



Memorandum

TO: RULES COMMITTEE

FROM: Katy Allen

SUBJECT: BAREC DEVELOPMENT

DATE: August 15, 2008

Approved *Christine J. Shippey* Date *8-18-08*

PURPOSE OF MEMORANDUM

The purpose of this memorandum is to provide background information regarding Kirk Vartan's request to appear before the Rules Committee under "The Public Record" portion of the agenda to challenge a traffic signal modification at the intersection of Forest and Winchester Avenues. The proposed signal modification is related to the BAREC Development, located in the City of Santa Clara. The EIR for this development is complete and staff's recommendations are consistent with the traffic analysis set forth in the EIR. Staff has responded in depth to all Public Records Act requests submitted by Mr. Vartan. At issue is the City's comment in the Draft EIR which indicated that two additional traffic signal designs should be provided if the community and the Councilmember objected to the proposed signal modification. Alternative designs, however, were not reviewed for the following reasons:

- The Councilmember at the time did not express opposition to the EIR. Therefore, City staff proceeded with the technical review of the proposed modification based on the traffic analysis provided by Fehr and Peers Transportation Consultants.
- City staff believes that the proposed modification is the best alternative available to mitigate anticipated traffic conditions. Accordingly, no other designs were requested for review.

The following information provides a more detailed chronology of the project.

INFORMATION

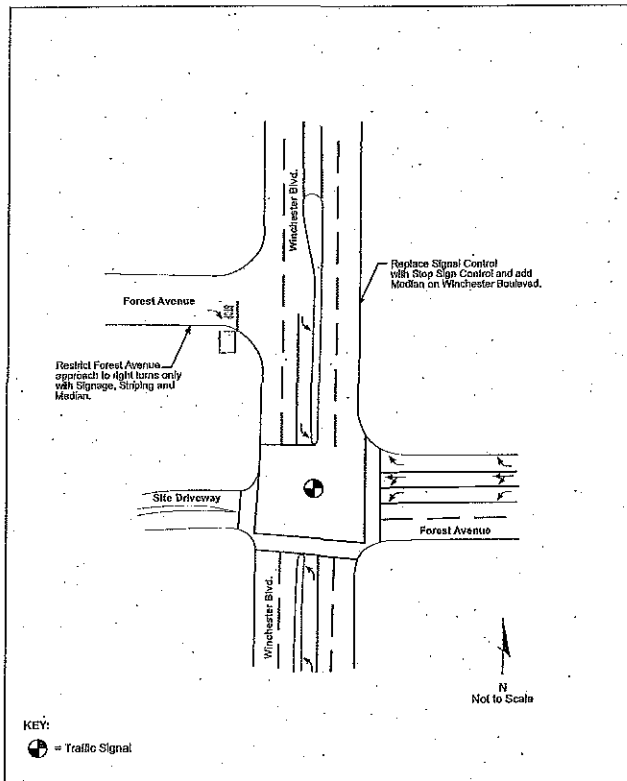
In the late 1990's, the State of California decided to surplus and sell the 17-acre property on the west side of Winchester Boulevard, north of Stevens Creek Boulevard. The site is located in the City of Santa Clara. At that time, there was an agricultural research facility, the Bay Area Research and Extension Center (BAREC), using the State's property.

Beginning in 2004, as the Environmental Impact Report was prepared and the residential project plans were developed, there were a large number of community meetings, public hearings and open processes for comments from the public and other agencies. There is a San Jose neighborhood immediately north of the proposed development where residents were noticed and invited to these meetings.

The project was brought to a vote via a referendum for reasons related to creating a park rather than a private development. Santa Clara voters ratified the project. SaveBAREC, an organization opposing the residential development, brought litigation against the EIR, mainly challenging the subject of toxics on the site. The judge rendered an opinion in July 2008 that the EIR was complete.

The project has proposed a signalized access from Winchester Boulevard, which would align directly opposite Forest Avenue. The Forest/Winchester signal is currently signalized; however, the west leg of the signal is offset to the north. The project EIR analyzed this access and recommended that the safest design would be to modify the signal as shown below. The EIR also analyzed the neighborhood impacts from this signal modification and determined that the impacts were not significant. From a technical review, San Jose staff agreed with the analysis and the findings.

Should you have any questions, please contact me at 535-8444.



Katy Allen
KATY ALLEN
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