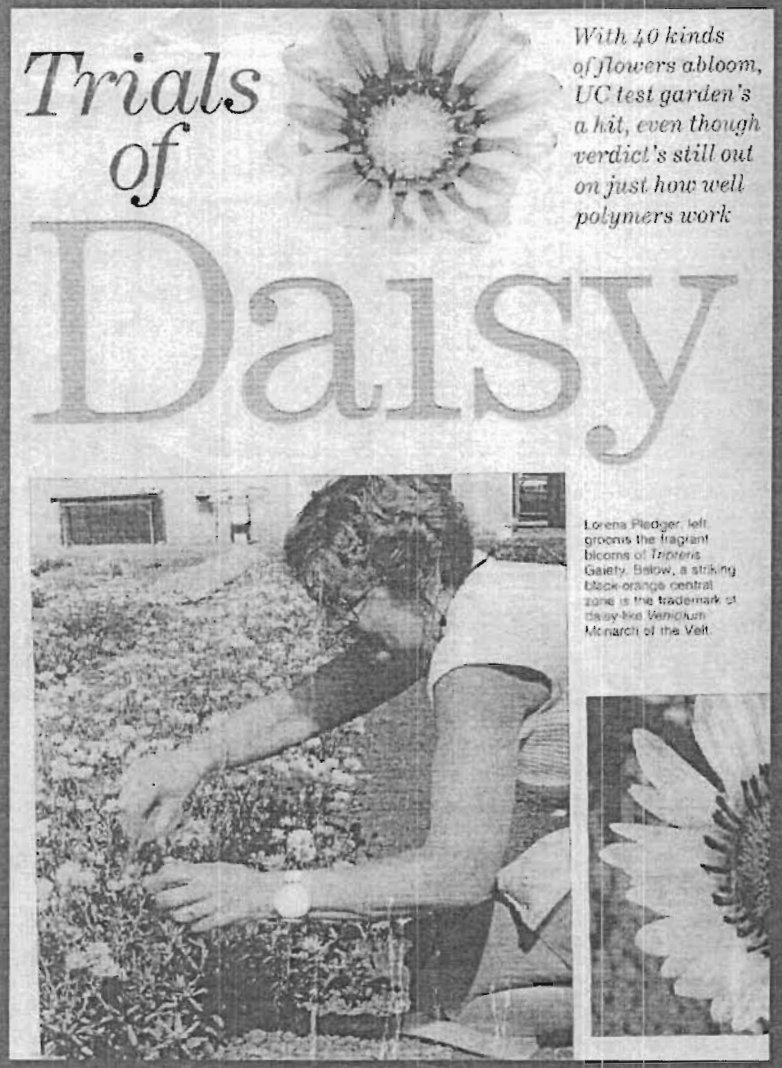
State Weed Specialist, Dr. Clyde Elmore, in front of Shop during training



Growing oyster mushrooms in green yard waste.

Master Gardener Trials

- Cut Flowers
- Melon Varieties
- Tomatoes
- Chili peppers
- Garlic
- Blueberry Varieties
- Drought tolerant plants
- Lettuce

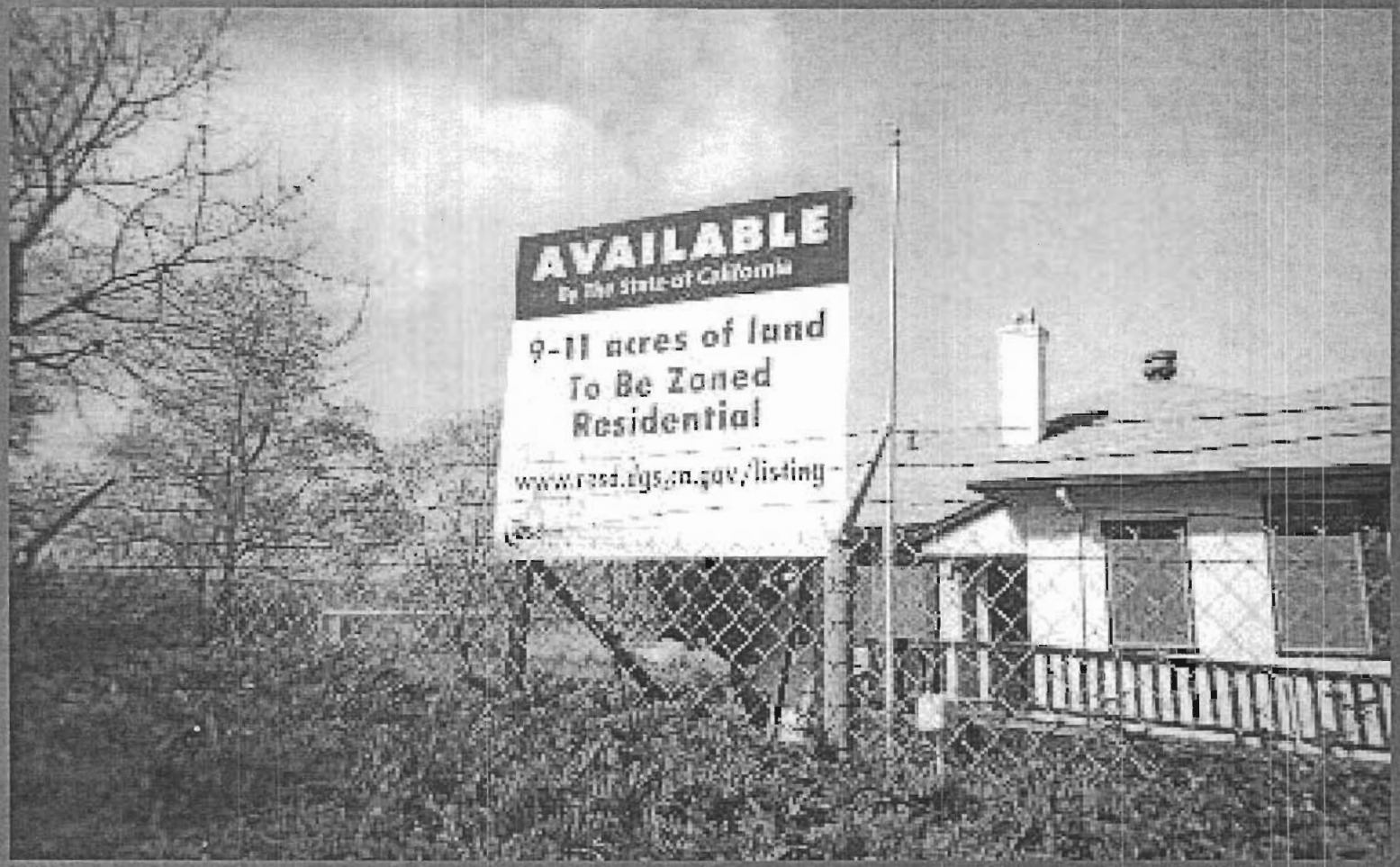


Trials of Daisy

With 40 kinds of flowers abloom, UC test garden's a hit, even though verdict's still out on just how well polymers work

Lorena Pledger, left, grooms the fragrant blooms of *Tripteris* Gaiety. Below, a striking black-orange central zone is the trademark of daisy-like *Venidium* Monarch of the Veld.

The Decision ~ 2003



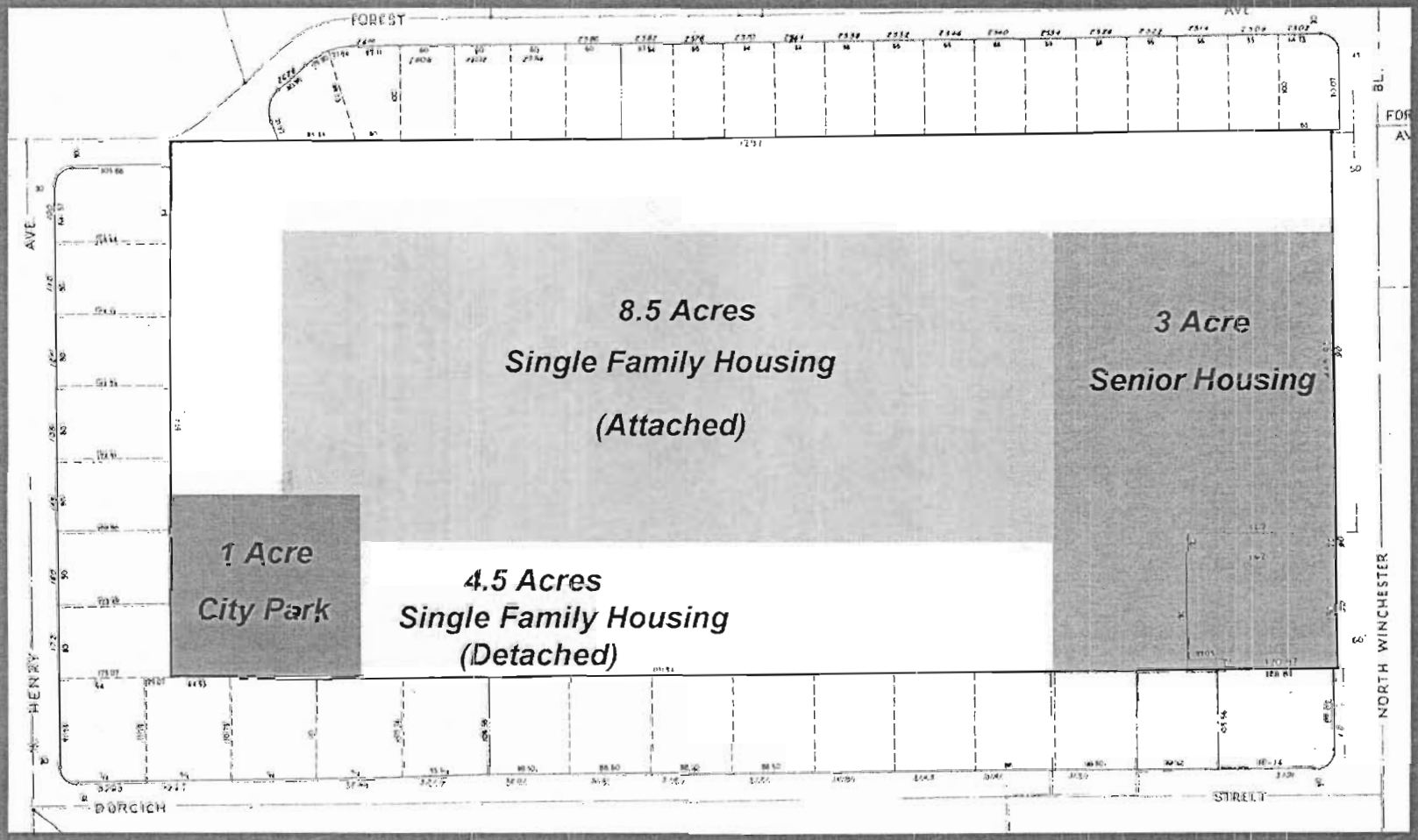
Why Should It Be Preserved

Historical Reasons

Future Agriculture Research

Because we have a last opportunity

What was proposed



We will conserve only what we love.

We will love only what we understand

We will understand only what we are taught.

Baba Dioum, African Environmentalist

February 10, 2005

Questions?

References:

- San Jose Mercury News
- City of Santa Clara Planning Department
- California Irrigation Management Information System (CIMIS)
- A.M. Amstutz personal notes and interview with his widow, Mary
- www.phoenixmasonry/masonicmuseum
- History of California and Nevada, WRC, 1883-1934
- History of Santa Clara County, Eugene Sawyer, 1922
- Garden of the World , Lewis Publishing 1888
- University of California
- New Colombia Encyclopedia

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 11
Importance: High
Attachments: sj-parks-815.pdf; gcrcd-1.pdf; barec-mailing.pdf

in case it didn't go through...

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Friday, September 08, 2006 10:33 PM
To: 'Gloria Sciara'
Subject: FW: BAREC/Santa Clara Gardens RDEIR comments - part 1
Importance: High

This message bounced as it said it was too large. I am sending it in three smaller forms.

Thanks,

-Kirk

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Friday, September 08, 2006 4:52 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC/Santa Clara Gardens RDEIR comments
Importance: High

The following are my comments.

==========

Why is the north-west corner of Winchester-Stevens Creek not being looked at for a turning lane? It is the only part of the intersection not built out, yet the EIR says nothing else can be done.

==========
The Valley Fair expansion is not really shown in detail. Only a description of the application is listed. How will traffic impact this project?

==========
The Santana Row expansion is not shown. How will traffic impact this project?

==========
Rather than including all the web pages from SaveBAREC.org, please refer to it. There is a lot of information listed there. www.savebarec.org.

==========
Where is all of the water coming from to supply the senior and private development properties?

==========
Where are all the ground water samples?

==========
The following images and videos were provided to Dominic Caserta regarding Cameron Colson's patented technology that uses water for weed abatement. It is also something he has offered in kind to help clean the property. I have more of these, but they take up a lot of space.
IMG_0642.jpg
IMG_0644.jpg
IMG_0645.jpg
IMG_0648.jpg
IMG_0649.jpg
weeds1.jpg
weeds2.jpg
weeds3.jpg

==========

Why have you not explored Cameron Colson's HMO device for weed abatement?

==========
Please view all videos of the city council meetings that refer to BAREC and urban farming. I have included web pages that have all the information on it. You can view all videos from the SaveBAREC website: www.savebarec.org if you do not have copies.

==========
Why does the EIR still say that it is not economically feasible to farm this piece of land. they say it is too small and in a city as the reasons. There are 2-3 paragraphs talking about it. Where is all the research. We have shown documented cases (Fairview Gardens in Goleta, CA and UC Santa Cruz) where urban farming is proven to be successful.

==========
What are the environmentally superior alternatives for using this land?
==========

http://www.happyquailfarms.com/Family.htm

==========
I don't know if you saw this Sunday Chronicle article about Kaiser trying to buy local produce for patients (in addition to the Farmers Markets they set up at Hospitals). You may have met Paul Tarantino of Lee Ray Tarantino from the South City Produce Market. The article on the need for local produce illustrates the need for a south bay site to train young to semi retired adults to learn small farm techniques.

http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/08/06/MNG43KC7751.DTL&hw=Kaiser+local+produce&sn=001&sc=1000

==========

It was when they said "if you want to never buy vegetables again and grow everything yourself, this place shows you how to grow everything you would need in your backyard" that they got my attention.

Here's what their website says.:
http://cesacramento.ucdavis.edu/Custom_Program814/
"The Fair Oaks Horticulture Center is a cooperative project between the Sacramento County UC Cooperative Extension, the Fair Oaks Recreation and Park District, and now the Fair Oaks Water District. UC Master Gardeners discuss and demonstrate the topics to be covered during each program.
The center is located in Fair Oaks Park. The park is located on Fair Oaks Blvd. (east of Sunrise Blvd.), just south of Madison Ave.
"

==========

"Transportation and even simple things like parking issues never seem to be addressed in the rush to higher density. For example, in the new "transportation friendly" KB Condominiums on Meridan between Auzerias and Saddle Rack, everybody has at least two cars, very few use the light rail, and thus there is inadequate parking because planners thought more would use

the light rail and there are not even two spaces for every unit. Where does the light rail go? Not necessarily where the people need to go and so they get cars. Existing parking spaces are so dear in these condominiums that they are selling for $10,000 a piece. Surrounding streets are a wall of cars. How is this type of high density good urban planning? Livable high density cities are much more highly planned, and just building high density transportation corridor residential ghettos with no human services like shopping, employment, entertainment, and restaurants along these corridors accomplishes nothing because those residents then still need a car to get to those essentials. I find myself thinking that this whole high density push is a way to make developers the money they need for their private island retirements."

==========

What is the speed limit going to be on Winchester between Forest and Stevens Creek? Be specific.

==========

How will reduced speed limit affect traffic at other intersections? Please include north and south in detail as these are the most busy street. Do not include just the stated impacted intersections. Also, how long will each of the light signals be for each direction and at each time of the day?

==========

I am also sending you a number of photos and videos of migratory Canadian Geese. These animals have been using this property as a landing spot for over 26 years that we know of. I will send them to you under different cover. How is the EIR addressing this? What will happen to these animals should this land be turned into housing? What studies have you done? What associations have you consulted about these migratory birds? Please be specific.

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

February 16, 2005

Honorable Mayor and City Council
City of San Jose
801 North First Street, Room 600
San Jose, CA 95110

Dear Honorable Mayor and City Council:

Subject: Bay Area Research and Extension Center (BAREC) Property

The City's Parks and Recreation Commission is recommending that the City Council support, to the extent possible, efforts to preserve the 17-acre Bay Area Research and Extension Center (BAREC) property on the basis of the historical significance and potential open space and recreational value of the property. Parks and open space are vital and bring immense environmental benefits. This site is located in the City of Santa Clara, contiguous to the San Jose border on North Winchester Boulevard between Dorich Street and Forest Avenue as shown on the attachment.

The Regents of the University of California are in the process of selling this publicly-owned land for redevelopment as single-family and senior housing according to the reuse planning concept for the property adopted by the Santa Clara City Council in February 2003. This plan includes a one-acre neighborhood park that will serve residents of both cities. The proposed development of the plan is currently on hold pending resolution of the property surplus process with the State.

The site was originally used as a center for mentally disturbed children from 1886 to 1920. Part of the site was then used as a home for Civil War veteran's families from 1921 to 1963; and from 1928 to 2003 the remaining land was used as an urban agriculture/horticulture research/education center under the University of California until its closure in 2003.

Members of the community have appeared before the Parks and Recreation Commission, requesting that the BAREC be preserved as either agricultural land or parkland. They have presented information that indicates there is broad community support from individuals and organizations within the community.

The City's Parks and Recreation Commission agrees with the community that the site has significant value as a historical, horticultural and recreational resource, which could be of benefit to both Santa Clara and San Jose residents. Therefore, the Commission is recommending the

4 N. Second St., Ste. 600, San Jose, CA 95113 **tel** (408) 277-4768 **fax** (408) 277-3155 www.sanjoseca.gov/prns

San Jose City Council, in conjunction with the Santa Clara City Council, consider opportunities to work together to preserve some or all of the site for the use of future generations of both communities.

Your consideration of this matter would be greatly appreciated.

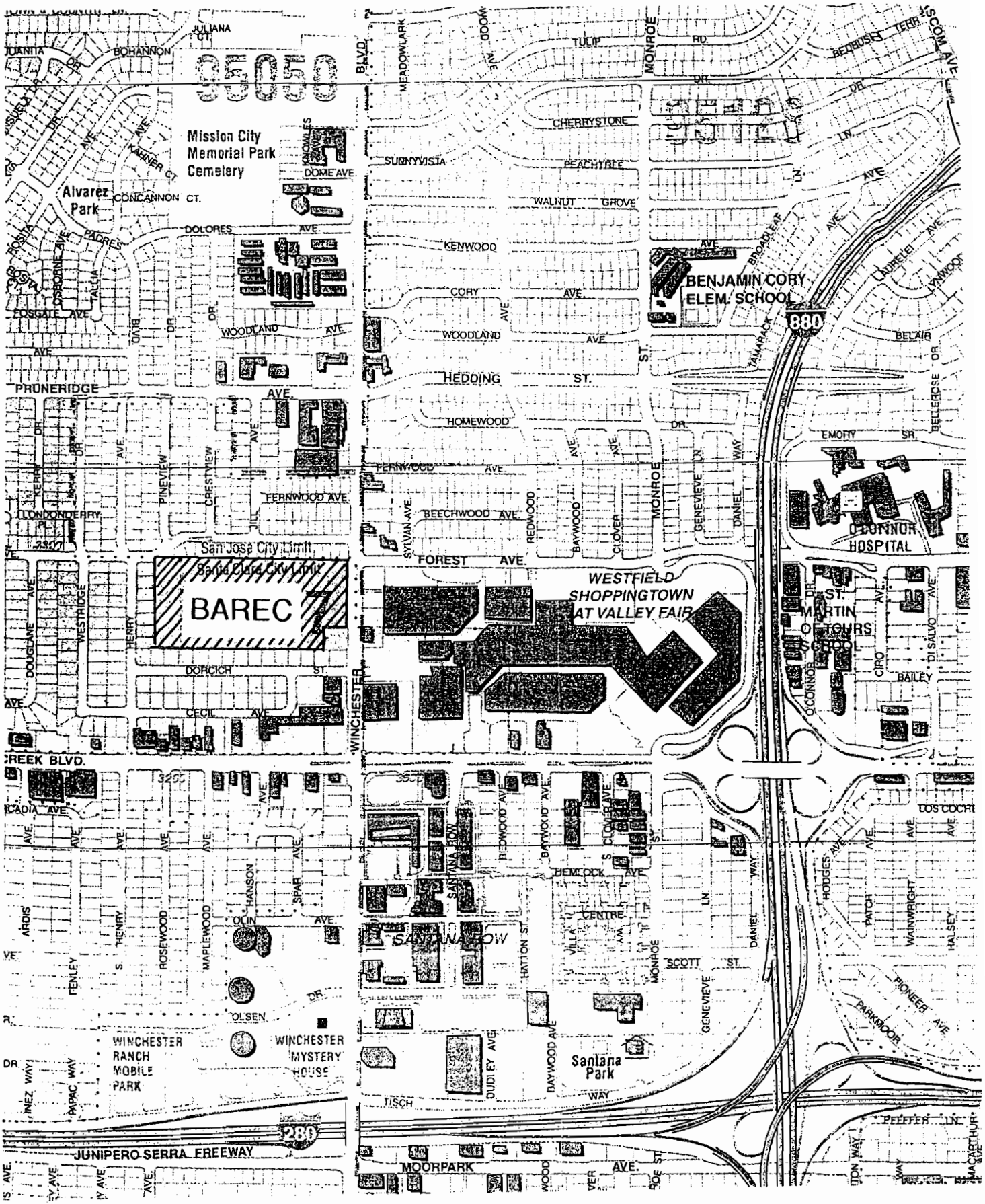
Yours truly,

Helen Chapman
cs

Helen Chapman, Chair
Parks and Recreation Commission

Attachment – Map of Area

c: Sara Hensley, PRNS
Albert Balagso, PRNS
Scott Reese, PRNS



95050
Mission City Memorial Park Cemetery
Alvarez Park
BENJAMIN CORY ELEM. SCHOOL
880
O'CONNOR HOSPITAL
San Jose City Limit
Santa Clara City Limit
BAREC
WESTFIELD SHOPPINGTOWN AT VALLEY FAIR
ST. MARTIN OF TOURS SCHOOL
SANTANA ROW
Santana Park
WINCHESTER RANCH MOBILE PARK
WINCHESTER MYSTERY HOUSE
280
JUNIPERO SERRA FREEWAY
MOORPARK AVE.
PRUNERIDGE AVE.
HEDDING ST.
FOREST AVE.
WINCHESTER BLVD.
MONROE

CALIFORNIA CODES, CIVIL CODE
SECTION 815

"815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

This quote was taken directly from the Official California Legislative Information web page site, a part of the State of California's Legislative Counsel. It states:

"Welcome to the official site for California legislative information. This WWW site is maintained by the Legislative Counsel of California, pursuant to California law."

http://www.leginfo.ca.gov/

You can find the above section by clicking on the "California Law" button at the bottom, checking the "Civil Code" option, type in "815" in the search box, and click search. A result showing "**CIVIL CODE SECTION 815-816 : 5679 bytes.**" will appear. Click on it and you will see the entire section.

GUADALUPE - COYOTE
RESOURCE CONSERVATION DISTRICT
888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314
OFFICE (408) 288-5888 FAX (408) 993-8728 email: gcrcd@pacbell.net

July 25, 2005

Mr. J. Frank Davidson
State of California, Department of General Services, Real Estate Services
707 West 3rd Street, Suite 6-130
West Sacramento, CA 95605

RE: Guadalupe-Coyote Resource Conservation District's request to transfer BAREC's ownership from the State to a non-profit and desire to annex BAREC

Dear Mr. Davidson:

This week the Guadalupe-Coyote Resource Conservation District Board (GCRCD) met to discuss the Bay Area Research Extension Center (BAREC) on Winchester Blvd. in Santa Clara. The Board unanimously voted to:

1. Support keeping BAREC agriculturally zoned and in open space:
2. Annex BAREC into GCRCD;
3. Work with the State of California to determine the ways BAREC's ownership can be transferred to a non-profit so it will forever remain as open space and for the public good. We understand there has already been an offer by VIVA to purchase BAREC and this should be considered.
4. Create programs and alliances on BAREC that would enhance GCRCD's Mission Statement. A copy of our Mission Statement is attached.

The above is extremely important to our agency as it helps us to fulfill our state mandated Mission Statement. There is no other similar piece of land which has such a rich agricultural history in Santa Clara County and which could help us more.

Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now.

We look forward to working with you regarding this very important historical land.

Sincerely,

Nancy Bernardi for

Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District

State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency
DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division Asset Planning and Enhancement Branch

August 11, 2005

Mr. Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District
888 North First Street, Room 204
San Jose, CA 95112-6314

Dear Mr. Johmann:

I am in receipt of your request letter dated July 25, 2005, regarding approximately seventeen (17) acres of State surplus property (BAREC) located at 90 North Winchester Boulevard, in the City of Santa Clara.

The Department of General Services (DGS) previously solicited interest from governmental agencies on December 17, 2002. The City of Santa Clara then expressed an interest in up to six acres of the property for a senior housing project. The DGS and the City have subsequently entered into a Purchase Agreement for a portion of the property.

In addition, in May of 2003, the DGS advertised and solicited offers from the public for approximately ten acres and a one acre public park on a portion of the property. Pursuant to that solicitation, the DGS selected SummerHill Homes and has entered into a Purchase Agreement with that entity.

As a result of these transactions, we are unable to entertain your request. Thank you for your interest in this property.

Sincerely,

J. FRANK DAVIDSON, Assistant Chief
Asset Planning and Enhancement Branch

JFD:JC:md

cc: Ron Small, Staff Counsel, Office of Legal Services, Department of General Services
Jeff Crone, Senior Real Estate Officer, Asset Planning and Enhancement Branch, Real Estate Services Division, Department of General Services

** BAREC, the former UC Ag Center, is NOT SOLD **
*** IT IS NOT A DONE DEAL ***
** YOU NEED TO GET INVOLVED...CALL US NOW **

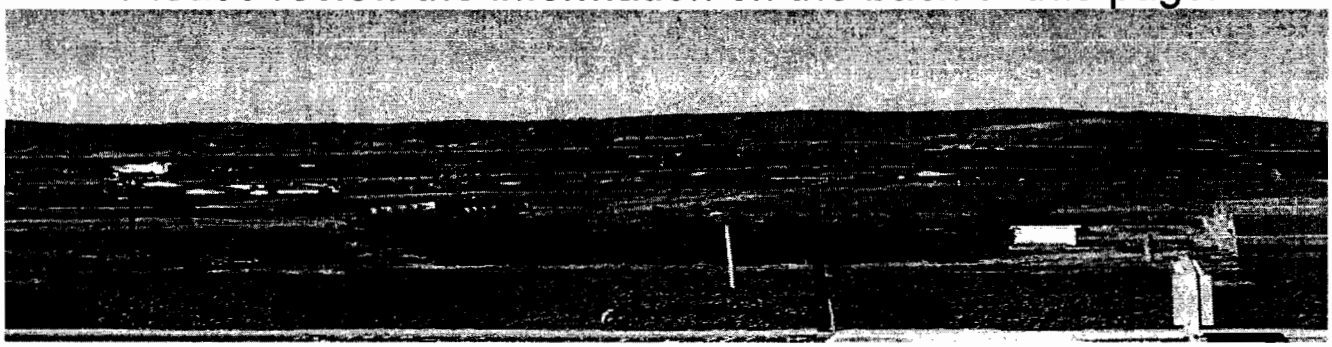
The 17 acre agriculturally zoned piece of land on Winchester Blvd. across from the Valley Fair Shopping Mall still has all the original agricultural infrastructure on the property. **The land is owned by the State of California.** That means, "We The People" own this land. The government needs to listen to the people, not the other way around. **The City of Santa Clara controls the zoning.**

This land can be the Center of Excellence for how sustainable living is being done in the United States. It can show how urban agriculture can make a community thrive. Add organic soil cleaning and solar technology to the site and it will not only power itself, it will power the community. The local agricultural land can provide food for the community and restaurants. California can show leadership in agriculture and urban planning, not just hi-tech.

This land has served the community for generations and can continue to do so without a tax burden to the citizens. It can be a place for the public: children, adults, and professionals can learn about agriculture; a botanical garden; a visitor's center; history; new agriculture technology; solar power; and food!!!

This is some of the best soil and climate in the country; let's not sell out our future for short term fund raising. This land **IS** our future.

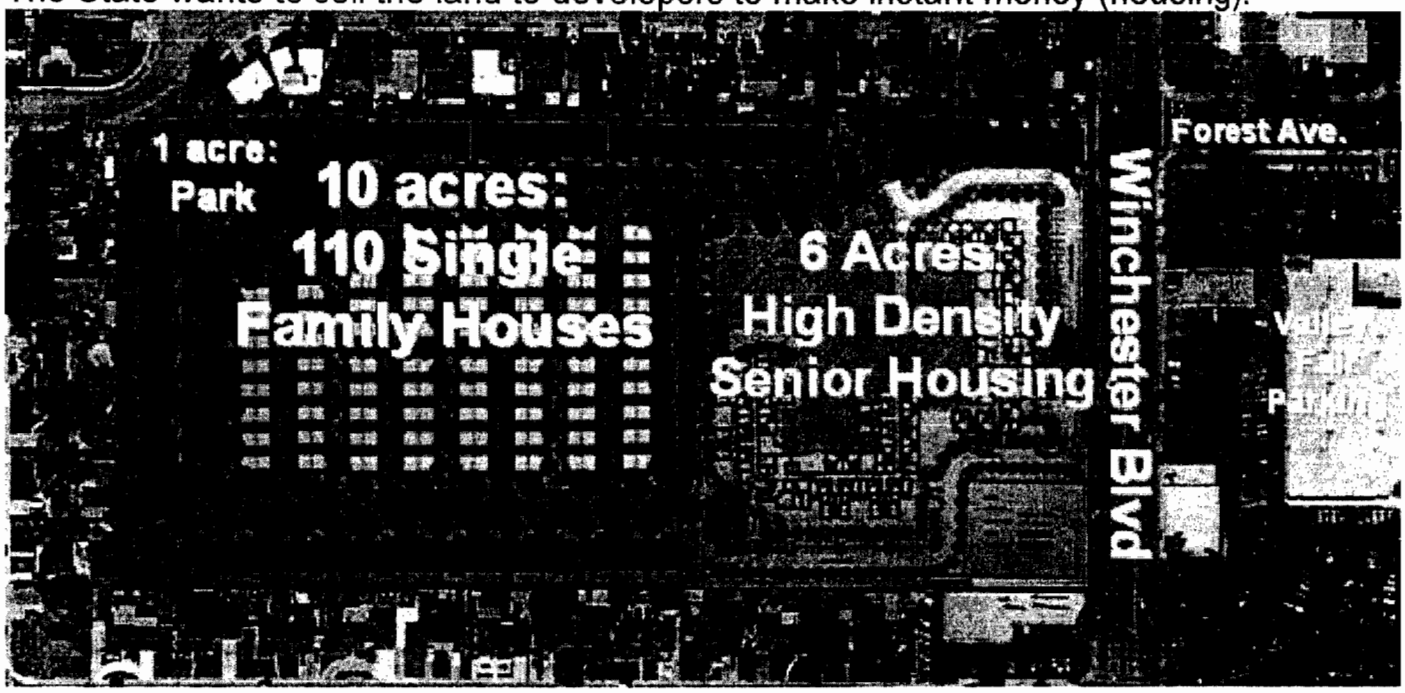
Please review the information on the back of this page.



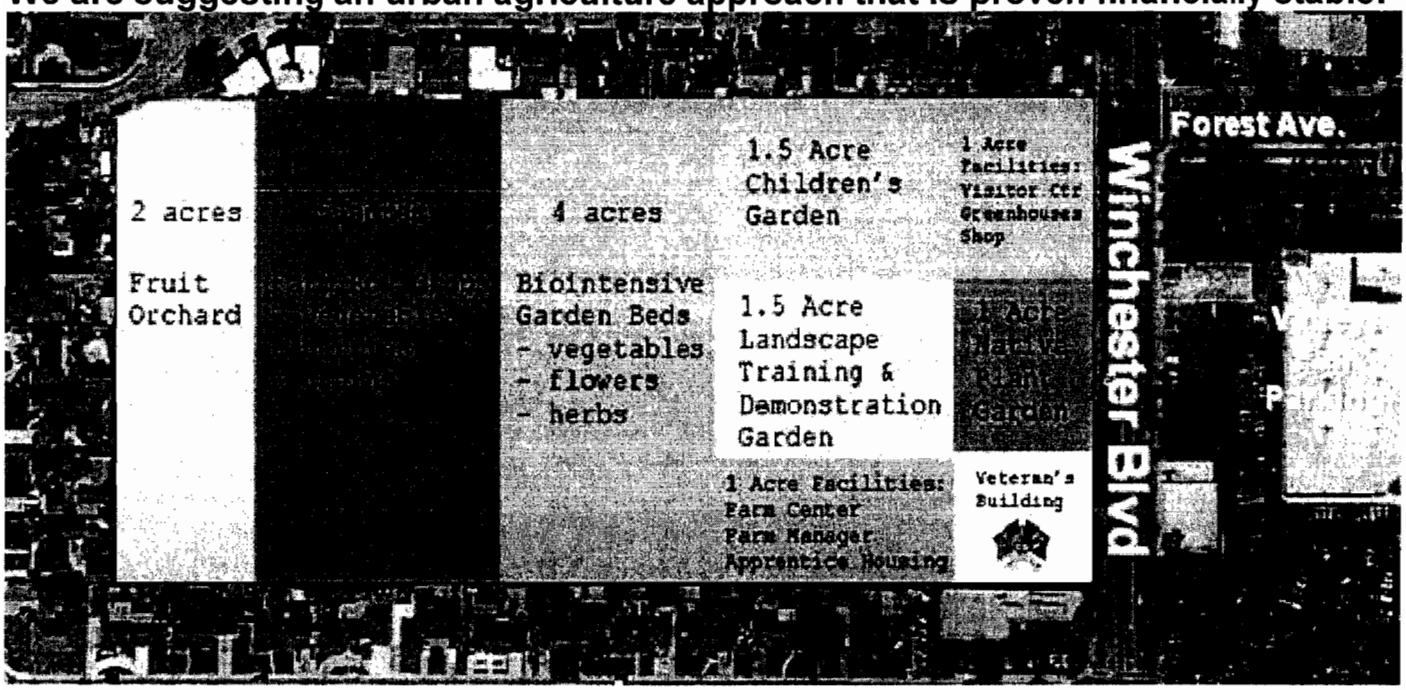
www.savebarec.org **Phone: 888-BAREC-80**

Friends of BAREC and SaveBAREC.org are made up of volunteers from the community, just like you. We are here to educate the people of the area and the state about what is happening with this valuable public agricultural asset. We are so fortunate that the UC Extension System was able to preserve the land for as long as it did, preventing it from being developed in the early part of 2000/2001. It is now State land…it is our land. **We** have the right to decide how State assets and resources are utilized.

The State wants to sell the land to developers to make instant money (housing):



We are suggesting an urban agriculture approach that is proven financially stable:



Call us at **888-BAREC-80**. We are also at the Santana Row Farmer's Market every Sunday, 10am-3pm. All info is on our website.

www.savebarec.org **Phone: 888-BAREC-80**

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 9

Importance: High

Attachments: SaveBAREC-may-9-2006-council-meeting.pdf; Save BAREC-how-can-i-help.pdf; Save BARECwhat-is-barec.pdf; Save BARECwhat-is-the-issue.pdf; Save BAREC-why-savebarec.pdf; SaveBAREC.pdf; SaveBAREC-april-26-2006-council-meeting.pdf; SaveBARECcouncil-meeting.pdf; SaveBAREC-current-affairs.pdf; SaveBAREC-july-18-2006-council-meeting.pdf; SaveBAREC-march-7-2006-council-meeting.pdf

SaveBAREC-may-9-2006-council-m... | Save EC-how-can-i-help.p | Save ECwhat-is-barec.pd | Save ECwhat-is-the-issue | Save C-why-savebarec.p | SaveBAREC.pdf (113 KB) | SaveBAREC-april-26-2006-counci...

SaveBARECcouncil-meeting.pdf (... | SaveBAREC-current-affairs.pdf ... | SaveBAREC-july-18-2006-council... | SaveBAREC-march-7-2006-council...

This shows the level of involvement in the past with Santa Clara.
Please include this in the EIR to show how the community will be impacted in general and what can the Valley Fair expansion do to help the situation.

-----Original Message-----
From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Friday, September 08, 2006 4:52 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC RDEIR/Santa Clara Gardens comments
Importance: High

The following are web pages that I would like you to include in the public comments.

Thank you,

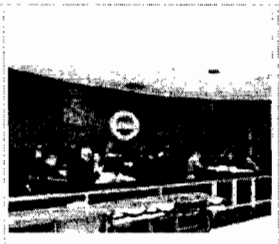
Kirk Vartan

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

Bay Area Research and Extension Center
SaveBAREC.org Home

What is **BAREC**? What is the Issue? Why save **BAREC**? How can I help?

"The greatest making of the future will be from a small piece of land." Abraham Lincoln



Santa Clara City Council Meeting May 9, 2006 Friends of BAREC ask for a 15 minute time slot...Mayor opposed

On May 9th, Linda Perrine, representing Friends of BAREC, asked the City Council for 15 minutes to present an environmentally superior land use for the BAREC property. Council Member Kennedy made a motion to hear a coherent 15 minute presentation, rather than the alternative of having multiple people present 2-3 minutes at a time as Jennifer Sparacino, the City Manager, suggested.

Mayor Mahan talked about subverting the public process and would not stand for it. Twice, she felt the need to express her dissatisfaction with the motion and the fact the City Council was being asked to hear something about a land use from the public. Ultimately, the motion to hear the 15 minute presentation failed 4-2.

Why is the Mayor so nervous about sharing information with the public? Isn't that the job of government?

Introduction/Jennifer Sparacino (City Manager):
> Sparacino's comments suggesting the Council not approve the request for 15 minutes (4 minutes - 2MB)

Linda Perrine Request
> Linda Perrine asking for 15 minutes (3 minutes - 2MB)

Councilmember Mathews asks for clarification on process. Warned by City staff about tainting the process
> Mathews/Sparacino/Riley's comments discouraging non-applicant issue. (3 minutes - 1.5MB)

Mathews Asks if Alternative Land Use will be heard
> Riley responds that "only those applications that have the signature of the property owner are considered a valid application by the City Council..." (30 sec - 200KB)

Councilmember Kennedy makes a motion to hear the presentation
>Motion made and seconded (49 sec - 500KB)

Mayor Mahan has serious concerns with the motion
>Process is getting subverted (2 minutes - 1MB)

Frank Freedman Asking for Council Consideration
>Freedman's comments (2 minutes - 1MB)

Steve Hazel making general comments
>Hazel's comments (3 minutes - 1.5MB)

Councilmember Kolstad agreeing with City Staff
>Kolstad comments (1 minute - 500KB)

Councilmember Mathews trying to compromise
>Mathews comments (1 minute - 400KB)

Mayor Mahan says it subverts existing process. Says SummerHill and other stake holders need opportunity to speak
>Mahan subversion comments (1.5 minute - 2MB)

Councilmember Mathews changes his mind..... Motion Fails 4-2, Kennedy/Moore supports
>Mathews comments (1 minute - 500KB)

Entire video of the relevant parts of the meeting:
Click here to see complete video (23 minutes - 12MB)

Videos require: Microsoft Window Media

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).
This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

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What you can do to help...

Please send in a **donation**. VIVA now has full federal non-profit status 501(c)(3) and can offer full tax benefits for your contribution. Please send to:

VIVA
1698 Hanchett Avenue
San Jose, CA 95128.
viva@savebarec.org

Stop **any** zoning change regarding the BAREC property, specifically changing it from an agricultural piece of property.

We need four votes to insure BAREC is retained in agricultural zoning. It is, therefore, especially important to talk to Mayor Patricia Mahan and share your views. The council members are located here.

Write Santa Clara City Council and tell them:

You want Santa Clara to retain the land to preserve its agriculture/horticulture usage and its history. Simply download our letter and sign it.

Send your letter to:

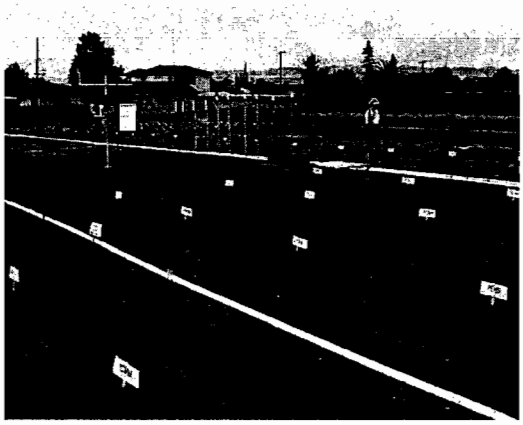
City of Santa Clara
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050

Or email them at:
mayorandcouncil@ci.santa-clara.ca.us,
or call 408-615-2250

You can can also send the Santa Clara City Council a letter to petition them to hear your concerns at an official Council meeting. They are required to put you on the agenda to hear your concerns. Download the form here. To learn more about their process, go to their website.

If you would like to help or want further

Shortly, the State will ask the Santa Clara City Council to change the land's zoning from agriculture to housing.



"The average acre of farmland in San Francisco earns $123,000 per year" - *from the Census of Agriculture and Metro Farm, a guide to growing a big profit on a small parcel of land by Michael Olson.*

Santa Clara Weekly article - April 20, 2005

Ask your local legislators the hard questions or simply print out our sample letter (Word doc) and send it in! Here is the article from the San Francisco Chronicle, May 2, 2004: "The High Price of Cheap Food" with Michael Pollan."

Please read our January 2004 update.

List of current elected officials and other background information.

Please support the City of San Jose and Santa Clara to work together to save as much of BAREC as possible. Write the Mayors, Vice Mayor Pat Dando and Councilman Ken Yaeger.

We are always in need of volunteers. Please email or call us if you have any time.

Get signatures on our petition from your neighbors. When complete, email us for a drop off meeting or an address to send them.

information, visit http://www.savebarec.org
or email: info@savebarec.org or
call 888-BAREC-80 (888-227-3280).

You can **send** a hard copy of our sample letter to your legislator and attach a copy of the following article so they have the latest information.

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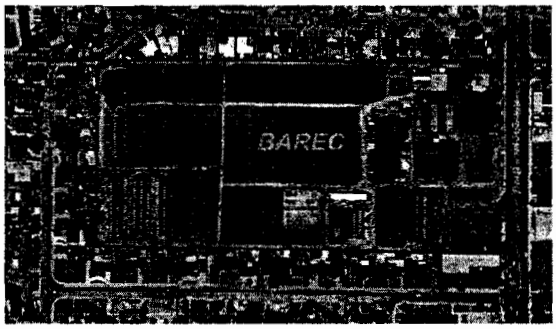
What is BAREC?



This open space in the city of Santa Clara, adjacent to San Jose, is considered the State's leader in rural/urban issues: health, the environment, sustainability, recycling, and pollution prevention. The land and its buildings are in line for being listed in the National Historic Registry.

"It's [BAREC] a marvelous facility that is supporting research on turf grass, landscape plants, cut flowers, high value horticultural crops, composting, bio-intensive pest management, alternatives to methyl bromide and other high visibility topics. It's also a very unique property for studying ag-urban interface issues. These interface issues will only grow in importance in the coming years."
***Steven Nation**, Assistant to the University of California President of Agriculture and Natural Resources (before the Center was closed).*

"BAREC is so important to the City and region that it should be placed on the National Historical Registry."
***Lori Garcia**, Santa Clara City Historian and Commissioner on the Santa Clara County Historical Commission and Chairman of the Santa Clara Planning Commission.*

A five minute PowerPoint presentation by Joseph Garbarino, a West Valley student, to the Parks Management Department, West Valley College in Saratoga, CA, May 20, 2004: A Simple Way to Be Introduced to BAREC (780KB). Use this as a simple way to communicate the value and need to preserve BAREC's heritage.

A more detailed presentation can be found here, entitled: Save UC Agriculture/ Horticulture Research Center (BAREC) (2MB).

See many pictures of BAREC:
Photos (property in use) -- Page 1
Photos (property in use) -- Page 2

See 1997 pictures of BAREC in action
See February 2004 photos
See May 2004 photos

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What is the issue?

Watch the videos and see/hear what the Mayor and Council members said when BAREC was on the agenda on April 26, 2005. **This information is very enlightening and proves no final decisions have been made regarding BAREC.**

--> Click here for all the information<--

To see all of the events that have taken place over the past four years, please click here to read about the timeline for the sale of the BAREC property. You will be amazed about what has taken place.

February 2004: Notes/summary of the latest Santa Clara City Council Meeting on February 10, 2004.

This 17 acre open space will be lost forever because the state intends to sell the land to a developer who will replace the open space with high density housing.

There have been no plans to relocate or recreate the facilities or preserve any of it's historic value to the community. This land has served the public since 1886.

Dumping public land to private developers is a betrayal of what our government represents. If this land is sold, many programs to improve our community will never return.

The traffic and parking problems already observed by other new housing developments such as Santana Row will be compounded with the developer's intentions for BAREC.

"In the summer of 2002 our City did a study of where to place Santa Clara's required housing for the next five years. This study showed that BAREC was not needed for this required housing."
--***Patricia Mahan**, Santa Clara City Mayor*

"The City [Santa Clara] loses money with housing as it is costly to maintain it."
--***Geoffrey Goodfellow**, Santa Clara City Director of Planning, stated this on January 2003 in front of 300+ people at a community meeting.*

"We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."
--***Patricia Mahan**, Santa Clara City Mayor, April 26, 2005 at the Santa Clara City Council Meeting*
See her on video here: Watch the Video

"The State has never challenged a city on a zoning issue."
--***Jeff Crone**, Senior Real Estate Officer, California State Dept. of General Services.*
Note: that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

Santa Clara City Mayor Mahan speaks on public television about BAREC and **wants to preserve it!**

Environmental Concerns with David Bonasera
Where: Comcast Community Television

What **Santa Clara City Mayor Mahan** said:

"To have 17 acres reserved as open space

When: October 12, 2004
Guests:
> **Santa Clara City Mayor Patricia Mahan**
> Terry Trumbull (environmental lawyer)
> Shiloah Ballard (Silicon Valley Manufacturing Group)
> Kathryn Mathewson (SaveBAREC, Secret Gardens)
> Cameron Colson (California Compliant)
> Joe Cernac (Sierra Club Guadalupe Group in Santa Clara Valley)

This Comcast TV program has two half-hour segments. If you would like to see it in its entirety, we would be happy to share it with you and/or your neighborhood and friends. Please contact us at: info@savebarec.org or 408-292-9595.

would be magnificent. I do not know that anyone of us sitting here today would argue that fact." Listen to her

"If the county would step forward and say we will join with the City of Santa Clara and purchase some of that [land] or if the City of San Jose wanted to contribute, it would be marvelous." Listen to her

"**There is no [BAREC] plan yet**....The conceptual plan is, is just like a placeholder. The City Council has done nothing to approve a plan. **We have not even seen a plan.**" Listen to her

See/hear two minutes in *her* **own** words.
Microsoft Windows Media: Click here (3MB - 2min)
Apple Quicktime: Click here (4MB - 2min).
Requires Microsoft Window Media or Apple Quicktime

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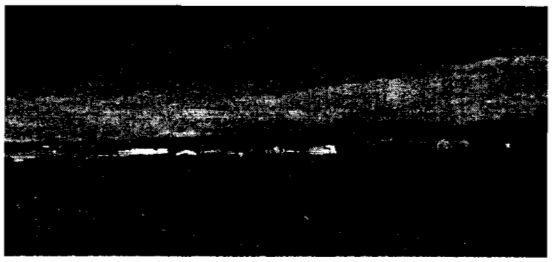
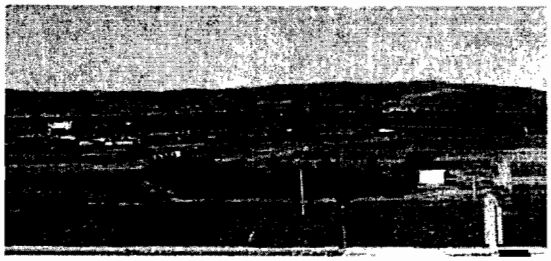
Why Save BAREC?





15 Reasons Why We Should Save BAREC!!!

This area of Santa Clara County needs a park and BAREC is right in the middle of the district! Have a look at the county map.

Here is another example of an organic farm in the middle of dense urban living: Fairview Gardens.

Download our general two page flyer to quickly learn about the land and its importance and to share with others in the community.

History:

"This site should receive national historical status."
--***Lori Garcia**, Santa Clara County Historical Heritage Commission and author, Santa Clara From Mission to Municipality*

Research and Education:

"If this parcel of land has the agriculture zoning removed, it would not only be a tragic loss to the community's heritage and its future, but also close the door to any opportunities we may have in the future to pursue our research and education work in the Santa Clara Valley."
--***Dr. Carol Shennan**, Director of UC Santa Cruz's Center for Agroecology and Sustainable Food Systems*

Research done on BAREC.

Please review our presentation to Santa Clara County Supervisor Jim Beall in September 2005. Also look at our ideas on how this land

A few examples of what BAREC used to do:

- Master Gardeners - Blueberry Picking - 1997
- Hosts Turf and Landscape Field Day - 1999
- MetroActive article on the bad "deal" - 2000
- Master Gardener Open House - 2001
- Rainfed Oat test - 2002
- Rainfed Common Wheat test - 2002

Future Programs:

Examples of Needed Programs

Download[6MB] Sharon's McCray's BAREC History PowerPoint, updated February 2005.

Compilation of documents supporting UC Center Land as fulfilling requirements to be a Historical Landmark by Sharon McCray.

Read a letter sent to Santa Clara Mayor Mahan in August 2003 from Master Gardener Sharon McCray, showing how BAREC can be saved, supported, and sustained. Click here to download

Open Space:

"Our recent poll shows that 8 out of 10 people in Santa Clara Valley are concerned about the lack of open space in the Santa Clara Valley."
--***Bob Gerard**, Attorney and Retired Stanford Professor, February 2004*

"Land is a non-renewable resource. It would seem shortsighted to make a dollar at the expense of what has been a resource for the greater community."
--***Vicki Moore**, Greenbelt Alliance*

can be used based on what UC Santa Cruz has done with their financially stable, self sustaining, and income generating Center for Agroecology and Sustainable Food Systems (CASFS) program, including their children's Life Labs area.

We also presented to the Santa Clara County Board of Education. See the presentation here.

SUPPORTERS and QUOTES:
List of the many supporters.

Quotes from well known individuals

See what type of bird wildlife exists at BAREC as seen by bird experts.

"Open space raises property values."
--***Daniel Press**, author of Saving Open Space, Professor Environmental Studies at UC Santa Cruz*

Read the Silicon Valley Business Journal article on how agricultural open space helps a community as a whole.
--***Kathryn Mathewson***, January 2003

Chicago did a Millennium Park Economic Impact Study that shows the value of having open space.

Food Safety:

"The Future of Food," produced and written by Deborah Koons Garcia

Click for more info ..

Location of BAREC:
Santa Clara County map; Santa Clara City map; Santa Clara Street map

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"All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.
Constitution of the State of California: Article 1, Section 2

The BAREC Recirculated Draft EIR is released. The documents are online (click here). Copies are available at the library. Public comments are due by September 8th at 5:00pm.

BARECticker **Public Comment Ends In:** **No event scheduled.**	**The BAREC Recirculated Draft EIR is released. Public comment period is open until Sept 8. The documents are online (click here). Copies are available at the library.**

Our Mission: To keep this 17 acre agricultural piece of public land public. Additionally, we believe an educational, urban farm would best benefit the public and provide a financially sustainable way to preserve the land in open space forever. Please email us if you want to get on our mailing list: mailing-list@savebarec.org.

Summary Information - Keep Public Land Public:
Video
- Anna Werner from CBS 5 Investigates does a story about the toxins on BAREC on June 19, 2006 at 11pm. Click here.
- SaveBAREC was on the ABC 7 News program at 6:00pm on November 9, 2005. Have a look at the video [2MB] and the pictures.
Print
- Read the October 19, 2005 Silicon Valley Metro cover story *Secret Gardens* describing the political issues and views on BAREC.
- Read the October 20, 2005 Rose Garden Resident cover story *Fate of the former UC agricultural station rests in hands of Santa Clara City Council* describing the many views on the status of BAREC. You'll see how many issues there are and why this land is so important.
- Read the San José Mercury News article with some very powerful quotes showing support for alternative ideas entitled: *Last Ditch Effort to Turn Back the Clock*.
- The Fall/Winter 2005 issue [700KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features BAREC as well as a follow-up article in the current Spring 2006 issue [500KB].

Please view a concept we have for how this land can be used (i.e., organic, urban agriculture) based on what UC Santa Cruz has done with their financially stable, self sustaining, and income generating Center for Agroecology and Sustainable Food Systems (CASFS) program, including their children's Life Labs area.

What we are suggesting is already proven to be successful: The Center of Urban Agriculture: an organic farm in the middle of dense urban living: Fairview Gardens.

See what the State wants to do with the land here.

Current Affairs: (click here for more info and news articles)
- The public comment period for the Draft EIR and Draft RAW has closed. The next public event (besides regular City Council meetings has been delayed until August/September). Please click here. While the public comment period is officially closed, you can still send in letters and comments to the City of Santa Clara. See the **sample letters** you can send.
- For sample letters you can send in to the politicians and agencies on EIR and RAW, please click here.

Propaganda mailing sent to Santa Clara citizens in hopes to gather support for the housing project. Click here [2MB] to see.

Go to our web page that puts most of the relevant past City Council meetings on one page. Click here to see it.

Learn more about the South Central Farm in LA (also known as: The Farm), the largest urban farm in the country. It is 14 acres large! Just see what community support can do. BAREC's 17 acres can do even more!

Aug 15-Sept 2, 2006: Migrating Canadian Geese use BAREC as a landing pad. See the video here. 100s land every day.
August 20, 2006: The SJ Mercury News awards SaveBAREC.org the Grand Prize for NIMBY. Click here to see it. Scott Herhold wrote this and we encourage you to write him. He really needs a reality check.
June 19, 2006: Anna Werner from CBS 5 Investigates does a story about the toxins on BAREC. Click here.
May 13, 2006: SJ Mercury, *The Valley* section, Julie Patel's article entitled: Last Ditch Effort to Turn Back the Clock.
May 9, 2006: City of Santa Clara has moved the date of the next public meeting to August/September 2006.
May 3, 2006: Silicon Valley Metro article on SaveBAREC support, activities, and updates. Click here for story.
April 12, 2006: Santa Clara Weekly does a cover story on BAREC. Click here [1MB] for story.
April 6, 2006: Historical and Landmarks Commission **votes down the motion** to approve the History and Cultural Resources section of the Draft EIR in a 5-2 vote! Great job! See the update in the SJ Mercury, Bay Area News in Brief.
April 2, 2006, 12:00-5:00pm - Successful Rally at the BAREC site. **See pictures here.**

See the timeline below.

Stop by the Santa Clara Farmers' Market every Saturday between 9:00am-1:00pm. See our table

Support Urban Agriculture

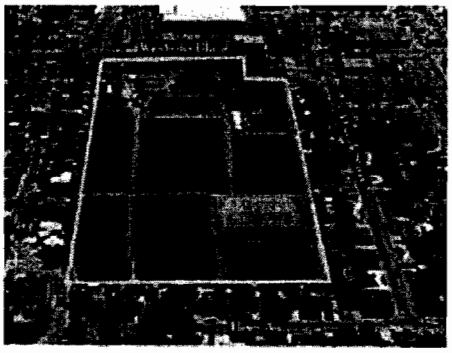
The State of California is selling this 17 acres dedicated to public service since the 1800s.

The land is considered the State's leader in rural/urban issues: health, the environment, sustainability, recycling, and pollution prevention.

The land and its buildings are in line for being listed in the National Historic Registry

Did you know...

> 1884 the Normal School operated on the site
> 1886 to 1889 it housed Osborne Hall, a home for physically and mentally disabled children
> 1921 to 1960 it was a home for families of Civil War Veterans
> 1928 to 2003 it was a University of California Agricultural/Horticulture Research Center



See Map for exact location, in the city of Santa Clara on North Winchester Blvd. across from Valley Fair, bounded on two sides with San José.

This web site is dedicated to support the preservation of this unique land and to provide solutions for sustainable urban agriculture. If you want to help, please contact us.

In 2003, the State decided to sell the property for housing development. If sold to developers, much of the land will be turned into medium-density housing (up to 11-27+ units per acre). This is in stark contrast to the 5-7 units per acre in the surrounding neighborhood. Dumping public land to private developers is a betrayal of what our government represents. If this land is sold, many programs to improve our community will never return.

The San José Parks and Recreation Commission is completely in favor of keeping the entire space an open-space. See their letter.

The land is considered the State's leader in rural and urban issues. This includes health and the environment, sustaining and maintaining land, recycling, and pollution prevention. This land can provide leadership in sustainable living.

Learn more about BAREC, including information regarding the issues involved with saving BAREC, and how you can help. Thank you for your time and support!

Draft Environmental Impact Report (EIR) and Draft Removal Action Workplan (RAW) Schedule

Please click here to see more information.

March 9	**March 22**	**April 6**	**April 13**	**April 18**	**April 21**	**April 24**	**April 24**	**~~June 28 (tentative)~~ ~~August/~~ September/ October??**	**???**

Draft EIR released (public comment period begins)	Draft RAW released (public comment period begins)	Historical and Landmarks Commission **7:00pm** -Staff Conference Room, City Hall	Public comment of the Draft RAW **7:00-9:00pm** -Westwood Elementary School -435 Saratoga Avenue, Santa Clara	Parks and Recreation Commission **7:00pm** -City Hall Council Chambers	Public comment period on Draft RAW closes at **5:00pm**	Senior Advisory Commission **10:00am** -Community Recreation Center on Kiely Blvd. (before Kaiser Hospital)	Public comment period on Draft EIR closes at **5:00pm**	Planning Commission Public Hearing, City Council Chambers. **7:00pm** - Public meeting on Draft EIR and related development applications	City Council Public Hearing and *Potential Action*, City Council Chambers. **7:00pm** - Public meeting to consider Draft EIR and related development applications

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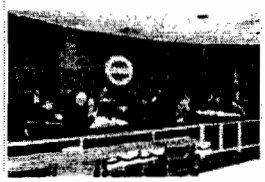
Santa Clara City Council Meeting
April 26, 2005
BAREC was on the Agenda



BAREC was placed on the agenda by request of Kirk Vartan. Many people spoke and a lot of perspectives, suggestions, and information were shared with the Council.

We have made the entire 36 minute section of the meeting available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from citizens and Council members, making it easier to hear the information you are interested in. We listed some highlight quotes from the video in the right column; however, in case there are any questions about the context of the statements, we are also providing the entire video for viewing. Simply click on a quote on the right, and the video of the person saying those words will start. The hand-outs given at the meeting are linked at the bottom of this column.

City Introduction:
> City Manager Introduction (3 minutes - 800KB)
> Planning Director Introduction (4 minutes - 1MB)
> City Manager Introduction (1 minute - 400KB)

Citizen comments:
> Kirk Vartan/Marguerite Lee (6 minutes - 1.8MB)
> Master Gardener Sharon McCray (3 minutes - 1MB)
> Lauren McCutcheon (2 minutes - 600KB)
> Suzie Keels (1 minute - 300KB)
> Andy Grammet (2 minutes - 700KB)
> Bill Romano (2 minutes - 500KB)

City Staff/Council responses and comments:
> City Staff response - Goodfellow (2 minutes - 400KB)
> Councilmember Caserta (2 minutes - 500KB)
> Councilmember Mathews (2 minutes - 600KB)
> Councilmember Moore (2 minutes - 700KB)
> Mayor Mahan (3 minutes - 800KB)

Four documents were shared with the City Council and the audience. Click on any one of them:

The **following quotes** can be clicked on to hear and see the **actual video** from the following people:

Planning Director Goodfellow:
"Those decisions [current development discussions] are merely preliminary, and the project will have to go through the full Environmental Impact [Report] review, General Plan amendment re-zoning, and probably sub-division maps before any final decisions can be made on the site."
"Closing on that [sales agreement] is contingent on the approval of the plans, just as it would be for the senior portion."
"Yes, the property is contaminated ...the worst [soil] contamination will be physically removed."

Councilmember Caserta states:
"I just cannot stand here and say let's just have it [BAREC] all open space."
"Where's the money to do this?"

Councilmember Mathews states:
"I'm a fifth generation, native Santa Claran. My great, great, great, grandfather went out and fought; he's one of those Civil War people."
"The history that I'm going to make is going to be made today...to get this site developed..."
"We're not going to resolve Santana Row's issues of traffic or Valley Fair's traffic by not developing this site..."

Councilmember Moore states:
"I know there's a park; I'd like to see it be a little bit bigger. But, I think that neighborhood needs a park."

Mayor Mahan states:
"The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Entire video of the Council meeting:
Complete video (36 minutes - 9MB)

1. Kirk Vartan's Introduction, 2. Pre-meeting notes and information, 3. BAREC's supporter list, and 4. The San Jose Park's Committee letter, showing complete support for keeping BAREC as open space.	Videos require: Microsoft Window Media

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).
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City of Santa Clara Council Meetings

The following are council meetings that feature BAREC or agricultural land use education. Many of these video clips are no longer available to the public because the City of Santa Clara does not keep a permanent record of any Council Meetings. They are made available on VHS tape and after a few months, the tapes are over written with new City Council meetings. So, it is up to the public to keep the public informed. Please email us with any questions.

April 26, 2005 - BAREC was placed on the agenda. Good public comments were made and even better City Council comments were made. Council members Caserta, Mathews, and Mahan stated their positions on BAREC. Click here to view all the information.

March 7, 2006 - BAREC was placed on the agenda to discuss the contamination on the property. The Mayor decided at the last minute to cut public comment to two (2) minutes, down from three. This is only supposed to happen with ten (10) or more speakers. There were only eight. Just another example of the Mayor's actions of not supporting educating the public on this matter. Click here to view all the information.

May 9, 2006 - Friends of BAREC asked the City Council to allow the group to present an agricultural land use option for BAREC. While certain members of the Council (Kennedy and Moore, and Mathews at one point) were in favor of letting the group give a 15 minute presentation, the Mayor was vehemently opposed to it. She stated it was "subverting the process." The motion to allow the presentation failed 4-2. Click here to view all the information.

July 18, 2006 - Friends of BAREC was able to get ten (10) minutes in front of the City Council to present the benefits of an **educational urban farm in Santa Clara**. This is an excellent presentation on how farmland can be used in a city. Unfortunately, the Mayor did not allow the public to speak on the matter and even banned/censored the word BAREC from any discussion. The public did not get a chance to speak on this matter. We are still checking to see if this is legal. Click here to view all the information.

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

Bay Area Research and Extension Center
SaveBAREC.org Home

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Current Affairs...What's Been Going On...

Stop by the Santa Clara Farmers' Market every Saturday between 9:00am-1:00pm. *See our table*^^^

Here is an example of the popular Green market New York City Farmer's Market in Union Square where 3,000 students from 82 schools participate in Green Market's Educational Tours, with over 250,000 visitors a week to the local Farmer's Markets!!!

August 2006
- August 15-September 2: Migrating Canadian Geese use BAREC as a landing pad. See the video here. 100s land every day.
- August 20, The SJ Mercury News awards SaveBAREC.org the Grand Prize for NIMBY. Click here to see it. Scott Herhold wrote this and we encourage you to write him. He really needs a reality check.
- August 11/14, The State did the weed cutting. Some dust was put in the air, but for the most part, the need weed control was done. Thanks to the State for doing this to protect the neighborhood. The DTSC was supposed to have air monitors on site, but they did not. No one knows why.
- August 9, Go to our web page that puts most of the relevant past City Council meetings on one page. Click here to see it.
- August 4, The City of Santa Clara sent out a "COURTESY WORK NOTICE" for weed abatement on BAREC to *select* neighbors only. This has been neglected for months.

July 2006
- July 25, BAREC Recirculated Draft EIR available online here (late in the day).
- July 24, BAREC Recirculated Draft EIR **NOT** available online.
- July 23, BAREC Recirculated Draft EIR **NOT** available online.
- July 22, BAREC Recirculated Draft EIR **NOT** available online.
- July 21, BAREC Recirculated Draft EIR **NOT** available online.
- July 20, Notice of the BAREC Recirculated Draft EIR was just released. Public comment period open. The documents are not yet posted online (as of July 23rd), but hopefully the city will do this soon. Doesn't seem fair that the clock starts before they are available to the public. They said the documents are available at the library.
- July 18, SaveBAREC presented the benefits of an Educational Urban Farm to the City Council.

June 2006
- June 28, Presentation to the Santa Clara Bicycle Advisory Committee (BAC). Click here to see.
- June 20, The New York Times article *From Artichokes to Zinfandel. Farm Tours* by Patricia Leigh Brown shows how agriculture generates business and revenue for cities.
- June 19, Anna Werner from CBS 5 Investigates does a story about the toxins on BAREC. Click here.
- June 14, 6:00-8:00pm, Meeting to review the proposed 600,000 sq. ft. Valley Fair expansion.
- June 10, VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture), our non-profit parent, now has its federal non-profit status. It is now an official 501(c)(3) non-profit and can authorize full tax deductions. Please contact us for details on how to make donations: viva@savebarec.org

May 2006
- May 19, Propaganda mailing sent to Santa Clara citizens in hopes to gather support for the housing project. Click here [2MB] to see.

- DTSC transcript of the public meeting on April 13, 2006 discussing the Draft Removal Action Workplan.
- May 17, SummerHill Homes has scheduled a meeting (inviting only a select few). So, we decided to spread the word.
- May 13, SJ Mercury, *The Valley* section, Julie Patel's article entitled: Last Ditch Effort to Turn Back the Clock.
- May 9, City of Santa Clara has moved the date of the next public meeting to August/September 2006.
- May 9, SaveBAREC was on the Santa Clara City Council agenda to request time to present an alternate agriculture land use option (educational urban farm).
- The Spring 2006 issue [500KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features a follow-up update on BAREC.
- May 3, Silicon Valley Metro article on SaveBAREC support, activities, and updates. Click here for story.

April 2006

- April 26th, Santa Clara Weekly reports on tire slashing of SaveBAREC group member. Click here [200KB].
- April 12th, Santa Clara Weekly does a cover story on BAREC. Click here [1MB].
- DTSC transcript of the public meeting on April 13, 2006 discussing the Draft Removal Action Workplan.
- April 6th, SJ Mercury, *The Valley* section, Julie Patel's article entitled: Hearings on Land Use Near Mall.
- April 6th, Historical and Landmarks Commission **votes down the motion** to approve the History and Cultural Resources section of the Draft EIR in a 5-2 vote! Great job! See the update in the SJ Mercury, Bay Area News in Brief.
- April 3rd, SJ Mercury News, *The Valley* section, Sal Pizarro states: "But when a piece of land wakes up people enough to join a letter-writing campaign, it's probably worth a second look."
- April 2nd, Sunday, 12:00-5:00pm - Successful Rally at the BAREC site. See pictures here.

March 2006

- For a listing of all dates and events around the Draft EIR and Draft RAW, please click here.
- March 22nd:The Department of Toxic Substances Control (DTSC) released their Draft Removal Action Workplan (Draft RAW). Please see the bottom of this page.
- March 13th, SJ Mercury, *The Valley* section, Julie Patel's article entitled: No Easy Fix to Loss of Farmland.
- March 9th:The City of Santa Clara's BAREC Draft Environmental Impact Report (EIR) web page is active.
- March 7th: BAREC was on the agenda (see item 10) for the Santa Clara City Council. See the last time BAREC was placed on the agenda by the community here back on April 26, 2005. See the videos and handouts from the March 7th meeting here.

February 2006

- Call or email a letter to the SJ Mercury News' Sal Pizarro (408-920-5473) asking to have BAREC added to the list of places to preserve in Santa Clara County. Here is a sample letter to send.
- Met with the Santa Clara Citizens Action Committee and got support for our efforts.

January 2006

- See a *Letter to the Editor* in the San José Mercury News, January 31st.
- San José Mercury News article on BAREC published in Sunday's *The Valley* section, January 29, 2006.
- KKUP (91.5 FM) on January 26th at 10:00am to noon. Old Time Farmer produced by former BAREC Director Dr. Craig Kolodge. Sharon McCray and Dr. Craig Kolodge discussed BAREC.
- SaveBAREC presented at the Cory Neighborhood Association on January 23rd at 7:30pm.
- KKUP (91.5 FM) on January 25th at 7-8:00am. Kathryn Mathewson was on the show talking about BAREC.
- The latest issue [700KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features BAREC.

December 2005

- We now have over 3,000 signatures on our petition. Thank you!

November 2005

- We legally parked our truck in front of the property according to local a Santa Clara Police Sergeant

(SCPD), yet **the vehicle was towed**. Have a look at the vehicle report and the **$457.41** tow charge that I had to pay personally to get the truck out of storage, plus the **$25.00** SCPD admin fee, totaling **$482.41** of out of pocket costs. The vehicle is a legal expression of our 1st Amendment Rights!!!
- SaveBAREC was on the ABC 7 News program at 6:00pm on November 9, 2005. Have a look at the video [2MB] and the pictures.
- Well, we got to meet HRH The Prince of Wales when he was in San Francisco with his wife the Duchess of Cornwall. I shook his hand and got a packet of information to him, but no signature...yet. Here are a couple of pictures of him enjoying some organic produce and about to meet our group. The San José Mercury News even did a brief write-up on the visit.
- Please get involved. Have a look at the EIR web page on what you can do. Click here.

October 2005

- Read the October 19, 2005 Silicon Valley Metro cover story *Secret Gardens* describing the political issues and views on BAREC.
- Read the October 20, 2005 Rose Garden Resident cover story *Fate of the former UC agricultural station rests in hands of Santa Clara City Council* describing the many views on the status of BAREC, including some inaccuracies.
- The City of Santa Clara had an EIR Scoping meeting on October 3rd. Please write the City. Read the details here on what was said and what you can do.
- Read the Mercury News article "No Fast Fix for I-280/I-880; It's a Parking Lot in Morning," by Gary Richards, talking about how problems accumulate and how one more large development like BAREC without first fixing the interstate problems will only add to these problems. Given the war and the hurricane relief problems, will our government have the money to fix these intersection problems in the near future? Is it worth taking our historical land and adding even more problems to our community?

September 2005

- Watch *Environmental Concerns* with David Bonasera (aired on September 29, 2005). BAREC is the topic of the show! **The program is 28 minutes. Download the video here:** High quality video [29MB]
- SaveBAREC presented to County Supervisor Jim Beall. Click here [900KB] to see the presentation.

August 2005

Just Released: BAREC on the front cover and the lead article in August's *The Californian* [5MB] published by the California History Center Foundation at De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014. Written by Master Gardener and Historian Sharon McCray. Published with permission. Click here to download.

July 2005

The State/Regional *Guadalupe Coyote Resource Conservation District* (GCRCD) wrote a letter to the State stating they needed BAREC to fulfill their state mandated mission statement and wanted to work with the State to determine how they or a nonprofit could purchase BAREC to keep it as agricultural land. Click Here to read it. This letter also stated:
"Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now."

June 2005

- The nonprofit VIVA (Valley Initiative for Values Agriculture) sent a letter to the State with an offer to purchase BAREC for an agriculturally zoned price to be used to meet community needs. Click here to see the letter.
- San José Mercury News article on BAREC published **twice** (June 16, 2005 and on June 23, 2005) in *The Guide*. Please write the San José Mercury News (letters@sjmercury.com) and tell them you do not want BAREC developed!!! The letter to the editor can be no longer than 125 words and you must include your full name, address, and day time phone number.

We have a table at the Santa Clara Farmer's Market **every Saturday**, from 9:00am-1:00pm. Please stop by and visit us and sign our petition to Save BAREC! If you would like to help man our table, please let us know.

Santa Clara City Council Meeting - April 2005

Watch the videos and see/hear what the Mayor and City Council members said when BAREC was on the agenda on April 26, 2005. **This information is very enlightening and proves no final decisions have been made regarding BAREC.**

--> Click here for all the information<--

California FACT:

CALIFORNIA CODES, CIVIL CODE
SECTION 815

"815. **The Legislature** finds and **declares** that the **preservation of** land in its natural, scenic, **agricultural**, **historical**, forested, or **open-space** condition is **among the most important environmental assets of California**. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

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Santa Clara City Council Meeting July 18 , 2006 Educational Urban Farms was on the Agenda

The concept of farmland inside city limits is continuously questioned by the Santa Clara city staff as well as the Santa Clara City Council. For months we have tried to give a complete presentation about the viability and success of an educational urban farm. Finally, on July 18, 2006, we were able to do just that. Linda Perrine gave an 11 minute presentation on why Santa Clara should care about preserving agricultural land in Santa Clara, examples of successful educational urban farms (both in California and in other states), and how all of this can be done without costing the City of Santa Clara any money. Too good to be true? No. Just listen and find out how.

While the presentation was wonderful, the Mayor's rules and regulations around it were not. Not only did she not allow any public comment, she forbid any mention of the word BAREC (i.e., censorship). We are all wondering what laws or rules she was using to prevent any public comment to an agenda item. SaveBAREC has written the City Clerk, Rod Diridon, Jr. and the City Attorney, Michael Downey, for an official response whether this is even legal. There is still no comment from the City Attorney. The Mayor basically did not allow any public comment on the matter...not just SaveBAREC members, but **ANYONE** from the public. Further, she later went on to say that others could speak during the Public Comment section on the agenda (item 11). However, that section specifically says, "This portion of the meeting is reserved for persons desiring to address the Council on any matter not on the agenda." It says right there **"NOT ON THE AGENDA!"** Well, this item **was** on the agenda and the Mayor eliminated all public comment.

You can view the full 14 minute section of the meeting via video below. Additionally, we have broken-up the video into multiple segments, allowing you to see specific testimony from the Mayor and citizens, making it easier to hear the information you are interested in. Simply click on the person and you will see and hear the video stream to your computer. Hand-outs given at the meeting are linked below each person.

Agenda Item 8B - Need for Educational Urban Farm

Mayor's Introduction (including censorship):
> Mayor Mahan (1.5 minutes - 800KB)
Linda Perrine's Presentation on Urban Farms:
> Linda Perrine (11 minutes - 6MB)
-- Linda Perrine handout Please download this and follow along with the video.
> Santa Clara citizen tries to comment and gets the microphone turned off on him (20 sec - 200KB)

Videos require: Microsoft Window Media

Agenda Item 11 - Public Comment

Public Comment (After most citizens left):
> Kirk Vartan (3 minutes - 1.5MB)
> Mayor Mahan responds (23 sec - 200KB)
> Brian Everette (1.5 minutes - 750KB)

Entire video of the relevant parts of the meeting:
Complete Item 8b video (14 minutes - 8MB)
Complete Item 11 video (5 minutes - 3MB)

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).
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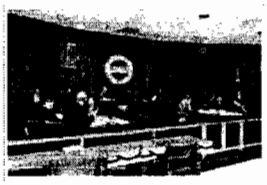
Santa Clara City Council Meeting March 7, 2006 BAREC was on the Agenda



BAREC was placed on the agenda by request of Cameron Colson. The meeting was a long one and BAREC did not begin until after 10:00pm. While some people left, many stayed and shared their opinions. Unfortunately, the citizens were only given two (2) minutes to speak (normally, people are given three minutes). This was not a banner meeting and some comments were not presented as well as they could or should have been, but such is a public meeting.

The entire 27 minute section of the meeting is available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from the City Staff and citizens, making it easier to hear the information you are interested in. Simply click on the person and you will see and hear the video stream to you computer. Hand-outs given at the meeting are linked below each person.

City Introduction:
> Mayor/City Manager Introduction (4 minutes - 2MB)
Citizen comments:
> Cameron Colson (3 minutes - 2MB)
-- Colson's prepared notes
> Kirk Vartan (3.5 minutes - 2MB)
-- Vartan's prepared notes, single story buildings, two story buildings, slides showing similar SummerHill construction compared to neighborhood (presentation)
> Linda Perrine (2 minutes - 1MB)
> Joe Cernac, Sierra Club (1 minute - 600KB)
> Robert Southard (1 minute - 600KB)
> Kathryn Mathewson (2 minutes - 1MB)
-- Mathewson's letter
> Sharon McCray (1.5 minutes - 900KB)
> Jackie Moore (2 minutes - 1MB)
-- Moore's prepared notes
> John Beall, AG inspector (2 minutes - 1MB)
> Angela D'Orfani on cancer in area (2 minutes - 1MB)
> Margo Wixsom (2 minutes - 1MB)

Entire video of the Council meeting:
Complete video (28 minutes - 14MB)

Videos require: Microsoft Window Media

Important Information and Dates

City of Santa Clara's BAREC Draft Environmental Impact Report (EIR) and Draft Removal Action Workplan (RAW) web page

Draft EIR letter sent out to citizens within 1,000 feet of the development project on March 9, 2006.

March 9 - Draft EIR released (public comment period begins)
March 22 - Draft RAW released (public comment period begins)
April 6 - Historical and Landmarks Commission
... **7:00pm**
... Staff Conference Room, City Hall
April 13 - Public comment of the Draft Removal Action Plan (RAW)
... **7:00-9:00pm**
... Westwood Elementary School
... 435 Saratoga Avenue, Santa Clara
April 18 - Parks and Recreation Commission
... **7:00pm**
... City Hall Council Chambers
April 21 - Public comment period on Draft RAW closes
April 24 - Senior Advisory Commission
... **10:00am**
... Community Recreation Center on Keily Blvd. (before Kaiser Hospital)

April 24 - Public comment period on Draft EIR closes
June 28 (tentative) - Planning Commission Public Hearing, City Council Chambers.
... **7:00pm**
... Public meeting on Draft EIR and related development applications
July 18 (tentative) - City Council Public Hearing and *Potential Action,* City Council Chambers.
... **7:00pm**
... Public meeting to consider Draft EIR and related development applications

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).
This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

Moore, Janis

From: Kirk Vartan [kirk@kvartan.com]
Sent: Monday, February 12, 2007 2:53 PM
To: 'Moore, Janis'
Cc: info@savebarec.org
Subject: Valley Fair Shopping Center Expansion Project (H06-027/GP 06-T-04) Draft EIR comments - BAREC comments part 2
Importance: High
Attachments: barec-helpers-supporters.pdf; barec-land-use-option.pdf; barec-petition-nov-2005.pdf; barec-useful-quotes.pdf; fairviewgardens.pdf; gcrcd-letter-2005.pdf; high-price-of-cheap-food.pdf; pac-sj-fallwinter2005.pdf; sj-parks-barec.pdf; supervisor-jim-beall-sept-16-2005.pdf; viva-barec-purchase-offer-june-29-2005.pdf; uc-regents-letter-march-2000.pdf; sc-council-meeting-april-26-2005.pdf; barec-programs-april-2004.pdf

Additional comments and documents...

From: Kirk Vartan (kvartan)
Sent: Monday, April 24, 2006 4:59 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC (Santa Clara Gardens) More information for Draft EIR comments
Importance: High

And let me give you an alternative email address:

barec-eir@kvartan.com

Please use this email for all communication.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Also worth noting is the following:

CALIFORNIA CODES, CIVIL CODE
SECTION 815

815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

ORGANIZATIONS (PARTIAL LIST)

Action for a Sustainable Earth (Acterra)
Argonauts Historical Society
American School of Herbalism, Santa Cruz
Audubon Society of Santa Clara County
Butcher's Ranch
California Association of Nurseries and Garden Centers (formerly CAN)
California Farm Link
California History Center and Foundation
California Hundred
California Landscape Contractors Association
California Oaks Foundation
Camp Joy, a non profit family farm dedicated to education
Center for Agroecology and Sustainable Food Systems, UC Santa Cruz
Center for Development of Recycling, San Jose State
Center for Environmental Studies, Santa Clara University
Cheesemans' Ecology Safaris, Saratoga
Civil War Roundtable
Common Ground, Palo Alto
Cory Neighborhood Association
Daughters of the American Revolution, Silicon Valley (DAR)
Defense of Place, San Francisco
E Clampus Vitas
Ecological Farm Association, Watsonville
Ecological Landscape Association of California
Environmental Landscape Association, California Chapter
Environmental Health Foundation
Environmental Studies Dept., San Jose State University
Environmental Studies Institute, Santa Clara University
Friends Outside
Guadalupe Coyote Resource Conservation District
Hidden Villa, Los Altos
Master Gardeners of Santa Clara County
Mission College, Santa Clara, Education and Training Program
Our City Forest
Pacific Coast Farmer's Market Association, a non-profit community service organization which organizes the Santana Row Farmer's Market
Preservation Action Council of San Jose (PACSJ)
Prusch Farm Park Foundation
Sage (Sustainable Agricultural Education)
San Jose Parks Commission
Santa Clara Valley Water District
Sierra Club/Guadalupe Group
Silicon Valley Toxics Coalition
Shasta/Hanchett/Park Neighborhood Association
Soil Food Web
South of Forest Neighborhood Assoc. in Santa Clara City
Valley of Hearts Delight, a project of the Foundation for Global Community
Veterans for Peace, Chapter 101 of Santa Clara County
Village Harvest, a Harvesting Foundation for the hungry, Santa Clara Valley
VIVA (Valley Initiative for Values in Agriculture)
Walden West, Santa Clara County's K through 12 with only county educational program for environmental/agricultural programs
Wildlife Center of Silicon Valley

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

INDIVIDUALS (PARTIAL LIST)

Alane O'reilly Weber, Soil Health and Organic Gardening Consultant, Compost Tea Maker
Alicia Lanier, Santa Clara County Democratic Club, Vice-President
Alry Middlebrook, Middlebrook Gardens
Amy Schacter, Chairman, Environmental Studies, Santa Clara University
Andy Butcher, Butcher's Ranch and farmer
Anita Parsons, Executive Director Walden West School Foundation
April Halversdt, Preservation Action Council Board, Historian for Saratoga Museum
Barbara Nesbit, former Mayor of Monte Sereno
Beth Wyman, Historian, former teacher San Jose State University
Betty Peck, retired kindergarten teacher, author Kindergarten Education
Bill Calagorus, Security Consultant to Federal Government
Bill Romano, former reporter of San Jose Mercury News
Bill Wallace; City of Santa Clara employee; Union representative for the City of Santa Clara
Bob Gross, Retired CEO in electronics, Director of Water District for 20 years, PhD Environmental Engineering
Bob Siegfried, Agricultural Engineer
Brett Melone, Executive Director Agriculture and Land-Based Training Assoc. (ALBA)
Brian Everette, San Mateo County Green Party Board, Environmental Committee
Brian Lawther, Attorney, former Lincoln FFA (Future Farmers of America)
Bruce Olszewski, Professor, Environmental Studies, San Jose State University
Bruce Tichinin; Lawyer; Father Former County Agricultural Director
Clysta Seney, Santa Clara County Open Space Authority Board
Cameron Colson, California Compliant
Cheryl Barton, Past President of American Society of Landscape Architects, Landscape Architect
Craig Breon, Director, Audubon Society Santa Clara County, Lawyer
Dale Warner, SOS Committee Founder, Retired Lawyer, former state legislator
Dan Svenson, Director Foothill College Horticulture Dept., Landscape Architect
David Bonasera, Producer and Executive Director for *Environmental Concerns*, Silicon Valley Comcast TV Program
Debra Bowman, Founder of South of Forest Neighborhood Assoc., Santa Clara resident
Delaine Eastin, former California Superintendent of Public Instruction, Professor of Education at Mills College
Dennis Dowling, Chairman, Science Dept., Wilcox High School, Santa Clara
Diane Dreher, author Inner Gardening, Professor Santa Clara University
Diane Dulmage, Communications Director, Acterra
Dick Turner, Editor Pacific Horticulture
Dolly Sandoval, Councilmember, Cupertino
Doug Cheeseman, Founder Cheeseman Environmental Study Area at DeAnza College, former Chairman to the Environmental Studies Dept. at DeAnza College
Dr. Ali Harwandi, Horticulture and Sod Research, UC Cooperative Extension
Dr. Craig Kolodge, Retired BAREC Superintendent and Santa Clara County Ag Ext Director
Dr. Elaine Ingham, Soil Scientist and founder of Soil Food Web
Dr. Joy Haus, Retired University Professor and Santa Clara resident since 1950
Dr. Kenneth Wesson, Assist. to Chancellor, SJ Community College District
Dr. Michael Freeling, UC Berkeley Professor, Genetic Research at BAREC
Dr. Rachael O'Malley, Chairman of Environmental Studies, San Jose State University
Dr. Robert Raabe, Professor Emeritus UC Berkeley, Soil and Plant Research
Dr. Russell Skowronek, Foremost Expert on California's Missions, consultant to Smithsonian Institute, and Archeology Professor at Santa Clara University
Dr. William R. Jackson, Soil Scientist
Shana Weber, Environmental Studies Professor and Director of Community Programs, Santa Clara University
Ed Souza, Former Santa Clara Mayor
Edward Mathewson, Attorney, graduate of Trace, Hoover and Lincoln

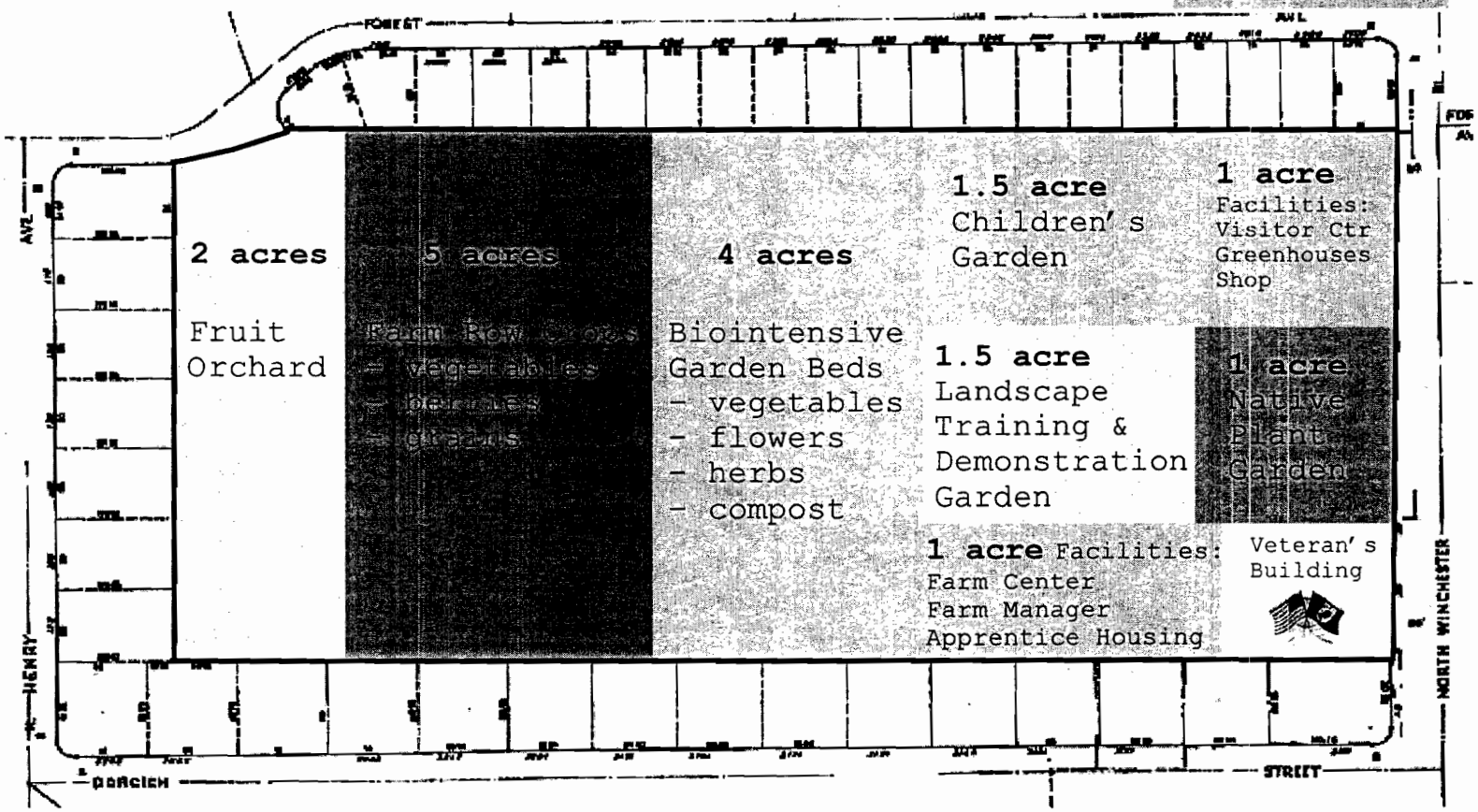
ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

Frank Niccoli, Horticulture Teacher at Foothill College, Chairman of Environmental Committee for California Landscape Contractors Assoc. (CLCA)
Frank Schiavo, Retired Env. Studies Professor, SJ State University
Fred Kent, President and Founder Project for Public Spaces
Golden Love, CA Coordinator for Ecological Landscape Association
Heidi Johnson, Foothill College Horticulture Dept. Instructor and Certified Nursery Professional
Helen Chapman, Chairman San Jose Parks Commission
Huey Johnson, Founder Trust for Public Land and Defense of Place
Jackie Moore, Santa Clara Cultural Advisory Commission
Jade Bradbury, Los Gatos Art Commission, Curator Los Gatos History Museums
Jan Hendenmeister, Citizen Advisory Committee Chair, SC County Open Space Authority
Janet Cobb, Director of California Oaks Foundation
Jeanne Dittman, Manager, SJSU Foundation and native of Santa Clara County
Jeff Sheehan; President Confidence Landscaping; Former State President CLCA (California Landscape Contractors Association); Founder Santa Clara Valley Water District Landscape Committee
Jennifer Andaluz, Executive Director Downtown College Prep, a Charter School
Jennifer Tate, Executive Director of Friends Outside
Jim Arbuckle, President of Pioneer Society of Santa Clara County, son of Valley historian, Clyde Arbuckle
Joe Cernac, Chairman, Sierra Club/Guadalupe Group
John Dotter, founder SJ Community Garden Program, Horticultural teacher at DeAnza and Elmwood County Correctional Facility
Joni Diserens, Second Harvest and Village Harvest
Karen Van Epen, daughter of SJ farmer/engineer, National Center for Appropriate Technology
Kate Safford, Board of California Chapter American Horticultural Therapy Association; Teacher at Cabrillo College; Horticultural Therapist, Dragonfly Studios
Kelly Crowley, Coordinator for Ulistac Natural Area Restoration Project, Santa Clara
Ken Yaeger, SJ City Council Member
Kuang Hsiao, Architect for Santa Clara University campus
Libby Lucas, League of Women Voters, Environmental Committee Chairman
Lilyann Brannon, Environmental Leader, Founder of Tending the Flock Foundation
Linda LeZotte, SJ City Council Member
Lisa McAndrews, Landscape Architect and Professor at Cabrillo College
Lisa Myers, Owner and Founder Let's Go Birding, Santa Clara Valley
Lowel Cordas, Former Director Saratoga Horticultural Foundation
Lynn Trulio, Director Env. Studies, SJ State University
Meg Caldwell, Director, Stanford University's Environmental and Natural Resources Law and Policy Program; California Coastal Commission; Author: A Citizen's Guide to California Land Use Law and Government Decision-making
Michael Closson, Director Acterra, Center for Economic Conversion, past Assist. Dean Stanford
Michael Devane, Dept. of Economics, Santa Clara University
Michelle Van De Voorde, Board Santa Cruz Arboretum, Landscape Architect
Nancy Garrison, Retired Director Santa Clara County Master Gardeners
Patricia Becker, Common Ground Director
Rhonda Berry, Executive Director of Our City Forest
Rosalie Wilson, President of Triton Museum and owner of Wilson Bakery, Santa Clara
Russell Skowronek, Professor of Anthropology and Social Sciences, Santa Clara University, Editor, Telling the Santa Clara Story, Sesquicentennial Voices
Sandy Decker, Los Gatos Mayor
Scott McGilvrey, Owner Jensen Corporation
Sharon McCray, President Prusch Park Farm Foundation; President Santa Clara Valley Master Gardener's Foundation
Sheila McElroy; Historian
Shirley Odou, Editor Democratic Voice, Board Santa Clara County Democratic Club, Democratic Club Newsletter Editor, Santa Clara resident

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

Steven Hubert, Attorney, graduate of Trace, Hoover and Lincoln
Steve McGuirk, Madrone Landscape Group, author The Gardener's Guide for the Monterey Bay and columnist Grounds Maintenance Magazine
Sue Harper, grand-daughter of the founder of Santa Clara University's Engineering Dept. which was named after him, retired teacher
Sue Lasher, former Santa Clara City Council Member for two terms
Susan Stansbury, Coordinator for the Foundation for Global Community
T. Burney, Education Director, Wildlife Center of Silicon Valley
Ted Smith, Director, Silicon Valley Toxics Coalition
Terry Lyngso, Owner Lyngso Garden Materials
Tom Izu, Executive Director of California History Center
Tony Gregorio Bunch, Founder of Gardener's Guild in Santa Clara Valley
Warner Bloomberg III, Attorney , SC Law School, Board United Neighborhoods of SC County
Willis Peck, Founder Saratoga History Museum, retired lawyer, Editor San Jose Mercury News
Yolanda Reynolds, Founder of Shasta Hanchett Park Neighborhood Association and Coalition for Redevelopment Reform
Yvonne Jacobson, author Passing Farms, Enduring Values – California's Santa Clara Valley

One Possible Layout of Santa Clara County Educational Agriculture Project



How Would The 17 Acres Be Used?

(See attached diagram)

- 5 acres of organic farmed row crops (vegetables, berries)
- 2 acres of organic fruit orchard including espalier methods
- 4 acres of organic biointensive garden beds (veggies, herbs, compost area)
- 1.5 acre Children's Garden with hands-on activities
- 1.5 acre Landscape Training and Demonstration Gardens
- 1 acre Native Plant Garden (drought tolerant, wildlife attractive)
- 2 acres of facilities (offices, greenhouses, visitor center, farm center w/ kitchen, outdoor amphitheater, farm manager house)
  - Visitor center will emphasize rich history of property and valley
- Educational signage throughout
- Open to public during daylight hours and special events
- Yurt housing for apprentices

Save BAREC (Bay Area Research and Extension Center) Petition

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

		Name	Address, City, State, Zip	Phone (opt.)	email@barec.com (opt.)
1	*Sign*				
	PRINT				
2	*Sign*				
	PRINT				
3	*Sign*				
	PRINT				
4	*Sign*				
	PRINT				
5	*Sign*				
	PRINT				
6	*Sign*				
	PRINT				
7	*Sign*				
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8	*Sign*				
	PRINT				
9	*Sign*				
	PRINT				
10	*Sign*				
	PRINT				
11	*Sign*				
	PRINT				
12	*Sign*				
	PRINT				

See: http://www.savebarec.org Email: info@savebarec.org Call: 888-BAREC-80 November 2005

USEFUL QUOTES ON BAREC (by well-known individuals):

"Our recent poll shows that 8 out of 10 people in Santa Clara Valley are concerned about the lack of open space in the Santa Clara Valley."

Bob Gerard, Attorney and Retired Stanford Professor, February 2004

"In the summer of 2002 our City did a study of where to place Santa Clara's required housing for the next five years. This study showed that BAREC was not needed for this required housing."

Santa Clara City Mayor Patricia Mahan

"If the county will step forward and say we will join with the City of Santa Clara and purchase some of that [land] or if the City of San Jose wanted to contribute, it would be marvelous. To have 17 acres reserved as open space would be magnificent. I do not know that anyone of us sitting here today would argue that fact."

Santa Clara City Mayor Patricia Mahan, October 21, 2004 on Comcast TV's "Environmental Concerns"

"The whole purpose of the hearings is to find out what people think and to judge what's most important as we move forward."

Santa Clara City Mayor Patricia Mahan, as quoted in *The Valley* section of The San José Mercury News, April 6, 2006

"We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Santa Clara City Mayor Patricia Mahan, April 26, 2005 at the Santa Clara City Council Meeting

"We have to be reasonable in allowing rezoning; we can't withhold entitlements unreasonably, especially when we can't offer a good alternative."

Santa Clara City Mayor Patricia Mahan, as quoted in *The Valley* section of The San José Mercury News, January 29, 2006

"Housing is a dead bang looser for income. In the United States we have gone from 5th to 48th in the most efficient use of our tax money. We have the highest unemployment in this country. The average person in Santa Clara Valley travels 35 miles one way to work each day."

Terry Trumbull, October 21, 2004 on Comcast TV's "Environmental Concerns"

"It's [BAREC] a marvelous facility that is supporting research on turf grass, landscape plants, cut flowers, high value horticultural crops, composting, bio-intensive pest management, alternatives to methyl bromide and other high

visibility topics. It's also a very unique property for studying ag-urban interface issues. These interface issues will only grow in importance in the coming years."

Steven Nation, Assistant to the University of California President of Agriculture and Natural Resources (before the Center was closed).

"Open space raises property values."

Daniel Press, author of *Saving Open Space*, Professor Environmental Studies at UC Santa Cruz

CALIFORNIA CODES, CIVIL CODE
SECTION 815-816

"815. **The Legislature** finds and **declares** that the **preservation of** land in its natural, scenic, agricultural, historical, forested, or **open-space** condition is **among the most important environmental assets of California**. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

"BAREC is so important to the City and region that it should be placed on the National Historical Registry."

Lori Garcia, Santa Clara City Historian and Commissioner on the Santa Clara County Historical Commission and Chairman of the Santa Clara Planning Commission.

"If this parcel of land has the agricultural zoning removed, it would not only be a tragic loss to the community's heritage and its future, but also close the door to any opportunities we may have in the future to pursue our research and education work in the Santa Clara Valley."

Dr. Carol Shennan, Director of the University of California Santa Cruz Center for Agroecology and Sustainable Food Systems.

"To make the strongest case for keeping this site as is, the General Plan would need to be changed to agriculture."

Geoffrey Goodfellow, Santa Clara Planning Director at a Neighborhood Outreach Meeting on January 15, 2003.

"The City [Santa Clara] loses money with housing as it is costly to maintain it."

Geoffrey Goodfellow, Santa Clara Planning Director at a Neighborhood Outreach Meeting on January 15, 2003.

"The State has never challenged a city on a zoning issue."

Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services. Note: that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

"This governor's budget is a stinker and he does see developers and the rich generally as more important than schools. Too few legislators have any spine when it comes to really standing up for children."

Delaine Eastin, former State Superintendent of Public Schools who had as her theme "A Garden for Every School" and was able to create over 3000 school gardens in California, January 2005.

"Santa Clara is the "Mission City" and an important part of our Mission was the fruit trees and plants used to help the Indians farm the land. The plants introduced by the early missionaries helped the Santa Clara Valley discover the uniqueness of this Valley for growing food, especially fruit trees. As part of the City's Mission City heritage we need a collection of the Mission Period plants. Because of its history and the fact that it is set up for education and growing plants with wells, irrigation systems, greenhouses, and a conference room, BAREC is the best place to locate this collection. We also need such a place for our students to study the relationship between man, history, ecology and plants and we have no room on our campus for this. To be successful there are many departments on campus which need such a place. Also, BAREC is adjacent to public transportation which links it to the University and the Valley, an important element for students."

Dr. Russell Skowronek, Professor of Anthropology and Social Sciences Dept., Santa Clara University

"Land is a non-renewable resource. It would seem shortsighted to make a dollar at the expense of what has been a resource for the greater community."

Vicki Moore, Greenbelt Alliance

"This property is unique in California. It is considered the State's leader in the rural/urban interface issues. We are fortunate to have it in the middle of our metropolitan community with excellent public transportation to it. As we become more urban, we will need it even more. It is also important that you recognize the importance of its history to our community and to the State and encourage City, State, and National Historical Registry status for it.

Because of its history and location, the potential to bring federal, state, and private foundation money to your City is tremendous. The permanent jobs this would create and the good it could bring would far outweigh a housing development that will only make it look like the rest of our paved over Valley and become a drain on the City's economy. The work done on the property could send out new little business ideas all over your City and enrich it for years to come. Santa Clara has been far-sighted in its solar energy policies. I urge you to

continue your environmental leadership and vote to keep this historically important piece of land agriculturally zoned."

Ted Smith, Director of the Silicon Valley Toxics Coalition in a letter to the Santa Clara City Council.

"The average acre of farmland in San Francisco earns $123,000 per year."

Michael Olson in Metro Farm, a Guide to Growing a Big Profit on a Small Parcel of Land (http://www.metrofarm.com).

"I am writing you to encourage you to follow up on the Council's vote on March 18, 2003:

'Direct staff to explore opportunities to obtain funding to assist in purchasing portions of the BAREC property The Committee directed Parks, Recreation and Neighborhood Services staff to work with the City and County of Santa Clara to explore funding opportunities including, but not limited to, submission of a joint application for a Land and Water Conservation Fund Grant from the State of California to assist in purchasing portions of the BAREC property, located in the City of Santa Clara, to allow for continued agricultural/open space uses.'

The State has too quickly tried to sell this land to make it appear that your efforts were in vain. Since I have not seen a follow up on your vote and since the City of Santa Clara does not seem to know about your interests in helping them, I request that you continue this good work."

Ted Smith, Director of the Silicon Valley Toxics Coalition in a Letter to the San Jose City Council.

"What was most missing in this process so far was fair and adequate public notice of this proposed action, the deactivation of this BAREC research operation, without discussion or resolution of or planning with respect to the two critical questions: (1) Where and how else will the critical research BAREC now conducts be conducted, assured? (2) How else will this land be utilized? Since our local municipalities have under law the full authority to authorize or refuse any proposed change of zoning and use, we ask the State of California to begin discussions with the City of Santa Clara regarding appropriate proposed alternative use/s for that property."

Senator John Vasconcellos and **Assemblywoman Elaine Alquist** in a letter to Governor Davis and the UC President (January 3, 2000) regarding BAREC

"This decision was made singularly between your administration and the University of California, and slipped into the budget without any advance notification to either the public or us at large. This is truly an abominable process. We hope that you, your administration and the UC, will pledge never again to undertake such a surreptitious action. Given the surreptitious manner in which this deal was made between the UC and the Davis administration (i.e. the huge

budget document, at the last minute, with no notice to anybody - local residents, us, the local legislators that represent that area) this whole deal should be called off, and the process legitimately renewed with full public notice and involvement."

This was the last letter about this very undemocratic process. The governor never responded. This process has been continuing to erode community confidence in the political process as the State's consultants; the City staff and the City's elected officials have gotten more into the picture."

Senator John Vasconcellos and **Assemblywoman Elaine Alquist** in a follow-up letter to Governor Davis on March 9, 2000, since the letter dated January 3, 2000 went unanswered.

"I am very sorry to say it but many people believe Jamie Matthews is much to close to some developers."

A Santa Clara City Councilperson, April 23, 2003

"Tom Shanks of the Markula Center at the University helped the City along the 'ethical' process to our awards. This is no longer the same 'ethical' City Council as we had as recently as last year. The shadow of 'money influence' reaches out far and further than before."

The same Santa Clara City Councilperson, August 4, 2003

"Senate Bill 2099 requires that the State's Department of General Services make the property available to other State Agencies. A State agency could indicate it would like the property for its use and the property would be retained by the State. After State Agencies have been advised, it is offered to City and County agencies for their purposes or for one of three purposes: (1) the development of affordable housing, (2) the development of educational facilities, and (3) for parks and open space."

Dan Potash, State Department of General Services Consultant in charge of selling BAREC stated this at a Neighborhood Outreach Meeting on November 20, 2002.

NOTE: The Department of General Services has not followed this process required by law. It has not offered BAREC to many State Agencies nor to local City and County agencies. For example, the City of San Jose expressed an interest in the property in March, 2003, before the property was offered to a developer. Also, the University of California Department of Agroecology and Sustainable Food Systems is interested in the property only if it is kept agriculturally zoned. These are only two examples.

"Sustainable agriculture is under attack in the United States. At a time when the Bush administration is ballooning the U.S. defense budget to as much as $500 billion for the 2007 fiscal year (a massive 48% increase since 2001), it is also

proposing to slash the modestly funded programs that help farmers transition from using pesticides to more sustainable or organic agriculture.

These proposed cuts are shortsighted, because funding organics provides big bang for the buck for USDA," observed Mark Lipson, Policy Program Director at the Organic Farming Research Foundation. While the U.S. market for organic products enjoys consistent annual growth of as much as 20% a year, Lipson points out that the United States is importing 90% more organic products than it exports. Lipson believes one reason is that U.S. farmers "are getting minuscule support for organic production," while other countries including Mexico and China are embracing the organic market trend."

Pesticide Action Coalition Newsletter, March 10, 2006

"I am surprised that our food supply has not been targeted by terrorists."

Tommy Thompson, President Bush's Secretary of Health and Human Resources, December 2004

"Hey, farmer, farmer, put away that D.D.T., now!
Give me spots on my apples
But leave me the birds and the bees, please!
Don't it always seem to go
That you don't know what you've got till it's gone?
They paved paradise and put up a parking lot."

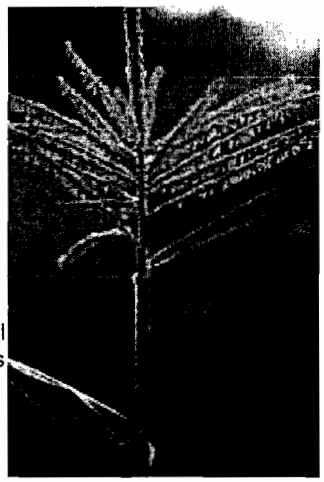
Joni Mitchell, *Big Yellow Taxi*, 1969

"How do we know it's us without our past?"

John Steinbeck

The Center for Urban Agriculture at
Fairview Gardens

Introduction



The Center for Urban Agriculture at Fairview Gardens is a California non-profit organization that was established in 1997 to preserve and operate Fairview Gardens, the historic farm where our products are grown. Founded in 1895, Fairview Gardens is considered by some to be the oldest organic farm in southern California, and is now preserved in perpetuity through an agricultural conservation easement.

Fairview Gardens is situated in the midst of a growing suburban community in coastal southern California, surrounded on all sides by tract homes, shopping malls, and suburban thoroughfares. As a highly visible agricultural parcel in a dense suburban environment, Fairview Gardens plays a unique role in the community, providing its neighbors with food, educational and cultural events, open space and a connection to the land. The farm also demonstrates the economic viability of small farm operations, and the potential of small, regional farms to feed their communities.

> *"Fairview Gardens is a landmark, a source of comfort to all of us who love good farming and good food."* --Wendell Berry

On our twelve and a half acres, we produce a hundred different fruits and vegetables, feed approximately five hundred families, and employ over twenty people. We also nourish the community in less tangible ways, through cooking and gardening classes, workshops, farm festivals, tours, lectures, apprenticeships, and outreach and consultation to schools and communities nationwide.

The Center's mission is to preserve the agricultural heritage of this 100-year-old farm; provide the local community with fresh, chemical-free fruits and vegetables; demonstrate the economic viability of sustainable agricultural methods for small farm operations; research and interpret the connections between food, land, and community well being; and nurture the human spirit through educational programs and public outreach both on and off the farm.

The Center for Urban Agriculture at Fairview Gardens

Based on one of the oldest organic farms in California, The Center for Urban Agriculture at Fairview Gardens has become an internationally respected model for small scale urban food production, agricultural land preservation, farm-based education, and the integration of farms and the communities that they serve. A grand experiment, spanning over 30 years, the farm and the non-profit Center have nourished and inspired thousands of people. We welcome you to journey with us through our fields and orchards, and into the foods, programs, publications and resources that we offer.

IN SEASON SLIDE SHOW

Who We Are
The Harvest
Programs, Classes Events & Calendar
Visiting the Farm
Virtual Tour
Publications & Resources
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Site Map

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Site development: Fat Eyes

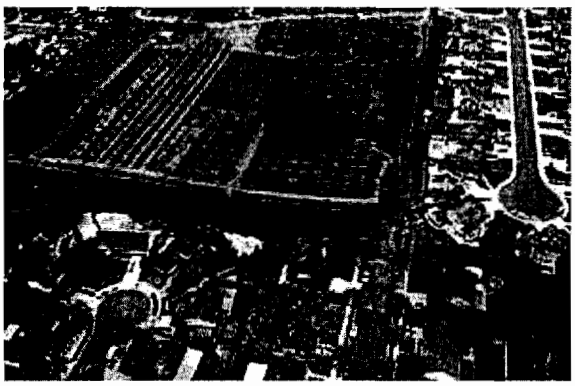
The Center for Urban Agriculture at
Fairview Gardens

Introduction

Hours

Our produce stand is open every day from 10 am until 6 pm.

The farm is open to the public for self-guided tours every day, from 10 am until sunset, except during rain and for three days after rain. We also offer guided tours of the farm, by arrangement.



Self-Guided Tours

For the adventurous farm tourist or the casual drop-in, we offer a self-guided tour with 23 different stations, each describing a particular aspect of the farm and our work. Our new tour features large, full-color interpretive panels with expanded text and color photos. The tour highlights the farm's crops and techniques, and includes information on larger agricultural and environmental issues such as biodiversity, soil erosion, and pesticide use, making it an excellent introduction to sustainable agriculture.

Self-guided tours may be taken daily, seven days a week, between 10am and sunset. Tours are not available during rain or for three days afterward to avoid soil compaction, or when a scheduled workshop or event is taking place. Please check with the produce stand, where the tour begins, and pick up a map before embarking.
back to top

Guided Tours

Throughout the year, thousands of individuals, from pre-schoolers and home schoolers to college level environmental studies students, gardeners and food lovers, tour the farm.

Tours last from forty-five minutes to and hour and a half, depending on the age and interests of the group. We ask groups to book tours one month in advance. Fees vary depending on the size of the group and the length of the tour.

We cater each tour to the particular group, depending on its background, interests, and age level. To make the tour experience more meaningful and more complete, we encourage groups to view the film about us, 'Beyond Organic,' and to read the books On Good Land and From the Good Earth, prior to their tour.

The Center for Urban Agriculture at
Fairview Gardens

Programs

As a community farm with an educational mission, we seek to nourish not only the body but the mind and spirit as well. Fairview Gardens' community programs include workshops, tours, lectures, cooking and gardening classes, apprenticeships, and outreach and consultation to schools and communities nationwide.

2006 Program Calendar

ONGOING

Guided Tours
Self-Guided Tours
Apprenticeships
Farm to School Programs

Downloadable Registration Form

Printable files require Acrobat Reader to open. Click here to download software.

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598 N. Fairview Ave., Goleta, CA 93117
Phone: 805-967-7369 Fax: 967-0188
E-mail: mail@fairviewgardens.org

GUADALUPE - COYOTE
RESOURCE CONSERVATION DISTRICT
888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314
OFFICE (408) 288-5888 FAX (408) 993-8728 email: gcrcd@pacbell.net

July 25, 2005

Mr. J. Frank Davidson
State of California, Department of General Services, Real Estate Services
707 West 3rd Street, Suite 6-130
West Sacramento, CA 95605

RE: Guadalupe-Coyote Resource Conservation District's request to transfer BAREC's ownership from the State to a non-profit and desire to annex BAREC

Dear Mr. Davidson:

This week the Guadalupe-Coyote Resource Conservation District Board (GCRCD) met to discuss the Bay Area Research Extension Center (BAREC) on Winchester Blvd. in Santa Clara. The Board unanimously voted to:

1. Support keeping BAREC agriculturally zoned and in open space:
2. Annex BAREC into GCRCD;
3. Work with the State of California to determine the ways BAREC's ownership can be transferred to a non-profit so it will forever remain as open space and for the public good. We understand there has already been an offer by VIVA to purchase BAREC and this should be considered.
4. Create programs and alliances on BAREC that would enhance GCRCD's Mission Statement. A copy of our Mission Statement is attached.

The above is extremely important to our agency as it helps us to fulfill our state mandated Mission Statement. There is no other similar piece of land which has such a rich agricultural history in Santa Clara County and which could help us more.

Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now.

We look forward to working with you regarding this very important historical land.

Sincerely,

Nancy Bernardi for

Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District

The High Price of Cheap Food over lunch with Michael Pollan

HELEN C. WAGENVOORD May 2 2004 San Francisco Chronicle

If you're reading this on a fair Sunday, journalist Michael Pollan is probably in his garden. That's where he harvests a lot of his ideas for his award-winning books and articles on what's for dinner and how it got to our plate.

Orville Schell, dean of the UC Berkeley School of Journalism, persuaded Pollan, former editor of Harper's magazine and contributing editor to the New York Times Magazine, to move his family from their Connecticut farm to Berkeley to accept a newly endowed chair to teach science and technology journalism. Schell raves about Pollan's "food chain" journalism, crediting him with creating "a whole world of reporting that didn't exist before: covering the world of agriculture from womb to tomb."

Pollan, 49, is probably best known for his most recent, best-selling book, "The Botany of Desire: A Plant's-Eye View of the World," which profiles four plants that have played starring roles in human history: the apple, potato, tulip and marijuana. He exposes folk hero Johnny Appleseed as an importer of cheap hard cider to the weary settlers of the American frontier. He divulges that astronomer Carl Sagan did some of his best thinking while stoned. His book shows how these plants have played human sensibilities like a violin, seducing us into filling our fields and gardens with their species.

I met Pollan for lunch at Alice Waters' Chez Panisse restaurant. Chez Panisse serves up gourmet dishes made from local and organic foods and serves as a rebuttal to industrial agriculture in our fast-food nation. It seemed like the right place to discuss our country's mealpolitik.

Despite the fact that Pollan just moved to the Bay Area in August, when we meet at the restaurant in January, I feel a little like we've just walked into his neighborhood diner. "Hi, Michael," "Hey, Michael," "Hey, I just borrowed your book from the library" is the Doppler of greetings he receives from the waitstaff as I follow his tall, lean form to our corner table at the back of the restaurant.

Obviously, he's been here before -- his 11-year-old son learned his favorite way to fry Yukon Gold potatoes from Waters (boil and peel them, then fry them in olive oil) -- and the restaurant staff clearly likes him. Pollan's friendly. He grins broadly when he laughs. Dressed in a navy blue sweater, jeans, black tennis shoes, wearing dark-framed, round glasses and schlepping a red backpack, he looks like an older grad student rather than a famous writer whose articles have been making trouble for corporate food conglomerates.

One of Pollan's signature articles is "Power Steer" (New York Times Magazine, March 31, 2002), in which he buys a steer and details its life from calfhood to slaughter. He writes, typically, from the vantage point of a curious and open-minded John Q. Public. His interest in covering the beef industry was sparked by a drive past the choking stench and endless black sea of cows packed into Harris Ranch's feedlot off Highway 5. He was also morbidly fascinated by the "biological insanity" of the industry's practice of feeding cows to cows. As a result of his chronicling of a cow's journey from birth to steak, the market for grass-fed beef grew, Pollan was a key contact for journalists covering the beef industry in the wake of the recent mad cow flap, and his son lost his appetite for fast-food hamburgers.

Andrew Kimbrell, who directs the Center for Food Safety, an advocacy organization that watchdogs food standards and practices, said Pollan's article "Playing God in the Garden" (New

York Times Magazine, Oct. 10, 1998), in which Pollan plants Monsanto's genetically modified potatoes in his garden and digs into the controversies surrounding genetically modified crop plants, "brought more attention to the issue of genetically modified foods than any other article. We were suddenly contacted by members of Congress and philanthropists who had been absent on the issue."

Monsanto paid attention, too. Philip Angell, the director of corporate communications, issued a company statement saying Pollan's article lacked "a degree of objectivity, a commitment to the facts, and a willingness to consider the full range of viewpoints" and failed to cite scientists, agricultural experts or articles, which the company had provided Pollan, on the benefits of agricultural biotechnology.

When I ask him about Monsanto's statement (which the company has kept posted on its Web site for several years), Pollan has to be reminded of the charges against him. Then he starts remembering. The letter was, if anything, a relief to Pollan. "I thought, phew, I didn't get any of the facts wrong. There really wasn't any substantive criticism of my article." He suggests the letter may have been written by Angell to keep his job after he provided Pollan with the following quote for his article: "Monsanto should not have to vouchsafe the safety of biotech food. Our interest is in selling as much of it as possible."

Pollan's New York City-based agent was horrified by the prospect of Pollan's move to California from the East Coast, says Schell, who uses the same agent. Schell explains that New York's literati think a move to California places a writer at great risk of drowning in a hot tub or becoming soft and strange and taking up hobbies like yoga.

Pollan initially turned down Schell's job offer for different reasons (he was pretty happy in Connecticut), but upon closer scrutiny, he "decided this could be an interesting adventure. I saw some resonance between what I was doing, the issues I was focusing on and this part of the world." So he moved his family from their farm in rural Connecticut to a rambling house with a large kitchen they've rented in the Elmwood district. He has planted vegetables and herbs in the garden and is having to retrain himself as a West Coast gardener, a process he finds "daunting, weird and perverse."

After living in the country, his family enjoys being able to walk to everything. "I think I'm one of the few people who moved to California and started using his car less." His 11-year-old son recently exclaimed, "Dad, I love being able to walk around the block and actually see something." Pollan explains that in their home in Connecticut, "we could see a lot but it was mostly oak trees." His wife still spends her time looking at trees. She is Judith Belzer, a landscape artist he met when they were both at Bennington College in the late 1970s. She has been spending time with the coast live oaks. Through her paintings, Pollan has noticed "the quality of light is different here. The bark on the trees is so thin, perhaps because of the less brutal climate, it looks like skin. It makes the branches and trees look more animate. "

He and his wife edit each others' work: He will look at her canvases and comment on the parts that work; she in turn reads his drafts and gives him important feedback from the vantage point of "a true reader, that increasingly rare person who reads simply for the sheer pleasure and not because she's in the business."

Since the move, his family's grocery bills have gone up because it's now much easier to find things like organic non-homogenized milk and grass-fed beef, the type of thing he could only get from farmers when he lived in Connecticut. "It's a very seductive lifestyle here. In rural Connecticut, you had to work harder to find interesting people, interesting places to exercise, and interesting food. Here it's all just handed to you."

To start his lunch, he orders the Cannard Farm chicory salad with Dungeness crab, because "everything you get from Cannard Farm is great." Cannard farm, he explains, doesn't look like a typical farm; it is more "weedy. " Mingling weeds with crops adds vitality to the system, the farmer believes. Pollan's not too quick to scoff at this unconventional practice. In his first, award-winning book "Second Nature: A Gardener's Education," Pollan writes, "The successful gardener, I've found, approaches science and folk wisdom, even magic, with like amounts of skepticism and curiosity. If it works, then it's 'true'. Good gardeners tend to be flat-out pragmatists not particularly impressed with science."

Alice Waters appears at our table, her smooth, luminous face looking younger than her nearly 60 years. She has said on more than one occasion, without apparent jest, that she wants Pollan to run for president, with Eric Schlosser, author of "Fast Food Nation," as his running mate. Pollan demurs and jokes that neither of them have enough hair. As Waters and Pollan start talking about food and politics, it's clear that it's been an ongoing conversation. Then, Waters invites us down to sample some grass-fed beef with her staff after lunch.

Waters was so moved by a talk Pollan gave about grass-fed beef over a year ago that she pulled corn-fed beef from her menu. She was troubled to learn that feeding a cow corn, rather than the grass it has evolved to eat, transforms it from a solar-powered to a fossil-fueled animal. Corn requires more nitrogen fertilizer (made from natural gas) and pesticides (made from petroleum) than any other food crop. Furthermore, she learned, as he wrote in "Power Steer": "... many of the health problems associated with eating beef are really problems with cornfed beef," as he found out that the "meat of grass-fed livestock not only had substantially less fat than grain-fed meat but that the type of fats found in grass-fed meat were much healthier."

Making the switch, though, has not been easy for the restaurant. Grass- fed beef is more expensive, its quality inconsistent and the now-small industry faces challenges with distribution. So Waters is having a hard time finding beef that will make the cut. Pollan explains, "It's an issue where she wants to do the right thing, but with her commitment to quality it's complicated to do the right thing."

After lunch, we head downstairs, where the air is heavy and warm with the scent of platters of flank, skirt and ribeye steaks and spareribs. A table brims with a dozen plates of glistening, medium-rare strips of beef.

Since Pollan is full after the pizza he had after his salad, he playfully asks Waters for a spittoon "like you have at a wine tasting." She buzzes into the kitchen and returns to heft a large spittoon onto the table. He assures her he was just joking, but she's not laughing. "You may need it with some of these samples," she says grimly, as she also sets down glasses of Claret "for washing it down."

He turns to the plates with the vigor and confidence of a surgeon, cutting off chunks while staff at the next table look on and do post-mortems on which, if any, of the beef samples will make it to the menu. Pollan singles out his favorite samples and explains why he enjoys grass-fed beef. "I feel so much lighter after a meal of grass-fed beef compared with the 'assault' you experience with corn-fed beef. I also enjoy cooking my meat rare, and with grass-fed beef I can do that without worrying about the health risks."

The market barriers for grass-fed beef and locally grown organic foods are similar. Especially without the boost of subsidies, such food is simply more expensive. Proponents for industrial agriculture have glommed onto this issue, charging that organic foods and grass-fed beef are overpriced, overrated foodstuffs available only to an economic elite. Industrial agriculture and factory farming, on the other hand, they argue, provide America with cheap and widely available food.

One of the loudest defenders of this point is the Center for Consumer Freedom, which scoffs at what they characterize as Pollan's opposition to cheap food. The organization is funded by large food corporations, including Monsanto and Tyson. Pollan says the group was originally established to defend the tobacco industry but now rallies to the defense of food corporations. Regardless of the issue, their tactic is to attack the messenger. There are three articles on CCF's Web site slamming Pollan's journalistic credibility. A recent headline charged: "New York Times Magazine Writer Allies With Radical Food Activists," referring to a panel Pollan staged at UC Berkeley titled "The Politics of Obesity: Confronting Our National Eating Disorder," which examined the factors fattening the country, including cheaper prices for processed foods high in fat and sugar.

"The industrial food chain does produce food more cheaply, in terms of the price you pay at McDonald's or the supermarket," replies Pollan, "but the real cost of cheap food is not reflected in those prices. You're paying for it in your tax dollars because you're giving farmers $20 billion a year in subsidies. You're paying for it in public health costs. These subsidies make unhealthy food cheaper than healthy food, and so our country is facing an obesity epidemic. The antibiotics you need for your son's illness don't work anymore because we've squandered them all on farm animals. We can't take fish from the Gulf of Mexico because of the nitrogen runoff from agricultural fertilizers. The people of Des Moines, Iowa, have to drink bottled water in the summer because their water is poisoned. Those are all costs. The phrase I use is 'the high cost of cheap food.' "

He doesn't really buy the elitism argument, either. "This is a point Eric Schlosser makes: A great many social movements begin with the elite. Just because a movement is elitist, we shouldn't dismiss it. The abolition and women's suffrage movements were 'elitist.' The elite have more time and freedom to deal with some of these issues. If a movement stays elitist, though, that's a problem."

In "Behind the Organic-Industrial Complex" (New York Times, May 13, 2001), Pollan examines the ingredients in an organic TV dinner while standing in the frozen food aisle of his grocery store, and then traces the evolution of the organic food industry from a fringe movement yielding dirt-caked fruits and vegetables sold by a few impassioned hippies to a widely available, often processed foodstuff produced by large corporations and sold by major grocery chains.

In the article, he quotes one of the pioneering organic farmers of the '70s, who is now a vice president at General Mills, Gene Kahn. Kahn explains his controversial career shift: "This is just lunch for most people. Just lunch. We can call it sacred, we can talk about communion but it's just lunch, " and, "unless organic food 'scales up' it will never be anything more than yuppie food." Still, Pollan tends to side with the organic ideologues who think industrial agriculture and processed foods are counter to the true spirit of organic.

Pollan doesn't quite resolve how to bring more of this slow food to a fast food nation that is only speeding up, fueled by corporate powers of production and distribution. He does point out the power of the individual consumer and the importance of being vigilant about legislative decisions in Washington. It's also important to remember that this is journalism Pollan is practicing. Just journalism. Pollan leaves it to the reader to decide what should be done, although he will explain, with all the facts registered, that he's personally decided to favor locally produced, organic whole foods.

When I ask Waters why she thinks Pollan's writing is so effective, she pauses and chooses her words with the same care with which she chooses her produce: "He has a voice that is so unpretentious and so informed. Sometimes these discussions about food get too intellectual or too 'alternative.' But he has a voice that speaks to the mainstream and it brings along the intellectuals as well. It's his sense of humor and how he brings the reader along when he is exploring an issue."

He brings the reader along, in part, by using creative, hands-on approaches to research. In addition to buying his own beef calf to better understand factory farming, and planting a few genetically modified potatoes to compare them with his own bug-bitten spuds, he's planted poppies and spent several stress-filled months exploring whether he could be arrested for growing opium-producing poppies for ornamental purposes. He test-drove vegetarianism while he wrote an article about it.

But he didn't become a vegetarian. Pollan wears a leather jacket. He had braised shank of lamb for dinner the other night and he freely admits that he enjoys eating meat. "I looked at the environmental issues and I realized vegetarianism wasn't necessarily the answer. If we were all vegetarian, it would still require a huge industrial food system because there are parts of the country where you can't grow fruits and vegetables. For example, there are certain landscapes, like the rocky landscapes of New England, where animals are the best way to get protein from the land, not row crops. If you really want to conform food chain to place, meat has to be a part of it. We should be eating less meat, especially with 70 percent of our country's grain going to feed animals. Yes, we'd be better off with more vegetarians, but I'm not going to be one of them." At the end of the day, and at the end of most of his articles, Pollan doesn't believe in absolutist approaches. "We don't need one kind of food chain; we need 10. Monoculture is as much of a mental problem as an agricultural one."

His interest in the connections between food and the garden date back to childhood. In "Second Nature," he recounts growing up in a Long Island suburb, the only Jewish family in a Catholic neighborhood, with a father who refused to mow the front lawn, much to the chagrin of the manicured neighborhood (another seminal Pollan article is titled "Why Mow? The Case Against Lawns" published in the New York Times Magazine, May 28, 1989, in which he advocates replacing lawns with gardens). He was also influenced by his Russian immigrant grandfather, who started out selling produce from a horse cart but eventually made his fortunes in produce and then real estate. His grandfather "planted exclusively those varieties sold by the supermarket chains ... he preferred a (theoretically) marketable crop to a tasty one."

The editor at the New York Times Magazine, whom Pollan describes as "a great casting director" recognized how much Pollan's gift for making connections enriched his coverage and encouraged him to focus on food issues. Pollan observes, "The more I write about food, the more I'm surprised by where I'm taken. Writing about beef took me to corn, which took me to the Gulf of Mexico, which has become so polluted from nitrogen runoff from fertilizers, to the Persian Gulf, where we go to defend this oil supply that is the real feedstock of our agriculture. Twenty percent of our fossil-fuel consumption goes to agriculture; the average item of food travels 1,500 miles before it gets to your plate. Our food economy depends on a cheap energy supply. So what we are eating is connected with our involvement in the Gulf."

Science coverage is where political journalism was before Watergate, opines Pollan, "not nearly independent or investigative enough, and too reliant on scientists and their journals to determine what constitutes 'news' in the field ... [M]uch of what passes for journalism today never gets to the second step. The greater journalistic challenge is to place these developments in the proper ... contexts ... as when genetically modified crops are examined through the lens of ecology -- but also that of politics, economics, culture, history, business, etc. This is the direction in which I see science journalism evolving, and the prospect of speeding that evolution by helping to educate a generation of new science journalists excites me."

Pollan discussed his current book project at the end of our lunch, as he poured a cup of tisane from a clear glass teapot filled with hot water and gracefully floating leaves of lemon verbena. The book is "divided into three parts, each about a different one of our food chains. Each food chain has a farm at one end and a meal at the other." The first part covers the "industrial" food chain, "from a farm in Iowa to probably a meal from McDonald's or Kentucky Fried Chicken eaten in a car at 60 miles per hour." The second part is the "post-industrial" food chain, and he's not sure

what that will look like yet. The last part of the book will be the most personal, the "first-person food chain or hunter-gatherer." This will "cover the food you grow, hunt and catch yourself. That will get into the most intimate issue with food and our relationship to other species.

"It's great to be working on this book in Berkeley, at the university. My premise is that we're eating more corn. You can use the natural and social history of corn, that one plant, to illuminate the entire industrial food chain. Our sweetener is corn, our meat is all corn-fed and all of our processed food is basically corn- and soy-based. We've been cornified. It turns out there are researchers on campus able to study the nutritional composition of people's diets by taking a strand of hair or slip of a fingernail and analyzing where the carbon comes from. So we're setting up some experiments to test how cornified we have become. I don't think we'll use me, though, because I avoid so much of that food now that I'm less corny than I used to be."

I ask him what we all should be doing as we hunt and gather in the grocery aisles. "It's about asking questions and knowing more. The more you know, the better you become at making good decisions for your health and the environment," he says, "and the more you realize that those are not separate issues. The other day I saw a woman ask the person behind the meat counter if the salmon was wild or farmed. When she heard it was farmed, she turned around and left the store. That sends a very powerful message."

Helen C. Wagenvoord writes from Oakland and is often hungry. She eats local, organic food interspersed with the occasional bag of peanut butter M&Ms.

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PAC*SJ's New Director

Megan Bellue

Meet Megan Bellue, the new Executive Director for PAC*SJ. Megan comes to us with a wealth of preservation experience and hit the ground running when she started with us in December.

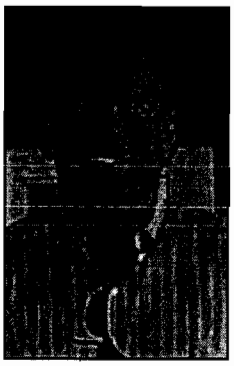
Most recently Megan was an Associate Planner with the City of Sacramento, working closely on the review process of projects related to historic properties. She also reviewed Environmental Impact Reports, managed historic resources surveys and monitored their compliance with industry and federal standards.

While with the City of Sacramento she also interacted with the City's Design Review Preservation Board and the City Council.

Megan has over 10 years of preservation experience, including several years with the National Trust for Historic Preservation in Washington, D.C. While with the Trust she managed the Forum Online magazine and oversaw the expansion of that as a nationwide resource for the preservation community. She also managed the Preservation Leadership Training and other Trust training programs.

Her extensive preservation experience also includes serving as the Executive Director of the National Alliance of Preservation Commissions based in Athens, Georgia and with the Preservation Action in Washington, D.C.

PRESIDENT'S MESSAGE

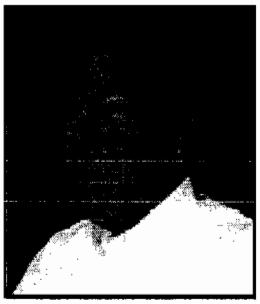


As my two terms as president of PAC*SJ come to a close, I am optimistic about historic preservation in San Jose. Our newly hired executive director, Megan Bellue, certainly adds to this rosy outlook. Looking back, we should feel proud of our many accomplishments. Most notably, saving the front office at the G.E. site, prevailing in two lawsuits over the Fox-Markovitz and IBM buildings and providing a free movie night to educate the public about the history of the Valley of Hearts Delight. Also, we are partnering with the National Trust, local neighborhood groups and the city of San Jose to develop conservation districts. We are continuing our ongoing advocacy efforts to educate our city leaders as to the importance of preserving San Jose's rich heritage. Garage sales, salvage sales, two very successful gala events, a house tour, membership drives, grants and generous donations were integral to our success and financial stability.

I would like to thank all of the volunteers, businesses, Board and staff for their contributions. I would especially like to thank Joe Melehan who has served as acting president since September in my absence. I know with his wealth of experience in local business along with serving as Vice President and chairing the gala, house tour and film events, he is well prepared to be an outstanding president.

These events have been rewarding and successful. Having the opportunity to spend time with a wonderful group of individuals with a shared commitment to historic preservation has been priceless. But now is not the time to rest on our laurels. Our city's present administration undervalues our heritage more than any other time in recent history. We must work to keep them accountable through continued public education advocacy. Historic preservation helps define San Jose, instilling pride and promoting local businesses. Here's to you, PAC SJ!!

JIM ZETTERQUIST
PAC*SJ 2005 PRESIDENT



I would like to begin by congratulating our current President, Jim Zetterquist, on the outstanding job he has done as our leader for the past two years. Everyone associated with PAC*SJ should be aware of the strides we have made towards enhancing preservation in our community. This is in no small part due to Jim's hard work and dedication. He brought new ideas, new events, and new passion to what often seemed like a steep, uphill battle.

Of course Jim could not have done this alone. He challenged our Board, membership and staff to work with equal enthusiasm to help preserve the structures that are such a vital part of keeping our magnificent history alive.

I believe we met his challenge. I hope over the next year you will continue to do the same.

This is an exciting time for PAC*SJ. The future is bright. We have great people as part of our organization. I welcome input from the Board, members and staff in an effort to reach our potential. I will need your help. I do not have a background in preservation, but I know PAC*SJ has, as a part of our network, this area's foremost authorities in that field.

I hope we will be able to replicate the successes we have had over the past few years. Together we can help make San Jose the place it rightfully should be.

The reason I became involved in PAC*SJ remains the reason I am still involved today: "Preservation is good for business".

JOE MELEHAN
PAC*SJ 2006 PRESIDENT-ELECT

PAC*SJs New Director

Continued from page 1

Megan earned a Master of Arts degree in History and Historic Preservation from George Washington University, Washington, D.C. and a Bachelor of Arts degree in History from UCLA.

From the moment of her appointment as Executive Director of PAC*SJ, Megan started familiarizing herself with PAC*SJ and our issues. Megan is looking forward to meeting PAC*SJ's many members and volunteers. Please join the Board in welcoming Megan to the San Jose community.

WELCOME MEGAN!

CONTINUITY

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Please submit your letters, comments and suggestions to

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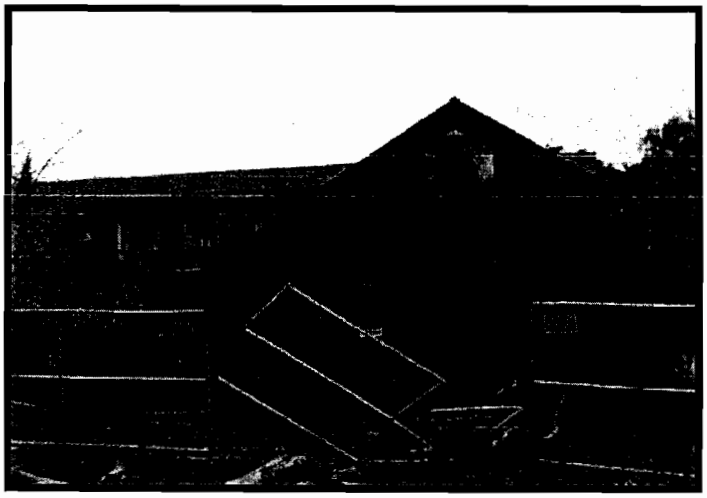
Information believed to be accurate but not verified. If your property is currently for sale, this is not a solicitation for your business.

Juana Briones House Under Threat

The California Historical Landmark No. 524, the "Juana Briones de Miranda House" located at 4155 Old Adobe Road in the City of Palo Alto is threatened with demolition.



Juana Briones House

Briones was the second owner of Rancho La Purísima Concepción, which she purchased in 1844 or 1845 for $300. After a nearly twenty year battle to keep her rightful ownership, Briones was finally granted free title in 1871. She sold portions of the original 4,400 acre rancho to her children, but Briones continued to live in her home until the early 1880s. Her youngest daughter, Refugio Miranda de Mesa, received 40 acres from Briones, including the main house and out structures. The home was sold to Charles P. Nott in 1900, who significantly modified the structure over time.

A 1969 assessment of the Briones House, performed by a well-known architect and historian, Volney Chase, concluded that the living rooms and the stair hall were part of the original structure. The construction of the original house, built in 1846-1847, is not of the typical adobe brick style commonly used in early California, but a rare construction method that encased earthen adobe material inside a crate-style wooden framing. This construction style of the original one and a half story home was discovered within some of the interior walls. The Juana Briones de Miranda House is a unique artifact of nineteenth century California. Not only is the style of construction of the Briones house historically significant, but also its owner was one of the few women land owners in early California. She was one of very few Mexican women who purchased a land grant instead of inheriting it. Juana Briones built her own home, was an enterprising business woman, a rancher, a folk healer, and a noted humanitarian in the Santa Clara and San Francisco counties.

A likeness of what is thought to resemble Juana Briones.

The Briones house is significant because it may be the longest continuously lived-in structure in Santa Clara County history and the oldest surviving structure on this side of Santa Clara Mission. The house was badly damaged in the 1989 Loma Prieta earthquake. The Juana Briones Heritage Foundation (JBHF) is attempting to purchase the property to prevent its destruction. If successful, there are plans to restore the house, develop gardens to study plants used by Briones, and perform archaeological work to uncover potential Ohlone settlements. ■

For more information and schedule of events visit www.brioneshouse.org.

Source: Albert M. Camarillo, Professor of History, Stanford University and Doug Graham, Baron Park Historian

6th Annual Preservation Celebration Success

Preservation Hero Gentleman Jack Douglas wears his new medal while signing copies of his latest book.

Two hundred and fifty cowpokes and cowgirls enjoyed a balmy night at the History Park on September 24th. Outstanding entertainment featured Cowgirl Chryle, Cowboy Ron and Cowboys of the Old West who almost strung up the 2006 Preservation Hero Jack Douglas.

E Clampus Vitas (Clampers) members barbequed the meal served by San Jose State students from Alpha Phi Omega service fraternity. Many thanks to our partner restaurants: Henry's World Famous Hi-Life, Sam's Barbeque, Los Gatos Roasting Company and Hobee's. At 8:00 pm the Light Tower was illuminated, spreading a glow throughout the park. Board member Kayla Kurucz and the National Trust's West Coast Director Anthea Hartig conducted a special live auction raising funds for the Katrina relief.

*Cowboy Ron and Cowgirl Chyrle demonstrate their roping skills on the late Walter Brand, a dear friend of PAC*SJ.*

State Farm

Gary Evan Sanchez

Adelina (Gina) Zabalza

Like a good neighbor, State Farm is there.

Watch our web site for pictures of Celebration live auction events as they occur: Deb Wible's Haunted San Jose, Leonard McKay's tour of his art collection at the History Park, Steinberg Architect Ernie Yamane's stroll through the new City Hall, Nancy Newlins's lunch and tour of the Hayes Mansion, Kitty Monahan's tour of the New Almaden Quicksilver Mines as well as tours by Tom McEnery and Alan Hess. And of course Maria Brand's ever popular 5-course German dinner will be eagerly anticipated.

The Flynn Family discuss dinner plans with Maria Brand who donated a German dinner for six for the Celebration Auction.

A Celebration Auction Event: Lunch with Deb Wible, Leonard McKay, Tracy Thorpe, and host Tom McEnery.

Please patronize our sponsors: Alain Pinel Realtors, Anchor Steam Brewing, Apruval, Capital Properties, General Electric, Gordon Biersch Brewing Company, Henry's World Famous Hi-Life Restaurant, Heritage Bank of Commerce, Hobee's Restaurant, J Lohr Winery, Los Gatos Roasting Company, Mission Ale, Monitor Mortgage, Pacific Gas and Electric, Sam's Bar-B-Que, and Steinberg Architects.

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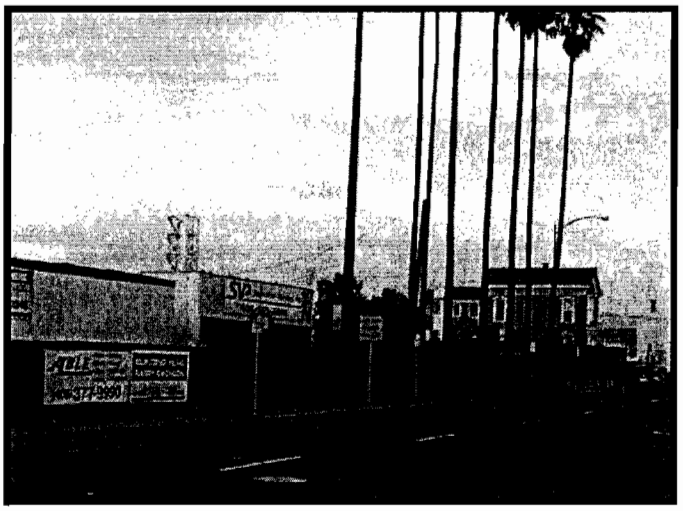
ARCHITECTS

Where's Pellier Park?

In July 2005, Pellier Park, a San Jose City landmark, was demolished. Barry Swenson, the developer of the parcel immediately east of the park asked and received permission from the city to scrap the park in order to use the site as a staging area for the construction of Park Towers, a new residential development. Mr. Swenson will rebuild the park as part of his agreement with the city.

What is the problem you ask? Clearly, the park has fallen into disrepair and needs to be rehabilitated anyway. The problem is that a new park proposal was never presented to the San Jose Historic Landmarks Commission, nor was a request for demolition brought to the Commission. No one in the historic community even realized the park was threatened. Projects impacting City landmarks are required to come to the Commission for review. Somehow this project fell through the cracks.

So where are we now? Before we go foward, we need to go back into the history of the park. The land for the park was offered to the City of San Jose by the Pellier family for half its value in an effort to honor their ancestors, the Pellier brothers, who introduced the prune to the Santa Clara Valley. An effort to raise the funds to purchase the land was spearheaded by Leonard Mc Kay and Jim Arbuckle. Their idea was to turn this small piece of land into a prune orchard reminiscent of the valley's heritage. Successful in their endeavor, with



Fences, signs, and trailers where the park used to be.

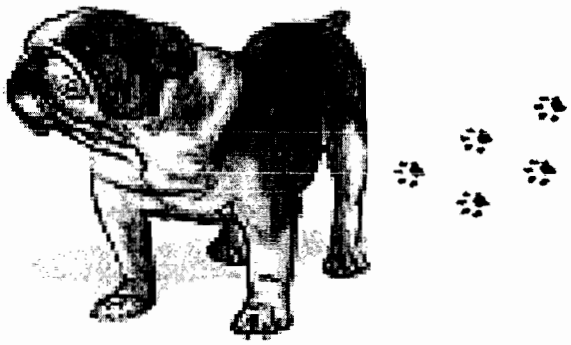
Looking at what was Pellier Park, behind the Fallon Statue

help from many volunteers and donors, Misters McKay and Arbuckle raised the money for the land and the park. Pellier Park was donated to the City of San Jose during the City's Bi-Centennial in 1977. The park was also made a City Landmark that year.

So, now for the now, the City of San Jose has recognized its mistake and is going to take the design of the new park back through the proper channels. A steering committee has been formed consisting of Leonard McKay, Bonnie Bamburg (an early supporter of the original park), Historic Landmarks Commissioner, Pat Columbe, Parks and Recreation Commissioner, Jim McDonald, a member of the Pellier family and several members of Preservation Action Council*SJ. The purpose of the steering committee is to develop a park design that incorporates the original intentions for the park. Once the steering committee has developed the preliminary design, community meetings will be held to elicit public input. The design will then be reworked to incorporate the public's suggestions. The next step will be to take the park design to the Landmarks Commission and the Park and Recreation Commission for their input, and hopefully, approval. The City Council will give the final approval. It is anticipated that the final park design will go to the Council in early spring.

(Continued on page 7)

THE DOG



Sleeping dogs, awake! Balmy fall days induce us into relaxing our vigils, and what happens! Another "whoops!" from our dedicated city staff when Pellier Park was demolished without Landmark Commission or public input! Now staff says the process broke down, they're sorry, but they'll make it all well by coming forward as if the issue were just being proposed! Now does that sound like business as usual or what! Gr-r-r-r! Proves we'd better get off our haunches and raise a mighty howl about not following due process, whether a project is warranted or not!

This ol' dog also thinks we'd better keep a wary eye out as we head into the holiday season, a time when our two-legged leaders think our attention might be on treats instead of preservation issues. Will IBM Building 25 suddenly collapse due to an ill-fated wind from Lowe's direction? And doggoned if they aren't still wondering if Mirassou Winery is historically important and worthy of landmark status! These two gems are icons of early businesses in our fair city, practically our reason for being.

There's some good news; must give credit to our esteemed leaders for arranging neighborhood forums to give our citizens the opportunity to chime in on what they think would be good for their neighborhood. Let's hope those leaders aren't just tossing out bones in hopes it'll keep barking dogs quiet.

And a 3-bark salute to the proposed purchase of what is known as the "Downtown Ballpark" site, provided this isn't a boondoggle, with San Jose's top dogs tying up the 13-acre site only for a future ballpark, which may never happen. Open space would be nice, but not another high-rise housing/office/retail development. That site included Stephen's Meat Products, which sadly was closing down after 63 years of supplying the best doggoned sausage products in San Jose. But it's not the end of the Stephen's name since respected Bassian Farms will produce Stephen's Meat products and sell them at Willow Glen Meat and Smokehouse. Hope the Stephen's piggy sign ends up some place where the public can enjoy it.

On the other paw, as the Murky News pointed out, the cost of hiring outside investigators to look into the ethics of the city's top dogs is very high! The Norcal and Cisco fiascoes alone are reducing our coffers by about $250 thou, which could have bought a lot of kibbles and bits! Too bad those involved didn't reveal the whole story in the beginning.

Us ol' dog columnist's ranks are thinning, or maturing, if that's politically correct. Time to make room for the young pups waitin' in the sidelines. Biggest loss is the retirement of my ol' friend and fellow columnist, Leigh Weimers, after 47 years of keeping us informed. Weimers wrote his last column in mid-November, with plans afoot to relax, travel, and leave the drivin' to someone else! Leigh "skipped to the lou" right out the front door! We'll miss his concise take on the state of our fair city and its denizens.

Speaking of "lou" San Jose is also losing one of it's oldest dining cum watering holes when Lou's Village throws in the towel after many years of satisfying the palates of the most discerning. No doggy diner establishment, although they were kind to all sad eyed, four-legged beggars! Sad to lose this venerable establishment; will be many more years, if ever, before the multitude of new eateries can come close to earning the "venerable" title.

But Lou's isn't goin' out with a whimper! At the time this column was being written, a concert to benefit Hoover Middle School's music program was scheduled for the Saturday after Thanksgiving. A worthy cause, and the concert features some of San Jose's home grown performing groups, including the Jim Salata and Dan Orloff garage band as the opening act. Now THAT rocks!

Well, you win some and lose some. We lost Stephen's Meats and Lou's Village, but gained a new hot spot. So I'm gonna' trot on over for a visit to the Poor House Bistro on Autumn Street. Nawlins in San Jose? I love a good jambalaya, no bones about it! See you there!

THE DOG

(Continued from page 6)

Once all the approvals have been given, Barry Swenson Builders will begin construction of the turnkey park which will then be given back to the City. The end of the story should hold a bright future for a much neglected park: a park once again worthy of honoring the contributions of the Pellier family. ■

Judi Henderson

The Winchester Ghost Stories Revisited

Director Michael Butler provides details of his new musical.

The World Premier of the new musical, *The Haunting of Winchester,* was produced by the San Jose Repertory Theater in September of 2005. This musical was written by local composer, Craig Bohmler and librettist, Mary Bracken Phillips. On September 11th, PAC* SJ partnered with the Pioneers of Santa Clara Valley to hold a reception on the veranda of the Rep featuring interesting perspectives on Sara Winchester and her unique house, from Leslie Dill (architect), April Halberstadt (historian/ author), and the Director of the musical, Michael Butler. After the reception and delicious finger food, members thoroughly enjoyed the creative and exciting performance of the musical. The script, music, set, lighting, and acting were excellent and the function was a great success. See pages 14 and 15 for excerpts of the historic perspectives presented by April Halberstadt at the reception. ■

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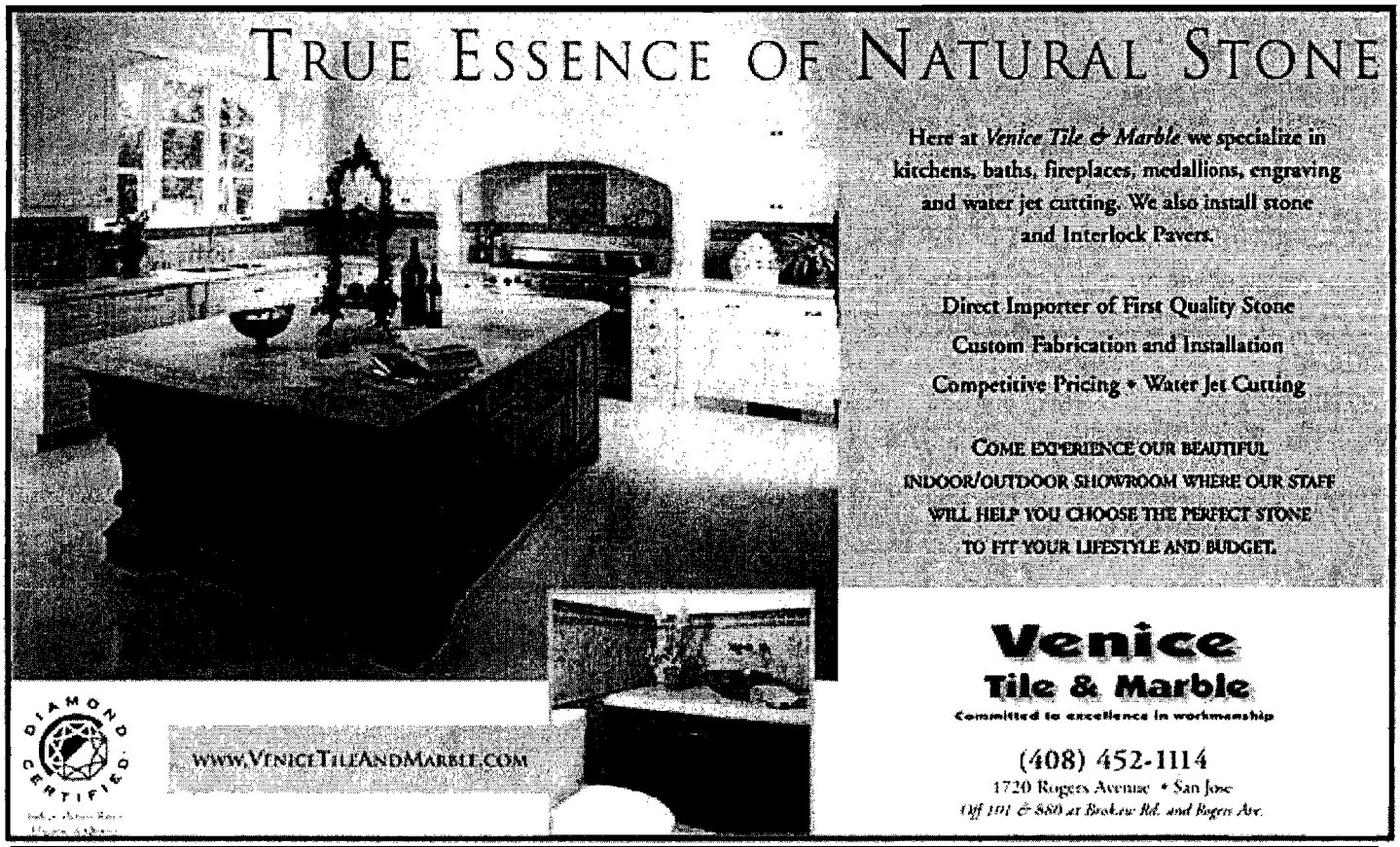


ON THE RADAR

Mirassou Winery

The San Jose Historic Landmarks Commission voted at their November meeting to include the Mirassou Winery site on the Historic Resources Inventory. The Commission also recommended that the site become a city landmark. Councilmember Cortese is very interested in making the site a landmark and is looking for ways to raise money to fund the historic report that must accompany a landmark nomination.

Continental Can Company Building/Tri Valley Cannery

Trammel Crow Residential has acquired the Continental Can Company site and the former Tri Valley Cannery with the intent of building residential housing. Both sites are on Taylor Street between N 10th Street and the railroad tracks. The proposal for the Tri Valley building is to demolish it and build a new residential development with a small park on Taylor Street. The plan for former Continental Can Company building is to preserve some of the brick building and add a third story. The Continental Can Company Building has some lovely original windows that are not proposed, at this time, to be saved. PAC*SJ will continue to follow this project closely.

Houghton Donner House

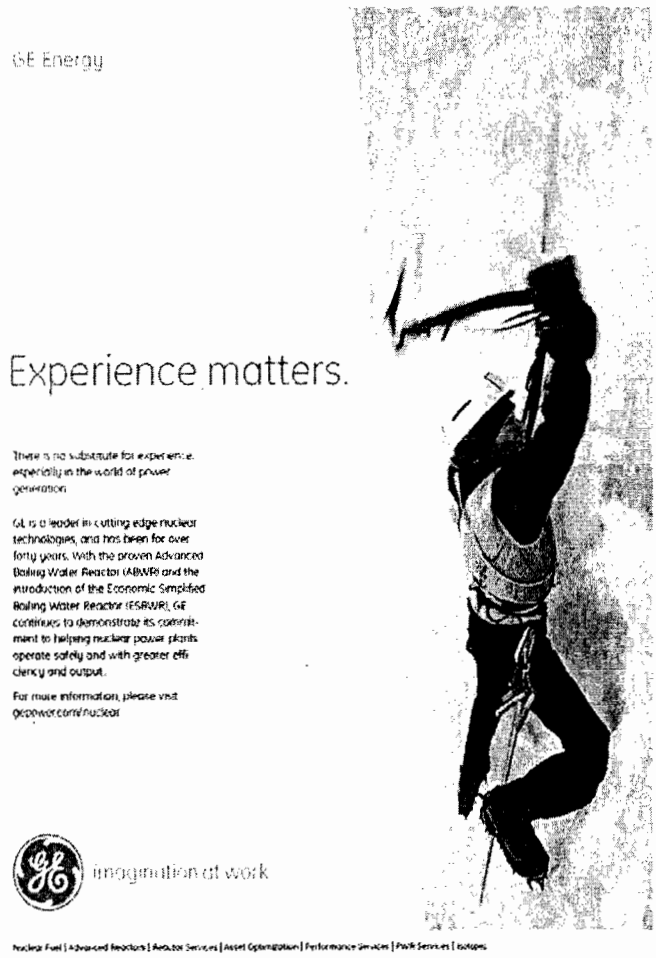
Keith Watt is in the process of selling the Houghton Donner House site. A nonprofit housing organization is interested in relocating the house to a site they own on N 4th Street. The nonprofit would rehabilitate the house and use it for its offices. Barry Swenson Builders is proposing to build a 200+ units residential tower on the Houghton Donner House site. PAC*SJ's position is that the house should remain on its present site. This is consistent with the position we took when the city was proposing that the house be moved as part of the City Hall garage project.

Downtown Ball Park site

The City Council voted to purchase the Stephens Sausage Factory building and to conduct preliminary studies on a site just north of the Arena to determine the feasibility of using the site for a downtown ball park. The city would be interested in bringing the A's baseball team to San Jose if that opportunity presented itself. If the city is not successful in this venture, the site would be used for housing. The actual boundaries are: W. San Fernando Street, Autumn Street, Park Street and the railroad tracks. A historic resources report is being prepared which will evaluate the structures located within the boundaries to determine whether any have historic significance.

Congratulations to United Neighborhoods of Santa Clara County

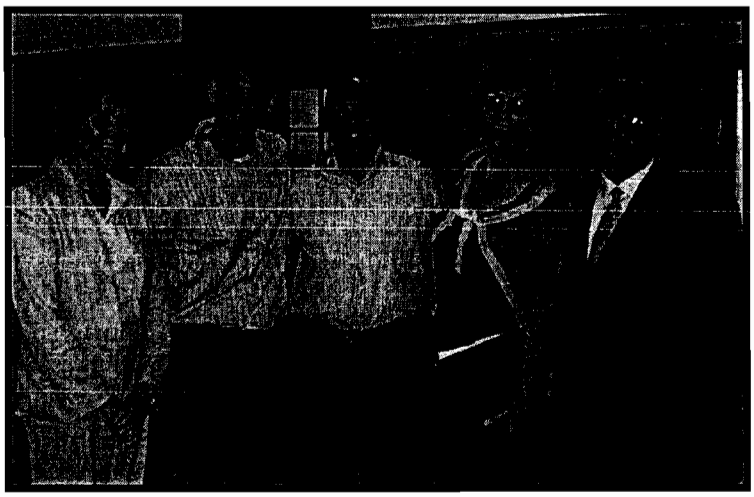
Congratulations on a very successful conference on November 12, 2005. Participating neighborhood activists met in the new City Hall for the conference and then had lunch in the new City Hall rotunda. Subjects ranged from "Can We Have Open, Honest, Ethical Government without Sunshine Laws" to "Successful Neighborhood Partnering with Schools and Businesses." Many of the issues UNSCC has are the same ones PAC*SJ has: a good opportunity exists to partner with them and address some of these concerns together.



NATIONAL TRUST LEADERS FIND THEIR WAY TO SAN JOSE

PAC*SJ hosted a day long meeting of dignitaries from the National Trust for Historic Preservation last October including Stanley Lowe, Vice President of Community Revitalization, Dr. Anthea Hartig, Executive Director of the Western Office , and Mike Buhler, Program Officer /Regional Attorney. The Community Revitalization oversees Trust programs which encourage and assist efforts to bring new economic vitality to historic residential and commercial neighborhoods. The first San Jose tour took our visitors to the 13th Street neighborhood, led by historic architectural consultant, Franklin Maggi and Board member Sherry Hitchcock, chairperson of PAC*SJ's Service Learning Partnership. Next, a tour of the River Street Historic District was led by Patt Curia, PAC*SJ board member, and historian April Halberstadt.

PAC*SJ received a Preservation Development Initiative grant funded by the John S. and James L. Knight Foundation. Working in partnership with the National Trust, we are developing a model to help neighborhoods to better understand their history, the architectural uniqueness of their homes, and move towards the establishment of historic or conservation districts, if desired by homeowners. San Jose is one of only 8 cities in the U.S. chosen to participate in this grant.



*Nat'l Trust Visit: left to right: Sherry Hitchcock, PAC*SJ, Mike Buhler, NTHP, Jim Zetterquist, PAC*SJ, Anthea Hartig, NTHP, and Stanley Lowe, NTHP.*

Sherry and the Trust visitors also met with John Weiss, Deputy Director of the San Jose Redevelopment Agency and Kip Harkness, Strong Neighborhoods Initiative Manager who agreed to partner with PAC*SJ and the Trust for neighborhood surveys and other opportunities. All parties agreed to work together to preserve San Jose's history and continue to build a vibrant city. Dr. Hartig, Mr. Lowe and Mr. Buhler then attended the PAC*SJ's monthly Board meeting and confirmed their enthusiasm for working with San Jose to protect its large stock of beautiful historic homes, and promote economic development. Readers wanting more information about the neighborhood outreach project called the Service Learning Partnership, should email info@Preservation.org. ■

Sherry Hitchcock and Patt Curia

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PAC*SJ CALENDAR

January	**16**	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.
February	**20**	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.
March	**20**	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.

Palm Haven Restores Historic Pillars!

The 7 pillars erected in 1913 at the opening of the Palm Haven residence park have been fully restored! It has taken 4 years of fundraising and volunteer work to reach our goal. And thanks to all of our supporters from PAC*SJ as well as many others, the pillars return to their rightful place adorning this unique Historic Conservation Area of San Jose. A special thanks goes to Norman Finnance (preservation specialist and PAC*SJ Board member) who has guided the restoration process with an extraordinary amount of patience, attention to detail, and care. With the pillar lights fully functional, they set the tone for this historic neighborhood at night. Come visit us sometime to see this bit of history come back to life!

Thanks again to everyone who helped and have a great holiday!
Michael Borbely
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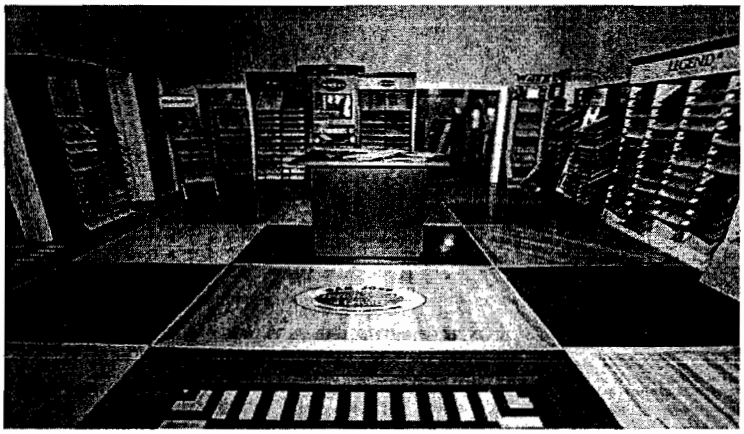

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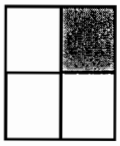

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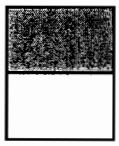

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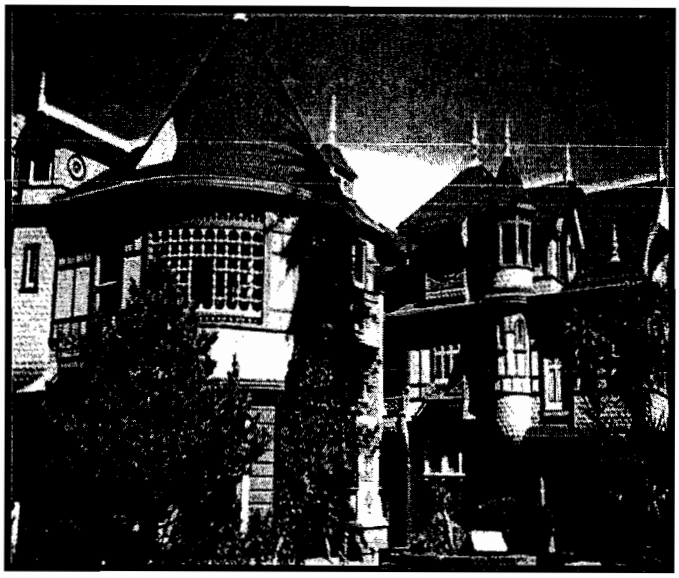
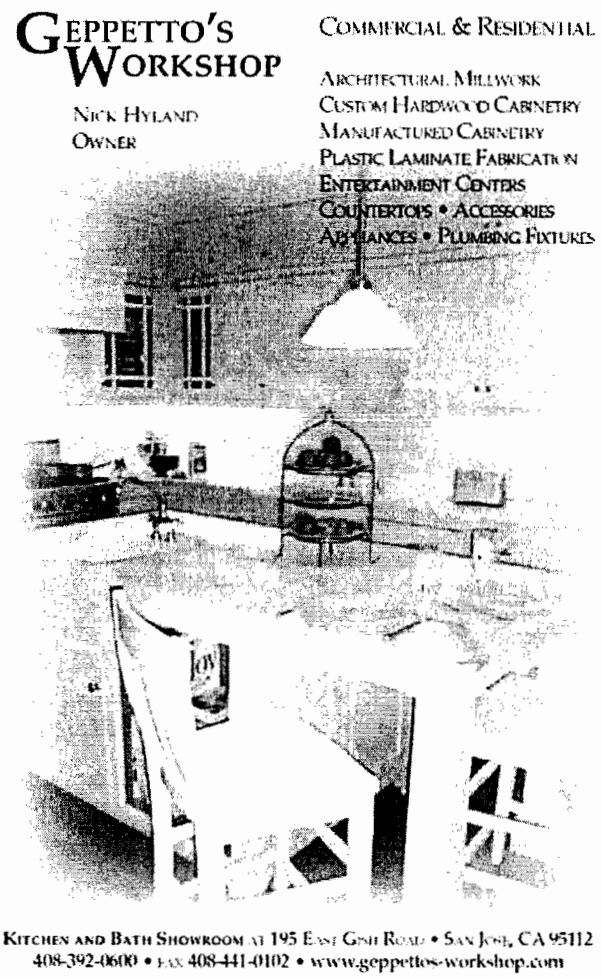
Haunted By Sarah



Victorian turrets and towers of the Winchester house.



Why are we still haunted by Sarah Winchester? She died in 1922, nearly 85 years ago. What is it about Sarah that intrigues us and makes her such a special character in our local history?

She is, after all, not the only incredibly rich Santa Clara Valley matron who built an incredible mansion and was in touch with the spirits. Mary Hayes Chynoweth kept Sarah company with another fabulous mansion in Edenvale, built about the same time as Sarah's "Mystery House". There are many other comparisons that can be drawn between these two ladies, both prominent Valley figures around 1900 but it is Sarah that we seem to take to heart today.

As a matter of fact, at that time Santa Clara Valley was becoming home to many wealthy residents. Most of them, like Sarah, had several houses and built their fancy country houses on large fruit ranches. We quickly recall the "ranch" life of Jane Lathrop Stanford. If we think about it, a dozen others might come to mind. San Francisco millionaire George Hume, for example, built the 600-acre Glen Una ranch near Saratoga into the world's largest prune operation. Like Sarah, he generated his own electricity and had a fire protection system. The list of other wealthy local investors is substantial.

Maybe we are haunted by the spooky billboards with the large Death's Head advertising the Mystery House. Sarah has had some phenomenal marketing, grabbing our attention with that large black skull, every time we drive the freeway. Poor Sarah, we say to ourselves, she had such bad luck. It is strange, because I do not recall how I came to that conclusion about Sarah.

Sarah is not a figure that is found in our local history books. That relative obscurity is one of the many interesting aspects of Sarah's persona. There is almost nothing written about Sarah, and what little there is, is highly suspect. Various sources give her birth date anywhere from 1837 to 1840. Little is known about her early years but hearsay. She came to Santa Clara Valley about 1884, when she was in her mid-40's. Some say she came for her health; others say that she already had friends or family in the area. At this time, there is still no accurate biography of Sarah, although local historian Maryjo Ignoffo is currently working on a book that may come out next year.

Haunted By Sarah

Sarah Winchester

We hear that Sarah felt compelled to make constant additions to her mansion but the reasons for the ongoing construction are never clear. We hear that Sarah was in poor health; some say it was rheumatoid arthritis that crippled her and forced her to devise the tiny stairs and other strategies that allowed her to remain independent. Others have different opinions regarding her health.

Local stories about Sarah always speak of her with great kindness. People in the Valley who knew her, or who recall their grandparents speaking about her, say that she was a very kind and generous person. She comes to us as being a caring person, despite being something of a recluse. The reputation of affection and generosity is important to consider. We really know very little about Sarah, but somehow we have taken her to our hearts and think kindly of her.

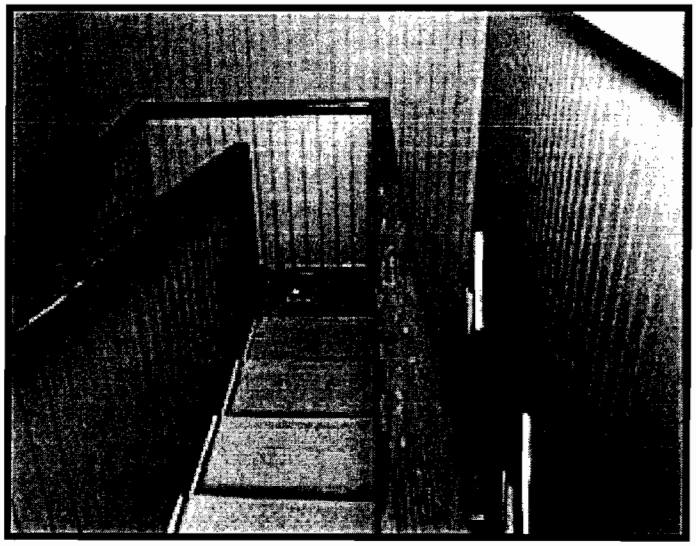
We are told that Sarah was haunted by the spirits of those killed by the Winchester rifle, so we should probably talk a little about the importance of this invention. There were two very significant mechanical devices developed for personal use in the late 19th century. Both were manufactured in the industrial areas of New England, both were constantly improved and both had many patents issued. And both were subjected to years of litigation on various patents. The two items were sewing machines and personal firearms, and we find both devices listed and taxed specifically in the Santa Clara County tax assessment roll of the time.

The Winchester Model 1873 rifle was probably the most popular firearm used in Western America. It had some extraordinary advantages when it was introduced and it quickly became a very popular weapon. First, it was a firearm that used the same size ammunition, 38-calibre, as many of the popular handguns of the time. Gun owners could use the same ammunition for both weapons, a great convenience. It was also a repeater, like a handgun. The Winchester was the first rifle that fired more than one was very reliable and it was very inexpensive. These two more qualities contributed to its tremendous popularity. The parts were interchangeable and the rifle could be repaired easily.

More that 500,000 (half a million) Winchester Model 1873 rifles were produced by 1900 and this rifle was still manufactured in 1923, a year after Sarah's death. Like Henry Ford's Model T, the Winchester was not the finest rifle on the market during its time, but it was reliable and affordable. It was never a military weapon; it was however, used widely by civilians for both hunting and for personal protection. It has remained such a popular firearm that it is currently licensed for manufacture and you can buy a copy today.

So why am I haunted by Sarah? Because I still find her myth stronger than her reality. Because she seems to be a very genuine individual, someone with strength as well as some interesting flaws. Because she seems to be both modest and famous at the same time. Because history and literature's most memorable characters are not elected officials or paragons of virtue but people who appeal to our hearts for their character. That is why I am haunted by Sarah. ■

April Halberstadt



Switchback staircase in Winchester house.

Historical San Jose Woman's Club

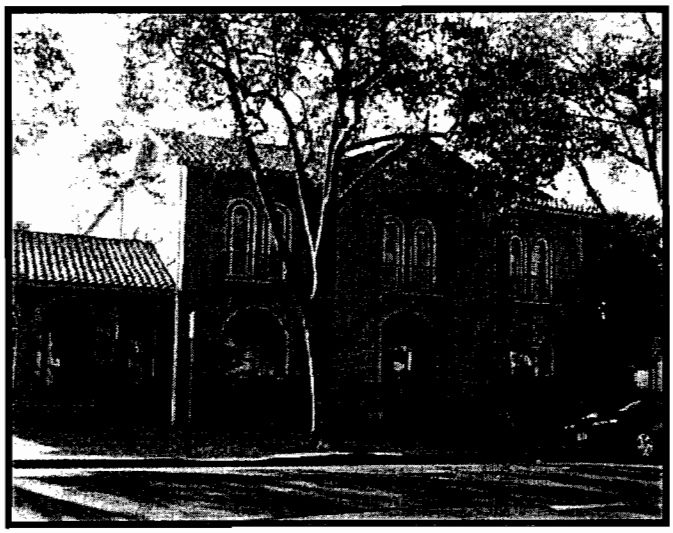
In 1894 nine women gathered in San Jose to discuss the possibility of a "woman's club". The consensus was that a club should be formed in San Jose whereby members, regardless of creed, nationality or position, could engage in cultural, philanthropic and charitable activities. Through their efforts, San Jose Woman's Club was formed.

By 1902 the membership had grown to 81 members who were full of enthusiasm over the new club. With a promotional idea in mind, they had the following printed on the first page of the yearbook:

Something of interest to women everywhere.

San Jose, California, the "Garden City of the Pacific Coast" as it is formally known, is the paradise of children. It is surrounded on every hand by beautiful mountains and forest scenery. The climate is unsurpassed. The winds blow soft and warm. The rains fall in gentle showers. The sun never burns, but tempts the children to outdoor sports almost every day of the year. Fruits of every variety are grown here in abundance and are delicious and wholesome. San Jose is the musical and educational center of California. Your children can commence with the best of kindergartens, and having covered all the intermediate ground, finish their education at one of the greatest institutions of learning in the land, the Leland Stanford Junior University, and they may be at home under your watchful care each night. The people of San Jose are cultured, refined and hospitable and they unite with the San Jose Woman's Club in extending a cordial welcome to all strangers, homeseeking, especially.

The first club building was purchased in 1906 and was located at 43 South Third Street. The membership grew steadily and a large lot was purchased at 75 South Eleventh Street for a new clubhouse. In 1929 the large Spanish style clubhouse was completed and the San Jose Woman's club had a beautiful new home. The club's building contributes to the club's longstanding history. In 1986 the clubhouse was named Historical Landmark No. 32 by the City of San Jose. Various features of the building—including graceful arched windows, vaulted ceilings, and stenciled ceiling beams in the ballroom, were attractive designs created by prominent San Jose architects Carl J. Wolfe and William E. Higgins. Other original features include iron chandeliers and historic wood-fired tile on the staircase. The ballroom features a grand piano on the stage and holds 450 for dancing or 350 for dining. There is a Tea Room, Fireplace Room, Board Room, and Office plus a large entry with comfortable sofa and chairs. There is a pantry kitchen as well as an updated professional kitchen.



San Jose Woman's Club at 75 11th St., San Jose.

For many years the clubhouse has been available for rent, and since the refurbishing, has been a popular venue for wedding receptions, meetings and programs of all sorts. This has allowed the club to upgrade the facility continuously. Through fundraisers the club is able to give three $2,000 scholarships to students at San Jose State University and several thousand dollars each to cultural and charitable organizations in San Jose. ■

Alma Taylor, Publicity Chair
SJ Woman's Club

Summer Garage and Salvage Sale a Success

Summer Garage and Salvage Sale Earns $5500 for Educational Efforts

What garage sale offers free coffee, fruit, and cake as well as a chance for dogs to exchange hellos? PAC*SJ's antique and garage sale bonanzas do just that!

Naglee Park neighbors remain the staunchest supporters and shoppers of the PAC*SJ Salvage and Garage Events. Many donations were delivered throughout the sale weekend in August forcing many bargain hunters to return several times. Our sales always feature the very ordinary as well as the very arcane thanks to members and neighbors donating those special and reusable items . The Dworak family recently remodeled its home and donated a mint condition dining room set, rugs, lamps and bed frames. We also received several boxes from two estates that included many vintage items such as mid century kitchen canisters and cleaning products, gardening tools and linens.

Volunteers are always needed to assist in sorting, selling and loading of larger items.

Please save your useable items for the next sale in spring. Many thanks to Rebecca Evans and Jane Guinther for their culinary efforts. We remain in debt to Patt Curia and the Salas family for use of their properties for these very large community events.

*PAC*SJ member Beth Wyman helps shoppers like new member Cici Green and the members of the Engine 8 team at the August Garage Sale.*

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In Loving Memory

PAC*SJ thanks the Hancock Family for their generous support of the Willow Ranch House Tour

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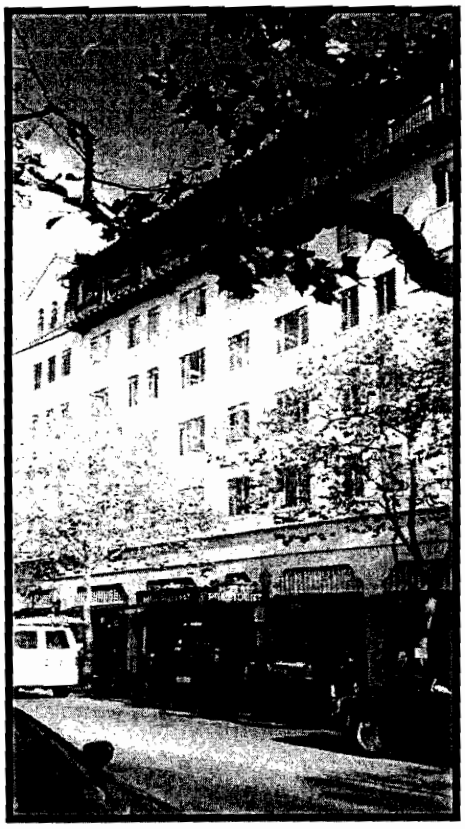
Please contact us at (408) 995-5400 or visit our website at www.trianontheatre.com for more information.

THEY LEFT THEIR MARK:
BIRGE CLARKE: ARCHITECT OF PALO ALTO

Few architects have had the opportunity to dominate the architectural landscape the way that Birge Clarke did in his shaping of the city of Palo Alto. He was born (1893) and raised in Palo Alto, and attended Stanford University where his father was head of the art department. Birge went on to Columbia University for his architectural degree, graduating just in time to be drawn into World War I, where he served as an aerial observation balloonist. He was awarded the Silver Star after parachuting to safety when his balloon was shot down.

After the war, Clarke set up his office in the village of Palo Alto, and for many years was the only professional in the area. He is credited with designing almost 500 structures, many of which, particularly those in the downtown area, have landmark status. One of his earliest projects, done in conjunction with his father and Lou Henry Hoover (wife of the future president) was a residence for the Hoovers on the Stanford campus. The result was a romantic structure in what Clarke described as the "Early California Style." This style, now referred to as "Spanish Eclectic" had its beginnings at the Chicago World's Fair in 1893, and it was further developed by Bertram Goodhue at the Panama Pacific Fair in San Diego in 1915. The integration of patios, gardens and adobe-like plaster walls all lent themselves to our peninsula's mild climate. The Palo Alto home that Clarke designed for Charles and Kathleen Norris is another excellent example of his work in this genre.



The President Hotel is located in Palo Alto on University Avenue.

Clarke's reputation as a local boy with strong connections to Stanford and the Hoovers made him a leading candidate for important downtown Palo Alto structures and civic projects. Some of his

Continued on Page 20

Hayes Mansion Resources Sought

For revised version of
The Gem of Edenvale,
planned for 2005.

Looking for historical information about and photos of mansion, family, staff, architect (George Page), grounds, farm areas, aerial views, buildings, etc. from *private collections.*

Will cover the costs of copying photos and other materials.

Any items used receive credit in the book.

Contact: Nancy Newlin
renascipublications@earthlink.net
408.297.4084

Contact Jack at
jackdouglas@earthlink.net
for copies of his new book,
Historical Highlights of Santa Clara County!

Threatened: Agricultural Asset Since the 1920's

The Bay Area Research and Extension Center (BAREC), was formerly a University of California Agricultural research site. BAREC is located at 90 N. Winchester Boulevard and consists of 17 acres of "agricultural zoned" land that has been an agriculture asset for the community, the state, and the country since the 1920s. The BAREC site has ties back to the Civil War and even housed children with physical and mental disabilities.

"Save BAREC" is a collage of volunteers drawn from concerned citizens, educators, activists, and professionals, who volunteer to reclaim this abandoned agricultural site and put it back to productive use for the benefit of current and future generations. They want this urban agriculture land to be the example for sustainable living, including many community programs, food sources, and education, while capturing all of the vast amounts of history the land has experienced over the past 150+ years. They suggest that specific areas will be dedicated for fruit orchards, row crops, berries, vegetables, dense bio-intensive farming, a "hands on" children's garden, a landscape training and demonstration center, a native plant area, a visitor's center, and museum.

Continued on page 21

BIRGE CLARKE: *Continued from page 19*

most significant buildings include: The President Hotel on University Avenue; the Post Office on Hamilton; the former Police and Fire Building at 440 Bryant; the Lucie Stern Community Center and the Spanish-style block of 500 Ramona Street. Many of the commercial buildings along University Avenue were also products of his drawing board.

The former Police and Fire Building on Bryant Street in Palo Alto.

Although Birge Clarke will always be remembered for his Spanish Eclectic makeover of Palo Alto, he also did numerous residential designs in other styles, the Moderne, for example, later in his career.

His was a long and productive life. While traveling in Egypt in 1989 (at the age of 96) he died suddenly of a stroke. A local hero during his lifetime, Clarke's name is still legend in our area's architectural history. ■

JACK DOUGLAS

Threatened: Agricultural Asset Since the 1920's

Continued from page 20

The 17.5-acre parcel on Winchester Road in Santa Clara was a home for widows, children and orphans of Union Veterans from the Civil War. Later, it became a facility for the care and training of disabled children, contributing important research in the areas of dealing with child disabilities such as blindness and hearing loss. These early housing structures and medical facilities were demolished in the mid-1960's.

The Research Building was constructed in 1922, using local redwood.

In the 1920's, the present building at 125 Santa Clara-Los Gatos Road (90 North Winchester Road) was completed. Designed by University of California Davis Architectural students and constructed of redwood from Sanborn Park in Saratoga, the building was occupied by University of California researchers until 2002 when the facility closed and was returned to the State of California. During those days of agricultural research, both Shasta and Lassen strawberries were developed at the property and others, including Fresno and Tioga followed with better flavor. Research continued with tomatoes, and smog control issues. Because farmers were being blamed for so much pollution from burning their fruit tree cuttings, new methods of disposal were developed, such as chipping and grinding up the plant material.

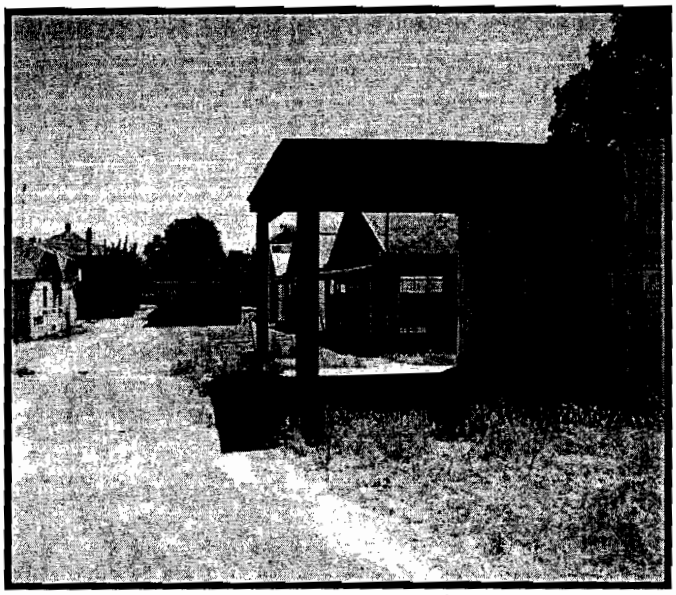
By 1983, the superintendent of the facility noted that the focus of the research had shifted to the backyard gardener and focused on the needs of the homeowner's, such as water conservation and reduction in pesticide usage.

The Bay Area Research and Extension Center closed on January 1, 2003. The promised $2 million permanent augmentation to the Cooperative Extension that was part of the original deal, was never realized and UCCE received $1 million for the transfer of the total 17.5 agricultural property. Left behind were 3 greenhouses, a shop, historical home with shop, potting shed, remaining experiments, including oak trees, and outbuildings. The pump for the working water well was removed. ■

For more details on the current issues, please visit the website (www.savebarec.org) or call 888-227-3280.

Source: Kirk Vartan, Save BAREC

Strategic Activity Coordinator



BAREC – Looking east, shop on left side, potting shed, greenhouses and chemical shed to right.

Civil War Plaque Dedicated at New Almaden

Few people realize how close California came to seceding from the Union during the Civil War, and throwing its support to the Confederacy. In 1862 President Lincoln ordered the seizure of the New Almaden Quicksilver Mines to secure the mercury supply so important to financing the war effort. This action led to a standoff between the New Almaden miners and Lincoln's military forces.

The mercury mine was established on the hill above the current town of New Almaden and was named after a large mercury mine in Almaden, Spain. During the 1848 gold rush mercury became important for use in separating gold and silver from the ores. The Treaty of Guadalupe Hidalgo was signed in 1848 ceding the entire state of California to the United States for the paltry sum of 18 million dollars. In comparison, by 1858 the New Almaden mine had produced 250,000 flasks of mercury worth 10 million dollars.

Following California's admittance to the Union there were years of confusion over land grants and the United States government began reviews of land claims for possible fraud. Believing that the New Almaden Mine Company's title was fraudulent, in 1858 the Federal Court in San Francisco levied an injunction forcing the company to stop work and close the mine. In 1861 the New Almaden Company appealed the decision to the U.S. Supreme Court.

Jack Douglas as General Naglee at the Almaden Dedication

The trial between the Supreme Court and the New Almaden Company took place in 1862-63, right in the middle of the Civil War. The Supreme Court decision was in favor of the U.S. government, with the land title judged fraudulent on the basis of some incorrect dates on the claim documents. President Lincoln was persuaded by his staff to seize the mine and sent a writ to this effect to Marshal C.W. Rand in San Francisco. The writ read in part: *"Whereas, Andres Castillero and divers persons have under a pretended grant from the Republic of Mexico occupied the New Almaden Quicksilver Mine. And, whereas by the decision of the Supreme Court it has been adjudged that the grant is fraudulent and void. Now, therefore I, Abraham Lincoln, President of the United States, do hereby order you to seize the property and deliver it to Leonard Swett, an agent who has been authorized by me to take possession of the same for the United States." (signed) Abraham Lincoln.*

Marshal Rand journeyed to New Almaden and presented the writ to John Young, manager of the New Almaden Mine. Young informed the marshal that the writ was illegal since the current owners had operated the mine for seventeen years, and the owners had title to part of the land through the Berryessa Grant. Marshal Rand stated that he would return with an armed force to enforce the writ and John Young replied that such force would be resisted.

Fortunately, saner minds intervened in the persons of General George Wright, who had been ordered to supply the armed men to enforce the writ, and General Henry W. Halleck, who was General in Chief of the Union Army and also General Manager of the New Almaden Company. Generals Wright and Halleck, along with Frederick Low, later governor of California, sent telegrams to Lincoln urging the government to not use force to enforce the writ, believing that the Union would lose California to the Confederacy if the writ was enforced. Lincoln wisely canceled the writ in a letter to Low. A conflict was averted, California remained in the Union, and the New Almaden Quicksilver Mines continued to produce mercury for many years.

On October 8, 2005, New Almaden celebrated Pioneer Day with a reenactment of the standoff, 142 years after the incident. The New Almaden Quicksilver County Park Association, Santa Clara County Parks and Recreation, and E Clampus Vitus dedicated a plaque commemorating New Almaden's important role in the Civil War.

Note: Information for this article was taken from New Almaden's souvenir plaque dedication booklet. Visit New Almaden's museum in Casa Grande for the "rest of the story" of New Almaden's fascinating history and land title details. ■

MEMBERSHIP FORM

Please type or print clearly.

Name(s):

Organization/Business/Employer:

Please ask your employer about matching programs for your contribution.

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We mostly notify our members of events via email. Not supplying an email address will make it harder for us to notify you about our events.

I WOULD LIKE TO RENEW MY MEMBERSHIP AT THE LEVEL OF:

☐	**Student / Senior (65+)**	**$20**
☐	**Individual**	**$35**
☐	**Family / Nonprofit**	**$50**
☐	**Contributor / Small Business**	**$100**
☐	**Patron / Corporation**	**$250**
☐	**Benefactor**	**$1,000**

I WOULD ALSO LIKE TO DONATE $
TO HELP PAC*SJ PRESERVE OUR ARCHITECTURAL HERITAGE. ONLINE DONATIONS WELCOME.

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As a 2006 member, you will receive our quarterly newsletter Continuity *as well as invitations and discounts to our events.*

To ask about benefits of higher membership levels, please call (408) 998-8105.

PAC*SJ will not release your contact details to a third parties without your consent. Please check this box if you would not like us to publicize your name as a PAC*SJ member: ☐

I WOULD BE INTERESTED IN VOLUNTEERING (please check):

- ☐ **Serving as a Board Member**
- ☐ **Volunteering at or managing events and tours**
- ☐ **Testifying at public meetings and hearings**
- ☐ **Writing articles for the newsletter**
- ☐ **Helping with Preservation Celebration**
- ☐ **Helping with Salvage Sale / I have a truck**
- ☐ **Pro bono legal assistance**
- ☐ **Service Learning Partnership (evaluating properties for architectural significance)**

I am interested in serving on the:

- ☐ **Advocacy Committee**
- ☐ **Fundraising Committee**
- ☐ **Education Committee**
- ☐ **Membership Committee**
- ☐ **Audit Committee**
- ☐ **Public Relations**

CONTINUITY

The Preservation Action Council of San José (PAC*SJ) is a 501(c)(3) nonprofit corporation dedicated to preserving San José's architectural heritage through education, advocacy and events.

We believe that historic preservation is **good for our quality of life and good for business.** We aim to integrate a strong commitment to historic preservation into the land use and development decisions of the City of San José that affect historic resources, as well as into the private decisions of property owners and developers. We try to bring owners and developers together to create historically sensitive projects that make economic sense.

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JOIN OR RENEW TODAY—MEMBERSHIP FORM ON PAGE 23!

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

February 16, 2005

Honorable Mayor and City Council
City of San Jose
801 North First Street, Room 600
San Jose, CA 95110

Dear Honorable Mayor and City Council:

Subject: Bay Area Research and Extension Center (BAREC) Property

The City's Parks and Recreation Commission is recommending that the City Council support, to the extent possible, efforts to preserve the 17-acre Bay Area Research and Extension Center (BAREC) property on the basis of the historical significance and potential open space and recreational value of the property. Parks and open space are vital and bring immense environmental benefits. This site is located in the City of Santa Clara, contiguous to the San Jose border on North Winchester Boulevard between Dorich Street and Forest Avenue as shown on the attachment.

The Regents of the University of California are in the process of selling this publicly-owned land for redevelopment as single-family and senior housing according to the reuse planning concept for the property adopted by the Santa Clara City Council in February 2003. This plan includes a one-acre neighborhood park that will serve residents of both cities. The proposed development of the plan is currently on hold pending resolution of the property surplus process with the State.

The site was originally used as a center for mentally disturbed children from 1886 to 1920. Part of the site was then used as a home for Civil War veteran's families from 1921 to 1963; and from 1928 to 2003 the remaining land was used as an urban agriculture/horticulture research/education center under the University of California until its closure in 2003.

Members of the community have appeared before the Parks and Recreation Commission, requesting that the BAREC be preserved as either agricultural land or parkland. They have presented information that indicates there is broad community support from individuals and organizations within the community.

The City's Parks and Recreation Commission agrees with the community that the site has significant value as a historical, horticultural and recreational resource, which could be of benefit to both Santa Clara and San Jose residents. Therefore, the Commission is recommending the

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San Jose City Council, in conjunction with the Santa Clara City Council, consider opportunities to work together to preserve some or all of the site for the use of future generations of both communities.

Your consideration of this matter would be greatly appreciated.

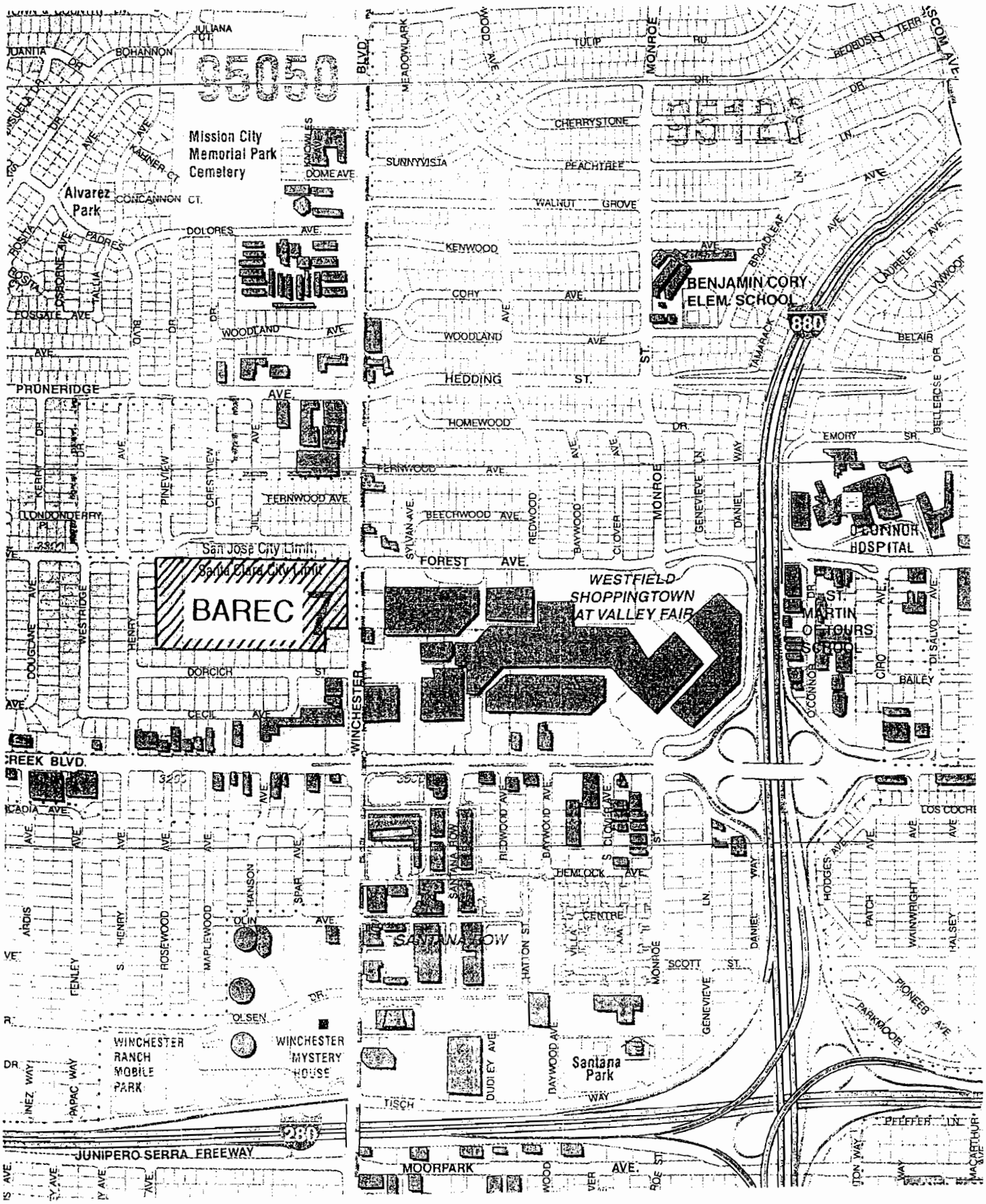
Yours truly,

Helen Chapman
cs

Helen Chapman, Chair
Parks and Recreation Commission

Attachment – Map of Area

c: Sara Hensley, PRNS
Albert Balagso, PRNS
Scott Reese, PRNS


95050
Mission City Memorial Park Cemetery
Alvarez Park
BENJAMIN CORY ELEM. SCHOOL
O'CONNOR HOSPITAL
WESTFIELD SHOPPINGTOWN AT VALLEY FAIR
ST. MARTIN OF TOURS SCHOOL
San Jose City Limit
Santa Clara City Limit
BAREC
SANTANA ROW
Santana Park
WINCHESTER RANCH MOBILE PARK
WINCHESTER MYSTERY HOUSE
JUNIPERO SERRA FREEWAY
MOORPARK AVE.
HEDDING ST.
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WINCHESTER BLVD.
MONROE
PRUNERIDGE AVE.
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880
280

17 Acres of Santa Clara Valley Agricultural Land

presented by: Kathryn Mathewson, Linda Perrine,
and Friends of BAREC

Requesting Support from:

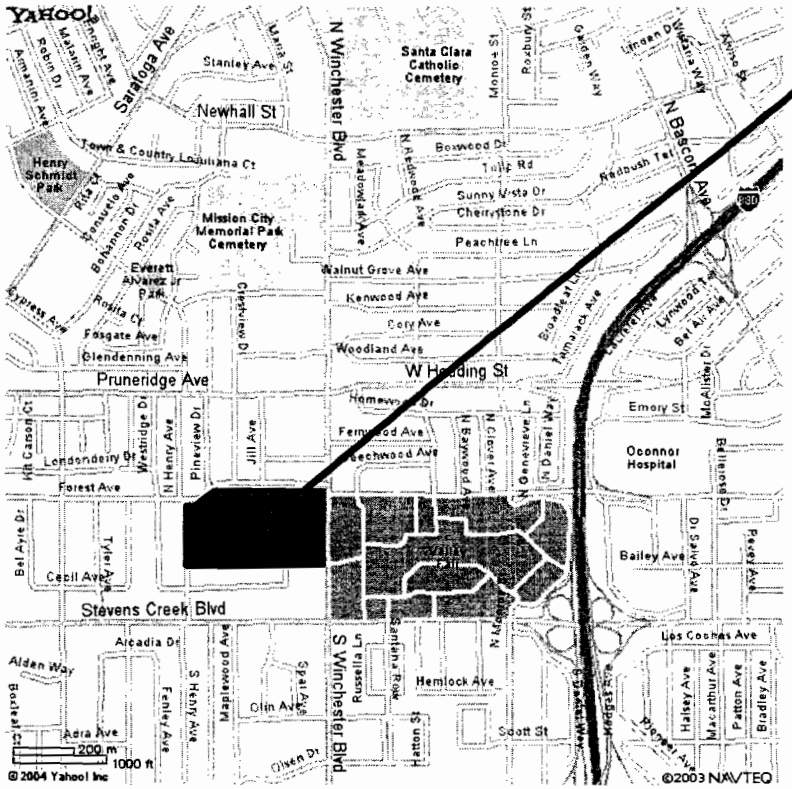
Santa Clara County Supervisor

Jim Beall

To Save Prime Valley Farmland for Agricultural and Environmental Education Purposes

September 16, 2005

What is BAREC?
Why should it be preserved?



Bay Area Research and Extension Center

90 N. Winchester Blvd.
Santa Clara, California

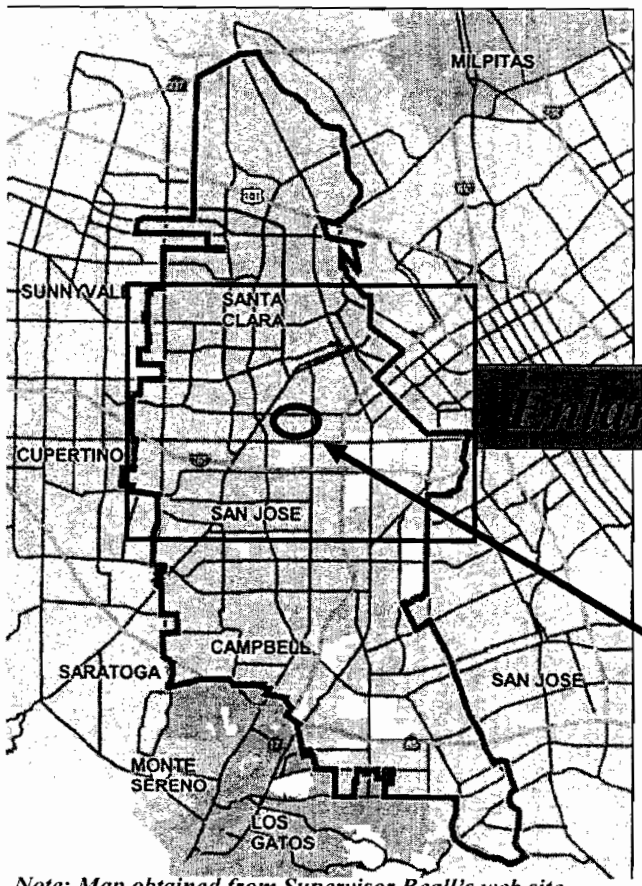
These 17 acres have been owned by The State of California since the 1920's and were used for both Horticultural and Agricultural research.

It is the only remaining such property in a place once known as:

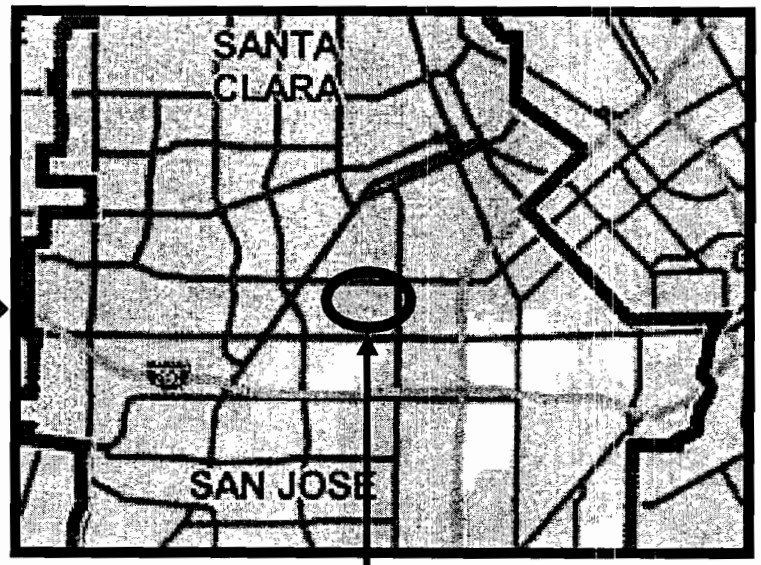
"The Valley of Heart's Delight"

http://www.savebarec.org

Santa Clara County - District 4



Enlarged

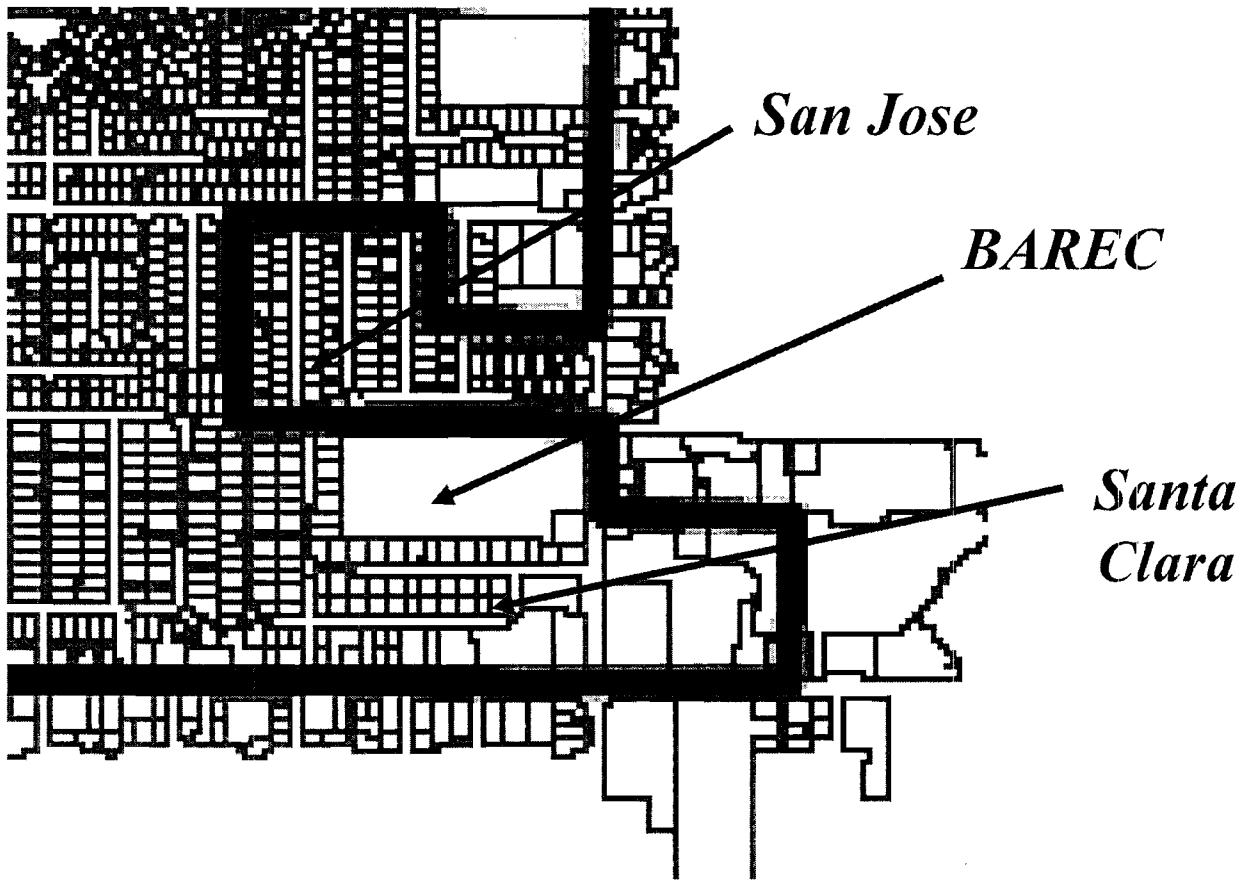


BAREC is perfectly placed in the middle of the district

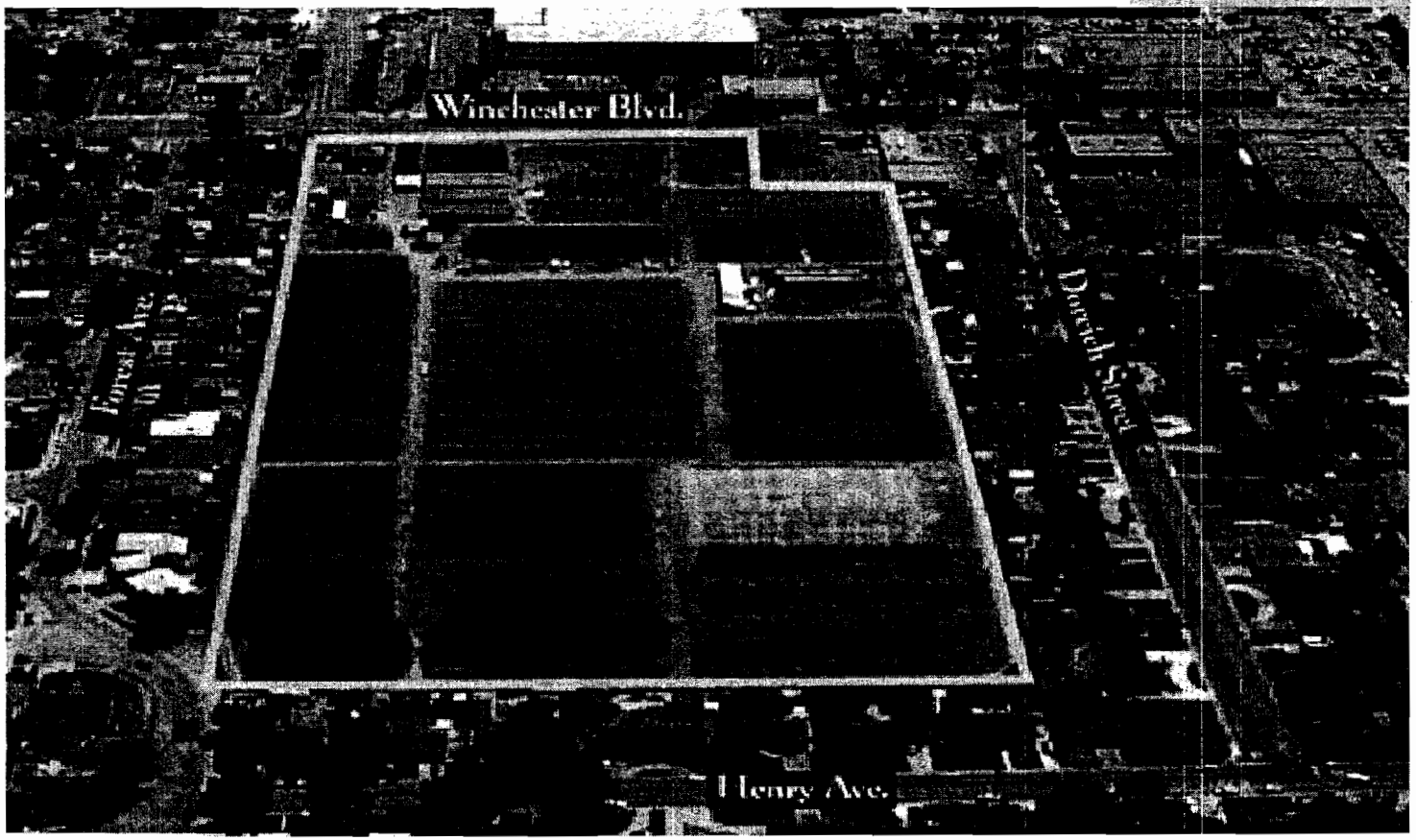
Note: Map obtained from Supervisor Beall's web site
http://www.scc-assessor.org/scc/assets/docs/157287d4map.pdf

http://www.savebarec.org

BAREC is Shared Between Two Cities

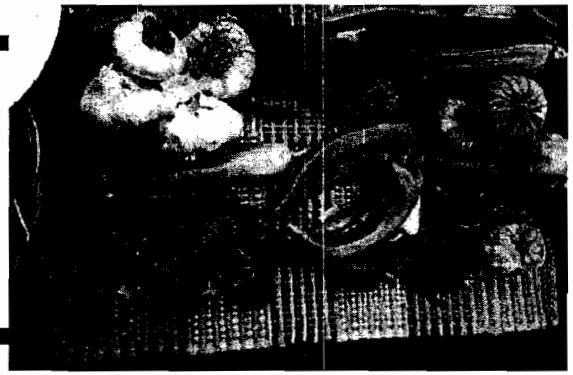


Open Space in a Concrete Jungle



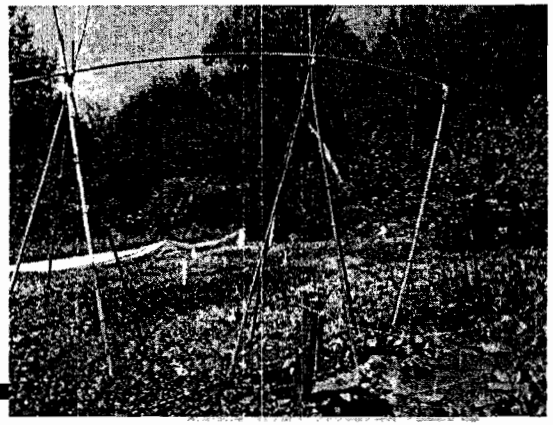
http://www.savebarec.org

Brief History



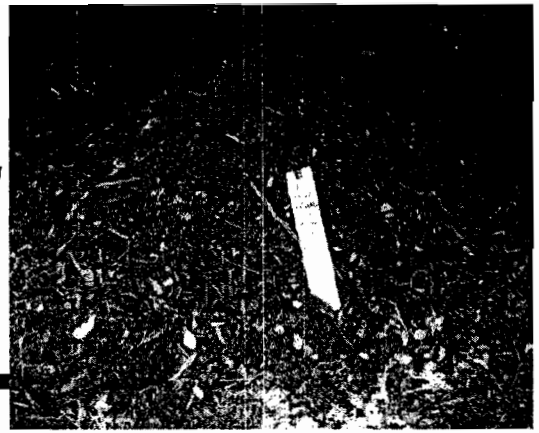
- UC-Cooperative Extension owned and used BAREC from 1952 until January 2003, and then it returned to the State
- Unique historical property serving first the local community and then the agricultural community since 1850's
  - Research done on many crops (strawberries, garlic, fruit), irrigation, drought sod, disease control including native plants, and compost vital to San Jose's present Green Waste Program (which should be introduced to all SCC cities)
- Existing resources include: agricultural zoning, prime valley soil, 1920's buildings, shops, greenhouses, irrigation, orchard, garden beds, two wells, historical weather station, power and electrical, and a central location with easy access to public transit
- BAREC supported local school groups and agriculture/ horticulture professionals since the 1920s; SCC schools and professionals could lose BAREC as a resource with no replacement

Current Status of BAREC



- BAREC is not officially sold yet! Status is "Sale Pending."
  Steps remaining:
  - Completion of Environmental Impact Report and 45 day public comment period
  - Develop and execute an adequate plan to clean up soil contamination
  - Prove that BAREC is not historically significant
  - Santa Clara City Council must vote to change the zoning from "agricultural" to "medium density housing"
- The non-profit VIVA Foundation has offered to buy BAREC for the appraised value of $170K (agricultural zoned price)
- The Guadalupe Coyote Resource Conservation District has written the State stating they need BAREC as agricultural open space to support their mission
- Community meetings have standing room only community support. The community is prepared to have a Referendum if the Santa Clara City Council changes BAREC's zoning

Soil Contamination Issues Surrounding BAREC



- BAREC has been an experimental research station for chemicals since the 1920s. Its soil is contaminated from many kinds of chemicals, both known and unknown.
- The State's solution for cleaning up soil contamination is to remove the top foot of soil. This does not remove the problem.
- Chemicals are in gas form and throughout the soil strata.
- Recently DDT was found in the soil on State's land at Agnew State Hospital after housing was built. Watson Park in San Jose (East Jackson and 22nd Street) was recently closed for soil contamination (heavy metals were discovered on the site).
- EPA's research shows chemicals move through building foundations into the air of homes and offices.
- BAREC, our county, and the State need an inexpensive way to remove soil contamination. BAREC could be used as a Center of Excellence to create new technologies and businesses for our county, state, and nation.

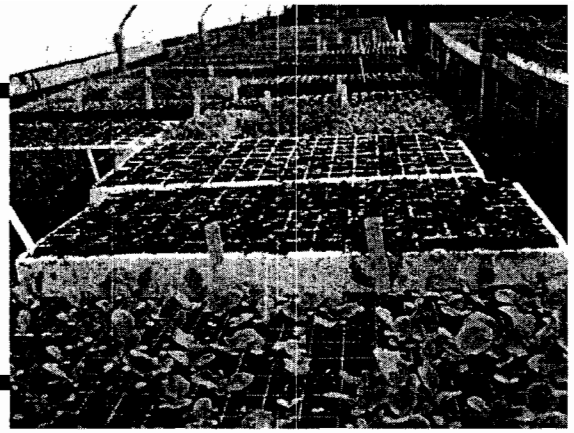
Why is the future of BAREC a County Issue?

- BAREC and the surrounding community were unincorporated and in the county for most of their history.
- In 1983 the City of Santa Clara annexed BAREC and two sides of it; San Jose annexed the other two sides.
- All the homes adjacent to BAREC have San Jose addresses and zip codes and must pay San Jose insurance rates.
- The State and UC had a San Jose address for its entire history; all research credit was given to San Jose.
- Citizens of Santa Clara near BAREC feel they are treated as second class citizens and their issues are not addressed by the City.
- Research and programs on BAREC were for the SCC, the State, and the nation. New jobs and skills result when this happens. The county needs more balance in its job market.

Why Should Santa Clara County Be Interested in BAREC?

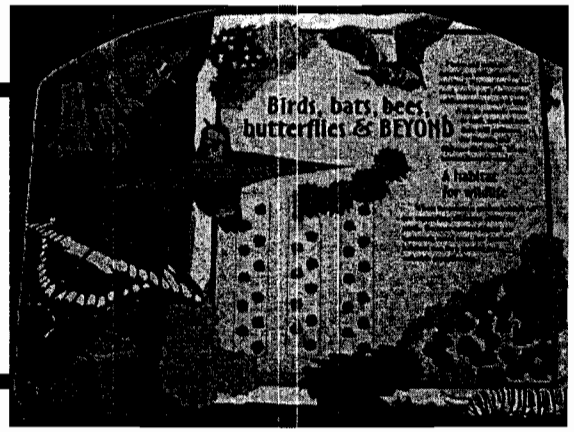
- This County, its residents and its children have an opportunity to create an educational farm/garden project on BAREC, open to the public, which would enhance the quality of life for future generations
- BAREC cannot be used until soil contamination is removed. Soil contamination is all over SCC creating many health problems.
- BAREC is set up as a research facility. The site can be used to research and clean up its soil and all the land the State is currently selling. It can also bring new technology ideas and jobs to market.
- Soil biology can clean up contamination inexpensively. California has no lab which studies soil biology/ecology. Soil Food Web will move from Oregon to BAREC.
- New technology like hydro-mechanical obliteration (developed in SCC) could revolutionize agriculture/horticulture, increase worker productivity by 300 percent, reduce health care costs, and create new jobs.

Why Should Santa Clara County Be Interested in BAREC? *(cont.)*



- Universities would create new classes and degrees and professions on soil health.
- SCC has imbalanced educational programs with only one week of environmental education in K-12. College environmental studies departments have no land near them for coursework and research.
- The other Bay Area counties are further ahead of SCC on environmental education programs (Santa Cruz's Life Lab, UC Davis's Children's Garden, Livermore's Camp Arroyo Sustainable Living Center, Berkeley's Edible Schoolyard Program, Marin's Food System Project, and many on the internet: (http://www.kidsgardening.org/School/registrysearch.taf).
- BAREC can be the center of a new revolution in soil health which translates to healthier food, plants, and people, and a less expensive government with less dependency on natural resources (oil, water, electricity).

Why Should Santa Clara County Be Interested in BAREC? *(cont.)*

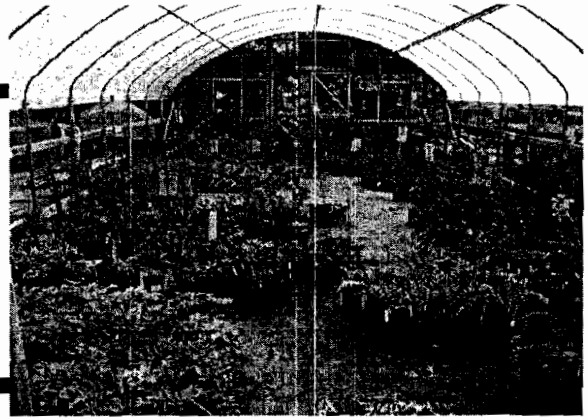


- UCSC Agroecology and Sustainable Systems Program has offered to help SCC with its ag/garden educational programs if it is on BAREC.
- BAREC is centrally located in the county/District 4 and has direct access to the public transit hub at Forest and Winchester, across from BAREC and behind Valley Fair
- SCC District 4 has **NO** county park and County parks should be special ecological or historical places. BAREC is unique. There is nothing comparable to BAREC in District 4, the Central Coast, or the Bay Area
- SCC has no public botanical garden or arboretum yet it has prime soil and climate along with a rich agricultural history
- BAREC could help reduce all of the above problems if it is allowed to remain in open space.
- BAREC could qualify as National Historical Register site; we are pursuing the application process.

Santa Clara County Lacks Adequate Open Space in the Valley

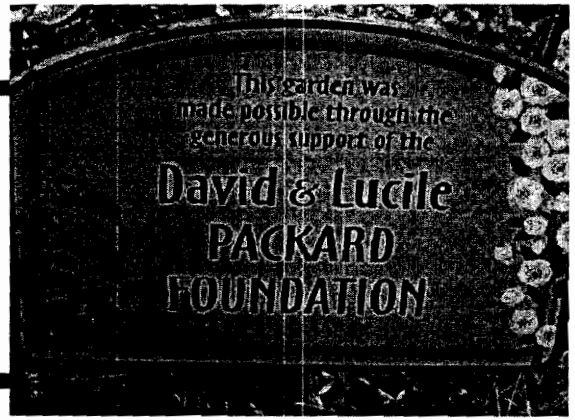
- Large contiguous open spaces (not linear trails) near public transportation are needed on the Valley floor which are not next to freeways or under flyways
- Unincorporated neighborhoods near BAREC are missing at least 38 acres of open space per state's requirements
- West San Jose adjacent to BAREC is missing 20 plus acres of open space and its school open space has been reduced by more than 60 percent.
- SummerHill Homes recently built housing on our Valley's only large FFA (formerly Future Farmer's of America) one mile from BAREC.
- Schools near BAREC are losing their open space for development projects; "Sprawl" is even happening to our schools
- BAREC could offset this if it is allowed to remain as open space and be used as an educational sustainable garden & agriculture project
- Currently large open spaces are in mountains with no public transportation

Need To Localize Food Production



- Our food travels on average at least 1,500 miles to our table
- We need to be concerned about our food security given the political climate
- We should be localizing some of our food and helping those most concerned to understand how to grow their own food.
- BAREC could be first step towards educating the public on the need to re-localize our food production back into the Santa Clara valley and train residents for highly efficient, sustainable food production in their yards similar to Victory Gardens of World War II
- Our country and the world is on the verge of a very challenging energy crisis given the demand and need for oil and natural gas (Peak Oil)

BAREC Provides SCC Great Opportunities



- Vision for BAREC: Garden/Agriculture Programs to expand Environmental programs in SCC inspiring young people who could reinvent Silicon Valley environmentally (big business), develop a safer and healthier environment, and create a less expensive government and health care system.
- Independently funded and staffed through a non-profit (501c3)
  - Income generated from: grants, produce sold through Farmer's Markets, CSA and local school cafeterias, children's day care gardening programs, and educational programs
  - Provide hands-on gardening, agriculture, and nutrition education, meeting State science requirements and the federal government's new Wellness Program standards.
  - Learn how to clean up contaminated soils with a diversity of soil micro-organisms. This would remove many common diseases, create better food, and result in a less expensive health care system. BAREC could have the State's first soil testing lab for the soil's life.
  - Provide for sustainable local food systems which use less energy and are grown in healthy soil without chemicals
  - UCSC Agroecology and Sustainable Food Systems Program would like to assist getting a program started in Santa Clara Valley on BAREC property

Educational Ag/Garden Program Beneficiaries

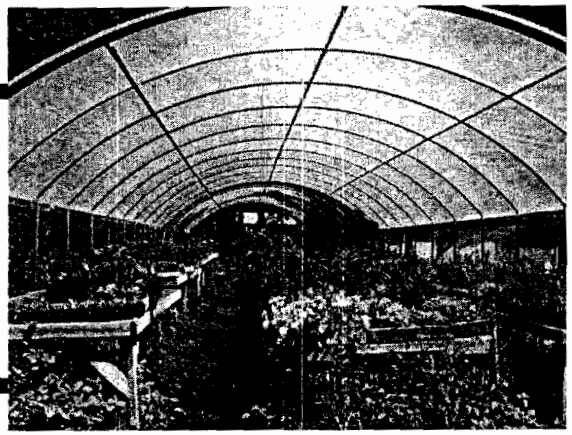
- Curriculum for all grade levels in local schools (K-12)
  - Currently students receive one week of Environmental Ed in K-12
  - We will be making our case for BAREC to SCC Office of Education September 21, 2005
- All local colleges have expressed a need for BAREC in support of:
  - Environmental Studies, Horticulture, Natural History, Biology
- Teacher training in organic gardening
- Adult education (college credit)
- General Public Programs
- Gardening is the #1 leisure time activity in the U.S.; gardening is big business
- Apprenticeship program (~45/season) similar to UCSC CASFS
- Training for gardeners, landscape professionals, government employees, home owners, and teachers
- Landscape professional training in organic methods including school grounds maintenance
- Restore home for Master Gardeners/Master Composters of SCC
- Long term goal: to create a more balanced community with citizens who are prepared to create new environmental business opportunities

What Do We Need from the SCC Board of Supervisors to make this happen?

- Your support for continuing to make BAREC unique for SCC and introducing a fourth chapter in BAREC's 150 years of community contribution.
- We request the SCC Board of Supervisors write the State and City of Santa Clara indicating that SCC needs time to evaluate BAREC's future.
- Refer to attached GCRCD letter and SCCOE sample letters
- Consider the ways BAREC could help improve the environmental quality and education in the county with particular emphasis on our farm/garden suggestions.
- Report the BAREC issues to the County's Housing, Land Use, Environmental, and Transportation Committee (HLUET) for a hearing on the ways BAREC can help SCC and specifically what we are suggesting.
- Apply to the EPA Grant Programs to get soil tests for BAREC and work with us to get accurate information on the chemicals used on BAREC over the years.

Addendum

Political/Legal Issues Around BAREC



- Santa Clara 2002 Housing Study showed housing was not needed on BAREC
- CA Civil Code Section 815: Preservation of Agricultural Land and Open Space…among the most important environmental assets of California.
- State failed to notify local or regional govt. agencies of BAREC's availability after they took possession of BAREC. Many regional and local agencies never knew of its availability before state offered it to developers.
- Brown Act violations by City and State discussing BAREC without public involvement or notice
- UC records from BAREC's library documenting soil contamination and history seem to be "missing"
- State's consultants working on sale of BAREC gave campaign contributions to two Santa Clara City Councilmen who pushed for BAREC housing
- State's developer is a UC Regent and owner of SummerHill Homes. Conflict of interest?
- These issues have been given to SCC District Attorney's office.

June 29, 2005

Jeff Crone
Department of General Services
707 Third Street, Suite 6-130
West Sacramento, CA 95605

RE: Purchase Offer of State Property called BAREC in Santa Clara by a non-profit for State and local agency/government usage and benefit.

Dear Mr. Crone:

As a California non-profit corporation, VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) would like to make an offer to purchase the 17 +/- acre Bay Area Research and Extension Center (BAREC) at 90 to 125 Winchester Blvd. in Santa Clara. It is our desire for BAREC to remain permanently in agricultural open space and to continue contributing to the community as it has done for 150 years. We plan to be a center for agriculture, horticulture, and environmental issues in the Santa Clara Valley. Nothing like this exists in the Valley and it is a much-needed balance to the building construction everywhere.

We are prepared to pay BAREC's value reported in the University of California Regents Committee on Finance March 15, 2000 minutes. This price is $10,000 per acre. We request that before we purchase the property the State inform us of any contamination issues so together we can determine how it will be cleaned up with the most organic and sustainable process as possible.

All local and State agencies have not received a Department of General Services written notification of intent to sell BAREC. We have letters from several local and State agencies and governments stating that they need BAREC for their programs and goals. We have attached a list of some of these organizations, governments, and non-profits that would benefit as BAREC in agricultural open space. We plan to work and support the mission statements of these organizations:

Sincerely Yours,
Kathryn Mathewson,
President, VIVA

For more information on BAREC visit http://www.savebarec.org

Office of the President
March 8, 2000

TO MEMBERS OF THE COMMITTEE ON FINANCE:

ITEM FOR ACTION

For Meeting of March 15, 2000

REVERSION OF PROPERTY TO THE STATE, BAY AREA RESEARCH AND EXTENSION CENTER, SANTA CLARA COUNTY

The President recommends that the Committee on Finance recommend to the Regents that:

(1) The Regents hereby resolve that the approximately 17-acre Bay Area Research and Extension Center property in Santa Clara County (BAREC) is no longer necessary for agricultural research.

(2) The Secretary be authorized to execute a quit claim deed or other appropriate documentation conveying The Regents' interest in BAREC to the State of California, if requested by the state.

BACKGROUND

The Bay Area Research and Extension Center property (BAREC) was conveyed to The Regents of the University of California from the Director of Finance of the State of California for use in agricultural research in two parcels, the first in 1952 and the second in 1963. BAREC, as one of the University's ten agricultural research and extension centers, has contributed to California agriculture over the years. Current research at BAREC includes programs on turf grass, water management, integrated pest management, and field crops. The enabling legislation refers to the Department of Veteran Affairs; this department still retains a 0.54-acre parcel contiguous to BAREC. Both conveyances to the University contain a stipulation that:

> "... In the event The Regents of the University of California shall by resolution at any time determine that the whole or any part of the property granted and conveyed hereunder is no longer desirable or necessary for use in agricultural research, the fee title to said property described in such resolution shall revert to and vest in the State of California upon the recording of such resolution in the official records of the County of Santa, Clara, State of California."

As a result of budget negotiations between the University and Department of Finance, Item 6440-001-0001 – For Support of University of California, Schedule (a), Provision: 17 of the Budget Act of 1999 states:

> "Of the amount appropriated in Schedule (a), $2,000,000 is for cooperative extension, contingent upon an assessment that land in Santa Clara County currently used for cooperative extension is available to the state for other purposes without restriction."

The *"land in Santa Clara County currently used for cooperative extension"* is the land comprising BAREC. The $2,000,000 is a permanent allocation to the UC Cooperative Extension budget and is in exchange for the University returning the BAREC land to the state.

Program Evaluation

The Division of Agriculture and Natural Resources (DANR) has determined that the value of the augmentation for Cooperative Extension is of substantially greater benefit to its overall program than continued research at BAREC and that research needs served by the center can be addressed at other sites. The decision to recommend reversion of BAREC was driven by the need to increase funding for UC Cooperative Extension programs. Cooperative Extension absorbed significant budget cuts in the early 1990s. Besides the loss of more than 50 farm advisor positions, these reductions have significantly affected DANR's ability to deliver research-based educational information to user communities across the state. The $2.0 million permanent augmentation in the Budget Act of 1999 from this action will be used to begin to restore the UC Cooperative Extension program capabilities.

A number of groups and individuals have expressed their concerns with the University's discontinuing agricultural research at BAREC. President Atkinson wrote to Regents concerning this issue in a letter dated August 16, 1999. While acknowledging public concerns, the President, with the concurrence of the Vice President for Agricultural and Natural Resources, recommends that the Board determine that BAREC is no longer necessary for agricultural research and that the property should revert to the state.

An appropriate transition period to allow the completion of short-term research and transfer of other existing activities at BAREC will be negotiated with the state. A task force will be appointed by DANR to:

- relocate longer-term research projects to (i) the local area, (ii) other division sites (there are nine other research and extension centers), or (iii) to cooperator sites;
- recommend possible replacement or relocation of BAREC agricultural infrastructure; and
- recommend bridge funding where needed for researchers to establish new test sites and lots.

Property Evaluation

BAREC is located on the north side of Winchester Boulevard approximately one block east of its intersection with Stevens Creek Boulevard in the city of Santa Clara. The level site is bordered by older single-family residences to the north, east, and west, strip commercial to the southwest, and the Valley Fair regional shopping center to the south. Given its long public use history, the property is not presently zoned (although the local General Plan calls for moderate density residential). Following its reversion to the state, any development on the site would involve a thorough public approval process. Because of the use restrictions applicable to its ownership, the University has not had the BAREC land appraised. Free of the restrictions applicable to the University's ownership, however, this property is believed to have a fair market value in excess of $1,000,000 per acre. The unrestricted value would ultimately be dependent upon the zoning and

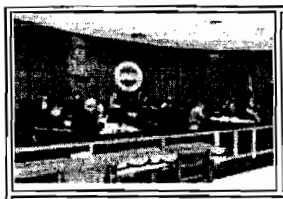
entitlement of the property. As restricted for the University's use, the property's value is comparable to agricultural land valued at approximately $10,000 per acre. In effect, the University's use of the BAREC land is analogous to a no-cost lease renewable for so long as the land is used for agricultural research.

In accordance with University procedures, the project, defined as the determination of lack of necessity and the related reversion of the BAREC land, has been classified as exempt from the California Environmental Quality Act (CEQA).

Bay Area Research and Extension Center
SaveBAREC.org Home

What is **BAREC**? What is the Issue? Why save **BAREC**? How can I help?

"The greatest making of the future will be from a small piece of land." Abraham Lincoln



Santa Clara City Council Meeting
April 26, 2005
BAREC was on the Agenda

BAREC was placed on the agenda by request of Kirk Vartan. Many people spoke and a lot of perspectives, suggestions, and information were shared with the Council.

We have made the entire 36 minute section of the meeting available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from citizens and Council members, making it easier to hear the information you are interested in. We listed some highlight quotes from the video in the right column; however, in case there are any questions about the context of the statements, we are also providing the entire video for viewing. Simply click on a quote on the right, and the video of the person saying those words will start. The hand-outs given at the meeting are linked at the bottom of this column.

City Introduction:
> City Manager Introduction (3 minutes - 800KB)
> Planning Director Introduction (4 minutes - 1MB)
> City Manager Introduction (1 minute - 400KB)

Citizen comments:
> Kirk Vartan/Marguerite Lee (6 minutes - 1.8MB)
> Master Gardener Sharon McCray (3 minutes - 1MB)
> Lauren McCutcheon (2 minutes - 600KB)
> Suzie Keels (1 minute - 300KB)
> Andy Grammet (2 minutes - 700KB)
> Bill Romano (2 minutes - 500KB)

City Staff/Council responses and comments:
> City Staff response - Goodfellow (2 minutes - 400KB)
> Councilmember Caserta (2 minutes - 500KB)
> Councilmember Mathews (2 minutes - 600KB)
> Councilmember Moore (2 minutes - 700KB)
> Mayor Mahan (3 minutes - 800KB)

Four documents were shared with the City Council and the audience. Click on any one of them:
1. Kirk Vartan's Introduction, 2. Pre-meeting notes and information, 3. BAREC's supporter list, and
4. The San Jose Park's Committee letter, showing complete support for keeping BAREC as open space.

The **following quotes** can be clicked on to hear and see the **actual video** from the following people:

Planning Director Goodfellow:
"Those decisions [current development discussions] are merely preliminary, and the project will have to go through the full Environmental Impact [Report] review, General Plan amendment re-zoning, and probably sub-division maps before any final decisions can be made on the site."
"Closing on that [sales agreement] is contingent on the approval of the plans, just as it would be for the senior portion."
"Yes, the property is contaminated...the worst [soil] contamination will be physically removed."

Councilmember Caserta states:
"I just cannot stand here and say let's just have it [BAREC] all open space."
"Where's the money to do this?"

Councilmember Mathews states:
"I'm a fifth generation, native Santa Claran. My great, great, great, grandfather went out and fought; he's one of those Civil War people."
"The history that I'm going to make is going to be made today...to get this site developed..."
"We're not going to resolve Santana Row's issues of traffic or Valley Fair's traffic by not developing this site..."

Councilmember Moore states:
"I know there's a park; I'd like to see it be a little bit bigger. But, I think that neighborhood needs a park."

Mayor Mahan states:
"The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Entire video of the Council meeting:
Complete video (36 minutes - 9MB)

Videos require: Microsoft Window Media

Suggested BAREC PROGRAMS and the supporting Organizations

Visitor's Center: a Museum with Valley of Hearts Delight history including BAREC research, Interpretive Center, collection of Spanish Mission plants with farm from that period, Ethnic Foods and Cultural Contributions to our Food, Tours, Workshops, and Learning Resource Center.
Supporters: Local Foundations, Archeology Dept. at Santa Clara University; Smithsonian Institute, Proposition 40, Federal Farmland Protection Act, Pioneer Society and California Historical Society, San Jose History Museum, and California History Center at DeAnza College;

Organic Food and Nutrition: Local Farmers, Food and Flower Market, CSA Distribution Center, School and Senior Food Programs, Edible Landscaping, restaurant.
Supporters: California Farm Link, Ecological Farming Association, CSA Program, Hidden Villa, U.S. Dept of Agriculture, Village Harvest Food Bank, Chez Panisse Foundation, home owners, School Districts, UC Santa Cruz Agroecology and Sustainable Food Systems, various agricultural organizations;

Urban Gardening Research and Demonstration Center for Sustainability: Offices, Educational Rooms, Demonstration Gardens, Weather Station, Field Trials, Continuing Education Library for Environmental, Agricultural, Horticultural, Landscape, Master Gardeners, and local colleges and universities.
Supporters: Acterra, Audubon Society, CA Assoc. of Nurseries and Garden Centers, UC Santa Cruz Agroecology and Sustainable Food Systems, Environmental Studies at all local colleges, CA Landscape Contractors Association, Santa Clara Valley Water District, Sierra Club, Saratoga Horticultural Foundation, Silicon Valley Toxics Coalition, Ecological Farm Association, Common Ground, CA Horticultural Society; CA Oaks Foundation, Garden Clubs;

Horticultural Therapy and Alternative Medicine: Horticultural Rehabilitation Program, Alternative Medicine Plant Collection, Educational Programs, Inter-generational Gardening.
Supporters: nearby Hospitals (O'Connor and Valley), O'Connor Alternative Medicine Center, Mission Rehabilitation Center, Cabrillo College Horticultural Therapy Program, American School of Herbalism.

Soil Stewardship: Soil Testing Lab for the Biology of Soils (this will be the first in California), Master Composters, Composting research, Soil Micro-organism Pollution Clean-up.
Supporters: Santa Clara Valley Water District, Santa Clara Valley Master Composters Program, Silicon Valley Toxics Coalition, Santa Clara Valley cities for their Greenwaste programs and chemical reduction programs, California farmers, landscape professionals, golf course and parks maintenance personnel.

Children's Gardening: Demonstration Play Gardens, Gardening Day Care Center, Teacher Training, Natural Materials for Play, Plants for children, Plant Stories, Enriching the senses (beauty, smell, color) Garden as an art and science, School Outreach.
Supporters: Valley Fair and Santana Row, School Districts, City Arts Commissions, Horticultural and Agricultural Societies, parents, Foundations interested in Children's health and education.

Job Training: Training in all aspects of urban horticulture and agriculture.
Supporters: The Nursery and Landscape Professionals, local schools, Mentoring Programs, Agroecology Program at UC Santa Cruz, Center for Employment Training, Job Corps, City Year, and California Conservation Corps.