

*Planning, Building and Code Enforcement*

HARRY FREITAS, DIRECTOR

February 14, 2017

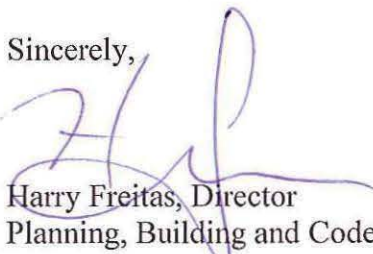
Dear Mr. Fitzwater,

Thank you for your continued efforts on the BART Phase II project. It is my understanding the public review and comment period for the Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report for the BART Silicon Valley- Phase II Extension Project (SCH# 2002022004) expires on February 20, 2017. City staff has been working hard reviewing the voluminous amount of information related to the BART Phase II project in order to provide VTA with meaningful comments.

Given the amount of information, coordination with various City departments and time constraints, it will be really difficult for the City to provide VTA with meaningful documents by February 20, 2017. Therefore, the City of San José requests an extension on the public review and comment period for the Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report for the BART Silicon Valley- Phase II Extension Project (SCH# 2002022004). We understand you are under a tight deadline for the project. However, we would greatly appreciate a time extension to provide comments on the EIR/EIS until Monday, March 6, 2017.

Please provide your decision on our extension request by contacting Reena Brilliot, Planning Interim Division Manager ([reena.brilliot@sanjoseca.gov](mailto:reena.brilliot@sanjoseca.gov)).

Sincerely,



Harry Freitas, Director  
Planning, Building and Code Enforcement

L1-1

## **Response to Comment Letter L1**

### ***City of San Jose – 1<sup>st</sup> Letter***

L1-1      The public review and comment period was extended to March 6, 2017.



*San José Fire Department*

CURTIS P. JACOBSON, FIRE CHIEF

March 6, 2017

VIA EMAIL

Tom Fitzwater, BART Silicon Valley Environmental Planning Manager  
 VTA Environmental Programs & Resources Management, Building B-2  
 3331 North First Street  
 San Jose, CA 95134

**RE: SJFD Response to BART Phase II Draft EIS/EIR**

Dear Tom:

Having reviewed the VTA/BART Draft Phase II EIS/EIR it becomes apparent a number of resources will be needed to expand the San Jose Fire Department's capabilities during this time of transportation development in Santa Clara County. The San Jose Fire Department has two main operational areas: Fire Prevention and Emergency Response. Resource requests in response to the Draft EIS/EIR will be grouped along these broad categories.

**1. FIRE PREVENTION**

**In response to Item 4.4, page 4.4-5**

The San Jose Fire Department, Bureau of Fire Prevention (BFP) is responsible for providing technical reviews, construction inspections, and California Fire Code enforcement to maintain public safety within the City of San Jose. BFP is currently staffed with the following positions:

- (4) Senior Engineers – Supervises Associate Engineers and gives direction with complex issues
- (15) Associate Engineers - Perform plan reviews and construction inspections
- (11) Fire Inspectors - Fire Inspectors perform code enforcement and annual inspections, and two are dedicated to construction inspection activities

L2-1



**In response to Item 4.13.2.2, pages 4.13-3 to 4.13-4**

The BART extension project would be required to comply with the following federal codes, state codes, and local codes.

- California Fire Code and California Building Code
- NFPA Standards, such as NFPA 130, 13, 14, 20, and 72 with local amendments.

L2-1,  
cont.

**In Response to Item 6.5.5.2, page 6.5-6**

Firefighters will need to be provided with adequate equipment, including but not limited to:

- Emergency communication system
- Fire Protection Systems that accommodate a single bore or double bore design
- Firefighting systems such as fire hydrants, fire department connections etc., which remain unobstructed during construction.

**Fire Prevention Resources Needed**

BFP staff is currently fully committed to inspection of existing and new construction projects and does not have the capacity to adequately address a project as complex and time intensive as the BART Extension without additional staff. In order to support this project, BFP needs dedicated staff that will participate in site meetings, plan reviews, and construction inspections within the time frame demanded by the project. Fire Inspectors will also provide safety inspections during construction and will continue to provide annual inspections when the BART system extension becomes fully operational. In order to support this project, the following resources are requested:

- (1) Full time Senior Engineer
- (1) Fire Inspector
- An appropriately equipped onsite work area

L2-2

**2. EMERGENCY RESPONSE DURING CONSTRUCTION**

In response to the complexities highlighted in Chapter 5, Appendices B1 and B2, the following resources are requested to adequately prepare the San Jose Fire Department to address any emergency response needs during construction of the BART extension into San Jose:

- Appropriate training for SJFD personnel specific to the new response challenges created by Phase II construction. It is understood that Tiered Levels of training for SJFD personnel would be required with some general training to all department members and more technical training to a smaller number of responders.

It is noted that contractors may elect to provide their own technical rescue resources during construction. However, SJFD requests training appropriate to be able to perform all necessary rescue operations independent of the presence or absence of another technical rescue team.

- Rescue, EMS, Communications, Hazardous Materials Response and Fire Suppression Equipment necessary to safely mitigate emergencies created by the Phase II construction.

L2-3



- Travel to site(s) of similar construction to Phase II for analysis and preplanning by response staff.
- Two full time Fire Captain positions assigned to the Phase II construction project. If construction will be greater than one work shift per 24 hour period additional SJFD personnel would be required. These Captains would be site liaisons to provide daily situation status to SJFD communications and response personnel. These Captains would ensure hazard mitigation measures are present and maintained. They would also make sure rescue equipment is in appropriate order and accessible. Should an emergency occur these Captains would communicate with responding SJFD units. These Captains would attend construction/Phase II meetings acting as SJFD's lead representatives for emergency response.

L2-3,  
cont.

### **3. Emergency Response After Project Completion.**

In response to the complexities highlighted in Chapter 5, Appendices B1 and B2 the following resources are requested to adequately prepare the San Jose Fire Department for any emergency responses following completion of the BART extension into San Jose:

- On-going specialized training as required for SJFD personnel to maintain proficiency in response to BART/VTA emergencies.
- On-going Rescue, EMS, Communications, Hazardous Materials Response and Fire Suppression Equipment necessary maintain response capabilities to BART/VTA emergencies.
- One full time Fire Captain position to act as SJFD's emergency response lead in maintaining coordination with BART/VTA. This Captain would forecast, request and/or conduct appropriate training. This Captain would forecast the wear and facilitate the proactive repair/replacement of necessary response equipment. This Captain would attend all meetings/trainings as required and ensure SJFD's BART/VTA response capabilities remain at the appropriate professional standard.
- New or expanded SJFD facilities as required by the increased service demands brought upon by the completed BART/VTA project. Chapter 6.5.5.2 in the draft Phase II EIS/EIR states, "Though SJFD and SCFD would respond to incidents along the BART Extension, this demand would not require new or expanded fire facilities." During the February 14, 2017 BART responders group meeting the majority of fire agencies represented stated that the presence of an operating BART system in their jurisdiction resulted in a profound increase in EMS incidents. Supplementary EMS staff had been added in some areas to meet this increased demand. One agency even noted that their status as an "end of the line" destination had at times resulted in their handling of Multi Casualty Incidents due to the surge in EMS demand at the BART facility. San Jose Fire is held to response time criteria, which if not met, negatively affects funding from Santa Clara County EMS. It is unrealistic to assume that SJFD will not need to expand facilities in response to BART/VTA induced service demand.

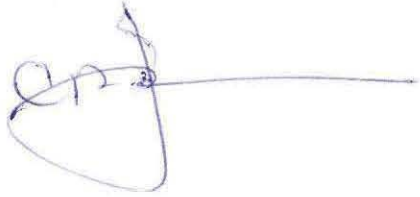
L2-4

**SJFD Response to BART Phase II Draft EIS/EIR**

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Respectfully,

A handwritten signature in blue ink, appearing to read 'C. Jacobson', with a long horizontal line extending to the right.

Curtis P. Jacobson

Fire Chief, San José Fire Department

## Response to Comment Letter L2

### ***San Jose Fire Department***

- L2-1 The additional details regarding staffing levels has been added to Section 4.4, *Community Facilities and Public Services*. See response to comment L3-72 regarding the additional federal, state, and local codes that were added to Section 4.13.2.2, *Regulatory Setting*.
- L2-2 See response to comment L3-131 in regards to the request for adequate equipment required, and response to comment L3-62 in regards to the request for additional staffing resources.
- L2-3 VTA and City of San Jose, including the Fire Department, will continue to work together to establish and determine, at an appropriate time, the processes and resources required for the Phase II Extension. VTA and the City of San Jose will enter into a Master Cooperative Agreement to address the roles, responsibilities, financial obligation for proceeding with the Phase II Extension Project. This Master Cooperative Agreement may be amended to reflect staffing and resource requirements during the engineering phase.
- L2-4 Refer to response to comment L2-3.





March 6, 2017

**VIA E-MAIL AND US MAIL ONLY**

Mr. Tom Fitzwater, SVRT Environmental Planning Manager  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San José, CA 95134-1927

**RE: City of San José's Comment Letter relating to the VTA's BART Silicon Valley Phase II Extension Project Draft Supplemental EIS/Subsequent EIR, December 2016**

Dear Mr. Fitzwater,

On behalf of the City of San José we would like to express our appreciation for the opportunity to review and comment on the BART Silicon Valley Phase II Extension Project Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR). The preparation of any joint National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) document is a daunting task made even more so given the complexity of boring a subway through the very heart of a highly urbanized area. The level of effort and thoughtful analysis is apparent. The City fully supports the BART Silicon Valley Phase II Extension Project, and recognizes the importance of making the most of this project while minimizing its impacts, as articulated more fully throughout this letter.

The City looks forward to continued opportunities to mutually partner with VTA/BART to address the identified areas of concern, resolve the remaining issues and collaborate on station design and high-quality transit-oriented joint development (TOJD) proposals.

As noted in the SEIS/SEIR, the City is a responsible agency under CEQA for the BART and TOJD projects. The City's comments are made with this obligation in mind. The City has discretionary review authority over certain aspects of the BART project, such as cooperative agreements and encroachment permits, and the TOJD projects as the local land use agency. Under CEQA, the City is required to consider this SEIR prior to taking action on these discretionary approvals. The City's intent is to provide constructive comments that will assist in the preparation of a Final SEIR that is adequate for the City's use when taking action on the City's discretionary approvals. Determination of conformance to the City's General Plan, specific area plan, municipal code or policies is solely within the City's purview as the local land use agency. However, please note that the City is unable to make such determinations on the proposed joint development projects at this time as further explained below.

L3-1

**BART PHASE II SEIS/SEIR COMMENTS**

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**GENERAL COMMENTS**

The following discussion provides some general comments as a broader summary of the City’s specific comments on the SEIS/SEIR. There is certainly no dispute about the purpose or need for the project. In general, the City believes the SEIS/SEIR is inadequate in the following respects: descriptions and assumptions on existing conditions are unclear, inaccurate or requires additional studies; the SEIS/SEIR fails to identify all significant impacts; and mitigations identified are insufficient to address significant impacts. There are some instances, such as parking, where the SEIS/SEIR is difficult to follow and vague and unclear, which makes it exceedingly difficult for the City to fully understand the environmental effect of the project. The City requests that VTA revise the SEIS/SEIR and “connect the dots” for the reader with the inclusion of additional summary tables or charts on some key issues; adequately explain the basis and analysis for certain assumptions; and most importantly, clearly explain the background and thought process on key issues relating to parking, construction impacts and mitigations, and joint development projects.

L3-2

L3-3

L3-4

Please note the City’s comments are based on the information available at this time in the SEIS/SEIR. We understand that additional technical and risk assessment on the Single Bore Option will be forthcoming from the VTA/BART in the near future and the City reserves the right to continue to comment on the entire SEIS/SEIR as additional information is provided by VTA. Although this information is not expected to alter the conclusions of the environmental impact analysis in the SEIS/SEIR, the City may adjust, revise or provide new comments as needed after review and consideration of the additional information.

L3-5

**Diridon Station Access and Parking**

The City of San José, VTA, Caltrain, and the California High Speed Rail Authority (HSR) are partners in realizing a vision for Diridon Station as a grand destination for community and commerce where people seamlessly connect via all transportation modes. We anticipate the Station will inspire private investment and be the center of a vibrant surrounding area and the gateway to Northern California.

As described in the SEIS/SEIR, these partners are working on two efforts to study parking demand and develop parking management strategies in preparation for the construction of BART and other transit and new development projects in and around the Diridon Station area. One of these efforts focuses on the near-term need (through 2025, the anticipated BART construction period) and the other focuses on long-term access needs, including parking demand. The subject of parking as described in the SEIS/SEIR as a topic should be clarified in its description and analysis. In particular, please clarify whether long-term parking in the project build-out condition will be consistent with the Envision San José 2040 General Plan, Diridon Station Area Plan and other applicable City policies or ordinances. The City expects VTA and the BART project replace parking spaces it is impacting during the construction of the BART project and after its construction, as well as continue to participate with the City and other partners in well planned, shared parking and access solutions for Diridon Station.

L3-6

L3-7



**Construction Impact Mitigation Measures**

The Construction Impact Mitigation Measures are another area of significant concern where the SEIS/SEIR needs to be expanded in detail and clarified in order to allow the City to provide meaningful and comprehensive review. The construction impact outreach and mitigation plan measures lack specificity, are inadequate, and fail to commit VTA to a specific course of action that will reduce significant impacts. Please further articulate the scope, timing, and commitments of VTA to mitigate construction impacts and how the proposed mitigations will fully and adequately address each impact. Without some level of detail with respect to anticipated impacts and corresponding mitigation measures it is impossible to determine if the mitigation itself triggers other environmental considerations. At a minimum, the mitigation measures should specify how they will comply with the intent of the City’s Construction Impact Ordinance as set forth in Title 13, Section 13.36 of the San José Municipal Code.

L3-8

L3-9

L3-10

The City expects the VTA to enter into a mutually-beneficial master cooperative agreement with the City that includes very specific and proactive construction impact outreach and mitigation plan measures. For example, the specific measures should include:

L3-11

- a traffic/transportation management plan that outlines the timing of street, trail and transit service closures and alternative routes for all travelers;
- a detailed outreach and impact mitigation approach that proactively addresses the needs of businesses, residents, employees, and other visitors, with clear, culturally competent and multilingual communication channels, processes and points of contacts;
- advance information about the processes for construction easements and/or damages, including for landlords and businesses that are concerned about leasing their properties in anticipation of the project; and
- truck haul routes that avoid further exacerbating construction impacts, an issue of particular importance under a twin-bore configuration where stations, cross-over tracks, and other underground facilities are built via cut-and-cover construction.

L3-12

L3-13

L3-14

The City expects the construction outreach and impact mitigation elements to be well-planned and coordinated far in advance of the start of construction, such that negative impacts, anticipated or not, can be responsibly, quickly, and thoroughly addressed. This will provide assurance and certainty for the City, community, and particularly the businesses, institutions, and residents most impacted by construction of this extensive project.

L3-15

**Agency Jurisdiction, Environmental Compliance and Implications for City**

The SEIS/SEIR fails to clearly identify and explain the roles and responsibilities of various other public agencies, including the City, who will be required to issue or approve various discretionary agreements, permits or licenses as part of the project. The City seeks certainty about which agency is intended to have jurisdiction for various aspects of the project, i.e. roles, responsibilities, and resource commitments. For example, VTA has established an Environmental Management System to ensure systematic accountability of mitigation measures. As part of this, VTA has developed an Environmental Impact Compliance and Reporting (EICR) matrix for the project to enable a complete tracking of all of the mitigation measures. This matrix documents the environmental

L3-16

L3-17



**BART PHASE II SEIS/SEIR COMMENTS**

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issue, mitigation measure, implementation timeframe, and responsibility and oversight. This compliance system includes the following key elements:

- Federal and state environmental mitigation measures, referred to as the Mitigation Monitoring and Reporting Program (MMRP);
- Design Requirements and Best Management Practices to avoid environmental impacts;
- Property Specific Requirements developed prior to right-of-way acquisition to minimize effects on property owners;
- Archaeological Sensitive Area (ASA) tracking; and
- Permit Compliance Monitoring, as jurisdictional agencies' permits are obtained.

L3-17,  
cont.

Unfortunately, the above-referenced documents do not clearly articulate the role and obligation of the City of San José as a responsible agency for the BART Extension project. The City expects VTA to work with the City to clarify the City's obligations and responsibilities for the BART Extension project. The City will be required to take discretionary actions for encroachment permits, temporary street closures, utility realignments, pavement repairs, and other related work within the City. Mitigation measure monitoring may be tracked by the City through its permit compliance system, through the VTA system discussed above, and/or through other agencies (i.e., the Santa Clara Valley Water District).

L3-18

A formal agreement articulating the responsibilities of the City and VTA with regard to mitigation monitoring and compliance with the environmental document will be required. The SEIS/SEIR should clarify the Master Cooperative Agreement between the City and the VTA will be the mechanism for specifying roles and responsibilities.

**Transit-Oriented Joint Development**

The City of San José appreciates that VTA is supporting local and regional land use planning by considering Transit-Oriented Joint Development (TOJD) to advance mutually supportive land use and transportation choices. Inclusion of the TOJD will make the most of the once-in-a-century investment that the BART extension represents. The City looks forward to working with VTA to ensure the design of the BART stations and other structures facilitate, rather than preclude, integrated, mixed-use TOJD options that maximize these TOJD opportunities consistent with City policy and requirements. A very collaborative effort will be required to develop site and project plans that include the appropriate mix of uses and intensity, particularly job density, build transit ridership, and provide great public spaces and community benefits.

L3-19

As noted in the specific comments that follow, the SEIS/SEIR does not adequately describe and articulate the TOJD at a level of detail for the SEIR to provide CEQA clearance by the City as the lead agency for land use entitlements. The Project Description in the SEIS/SEIR is insufficient under CEQA for environmental impact analysis needed for TOJD entitlements from the City. The City will need to determine what, if any, subsequent environmental analysis would be required when additional project details are available. Likewise, the City cannot make a formal determination of TOJD General Plan, specific plan, municipal code or policy conformance until more project specific details are available. General Plan conformance is based on the entirety of

L3-20



**BART PHASE II SEIS/SEIR COMMENTS**

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the General Plan goals and policies and not solely the Land Use/Transportation Diagram designation.

L3-20,  
cont.

**SPECIFIC DOCUMENT COMMENTS**

The City of San José has the following specific comments on the BART Silicon Valley Phase II Extension SEIS/SEIR. The comments are organized to coincide with the applicable document sections as much as possible, usually with a specific page number reference. As both an SEIS and SEIR, the document has some duplication of analytical content due to addressing the different requirements of NEPA and CEQA. For the sake of brevity, the City’s comments are not repeated when applicable to both a NEPA and CEQA discussion on the same topic or issue. However, the City’s intent is that comments would be applicable to both the NEPA and CEQA sections when applicable, unless otherwise noted. The City has tried to distinguish between those comments that are applicable only to the BART or TOJD projects.

L3-21

**SEIS/SEIR Executive Summary**

**p.ES-2** – This statement from the SEIR/SEIS, "*Because no federal action is involved, VTA's TOJD, which is consistent with city general plans...*" needs to be clarified. Which city and/or agency is being referred to? Please include an acknowledgement that the determination of general plan conformance or consistency is solely the jurisdiction of local jurisdictions, including the City of San José. Please also adjust the language to read that the VTA’s TOJD is "intended to be" consistent with the City’s General Plan.

**p.ES-9** – Please add “TOJD project specific design” to the list of non-BART issues to be resolved.

L3-22

**p.ES-12, Table ES-1 - “Parking”**, please clarify whether Diridon Station parking will be permanently removed with CEQA TOJD alternative, how much parking will be provided with the TOJD, and whether that parking amount and/or location is consistent with the DSAP. The SEIS/SEIR fails to adequately describe and disclose that the Diridon Station parking will be permanently removed upon construction of the TOJD. The SEIS/SEIR needs to be revised to clearly describe the number of parking spaces that will be temporarily and permanently removed because of TOJD, what environmental effects may result from such removal, and appropriate mitigations, all in accordance to CEQA.

L3-23

**p.ES-25, Table ES-3** – “Construction Transit – Heavy Rail (Diridon Station North)”: The SEIS/SEIR states that “the easternmost track at Diridon Station is reserved primarily for use by Caltrain and that the twin bore option would result in a temporary shift of Caltrain service onto other tracks, disrupting Caltrain and other rail line service.” First, this statement is incorrect. The easternmost track at Diridon Station is used by Union Pacific Railroad (UPRR) for freight trains and by Altamont Corridor Express. Second, closing this track and relocating this use to other tracks in the station may result in impacts to Caltrain and other station tenants, and impacts to future plans for expanded services, such as the Caltrain Electrification Project and the California High Speed Rail (HSR) project. Please revise the SEIS/SEIR to clarify accordingly.

L3-24



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**Chapter 2 Alternatives**

<p><b>p.2-6, Table 2-1</b> - Table should include the planned expansion of the Altamont Corridor Express into Diridon Station.</p>	L3-25
<p><b>p.2-9</b> – The SEIS/SEIR provides a list of planned and programmed roadway improvements through Year 2035. Clarify the agency responsible for each of the road and highway improvements listed.</p>	L3-26
<p><b>p.2-9-11</b>, Planned and Programmed Improvements through 2035 – Please clarify that these projects are included in the Regional Transportation Plan and/or are required by other projects or plans. With regard to the future TOJD, it should be noted that the City is in the process of updating the Downtown Strategy EIR, including a new project level transportation impact analysis for new development through the year 2025. The list of improvements may be adjusted accordingly such that a new project-level analysis would be required when specific TOJD is submitted to the City.</p>	L3-27
<p><b>p.2-13</b>, 2nd paragraph – The SEIS/SEIR discusses Traction Power Substations (TPSS). Are there opportunities to share TPSS and similar facilities with HSR, Caltrain, and other rail and transit operators? Please consider ways to place these and other back-of-house transportation facilities in consolidated, space-efficient, and unobtrusive places as part of the Diridon Facilities Master Plan project underway. Placing these underground and/or minimizing their overall footprint will provide the best passenger experience and maximize space for other uses, including development, high quality public spaces and other customer-facing transportation elements.</p>	L3-28
<p><b>p.2-14</b> - The SEIS/SEIR states that “this gateway would link the station with buses and Bus Rapid Transit (BRT) operating on Santa Clara Street and Alum Rock Avenue.” To be consistent with other BRT stations along BRT Route 522, would the Alum Rock/28th St BRT Station be improved under the BART Phase II project? Would the 24th St BRT Station (at Santa Clara Street) remain? The SEIS/SEIR is unclear on all these related issues and should be revised accordingly.</p>	L3-29
<p><b>p.2-21</b> - The City recently approved a mixed use project on Delmas Avenue and Santa Clara Street, which is currently a surface parking lot used as additional parking for events at the SAP Center (File No. PD15-061). The site is above one of the optional tunnel alignments between the proposed BART Downtown Station and BART Diridon Station. It appears that the only viable option is the Single-bore - North option in order to avoid potential design incompatibilities or complications. The North option will still need a careful construction impact plan to retain critical pedestrian and vehicular access and business access to the SAP Center. The SEIS/SEIR should be revised to analyze this issue.</p>	L3-30
<p><b>p.2-21</b>, Diridon Station – Parking in the vicinity of Diridon Station is a complex issue as discussed at the outset of this letter. The City has contractual obligations related to parking supply within the vicinity of SAP Center/Diridon Station. The BART project, through its removal of existing parking lots near the Diridon Station, which total approximately 605 parking spaces, will be directly impacting parking that supports nearby transit riders and business patrons at Diridon Station. BART/VTA is responsible for fully mitigating this impact by providing the</p>	L3-31



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number of parking spaces impacted during the construction of the BART project and after its construction. Air quality and traffic impacts caused from motorists searching for fewer parking spaces, parking demand in adjacent neighborhoods, and reduced driving and parking based on the greater relative convenience of transit, walking bicycling and ridesharing to the area are secondary impacts that must fully be analyzed and disclosed pursuant to NEPA/CEQA. In addition, the City needs clarification on the model used to determine parking demand from BART patrons at Diridon Station. The project also must provide parking to support parking demand from BART patrons.

L3-31,  
cont.

**p.2-27, Newhall Maintenance Facility** – The SEIS/SEIR describes all the functions and parking that would occur at this facility, but does not indicate the projected traffic generated by this facility. The facility includes various functions, but no estimation of traffic or LOS at the intersection of Coleman and Newhall. The SEIS/SEIR needs to be revised to adequately analyze traffic and LOS.

L3-32

**p.2-30, Santa Clara Station** – Please address the following comments during Access Planning on the Santa Clara Station. The SEIS/SEIR states that the proposed station would be accessed from existing Brokaw Road west of Coleman Avenue. Frequently, based on available traffic data from the City, Brokaw Road is completely congested with vehicular traffic from the adjacent Costco warehouse store. The project needs to include better access than what is suggested in the SEIS/SEIR. For example, the existing Costco could take access from a new traffic signal along the Coleman Avenue frontage and Costco traffic would no longer have access to Brokaw Road.

L3-33

The discussion should include clarification that a new public street was planned parallel to Coleman Avenue and the existing tracks that would connect Brokaw Road through the former FMC site to Coleman Avenue at Aviation Way and Earthquakes Way. This street alignment was agreed to during the land use entitlement stages for the Airport West/Earthquakes Soccer Stadium on the former FMC site (within San José on the border of San José and Santa Clara, south of the station). This new street, “Fields Court” was designed to accommodate buses per the direction of the VTA with the Station Area Plan. A section of the street located in City of Santa Clara would need to be implemented to make this connection.

**p.2.37, CEQA BART Extension with TOJD Alternative** – As currently described, the BART TOJD Alternative is not consistent with the Envision San José 2040 General Plan, particularly with regard to maximizing development potential. Please clarify that the City of San José will make a determination of General Plan conformance prior to the approval of any TOJD land use entitlements and the City will require additional information and analysis. The City understands that is the intent of VTA for the TOJD to conform to the City’s General Plan and applicable land use policies.

L3-34

**p.2-39, 2<sup>nd</sup> paragraph, last sentence** – The SEIS/SEIR states “...*the potential impacts of TOJD are fully analyzed under the CEQA BART Extension with TOJD Alternative.*” Please explain what is meant by “*fully analyzed.*”

L3-35

**p.2-40-41, Alum Rock/28<sup>th</sup> St. Station** – The actual proposed height of the above ground parking structure relative to the scale of the Five Wounds Church will require further consideration at the

L3-36



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time of a more detailed project design. The integrity and prominence of the Five Wounds Portuguese National Church should be protected as per the Five Wounds Urban Village Plan. VTA should consider options for the possibility of some parking underground and/or other ways to maintain the important view should be considered early in the design process. Generally, the City would like to work with VTA to increase commercial office and/or retail development intensity for the TOJD in consistent with the envisioned development near the adopted plans.

L3-36,  
cont.

**p.2-40, Table 2-3** – Please provide a summary table that pulls together the following for each TOJD site: the site area, current 2040 General Plan Land Use/Transportation Diagram designation(s), proposed land uses, proposed FAR, proposed net density, and parking ratios used. The SEIS/SEIR lacks this information to allow meaningful review and comment as project-level.

L3-37

**p.2-43, Santa Clara Street Alignment Under Coyote Creek** – It appears this alternative has been brought back into discussion with the Single-bore option and should be removed from the "Alternatives Considered and withdrawn" heading. Furthermore, while timing, funding and environmental issues are still under investigation, the City is exploring rebuilding the bridge across Coyote Creek at East Santa Clara Street. As such, City staff requests that VTA reconsider an alignment for the Twin Bore configuration that stays within the East Santa Clara Street right-of-way, even as it passes under Coyote Creek (similar to the Single Bore configuration under Coyote Creek studied), and work with the City to accomplish the bridge reconstruction project in a timely manner.

L3-38

**p.2-45, Table 2-4 Required Permits and Approvals:** under BART Extension Alternative, Agency – City of San José add under Permits and Approvals: Cooperative Agreements, Memorandum of Understanding, and CIMP. Under BART Extension with TOJD Alternative, Agency-City of San José, add under Permits and Approvals: General Plan conformance, Historic Preservation Permits, Public Improvement Permits and Subdivision Maps.

L3-39

**p.2-46, 1<sup>st</sup> paragraph** – The SEIS/SEIR states the TOJD is consistent with the land uses identified in the approved General Plan. It is more accurate to state the TOJD is intended to be consistent with the Envision San José 2040 General Plan, which includes much more than land use designations. The City will make a formal determination of conformance in conjunction with the consideration of land use entitlements when additional project information and details are available.

L3-40

**p.2-46, 2<sup>nd</sup> paragraph** – The first sentence of this paragraph states “*the intent of this document is to provide project-level CEQA clearance for all components of the BART Extension with TOJD Alternative.*” As the CEQA Lead Agency for TOJD land use entitlements, the City will make determinations regarding the appropriate environmental impact analysis in conjunction with the land use applications. A greater level of project specificity will be required at that time and the City will require subsequent environmental analysis as necessary. The SEIR as written is inadequate for the City’s purposes of providing project-level analysis or clearance for any discretionary approvals. It is also important to note the TOJD will be subject to the applicable City policies and regulations in effect at the time of formal application for land use entitlements.

L3-41



### Chapter 3 – Transportation Operations NEPA & CEQA

**General Comments** – Please include Level of Service (LOS) charts for all scenarios, including intersection LOS and freeway LOS quantify impact and mitigation much more clearly than text descriptions. Comparisons of project scenarios are much easier to comprehend. The proposed TOJD development is expected to require updated traffic impact analysis at the time specific projects are submitted to the City for review. Due to the projected timelines, the SEIS/SEIR should assume that subsequent environmental impact analysis will be necessary to provide CEQA clearance for the TOJD projects.

L3-42

**p.3-2** – Please include a discussion of SB 743 in the regulatory setting. Please also cite: 1) the Envision San José 2040 General Plan, particularly mode shift and VMT/GHG reduction goals and 2) Vision Zero (adopted 2015), in addition to the City of San José 2020 Bike Plan.

L3-43

**p.3-8** – Do the project alternatives cause a LOS impact at the intersection of 24<sup>th</sup> Street and Santa Clara Street? If so, the project may be required to pay a Protected Intersection Fee per added vehicle trip through the intersection that will be used towards construction of specific improvements within the project site vicinity or within the area affected by the project’s vehicular traffic impacts. The improvements are identified through City of San José coordination and community outreach. Please refer to Council Policy 5-3 for further detailed information.

L3-44

**p.3-21**, Express Bus Route – The SEIS/SEIR identifies the Alum Rock/28<sup>th</sup> Street Station as one served by the BTA Rapid Bust Route 522. As analyzed in the Addendum to the Santa Clara/Alum Rock BRT prepared by VTA, the Alum Rock (Santa Clara)/28<sup>th</sup> Street BRT Station was replaced by the Santa Clara/24<sup>th</sup> Street Station due to delays in constructing the Alum Rock BART Station. The addition of a BRT station at Santa Clara/28<sup>th</sup> Street would increase the overall travel time of the BRT project. Is the intent to add a BRT station at 28<sup>th</sup> Street/Alum Rock? If so, a discussion on increasing travel times along the BRT corridor should be discussed should the Santa Clara/24<sup>th</sup> Street Station remain in place.

L3-45

**p.3-24**, The EIR references the City of San José’s Bike Plan 2020. This document, by reference, includes the City’s planned 100-mile Interconnected Trail Network as defined by the City’s 2000 and 2009 Greenprint document. That network includes development of a future trail alignment along the Five Wounds corridor (formerly used as an active rail line). This anticipated future trail development supports better pedestrian and bicycle access to/from the 28<sup>th</sup> Street Station. This is contrary to the SEIS/SEIR statement that “*There are no Class I bikeways that serve the station area. The streets near the station site, Santa Clara Street/Alum Rock Avenue and McKee Road, are identified as “high caution” roads in VTA’s Bikeways Map (May 2016).*” The EIR should acknowledge the future development of the Class I Trail Network adjacent to the station and accommodate superior access to/from the station from the trail.

L3-46

**p.3-31**, Alum Rock/28<sup>th</sup> Street Station – The SEIS/SEIR states “*the City of San José plans to improve the pedestrian environment in this area through its ongoing efforts to promote greater usage of alternative modes of travel.*” Please discuss any specific improvements that will be required to make this a viable station location with adequate pedestrian connectivity and/or the

L3-47



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process that VTA and the City will undertake to determine these improvements. The City requests the VTA provide funding to support robust staff participation in these efforts.

L3-47,  
cont.

**p.3-37**, 2015 Existing Intersection Operations – The SEIS/SEIR should include the Existing Intersection LOS Tables that clearly illustrates the study intersection and defined baseline. The text explanation of baseline is difficult to follow and understand and is inadequate.

L3-48

**p.3-42**, Existing LOS Results for Freeway Segments – The SEIS/SEIR should include the Existing Freeway LOS in tabular chart form as shown in the traffic report. The baseline should be clearly illustrated in the SEIS/SEIR.

L3-49

**p.3-50**, Mode of Access at Stations, Table 3-16 – The SEIS/SEIR estimates that no vehicles or drop off would occur at the Downtown station. However, there are various public parking lots available that would serve transit users at this station. Furthermore, there are many drop off options that would serve the downtown station. Please clarify and/or strengthen the explanation of these assumptions.

L3-50

**p.3-56**, Intersection Level of Service Analysis – Provide tables or charts quantifying LOS conclusions as shown in the technical reports. It is very difficult to comprehend the qualitative conclusions relating to LOS and therefore, makes it difficult to provide meaningful review and comment.

L3-51

**p.3-59**, Freeway Segment Level of Service – Provide tables or charts quantifying LOS conclusions as shown in the technical reports. It is very difficult to comprehend the qualitative conclusions relating to freeway impacts.

L3-52

**p.3-62**, 2015 Existing Traffic Impact Analysis – Provide tables or charts quantifying LOS conclusions as shown in the technical reports. It is very difficult to comprehend the qualitative conclusions relating to freeway impacts.

L3-53

**p.3-77**, Interfere with Activities at Event Centers – The SAP Center impact analysis in the SEIS/SEIR does not address the loss of parking for the SAP Center’s operations and contractual obligations. Please articulate the mechanism(s) by which required parking spaces are maintained, replaced, or their loss mitigated. To simply say that there is parking in the Downtown without any data to support such conclusion is both not true and ignores the direct and indirect impact of parking loss. The majority of privately owned structured parking does not allow daily public parking as spaces are generally reserved for tenants of downtown businesses. Further, parking loss proximate to the SAP Center will result in increased parking and traffic in the abutting residential neighborhoods of St. Leo’s, Garden Alameda, and Shasta-Hanchett. The City currently has a Residential Permit Parking program in these areas to protect the neighborhoods from parking intrusion. The secondary environmental impacts of this condition should be fully analyzed in this SEIS/SEIR.

L3-54

**p.3-82**, Relevant Plan and Policies –The first sentence of the 3<sup>rd</sup> paragraph in the SEIS/SEIR is incorrect in that Council Policy 5-3 is misinterpreted. Projects in the Downtown do prepare a

L3-55



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transportation impact analysis, but no mitigation measures are required for traffic impacts within Downtown. Mitigation measures are required for project impacts to intersections outside of the Downtown when developments generated within the Downtown creates impacts to areas outside of the Downtown. Under the existing City policy framework, if the proposed TOJD conform to the General Plan and Diridon Area Station Plan, and other related policies, then the TOJD project-level impacts may be considered covered by either the DSAP or Downtown Strategy 2000 FEIRs. However, a final determination cannot be made until such time as a specific development proposal is on file providing additional details.

L3-55.  
cont.

**p.3-83**, 1<sup>st</sup> paragraph, last sentence – The SEIS/SEIR states that *“because the office and retail TOJD for Diridon Station would be consistent with the Diridon Station Area Plan (DSAP), the project would also be covered by the Final Environmental Impact Report (FEIR) for the DSAP”*. This statement is too broad and should be clarified to mean only the transportation impacts from a conforming amount of office and retail would be covered by the DSAP FEIR. It is possible that other environmental impacts may not be covered by the DSAP FEIR and until additional project level details are provided, the City is not in a position to make that determination.

L3-56

**p.3-88**, Coleman Avenue and Brokaw Road – In the background section of the SEIS/SEIR, there was a project included that widened Coleman Avenue to three (3) lanes in each direction. Did the LOS analysis include this background improvement? The proposed mitigation measure includes modifications to change protected left-turns to shared movements and a split phased intersection; 8-phased intersection operations are generally superior because turning movements and pedestrian crossings are better controlled.

L3-57

**pp.3-110-113**, TOJD Parking rates – The City of San José parking rates used to determine the number of parking spaces required by new development (in this case, TOJD) can be found in Chapter 20.90 of the Municipal Code (Zoning Ordinance). The amount of required parking is oversimplified in the analysis as the ratios can vary for specific types of uses and by the type of parking provided. The term “apartments” connotes a form of ownership and is not technically used in the parking code. This discussion should be revised to clarify the proposed parking rates for TOJD in San José are illustrative and a final determination for the amount of required parking will be made in conjunction with specific development proposals at the time of entitlements.

L3-58

**pp.3-74-75 and pp.3-106-107**, Airport specific comments – These two sections in the SEIS/SEIR are incorrect. Please correct these sections based on the following:

1. For proposed structures exceeding the Federal Aviation Regulations (FAR) Part 77 notification surface, compliance with the Federal Aviation Administration (FAA) review process and its resulting determinations should be identified as ensuring no impacts on aviation safety or air traffic patterns.
2. The Diridon Station site is not subject to “restrictive height limits of 263 feet”. The City of San José’s Diridon Station Area Plan includes a policy setting maximum building heights to the FAR Part 77 obstruction surface elevations, which for the station site itself is a level 212 feet above mean sea level, or approximately 115-120 feet above ground surface (depending on site-specific ground elevation). However, any proposed structure more than

L3-59

L3-60



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40 to 45 feet in height above ground surface would exceed the FAR Part 77 notification surface and therefore be subject to FAA review and approval.

L3-60.  
cont.

- 3. For the Santa Clara Station and Newhall Maintenance Yard sites, the Part 77 obstruction surface is also a level 212 feet above mean sea level (roughly equivalent to 150 feet above ground surface). However, any proposed structure more than 20 to 25 feet in height above ground surface would exceed the FAR Part 77 notification surface and therefore be subject to FAA review and approval.

L3-61

**Chapter 4 NEPA Alternatives Analysis of Operations**

Please refer to the equivalent CEQA section comments for the following NEPA sections:

**4.2 Air Quality**

**4.9 Greenhouse Gas Emissions**

**4.10 Hazards and Hazardous Materials**

**4.4 Community Facilities & Public Services**

**pp.4.4-4-5** – The City’s Bureau of Fire Prevention (BFP) requests the following be added as the last paragraph under Section .4.2.1 Environmental Setting, City of San José:

L3-62

The San José Fire Department is also responsible for providing technical reviews, construction inspections, and T19 (Public Safety) and California Fire Code enforcement to maintain public safety on special events and existing structures within City of San José.. Based on the BART Phase I experience, the staffs’ workload will be affected and strained by the complexity and duration of the BART Phase II Extension project. In order to satisfactorily meet the anticipated service demands of this project’s construction in a timely and efficient manner, the BFP would need dedicated staff. VTA should provide full funding for these positions to support the project.

**p.4.4-9** – Please correct the last paragraph as follows: “*The City of San José Department of Parks, Recreation, and Neighborhood Services (SJPRNS) operates 3,484 3,502 acres of regional and neighborhood/community serving parkland in San José. (LéVeque pers. Comm.)*”. [Please cite the most current information (Fast Facts) this was updated Fall 2017 that can be found at : <http://www.sanjoseca.gov/DocumentCenter/View/65881>] *SJPRNS manages 1970 neighborhood services parks, 9 regional parks, and over 57 miles of trails. As stated in the Envision San José 2040 General Plan, San José has a neighborhood parkland level of service (LOS) goal of 3.5 acres per 1,000 residents. Citywide, the LOS is estimated at 1.68 acres per 1,000 residents, less than half of the LOS goal.*” Please cite the source for this information.

L3-63

**4.5 Cultural Resources**

- **Vibration Mitigation:** Please add to Mitigation Measure NV-CNST-P: Prior to construction the historic buildings on the list, on Tables 4.5-1 through 4.5.3, shall be surveyed for existing cracks to establish the baseline conditions (survey shall include written description

L3-64

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and photos of interior and exterior cracks). The survey shall be submitted to the City of San José’s Environmental Supervisor before construction. A post-construction survey shall be prepared analyzing each building’s condition and compared to the pre-construction survey, and submitted to the Environmental Supervisor. VTA shall repair any new and expanded building cracks or other damage after all construction is completed.

L3-64,  
cont.

- **Geologic Mitigation:** Please add to Geologic Mitigation Measure GEO-CNST-B. Recommend that the terminology “select structures” be defined as those structures listed in Tables 4.5-1 through 4.5-3. Add the following language to the above mitigation measure: Pre-construction building condition surveys of interior and exterior walls and floors of “selected structures” within the settlement trough, along the tunnel alignment shall be prepared to establish baseline building conditions. The pre-construction surveys shall be submitted to the City’s Planning Environmental Supervisor. The pre-construction building condition surveys and post construction building condition surveys shall be compared, and submitted to the City of San José’s Environmental Supervisor. Any new or expanded cracks or other negative effects to the condition of the buildings shall be repaired by VTA.

L3-65

**p.4.5-18, New BART Stations** – The new BART stations should address adjacency to the historic structures along the BART line. New stations and associated accessory structures should be compatible with adjacent historic buildings, and should activate the pedestrian environment with quality of design and materials. Diridon Station: The new BART station should be integrated into the existing platforms and pedestrian areas at Diridon Station as much as possible to better protect the existing views of the historic station from Santa Clara Street.

L3-66

**Tables 4.5-1 through 4.5-3** and Table 4, 6.1.1-6.1.13 in the Appendix do not accurately reflect listings on the City’s Historic Resources Inventory noted below, and should be revised accordingly:

1. 101-109 East Santa Clara –Eligible National Register
2. 130-134 East Santa Clara – National Register
3. 16 and 18 East Santa Clara St.–Structure of Merit
4. 91 E. Santa Clara–Eligible California Register
5. 32 E. Santa Clara–National Register
6. 37 Fountain Alley–National Register
7. 30-32 S. First St.–National Register
8. 20 West Santa Clara –Structure of Merit
9. 64-66 West Santa Clara–(Bank of Italy) Structure of Merit
10. 141 West Santa Clara–Structure of Merit
11. 44 So. Almaden Ave.—Structure of Merit
12. 735 The Alameda–Structure of Merit
13. 764-765 The Alameda–Structure of Merit
14. 807 The Alameda–Contributing Structure

L3-67

In addition, the Station College Park located at 780 Stockton Avenue was evaluated in 2003 by JPR and the evaluation should be re-evaluated to acknowledge its association with Jack London,

L3-68



since he mentioned the Station in his book, Call of The Wild, and it was also mentioned in Jack Kerouac's writings. This property should be added to Table 4.5-2 if re-evaluation is not done.

L3-68,  
cont.

865 The Alameda was evaluated in 2002 and the evaluation found the building ineligible for the California Register and the National Register. However, the building has recently been fully restored and should be re-evaluated to acknowledge the building's history as the former Col and & Cerruti Packard Motor Cars Sales and Service Dealership, designed by Wolfe and Higgins. This property should also be added to Table 4.5.1-4.5-3 accordingly. If re-evaluation is not done this building should be added to Table 4.5.2.

L3-69

#### **4.12 Noise and Vibration**

**p.4.12-28**, Mitigation Measure NV-A – The mitigation measure requires noise reduction treatments to be implemented and provides some options that can be utilized. However, the mitigation measure does not provide language to ensure compliance for how treatments would be chosen, implemented, monitored and enforced. Therefore, the proposed mitigations are inadequate under NEPA/CEQA and needs to be revised accordingly.

L3-70

#### **4.13 Security and System Safety**

(see also San José Police and Fire Department comments under NEPA/CEQA) The security study will need to include and address the Homeland Security criteria and related issues.

L3-71

**p.4.13-3-4**, Regulatory Setting – The SEIS/SEIR states that the BART extension project would be required to comply with federal codes, state codes, and local codes, as listed.. This list should be revised as follows:

- (a) Delete second bullet (National Fire Protection Association (NFPA 101 Life Safety Code)
- (b) Add current California Fire Code and California Building Code
- (c) Include NFPA Standards, such as NFPA 130, 13, 14, 20, 72 with local amendments.
- (d) Adopted Ordinances as applicable.

L3-72

**General comments** - The City assumes the BART design and construction process for Phase II will be conducted similar to Phase I. Please provide explanation of the process for how Phase II will be designed and constructed, e.g., design-build, design bid-build or construction manager/general contractor, etc. Since Phase II will be constructed in a more intensely developed urban environment, the City is seeking certainty with regard to which agencies are expected to have jurisdiction for the BART project. The City's Building Division has the following comments and questions related to public safety for BART design and construction.

L3-73

1. The California Building Code assumes the public way is clear and unobstructed and free of any hazards. How will the proposed structures in the public way, such as ventilation structures, elevators, and any enclosed stairs/escalators, mitigate the increased risk to the existing buildings? How close to the buildings will these new structures be located? Will fire-rated construction and protection of openings be provided? These issues are all inadequately addressed in the SEIS/SEIR.

L3-74



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2. The station plans suggest some elevators are optional. Other locations do not show them. All entrances must be accessible to the disabled. It is not acceptable to go to another entrance or even across the street. Note that CBC 11B-206.2.3.2 which allows a 200' travel distance is intended for private development subject to the American with Disabilities Act, title III. The requirements of Title II for public projects are more restrictive. Additionally, with federal funding, the ABA may apply, which also has stricter scoping. L3-75
3. Per NFPA 5.2.3.2, fire-rated separation is required between the public areas of the transit system from non-public areas. Where station access is provided within existing buildings, what is the impact to those buildings to create this separation? The structural remodel and fire safety improvements will trigger disabled access upgrades to the existing buildings. Again, these issues are not addressed in the SEIS/SEIR. L3-76
4. Identify where the City of San José Building Division will have jurisdictional authority. L3-77
5. It appears the Downtown San José station, east and west options under the Twin Bore alternative, will be built by excavating from the surface of the street. How will this affect existing businesses along the construction corridor from the perspective of the Building Codes? How close to the buildings is the excavation? Will the buildings be vacated during construction? If not, all buildings must maintain safe and effective exiting, be provided an accessible path of travel, and have access from fire department apparatus. See CBC Chap. 33 for safeguards during construction. The SEIS/SEIR needs to be revised to clearly explain these issues. L3-78

### 4.14 Socioeconomics

**p.4.14-7** - Since the study area contains a high percentage of low-income individuals, indirect displacement is a big concern (i.e. rents increasing significantly once the rail connection is complete). Also, since this project contemplates TOJD, it seems that the SEIS/SEIR should factor in the importance of fulfilling the City and VTA's goals of providing at least 25% affordable housing in station areas and urban village areas. While job density is particularly influential on ridership,<sup>1</sup> studies have shown that affordable housing generates higher transit ridership than market rate housing, which in turn leads to higher GHG reduction. Perhaps this linkage can be acknowledged somewhere in the SEIS/SEIR. L3-79

**Table 14.9** summarizing relevant General Plan policies should also include the following:

- **Goal H-2 Affordable Housing:** Preserve and improve San José's existing affordable housing stock and increase its supply such that 15% or more of the new housing stock developed is affordable to low, very low and extremely low income households. Nothing in this language is intended, directly or indirectly, to impose any requirement on any individual housing project L3-80

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<sup>1</sup> Transportation Research Board's [Making Effective Fixed-Guideway Transit Investments: Indicators of Success](#) (2014).



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to include an amount or percentage of affordable units. Nothing in this language is intended to, directly or indirectly, result in a finding or determination that an individual housing project is inconsistent with the General Plan, if it does not contain any affordable housing units.

L3-80,  
cont.

▪ **IP-5.1. Affordable Housing:** Establish an Urban Village wide goal that, with full build out of the planned housing capacity of the given Village, 25% or more of the units built would be deed restricted affordable housing, with 15% of the units targeting households with income below 30% of Area Median Income. This is a goal, not a requirement to be imposed on individual projects.

L3-81

▪ **H-2.2** Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the *Envision General Plan*.

L3-82

**p.4.14-11**, Displacements and Acquisitions - There is no reference made in the SEIS/SEIR to the fact several business basements along Santa Clara Street protrude into the right of way (mostly sidewalk area) and may need to be acquired by VTA for the project. The analysis should confirm if they have access within the sidewalk area and if the access is used for loading and unloading supplies/inventory, or perhaps are utility access points. Please verify whether or not there are any conflicts with the alignment and/or construction activities.

L3-83

Please confirm if any jobs in this area may be lost. This section seems to imply that more jobs will be created as a result of this project, but the discussion is very generalized without any supporting data or information. Please specify and explain which alternative provides the most job growth in Urban Villages areas. Please include an explanation regarding impact to property values.

L3-84

**4.17 Water Resources, Water Quality, and Floodplains**

**p.4.17-4**, Flooding – The SEIS/SEIR states “Zone AE is within the 100-year floodplain zone and represents areas with a 1 percent chance of flooding.” Please add (Base Flood Elevations determined) to the end of that sentence. The SEIS/SEIR states “Zone AH is within the 100-year floodplain zone and represents areas with a 1 percent annual chance of shallow flooding, with specified flood depths of 1 to 3 feet.” The sentence should be changed as follows: “Zone AH is within the 100-year floodplain zone and represents areas with a 1 percent annual chance of shallow flooding, with specified flood depths of 1 to 3 feet usually in areas of ponding (Base Flood Elevations determined).”

L3-85

**p.4.17-15**, Under “San Francisco Bay Municipal Regional Permit” First Paragraph, First Sentence - Replace “*This permit ensures attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters and associated habitat and applies to City-owned areas that may be impacted by the BART Extension*” with the following: The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates City-owned areas that may be impacted by the BART Extension use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. This permit ensures attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters and associated habitat.

L3-86



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**p.4.17-23**, Station Options (first full paragraph) - Alum Rock<sup>2</sup>8th Street Station is incorrectly included in the list of station options that will not extend into the floodplain.

L3-87

**4.18 Environmental Justice**

The SEIS/SEIR fails to provide mitigation measures to avoid gentrification that should be considered in the benefits that would be brought to Environmental Justice population areas. How would the implementation of BART influence these existing Environmental Justice population areas? Are there any measures in place that protect these areas?

L3-88

**p.4.18-19**, Noise and Vibration - Please clarify the distance or geographic proximity necessary for there to be adverse impacts from noise either above ground or at vents.

L3-89

**Chapter 5 NEPA Alternatives**

**General Comment** - For Section 5-1, Please note that under Title 13, Section 13.36 of the City of San José Municipal Code, the BART Extension Alternative will require a comprehensive Construction Impact Mitigation Plan (CIMP) that requires City Council approval prior to the issuance of any encroachment permits by the Department of Public Works. The purpose of the CIMP is to guide the construction strategy, provide a comprehensive outreach and communications plan, and to set measures to help alleviate foreseeable construction impacts. The City expects the components and process for an effective CIMP will be included as part of the Master Cooperative Agreement between the City and VTA/BART.

L3-90

**Master Cooperative Agreement** - The City expects the Santa Clara Valley Transportation Authority to enter into a Master Agreement with the City of San José for the BART Phase II Extension project for the following purposes:

1. Consult and cooperate on the planning, environmental review, preliminary engineering, final design, and construction within the City right-of-way.
2. Define respective rights and obligations.
3. Ensure cooperation and provide a framework for on-going interaction.
4. Provide general commitments for City infrastructure modified and/or relocated by the project, including but not limited to:
  - a. Procedures for finalizing any necessary design per City Standards & Specifications
  - b. Approval of construction documents
  - c. Construction Impact Mitigation Plans & Construction Education and Outreach
  - d. Construction management and inspection
  - e. Operation and maintenance
5. Outline Funding obligations
6. Define schedules

L3-91

**p.5-3**, Design Review Committees – The SEIS/SEIR states “*Design Review Committees will be established with the cities to complete [station design] process.*” The City requests an opportunity for early participation in the Design Review Committees. The San José Police and Fire Departments, and others, have expertise and experience that would provide invaluable input during

L3-92



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the design of the BART stations and other facilities. The City's Crime Prevention Unit and Fire Prevention Bureau should be engaged in design review as early as possible in the process for maximum benefit.

L3-92,  
cont.

**p.5-4, Utilities Relocation** - Would any new electrical distribution systems need to be constructed as part of the project? Any utility relocation in San José will require utilities to be upgraded to current City standards. The SEIS/SEIR does not clearly explain the utilities within the City's jurisdiction that will need to be relocated as part of the project.

L3-93

**p.5-4, Demolition** – Please provide more detail in this section, particularly what kinds of materials are likely, what happens to the materials, are the number of demolition related truck trips included, etc. The construction impact analysis (page 5-58, Section 5.5) does not seem to include references to demolition when appropriate. The construction impact mitigation measures should explicitly state when they are applicable to demolition as well as construction.

L3-94

**p.5-15, Construction Staging Areas (CSAs)** - Will the CSAs, particularly along Santa Clara Street, extend from face of curb to face of curb, or face of building to face of building? Note that there are several basements that protrude into the public ROW. It is important to preserve pedestrian, bicycle and vehicular access. Please indicate the acknowledgement of this as a priority.

L3-95

**p.5-16, Truck Haul Routes** - Truck Haul Routes are subject to the review and approval of the City's Department of Transportation. The discussion should include the anticipated duration of each truck haul route. Given the lengthy demolition and construction schedule some routes may have related truck traffic for months or years. The final selection of truck haul routes should include stakeholder input to accommodate the needs of effected businesses, institutions, residents and others as much as possible.

L3-96

**p.5-58-61, Construction Outreach and Management Plan** – As previously discussed above, the project should comply with the intent of the City's Municipal Code that requires the development of a construction impact mitigation plan (CIMP) for which the BART Extension Phase II project qualifies. For reference, the entirety of the City's CIMP Ordinance is cited below. The mitigation plan should include a highly developed and well-staffed claims process. The process should be explained in the multiple languages and should focus on the quick resolutions of issues.

L3-97

**Section 5.5.1** should be reviewed for conformance with the requirements of the CIMP. Attention is directed to City of San José Municipal Code Section 13.36.210 - Construction Impact Mitigation Plan Requirement, that states "*A. Except as provided in subsection B. below, any person required to obtain a permit from the Director of Public Works pursuant to Section 13.36.010 of this chapter, for a major construction project as defined in Section 13.36.240 of this chapter, shall be required as a condition to the permit to submit to the Director of Public Works, for approval by the City Council, a Construction Impact Mitigation Plan. The Public Works Director shall not approve any encroachment permit for a major construction project until the City Council has approved the Plan for that project. B. Notwithstanding subsection A. above, if any person commences a major construction project pursuant to a cooperation agreement with the City, the terms of which require a Construction Impact Mitigation Plan, the terms of such cooperation agreement shall control*

L3-98



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*over the terms of this part."*

L3-98,  
cont.

**p.5-59**, Mitigation Measure TRA-CNST-A (Develop and Implement a Construction Education and Outreach Plan) - The Construction Education and Outreach Plan should also require highly visible and accessible field offices for the community to meet with project staff, multi-lingual claims forms and expedited processing and more aggressive and targeted measures to maintain the accessibility and visibility of businesses. VTA's outreach team should be seasoned professionals with a comprehensive knowledge of developing, implementing and maintaining effective outreach methods. Consider having a senior full-time representative from the contractor be included in the outreach team.

L3-99

**p.5-59**, Mitigation Measure TRA-CNST-B Develop and Implement a Construction Traffic Management Plan - It would be best to have the mitigation developed by both the VTA and the contractor with input by other stakeholders.

L3-100

**p.5-60**, TRA-CNST-C – The analysis should include quantification and analysis for a determination if a potentially significant construction impact for construction worker parking. At a minimum, the City's CIMP and further project commitment that no public parking will be used for construction workers should be acknowledged. The City will require a construction worker parking plan be mandated by all contractors and that transportation demand management (TDM) elements, such as Clipper cards and passes, be part of all worker TDM programs.

L3-101

**p.5-60** 2nd bullet – The SEIS/SEIR states that a “*bus bridge service will be provided during the temporary closure of light rail service for the Downtown San José Station West Option*”. What is the estimated duration that a bus bridge would need to be in effect? Please include a discussion addressing;

L3-102

1) where VTA is considering the location of the proposed termini in the Downtown area during the temporary closures of the light rail system, e.g., Convention Center (south) and Ayer/Japantown Stations (north),

L3-103

2) if any new track (cross-overs, sidings, etc.) need to be constructed to accommodate light rail operations during the temporary closure,

L3-104

3) as light rail vehicles operating on the southern segment during the temporary closure would not be able to return to the Younger Yard for storage, service and maintenance, the location under consideration where they would be stored, serviced and maintained, type of activities and effect on surrounding land uses, if any.

L3-105

4) Also, please discuss where buses would stage at the temporary Downtown terminal stations and how many buses would need to be accommodated at a particular location.

L3-106

**p.5-60** 5th bullet SAP Center events – The SEIS/SEIR states that VTA will work with agency staff and the SAP Center to develop an access and circulation plan during construction. Note that there are several recurring events in the Downtown San José area, including Christmas in the Park, parades, marathons, etc., that should also be considered in developing the CIMP.

L3-107



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- p.5-63, Vehicular Traffic:** 2nd paragraph, 2<sup>nd</sup> sentence – The SEIS/SEIR states “At the Alum Rock/28<sup>th</sup> Street Station, trucks would exit at the interchange of McKee Road/East Julian Street/U.S. 101, travel west on Santa Clara Street, and then south on 28<sup>th</sup> Street.” This sentence should be changed to " At the Alum Rock/28<sup>th</sup> Street Station, trucks would exit at the interchange of McKee Road/East Julian Street/U.S. 101, travel west on Julian Street ~~Santa Clara Street~~, and then south on 28<sup>th</sup> Street. | L3-108
- p.5-66, Pedestrian and Bicyclists** - If sidewalks are closed for construction of the Downtown Station for months at a time, how will access to businesses be mitigated? Mitigation Measures TRA-CNST-A & B do not address this condition. This comment also applies to Section 5.5.2.6 (West Option) (page 5-69). The SEIS/SEIR needs to be revised accordingly. | L3-109
- p.5-72, Diridon Station (South and North Options)** - The construction impacts do not fully represent the potential impacts on the bus and rail operations, as Diridon Station is not solely a destination terminal, trips also begin there. Some of the people who currently begin trips at Diridon Station rely on park and ride facilities. If roughly 600 parking spaces are removed and not proximately relocated during the construction period, those riders will have to access the Station via another mode (e.g., by bus, bicycle, or walking), make their entire trip another way, or begin their trip at another location where they can continue to park and ride. | L3-110
- p.5-73, Second paragraph** discusses relocation of the rerouting of bus service and relocation of bus stops - Where would the stops be relocated to and are there any impacts associated with the relocated bus stops (e.g., traffic, bicyclists, or other access concerns)? The SEIS/SEIR fails to adequately describe the details of such proposal to allow for meaningful review. | L3-111
- p.5-74, First full sentence** discusses the need to take Main Track 1, or the easternmost track, out of service at Diridon Station for the Twin-bore option - Note that this track serves UPRR freight and Altamont Corridor Express regional rail commuter service. Relocating the use of Main Track 1 may impact freight and transit services at Diridon Station, as well as Caltrain's South Station improvements and electrification projects. Please verify the coordination of Main Track 1 relocation with Caltrain's project, as well as HSR. | L3-112
- p.5-74, Pedestrian and Bicyclists** - First paragraph states Autumn Street would be closed south of Santa Clara Street, and pedestrians and bikes would be detoured to Montgomery and Cahill. It goes on to state that Montgomery Street would be closed south of The Alameda. These statements seem to conflict with each other. How would people get from SAP Center to Diridon Station? Please ensure that closures do not occur at the same time or that at least one access route is provided at all times. Also, verify that closures do not coincide with adjacent road closures by others. | L3-113
- p.5-116, Table 5-5, Allowable Construction Timeframes** - Allowable Working Hours within the City of San José public rights-of-way will be subject to review and approval by the Directors of Public Works and Transportation as part of the City of San José Encroachment Permit. Work hours differ depending on work near intersections, major vs. minor streets, Downtown special work hours, City events, etc. | L3-114

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- p.5-124**, Noise and Vibration Mitigation Measurements – The SEIS/SEIR should be revised to require VTA contractors to perform pre-construction surveys of buildings and infrastructure as a benchmark for construction monitoring purposes. | L3-115
- p.5-130**, Socioeconomics - The closure of roads, sidewalks and bike lanes for extended durations has a very high potential to impact neighboring businesses. The SEIS/SEIR needs to provide greater detail and commitment regarding how these impacts will be mitigated to provide assurance regarding the long-term viability of these businesses. | L3-116
- p.5-137**, Impacts on Utilities and Service Systems - The potential impacts to the sanitary sewer system are not clearly identified in the SEIS/SEIR. VTA should coordinate discharge quantities and timeframes into the sanitary system with the Water Pollution Control Plant | L3-117
- p.5-138**, Water Demand – Recycled or non-potable water should be used for construction purposes, such as dust control, to the maximum extent possible. | L3-118
- p.5-139**, Tree Removals - Removal of any street trees are subject to a public notification period and the review/approval of the City Arborist. | L3-119
- p.5-141**, Floodplains - Alum Rock<sup>/28th</sup> Street Station is located in flood zone AH. There will be floodplain construction requirements at this location that will be based on the final design and determined in conjunction with the issuance of Encroachment Permits. | L3-120
- p.5-142** - Temporary construction enclosures located in the base floodplains (North Diridon option and Alum Rock/28<sup>th</sup> Street Station) will be required to meet the current floodplain requirements. | L3-121
- Chapter 6 CEQA Alternatives Analysis**
- 6.2 Transportation** (see also additional related comments for Chapter 3 above)
- p. 6.2-4 CNST-TRA-3 & p. 6.2-7 CNST-TRA-3**, Airport Specific Comments - See applicable comments for Section 3.5 above for guidance on needed revisions. With regard to construction impacts, it should be added that temporary construction equipment, such as cranes, are also subject to federal regulatory review under FAR Part 77. | L3-122
- p.6.2-6**, CNST-TRA-7 - Note that there are several events that currently use the future Downtown Santa Clara Street BART alignment corridor, such as various holiday parades and events, such as Turkey Trot, etc. These event operators also need to be coordinated with. | L3-123
- p.6.2-6**, Impact BART Extension CNST-TRA-7, SAP events –The SEIS/SEIR states: “The SAP Center holds a substantial number of events throughout the year, primarily on weekends.” The phrase, “primarily on weekends” should be deleted. | L3-124



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**6.3 Air Quality**

**p.6.3-6**, Regulatory Setting, Local, City of San José General Plan - Please include the following 2040 General Plan policies to address TOJD at Alum Rock and Diridon stations, and air quality impacts on sensitive receptors during the construction period, respectively:

**Toxic Air Contaminants MS-11-1:** require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants [TACs] to avoid significant risks to health and safety.

L3-125

**Toxic Air Contaminants MS-11-4:** Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

L3-126

**p.6.3-30**, Impact BART Extension + TOJD AQ-4, Operation, Toxic Air Contaminants - Correct the final sentence of the paragraph as follows:” *...the BART Extension with TOJD Alternative would ~~not~~ result in a less-than-significant impact related to operations....*”.

L3-127

**6.4 Biological Resources**

Global comment on biological mitigation measures - The mitigation measures are enumerated and complete. However, the scheduling of surveys, avoidance of nesting seasons, and active and inactive breeding periods are very likely to drive the construction schedule. These issues are not addressed in the SEIS/SIER.

L3-128

**6.5 Community Facilities & Public Services**

**p.6.5-3**, Please add under Section 6.5.2.2: The City of San José City Charter Section 1700 – 1705 describes the regulatory basis for City parkland. Any alienation of City parkland must comply with City Charter Sections 1700-1705 and applicable City ordinances and policies. Please revise the paragraph under **City of San José Municipal Code Chapters 19.38 and 14.25** as follows: *“The purpose of San José Municipal Code Chapter 19.38 (Parkland Dedication Ordinance) and Chapter 14.25 (Park Impact Ordinance) is to mitigate the impacts of new housing development growth by providing parkland to serve the new residents. Per the requirements of the Parkland Dedication Ordinance and the Park Impact Ordinance, new residential development must provide 3 acres of parklands per 1,000 new residents added as a result of the project. Residential projects can comply with this obligation by dedicating land for public parks, paying an in-lieu fee, constructing new park facilities, providing improvements to existing recreational facilities, or by providing a negotiated agreement for a combination of these options.”*

L3-129



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San José Police Department - As previously noted, the Police Department has Crime Prevention specialists who can provide valuable thoughts and insights for consideration during the BART facilities design, as well as the TOJD projects.

L3-130

**p.6.5-6**, - Please add the following text as a new Second paragraph under Fire Protection: The project will ensure that fire fighter’s equipment, including but not limited to, fire fighter air breathing system and emergency communication system are adequately provided. Fire Protection System to conform with design options from single bore to double bore. Fire access and fire protection equipment, such as fire hydrants and fire department connections, must be maintained clear during construction.

L3-131

**p.6.5-10**, Please add the following under CS-2, second paragraph - Any residential portion of the joint development projects would be subject to either the requirements of the City’s Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code) in effect at the time of land use entitlements. The joint development would be required to dedicate land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes, or a negotiated combination of these. An executed Parkland Agreement that outlines how a project will comply with the PIO/PDO is required prior to the issuance of a Parcel Map or a Final Subdivision Map. Payment of Park Impact in-lieu fees is required prior to the issuance of a Building Permit.

L3-132

**6.6 Cultural Resources**

**p.6.6-8** and **p.6.6-11** - Please add the following construction mitigation measures to Sections 6.6.5.2 CUL-1 and 6.6.5.3 CUL-1:

- Vibration: Add to Mitigation NST-P: Prior to any construction, the historic buildings on the list on Table 4.5-1 and 4.5-2 shall be surveyed for existing cracks to establish the baseline condition (survey shall include written description and photos of cracks), and the survey shall be submitted to the City of San José’s Environmental Review Team Supervisor prior to and after construction. VTA, at its sole cost and expense, shall repair any new and expanded building cracks after all construction is completed. A statement of final repairs shall be submitted to the Environmental Review Team Supervisor after the final repairs are completed for review and approval.
  
- Geologic: Add to Mitigation Measure GEO-CNST-B. Recommend that the terminology "select structures" be defined as those structures listed in Tables 4.5-1 and 4.5-2. Add the following language to the above mitigation measure: Pre-construction building condition surveys of interior and exterior "select structures" within the settlement trough along the tunnel alignment shall be prepared prior to any construction to establish baseline building condition, and shall be submitted to the City’s Environmental Supervisor. The results of the pre-construction building condition surveys and post building condition surveys shall be compared after construction and any resulting negative effects to the condition of the

L3-133

L3-134



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buildings attributed to geologic settlement shall be repaired by VTA, at its sole cost and expense. A statement of final repairs shall be submitted to the Environmental Review Team Supervisor after final repairs are completed for review and approval.

L3-134  
cont.

**6.7 Energy**

**p. 6.7-6**, BART Extension Alternative, Operations - Please clarify that in paragraph 3, second sentence, "campus" refers to the stations and the maintenance facility.

L3-135

**6.8 Geology, Soils and Seismic** - No comment

L3-136

**6.9 Greenhouse Gas Emissions and Climate Change**

**p. 6.9-6**, Regulatory Setting, Local, City of San José, first paragraph - Add the following General Plan Policy:

**TR1.8:** Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

L3-137

**6.10 Hazards and Hazardous Materials** (Also applicable to Section 4.10)

The City acknowledges it is an enormous effort to research and identify every potential source of soil and/or groundwater contamination released within the proximity of the BART tunnels. However, the City requests being provided with a copy of the final mitigation plan as approved by the regulatory agencies to deal with contamination as encountered in order to ensure adequate regulatory oversight. With this assurance, the City has no further requirements. The project includes a soil management plan ("Containment Management Plan; CMP") and a groundwater treatment strategy for encountering contaminated soil and/or groundwater with site-specific remedial action plans (RAPs) with the Regional Water Quality Control Board (RWQCB) providing regulatory oversight.

L3-138

Airport Specific Comments

As also discussed above in the comments for Chapter 3, the SEIS/SEIR contains inaccurate information and data on federal and local regulations and policies governing structure heights near San José International Airport. Although the text in Section 6.10.2.2 under "Airport Land-Use Compatibility" (p. 6.10-5) is essentially correct in describing height-related regulations/policies, the analyses and technical information presented in other sections of the SEIS/SEIR are not. The following clarifications are required:

L3-139

Regarding Federal Aviation Regulations (FAR)/Part 77, any proposed structure of a height that would exceed the defined "notification surface" for San José International Airport (i.e., a 100:1 slope radiating out from any point of the Airport's runways to a horizontal distance of 20,000 feet) is required to be filed with the Federal Aviation Administration (FAA) for airspace review. FAR

L3-140



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Part 77 also defines “obstruction surfaces” which are considered by the FAA in its airspace reviews of proposed structures, but are not necessarily absolute restrictions.

L3-140  
cont.

Each proposed structure is reviewed by the FAA on a case-by-case basis. In some cases, the FAA may determine that a structure can exceed an obstruction surface without creating an adverse impact on aviation safety (typically subject to certain mitigating actions, such as installing prescribed roof-top warning lights). Conversely, the FAA may determine that a structure that is below an obstruction surface would create an adverse impact on aviation safety due to other airspace considerations. Therefore, for proposed structures required to be reviewed by the FAA under FAR Part 77, only issuance of FAA “determinations of no hazard”, and compliance with any conditions set forth in an FAA no-hazard determination, would ensure that no adverse impact on air safety or air traffic patterns would occur. This should be clarified in the SEIS/SEIR.

L3-141

Based on the height information presented in the description of project alternatives (Sections 2.2.2.1 and 2.3.3.1 of the SEIS/SEIR), the following proposed structures would require FAA airspace review and be subject to FAA issuance of “determinations of no hazard” to ensure no significant aviation impact and the SEIS/SEIR should be revised accordingly:

- 115-kV line poles near West Portal
- Newhall Maintenance Yard’s TCCR, radio tower, and yard control tower
- Santa Clara Station parking garage
- ventilation structure near Taylor/Stockton (depending on exact site)
- certain TOJD structures at Diridon Station and Santa Clara Station
- construction equipment (e.g. cranes) (depending on exact site)

L3-142

**p.6-10-15** - Regarding the Santa Clara County Airport Land Use Commission (ALUC) Comprehensive Land Use Plan (CLUP) for San José International Airport, only a portion of the proposed project is located within the CLUP-defined “Airport Influence Area.” This portion is the segment generally along Santa Clara Street between First Street and Stockton Street, and the segment between the Santa Clara/Stockton street intersection and the project terminus north of Santa Clara Station. Diridon Station and the portion of the project east of First Street are outside the ALUC’s Airport Influence Area. While the FAR Part 77 surfaces may have been one factor used by the ALUC to define its Airport Influence Area, the requirement for FAA review of proposed structures that exceed the Part 77 notification surface (as explained above) applies whether or not the proposed structure is located within a CLUP Airport Influence Area. This needs to be clarified in the SEIS/SEIR.

L3-14  
3

For proposed development within the CLUP Airport Influence Area, the policies contained in the CLUP include compliance with FAR Part 77 and setting maximum height limits at the FAR Part 77 obstruction surfaces, unless an FAA no-hazard determination is issued for a higher maximum height. The depiction of the Part 77 obstruction surfaces in the CLUP is not entirely accurate and should not be relied upon to identify an applicable Part 77 obstruction surface elevation. The Part 77 obstruction surfaces are officially displayed on an FAA-approved “Airport Airspace Drawing” maintained by the City of San José Airport Department. Further, the local general plans of the cities of San José and Santa Clara also include policies regarding (where applicable) compliance with FAR Part 77, as well as CLUP policies.

L3-144



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Separate from building height issues addressed above, the SEIS/SEIR also contains an erroneous finding of a significant aircraft noise impact at the TOJD sites (see specific comment on Section 6.12.5.3 below).

L3-145

**p. 6.10-2** - The text under “Nearby Airports” after the third sentence is largely incorrect. See previous comments for guidance on needed revisions.

**p. 6.10-15 and p. 6.10-19** - The text under the “HAZ-5” headings is not fully correct. See previous comments for guidance on needed revisions.

L3-146

**6.11 Land Use**

**General Comment** - The City of San José understands that VTA intends for the TOJD to conform to the City’s 2040 General Plan and other applicable plans and policies. However, it is solely within the discretion of the City, based on its land use jurisdiction, to make a formal and final determination of TOJD conformance with the General Plan. The determination will be made based on a review of the details of any proposed TOJD during the land use entitlement process. It must also be noted that the City may require additional project-level environmental impact analysis prior to the consideration of any TOJD. The City will be the CEQA lead agency for the TOJD environmental analysis.

Based on the information provided in the SEIS/SERI, the proposed TOJDs generally do not meet the desired level of intensification planned for and envisioned in the General Plan or Urban Village Plans. While it may be true that the amounts of development proposed meet the minimum levels of density and other requirements, the City seeks to maximize development potential in planned growth areas. For example, the Urban Village Plans require that all planned jobs and housing units to be accommodated with proposed development. VTA and the City should have further dialogue regarding the TOJD assumptions. These sites should also be planned for more intense land uses. The City has initial comments based on the TOJD as described in the SEIS/SEIR, but will hold them until such time as specific development proposals are brought forward.

L3-147

With regard to parking, the amount required for the TOJD will be determined as part of the land use entitlement process and based on the specific development proposals. It appears as if higher parking ratios than desired by the City were applied in the TOJD sites as described in the SEIS/SEIR. Opportunities for joint use and reciprocal parking between the BART stations and private development will be considered at that time.

L3-148

The current Twin Bore configuration appears to require boring under properties intended for the most intense development as per the Draft East Santa Clara Street Urban Village Plan. The City is concerned that the current alignment proposal for the Twin Bore at this location will limit development on prominent development sites in the Urban Village. This factor should be considered during the selection of the final alignment.

L3-149



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**Section 6.11-14**, Local Plans and Policies – Please include the Downtown Streetscape Master Plan.

L3-150

**p.6.11-15** – Please revise the sentence that appears above the Transportation Policies list as follows (changes shown in underline): *“The following SJGP policies are the most relevant to the BART Extension. In addition, the SJGP includes numerous other policies that may be applicable to the project, such as affordable housing, environmental justice communities, displacement prevention, and Greenhouse Gas reduction. These policies are identified in the respective sections of this Draft SEIS/SEIR for these topics.”*

L3-151

**6.12 Noise and Vibration**

**p. 6.12-1** - The Regulatory Setting should include a discussion of the City of San José 2040 General Plan noise (EC-1.2, EC-1.3, EC-1.7, EC-1.9) and vibration (EC-2.3) standards. The City of San José typically uses those General Plan policies as its CEQA thresholds.

L3-152

**p.6.12-28**, Airport Operations - The impact finding should be changed from significant to less-than-significant, and “Mitigation Measure NV-C” deleted as the text under “Operations” is incorrect. The aircraft noise contours presented in the ALUC’s CLUP for San José International Airport do not show any of the TOJD sites to be located within the 65-CNEL impact area. Moreover, the SEIS/SEIR should additionally (or instead) cite the City of San José’s adopted aircraft noise projections (generated more recent than those used in the ALUC’s CLUP and available for viewing on the [www.flysanjose.com](http://www.flysanjose.com) website) that also show none of the proposed TOJD sites to be exposed to aircraft noise levels of 65 CNEL or greater.

L3-153

**6.13 Utilities & Service Systems**

**General Comment** - For both sanitary and storm systems, please include a statement directing the reader to Section 4.15 to view existing conditions, or provide a description of existing systems and include discussion/analysis of existing system's condition and capacity performance.

L3-154

**6.14 Visual Quality and Aesthetics**

**Section 6.14-1** – The Regulatory Setting for San José should include the Building Height Policies from the Five Wounds Urban Village Plan. The discussion of the proposed Alum Rock/28<sup>th</sup> Street Station to be located north of the Five Wounds Portuguese National Church should include mention of the 60 to 120-foot maximum height for development in this area depending on the configuration. The development would need to comply with the Building Height Policy 1 and the Five Wounds Village Height Diagram.

L3-155

**6.15 Water Resources, Quality & Floodplains**

Please refer to previous comments made in the NEPA Analysis Section 4-17 (above) regarding temporary construction and the Alum Rock/28th Street Station. With regard to TOJD, the applicable conditions for Flood Requirements per City of San José Standards will be analyzed and included with project land use entitlements through the Department of Public Works prior to

L3-156



issuance of Planning permits.

L3-156  
cont.

## **Chapter 7 Other NEPA and CEQA Considerations**

### **7.1 Cumulative**

**p.7-7**, Capitol Expressway Light Rail Project: Please correct the SEIS/SEIR to reflect that the project begins at Capitol Avenue/Wilbur Road, not 28<sup>th</sup> Avenue/Santa Clara Street, and is included in the Valley Transportation Plan (VTP) 2040, not VTP 2035.

L3-157

**p.7-40**, BART Extension with TOJD Alternative, Construction, first sentence – Please explain the following statement, given that the TOJD includes additional new residential units: “*Construction of the BART Extension with TOJD Alternative would not introduce new residents to the area that would permanently increase demand for utilities.*”

L3-158

### **BART OPTIONS (ES.6 Issues to be Resolved)**

The SEIS/SEIR lists a number of “Issues to be Resolved,” which include major choices about final project elements. At this time, City staff are providing technical recommendations on some of the various project options based on the information contained in the SEIS/SEIR. The City Council and its VTA Board members have not yet formally weighed in on the BART project options. As such, the following represents the City of San José staff’s assessment based upon the information presented in the SEIS/SEIR, VTA and City staff coordination sessions, and the VTA/BART Community Working Groups (CWGs) to date, as well as the [BART Station Access Study](#) and associated stakeholder walking and charrette sessions conducted by Nelson Nygaard and the City of San José in partnership with VTA.

The City explicitly reserves the right to provide additional comments based on further information and studies completed and provided by VTA to the City in the future. The San José City Council is expected to take a formal position on various BART options at a later date when more full information is available.

L3-159

#### **Downtown Station Location**

City staff believes that the Western Downtown Station location is more beneficial to the City and BART project. The Western Station has the following advantages:

- **Greater density, particularly job-density;** the most job-rich and highest density parts of Downtown San José are contained within a 10-minute walk of the western station, maximizing easy access to existing and potential riders. Jobs and transit have a symbiotic relationship – with transit ridership highest in areas surrounded by dense jobs, and transit-

rich environments attractive to employers.<sup>2</sup> A recent study by Strategic Economics found that occupancy rates in commercial buildings within a half mile of BART are higher on average than in those located farther away from BART. The same study also observed that commercial developers prefer to build on large parcels, and that the area west of Fourth Street in Downtown San Jose contains a much larger number of those large parcels than that east of Fourth.

L3-159  
cont.

- **Long-term economic development;** the areas within a 10-minute walk of the Western Downtown Station location are almost entirely zoned for Downtown commercial uses with more and bigger opportunity sites, which means that the areas closest to the Station may be developed to the highest land use intensities. Within a 10-minute walk of the likely Western Station entrances/exits, roughly 27% more square footage is allowed than within the same walk of the likely Eastern Station entrances/exits; within a 5-minute walk, that grows to 64% more allowable square footage around the Western Station than around the Eastern Station. More opportunity development sites are closer to the Western Downtown Station location than the Eastern Downtown Station location as well.

L3-160

These factors provide long-term development potential of the Downtown Core, maximize developable square footage in the surrounding area, and will reinforce higher ridership patterns over the life of the project. In contrast, roughly a third of the area within a 10-minute walk of the Eastern Downtown Station location is existing residential neighborhoods with minimal opportunities for significant land use intensification or transit-oriented development as envisioned by the 2040 General Plan.

- **Placemaking;** the Western Downtown Station location offers significant opportunities to reinforce a sense of place and arrival in Downtown San José, creating “desire-lines” that strengthen retail corridors in the historic core, facilitate access to cultural and entertainment destinations, and activate city street life. This will generate riders all days of the week and times of the day and night – keeping the ridership high outside of peak travel times and bringing “eyes to the street” and an added sense of security to the BART system.
- **Greater connectivity** to VTA bus and light rail, allowing for easy connections between BART and other transit; good to great proximity to other Downtown San José destinations, including City Hall, San José State University (SJSU), civic and cultural spaces, and social and entertainment venues.
- **Construction Cost, Constructability, and Impacts;** the Western Downtown Station location allows for direct access to the VTA-owned Mitchell Block, a key construction staging area. The Eastern Downtown Station has not been designed, and construction

L3-161

L3-162

L3-163

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<sup>2</sup> Research on this topic includes the Transportation Research Board’s [Making Effective Fixed-Guideway Transit Investments: Indicators of Success](#) (2014), “Residential Self Selection and Rail Commuting: A Nested Logit Analysis” (Cervero, R. and Duncan, R. 2008), and “Basics: Walking Distance to Transit” (Walker, J., April 24, 2011). [BART’s 2015 ridership figures](#) also show that 33% of BART trips start at one of the four Downtown San Francisco Stations (Embarcadero, Montgomery, Powell, and Civic Center/UN Plaza).



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would have significant effects on Horace Mann Elementary School (along Santa Clara Street between 6<sup>th</sup> and 7<sup>th</sup> Streets).

L3-163  
cont.

The relative cost and implications for cost and construction impacts of the Downtown Station location are intertwined with the decision of whether to pursue a Twin or Single Bore tunneling option, as discussed further below. If the Single Bore tunnel option is pursued, the cost and construction impacts of the Western and Eastern Downtown Station locations should be roughly comparable. If the Twin Bore option is pursued, the Western Downtown Station location would have significantly greater impacts to light rail infrastructure than the Eastern Downtown Station location.

If the Western Downtown Station location is selected, City staff believes that the City and VTA staff should work closely with San José State University (SJSU) to make the walking environment for students, faculty, staff and visitors active, safe and intuitive. City staff further suggest that the easternmost entrance/exit from a Western Downtown Station be selected and designed to ease access to SJSU, including clear identification that SJSU campus is a short walk from that entrance/exit, easy and safe bicycling and walking routes (including protected bicycle lanes and a large Bike Share station to facilitate bicycling to destinations on the far side of campus), excellent pedestrian street lighting, and active buildings/storefronts.

L3-164

Diridon Station (North or South Option)

City staff recommends that the final BART Station, configuration, and facility location at Diridon be confirmed through the Diridon Facilities Master Plan process, an undertaking being led by VTA in partnership with the City, Caltrain and High Speed Rail. City staff notes, however, that based on alignments and impacts disclosed in the SEIS/SEIR, the Diridon North options (Single or Twin Bore) appear to conflict less with new development near the Station.

L3-165

Underground Station Entrances

The City of San José looks forward to working with VTA, BART, other stakeholders and local communities to finalize Station entrances and exits. Staff appreciates that VTA has included numerous entrances/exits in the SEIS/SEIR to provide as much flexibility as possible in final design. Please study the following additional Station entrances/exits that were identified by the City, VTA, and other stakeholders as part of the BART Station Access Study (Nelson Nygaard):

L3-166

- At the corner of Third and East Santa Clara Street; for a Western Station option, this entrance/exit may be the primary access point for SJSU faculty, staff, students, and visitors, as well as City Hall visitors and employees, and should be designed to maximize ease of travel to the southeast portions of Downtown.
- Along Santa Clara Street between San Pedro and 2<sup>nd</sup> Street to facilitate easy westward travel (to destinations like San Pedro Square); this may be in addition to the “VTA/Mitchell Block” entrance/exit already anticipated or a modification of that entrance/exit to make sure it best serves the needs of people traveling to the growing northwest portions of Downtown.

L3-167

**BART PHASE II SEIS/SEIR COMMENTS**

City of San José

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City staff understand that the partners will undertake a significant station design and access planning effort upon completion of the environmental phase, including through the grant for access and transit-oriented development from the Federal Transit Administration (FTA) and the Diridon Facilities Master Plan and subsequent efforts advance work around Diridon Station and surrounding development. These processes will guide final selection and design of station entrances/exits and planned access routes.

City staff anticipate that at least two station entrances/exits will be included at each Station location. Staff is interested in maximizing the overall quality and utility of these entrances/exits, keeping in mind the long-term user experience and 100-year nature of this investment. City staff requests continued partnership with VTA, BART, and other stakeholders to address safety, maintenance, visibility, and wayfinding in part through environmental design and to balance needs for security, upfront cost, and constructability with long-term value, place making, accessibility, and – importantly – rider experience in determining the final location and number of entrances/exits. Ultimately, these choices will help the City and VTA exceed expectations for ridership, as well as bring the greatest community and economic benefits.

L3-168

Tunnel Bore Option

Based on information disclosed in the SEIS/SEIR, City staff believes that the Single Bore tunnel configuration will have significantly less impact during construction than the Twin Bore configuration. The Single Bore alignment also conflicts less with existing, entitled, and future development sites. Staff understands that VTA and its partners (for example, BART) are still studying the operations, feasibility and risks associated with the Single Bore configuration and comparing it to the Twin Bore. The City looks forward to understanding the results of those studies and working with VTA and BART on the final tunnel configuration selection.

L3-169

**Conclusion**

In closing, we thank VTA for the opportunity to comment on the SEIS/SEIR. The City is committed to the project as a full partner. We will make our staff available to work through the issues raised in this comment letter with VTA. Other than addressing the various technical issues in the Final SEIS/SEIR, the City's essential expectation is that commitments and assurances will be established by the Master Cooperative Agreement.

L3-170



**BART PHASE II SEIS/SEIR COMMENTS**

City of San José

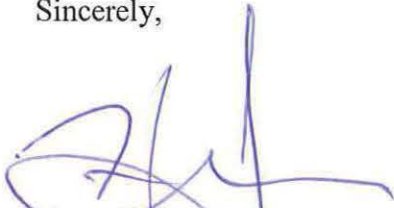
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The extension of Bay Area Rapid Transit (BART) into the heart of San José is a once in a century investment in our future. The project represents an unparalleled opportunity for people in the South Bay to connect to the rest of the Bay Area, reach new opportunities with greater mobility and less environmental impact, and live, work and play in great, transit-oriented communities. Particularly within the City of San José (City), the BART extension advances the City's vision of having connected and robust transportation options, embracing growth in the right places, and enjoying a thriving urban core. The City appreciates the partnership VTA has forged to date on this project with the City and community, and looks forward to working together to make the most of this tremendous project.

L3-170,  
cont.

Sincerely,



Harry Freitas, Director  
Planning, Building and Code Enforcement



Jim Ortbal, Director  
Department of Transportation

cc: Mayor and City Council  
City Manager's Office  
City Attorney  
Department of Public Works

## Response to Comment Letter L3

### City of San Jose – 2<sup>nd</sup> Letter

L3-1 The comment's support of the BART Extension is noted.

Table 2-4, *Required Permits and Approvals*, in the SEIS/SEIR, identifies the City of San Jose as a responsible agency and also identifies the permits needed. VTA agrees that approval of TOJDs by the City would need to occur at the time VTA initiates the entitlement process for that part of the BART Extension.

VTA and the City of San Jose will develop a Master Cooperative Agreement that will comply with the overall intent of the City's Construction Impact Ordinance.

L3-2 These general assertions by the comment are responded to below in response to individual, specific comments.

L3-3 In an effort to make the SEIS/SEIR readable and easy to navigate and accessible for all readers, Chapter 1, Section 1.5, *Organization*, provides a description of the document organization to help readers navigate the document.

#### **Organization of the Parking Discussion in the SEIS/SEIR**

The parking discussion in the SEIS/SEIR is organized similar to the other transportation-related topics in the SEIS/SEIR. Chapter 2, *Alternatives*, Section 2.2.2, *NEPA BART Extension Alternative*, and Section 2.3.3, *CEQA BART Extension with TOJD Alternative*, provide a detailed description of proposed operational parking as part of the BART Extension Alternative and BART Extension with TOJD by station.

Revisions to the significance thresholds for CEQA that became effective on January 1, 2010, eliminated effects on parking. The revisions to the CEQA thresholds were based on the decision in *San Franciscans Upholding the Downtown Plan v. City & County of SF*, 102 Cal.App.4th 65 (September 30, 2002), in which the court ruled that parking deficits are an inconvenience to drivers but not a significant physical impact on the environment. As a result of this change to the State CEQA Guidelines, VTA adopted new significance thresholds that did not include the effects of parking on November 4, 2010. Discussion of parking is provided in Chapter 3, *NEPA and CEQA Transportation Operation Analysis*, and Chapter 5, *NEPA Alternatives Analysis of Construction*, for informational purposes for CEQA.

Chapter 3, Section 3.5.2.12, *Impact BART Extension TRA-8: Increase Demand for Parking*, discusses the demand for long-term parking for the BART Extension Alternative under Impact BART Extension TRA-8. Similarly, discussion of operational parking demand for the BART Extension with TOJD Alternative is



provided under Section 3.5.3.11, *Impact BART Extension + TOJD Extension TRA-8: Increase Demand for Parking*.

Chapter 5 identifies the number of parking spaces (off-street and on-street) that would be impacted during construction. Chapter 5 also provides mitigation measures (Mitigation Measures TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, B: Develop and Implement a Construction Transportation Management Plan, and D: Provide Temporary Replacement Parking at Diridon Station, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*) to minimize parking disruptions during construction.

Chapter 6, *CEQA Alternatives Analysis of Construction and Operation*, refers back to Chapters 3 and 5.

A summary of the parking discussion from the SEIS/SEIR is provided below to clarify specific issues and further assist the commenter in understanding parking impacts associated with the BART Extension and BART Extension with TOJD Alternatives. The discussion is below is organized by:

1. Parking Impacts during Construction (including mitigation measures)
2. Parking Impacts during Operation
3. Parking Demand for Operation of the BART Extension Alternative and the TOJD Component of the BART Extension with TOJD Alternative
4. Parking Proposed as Part of the BART Extension Alternative and the TOJD Component of the BART Extension with TOJD Alternative

### **Parking Impacts during Construction**

#### *BART Extension Alternative and BART Extension with TOJD Alternative*

The following table summarizes the parking spaces impacted during construction for BART Extension Alternative and BART Extension with TOJD Alternative provided under the *Parking* subheadings in Chapter 5, Sections 5.5.2.3, *Alum Rock/28<sup>th</sup> Street Station*, 5.5.2.5, *Downtown San Jose Station East Option*, 5.5.2.6, *Downtown San Jose Station West Option*, 5.5.2.7, *Diridon Station (South and North Options)*, and 5.5.2.10, *Santa Clara Station*.

Station	On-street Parking Spaces Impacted during Construction*	Off-street Parking Spaces Impacted during Construction*
Alum Rock/28 <sup>th</sup> Street	10	0
Downtown San Jose ( East Option)	60	310
Downtown San Jose (West Option)	54	310
Diridon Station (North and South)	40	715
Santa Clara	42	0
*As stated in Chapter 5, Sections 5.5.2.3, 5.5.2.5, 5.5.2.6, and 5.5.2.7, the parking impacts for the single-bore tunnel option would be less than the twin-bore tunnel option at the Downtown San Jose Station (East and West Options) and Diridon Station (South and North Options). As stated in Section 5.5.2.3 and 5.5.2.10, for the Alum Rock/28 <sup>th</sup> Street and Santa Clara Stations the parking impacts for both tunnel options would be the same.		

Refer to Master Response 2 for revisions to Mitigation Measure TRA-CNST-D: Provide Temporary Replacement Parking at Diridon Station.

### Parking Impacts during Operation

Refer to Master Response 3, *Diridon Station Long-Term Parking*, for a discussion of parking impacts at the Diridon Station. Private parking for shopping center and industrial uses would be impacted at other station locations, but the businesses would be displaced. In addition, while the VTA-owned block downtown is currently being used for paid public parking, this site would also be redeveloped as a separate project over the long-term.

### Parking Demand for operation of the BART Extension Alternative and the TOJD Component of the BART Extension with TOJD Alternative

Chapter 3, Section 3.5.2.12, *Impact BART Extension TRA-8: Parking*, discusses the demand for long-term parking under Impact BART Extension TRA-8. This discussion is organized by stations. Table 3-31, *2035 Forecast Year BART Extension Alternative Park-and-Ride Demand*, as presented in the SEIS/SEIR, is copied below:

**Table 3-31: 2035 Forecast Year BART Extension Alternative Park-and-Ride Demand**

Station Name	2035 Parking Demand (spaces)
Alum Rock/28 <sup>th</sup> Street	1,560
Santa Clara	400
<b>Total</b>	<b>1,960</b>
Source: Hexagon Transportation Consultants, Inc. 2017 <sup>6a</sup>	



The BART Extension with TOJD Alternative is also discussed in Chapter 3, Section 3.5.3.11, *Impact BART Extension + TOJD TRA-8: Increase Demand for Parking*. Table 3-40, *TOJD Parking*, provides an overview of required parking spaces and proposed parking spaces, and is replicated below:

**Table 3-40: TOJD Parking**

TOJD Site	Size	Required Parking Rate <sup>a</sup>	Required Parking Spaces	Parking Spaces Proposed
<b>Alum Rock 28<sup>th</sup> Street Station<sup>b</sup></b>				
Office	500,000 s.f.	4.0	2,000	1,650
Retail	20,000 s.f.	5.0	100	100
Residential	138 Studio/1-BR	1.25	173	
	137 2-BR	1.7	233	
Total Residential	275		406	400
<b>Total TOJD</b>			<b>2,506</b>	
Reduction due to Shared Parking <sup>c</sup>			-51	
Reduction due to 16% transit mode share for office <sup>d</sup>			-320	
<b>Total after Reductions</b>			<b>2,135</b>	<b>2,150</b>
<b>Santa Clara Station</b>				
Office	500,000 s.f.	3.33	1,665	1,650
Retail	30,000 s.f.	5.0	150	150
Residential	10 Studio	1	10	
	100 1-BR	1.5	150	
	110 2-BR	2	220	
Total Residential	220		380	400
<b>Total TOJD</b>			<b>2,195</b>	<b>2,200</b>
s.f. = square feet; BR =bedroom				
<sup>a</sup> Parking rates for Alum Rock/28 <sup>th</sup> Street Station are based on City of San Jose Zoning Code, Chapter 20.90, Parking and Loading. Parking Rates for Santa Clara Station are based on City of Santa Clara Zoning Code, Chapters 28.22 and 18.74. Parking rates are given per 1,000 s.f. for office and retail uses, and per unit for apartments.				
<sup>b</sup> For mixed-use projects in the City of San Jose, the Planning Director may reduce the required parking spaces by up to 50%, including any other allowed exceptions or reductions, so long as: (1) the reduction in parking will not adversely affect surrounding projects; (2) the reduction in parking will not rely upon or reduce the public parking supply; and (3) the project provides a detailed TDM program and demonstrates that the TDM program can be maintained indefinitely.				
<sup>c</sup> Reduction for shared parking in a mixed-use project based on Urban Land Institute's <i>Shared Parking</i> (Smith 2005).				
<sup>d</sup> A 16% transit mode share was projected for the office use at Alum Rock/28 <sup>th</sup> Street Station by the model. Applying a 16% reduction to San Jose's parking rate would result in a rate of 3.36 spaces per 1,000 s.f. instead of 4 spaces per 1,000 s.f.				

### **Parking Proposed as Part of the BART Extension Alternative and the TOJD Component of the BART Extension with TOJD Alternative**

Parking information is described in the text in Volume I, Section 2.2.2, *NEPA BART Extension Alternative*. To consolidate this information into a table for

clarity, Table 2-A below has been added to Section 2.2.2 of the SEIS/SEIR. Parking to be provided as part of the BART Extension Alternative is summarized in Table 2-A. Parking to be provided for the TOJD component of the BART Extension with TOJD Alternative, which will be in addition to the parking to be provided in Table 2-A, is summarized in Table 2-3. The information in these tables was provided in the text in Section 2.2.2 and does not represent any new data.

**Table 2-A: Proposed Parking to be Provided as Part of the BART Extension Alternative**

<u>BART Station</u>	<u>Proposed Parking Spaces</u>
<u>Alum Rock/28<sup>th</sup> Street</u>	<u>1,200</u>
<u>Downtown San Jose (East and West Options)</u>	<u>No park-and-ride facilities</u>
<u>Diridon Station (South and North Options)</u>	<u>No park-and-ride facilities</u>
<u>Santa Clara</u>	<u>500</u>

**Table 2-3: Summary of Proposed TOJD**

<b>Location</b>	<b>Residential (dwelling units)</b>	<b>Retail (square feet)</b>	<b>Office (square feet)</b>	<b>Parking (spaces)</b>	<b><u>Acres</u></b>
Alum Rock/28 <sup>th</sup> Street Station	275	20,000	500,000	2,150*	<u>11</u>
Santa Clara and 13 <sup>th</sup> Streets Ventilation Structure	N/A	13,000	N/A	N/A	<u>1.18</u>
Downtown San Jose Station – East Option (at 3 sites)	N/A	160,000	303,000	1,398	<u>3.84</u>
Downtown San Jose Station – West Option	N/A	10,000	35,000	128	<u>0.35</u>
Diridon Station South Option	N/A	72,000	640,000	400	<u>8</u>
Diridon Station North Option	N/A	72,000	640,000	400	<u>8</u>
Stockton Avenue Ventilation Structure	N/A	15,000	N/A	N/A	<u>1.18–1.7</u>
Santa Clara Station	220	30,000	500,000	2,200**	<u>10</u>
*Total Parking (BART + TOJD) at Alum Rock/28 <sup>th</sup> Street Station will be 3,350 spaces.					
**Total Parking (BART + TOJD) at Santa Clara Station will be 2,700 spaces.					

As explained in Section 3.5.2.12, under the *Alum Rock/28<sup>th</sup> Street Station* subheading, 1,200 parking spaces will be accommodated at the station. These spaces would be provided on opening day as the parking demand on opening day (2025) is 1,196. After opening day, parking demand would be monitored and, if parking demand exceeds supply, VTA would evaluate measures to promote non-vehicular access to the station. At the Santa Clara Station, 500 parking spaces would be provided on opening day. The opening day parking demand at Santa Clara Station in 2025/2026 is 207 spaces.



L3-4 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station. Also refer to Section 5.5.2.7, *Diridon Station (South and North)*, under the subheading, *Parking*, which now includes Mitigation Measure TRA-CNST-D: Provide Temporary Replacement Parking at Diridon Station. Refer to Master Response 3, *Diridon Station Long-Term Parking*, regarding long-term parking impacts at Diridon Station.

Section 5.5.1, *Construction Outreach Management Program*, has been revised and includes expanded discussions for Mitigation Measures TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, and TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan.

TOJD is described in Volume I, Chapter 2, *Alternatives*, including an expanded Table 2-3 Summary of Proposed TOJD. Chapter 6, *CEQA Alternatives Analysis of Construction and Operation*, discusses the CEQA impacts of the BART Extension with TOJD Alternative during construction and operation.

Refer to response L3-3, which provides excerpts from the SEIS/SEIR of the summary tables.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

L3-5 The SVSX Single Bore Feasibility Study (EPC Consultants, Inc. 2016) was completed and shared with the City of San Jose on May 2, 2017. The information in the SVSX Single Bore Feasibility Study does not change the conclusions presented in the SEIS/SEIR. The SVSX Single Bore Feasibility Study reviewed track alignment and depth and verified emergency egress and ventilation requirements. The BART Silicon Valley, Phase II Single Bore Tunnel Technical Studies (HNTB 2017) was also completed after the Draft SEIS/SEIR was released but does not change the conclusions presented in the SEIS/SEIR. The SEIS/SEIR has been updated to reflect refinements that resulted from the BART Silicon Valley, Phase II Single-Bore Technical Studies. A peer review regarding the single-bore versus twin-bore tunneling methodologies was conducted in November 2017. Information from this activity has been shared with the City. Details on the peer review, and on the process for selection of the tunnel boring construction methodology, are provided in Volume I, Chapter 2, Section 2.A.4, *Timeline for Future Option Decisions*.

VTA will continue to coordinate with the City of San Jose on technical topics after the environmental process.

L3-6 VTA is committed to working with the City of San Jose, the CHSRA and other rail operators, and key stakeholders to look at parking and transit-oriented development at the Diridon Station. Chapter 3, Section 3.5.2.12, *Impact BART*

*Extension TRA-8: Parking*, has been updated to include details on the City of San Jose's participation in the analysis and how they will help ensure that the Station Plan will be in line with the Envision San Jose 2040 General Plan, Diridon Station Area Plan, and other applicable City policies or ordinances. Refer to Master Response 3, *Diridon Station Long-Term Parking*, regarding long-term parking impacts at Diridon Station. Also, see response to comment L3-3.

- L3-7 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station. Refer to Master Response 3, *Diridon Station Long-Term Parking*, regarding long-term parking impacts at Diridon Station. Also, see response to comment L3-3.

Mass transit including BART is part of the access solution for attendees of events at the SAP Arena as explained in Master Response 3.

- L3-8 Refer to the revised Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, which identifies specific actions under each mitigation measure.

The mitigation measures address critical components that will be developed after VTA determines the delivery strategy and timing of construction. The mitigation measures will be implemented to minimize and reduce construction-related transportation impacts to a not adverse level.

- L3-9 The comment does not identify specific mitigation measures that would result in significant impacts, distinct from the impacts of the BART Phase II Project, that were not addressed in the SEIS/SEIR. As required by CEQA, the SEIS/SEIR considers the effect of mitigation measures to reduce or avoid potentially significant impacts, and that analysis of the post-mitigation impact level includes the potential for mitigation measures themselves to result in physical impacts. The mitigation measures provided in the SEIS/SEIR are onsite measures (except traffic mitigations) that are within the area of potential ground disturbance/project footprint defined for the BART Extension and would not result in significant impacts as explained below for the BART Extension Alternative and BART Extension with TOJD Alternative:

#### **BART Extension Alternative**

- **Transportation (Construction)** – Mitigation measures such as the traffic management measures that include assigning detour routes in coordination with the local cities could result in change in traffic patterns during construction. These impacts have been classified as Significant and Unavoidable.(See Chapter 5, Section 5.5.1, *Construction Outreach Management Program*.)
- **Air Quality (Construction)** – Mitigation measures are standard measures recommended by the Bay Area Air Quality Management District



(BAAQMD); these mostly deal with dust control and vehicle and fuel standards for construction vehicles and equipment. (See Chapter 5, Section 5.5.3, *Air Quality*.)

- **Noise and Vibration (Construction)** – Mitigation includes measures such as taking noise measurements, locating equipment away from sensitive receptors, and building temporary noise barriers. Section 5.5.17, *Visual Quality and Aesthetics*, addresses impacts of views of temporary noise barriers. (See Chapter 5, Section 5.5.13, *Noise and Vibration*.)
- **Biological Resources, Cultural Resources, Hazardous Materials, and Geology (Construction)** – Mitigation measures include preconstruction surveys and construction monitoring to comply with applicable regulations. (See Chapter 5, Section 5.5.4, *Biological Resources and Wetlands*; 5.5.6, *Cultural Resources*; 5.5.11, *Hazards and Hazardous Materials*; and 5.5.9, *Geology, Soils, and Seismicity*.)
- **Geology, Water Resources, and Hazardous Materials (Operation)** – Mitigation measures would incorporate design specifications and prepare remedial action plans. (See Chapter 4, Sections 4.9, *Geology, Soils, and Seismicity*; 4.17, *Water Resources, Water Quality, and Floodplains*; and 4.10, *Hazards and Hazardous Materials*.)
- **Noise and Vibration (Operation)** – Mitigation measures would include noise reduction treatments such as sound attenuators and enclosures at tunnel shafts, back-up generators, and traction power substations. These measures would be within the project footprint. (See Chapter 4, Section 4.12, *Noise and Vibration*.)
- **Utilities (Operation)** – Measures would require the preparation of utility assessments as per city requirements for new projects. These are standard requirements made by the appropriate city. The Water Supply Assessments were completed by the City of San Jose and City of Santa Clara. (See Section 4.15, *Utilities*.)

#### **BART Extension with TOJD Alternative:**

All mitigation measures described above apply to this Alternative as well. In addition, the following mitigation measures are specific to the TOJD.

- **Air Quality and Greenhouse Gases (Operation)** – Mitigation measure requires use of low-volatile organic compound coatings to reduce NO<sub>x</sub> emissions and to implement energy efficiency measures. (See Chapter 6, Sections 6.3, *Air Quality*, and 6.9, *Greenhouse Gas Emissions*.)

- **Aesthetics (Operation)** – Mitigation measure involves minimizing light and glare by shielding lighting fixtures. (See Chapter 6, Section 6.14, *Visual Quality and Aesthetics*.)

As explained above, no additional significant impacts due to implementation of mitigation measures were identified. For information on mitigation measures please see the summary tables provided in the *Executive Summary* and Chapters 3, *NEPA and CEQA Transportation Operation Analysis*; 4, *NEPA Alternatives Analysis of Construction*; 5, *NEPA Alternatives Analysis of Construction*; and 6, *CEQA Alternatives Analysis of Construction and Operation*. As part of the environmental process, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared that will identify the timing of mitigation measures, and the implementing and oversight parties. The MMRP will be prepared prior to VTA Board of Directors' action and be included with the ROD.

L3-10 The City's Construction Impact Ordinance ([https://www.municode.com/library/ca/san\\_jose/codes/code\\_of\\_ordinances?nodeId=TIT13STSIPUPL\\_CH13.36PUWOSTPE\\_PT2COIMMIPL\\_13.36.200COIMMIPLUR](https://www.municode.com/library/ca/san_jose/codes/code_of_ordinances?nodeId=TIT13STSIPUPL_CH13.36PUWOSTPE_PT2COIMMIPL_13.36.200COIMMIPLUR)) provides the purpose, requirement, and contents of the Construction Impact Mitigation Plan for major projects undertaken in the City. As part of the Phase II Master Cooperative Agreement with the City of San Jose, VTA will comply with the intent of the City's Construction Impact Ordinance and provide the necessary information in equivalent VTA documents. The CIMP requires the following topical areas.

#### **A. Detailed Project Description, Including Site Maps, Schedule and Phasing**

As part of the Final SEIS/SEIR, Volume I, Chapter 2, *Alternatives*, provides a detailed project description and Chapter 5, *NEPA Alternatives Analysis of Construction*, provides a schedule and phasing.

#### **B. Detailed Analysis of the Potential Impacts and Description of Mitigation Measures to be Implemented**

The SEIS/SEIR provides a detailed analysis of potential impacts in Chapters 4, *NEPA Alternatives Analysis of Operations*, 5, *NEPA Alternatives Analysis of Construction* and 6, *CEQA Alternatives Analysis of Construction and Operation*, and identifies mitigation measures to be implemented.

#### **C. Communications Plan Including a Designated Community Outreach Coordinator**

The elements of the communication plan are included in Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, TRA-CNST-C: Prepare and Implement an Emergency Services Coordination Plan, and TRA-CNST-D: Provide Temporary Replacement



Parking at Diridon Station, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*.

Based on this, VTA would comply with the intent of the City's Construction Impact Ordinance as set forth in Title 13, Section 13.36 of the San Jose Municipal Code.

- L3-11 VTA will enter into a Master Cooperative Agreement (MCA) with the City of San Jose that will formalize the roles, responsibilities, and commitments of the two agencies for implementation of the recommended project. Refer to response to comment L3-10 regarding how VTA's will meet the intent of the City's Construction Impact Ordinance requirements. Additional details regarding VTA's Construction Management Plan are provided in Section 5.5.1, *Construction Outreach Management Program*.
- L3-12 VTA will enter into a Master Cooperative Agreement (MCA) with the City of San Jose that will formalize the roles, responsibilities, and commitments of the two agencies for implementation of the recommended project. Refer to Section 5.5.1 of the SEIS/SEIR for details regarding VTA's *Construction Management Program*, which will include a Construction Education and Outreach Plan element that will be developed in coordination with the City of San Jose to meet the intent of the City's Construction Impact Ordinance requirements.
- L3-13 VTA will develop a Real Estate Acquisition Management Plan that will identify properties that are needed along the corridor and the timing of those needs. This will be directly coordinated with the *Construction Outreach Management Program* (detailed in Chapter 5, Section 5.5.1), and communicated appropriately with property owners and businesses. The Construction Outreach Management Program will be developed in coordination with the City of San Jose and will outline the process for resolution of damage claims during construction.
- L3-14 VTA will comply with the established City of San Jose truck haul routes as described in Section 5.2.4.2, *Truck Haul Routes*, and shown on Figure 5-12, *Truck Haul Routes*, which will minimize construction traffic impacts. Proposed haul routes will be directly coordinated and reviewed in advance with the City of San Jose.
- L3-15 VTA is committed to working with the local cities and stakeholders to coordinate construction and mitigation activities as described in the revised Section 5.5.1, *Construction Outreach Management Program*, and Mitigation Measures TRA-CNST-A through D. Refer to response to comment L3-7 for VTA's advance efforts and studies to coordinate short-term and long-term effects on parking.
- L3-16 Table 2-4, *Required Permits and Approvals*, provides a detailed list of all required permits and approvals organized by public agencies. For the BART Extension Alternative, the City would be required to issue an encroachment permit for

construction in the City right-of-way. In the table, the City of San Jose is identified as a Responsible Agency under CEQA for the BART Extension with TOJD Alternative, and would be responsible for approving rezoning; conducting site and architecture review; and issuing site development, grading, and building permits for the TOJD portion of this alternative among other actions.

The table has been amended in the Final SEIS/SEIR to include any additional permits or clarifications identified by the commenting agencies. This change does not alter the conclusions with respect to the significance of impacts.

L3-17 VTA developed an Environmental Impact Compliance and Reporting (EICR) for the BART Phase I Extension Project that is currently under construction. The EICR included Mitigation Measures, Design Requirements and Best Management Practices, Property Specific Requirements, Permit Conditions, and Archaeologically Sensitive Areas. An EICR will also be developed for the BART Phase II Extension Project once a recommended project—including the selection of options—is approved by VTA's Board of Directors.

L3-18 Refer to response to comment L3-16 regarding the City's role and required permits.

Table 2-4, *Required Permits and Approvals*, lists the City of San Jose's role and responsibilities to enable the BART Extension to go forward. As stated in the table, for the BART Extension Alternative, the City would be issuing an encroachment permit for working in the City's right-of-way and be a party to the Master Cooperative Agreement and Mutual Aid Agreements. For the BART Extension with TOJD Alternative, the above along with all of the actions related to the development would be the City's responsibility. VTA is responsible for implementing and tracking all of the mitigation measures under its authority and by others. However, some mitigation measures are within the jurisdiction of the City of San Jose and/or will need to be implemented in collaboration with the City of San Jose. These mitigation measures include:

- TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan
- TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan
- TRA-CNST-C: Prepare and Implement an Emergency Services Coordination Plan
- TRA-CNST-D: Provide Temporary Replacement Parking at Diridon
- TRA-C: Implement Intersection Improvements to Coleman Avenue and I-880 Southbound Ramps



- NV-CNST-H Adhere to Local Jurisdiction Construction Time Periods, to the Extent Feasible
- UTIL-A: Prepare a San Jose Water Supply Infrastructure Capacity Assessment and Participate in the improvements
- UTIL-C: Prepare a San Jose Water Sewer Capacity Assessment for BART Extension and Participate in the Improvements
- AES-CNST-A: Replace Trees

In these cases, VTA would provide funding, construction management, and tracking of the mitigation measures as applicable. A Master Cooperative Agreement will be prepared between the City of San Jose and VTA prior to start of construction.

- L3-19 VTA's proposed TOJD is based on the current general plan designations for the sites. VTA acknowledges that the City of San Jose would have responsible-agency discretionary approval authority over aspects of the BART Extension with TOJD Alternative that are within its jurisdiction, and that the City would consider the Final SEIR and determine the adequacy of the document for purposes of its approvals.

The provision of parking per City requirements presents a major constraint to site development. VTA supports increased densities leveraging transit investment near transit facilities and will work with the City during the entitlement process to meet the desired densities to maximize the benefits of development at the BART stations.

- L3-20 Refer to response to comment L3-19. VTA is not seeking a formal approval of the TOJD entitlements at this time. At such time as a request for entitlements is submitted to the City, the City will be responsible for determining which, if any, subsequent environmental document will be necessary pursuant to State CEQA Guidelines Section 15162.

- L3-21 As requested, the language in the *Executive Summary*, Section ES-2, *Overview*, has been changed as follows:

The proposed TOJD is not included in the NEPA Build Alternative because the TOJD is a potential future independent action by VTA, and the TOJD project serves a separate purpose and need than the BART Extension Alternative and is included to support local and regional land use planning...Because no federal action is involved, VTA's TOJD ~~which is intended to be~~ consistent with the city general plans and approved area plans of the Cities of San Jose and Santa Clara, as applicable, and is ~~would be~~ considered in the cumulative background conditions for NEPA purposes.

This change does not alter the conclusions of the SEIS/SEIR with respect to the significance of impacts.

- L3-22 As requested, Section ES. 6, *Issues to be Resolved*, has been revised to add TOJD project-specific design.
- L3-23 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station. Refer to Master Response 3, *Diridon Station Long-Term Parking*, regarding long-term parking impacts at Diridon Station. Also refer to response to comment L3-7.
- L3-24 Since the release of the Draft SEIS/SEIR, the station plan for the Diridon Station North Option (Twin-Bore) has been refined to avoid affecting the existing tracks at Diridon Station. Refer to Figure 2-9, *Diridon Station North Option Plan (Twin-Bore)*, for the revised plan. Because of the change to the station plan and VTA's effort to avoid this impact, which was previously identified as *Significant and Unavoidable*, the impact on heavy rail during construction at Diridon Station under the North Option (Twin-Bore) would now be reduced to *No Impact*. This reduction in severity of previously described impacts has been made throughout the Final SEIS/SEIR.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-25 Table 2-1 includes projects included in the Transportation 2035 (MTC 2009)<sup>11</sup> and Valley Transportation Plan 2040 (VTA 2014).<sup>12</sup> The expansion of Altamont Corridor Express into Diridon Station is not part of these plans and therefore is not included in Table 2-1, which only includes approved regional plans at the time of the preparation of the Draft SEIS/SEIR. The draft of Plan Bay Area 2040 was released in January 2017, and Plan Bay Area 2040 was approved in July 2017. The Draft SEIS/SEIR was released for public review in January 2017, and all traffic modeling conducted for the SEIS/SEIR was completed prior to 2017.

However, CCJPA's expansion of service is considered and analyzed in the SEIS/SEIR as a cumulative project (See cumulative project #7, Capitol Corridor Oakland to San Jose, Phase II Project) in Chapter 7, *Other NEPA and CEQA Considerations*. The assumption of expanded CCJPA service is included in both Plan Bay Area 2035 and Plan Bay Area 2040. It is therefore already incorporated into the analysis in the Draft SEIS/SEIR, because it was included in the forecast model used. Removing the CCJPA service expansion would have only a

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<sup>11</sup> Metropolitan Transportation Commission. 2009. *Transportation 2035 Plan for the San Francisco Bay Area*. April. Available: <http://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2040/transportation-2035>. Accessed: July 28, 2016.

<sup>12</sup> Santa Clara Valley Transportation Authority (VTA). 2014. *Valley Transportation Plan 2040*. [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/VTP2040\\_final\\_hi%20res\\_030315.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VTP2040_final_hi%20res_030315.pdf). Accessed: September 20, 2017.



negligible effect on the analysis, because the peak hour headways would remain approximately 60 minutes with or without the service expansion. The addition of more trains would primarily affect off-peak headways and would have a negligible effect on BART Extension ridership and environmental impacts.

L3-26 The planned and programmed roadway improvements identified in Volume I, Section 2.2.1, *NEPA No Build Alternative*, would be implemented by the owner of the facility. Therefore, the implementing agency would be Caltrans in the case of freeways and highways, Santa Clara County Roads and Airports for expressways and county roads, and local jurisdictions, including the Cities of San Jose and Santa Clara for local road improvements. All of these improvements were proposed by the public agencies with jurisdiction over the facility, and implementation would likely be dependent on a variety of funding sources including VTA.

L3-27 All of the planned and programmed improvements shown in Volume I, Section 2.2.1, *NEPA No Build Alternative*, under the subsection, *Planned and Programmed Roadway Improvements Through 2035*, are included in the Regional Transportation Plan (RTP) and/or are required by other projects or plans. The requirement to be in the RTP has been added to the footnotes in this section.

It is understood that the City of San Jose is currently in the process of updating the Downtown Strategy EIR, with a new transportation impact analysis of development through the year 2025, and that proposed improvements for the downtown area may be adjusted as part of that update.

At the time of the process for the TOJD, VTA will comply with the applicable City regulations at the time required for development projects including the updated Downtown Strategy. Text under Section 3.5.3.1, *Relevant Plans and Policies*, has been updated to clarify this.

L3-28 VTA has identified specific locations for TPSS facilities and in coordination with BART, the operator of the system, will work with other rail and transit operators to establish the most operationally efficient and functional location of these facilities. Sharing of these BART specific facilities with other transit operators would not be permitted. TPSS sites will be located within the footprint of the station area that has been analyzed and evaluated within this SEIS/SEIR.

L3-29 The original EIR prepared in 2008 for the Santa Clara-Alum Rock Transit Improvement Project called for a BRT station to be at East Santa Clara Street and 28<sup>th</sup> Street. However, in 2011, an Addendum to the EIR was prepared that called for the BRT station to be moved to 24<sup>th</sup> Street. The Addendum does not address demolishing the BRT station in the future. There are currently no plans to have a BRT station constructed at Santa Clara and 28<sup>th</sup> Streets.

L3-30 If the Diridon Station South Option is selected, there is a potential conflict between the underground supports for the building and the tunnel, and development would be impacted. The Diridon North Twin-Bore Option has been redesigned so that both Diridon North options can accommodate the proposed development. Pedestrian and vehicular and business access is discussed in Section 5.5.2.7, *Diridon Station (South and North)*. Socioeconomic impacts are discussed in Sections 4.14.4.2, *BART Extension Alternative*, and 5.5.15, *Socioeconomics*.

L3-31 Refer to Master Response 2, *Diridon Station Short-Term Parking*, and Section 5.5.2.7, *Diridon Station (South and North Options)*, regarding parking impacts during construction of the Diridon Station. Refer to Master Response 3, *Diridon Station Long-Term Parking*, and Section 3.5.2.12, *Impact BART Extension TRA-8: Parking*, regarding long-term parking impacts at Diridon Station. Also refer to response to comment L3-3.

As mentioned in Section 3.2.1.3, *Intersection Turning Movement Adjustments*, the model chosen for use in the analysis is VTA's 2012 PD Phase II, December 2014 Travel Demand Forecasting Model. It was developed as an extension and refinement of the Metropolitan Transportation Commission's (MTC's) Regional Model (MTC Model).

L3-32 As requested, trip generation estimates for the Newhall Maintenance Facility have been developed, based on the projected number of employees at that facility and their shift times. All intersections have been re-analyzed with trips generated by the Newhall Maintenance Facility included in the project trip volumes. VTA estimates that 40 percent of the 225 employees projected to work at this facility will work from 8 a.m. to 4 p.m., 30 percent will work from 4 p.m. to midnight, and 30 percent will work from midnight to 8 a.m. The number of inbound and outbound vehicle trips generated by those employees was assumed to be 20 percent less than the number of employees in each shift, in order to account for trips made by transit (since the facility will be well-served by BART, Caltrain, ACE/Capital Corridor service, and numerous bus routes), by ridesharing, by bicycling, and by the fact that a small percentage of employees are absent on a typical workday due to illness or vacation. The resulting inbound and outbound trips from the Newhall Maintenance Facility during the AM and PM peak hours were added to the trips for the BART Extension with TOJD Alternative, and all intersections were re-evaluated. The increased number of trips due to the Newhall Maintenance Facility did not change the impact findings at any of the study intersections.

L3-33 It is not clear that adding a new traffic signal on Coleman Avenue would be appropriate or would be supported by the City of Santa Clara. Costco traffic can now turn right to exit onto Coleman Avenue without using the Coleman Avenue/Brokaw Road intersection; only left turns need to use the Coleman



Avenue/Brokaw Road signal. Therefore, a new signal would only help left turns from Costco. Because the two signals would be so closely spaced, there is potential for major spillback and queuing issues. It is generally not advisable to have signals so closely spaced.

The new public street mentioned in the comment (Fields Court) would connect Brokaw Road through the former FMC site to Coleman Avenue and Aviation Way and Earthquakes Way. The portion of the street referred to as “Fields Court” in the City of San Jose was officially named Champions Drive (Resolution 77406 by San Jose City Council, June 2015) and has not been constructed. The portion of Champions Drive in the City of Santa Clara is shown as a potential street in the station area plan and is not part of this project. The new public street would require City of San Jose and City of Santa Clara approvals. Should this new public street be approved and constructed, traffic would have an alternative route to avoid the Brokaw Road and Coleman Avenue intersection. Because the new public street has not been approved by both cities, it is not included in the traffic analysis.

- L3-34 VTA acknowledges that the City of San Jose would have responsible-agency discretionary approval authority over aspects of the BART Extension with TOJD Alternative that are within its jurisdiction, and that the City would consider the Final SEIS/SEIR and determine the adequacy of the document for purposes of its approvals. If the BART Extension with TOJD Alternative is approved, VTA will work with the City of San Jose during the entitlement process of the TOJD to maximize the development potential of the proposed TOJD within the City of San Jose to be consistent with the Envision San Jose 2040 General Plan. The proposed TOJD analyzed in the SEIS/SEIR was limited to the what would be economically viable as well as meet the City of San Jose’s minimum parking requirements. Underground podium parking is expensive and can be financially prohibitive; therefore, the TOJD estimates analyzed in the SEIS/SEIR have assumed that underground parking would occupy no more than three levels, with a resulting limitation on the development potential of the TOJD sites.
- L3-35 The intent of the paragraph is to convey that, for the purposes of NEPA, TOJD, while not a component under NEPA, is still considered as a cumulative project under NEPA. For CEQA, impacts of TOJD are analyzed under the BART Extension with TOJD Alternative. Nonetheless, the word “fully” has been deleted in Volume I, Chapter 2, *Alternatives*. Also refer to response to comment L3-19.
- L3-36 The proposed TOJD at Alum Rock/28<sup>th</sup> Street Station was based on the Five Wounds Urban Village Plan and the City’s parking requirements, assuming no underground parking. The up-to-seven-level 1,200 space parking structure is described in Volume I, Section 2.2.2, *NEPA BART Extension Alternative*. If the CEQA BART Extension with TOJD Alternative (Section 2.3.3) is selected, the

1,200 spaces of BART parking plus TOJD parking will be incorporated into the BART Station and TOJD site design and would not include a free standing parking garage.

As stated in Section 6.6.5.3, *BART Extension with TOJD Alternative*, under the *Alum Rock/28<sup>th</sup> Street Station*, subsection, TOJD at the Alum Rock/28<sup>th</sup> Street Station would be more than 50 feet from the northwestern boundary of the only nearby historical resource. While the TOJD, which would include a building up to nine stories in height, would be visible from the historical resource (Five Wounds Portuguese National Church), it would not substantially alter the viewshed or industrial setting surrounding this historic property. The historic integrity of the historical resource would remain unchanged, and its significance would not be materially impaired. Impacts would be *less than significant*, and no mitigation is required. The SEIS/SEIR has been updated in Section 2.3.3, *CEQA BART Extension with TOJD Alternative*, under the heading *City of San Jose, Alum Rock/28<sup>th</sup> Street Station*. The following sentence has been added at the end of the first paragraph:

If the CEQA BART Extension with TOJD is selected, then design of the BART parking would be coordinated with the TOJD plans.

This is a clarification and does not alter any analysis in the SEIS/SEIR

L3-37 Revised Table 2-3, *Summary of Proposed TOJD*, provides information on dwelling units, retail and office area, parking, and total acres. Refer to response to comment L3-3 regarding parking ratios.

L3-38 The discussion of Coyote Creek – Under Santa Clara Street Alignment (bullet 5) in Volume I, Section 2.4, *Alternatives Considered and Withdrawn*. referred to the twin-bore alignment. The discussion of Santa Clara Station location options in Section 2.4 has been revised for clarity.

L3-39 As requested, Table 2-4, *Required Permits and Approvals*, has been revised to include Master Cooperative Agreements. Under the BART Extension Alternative with TOJD subheading/City of San Jose, the following has been added:

Master Cooperative Agreement, General Plan conformance, Historic Preservation Permits, Public Improvement Permits and Subdivision Maps as applicable.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

L3-40 The City requests revising language in the SEIS/SEIR to reflect that TOJD features are intended to be consistent with the City's general plan. To this end, the language regarding TOJD consistency with General Plan land uses/zoning has been updated in Section 6.11, *Land Use*, under *Impact BART Extension + TOJD LU-2*:



The first paragraph, second sentence has been revised as follows:

As shown in Table 6.11-2, the BART Extension with TOJD Alternative ~~would~~ is intended to be consistent with the general plan land use designations and applicable specific plans.

The second paragraph, last sentence has been revised as follows:

Given that the TOJD would include a ventilation facility and a small retail portion on the street frontage, it ~~would~~ is intended to be generally consistent with the existing zoning and land use designations in San Jose.

L3-41 Refer to responses to comments L3-19 and L3-34. VTA acknowledges that the City of San Jose would have responsible agency discretionary approval authority over aspects of the BART Extension with TOJD Alternative that are within its jurisdiction, and that the City would consider the Final SEIS/SEIR and determine the adequacy of the document for purposes of its approvals.

L3-42 Level of Service (LOS) tables are provided in the Transportation Impact Reports prepared for the BART Extension Alternative and the BART Extension with TOJD Alternative. These technical reports are publicly available on VTA's project website (<http://www.vta.org/bart/draft2016seis-seir/techrpts>). In addition, In addition, the City was provided these copies in advance of the release of the SEIS/SEIR. The study intersections are identified in Figures 3-7, *Alum Rock/28<sup>th</sup> Street Station Location and Study Intersections*, 3-8, *Diridon Station Location and Study Intersections*, and 3-9, *Santa Clara Station Location and Study Intersections*; therefore, it is not necessary to also list all of the study intersections in a table. Given the nature and scope of the BART Extension (linear with multiple stations) and number of intersections analyzed, the LOS tables are very long; therefore, it was decided to only include the conclusions in the SEIS/SEIR. This decision was made in the interest of improving readability of the document and is consistent with State CEQA Guidelines Section 15147 regarding the use of appendices for technical details.

The following has been added to Section 3.3.4.2, *2015 Existing Intersection Operations*, second paragraph:

Intersection LOS under 2015 Existing conditions was evaluated against City of San Jose, City of Santa Clara, and VTA's CMP standards. The existing conditions study year of 2015 is based on when the CEQA Notice of Preparation was published in January 2015. These LOS results are used as a basis of comparison with the 2015 Existing Plus BART Extension Alternative in Section 3.5.2 and with the 2015 Existing Plus BART Extension with TOJD Alternative in Section 3.5.3.

Two technical reports were prepared to provide the detailed traffic analysis: *Transportation Impact Analysis of the BART Extension* and *Transportation Impact Analysis of the BART Extension and VTA's Transit-Oriented Joint Development*. The detailed information requested is provided in these two technical reports. The SEIS/SEIR is intended to summarize this information and not repeat the detailed analysis. Regarding subsequent traffic analysis, the following revision has been made to Volume I, Section 2.5, *Permits and Approvals*, final paragraph:

In that context, the intent of this document is to provide VTA project-level CEQA clearance for all components of the BART Extension with TOJD Alternative. VTA recognizes that the TOJD is subject to the approvals of the Cities of San Jose and Santa Clara as they have jurisdiction over land use decisions within their respective boundaries. Because VTA has assumed the role of CEQA Lead Agency, the Cities of San Jose and Santa Clara would function as CEQA Responsible Agencies in conjunction with their necessary approvals and actions for the TOJD (e.g., rezonings, site development permits, demolition permits, grading permits, building permits, etc.). This document will be used by the Cities of San Jose and Santa Clara during this process, which may require subsequent environmental analysis to be determined by the Cities of San Jose and Santa Clara.

VTA acknowledges that additional environmental impact analysis may be done when specific TOJD plans are submitted to the City.

- L3-43 The first sentence under Section 3.2, *Regulatory Setting*, has been replaced with a discussion of SB 743. Also, a new paragraph citing the *Envision San Jose 2040 General Plan* and *Vision Zero* has been added to Section 3.2. Note, however, that the changes to the State CEQA Guidelines mandated by SB 743 have not been adopted by the Natural Resources Agency, and the rulemaking process has yet to be completed.
- L3-44 Neither the BART Extension Alternative nor the BART Extension Alternative with TOJD were found to result in a significant impact at the intersection of 24<sup>th</sup> and Santa Clara Streets. Therefore, no mitigation is required for impacts on that intersection.
- L3-45 Refer to response to comment L3-29.
- L3-46 The sentence cited in the comment addresses Existing Conditions, not future conditions. The word “currently” has been added to the text to clarify that currently no Class I bikeways serve the station area, but that Class I bikeways are planned in order to provide improved bike and pedestrian access to the station in the future. The City's planned 100-mile Interconnected Trail Network and the trail



alignment along the Five Wounds corridor have been added to the discussion of planned future Class I trails in the station area.

The first paragraph in Section 3.3.2.1, *Alum Rock/28<sup>th</sup> Street Station*, has been revised as follows:

The Alum Rock/28<sup>th</sup> Street Station site is moderately accessible by bicycle. The station site is surrounded by bicycle facilities, but none provide a direct connection to the site. Class II bike lanes are provided on Mabury Road, 21<sup>st</sup> Street, portions of San Antonio Street, and Jackson Avenue. There are currently no Class I bikeways that serve the station area, but new Class I facilities are planned by the City of San Jose in order to provide improved bike and pedestrian access to the station in the future. The proposed Class I facilities near the station site are part of the City of San Jose's planned 100-mile Interconnected Trail Network and are a separate project. The streets near the station site, Santa Clara Street/Alum Rock Avenue and McKee Road, are identified as "high caution" roads in VTA's Bikeways Map (May 2016).

L3-47 As discussed in Volume I, Section 2.2.2.1, *Alignment and Station Features by City*, the Alum Rock/28<sup>th</sup> Street Station will incorporate a pedestrian and bicycle gateway into the south side of the station campus to provide a multi-modal connection along North 28<sup>th</sup> Street from East Santa Clara Street. This south gateway will include wide sidewalks and bicycle facilities. Additionally, the station access improvements along North 28<sup>th</sup> street will include accommodations for the Five Wounds Trail. However, VTA is only providing the portion of the trail adjacent to the station. The portions of the trail to the north and south of the station area are unfunded at this time.

In addition to the aforementioned improvements that will be included on the station campus, VTA will be conducting the *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, and will aim to optimize efficient multimodal access to the station. The study will analyze various topics including bike, bus, and pedestrian access; and parking and kiss-and-ride areas; and will look at how all modes will be integrated. In addition to City coordination and their participation on the Technical Advisory Group, opportunities for public and stakeholder input will be provided throughout the study.

VTA and the City of San Jose will enter into a Master Cooperative Agreement to address the roles, responsibilities, and financial obligation for any staff or other resources for proceeding with the Phase II Extension Project.

L3-48 and L3-49

See response to comment L3-42.

- L3-50 The Federal Transit Administrations transportation model that was required to be used for the project considers kiss-and-ride as part of park-and-ride facilities assumptions. Therefore, if there are no park-and-ride facilities at the Downtown San Jose Station, there are no kiss-and-ride facilities or assumptions of usage. Some drop offs are indeed likely to occur at the Downtown San Jose Station. These drop offs could take place at various parking lots or curbside along Santa Clara Street or adjacent streets where parking is permitted and available. However, as the number of drop offs at the Downtown San Jose Station is anticipated to be relatively small, and they could occur in different areas near the station, the impact on traffic operations at the downtown intersections is expected to be minimal and not adverse or significant.
- L3-51 See response to comment L3-42.
- L3-52 and L3-53  
See response to comment L3-42.
- L3-54 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station. Refer to Master Response 3, *Diridon Station Long-Term Parking*, regarding long-term parking impacts at Diridon Station. Also refer to response to comment L3-3.
- L3-55 VTA acknowledges that after a specific development proposal for TOJD is filed with the City, additional impact analysis may be required. The SEIS/SEIR text has been revised to acknowledge this possibility. Refer to response to comment L3-42. VTA understands that, under Council Policy 5-3, mitigation may be needed for project impacts of development downtown on intersections outside of the Downtown. After a specific *development proposal for TOJD is filed, the City will determine whether the TOJD is covered by the Diridon Station Area Plan (DSAP) and Downtown Strategy FEIRs.*
- This is a clarification and does not alter any analysis in the SEIS/SEIR.
- L3-56 VTA acknowledges that final determination that the TOJD plans for Diridon Station would be consistent with the DSAP and would be covered by the FEIR for the DSAP cannot be made by the City until detailed TOJD plans are formulated and submitted to the City for necessary City approvals.
- L3-57 The LOS analysis of the intersection of Coleman Avenue and Brokaw Road under 2015 Existing conditions does not include the widening of Coleman Avenue to three lanes in each direction. Under 2015 Existing conditions, Coleman Avenue is assumed to have two southbound through lanes and three northbound through lanes. Widening Coleman to include three southbound through lanes is assumed under 2035 Forecast Year conditions in the SEIS/SEIR. As noted in the comment, 8-phased intersection operations are generally superior, but not in this specific

case. A mitigation measure that would retain 8-phased signal operations and protected left turns was analyzed, but the impact was found to not be adequately mitigatable. Because there are few through movements but a high volume of right turns from eastbound Brokaw onto Coleman, it is necessary to provide an exclusive eastbound right-turn lane so that right turns can occur during the overlapping green phase of northbound left turns. Several different mitigation measures were analyzed for this intersection, and the lane configuration and signal operation included in the proposed mitigation measure is the only one that would adequately mitigate the impact and would not require widening the eastbound leg of Brokaw Road.

L3-58 The number of parking spaces included in the SEIS/SEIR was based on the City's parking requirements for TOJD. This includes 1 parking space for every 300 square feet of office, 1 parking space for every 200 square feet of retail (this includes a 40 percent reduction in required office and retail parking spaces for TOJD), and 1.25 parking spaces for every residential unit (this includes a 25 percent reduction in required parking spaces for TOJD). Once the BART Extension elements within the proposed TOJD sites are nearing completion and the sites are no longer needed for construction staging of the BART Extension, construction could begin on the TOJD. In the entitlement process, VTA will work with the City to ensure that the TOJD will address market requirements and comply with the City's parking policy and rates. VTA acknowledges that the City of San Jose would have responsible-agency discretionary approval authority over aspects of the BART Extension with TOJD Alternative that are within its jurisdiction, and that the City would consider the Final SEIS/SEIR and determine the adequacy of the document for purposes of its approvals.

The word "Apartments" has been changed to "*Residential*" where the City of San Jose's parking requirement is cited Chapter 3, NEPA and CEQA Transportation Operation Analysis of the SEIS/SEIR. Text in Section 3.5.3.11, *Impact BART Extension + TOJD TRA-8: Increase Demand for Parking*, under the subheading, *Alum Rock/28<sup>th</sup> Street Station*, has been revised as follows:

As noted in Volume I, Chapter 2, *Alternatives*, a total of 2,150 parking spaces would be provided at the Alum Rock/28<sup>th</sup> Street Station: 1,650 spaces for the office use, 100 spaces for the retail use, and 400 spaces for the residential use. TOJD at the Alum Rock/28<sup>th</sup> Street Station would be subject to the parking requirements of the City of San Jose, as follows.

- Office: 4 spaces per 1,000 square feet.
- Retail: 5 spaces per 1,000 square feet.
- ~~Apartments~~ Residential: 1.25 spaces per studio or 1-bedroom unit and 1.7 spaces per 2-bedroom unit.



This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-59 Information regarding FAR Part 77 notification has been added to Section 6.10, *Hazards and Hazardous Materials*, under the *State/Airport Land-Use Compatibility* subheading, third paragraph, as follows:

FAA requires notification at least 30 days prior to beginning construction of proposed construction or alteration projects that would penetrate the imaginary surfaces defined by FAR Part 77 ~~or projects that would stand 200 feet tall or taller~~ (FAA Form 7460-1). Structures with heights exceeding the defined notification surface are required to be filed with the FAA for airspace review. FAR Part 77 also defines “obstruction surfaces” which are considered by the FAA in its reviews of proposed structures. ~~Following notification of proposed construction or alteration, FAA may conduct an aeronautical study to determine if proposed structures and construction equipment would create an airspace hazard.~~ In some cases, the FAA may determine that a structure can exceed an obstruction surface, typically incorporating mitigation, without creating an adverse impact on aviation safety. Conversely, the FAA may determine that a structure that is below an obstruction surface would create an adverse impact on aviation safety due to other airspace considerations.

FAA commonly requires proposed structures and construction equipment affecting navigable airspace to be marked and/or lighted for increased visibility (Federal Aviation Administration and U.S. Department of Transportation 2007). Issuance of FAA “determinations of no hazard”, and compliance with any conditions set forth in an FAA no-hazard determination, would ensure that no adverse impact on air safety or air traffic patterns would occur. The City of San Jose oversees proposed developments near the Norman Y. Mineta San Jose International Airport to ensure compliance with the FAR Part 77 notification requirements and FAA’s aeronautical determinations....

Similar changes were made to Chapter 3, *NEPA and CEQA Transportation Operation Analysis*, as requested.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-60 Section 6.10.5.3, *BART Extension Alternative*, under *Impact BART Extension + TOJD HAZ-5, Operation*, has been revised per information presented in the comment:

Based on review of the CLUPs adopted by the Santa Clara County ALUC and the City of San Jose’s *Diridon Station Area Plan*, any construction equipment that would exceed a height of an elevation of approximately 212 feet 212 feet above mean sea level or 120 feet in the Diridon Station area and 150 feet near the Santa Clara Station and Newhall Maintenance Facility (considering site-specific ground elevation) could potentially affect navigable airspace

associated with the Norman Y. Mineta San Jose International Airport. ~~The most conservative height restriction for the BART Extension would apply to construction near the Santa Clara Station and Newhall Maintenance Facility about 0.5 mile southwest of the airport, where equipment exceeding a maximum height of about 150 feet above the ground surface could affect navigable airspace.~~ As such, construction equipment would not exceed a height of ~~150~~ 120 feet. As mentioned in Section 6.10.2.2, *Regulatory Setting*, the FAA may determine that structures (and in this case, construction equipment) below an obstruction surface could create an adverse impact on aviation safety due to other airspace considerations. Thus, construction equipment would require FAA review if they exceed FAR Part 77 notification surface thresholds of 40 to 45 feet in the Diridon Station area and 20 to 25 feet in height in the Santa Clara Station and Newhall Maintenance Facility areas. It is anticipated that FAA would ultimately provide a “determination of no hazard.” Compliance with any conditions set forth in an FAA no-hazard determination, would ensure that no significant impact on air safety or air traffic patterns would occur. Therefore, impacts on navigable airspace for public-use airports during construction of the BART Extension would be *less than significant* because construction equipment would not exceed the designated height restrictions for protected airspace, and would conform to FAA no-hazard determination requirements. ~~and n~~No mitigation is required.

VTA will comply with FAR Part 77 notification requirements and go through FAA review and approval prior to start of construction. FAA Review and Approval has been added to Table 2-4, *Required Permits and Approvals*. This additional information does not change the conclusions presented in the SEIS/SEIR. Also refer to response to comment L3-59.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

L3-61 See response to comment L3-60.

L3-62 As requested, the Bureau of Fire Prevention’s duties related to providing technical reviews, construction inspections, and T19 (Public Safety) and California Fire Code enforcement to maintain public safety on special events and existing structures within the City of San Jose has been added to the discussion under Section 4.4.2.1, *Environmental Setting*. With regards to funding additional staff, VTA and the City of San Jose will enter into a Master Cooperative Agreement to address the roles, responsibilities, financial obligation for proceeding with the Phase II Extension Project. At the time of execution of this Agreement, the project is not expected to have all required information necessary to establish staffing and resource needs for the Phase II Extension Project. This Master Cooperative Agreement will be amended to reflect staffing and resource requirements established at the end of the engineering phase.

- L3-63 The information in Section 4.4, *Community Facilities and Public Services*, under the *Parks and Recreational Facilities* subsection has been updated as suggested. The source of the LOS information is Kathy LéVeque of the San Jose Department of Parks, Recreation & Neighborhood Services. The section has been revised for additional clarity. This additional clarifying information does not change the conclusions presented in the SEIS/SEIR regarding impacts on parks.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-64 Prior to any vibration-inducing construction, the buildings (including historic structures) that may be affected by vibration caused by construction of the BART Extension will be surveyed to establish baseline conditions. The survey will include written description and photos of existing cracks and will be submitted to the City of San José if required. Before and after survey results will be compared and assessed as stated in the mitigation measure, and any construction-related impacts on the condition of the buildings attributable to the BART Extension will be addressed. VTA will be responsible for repairing building damage caused by construction of this BART Extension. Mitigation Measure NV-CNST-R in Chapter 5, Section 5.5.13, *Noise and Vibration*, has been revised as follows:

**~~Mitigation Measure NV-CNST-R: Require Monitoring of Vibration for Peak Particle Velocity~~**

~~A survey of structures potentially impacted by construction vibration will be conducted prior construction and submitted for the Resident Engineer's approval. Vibration for PPV will then be monitored continuously at the closest structures and where vibration is expected to approach the applicable limit based on the building type and condition.~~

**Mitigation Measure NV-CNST-R: Implement a Preconstruction and Post-Construction Building Condition Surveys for Vibration**

The contractor will survey all structures potentially impacted by construction vibration will be conducted prior to construction or release of the TBM and cut-and-cover construction contract(s), and submitted the results to VTA for approval. Surveys will be conducted in all historic buildings or structures where vibration is expected to approach the applicable limit, and in non-historic buildings based on the building type and condition. Preconstruction building condition surveys of the interiors and exteriors of these structures will be conducted by independent surveyors to assess the baseline condition of each property that could be affected by construction vibration. The surveys will include written and photographic (video and still) records, including written descriptions and photos of any cracks. For historic structures, the Conditions Assessment Report in accordance with Section 106 will be



prepared along with the preconstruction building condition surveys. The surveys will be performed prior to any vibration-inducing construction to establish baseline building conditions. The results of the preconstruction surveys will be utilized to establish the structure types and determine which vibration thresholds apply in consultation with a qualified structural engineer and a qualified architectural historian or a historic architect, as outlined in Mitigation Measure NV-CNST-P. Vibration will be monitored as required in Mitigation Measure NV-CNST-P to avoid adverse effects on properties during construction activities. The post-construction survey results will be compared with preconstruction condition surveys so that any construction vibration effects on structures can be assessed. For the treatment of historic structures, this requirement is described in the Draft Programmatic Agreement for the treatment of cultural resources during implementation of the project, located in Appendix D.3.

Vibration monitoring requirements have been consolidated into Mitigation Measure NV-CNST-P: Implement a Construction Vibration Control and Monitoring Plan, described in Chapter 5, Section 5.5.13, *Noise and Vibration*.

This is an additional clarification to the method for conducting preconstruction surveys for vibration and does not alter the conclusions presented in the SEIS/SEIR.

- L3-65 Prior to construction, the buildings (including historic structures) that may be affected by construction of the BART Extension will be surveyed to establish baseline conditions. The survey will include written description and photos of existing cracks and will be submitted to the City of San Jose if required. The “select structures” will be defined after options are finalized and will include buildings that may be physically affected by the BART Extension, including historic structures. The list of select structures is dependent on the options selected and techniques used for construction. Before and after survey results will be compared and assessed as stated in the mitigation measure, and any settlement-related adverse effects to the condition of the buildings attributable to the BART Extension will be addressed. VTA will be responsible for repairing building damage caused by construction of this project. Mitigation Measure GEO-CNST-B in Chapter 5, Section 5.5.9, *Geology, Soils, and Seismicity*, has been revised as follows:

**Mitigation Measure GEO-CNST-B: Implement Preconstruction and Post-Construction Building Condition Surveys for Settlement-Implement Preconstruction Condition Surveys along the Tunnel Alignment**

Preconstruction condition surveys of the interiors and exteriors of select structures within the settlement trough along the tunnel alignment and within

the limit of influence around the cut-and-cover excavations will be conducted by independent surveyors to assess the baseline condition of each property that could be affected by project-induced settlement. These surveys will include written and photographic (video and still) records, including written descriptions and photos of any cracks. The results of these surveys will be compared with post-construction condition surveys so that any effects of tunneling and cut-and-cover construction on structures can be assessed. ~~For the tunnel activity, surveys will be performed as close to the planned dates of tunneling as possible so that the results are as current as possible. Therefore, surveys will be performed prior to passage of the tunnel boring machines, with some surveys conducted once tunneling has commenced.~~

For historic structures, the Conditions Assessment Report in accordance with Section 106 will be prepared along with the preconstruction building condition surveys. Results will be used by a structural engineer in coordination with a qualified architectural historian or a historic architect to identify cosmetic settlement thresholds for each historic structure prior to construction. If anticipated maximum settlement due to tunneling or cut and cover activities would cause more than cosmetic damage, then ground treatment technologies outlined in Section 5.3.1.4 would be employed to further reduce settlement to within building-specific cosmetic settlement thresholds.

For the cut-and-cover activity, surveys will be performed prior to any construction in the cut and cover work area to establish baseline building condition. For the tunnel activity, surveys will be performed as close to the planned dates of tunneling as possible so that the results are as current as possible. Therefore, surveys will be performed prior to passage of the tunnel boring machines, with some surveys conducted once tunneling has commenced. For historic structures, surveys prior to either cut and cover or tunneling will be performed enough in advance of the construction to allow adequate time for any necessary ground treatment that may be required to reduce settlement to be performed.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-66 As described in the *Preliminary Finding of Effects* and as summarized in Sections 4.5 and 6.6, *Cultural Resources*, the proposed BART stations would result in no adverse effect, either direct or indirect, on the identified historic properties located within both the Cities of San Jose and Santa Clara. In addition, VTA has coordinated and will continue to coordinate with City of San Jose staff on the design of station entrances within the City of San Jose to design station entrance options that would not adversely affect historic resources. VTA staff has provided presentations to the Historic Landmarks Commissions of both the Cities of San

Jose and Santa Clara and will continue consultation with these commissions throughout the design and implementation of the BART Extension.

L3-67 San Jose’s Historic Resource Inventory (HRI) has been reviewed with regard to the fourteen addresses provided by the City. Tables 4.5-1, *Properties Listed in or Previously Determined Eligible for the National Register of Historic Places and California Register of Historical Resources*, 4.5-2, *Properties Determined Eligible for Listing in the National Register of Historic Places and California Register of Historical Resources as Part of the Phase II Extension Project*, and 4.5-3, *Survey Population Properties that Are Historic Resources for CEQA but Are Determined Not Eligible for Listing in the National Register of Historic Places and/or California Register of Historical Resources as Part of the Phase II Extension Project*, have been updated and revised where necessary to show current historic status. A brief overview of the results of the review and historic status of these properties is provided below.

### **1. 101–109 East Santa Clara Street**

Archives and Architecture, a cultural resources consulting firm, inventoried and evaluated this property in 1998 on a Department of Parks and Recreation (DPR) 523 Primary form and concluded that the subject building had “contextual importance as a visual anchor in San Jose’s historic downtown,” but that it “may not be individually eligible for the California Register.” The evaluation did not provide a comprehensive evaluation that applied National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) criteria, meaning the evaluation was incomplete and was not sufficient to conduct Section 106, NEPA, or CEQA analysis for the purposes of this project. Therefore, JRP Historical Consulting, LLC, re-evaluated the building as part of the Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives completed in 2003 and applied the required NRHP and CRHR criteria to clarify the historic status of this building because the previous evaluation had inconclusive determinations. JRP summarized the previous evaluation of this property and applied both NRHP and CRHR criteria, concluding that the building lacked historical significance and was not eligible for either the CRHR or the NRHP individually or as a contributor to a historic district. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with this finding and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003.

Although the current version of the City’s Historic Resources Inventory (HRI) available online (dated February 8, 2016) lists the subject building as eligible for the NRHP and CRHR, the information provided herein demonstrates a preponderance of evidence that this building is not eligible for either the NRHP or



CRHR, is not a historic property as defined under Section 106, and is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017),<sup>13</sup> which are included as appendices to the SEIS/SEIR.

## 2. 130–134 East Santa Clara Street

Archives and Architecture, a cultural resources consulting firm, inventoried and evaluated this property in 1991 and concluded that the subject building “did not make an architectural contribution to the [San Jose Downtown Commercial] Historic District; however, it does have some historical significance for its association with Louis Henning.” The 1991 evaluation did not apply NRHP criteria for the evaluation of the property; however, an NRHP Status Code “1D” (listed in the NRHP as a contributor to a historic district) was assigned to the building on that inventory form. The assignment of the 1D status code is inconsistent with the 1991 evaluation and the 1983 NRHP nomination form for the San Jose Downtown Commercial District Historic District. While this property is located within the district, which was listed in the NRHP in 1983, the NRHP nomination for that district clearly identified the building at 130–134 East Santa Clara Street as a non-contributing element within the historic district.

JRP Historical Consulting, LLC, re-evaluated the building as part of the Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003 to apply the required criteria and clarify the historic status of this building because the previous evaluation was more than 5 years old and had inconclusive determinations. JRP summarized the previous evaluations of this property and applied both NRHP and CRHR criteria, concluding that the building lacked integrity and was not eligible for either the CRHR or the NRHP individually, nor as a contributor to the historic district. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with the finding and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003.

Although the current version of the City’s HRI available online (dated February 8, 2016) lists the subject building as a contributor to an NRHP historic district, the information provided herein demonstrates a preponderance of evidence that this building is not eligible for either the NRHP or CRHR, is not a historic property as

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<sup>13</sup> JRP Historical Consulting. 2003. *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives*. Prepared for Santa Clara Valley Transportation Authority. January.

JRP Historical Consulting. 2017. *VTA’s BART Silicon Valley—Phase II Extension Project: Supplemental Built Environment Survey Report*. November.

defined under Section 106, and is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

### **3. 16 & 18 East Santa Clara Street (revised to 17–25 East Santa Clara Street)**

The address 16 & 18 East Santa Clara is not listed on the City's HRI. VTA queried the City of San Jose and Susan Walsh, City Planner, with the Department of Planning, Building, and Code enforcement clarified that this comment was meant to apply to 17–25 East Santa Clara. Therefore, the following response is for 17–25 East Santa Clara Street.

The building at 17–25 East Santa Clara Street (APN 467-21-024) has been previously inventoried and evaluated multiple times, including the inventory and identification efforts for cultural resources documented within the Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003. The State Historic Preservation Officer determined the building lacked significance and integrity and therefore was not eligible for the NRHP in June 2003. For the same reasons the building is not eligible for the CRHR.

While the current version of the City of San Jose's HRI available online (dated February 8, 2016) lists the subject building (17–25 East Santa Clara Street) as a Structure of Merit, and notes that the City has neither an NRHP Inventory Form nor a DPR form on file for this property to support the HRI listing, Structures of Merit are not historic properties under Section 106 or historical resources under CEQA. Structures of Merit are not included in the City of San Jose's Historic Preservation Ordinance, and numerous reports and documents regarding impacts on cultural resource prepared for or by the City specifically state that Structures of Merit are not considered "significant resources" for the purposes of CEQA. The information provided herein demonstrates a preponderance of evidence that, in addition to being ineligible for the NRHP and CRHR, this building is not a historical resource under CEQA (CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **4. 91 East Santa Clara Street (APN 467-21-005)**

Dill Design Group, a cultural resources consulting firm, inventoried and evaluated this property as part of the San Jose Downtown Survey, prepared for the City of San Jose in August 2000. Documented on a DPR 523 form, the evaluation noted that half of the building was demolished in the late 1960s and the storefronts had been replaced at some point. The evaluator also speculated that some of the “historic fabric...remains in the façade but is covered.” The evaluation concluded: “The building potentially contributes to the historic Downtown Commercial District, although it cannot be determined if sufficient integrity exists that would qualify the building for the National Register.” No NRHP or CRHR criteria were applied and no NRHP Status Code was assigned to this building.

JRP Historical Consulting, LLC, re-evaluated the building as part of the Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003 to clarify the historic status of this building. JRP prepared a DPR 523 update form for the subject property that summarized the findings of the 2000 evaluation and evaluated the property for NRHP and CRHR eligibility. JRP concluded that the building lacked both historic significance and integrity and did not meet the criteria for listing in the NRHP. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with the findings and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003.

JRP also noted within the DPR update form that the San Jose HRI previously identified the property as eligible for the CRHR; however, because the building lacked sufficient integrity, JRP concluded that it did not meet the eligibility requirements for listing in the CRHR and was not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). The information provided herein demonstrates a preponderance of evidence that, in addition to being ineligible for the NRHP and CRHR, this building is not a historical resource under CEQA. Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the Draft Technical Memorandum Historical Resources Evaluation Report or Supplemental Building Environment Survey Report (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **5. 30–32 East Santa Clara Street**

Archives and Architecture, a cultural resources consulting firm, evaluated the building at 30–32 East Santa Clara Street in 1991 on a Historic Resources Inventory Form for the City as part of the Unreinforced Masonry Survey. Although NRHP criteria was not applied as part of the evaluation, the evaluator noted extensive alterations to the façade and concluded the building was ineligible for listing in the NRHP. The form noted that the building was not a contributor to



the San Jose Downtown Commercial District Historic District because it lacked integrity, yet a NRHP Status Code “1D” (listed in the NHRP as a contributor to a historic district) was incorrectly assigned to building on that inventory form. In 2002, Dill Design Group evaluated the building as part of the Mixed-Use Project and Expansion of the Century Center Redevelopment Plan Area EIR. That evaluation noted that the building was not included as a contributing structure to the San Jose Downtown Commercial District Historic District nomination (prepared in 1983) because of an address confusion, but was listed in the City of San Jose’s HRI as a Structure of Merit as part of an adjacent structure. The subject building was divided structurally (and as a legal parcel) from the adjacent building and significantly altered in the twentieth century. While the evaluator noted the building had some local significance as “the earliest extant bank building, and the office site of a number of prominent early San Jose businesses,” Dill Design Group concluded that the subject building, as a distinct and separate building from the adjacent structure, was not eligible for the CRHR because it lacked integrity.

JRP Historical Consulting, LLC, re-evaluated the building on a DPR 523 update form as part of the Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003 to clarify its historic status. The update summarized the findings of the 1991 and 2002 evaluations. Applying both NRHP and CRHR criteria, JRP concluded that while the building may have significance under NRHP Criterion A within the context of commercial development in downtown San Jose, it lacked integrity and could no longer convey its potential significance. Thus, the evaluation concluded the building was not eligible for the NRHP and was not a contributor to the San Jose Downtown Commercial District Historic District. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with that finding and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003. This building is not a historic property as defined under Section 106. JRP also found that the building did not meet the eligibility requirements for listing in the CRHR and was not a historical resource under CEQA.

Although the current version of the City’s HRI available online (dated February 8, 2016) lists the subject building as a contributor to a NRHP historic district, the information provided herein demonstrates a preponderance of evidence that it is not eligible for either the NRHP or CRHR and is not a historic property as defined under Section 106 and is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey*

*Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

## **6. 37 Fountain Alley**

Archives and Architecture, a cultural resources consulting firm, inventoried and evaluated this property in 1992 and concluded that the subject building was “not historically or architecturally significant.” The evaluator did not apply NRHP criteria for the evaluation of the property yet a NRHP Status Code “1D” (listed in the NHRP as a contributor to a historic district) was assigned to building, presumably based off the California Historical Resources Inventory System (CHRIS), which incorrectly listed this property as a contributor to a NRHP-listed historic district. While the property is located within the San Jose Downtown Commercial District Historic District, which was listed in the NRHP in 1983, the NRHP nomination for that district clearly identifies the building at 37 Fountain Alley as a non-contributing structure of the historic district.

JRP Historical Consulting, LLC, re-evaluated the building on a DPR 523 Form as part of the Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003 to apply the required criteria and clarify the historic status of this building because the previous evaluation was more than 5 years old and had inconclusive determinations. JRP summarized the previous evaluations of this property and applied both NRHP and CRHR criteria, concluding that the building lacked integrity and was not eligible for either the CRHR or the NRHP individually or as a contributor to the historic district. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with the finding, and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003.

Although the current version of the City’s HRI available online (dated February 8, 2016) lists the subject building as a contributor to a NRHP historic district, the information provided herein demonstrates a preponderance of evidence that this building is not eligible for either the NRHP or CRHR, is not a historic property as defined under Section 106 and is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

## **7. 30-32 South First Street**

Dill Design Group, a cultural resources consulting firm, inventoried and evaluated this property as part of the San Jose Downtown Survey, prepared for the City of

San Jose in August 2000. Documented on a DPR 523 form, the evaluation noted that this building had been previously found eligible as a contributor to the San Jose Downtown Commercial District Historic District but was subsequently found ineligible in 1991 because the building had been altered and lacked integrity. Nevertheless, Dill Design Group concluded that because there was a possibility that the original façade was extant beneath the alterations, the building “would appear to continue to be a contributing structure in the National Register District under Criterion A and B, unless it were later determined that the original upper façade has been lost.” The building was assigned a NRHP Status Code “1D” (listed in the NHRP as a contributor to a historic district).

JRP Historical Consulting, LLC, re-evaluated the building on a DPR 523 Form as part of the Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (HRER) completed in 2003 to clarify its historic status. JRP summarized the previous evaluations of this property, noting that the CHRIS erroneously listed this property (addressed as 30 South First in CHRIS) as a contributor to an NRHP-listed historic district, and applied both NRHP and CRHR criteria. JRP concluded that the building lacked integrity and was not eligible for either the CRHR or the NRHP individually or as a contributor to the historic district. Although incorrectly listed in CHRIS as a contributor, the NRHP nomination for the historic district clearly identifies this building (addressed as 30 South First Street in the nomination) as a non-contributing building in the district. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with this finding, and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003.

Although the current version of the City’s HRI available online (dated February 8, 2016) lists the subject building as a contributor to a NRHP historic district, the information provided herein demonstrates a preponderance of evidence that this building is not eligible for either the NRHP or CRHR, is not a historic property as defined under Section 106 either individually or as a contributor to a historic district, and is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

## **8. 20 West Santa Clara Street**

Dill Design Group, a cultural resources consulting firm, inventoried and evaluated this property as part of the San Jose Downtown Survey, prepared for the City of San Jose in August 2000. Documented on a DPR 523 form, the evaluation noted that this building was significant “as an early “Tall Building” in the downtown



and the oldest extant building of this genre.” However, the evaluation concluded the 1910 building was not eligible for the NRHP because of extensive alterations completed during the 1960s. Although the evaluation also noted its potential significance if the alterations were reversible, there was no planned or executed project to make those renovations. The form did not identify the building as listed in the City of San Jose’s HRI, did not apply NRHP or CRHR criteria for evaluation of the property, and no NRHP Status Code was assigned to this building.

JRP Historical Consulting, LLC, included the 2000 DPR form (labeled as Map Reference No. 12-39) as part of the *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives* (2003), and based on the conclusions of Dill Design Group, reported this building as ineligible for both the NRHP and CRHR. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for that project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA’s determination of NRHP ineligibility through the Section 106 process in June 2003. Therefore, this building is not a historic property as defined under Section 106.

The current version of the City of San Jose’s HRI available online (dated February 8, 2016) lists the subject building as a Structure of Merit and notes that the City has neither a NRHP Inventory Form, nor a DPR form on file for this property to support the HRI listing. While listed in the HRI, Structures of Merit are not included in the City of San Jose’s Historic Preservation Ordinance and numerous reports and documents regarding impacts on cultural resource prepared for or by the City specifically state that Structures of Merit are not considered “significant resources” for the purposes of CEQA. The information provided herein demonstrates a preponderance of evidence that, in addition to being ineligible for the NRHP and CRHR, this building is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

## **9. 64–66 West Santa Clara Street**

Archives and Architecture, a cultural resources consulting firm, inventoried and evaluated the property at 64–66 West Santa Clara Street in 1991 and concluded that the subject building was not eligible for listing in the NRHP. JRP Historical Consulting, LLC re-evaluated the building using both NRHP and CRHR criteria on a DPR 523 Form as part of the *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives* (HRER) completed in 2003 because the previous evaluation was more than 5 years old.

JRP also concluded that the building was not eligible for either the NRHP or CRHR. Further, JRP noted that the building was listed as a Structure of Merit in the City of San Jose's HRI but that that classification was not considered a historical resource under CEQA. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with the finding, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003. Therefore, this building is not a historic property as defined under Section 106.

The current version of the City's HRI available online (dated February 8, 2016) lists the subject building as a Structure of Merit. Although listed in the HRI, Structures of Merit are not included in the City of San Jose's Historic Preservation Ordinance and numerous reports and documents regarding impacts on cultural resources prepared for or by the City specifically state that Structures of Merit are not considered "significant resources" for the purposes of CEQA. In addition to being ineligible for the NRHP and CRHR, the information provided herein demonstrates a preponderance of evidence that this building is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **10. 141 West Santa Clara Street**

Dill Design Group, a cultural resources consulting firm, inventoried and evaluated this property as part of the San Jose Downtown Survey, prepared for the City of San Jose in August 2000. Documented on a DPR 523 form, the evaluation noted that this building "has a high level of significance associated with downtown San Jose culture, but in the current configuration [the building] lacks integrity to qualify for the National Register." The form did not identify the building as listed in the City of San Jose's HRI, did not apply NRHP or CRHR criteria for evaluation of the property, and no NRHP Status Code was assigned to this building. JRP Historical Consulting, LLC included the 2000 DPR form (labeled as Map Reference No. 12-48) as part of the Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives (2003), and based on the conclusions of Dill Design Group, reported this building as ineligible for both the NRHP and CRHR. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for that project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003. Therefore, this building is not a historic property as defined under Section 106.

The current version of the City of San Jose’s HRI available online (dated February 8, 2016) lists the subject building as a Structure of Merit and notes that the City has neither a NRHP Inventory Form nor a DPR form on file for this property to support the HRI listing. While listed in the HRI, Structures of Merit are not included in the City of San Jose’s Historic Preservation Ordinance and numerous reports and documents regarding impacts on cultural resource prepared for or by the City specifically state that Structures of Merit are not considered “significant resources” for the purposes of CEQA. The information provided herein demonstrates a preponderance of evidence that, in addition to being ineligible for the NRHP and CRHR, this building is not a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **11. 44 South Almaden Avenue**

This property is outside of the current Area of Potential Effects for the Phase II Project and is therefore not addressed in the SEIS/SEIR. Consequently, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **12. 735 The Alameda**

This address is not listed in the San Jose HRI (dated February 8, 2016). Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

#### **13. 764–765 The Alameda**

This address is not listed in the San Jose HRI (dated February 8, 2016) nor is any such address identified by the Santa County Assessor’s office. However, research conducted in response to this comment revealed that the historic status of two associated properties at 734 The Alameda (APN 261-33-047) and 88 Bush Street (multiple APNs) were misidentified in the *Supplemental Building Environment Survey Report* (dated November 2017). These properties were originally part of one large legal parcel (APN 261-33-038) that was formerly the Del Monte/Cal Pak Plant #51, with the address of 50 Bush Street. JRP previously identified this complex as eligible for the NRHP and CRHR within the *Draft Technical Memorandum Historical Resources Evaluation Report* for SVRTC EIS/EIR



Alternatives (HRER) completed in 2003. Subsequent alteration of the plant buildings (described below) together with subdivision of the original legal parcel and varying addresses for these buildings, caused the incorrect listing of the District Manager's Office as "determined not eligible for the NRHP" and former plant buildings as modern (built in or after 1975) in the 2017 *Supplemental Building Environment Survey Report*. The following summarizes the previous evaluation of these properties and corrected status information.

Archives & Architecture, a cultural resources consulting firm, inventoried and evaluated the parcel in 1998 as part of the Historical and Architectural Evaluation for Del Monte Plan #51 at 50 Bush Street in the City of San Jose, prepared for Del Monte Foods in March 1998. Documented on a DPR 523 form, the evaluation concluded that the former Del Monte property was eligible for the NRHP under Criterion A for its important association with the local fruit processing industry between 1915 and 1948. The property was subsequently listed in CHRIS in 1999 with the status code 2S2 (determined eligible for the NRHP through Section 106 consensus process). Between 2006 and 2008, the main plant was demolished except for the exterior brick façades along its perimeter. The modern condominiums constructed within the shell of the former plant are arranged in four buildings with two and three additional stories that rise above the older brick facades. By 2006, the District Manager's Office (always a separate building facing The Alameda) was subdivided from the larger condominium complex. The office building was designated a City of San Jose Landmark in April 2006. The City's current HRI (dated February 8, 2016) lists the District Manager's Office (734 The Alameda) on APN 261-33-047 as individually eligible for the NRHP and CRHR and a City Landmark. The former Del Monte Plant is identified as APN 261-33-48, with the address of 88 Bush Street, and is listed as individually eligible for the NRHP and CRHR.

The SEIS/SEIR has been amended to identify the District Manager's Office as a historic property and historical resource under Section 106 and CEQA.

In the vicinity of the Del Monte/Cal Pak Plant #51, the BART Extension proposes construction of either a single- or twin-bore tunnel alignment, and the construction of either the Diridon Station South or Diridon Station North options, each of which would have a different configuration for the single- and twin-bore tunnel alignments. In the vicinity of the Cal Pak District Manager's Office and the former Packard Showroom at 865 The Alameda, the BART Extension proposes construction of either a single- or twin-bore tunnel alignment only; no station options are in the vicinity of these historic properties.

None of the proposed alternatives would cause any direct or indirect adverse effects on these historic properties from their construction or operation (36 Code of Federal Regulations [CFR] Part 800.5). All construction would be conducted

outside of the historic properties' boundaries and would not result in the partial removal of, physical destruction of, or damage to the historic properties under 36 CFR 800.5(a)(2)(i), (ii) and (iii). Therefore, the BART Extension would not cause a direct adverse effect on any of these three historic properties.

There are no predicted vibration or noise impacts from construction or operation at the location of these historic properties in accordance with 36 CFR 800.5[a][2][iv] and [v].

Further, none of the BART Extension components would cause indirect adverse effects on any of these historic properties through introduction of new visual elements under 36 CFR 800.5(a)(2)(iv) and (v). The bored tunnel alignments would all be below-grade and would not be visible from any of the historic properties. Above-ground elements related to the Diridon Station South and North options would also not be visible from the Cal Pak District Manager's Office or the former Packard Showroom at 865 The Alameda. While elements from the Diridon Station North option would be visible from the Del Monte/Cal Pak Plant #51, these elements would not cause an adverse effect on this heavily modified converted condominium complex because they would not diminish any of the historic property's remaining character-defining features.

In addition, the construction and operation of any of these components would not result in any direct or indirect substantial adverse changes to the historical resources as defined in the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 13, Section 15064.5).

#### **14. 807 The Alameda**

The historic-era building formerly located at 807 The Alameda was demolished circa 2015 as part of the 785–807 The Alameda Project, which is currently under construction. Therefore, no revisions are required to Tables 4.5-1 through 4.5-3 or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

- L3-68 The College Park Station was evaluated and found ineligible for listing in the NRHP and CRHR in 2001 as part of the environmental compliance effort for the Caltrain Electrification Program, San Francisco to Gilroy (MP 0.0 to 77.4). The lead NEPA and CEQA agencies for the Caltrain Electrification project, the FTA and the Peninsula Corridor Joint Powers Authority, respectively, agreed with the findings for the College Park Station, and the State Historic Preservation Officer subsequently concurred with FRA's determination of NRHP ineligibility through the Section 106 process in a letter dated December 9, 2002 (FTA021021A). Concurrent with that project, JRP Historical Consulting, LLC, evaluated the College Park Station as part of the *Draft Technical Memorandum Historical*

*Resources Evaluation Report for SVRTC EIS/EIR Alternatives (2003)*. Like the previous evaluation, JRP concluded that the station was not eligible for listing in either the NRHP or CRHR. FTA and VTA (lead NEPA and CEQA agencies, respectively, for this project) agreed with JRP's findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003.

While the station may be mentioned in Jack London's *Call of the Wild* and various works of Jack Kerouac, the station has no direct or important association with either author and mere references in literature does not rise to the level of significant under any NRHP or CRHR criteria for evaluation. The finding of ineligibility for both the NRHP and CRHR was confirmed through two environmental reviews and remains valid. The station is neither a historic property as defined under Section 106, nor a historical resource under CEQA (State CEQA Guidelines Section 15064.5). Therefore, no revisions are required to Table 4.5-2, *Properties Determined Eligible for Listing in the National Register of Historic Places and California Register of Historical Resources as Part of the Phase II Extension Project*, or any table within the *Draft Technical Memorandum Historical Resources Evaluation Report* or *Supplemental Building Environment Survey Report* (dated November 2017), which are included as appendices to the SEIS/SEIR.

- L3-69 JRP Historical Consulting, LLC, inventoried and evaluated the building at 865 The Alameda as part of the Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives completed in 2003. Assigned Map Reference No. 13-22 in that report, JRP concluded that the property lacked historic significance and was not eligible for the NRHP or CRHR. (The property has been assigned Map Reference No. F-35 for the *Supplemental Building Environment Survey Report*, dated November 2017, which is included as an appendix to the SEIS/SEIR.) FTA and VTA, as lead NEPA and CEQA agencies, respectively, for the 2003 project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003. After that determination, this building was altered in 2009 and those modifications may have been completed according to Secretary of the Interior's Standards for Rehabilitation or Restoration. For the purposes of this project, the property has been presumed eligible for the NRHP and CRHR under Criterion C and Criterion 3, respectively.

In the vicinity of the former Packard Showroom at 865 The Alameda, the BART Extension proposes construction of either a single- or twin-bore tunnel alignment only; no station options are in the vicinity of this historic property.

None of the proposed alternatives would cause any direct or indirect adverse effects to this historic property from their construction or operation (36 CFR Part



800.5). All construction would be conducted outside of the historic property's boundaries and would not result in the partial removal of, physical destruction of, or damage to the historic property under 36 CFR 800.5(a)(2)(i), (ii) and (iii). Therefore, the BART Extension would not cause a direct adverse effect on the property at 865 The Alameda.

There are no predicted vibration or noise impacts from construction or operation at the location of this historic property in accordance with 36 CFR 800.5[a][2][iv] and [v].

Further, none of the components would cause indirect adverse effects on the historic property through introduction of new visual elements under 36 CFR 800.5(a)(2)(iv) and (v). The bored tunnel alignments would all be below-grade and would not be visible from the building, nor would above-ground elements related to the Diridon Station South and North Options.

In addition, the construction and operation of any of these components would not result in any direct or indirect substantial adverse changes to the historical resource as defined in the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 13, Section 15064.5).

L3-70 Mitigation Measure NV-A: Implement Noise Reduction Treatments at Ancillary Facilities, described in Section 4.12, *Noise and Vibration*, subsection 4.12.4, *Environmental Consequences*, under the subheading, *Emergency Ventilation Fan Noise*, is written as a performance requirement with the specific treatment measures to be determined during the engineering phase based on various factors such as efficacy, cost, and maintenance requirements. This mitigation measure, similar to all other mitigation measures, will be made a construction specification subject to VTA approval. Mitigation Measure NV-A requires VTA to comply with the applicable City of San Jose noise criteria, and three potential treatments are provided, documenting that mitigation is feasible. VTA would make the decisions on which treatments are chosen, and the construction contractor will implement approved treatments. If noise complaints are received, VTA would monitor the noise levels and take corrective actions as necessary. It is expected that the local jurisdictions would be responsible for enforcing their specific noise ordinances. Use of a performance measure as mitigation is in compliance with NEPA and CEQA.

Mitigation Measure NV-A has been refined to provide more details/clarifications to address the comment, as shown below:

### **Mitigation Measure NV-A: Implement Noise Reduction Treatments at Ancillary Facilities**

As part of construction specifications to be approved by VTA, the contractor will implement ~~be required to implement~~ noise reduction treatments at ancillary facilities such as tunnel ventilation shafts, pressure relief shafts, traction power substations, and emergency backup generators such that noise levels comply with applicable Cities of San Jose and Santa Clara noise criteria at nearby developed land uses. Treatments that will be required to be implemented, ~~if~~ as necessary, include but are not limited to:

- Sound attenuators and acoustical absorptive treatments in ventilation shafts and facilities.
- Sound attenuators for the tunnel emergency ventilation fans.
- Perimeter noise walls (nominally an 8-foot-high wall) placed around emergency generators.

This change does not alter the conclusions with respect to the significance of impacts.

L3-71 Sections 4.13.2.1, *Environmental Setting*, has been revised to include Homeland Security information.

The BART Police Department relies on criminal intelligence information provided by the local fusion center, the Northern California Regional Intelligence Center (NCRIC), and assists NCRIC by providing Suspicious Activity Report (SAR) data to the NCRIC database. The NCRIC then combines the SAR data into an intelligence picture that is shared within the region to spot criminal trends, including terrorist plots. The BART Police Department Policy Manual also provides guidance and policies for suspected terrorist incidents (BART 2017). Since the September 11, 2001, terrorist attacks, BART has implemented the following security measures (BART 2006):

- Enhancing the presence of uniformed personnel.
- Installing alarms and surveillance systems at key facilities.
- Educating and reminding employees and riders to be more vigilant and aware of their surroundings.
- Conducting background checks on prospective employees, contractors, and vendors.

- Providing extensive training to all BART frontline employees on emergency preparedness and terrorism and providing new information to these employees regularly.
- Working with many outside agencies to perform security drills and identify latest detection devices for various chemical or biological agents.
- Undertaking the “Eyes and Ears” program to involve BART riders in security and anti-terrorism initiatives.

L3-72 The list of applicable fire code regulations in Section 4.13.2.2 has been updated as requested.

The BART Extension would be required to comply with the following ~~regulations federal codes for tunnel and station ventilation, and for train and station circulation and exiting.~~

- Federal Transit Administration Security Initiatives, including the National Transit Response Model and Security Program Action Items.
- National Fire Protection Association (NFPA) Codes (and local amendments), including the following:
  - 13 – Standard for the Installation of Sprinkler Systems
  - 14 – Standard for the Installation of Standpipe and Hose Systems
  - 20 – Standard for the Installation of Stationary Pumps for Fire Protection
  - 72 – National Fire Alarm and Signaling Code
  - 101 – Life Safety Code
  - 130 – Standard for Fixed Guideway Transit and Passenger Rail Systems
- ~~130 Fixed Guideway Transit Systems.~~
- ~~National Fire Protection Association (NFPA) 101 Life Safety Code~~
- U.S. Department of Transportation Subway Environmental Design Handbook, Volume 1.
- 28 Code of Federal Regulation (CFR) Part 36, Americans with Disabilities Act, Standards for Accessible Design.
- Current California Building Code at the time of construction.
- Current California Fire Code at the time of construction.
- Adopted local ordinances, as applicable.



These revisions do not change the conclusions related to fire safety presented in the SEIS/SEIR.

- L3-73 The method of contract delivery has not been determined at this time. With regard to jurisdiction, BART will operate and maintain the BART service and is responsible for the guideway and platform areas, and VTA will manage and maintain the station areas. In addition, VTA and the City's roles and responsibilities will be defined in a Master Cooperative Agreement.
- L3-74 By law, the BART Extension design is required to be compliant with CBC guidelines. The facilities are also designed per BART Facilities Standards that are based on several state and federal guidelines for rail systems including the CBC. Upon approval of the BART Extension and certification of the environmental documents, the BART Extension will undergo design, engineering, and permitting with applicable building departments, which will entail evaluation of CBC compliance.
- L3-75 The design will comply with provisions of The Americans with Disabilities Act. There are multiple entrance options provided and include a minimum of two entrances with elevators planned to be built at each station. As design progresses, VTA will finalize locations and configuration of entrances which will meet applicable codes and standards.
- L3-76 Existing buildings within construction staging areas would be demolished. Station access would be from new buildings. Design of station entrances and facilities will meet applicable codes and standards.
- L3-77 City of San Jose Building Division jurisdictional authority will be determined through the Master Cooperative Agreement and other permits and approvals as highlighted in Table 2-4, *Permits and Approvals*. This comment is not related to the adequacy of this NEPA/CEQA document.
- L3-78 Refer to response to comment L3-74. Section 5.5.9.2, *Surface Settlement*, includes Mitigation Measures GEO-CNST-B thru GEO-CNST-F, described in Chapter 5, Section 5.5.9, *Geology, Soils, and Seismicity*, that require preconstruction monitoring, construction monitoring, and modifications if necessary to reduce the effects of settlement of existing buildings. Mitigation Measures TRA-CNST-A through TRA-CNST-D, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, as revised, will ensure safe access and circulation for adjacent businesses and occupants during the construction period, including adequate access for public service providers, including fire departments. No buildings will be required to be vacated during construction and access will be maintained.
- L3-79 As requested, Policy IP-5.1 (affordable housing in urban village areas) and City Goal H-2 (and Policy H-2.2) for affordable housing have been added to Table

4.14-9, *San Jose General Plan Policies*. Furthermore, VTA's Board of Directors' has adopted a policy of providing a 30 percent overall target for affordable housing production in VTA's joint development program with a target of 15 percent affordable housing production for each joint development project with residential uses. This policy has been added to Volume I, Chapter 2, *Alternatives*, and would apply to the BART Extension with TOJD Alternative.

L3-80 See response to comment L3-79.

L3-81 See response to comment L3-79.

L3-82 See response to comment L3-79.

L3-83 VTA is aware that buildings in downtown San Jose have basements that extend into the sidewalk and some that extend beyond the sidewalk into the right-of-way of Santa Clara Street. Impacts on underground basements would vary depending on which construction methodology option (Single-Bore or Twin-Bore) and which Downtown San Jose Station Option (East or West) are chosen. As stated in Section 5.2.1.1, *Preconstruction Business Survey*, prior to construction, VTA will conduct surveys of business owners whose businesses may be affected by construction of the BART Extension. If any surveyed business includes a basement that may be impacted by the BART Extension, this information will be used to develop final design plans and to coordinate with the business owner to minimize impacts on the business during construction. If construction of the BART Extension requires partial acquisition of any basements, VTA will follow all applicable laws and regulations as stated in Section 4.14.2.2, *Regulatory Setting*, and determine just compensation as appropriate.

L3-84 Section 4.14, *Socioeconomics*, includes information regarding employment effects as part of the BART alignment. As described, the BART Extension would require displacement and relocation of some businesses, which would potentially result in some job loss. The BART Extension would generate some direct employment opportunities as well as indirectly facilitate residential and employment growth within the area. Particularly around proposed station areas, population is anticipated and planned for in San Jose and Santa Clara land use planning documents.

There is little difference between project-generated employment growth under construction method options (Twin-Bore vs. Single-Bore) and station sites (Downtown San Jose East or West, Diridon South or North) as they are very similar in size and location. Therefore, the difference in alternatives is negligible as it relates to socioeconomics.

As a result of anticipated better transit connectivity, job growth, and new development associated with the BART Extension, it is reasonable to assume that property values within the area would go up. However, such growth is in line with

the Cities of San Jose and Santa Clara's plans for the future, as outlined in their respective general plans.

- L3-85 As requested, clarifying information regarding Base Flood Elevations has been added to the first paragraph in the *Flooding* subsection of Section 4.17.2.1, *Environmental Setting*.

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) were used to identify the base floodplain, or the area with a 1 percent annual chance of an exceedance event, within the limits of the BART Extension Alternative. The BART Extension Alternative area contains ~~all~~ FIRM Special Flood Hazard Area (SFHA) or base flood plain categories (i.e., zones AE, AO, A, AH, ~~D, X [shaded], and X [unshaded]~~) and Zones D, X (shaded), and X (unshaded), as shown in Figures 4.17-2 through 4.17-5. Zone AE is within the 100-year floodplain zone and represents areas with a 1 percent chance of flooding (Base Flood Elevations determined). Zone AO is within the 100-year floodplain zone and represents areas with a 1 percent chance of shallow flooding (usually sheet flow on sloping terrain), with specified flood depths of 1 to 3 feet usually in areas of ponding (Base Flood Elevations determined). Zone A represents areas with a 1 percent annual chance of flooding (base flood elevations have not been determined for this zone). Zone AH is within the 100-year floodplain zone and represents areas with a 1 percent annual chance of shallow flooding, with specified flood depths of 1 to 3 feet. There are also portions of the BART Extension Alternative within Zone D, Zone X (shaded), and Zone X (unshaded), these area is not considered a base floodplains, and no analysis of flood hazards has been conducted. Possible but undetermined flood hazards can occur within Zone D; ~~this area is not considered a SFHA, and no analysis of flood hazards has been conducted~~. Zone X (unshaded) includes areas where minimal flooding can occur, with elevations higher than areas with a 0.2 percent annual chance of flood event....

This revision provides additional information about the base flood elevations but does not change the conclusions related to the flooding in the SEIS/SEIR.

- L3-86 As requested, text under Section 4.17.2.3, *Regulatory Setting*, under the subheading, *Clean Water Act/Section 402 – National Pollutant Discharge Elimination System/San Francisco Bay Municipal Regional Permit*, has been updated.

*San Francisco Bay Municipal Regional Permit*

~~This permit ensures attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters and associated habitat and applies to City-owned areas that may be impacted by the BART Extension.~~



The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates City-owned areas that may be impacted by the BART Extension use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. This permit ensures attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters and associated habitat. This permit requires that discharges shall not cause exceedances of water quality objectives nor shall they cause certain conditions to occur that create a condition of nuisance or water quality impairment in receiving waters....

Clarifications regarding objectives does not change the conclusions related to water quality in the SEIS/SEIR.

L3-87 As suggested, this editorial error has been corrected. Elsewhere in the SEIS/SEIR the text accurately states that the Alum Rock/28<sup>th</sup> Street Station is within the base floodplain. Therefore, this editorial error does not change the findings related to flooding in the SEIS/SEIR.

L3-88 We understand that the term “gentrification” often arises in conversations about urban inequality and the increased cost of housing. In general, gentrification refers to the arrival of wealthier people in in an urban area and a related increase in rents, property values, and economic investment, which can then lead to changes in the area’s character or culture.

While this concern is noted, CEQA does not require analysis of purely social or economic change except to the extent it results in a physical change to the environment. When discussing effects of potential gentrification trends, affordability of housing is typically a key concern. Housing affordability is an economic and social issue that informs policy decisions made by the City, but it does not generally require analysis under CEQA and is not treated as a significant adverse effect on the environment. Therefore, no mitigation could be required. However, the physical displacement and replacement of existing housing or people would be considered an impact analyzed under CEQA and is considered in Chapter 7, *Other NEPA and CEQA Considerations*.

Similar to CEQA, the primary purpose of a NEPA analysis is to identify the important environmental effects of the BART Extension during construction and operation to determine if those effects are adverse. The Environmental Justice analysis was prepared in compliance with the FTA Circular 4703.1, which informs the topics that must be considered to determine an adverse and disproportionate effect to environmental justice populations. Such topics are considered in Section 4.18, *Environmental Justice*. While all reasonably foreseeable social, economic, and environmental effects on environmental justice

populations are included, the effects of "gentrification" as defined above are not described in the FTA Circular 4703.1.

Chapter 7, *Other NEPA and CEQA Considerations*, Section 4.14, *Socioeconomics*, and Section 4.18, *Environmental Justice*, include policies and mitigation measures associated with potential displacements. Additionally, the City has provisions in place for rent control ordinances as well as affordable housing requirements for future developments. Such measures would likely assist in reducing the effects of gentrification trends. However, predicting the BART Extension's gentrification influence in housing affordability, culture, and economic displacement would be speculative to assert.

Refer to response to comment L3-79 for VTA's affordable housing policy.

- L3-89 VTA has clarified the distance for each of the affected receptors in Section 4.18.4.2, *BART Extension Alternative*, under the subheading, *Resource Areas with Potential Adverse Effects, Noise and Vibration*.

Aboveground BART operations on at-grade track north of I-880 would result in a Moderate Noise Impact at one ground-floor receiver located 290 feet away from the BART alignment, and two second-story receivers near the Santa Clara Station located 223 feet and 235 feet away from the BART alignment. However, the increases are 2 dBA or less, which is not a readily perceived amount. Therefore, no mitigation is proposed.

Operation of emergency ventilation fans, piston relief shafts, traction power substations, and emergency backup generators could result in exceedances of Cities of San Jose and Santa Clara noise criteria at nearby residences located within 200 to 630 feet of these facilities, which would be considered an adverse effect due to airborne noise.

As discussed in to Section 4.12, *Noise and Vibration*, noise impacts are calculated using a variety of environmental factors, including geographic proximity, nearby land uses, and existing barriers that may attenuate noise (i.e., sound walls).

- L3-90 Refer to response to comment L3-10. In its applications for responsible-agency discretionary approvals by the City of San Jose of components of the BART Extension Phase II project, VTA will enter into a Master Cooperative Agreement (MCA) with the City of San Jose. The MCA will formalize the roles, responsibilities, and commitments of the two agencies.
- L3-91 As with the Phase I BART Extension Project, VTA would enter into a Master Cooperative Agreement with the City of San Jose to address the Phase II construction. The Master Cooperative Agreement would comply with the overall intent of the City of San Jose's Construction Impact Mitigation Plan.

- L3-92 VTA will engage the appropriate City of San Jose departments during the various stages of the design review process to ensure early coordination and design comments. In fact, VTA has already met with Fire Department staff regarding the BART Extension.
- L3-93 Volume I, Section 2.2.2.2, *Description of NEPA BART Extension Alternative Auxiliary Features*, describes electrical facilities required to serve the BART Extension Alternative. Chapter 5, Section 5.5.16, *Utilities*, provides information on major utilities (more than 36 inches diameter) that are known to exist in the BART Extension area. The design has not progressed to the level of detail where specific effects on electrical facilities can be identified at this time. As is typical of all construction projects of this scale, detailed engineering level information regarding specific utility relocations and new utilities required for the BART Extension will be part of the engineering and design phase once a tunneling methodology and station options are selected. As stated in Section 5.5.16.1, *Relocation of Existing Utilities*, the Twin-Bore tunneling option would require substantially more utility relocations than the Single-Bore tunneling option, which has a greater depth.
- L3-94 The types of material, demolition, and specific construction activity required will depend on station location and tunneling options selected. Section 5.2.4.2, *Truck Haul Routes*, and Table 5-1, *Haul Road Volumes and Number of Truck Trips for the BART Extension Alternative*, describe demolition materials. Demolition materials would include concrete, asphalt, glass, heating and air conditions units, plumbing fixtures, etc. Section 5.5.1, *Construction Outreach Management Program*, also applies to demolition activities as well.
- To the extent feasible, construction waste will be recycled. Volume I, Section 2.2.2.3, *Sustainability Strategies*, 6<sup>th</sup> bullet: **Materials and resources** states: “Green strategies in this category include the management of construction and demolition waste through recycling and reuse to keep waste out of landfills to the maximum extent practicable; the use of recycled and regionally or locally available materials; and the reuse of soils onsite or elsewhere in the vicinity. Excavated soils could also be made available for use at other sites.”
- For the BART Phase I Extension Project, the total diversion rate of construction waste was over 98 percent and over 15,000 tons.
- L3-95 Construction staging areas along Santa Clara Street are expected to be from face of building to face of building with efforts to be made to keep pedestrian access to businesses during construction through implementation of a staged construction process. As stated in Section 5.5.1, *Construction Outreach Management Program*, VTA will develop a Transportation Management Plan in coordination with the City of San Jose that will provide access when feasible. This plan would

also become part of the Master Cooperative Agreement between VTA and the City of San Jose.

- L3-96 VTA acknowledges that San Jose has review and approval authority over the final selection of truck haul routes. As shown in Figure 5-1, *Construction Schedule*, the truck haul routes would be used for approximately 6 years. VTA agrees that the City should consider stakeholder input when approving truck haul routes for the BART Extension.
- L3-97 Refer to response to comment L3-10. The City's comment regarding disseminating information in multiple languages is noted and is already included in Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*. VTA adheres and upholds the Federal laws particularly applicable to language access for Limited English Proficiency persons (i.e., Title VI of the Civil Rights Act of 1964 and Executive Order 13166 of 2000), ensuring that vital information is translated into the non-English language of Limited English Proficiency groups eligible to be served or affected by a program, process or activity.
- L3-98 See responses to comments L3-10 and L3-90.
- L3-99 Refer to responses to comments L3-10 and L3-97. One or more field offices will be established based on construction activity.
- L3-100 Under Mitigation Measure TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, VTA will coordinate with local stakeholders in developing and implementing a Construction Transportation Management Plan. Stakeholders identified in the mitigation measure include transit providers, the Cities of San Jose and Santa Clara, SAP Center, Caltrans, the Downtown Business Association, business owners, and other key stakeholders as appropriate.
- L3-101 Construction staging areas will also accommodate construction workers parking. A construction workers' parking plan can be included in the Master Cooperative Agreement between VTA and the City of San Jose.
- L3-102 Table 5-2, *Downtown San Jose Station Twin-Bore Roadway Construction Impacts*, identifies the duration of various activities. Under *Support of Excavation Wall Installation* the impact is described as follows: "...Light Rail Transit will require bus bridges at 1<sup>st</sup> and 2<sup>nd</sup> Street intersections for up to 3 months at each intersection." This same sentence has been added to the last activity *Decking Remove, Backfill and Street Restoration*.



Final construction sequencing and bus bridge service will be determined in coordination with VTA Operations and the Contractor. This information will be shared in advanced with the City of San Jose and the public as part of the Construction Outreach Management Program.

- L3-103 The location of the temporary termini for the bus bridge during closure of the light rail system will be determined in coordination with VTA Operations and the City of San Jose and will likely be at the first light rail stop north and south of Santa Clara Street. The final decision on location will become part of the Master Cooperative Agreement between VTA and City of San Jose should the Downtown San Jose Station West Option and Twin-Bore Option be selected.
- L3-104 No new track is anticipated at this time to accommodate light rail operations during temporary closure of 1<sup>st</sup> and 2<sup>nd</sup> Streets.
- L3-105 One light rail track would be maintained on 1<sup>st</sup> or 2<sup>nd</sup> Streets to enable light rail cars to return to the maintenance yard at night.
- L3-106 The bus staging area and the number of buses needed to accommodate the interrupted light rail service will be determined by VTA Operations. This information will be shared in advanced with the City of San Jose as part of the Master Cooperative Agreement.
- L3-107 VTA will develop a Construction Outreach Management Program (as detailed in Mitigation Measures TRA-CNST-A through C, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*) that will comprehensively address major construction activities and will include active and regular coordination with key stakeholders including the City of San Jose and SAP Center. Mitigation Measure TRA-CNST-B has been revised as follows:

Critical components of the CTMP are as follows.

- Sequencing schedule depicting the proposed location and timing of construction activities on a routine basis for the duration of the project.
- Proposed phasing of construction, anticipated lane and street closures, detours, temporary signals, and street reconfigurations, including durations of all of the above and signage requirements that the contractor must follow.
- Truck haul routes.
- Location-specific requirements as applicable.
- In addition, VTA will work with the cities to minimize access and circulation impacts construction impacts during special events, including Christmas in the Park, parades, and marathons.

- L3-108 As requested, Section 5.5.2.3, *Alum Rock/28<sup>th</sup> Street Station*, second paragraph under the heading, *Vehicular Traffic*, has been clarified to state:
- Additionally, truck haul routes may impact vehicular traffic. Trucks exiting at the interchange of McKee Road/East Julian Street/US 101 would travel west on McKee Road-East Julian Street, and then south on 28<sup>th</sup> Street. Trucks exiting at the interchange of Santa Clara/Alum Rock Avenue/US 101 would travel west on Santa Clara Street, and north on 28<sup>th</sup> Street. At the Alum Rock/28<sup>th</sup> Street Station, trucks would exit at the interchange of McKee Road/East Julian Street/U.S. 101, travel west on Santa Clara Street, and then south on 28<sup>th</sup> Street. Trucks would use these same streets to return to the freeway. The proposed truck haul routes and projected volumes of material are provided in Section 5.2.4.2, *Truck Haul Routes*. Mitigation Measures TRA-CNST-A and TRA-CNST-B would reduce the impact of lane and street closures and construction vehicle traffic.
- L3-109 Revised Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, bullet 13 states: “Work with property owners and business owners in the station areas to promote access to businesses during construction, including enhanced signage.” VTA will meet with businesses adjacent to construction areas to understand business operations in order to develop the plan. The plan may include optimization of construction sequencing, adequate staging, and clear unobstructed paths/access for pedestrians and bicyclists where feasible.
- L3-110 See response to comment L3-7.
- L3-111 Section 5.5.2.7, *Diridon Station (South and North Options)*, under the subheading, *Vehicular Traffic*, addresses traffic circulation at Diridon Station. Buses will continue to operate on Santa Clara Street. Bus routes south of Santa Clara Street will be rerouted to adjacent streets when necessary as no more than one street (Autumn, Montgomery, or Cahill Street) will be closed for construction at a time. Similarly, bus stops would be temporarily relocated to adjacent streets as necessary. Once the tunneling methodology is determined, VTA will develop a detailed plan regarding relocation of bus stops and bus service as required in Mitigation Measure TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*. VTA will coordinate actively with the City of San Jose when planning for bus service changes that affect downtown San Jose.
- L3-112 The Diridon Station North Twin-Bore Option construction methodology has been revised to not disrupt Main Track 1. Construction would be jack-and bore,

tunneling or another underground construction methodology that avoids the need to disrupt the track.

The significant and unavoidable impact on Caltrain operations due to construction of the Diridon Station North Twin-Bore Option identified in the Draft SEIS/SEIR would no longer occur. Therefore, the significant impact on Transit-Heavy Rail previously identified would be eliminated.

- L3-113 Text in Section 5.5.2.7, *Diridon Station (South and North Options)*, under the subheading, *Pedestrians and Bicyclists*, the first paragraph has been revised to be similar to what was provided under vehicular traffic.

~~For both the Twin-Bore and Single-Bore Options, Autumn Street would be closed south of Santa Clara Street near the station area during construction of the Diridon Station South and North Options, and pedestrian and bicycle traffic would be detoured to Montgomery Street. Montgomery Street and Cahill Street would be closed from The Alameda to the south side of the station area, and pedestrian and bicycle traffic would be detoured to Autumn Street south of the station area. The Diridon Station North would also require lane closures on Santa Clara Street. These closures would adversely affect pedestrians and bicyclists during construction.~~

For the Twin-Bore Option, construction of the Diridon Station South and North Options would require full and partial street and sidewalk closures of Autumn, Montgomery, and Cahill Streets. Full closure of these streets and sidewalks south of Santa Clara Street near the station would occur for several months each while utilities are being relocated and/or decking is installed. No more than one street and associated sidewalks would be closed at any given time. Partial closure of these streets and sidewalks near the station would last for months at a time throughout construction. Where feasible, VTA will work with the construction contractor to maintain pedestrian and bicyclists access on Autumn, Montgomery, and Cahill Streets throughout construction. Partial and full street and sidewalk closures would cause adverse impacts on pedestrians and bicyclists within the station area during construction. While the Single-Bore Option would not require as extensive full and partial street and sidewalk closures, pedestrian and bicyclists access would still be disrupted.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-114 VTA will obtain an encroachment permit for construction, which will clearly state the allowable construction work hours. VTA understands that allowable construction work hours may vary based on location, City events, etc. Table 5-5, *Construction Hours by Jurisdiction*, reflects the City's standard work hours.
- L3-115 Mitigation Measure NV-CNST-R in Section 5.5.13.3, has been revised as follows:

**Mitigation Measure NV-CNST-R: Implement a Preconstruction and Post-Construction Building Condition Surveys for Vibration**

The contractor will survey all structures potentially impacted by construction vibration prior to construction or release of the TBM and cut-and-cover construction contract(s), and submit the results to VTA for approval. Surveys will be conducted in all historic buildings or structures where vibration is expected to approach the applicable limit, and in non-historic buildings based on the building type and condition. Preconstruction building condition surveys of the interiors and exteriors of these structures will be conducted by independent surveyors to assess the baseline condition of each property that could be affected by construction vibration. The surveys will include written and photographic (video and still) records, including written descriptions and photos of any cracks. For historic structures, the Conditions Assessment Report in accordance with Section 106 will be prepared along with the preconstruction building condition surveys. The surveys will be performed prior to any vibration-inducing construction to establish baseline building conditions. The results of the preconstruction surveys will be utilized to establish the structure types and determine which vibration thresholds apply in consultation with a qualified structural engineer and a qualified architectural historian or a historic architect, as outlined in Mitigation Measure NV-CNST-P. Vibration will be monitored as required in Mitigation Measure NV-CNST-P to avoid adverse effects on properties during construction activities. The post-construction survey results will be compared with preconstruction condition surveys so that any construction vibration effects on structures can be assessed. For the treatment of historic structures, this requirement is described in the Draft Programmatic Agreement for the treatment of cultural resources during implementation of the project, located in Appendix D.3.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-116 The BART Extension has been designed to minimize closures of roadways, sidewalks and bike lanes and to sequence the closures to minimize impacts on businesses. Also, refer to responses to comments L3-95, 100, and 109.
- L3-117 Refer to response to comment L3-94. Mitigation Measure UTIL-C: Prepare a San Jose Sewer Capacity Assessment, is provided in Section 6.13, *Utilities and Service Systems*. Construction discharge quantities and timeframes will be determined during the design and engineering phase where VTA will work with appropriate agencies, including the Water Pollution Control Plant, as required.
- L3-118 Section 5.5.16.2, *Impacts on Utilities and Service Systems*, under the subheading, *Water Demand*, has been modified to state:



Water trucks would be required on construction sites for routine dust control. Water required for dust control would be sourced from local water providers, and presents a temporary demand on their supply. Recycled water would be used for construction purposes to the maximum extent feasible. There would be *no adverse effect*.

This change does not alter the conclusions with respect to the significance of impacts.

- L3-119 A Master Cooperative Agreement will be developed with the City and will include requirements for street tree removals.
- L3-120 VTA will comply with all requirements for issuance of encroachment permits. The construction floodplain requirements suggested in the comment have been added to Section 5.5.18.2, *Floodplains*.

~~Alum Rock/28<sup>th</sup> Street Station~~, Downtown San Jose Station (East and West Options), and Diridon Station (South and North Options) would be underground and therefore would not extend into a floodplain. The Santa Clara Station would be aboveground. However, the Santa Clara Station would be within flood Zone X (an area of moderate flood hazard), and no BART Extension features would be within the 100-year floodplain. Alum Rock/28<sup>th</sup> Street Station is located in flood zone AH. There will be floodplain construction requirements based on the San Jose floodplain ordinance at this location that will be based on final design and determined in conjunction with the issuance of Encroachment Permits. Temporary construction enclosures located in the base floodplains (North Diridon option and Alum Rock/28<sup>th</sup> Street Station) will also be required to meet the current floodplain requirements.

- L3-121 No habitable structures would be located on the construction staging areas. Nonetheless, as requested, requirements for temporary construction enclosures were added to Section 5.5.18.2, *Floodplains*. Refer to response to comment L3-120 for revised text.
- L3-122 Construction equipment, including cranes used on the site, would not exceed the height restrictions established by FAR Part 77. Table 2-4, *Required Permits and Approvals*, has been revised to include the Federal Aviation Administration and compliance with FAR Part 77.
- This is a clarification and does not alter any analysis in the SEIS/SEIR. Refer also to response to comment L3-59.
- L3-123 Refer to response to comment L3-107. During the construction phase, VTA and/or its Contractors, will coordinate with appropriate stakeholders before construction schedule details are finalized to try not to disrupt event plans along

Santa Clara Street. However, because of the number of events along Santa Clara Street and the 8-year construction duration, it is likely that some events will need to be rescheduled or moved to other locations.

L3-124 As requested, the phase “primarily on” has been deleted throughout Chapter 6.

L3-125 Text in Section 6.3.1, *Regulatory Setting*, under the subheading, *Local/City of San Jose*, has been revised to add Policy MS-11-1 to the list of City policies:

- **Air Quality Policy MS-10-7:** Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
- **Toxic Air Contaminants MS-11-1:** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants [TACs] to avoid significant risks to health and safety.
- **Toxic Air Contaminants MS-11-4:** Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
- **Toxic Air Contaminants MS-11-7:** Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

The addition of General Plan Policy MS-11-1 does not result in new significant impacts or increase the severity of previously identified significant impacts that were not included in the SEIS/SEIR. This General Plan Policy is not applicable to the CEQA assessment of environmental impacts of the BART Extension with TOJD Alternative. Consistent with recent case law, where there is an existing air quality violation, the analyses are to address the potential for a project to exacerbate an existing condition and not the potential for the project and its occupants to be impacted by the existing environment (*California Building Industry Association v. Bay Area Air Quality Management District* (2016) 2 Cal.App.5th 485). See Section 6.3.4.3, *BART Extension with TOJD Alternative*, under the subheading, *Impact BART Extension + TOJD AQ-4*, for an assessment of potential impacts of BART Extension with TOJD Alternative emissions on existing sensitive receptors. The added policy does not change the conclusions presented therein.

L3-126 As requested, Section 6.3.1, *Regulatory Setting*, has been revised to add General Plan Policy MS-11-4. Text under the subheading, *Local/City of San Jose*, has been revised to include the policy as follows:

- **Air Quality Policy MS-10-7:** Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
- **Toxic Air Contaminants MS-11-1:** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants [TACs] to avoid significant risks to health and safety.
- **Toxic Air Contaminants MS-11-4:** Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
- **Toxic Air Contaminants MS-11-7:** Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

General Plan Policy MS-11-4 encourages the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources. The addition of General Plan Policy MS-11-4 does not result in new significant impacts or increase the severity of previously identified significant impacts. The exposure of existing sensitive receptors to project-related pollutant sources is discussed in Section 6.3.4.3, *BART Extension with TOJD Alternative*, under the subheading, *Impact BART Extension +TOJD AQ-4*. Regarding construction activity, the analysis associated with the BART Extension with TOJD Alternative concludes with a less-than-significant impact related to construction health risk following implementation of mitigation. Mitigation Measure AQ-CNST-B: Use U.S. Environmental Protection Agency (EPA) Tier 4 or Cleaner Engines, described in Chapter 5, Section 5.5.3, *Air Quality*, requires Tier 4 exhaust controls on construction equipment, which is shown to reduce exposure to below the threshold established by the Bay Area Air Quality Management District (BAAQMD). No further mitigation is required to reduce emissions exposure from construction activities at existing sensitive receptors.

Regarding operational activity, the BART Extension would be powered through the electrical grid and would not result in localized emissions. Activities at the maintenance facility would be limited to storage, light maintenance, and cleaning tasks that do not require use of toxic substances in large quantities. The TOJD

sites include residential and retail/office land uses. These land uses would not include significant sources of emissions requiring specific BAAQMD permits, such as chrome plating facilities. Activities at the TOJDs would be typical to in-fill housing and commercial land uses that support residents, retail facilities, and office personnel.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-127 As requested, the editorial change has been made. In Section 6.3.4.3, *BART Extension with TOJD Alternative*, under the subheading, *Impact BART Extension +TOJD AQ-4*, the last sentence under the subheading, *Operation/Toxic Air Contaminants*, has been revised as follows:

Therefore, the BART Extension with TOJD Alternative would ~~not~~ result in a *less-than-significant* impact related to operations, and no mitigation is required.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-128 The construction schedule has been developed based on VTA's and BART's experience on similar scale projects such as BART Phase I. The construction schedule (See Figure 5-1, *Construction Schedule*) includes the necessary time for preconstruction surveys, including the biological surveys. Once a Record of Decision is received, there is at least 12 months of engineering and design prior to construction. In addition, nesting bird surveys are conducted just prior to construction activities. A detailed schedule including specific activities and surveys will be prepared during the engineering phase.

- L3-129 Section 6.5, *Community Facilities and Public Services* has been revised to add language under *Regulatory Setting* as follows:.

#### **City of San Jose Municipal Code Chapters 19.38 and 14.25**

The purpose of San Jose Municipal Code Chapter 19.38 (Parkland Dedication Ordinance) and Chapter 14.25 (Park Impact Ordinance) is to mitigate the impacts of new housing development growth by providing parkland to serve the new residents on existing parkland under the Quimby Act and Mitigation Fee Act. Per the requirements of the Parkland Dedication Ordinance and the Park Impact Ordinance, new residential development must provide 3 acres of parklands per 1,000 new residents added as a result of the project. Residential projects can comply with this obligation by dedicating land for public parks, paying an in-lieu fee, constructing new park facilities, providing improvements to existing recreational facilities, or by providing a negotiated agreement for a combination of these options.



### **The City of San Jose City Charter Sections 1700-1705**

The City of San Jose City Charter Sections 1700-1705 describes the regulatory basis for City parkland. Any alienation of City parkland must comply with City Charter Sections 1700-1705 and applicable City ordinances and policies.

Section 6.5, *Community Facilities and Public Services*, has been revised to add language under *Impact BART Extension + TOJD CS-2* in the *Operation* subheading as follows:.

New residential developments are required to provide additional park facilities to prevent deterioration of existing park facilities resulting from increased use....~~The TOJD developers would be required to comply with these regulations through parkland dedication or payment of in-lieu fees.~~

Any residential portion of the joint development projects would be subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) in effect at the time of land use entitlements. The San Jose TOJD developers would be required to dedicate land and/or payment of fees in-lieu of dedication of land for a public park and/or recreational purposes, or a negotiated combination of these. An executed Parkland Agreement that outlines how a project will comply with the Park Impact Ordinance or Parkland Dedication Ordinance is required prior to the issuance of a Parcel Map or a Final Subdivision Map. Payment of Park Impact in-lieu fees is required prior to the issuance of a Building Permit.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-130 BART facilities design will be coordinated with the City of San Jose, and mutual-aid agreements with the City law enforcement will allow for collaboration on design as well. San Jose Police Department staff have already participated in coordination on BART Phase II including attendance at a meeting and tour of BART Facilities. Their continued participation would be formalized in the Master Cooperative Agreement.
- L3-131 In response to fire fighter equipment, Section 6.5 is explicitly concerned with potential physical impacts resulting from new fire department facilities required to service the BART Extension, per CEQA.

The BART facilities will be equipped with adequate and compliant safety equipment, including fire protection systems and firefighting systems, per the CBC and BART Facilities Standards.

Refer to Section 4.13, *Security and System Safety*, for a discussion of applicable federal codes related to fire safety, including National Fire Protection Association Codes and local amendments. Application of Mitigation Measure TRA-CNST-C: Prepare and Implement an Emergency Services Coordination Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, would ensure that construction does not impede emergency service providers.

- L3-132 As requested, additional information has been added. See response to comment L3-129 for text revisions.
- L3-133 The referenced Mitigation Measure NV-CNST-P: Implement a Construction Vibration Control and Monitoring Plan, is already included in Section 6.6.5.2, *BART Extension Alternative*, and 6.6.5.3, *BART Extension with TOJD Alternative*. Refer to response to comment L3-64 for requested edits to revised Mitigation Measure NV-CNST-R: Implement a Preconstruction and Post-Construction Building Condition Surveys for Vibration.
- L3-134 The referenced Mitigation Measure GEO-CNST-B: Implement Preconstruction Condition Surveys along the Tunnel Alignment, is already included in Section 6.6.5.2, *BART Extension Alternative*, and 6.6.5.3, *BART Extension with TOJD Alternative*. Refer to response to comment L3-65 for requested edits to the mitigation measure.
- L3-135 As requested, this clarification has been added to the text in the third paragraph of Section 6.7.5.2, *BART Extension Alternative* under the *Operations* subheading as follows:

Although the BART Extension would increase electricity consumption over existing conditions, VTA's Sustainability Program green strategies would help conserve energy. For example, light-emitting diode (LED) fixtures, photosensor-driven lighting, and dimming controls could be applied to the ~~campus areas~~ BART stations and Newhall Maintenance Facility to minimize artificial lighting during daylight hours and reduce power during off-peak hours.

This change does not alter the conclusions with respect to the significance of impacts.

- L3-136 Comment stating that there are no comments on geology, soils and seismicity is noted. No response is necessary.
- L3-137 As requested, Section 6.9.2.2, *Regulatory Setting*, under the subheading, *Local/City of San Jose*, has been revised to add General Plan Policy TR1:8 as follows:

The San Jose General Plan does not include a specific goal related to GHG emissions but does identify the several policies and actions that will contribute

to GHG reductions. For example, Policy H-4.2 seeks to maintain and periodically update the Zero Waste Strategic Plan to establish criteria and strategies for achieving zero waste, including reducing GHG emissions. Policy TR-1.8 requires actively coordinating with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met. Other air quality and energy policies and actions will contribute to GHG reductions.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L3-138 As requested, VTA will provide the City a copy of the Final Mitigation Monitoring and Reporting Plan.
- L3-139 See responses to comments L3-59 and L3-60.
- L3-140 See responses to comments L3-59 and L3-60.
- L3-141 See responses to comments L3-59 and L3-60.
- L3-142 Refer to responses to comments L3-59 and L3-60. VTA will coordinate with FAA to ensure that applicable Part 77 obstruction surface elevation is adhered to for construction equipment and permanent BART and TOJD facilities.
- L3-143 See responses to comments L3-59 and L3-60.
- L3-144 Refer to responses to comments L3-59 and L3-60. Per the requirements of federal law, VTA will coordinate with the FAA to ensure that applicable Part 77 obstruction surface elevation restrictions are adhered to for construction equipment and permanent BART and TOJD facilities.
- L3-145 *This comment states that on p. 6.10-2 the text under “Nearby Airports” after the third sentence is largely incorrect. And suggests referring to previous comments for guidance on needed revisions.*
- See response to comment L3-144.
- L3-146 See responses to comments L3-59 and L3-60.
- L3-147 VTA will work with the City of San Jose during the entitlement process to maximize the development potential of the proposed TOJD within the City of San Jose to be reflective of market conditions and consistent with the Envision San Jose 2040 General Plan intent. VTA recognizes that the final development proposal will be subject to approval by the City. The proposed TOJD analyzed in the SEIS/SEIR was limited to what would be economically viable as well as meet the City of San Jose’s minimum parking requirements. VTA supports increased densities near transit facilities and will work with the City during the entitlement

process to meet the desired densities to maximize the benefits of development at the BART stations. Should market conditions dictate greater densities or if development assumptions vary from the TOJD analyzed in this SEIS/SEIR, subsequent environmental analysis will be conducted as required by State CEQA Guidelines Section 15162. Also refer to response to comment L3-34.

- L3-148 VTA will work with the City during the entitlement process to utilize joint use and reciprocal parking opportunities to maximize the benefits of development at the BART stations. The City holds responsible agency approval authority over TOJD development within its jurisdiction, and the amount of parking will ultimately meet City requirements in order for entitlements to be granted. This comment is related to the design of the TOJD and does not raise a potential inadequacy with the environmental document.
- L3-149 The Draft East Santa Clara Street Urban Village Plan includes the area along Santa Clara Street between approximately 7<sup>th</sup> and 17<sup>th</sup> Streets. Both the Twin-Bore and Single-Bore Tunneling Options would be beneath Santa Clara Street at this location. The tunnel will be located below ground and will be installed using boring equipment that will not disturb the surface during construction. Because there would be no surface manifestation of the tunnel boring options either during construction or operation, it is unlikely to limit development within the village plan unless the City were to approve deep underground structural supports within the City right-of-way. VTA will work with the City during the entitlement process to address development options at the Urban Village areas. This is a comment on the urban village's implementation and does not raise a potential inadequacy with the environmental document.
- L3-150 The San Jose Downtown Streetscapes Master Plan has been added to the discussion under Section 6.11.2.2, *Local Plans and Policies* in the *City of San Jose* subsection:

**San Jose Downtown Streetscapes Master Plan**

The Downtown Streetscape Master Plan provides guidelines for the design of required streetscape features in the public right-of-way.

- L3-151 As requested, text has been added to the second paragraph under Section 6.11.2.2, *Local Plans and Policies*, in the *City of San Jose/Envision San Jose 2040 General Plan*, as an introduction to the City policies.

The following SJGP policies are most relevant to the BART Extension. In addition, the SJGP includes numerous other policies that may be applicable to the BART Extension, such as affordable housing, environmental justice communities, displacement prevention, and greenhouse gas reduction. These policies are identified in the respective sections of this SEIS/SEIR for these topics.



L3-152 In this comment, the standards referenced for noise are EC-1.2, EC-1.3, EC-1.7 and EC-1.9, which are as follows and have been added to the Section 6.12, *Noise and Vibration*, Section 6.12.2, *Regulatory Setting*, under the new Section 6.12.2.3, *City of San Jose Noise Element*:

The City of San Jose has various noise and vibration policies contained in their General Plan and has indicated the following policies as those typically used as CEQA thresholds:

## **Noise**

### **EC-1.2**

Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the Day/Night Level (DNL) at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

### **EC-1.3**

Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

### **EC-1.7**

Require construction operations within San Jose to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise

disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

### **EC-1.9**

Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur that may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART, or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA maximum noise level ( $L_{max}$ ) in bedrooms and 55 dBA  $L_{max}$  in other rooms.

## **Vibration**

### **EC-2.3**

Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inch per second (in/sec) peak particle velocity (PPV) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

However, as a special district, VTA's implementation of a regional transportation project is not subject to local noise and vibration regulations. Nevertheless, VTA may at their discretion impose the local construction noise and vibration limits on the contractor. The TOJD component of the BART Extension with TOJD Alternative would be subject to local noise and vibration limits.

In this comment, the standard referenced for vibration is EC-2.3, which is shown above and has been added to Section 6.12, *Noise and Vibration*.

The BART Extension Alternative is subject to FTA noise and vibration guidelines as described in Section 6.12.2, *Regulatory Setting*. The TOJD component of the BART Extension with TOJD is subject to local noise and vibration regulations including the City of San Jose's General Plan policies that are applied by the City as their CEQA thresholds.

- L3-153 The comment states that the TOJDs proposed in Downtown San Jose and Diridon Station would not be within the 65-CNEL impact area and the impact should be characterized as less than significant under CEQA. Therefore, this impact category BART Extension + TOJD NOI-5 has been revised from Less than Significant with Mitigation to Less than Significant and the mitigation measure

has been removed. Consequently, there is a reduction in previously described noise impacts at the TOJDs related to aircraft noise. This is a clarification and does not require recirculation of the SEIS/SEIR pursuant to State CEQA Guidelines Section 15088.5.

As suggested in the comment, the SEIS/SEIR has been revised to cite the City of San Jose's adopted aircraft noise projections (generated more recent than those used in the ALUC's CLUP and available for viewing on the [www.flysanjose.com](http://www.flysanjose.com) website) that also show none of the proposed TOJD sites to be exposed to aircraft noise levels of 65 CNEL or greater.

L3-154 As requested, text has been added under Section 6.13.1, *Introduction*.

This section describes impacts for utilities and service systems that would result from construction and operation of the CEQA Alternatives. Existing conditions are provided in Chapter 4, Section 4.15.2.1, *Environmental Setting*.

L3-155 Policy BH-P-1 has been added to Section 6.14, *Visual Quality and Aesthetics*, under Section 6.14.1.1, *Regulatory Setting/Local/Five Wounds Urban Village Plan*.

BH-P-1 New development within the Five Wounds Urban Village shall be consistent with the maximum height limits as shown in the Five Wounds Village Height Diagram.

Maximum height language has been added under *Impact BART Extension + TOJD AES-3/Operation/Alum Rock/28th Street Station and TOJD*.

Both the parking structure and TOJD would be taller but larger in mass than the surrounding industrial warehouses. As shown in Figures 6.14-2, 6.16-A, and 6.14-3, the parking structure and TOJD would be set back from the church, and no views to the church would be affected. Given the location of the Alum Rock/28<sup>th</sup> Street Station and TOJD to be behind the Five Wounds Church along 28<sup>th</sup> Street, views of the primary façade of the church that faces Alum Rock Avenue would remain unchanged. Design of the TOJD would be in accordance with the Five Wounds Urban Village Plan (including a 60- to 120-foot height maximum, depending on the TOJD configuration), which envisions this area to transition from industrial to other uses.

These clarifications do not change the conclusions presented in the SEIS/SEIR.

L3-156 VTA will comply with applicable conditions for flood requirements for the TOJDs when VTA initiates the entitlements process.

L3-157 The text in Section 7.1.3.1, *Transportation Projects*, under the *Capitol Expressway Light Rail Transit Project (#2)*, subheading has been revised as follows:

The Capitol Expressway Light Rail Project is a 3.1-mile extension of the light rail along Capitol Expressway in San Jose from the existing ~~Alum Rock/28<sup>th</sup> Street Station~~ Capitol Avenue/Wilbur Road to the Eastridge Transit Center in its first phase, and to Nieman Boulevard in the future phase....This project is a programmed improvement within the *Valley Transportation Plan 2035 2040*.

This change does not alter the conclusions with respect to the significance of impacts.

- L3-158 The sentence conveys that for the purposes of construction of the BART Extension with TOJD Alternative, it is not expected that new residents (construction workers) would have to move to the area and, therefore, result in an increase in the demand for utilities. For greater clarity, the first sentence in Section 7.1.4.16, *Utilities*, under the subheading, *BART Extension with TOJD Alternative/Operation*, has been modified as follows:

Construction activities for ~~of~~ the BART Extension with TOJD Alternative would not introduce new residents to the area (such as construction workers moving to the area) that would permanently increase demand for utilities.

This change does not alter the conclusions with respect to the significance of impacts.

- L3-159 to L3-164

VTA understands that the City of San Jose City Council will take a formal position on various BART options at a later date. As requested, City staff comments on options are considered preliminary at this time.

City staff's support of the Downtown San Jose Station West Option is noted.

- L3-165 City staff's support of the Diridon Station North Option (Twin-Bore or Single-Bore) is noted.
- L3-166 City staff's support of the Third and East Santa Clara Street entrance for its access benefits to SJSU and City Hall is noted.
- L3-167 As suggested, several entrance options have been added and are shown in Figure 2-7, *Downtown San Jose Station West Option Plan (Twin-Bore and Single-Bore)*, between San Pedro and 2<sup>nd</sup> Streets.
- L3-168 VTA will continue to work with the City and other partners to maximize the overall quality and utility of station entrances and exits.
- L3-169 City staff's support of the Single-Bore Tunnel Option is noted.
- L3-170 The comments support for the BART Extension is noted. VTA recognizes the important role to be played by the City.





# City of Santa Clara

The Center of What's Possible

Planning Division

March 6, 2017

Mr. Tom Fitzwater  
 VTA Environmental Planning Department  
 3331 North First Street, Building B-2  
 San Jose, CA 95134

Sent Via Email

Subject: City of Santa Clara Comments on the Draft Supplemental Environmental Impact Statement/Environmental Impact Report for VTA's Bart Silicon Valley Phase II Extension Project

Dear Mr. Fitzwater:

The City of Santa Clara appreciates the opportunity to provide comments on the Draft Supplemental Environmental Impact Statement/Environmental Impact Report for VTA's Bart Silicon Valley Phase II Extension Project, dated December 2016.

In the City of Santa Clara, the BART Phase II project includes new tracks beginning at the City limits and extending to the terminus of the BART line; a proposed Santa Clara Station, including a 500 space parking garage; and a portion of the Newhall maintenance facility.

City staff has reviewed the document and consolidated comments for consideration and inclusion in the Final EIR/EA, as provided below:

1. In the project description, include the acreage of the Santa Clara Station project site. Please also add a column to Table 2-3, Summary of Proposed TOJD, showing the acreages of the TOJD sites.
2. The DEIR identifies an alternative for Transit-Oriented Joint Development (TOJD), that includes the development of a mixed use component in addition to the proposed parking garage on the east side of the proposed BART Station. The TOJD is proposed on land that is designated Public/Quasi-Public in the City of Santa Clara General Plan. The alternative analyzed includes 220 residential units, 30,000 square feet of retail space, 500,000 square feet of office space, and 2,200 parking spaces.

Since the current Public/Quasi-Public General Plan designation does not contemplate residential development, a General Plan Amendment to allow the TOJD would be required as a part of the permitting process. The City of Santa Clara is supportive of maximizing residential densities and non-residential intensities of use on the site, given its proximity to multiple forms of transit. In order to maximize the potential for new development to utilize the planned BART facility, the EIR should analyze a scenario that includes housing at a density of up to 100 DU/AC, consistent with the City's Very

L4-1

L4-2

- High Density General Plan Designation. For a 6.9 acre site, the proposal could thus include up to 690 housing units. Typical parking ratios in transit-oriented developments in the City of Santa Clara have been on the order of 1 space per bedroom. | L4-2, cont.
3. Revise Figure 4.11-7 of the EIR to show the individual land use designations within the Santa Clara Station Area, as shown in Figure 5.4-4 of the City's General Plan. | L4-3
  4. Clarify the rationale for shifting responsibility for police protection at the Santa Clara Station from the BART Police (p. 6.5-6 of the EIR) to the Santa Clara Police Department, as indicated on p. 6.5-9 of the EIR. | L4-4
  5. A mutual aid agreement will need to be worked out with BART Police due to the fact they are not an agency in Santa Clara County that would already be covered under the Mutual Aid agreements currently in place for all agencies in Santa Clara County. | L4-5
  6. A protocol will need to be worked out for the initial response to calls for service at the Santa Clara Station. Currently, as an example, Cal Train calls are handled by the San Mateo County Sheriff's Office. If they are extended, the City of Santa Clara Police Department responds to priority calls. This protocol should also include the types of investigations that the Santa Clara PD is responsible for at the BART station. | L4-6
  7. P. 4.15-4: Santa Clara's wastewater collection system includes approximately 270 miles of sewer pipelines ranging from 4 6 to 48 inches in diameter, and 6 7 sewage pump stations. | L4-7
  8. P. 4.15-5: Stormwater is conveyed through these underground pipelines to the channelized creeks and river within Santa Clara, which then direct flow into the San Francisco Bay (City of Santa Clara 2010b). | L4-8
  9. Revise Figure 4.17-5 to reflect the base flood elevations of FEMA FIRM Map No. 06085C0231H, which is attached. | L4-9
  10. Include the list of existing major utilities in Section 4.15, as indicated on p. 5-4 of the document. | L4-10
  11. Regarding Utilities: The City of Santa Clara has the following utilities crossing the railroad tracks between Benton Street and Brokaw Road in direct conflict with the proposed BART station: | L4-11
    - 30" storm drain main
    - 18" sanitary sewer main
    - 12" water main
    - 2 electric duct banks (Silicon Valley Power)



Provide an explanation for how this conflict will be addressed.

12. Given that major utility lines are defined on p. 5-134 as being at least 36" in diameter, explain how major electric utility duct banks are identified. The duct banks potentially impacted by the BART Phase II project include those owned by Silicon Valley Power, crossing the railroad tracks between Brokaw Road and Benton Street, and the duct bank east of the De La Cruz overcrossing. L4-12
13. In Table 5-9, Major Utility Locations, add a row for a single 36" Steel casing water main that is located East of the De La Cruz overcrossing; also revise the Brokaw Road Storm Drain entry to reflect a single 30" Reinforced concrete pipe. L4-13
14. In the conceptual plans, revise Sheets 11A and 11C to include the Santa Clara/San Jose City limit line. L4-14
15. In Figures D.1-H and D.1-I, which show the Architectural APE, add the City Limit line. L4-15
16. The end of Brokaw Road, where it terminates at the railroad tracks, is an identified hotspot for PCB contamination. Sampling was conducted at the last manhole on Brokaw in 2016 and it was determined that one or more of the adjacent properties were the likely source on the contamination. Additional site assessments in the form of sampling are scheduled for June of 2017 to attempt to determine individual sources. We also suspect that the storm drain infrastructure underground may be contaminated and would need to be removed and replaced to ensure no further contamination occurs after redevelopment. Update the EIR to include this information. L4-16
17. Project construction, mitigation implementation, and new operating costs should be borne by VTA. The EIR should discuss coordination required with Caltrans and local agencies. Implementation of the Project will cause an increase of responsibility and maintenance costs for Caltrans and local agencies (maintenance of pavement, BRT lanes, landscaping, storm laterals/catchbasins, striping, new traffic signals, street sweeping, etc.). This should be discussed detail. L4-17
18. Discuss the process and responsiveness of Project implementer to any reports of problems or concerns before, during and after construction of Project. Reported problems and concerns should be addressed in a defined timely manner and alternative options should be identified if VTA does not respond. L4-18
19. Clearly show the setback of the track ROW from the existing 4.2 MG water tank, pump house, propane tank, and water well site #5-02. Water and Sewer Utilities requires a minimum 50' clearance from any onsite Water facility (well, tank, pump house) for maintenance and service vehicles to access the Water L4-19

- |  |              |
|--|--------------|
| facilities. The clearance shall be measured from the outside edge of each Water facility to the outside edge of the BART ROW.  | L4-19, cont. |
| 20. Indicate that for future projects it will be necessary to provide drawings that call out the setbacks from existing structures within 50' of the ROW.  | L4-20        |
| 21. Access to the water tank, pump house, and well site #5-02 shall be maintained at all times for City staff.   | L4-21        |
| 22. Surface drainage for the tracks and the areas around the tank, pump house, and well shall be clearly identified on the drawings.   | L4-22        |
| 23. Vibration may be an issue for the water tank, well site #5-02, and underground electrical connections, although these elements currently tolerate the existing rail vibration. Thoroughly explore and address these impacts in the EIR.  | L4-23        |
| 24. Areas of retained cut and fill shall be clearly marked on the plans. Any conflicts with existing water or sewer infrastructure shall be resolved.  | L4-24        |
| 25. Submitted plans shall provide the minimum dimension from the railroad tracks to the edge of the existing water tank, pump house, and well site #5-02. Dimensions shall be measured from the outside the tracks to the outside edge of the facility.  | L4-25        |
| 26. Bart extension tracks shall maintain a 50' separation from the water tank and well site #5-02.   | L4-26        |
| 27. See attached as-built plans for the water tank, well, and their associated improvements. Accurately show the location of the water tank on the plans.  | L4-27        |
| 28. Revised plans shall be drawn to scale. Given the proximity of the water tank, pump house, and water well site #5-02 to the tracks, drawings using aerial images are not acceptable. Scaled drawings are required.  | L4-28        |
| 29. Perimeter fencing around the new BART right of way is mentioned in the EIR, however it is not shown on the plans. Given the proximity of the project to the existing water tank, pump house, and well sites, the location of the fence and fence foundation details are required to be shown on the plans. | L4-29        |



30. The EIR does not identify impacts to the well, pump house, or tank site. However, given the proximity of the work, there are likely to be impacts. Update the Analysis contained in the Utilities and Service Systems section accordingly. | L4-30
31. See additional comments on the attached sheets from the EIR. | L4-31
32. The BART extension will obstruct the access road around the existing tank, pump house, and well. Applicant shall demonstrate how the 20-foot access road will be restored and the proximity of the fence and BART tracks. | L4-32
33. In the Water Supply Section (Section 4.15), all data related to existing water usage should be reflective of the City's 2015 Urban Water Management Plan, which was adopted in 2016 by the City Council. | L4-33
34. In the Wastewater Section, the formal name of the Water Pollution Control Plant is the San Jose/Santa Clara Regional Wastewater Facility, or RWF. | L4-34
35. In Figure 5-10, there is an active water well within the staging area. Demolishing this well and its associated structure would not be permitted by the City. There is also a water storage tank adjacent to the staging area outline. Revise this section of the EIR to maintain 25' clear from the water pump house/structure, Well 5-02, and the transformer pad. Show the well and the transformer pad in the conceptual plans. | L4-35
36. Near De La Cruz Boulevard, there is a 36" water main in a casing crossing the tracks. On Brokaw Road, there is a 12" water main crossing the tracks (no casing). | L4-36
37. In Figure 5-23 and other relevant plans and exhibits, show the proposed fencing at the edge of the BART R-o-W. In particular, separations between the water tank and well sites and the proposed R-o-W and fencing shall be clearly shown. | L4-37
38. On p. 5-56, the EIR states that, "Construction of aboveground structures would include demolition and relocation or protection of utilities." If the well and/or tank site is included in this statement, it needs to be clearly outlined. | L4-38
39. On p. 5-57, the EIR discusses the Newhall Maintenance Facility. For the tail tracks area in the City of Santa Clara, clearly show the location of fencing, gates, and lighting, including their proximity to the water tank and well site. As-built drawings are included as an attachment to this letter. | L4-39
40. On p. 6.13-15, revise the first sentence of the paragraph on water conveyance | L4-40

infrastructure to indicate that it is the applicant's responsibility to provide on-site infrastructure to connect to Santa Clara mains in the public right-of-way.

L4-40,  
cont.

Transportation Impact Analysis of the BART Extension

41. Page 60, Table 14: Was widening of Coleman Avenue to accommodate a third southbound through lane assumed in the original BART EIR? If not, it should only be assumed under Cumulative 2035 conditions.

L4-41

42. Table 14: Lafayette and El Camino Real - addition of second left turn lanes on southbound and eastbound approaches should not be assumed by 2025.

L4-42

43. Table 14: El Camino and San Tomas Expy- addition of second northbound and southbound left turn lanes should be assumed by 2025.

L4-43

44. Revise Figure 22 per 41 and 42 above.

L4-44

45. Revise 2025 LOS analysis per 41 and 42 above.

L4-45

46. Page 134: Under Santa Clara station analysis, please add text to indicate that the intersection of Coleman and Newhall is within the City of San Jose. The intersection LOS should be compared to City of San Jose thresholds of significance.

L4-46

47. Page 4 of Existing plus Phase II Appendix: Coleman and Brokaw should be identified as a City of Santa Clara intersection.

L4-47

TIA for Phase II plus TOJD

48. Page 53: Do not assume Coleman Avenue widening to three through lanes by 2025. Assume addition of second northbound and southbound left turn lanes on El Camino Real/San Tomas Expy along San Tomas Expy.

L4-48

49. The mitigation measure at the intersection of Coleman Ave. /Brokaw Rd. under 2025 Background plus Project and 2035 Cumulative plus Project conditions is not acceptable. Widen Brokaw Rd. to provide a second eastbound left turn, a second westbound left turn lane or both as required to mitigate the impact at the intersection to a less than significant level.

L4-49

50. Page 152: The impact at the CMP intersection of De La Cruz Boulevard and Central Expressway in the City of Santa Clara would continue to significant and unavoidable.

L4-50



Per the requirements of Santa Clara VTA's Transportation Impact Analysis Guidelines, the TIA should include language that the Project will be required to prepare and implement a Multimodal Improvement Plan in lieu of making physical traffic capacity improvements at this intersection.

L4-50,  
cont.

51. The mitigation at the intersection Lafayette St. and Lewis St. under 2035 Cumulative plus Project conditions is not acceptable. The north side of Lewis St. is fronted by a City park. Widen Lewis St. on the north side to provide an exclusive westbound right turn lane to mitigate the impact at the intersection to a less than significant level.

L4-51

NEPA and CEQA Transportation Operation Analysis

52. Mitigation Measure TRA-B: The mitigation measure at the intersection of Coleman Ave. /Brokaw Rd. under 2035 plus the TOJD project conditions is not acceptable. Widen Brokaw Rd. to provide a second eastbound left turn, a second westbound left turn lane or both as required to mitigate the impact at the intersection to a less than significant level.

L4-52

53. Mitigation Measure TRA-C: The mitigation at the intersection of Lafayette St. and Lewis St. under 2035 Cumulative plus TOJD Project conditions is not acceptable. The north side of Lewis St. is fronted by a City park. Widen Lewis St. on the north side to provide an exclusive westbound right turn lane to mitigate the impact at the intersection to a less than significant level.

L4-53

54. The City reserves the right to make additional comments on the Project as further analysis and project design raises new issues.

L4-54

Should you have questions or require additional information, please contact John Davidson at 408/615-2450.

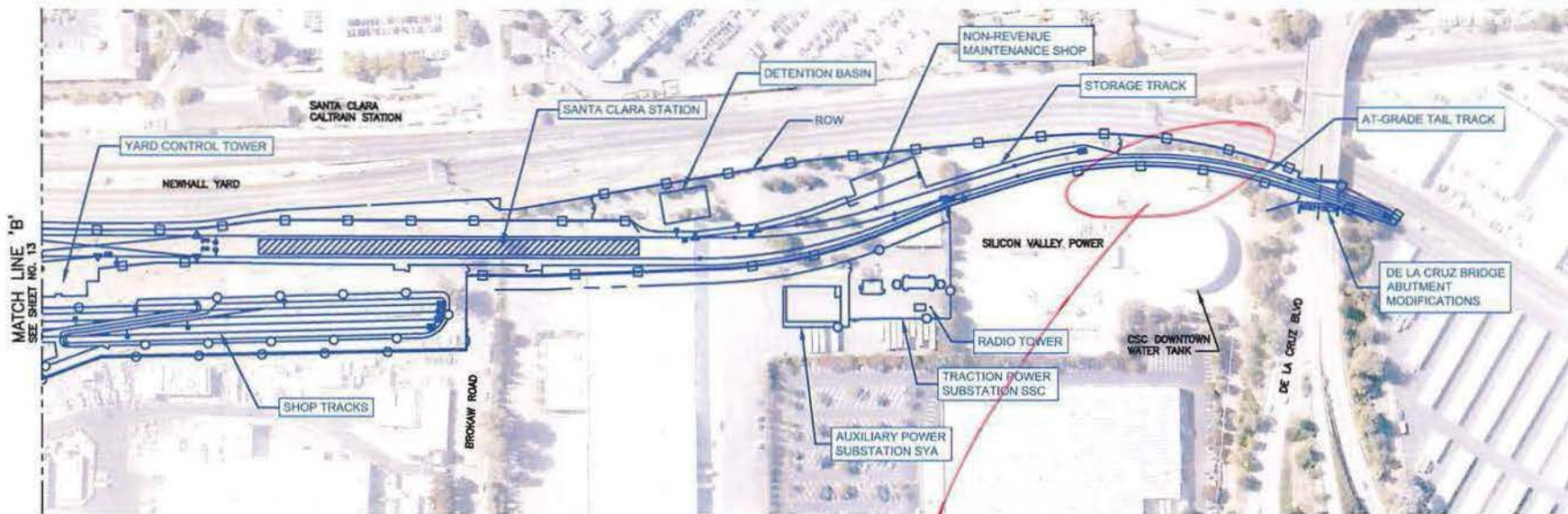
Respectfully,



Andrew Crabtree  
Director of Community Development

Attachments:

1. EIR Figures with mark-ups
2. As-built drawings of Water Infrastructure



- These tracks are on the pump house in this location
- show the ROW line and location of perimeter fence
- Tracks are too close to tank and well
- tracks obstruct the access road around the tank

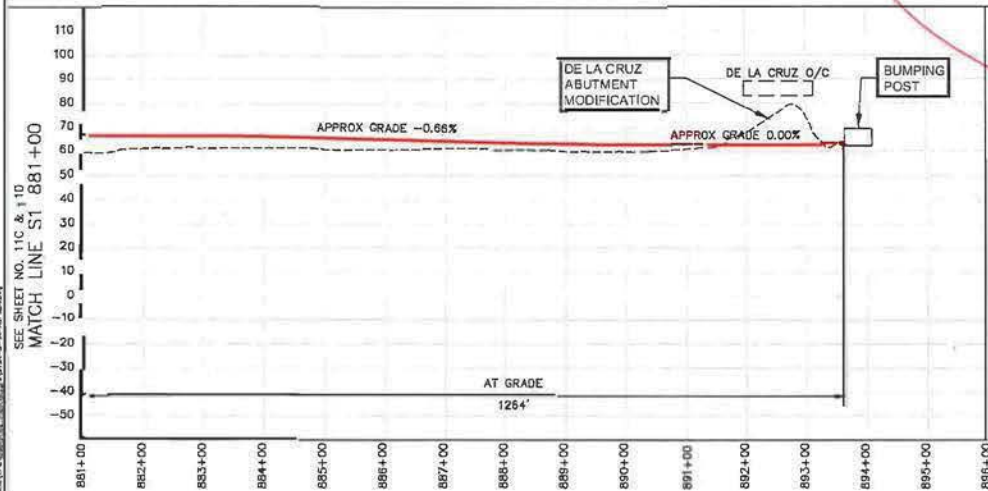
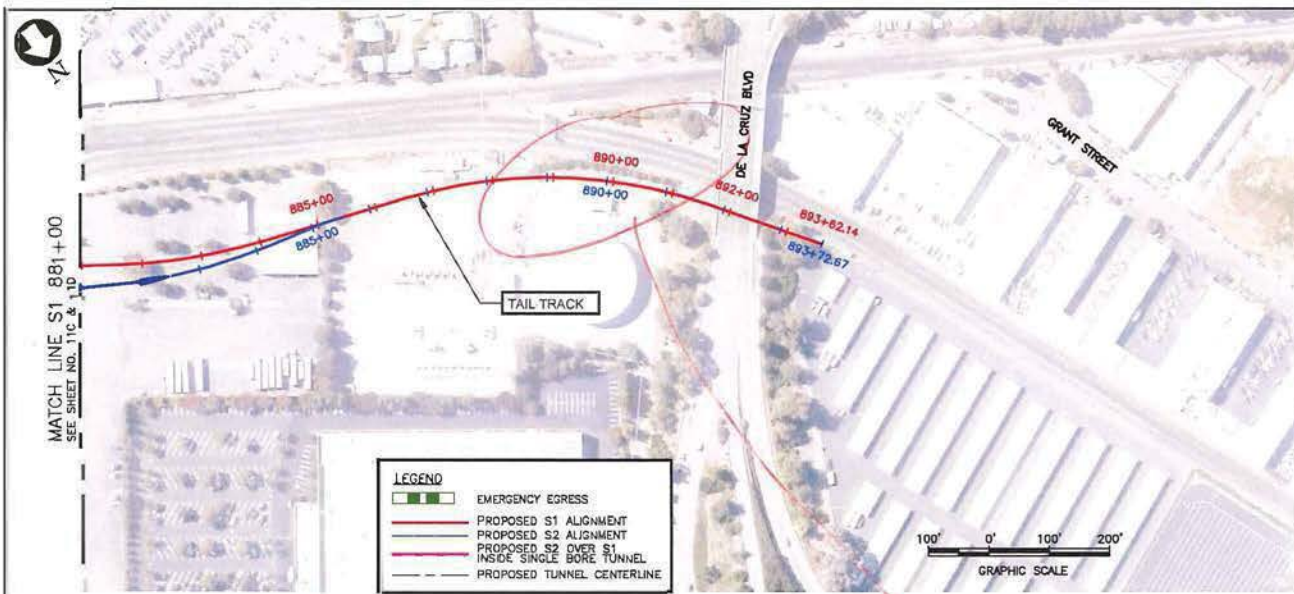
LEGEND	
	PROPOSED ALIGNMENT
	PROPOSED IMPROVEMENTS



**CONCEPTUAL PLANS**

SILICON VALLEY SANTA CLARA EXTENSION  
 NEWHALL MAINTENANCE FACILITY & TAIL TRACK  
 PLAN SHEET 14





These tracks are on the pump house in this location  
 - show the bow line and location of perimeter fence  
 - tracks are too close to tank and well  
 - tracks obstruct the access road  
 S.D. around the tank

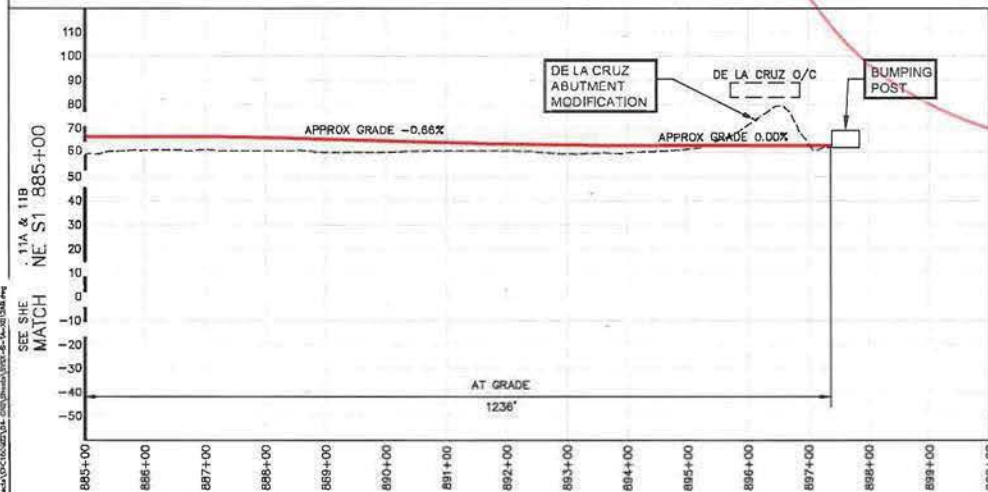
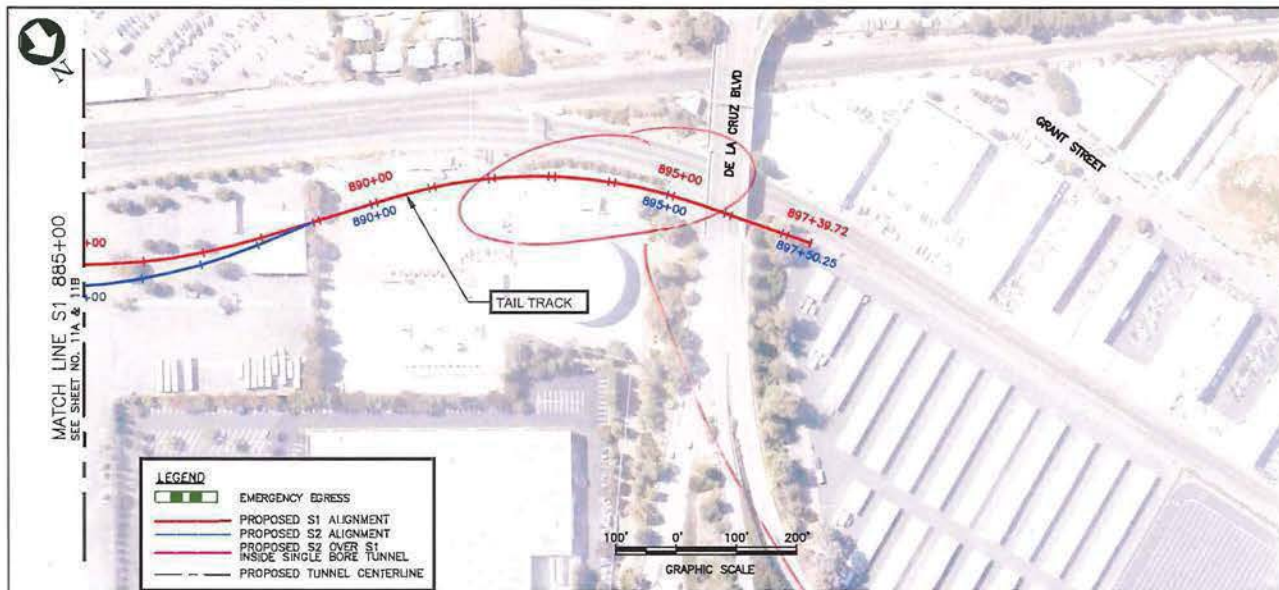
**CONCEPTUAL PLANS**

NOTE: DUE TO THE DIFFERENCE IN LENGTH OF THE ENTIRE PROJECT ALIGNMENT OF THE DIRIDON STATION NORTH OPTION VS. THE DIRIDON STATION SOUTH OPTION, THE STATION NUMBERING IS DIFFERENT BETWEEN THE TWO OPTIONS.

100' 0' 100' 200'      25' 0' 25' 50'  
 HORIZONTAL SCALE      VERTICAL SCALE      SINGLE BORE

**LEGEND**  
 SINGLE BORE TUNNEL  
 S2 - UPPERTRACK  
 S1 - LOWER TRACK  
 EMERGENCY EGRESS

SILICON VALLEY SANTA CLARA EXTENSION  
 ALIGNMENT NEAR DE LA CRUZ BOULEVARD  
 DIRIDON STATION NORTH OPTION  
 PLAN & PROFILE  
 SHEET 12C & 12D



These tracks are on the pump house in this location

- Show the ROW line and location of perimeter fence
- Tracks are too close to tank and well
- tracks obstruct the access road around the tank

**CONCEPTUAL PLANS**

**NOTE:** DUE TO THE DIFFERENCE IN LENGTH OF THE ENTIRE PROJECT ALIGNMENT OF THE DIRIDON STATION NORTH OPTION VS. THE DIRIDON STATION SOUTH OPTION, THE STATION NUMBERING IS DIFFERENT BETWEEN THE TWO OPTIONS.



SINGLE BORE



SILICON VALLEY SANTA CLARA EXTENSION  
ALIGNMENT NEAR DE LA CRUZ BOULEVARD  
DIRIDON STATION SOUTH OPTION  
PLAN & PROFILE  
SHEET 12A & 12B



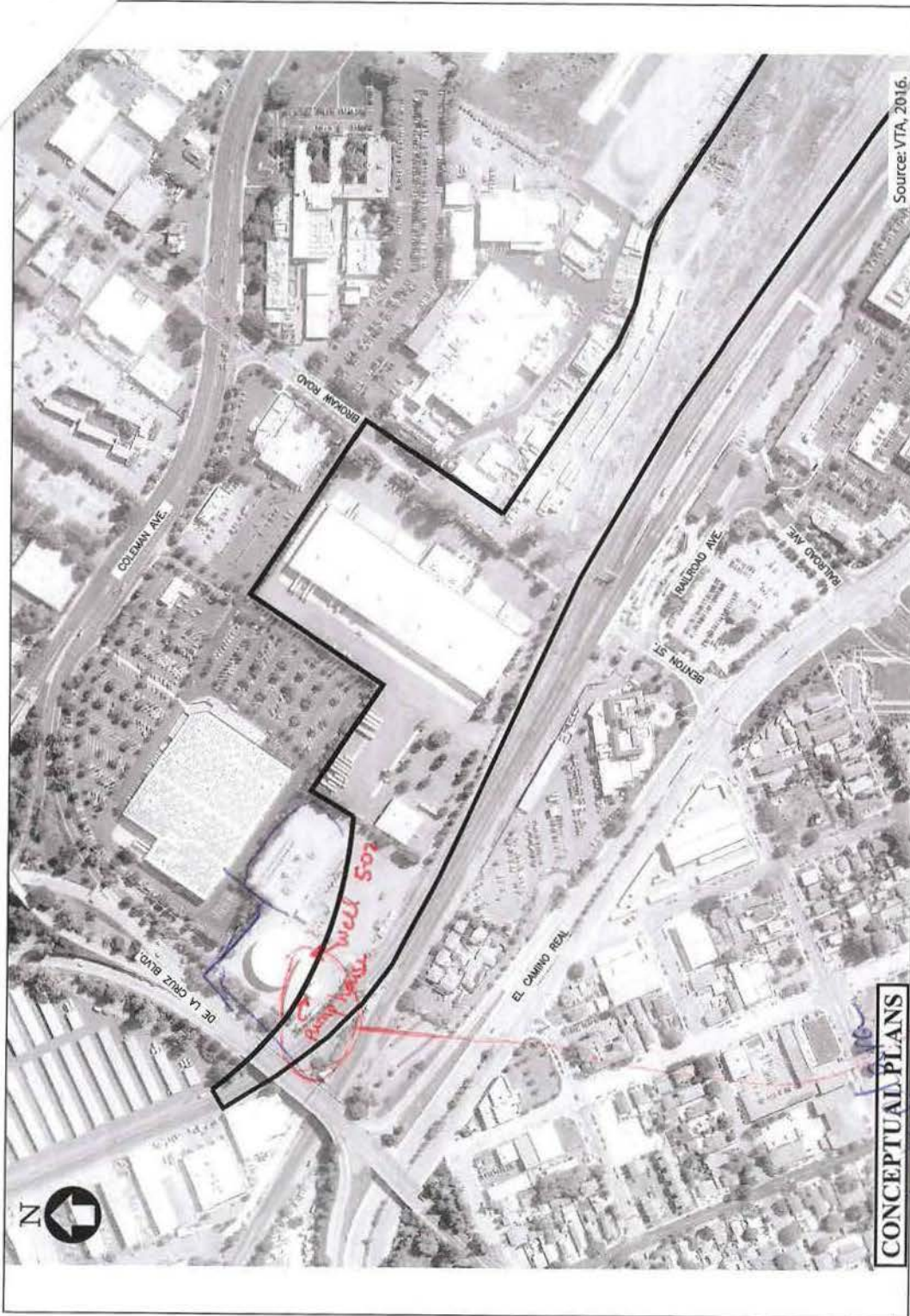


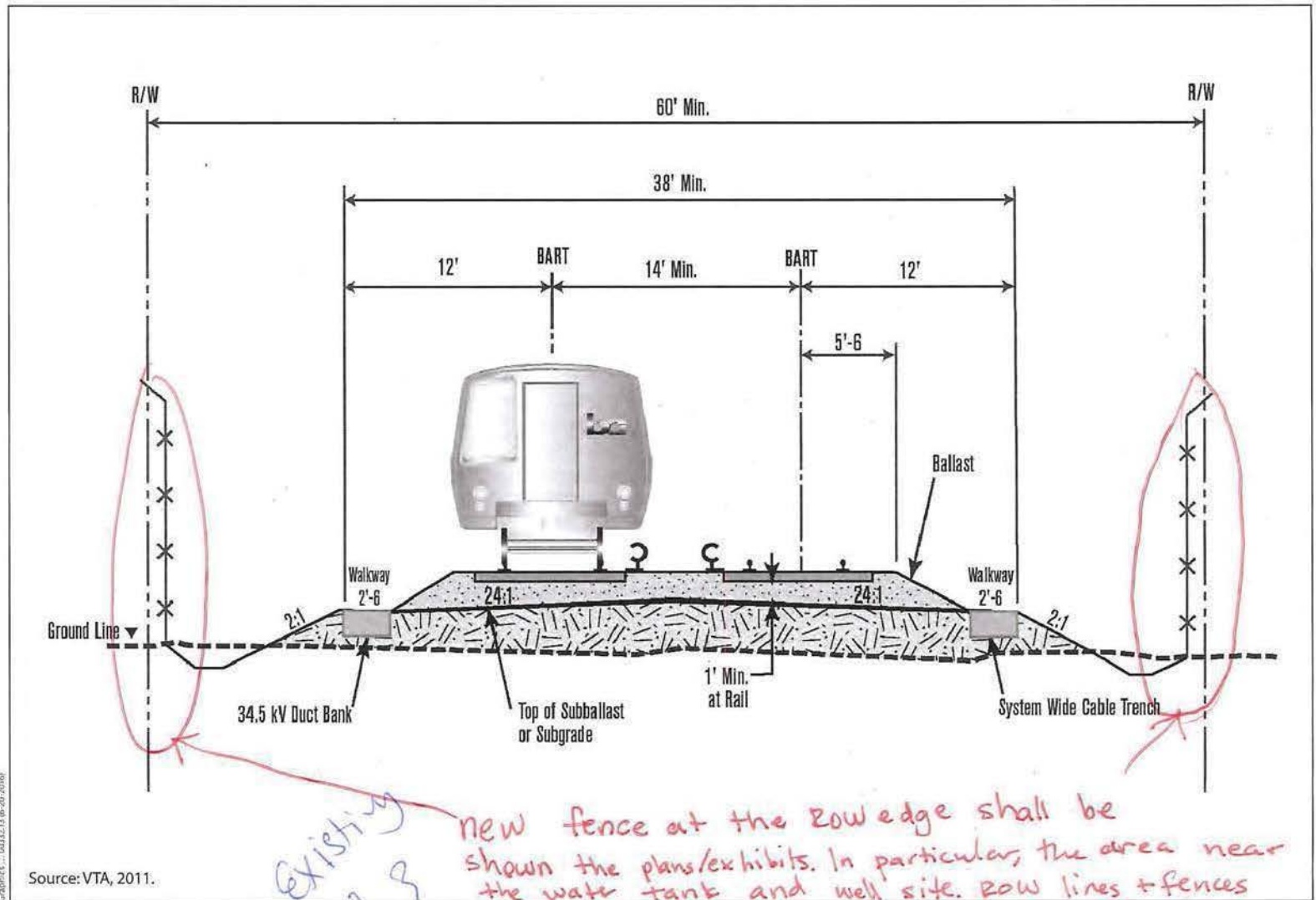
Figure 5-10

**Proposed Santa Clara Station Construction Staging Area**

VTA's BART Silicon Valley-Phase II Extension Project

*Staging area cannot be on the water pump house/structure, well 5-02, and transformer pad. Maintain 25' clear. Show well and transformer pad.*

*show city limit line*



Graphics: 00132.13 (6-20-2010)

Source: VTA, 2011.

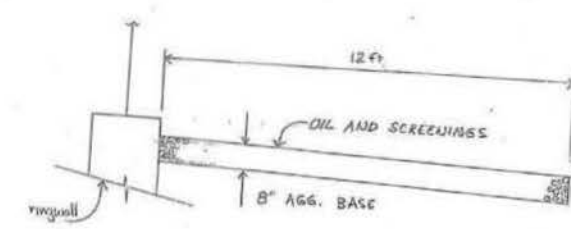
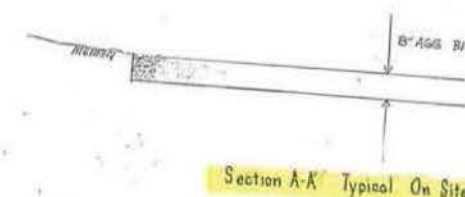
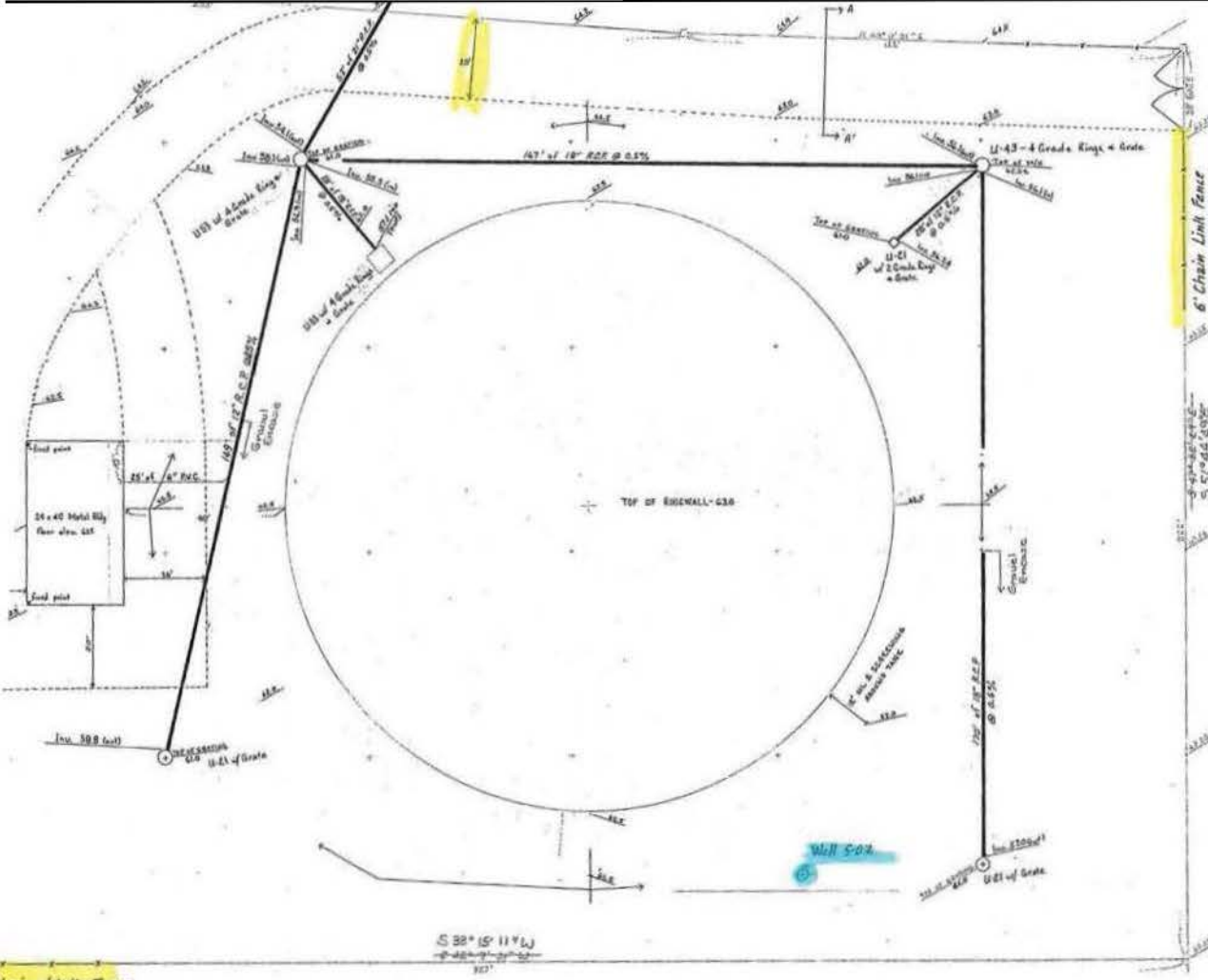
1st H13 Existing R/W

new fence at the Row edge shall be shown the plans/exhibits. In particular, the area near the water tank and well site. Row lines + fences shall be clearly marked/shown

**Figure 5-23**  
**At-Grade Guideway**  
 VTA's BART Silicon Valley-Phase II Extension Project





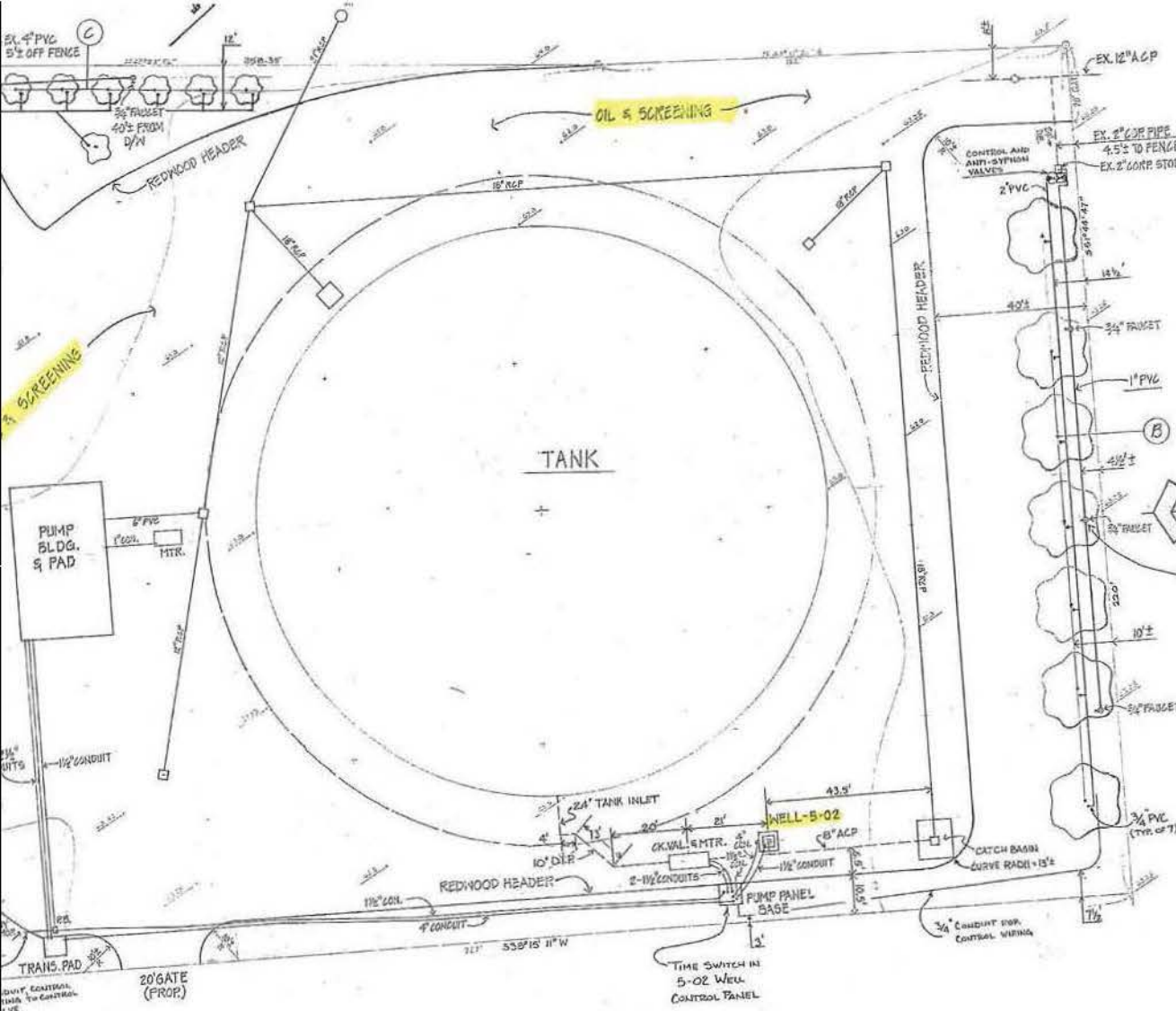


MATERIAL REQ'D

25 ft	6" PUP
177 ft	12" RCP
365 ft	18" RCP
20 ft	21" RCP
2 ea	Christy U54 Catch basin 3x4x4 deep
1 ea	Christy U43 Catch basin 3x3x4 deep
3 ea	Christy U21 Catch basin 2x2x4 deep
Per gravel	
6 ea	U54 G <sup>2</sup> Grade Rings
2 ea	U54 Grate Frame cast in grade ring
3 ea	U43 G <sup>1</sup> Grade Rings
1 ea	U43 Grate Frame cast in grade ring
2 ea	Grate for U54 State Type
1 ea	Grate for U43 State Type
3 ea	Grate for U21 State Type

PIPE	FILL @ of 0.5%	Velocity
12"	25 cfs	2.2 fpm
18"	75 cfs	4.1 fpm
21"	113 cfs	4.7 fpm





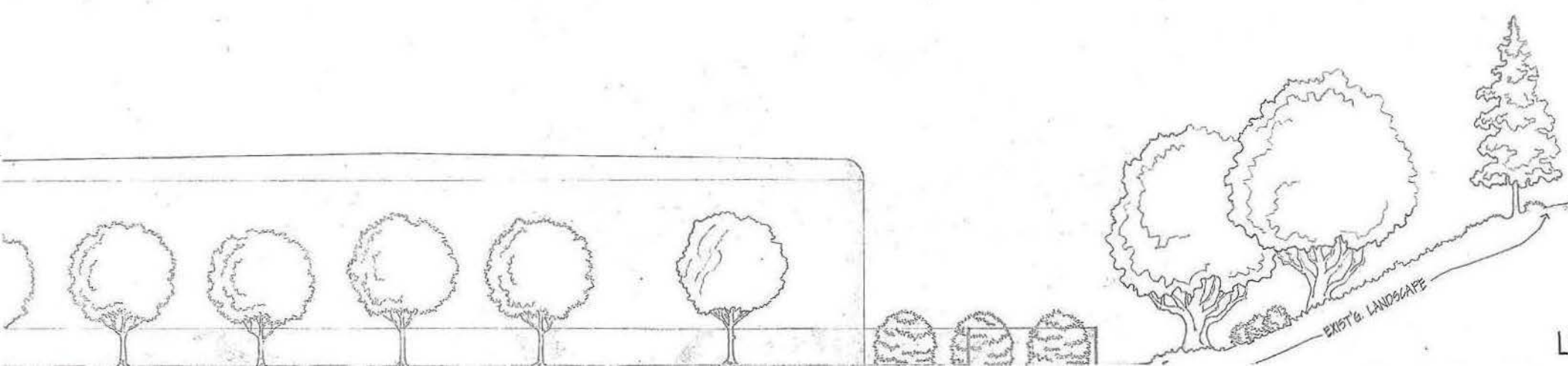
PLANT SCHEDULE	
	NAME
A	EUCALYPTUS NICHOLII - NICHOL'S WILLOW LEAFED PEPPERMINT
B	HAKEA LAURINA - PINCUSHION TREE, SEA URCHIN
C	CALLISTEMON MELALEUCA - BOTTLEBRUSH LIGUSTRUM JAPONICUM - WAXLEAF PRIVET
D	CEDRUS DESSIARA - CEDAR CEDAR
E	RHAMNUS ALTERNUS - ITALIAN BUSHKNOTH, JOHN EDWARDS'
F	RAPHIGOLEPIS INDICA - 'JACK EVANS'
G	OSTEOSPERMUM FRUTICOSUM - TRAILING AFRICAN DANDY

MATERIAL FOR FAUCETS	
452 FT.	1" PVC PIPE
8 EA.	3/4" X 1/2" GALV. PIPE (FAUCET RISER)
2 EA.	2" T X 2" S MALE ADAPTER
2 EA.	2" S X 1" S REDUCER BUSHING
5 EA.	1" S X 1" S X 3/4" T REDUCER TEE
1 EA.	1" S TEE
2 EA.	1" S ELL
3 EA.	1" S X 3/4" T ELL
8 EA.	3/4" ANGLE FAUCET

PROFILE-A  
SEE BELOW

NOTE: FAUCETS TO BE 30" ± APART - THIS SIDE ONLY AND FACING IN (SEE DETAIL AT LEFT)

NOTE: SPRINKLER SYSTEM TO BE DETERMINED - \*SOME GRADE ELEV'S. HAVE BEEN REVISED - SEE SHT. 9







## Response to Comment Letter L4

### City of Santa Clara

- L4-1 As requested, Table 2-3, *Summary of Proposed TOJD*, has been revised to include the acreages for all TOJD sites.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-2 The CEQA BART Extension with TOJD Alternative is intended to be consistent with the City general plans and approved area plans of the Cities of San Jose and Santa Clara, as applicable. The City is correct in stating that the current land use designation of the Santa Clara Station TOJD site is Public/Quasi-Public. While the SEIS/SEIR is accurate in stating that the TOJD site is within the General Plan–designated Santa Clara Station Focus Area, further clarification on the land use designation within the plan has been added. Accordingly, Figure 6.11-9, *Santa Clara General Plan Land Use Designations – Santa Clara Station (Single and Twin Bore) (Revised)*, of the SEIS/SEIR has been revised to reflect the land uses within the Santa Clara Station Focus Area as depicted in Figure 5.4-4 of the City’s General Plan. A General Plan Amendment has been added to the list of permits required in Table 2-4, *Required Permits and Approvals*.

As described in Volume I, Chapter 2, Section 2.3.3, *CEQA BART Extension with TOJD Alternative*, the proposed TOJD at Santa Clara Station would consist of a maximum of 500,000 square feet of office space with approximately 1,650 parking spaces, 30,000 square feet of retail with approximately 150 parking spaces, and up to 220 dwelling units with approximately 400 parking spaces on the 10-acre site. The TOJD would range from 4 to 11 stories and have one level of underground parking. As stated in the City’s comment, because the current land use designation of the TOJD site (Public/Quasi-Public) does not consider the proposed uses as allowed, a General Plan Amendment would be required as part of the permitting process for the Santa Clara Station TOJD site. During the entitlement process, if the development proposal put forth by VTA (or a third-party) is different from what is analyzed in this SEIS/SEIR, the City of Santa Clara and VTA will work together to provide adequate supplemental CEQA review and fulfill the City’s entitlement requirements. At that time, should the development proposal remain the same as analyzed in this SEIS/SEIR, VTA (or a third-party) would work with the City of Santa Clara to request approval for a General Plan Amendment at the TOJD site.

The City also requests analysis of a scenario that maximizes residential densities at the Santa Clara Station TOJD site consistent with the City’s Very High Density General Plan Designation, which could include up to 1,000 dwelling units on the 10-acre TOJD site. CEQA requires that an EIR describe a range of reasonable

alternatives to a project or to the location of a project that could feasibly avoid or lessen any significant environmental impacts while substantially attaining the project's basic objectives. Although the maximum residential densities scenario would meet the basic objectives of the BART Extension, this scenario would not lessen any of its significant effects. An intensified residential density scenario at the Santa Clara Station TOJD site would further exacerbate significant environmental effects of the BART Extension primarily in operational air quality and greenhouse gas emissions. As described in the SEIS/SEIR, the BART Extension with TOJD Alternative would result in significant and unavoidable impacts under CEQA for operational reactive organic gases (ROG) due to the use of consumer products from the new residences with the TOJDs (see Section 6.3, *Air Quality*), and for a net increase in long-term (2035) greenhouse gas (GHG) emission (see Section 6.9, *Greenhouse Gas Emissions and Climate Change*). Increasing the residential density of the Santa Clara Station TOJD site from 220 dwelling units to 690 dwelling units, an increase of 213 percent in proposed dwelling units, would further contribute to the significant environmental effects of operational air quality and greenhouse gas emissions. Additional trips from the intensified residential density scenario could also worsen the impacts on nearby intersections. Thus, this maximum residential density scenario would not lessen any of the significant impacts and is dismissed from further analysis.

The proposed TOJD is based on the assumption that includes no more than one level of underground parking at Santa Clara Station. The provision of parking per City requirements presents a major constraint to site development. VTA supports increased densities near transit facilities and will continue to work with the City during the entitlement process to meet the desired densities to maximize the benefits of development at the BART station. Should market conditions dictate greater densities different from what is analyzed in this SEIS/SEIR when a specific development proposal is made, the City and VTA will work together to provide a subsequent CEQA environmental analysis prior to approval and fulfill the City's entitlement requirements.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-3 As requested, Figures 4.11-7 and 6.11-9, both entitled, *Santa Clara General Plan Land Use Designations – Santa Clara Station (Single and Twin Bore) (Revised)*, have been revised to depict the individual land use designations within the Santa Clara Station area consistent with the land designations shown in the City of Santa Clara General Plan.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-4 As described in Section 6.5.5.2, *BART Extension Alternative*, under the *Police Protection* subheading, police protection would be established through a mutual aid agreement to support BART Police and the Santa Clara County Sheriff's

Department (under contract with VTA). Table 2-4, *Required Permits and Approvals*, has been revised to include “Mutual Aid Agreements” with both the City of Santa Clara and City of San Jose. As described in Section 6.5.5.3, *BART Extension Alternative with TOJD Alternative*, under the *Police Protection* subheading, the Santa Clara Police Department would be responsible for police protection for the TOJD development as they are for other residential, retail, and office developments in the City.

The first two sentences under the *Santa Clara Police Department* subheading under *Operation* in Section 6.5.5.3, *BART Extension with TOJD Alternative*, has been revised as follows:

SCPD provides police services to areas within the City of Santa Clara ~~portions of the alignment~~. In addition to providing supplemental law enforcement ~~along for~~ the BART Extension Alternative, the SCPD would respond to service calls generated by new residents and commercial uses space in the ~~TOJD portions of the BART Extension with TOJD Alternative~~.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-5 VTA, BART Police, and the Cities of Santa Clara and San Jose will develop mutual aid agreements for the BART Extension Alternative. Table 2-4, *Required Permits and Approvals*, has been revised to include “Mutual Aid Agreements” with both the City of Santa Clara and City of San Jose.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-6 See response to comment L4-5.

- L4-7 As requested, the first sentence under the *Wastewater/Santa Clara* subheading in Section 4.15.2.1, *Environmental Setting*, has been revised as follows:

Santa Clara's wastewater collection system includes approximately 270 miles of sewer pipelines ranging from 46 to 48 inches in diameter, and 67 sewage pump stations.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-8 As requested, the second sentence under the *Stormwater/Santa Clara* subheading in Section 4.15.2.1, *Environmental Setting*, has been revised as follows:

Santa Clara's storm drain system consists of curb inlets that collect and channel surface water, from rainfall and other sources, into a series of pipelines beneath city roadways. Stormwater is conveyed through these underground pipelines to the channelized creeks and rivers within Santa Clara, which then direct flow into the San Francisco Bay (City of Santa Clara 2010b).

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-9 As requested, Figure 4.17-5, *Floodplains*, Part 4 of 4, has been revised to depict the base flood elevations consistent with the elevations shown in the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM).

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-10 The reference in the first paragraph of Section 5.2.3, *Utilities Utility Relocation*, has been revised as follows:

Utility relocation would be required for underground or overhead utilities depending on the location....A list of existing major utilities along the alignments is included in ~~Section 4.15, *Utilities*~~ Table 5-9, *Major Utility Locations along the BART Extension Alignment (36-inch diameter and greater)*.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-11 The utilities in conflict are noted. Refer to Section 5.5.16.1, *Relocation of Existing Utilities*, for a discussion of coordination with utility companies and actions to avoid or minimize disruption in service. As is routinely done for development projects, individual utility providers will be contacted regarding potential conflicts including electric duct banks that would require relocation. VTA will coordinate with utility companies to minimize disruptions to service. The utility relocation discussion in Section 5.2.3, *Utilities Relocation*, also applies to electric duct banks.

- L4-12 See response to comment L4-11.

- L4-13 As requested, Table 5-9, *Major Utility Locations*, has been revised to include the water main east of the Da La Cruz overcrossing and to remove the information for the Brokaw Road storm drain entry as it is no longer considered a “major utility.”

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-14 Appendix B, Sheets 11A and 11C, *Project Plans and Profiles, Single-Bore* have been revised to include the city limit lines.

- L4-15 Appendix D.1, *Architectural/Built Resources Area of Potential Effects Map*, Figures D.1-H and D.1-I have been revised to label the city limit lines that were shown but not labeled.

- L4-16 Section 5.5.11, *Hazards and Hazardous Materials*, references *VTA’s BART Silicon Valley Phase II Extension Project Initial Site Assessment*, October 2015 that serves as a Phase I report. The Initial Site Assessment (ISA) identified 437 sites with known releases of hazardous materials within a 1-mile radius of the BART Extension. The ISA relies on publicly available inventories for hazardous



materials. The information provided by the City did not appear on any of the available inventories maintained by regulatory agencies used to prepare the ISA.

The SEIS/SEIR has been revised to reflect this new information and to state that at the time of utility relocations, VTA will coordinate with the City to determine the status of this contamination and City's ongoing investigation. As is routinely done for contaminated sites, VTA will meet the applicable regulatory obligations for clean-up as part of site development. Section 5.5.11 includes Mitigation Measure HAZ-CSNST-A: Prepare a Remedial Action Plan, which would be approved by the Regional Water Quality Control Board. Section 5.5.11.1, *Contaminant Management Plan*, discusses the Contaminant Management Plan (CMP) that was already approved by the Regional Water Board for Phase I and Phase II of the projects. The approach for assessing and managing hazardous material in soil and ballast materials that would be encountered during earthwork is described in the CMP. The CMP is incorporated by reference into the SEIS/SEIR.

- L4-17 With regards to new operations costs, VTA and the City of Santa Clara will enter into a Master Cooperative Agreement to address the roles, responsibilities, commitments and financial obligation for proceeding with the Phase II Extension Project. Table 2-4, *Required Permits and Approvals*, has been revised to include "Master Cooperative Agreement" with the City of Santa Clara.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-18 The comment is vague as to what problems or concerns the commenter is referring to in the letter. For problems requiring police or fire, refer to Section 4.13, *Security and System Safety*, and Section 6.5, *Community Facilities and Public Services*, for this discussion. VTA is committed to providing adequate resources to address any concerns/issues that are raised through the onsite coordinator and/or the 24-hour hotline such that timely resolution is possible. Section 5.5.1, *Construction Outreach Management Program*, also includes mitigation measures to address these issues.

- L4-19 The final project design has not been completed. The figures in the SEIS/SEIR reflect the conceptual state of design at the time the SEIS/SEIR was prepared. Adequate utility clearances will be incorporated into the final project design and engineering in consultation with the City of Santa Clara.

- L4-20 See response to comment L4-19.

- L4-21 Table 2-4, *Required Permits and Approvals*, has been revised to include "Master Cooperative Agreement" with the City of Santa Clara. Commitments as to access to the water tank, pump house, and well site #5-02 will be included in the Master Cooperative Agreement, as required.

- L4-22 See response to comment L4-19.
- L4-23 The referenced City of Santa Clara facilities are located near the tail tracks northwest of Santa Clara Station. The tail tracks would only be used at the end of the day for the storage of rail vehicles. Therefore, tail track usage would only occur once a day, and rail vehicles would be traveling at slow speeds. Vibrations produced by the BART trains would be less than the adjacent existing freight and heavy rail passenger train service vibrations. Therefore, if these utilities can sustain the higher levels of vibrations from freight and heavy rail passenger train service, vibrations from BART trains would not result in any damage.
- L4-24 Retained cut-and-fill in the City of Santa Clara would occur at the Santa Clara Station area depicted in yellow on Figure 2-12, *Santa Clara Station (Twin-Bore and Single-Bore)*, where the underground concourse is located. Other excavations in the City of Santa Clara would primarily be for structural supports for buildings and other facilities. Also refer to response to comment L4-19.
- L4-25 The plans shown in the SEIS/SEIR may be refined during final design. The City of Santa Clara will be involved in the design and engineering review process.
- L4-26 See responses to comments L4-19 and L4-25.
- L4-27 See responses to comments L4-19 and L4-25.
- L4-28 See responses to comments L4-19 and L4-25.
- L4-29 See responses to comments L4-19 and L4-25.
- L4-30 See responses to comments L4-19 and L4-25.
- L4-31 See responses to comments L4-19 and L4-25.
- L4-32 Refer to responses to comments L4-19 and L4-25.
- L4-33 As allowed by CEQA, the information presented in the SEIS/SEIR is consistent with the existing conditions at the time of the Notice of Preparation in June 2015. Nonetheless, as requested, Section 4.15.2.1, *Environmental Setting*, under the *Water Supply/Santa Clara*, subheading, has been revised to present the existing water usage information from the City's 2015 Urban Water Management Plan (UWMP) as follows:

The City of Santa Clara Water and Sewer Utility (SCWSU) serves as the water retailer for all water users in Santa Clara, and had approximately ~~25,600~~25,715 water service connections in ~~2010~~2015. SCWSU's distribution system consists of ~~334~~335 miles of distribution mains, 33 miles of recycled water pipelines, and 7 storage tanks totaling 28.8 million gallons of storage capacity, ~~and has a maximum supply capacity of 88 million gallons per day (mgd) of potable water and 18 mgd of recycled water.~~ Average demand in

~~2015 was 16.8 consumption is 20.9 million gallons per day (mgd) of potable water and 2.53.2 mgd of recycled water (SCWSU 2016).~~

Santa Clara operates ~~2826~~ wells within an extensive local underground aquifer that provides about ~~6854~~ percent of the City's water supply. Approximately ~~2435~~ percent of the water supply is provided by two wholesale water agencies: SCVWD and San Francisco Public Utilities Commission. The ~~remainder remaining 11 percent~~ of Santa Clara's water supply is provided by recycled water from the San Jose/Santa Clara Regional Wastewater Facility (RWF) Water Pollution Control Plant's (WPCP) under the South Bay Recycled Water program facility, and is used exclusively for irrigation.

Santa Clara's City Council in ~~2011~~2016 approved and adopted an UWMP, which concluded that the SCWSU has adequate water supplies to meet demand in its service area ~~through 2021~~, but may encounter system-wide shortages during prolonged periods of drought in future years.

The information presented in the 2015 UWMP does not conflict with the information in the 2011 UWMP, and, therefore, it does not change the conclusions related to water supply provided in the SEIS/SEIR.

L4-34 This comment does not raise an environmental concern about the adequacy of the environmental review documents. However, as requested, the formal name of the facility has been changed globally throughout Sections 4.15 and 6.13.

This is a clarification and does not alter any analysis in the SEIS/SEIR.

L4-35 See responses to comments L4-19 and L4-25. Construction staging areas shown in Figure 5-10, *Proposed Santa Clara Construction Staging Area*, may be further refined during the design and engineering phase in consultation with the City of Santa Clara.

L4-36 See responses to comments L4-19 and L4-25.

L4-37 See responses to comments L4-19 and L4-25.

L4-38 The water tank would be protected. Also refer to responses to comments L4-19 and L4-25.

L4-39 See responses to comments L4-19 and L4-25.

L4-40 As requested, text in Section 6.13, *Utilities and Service Systems*, Section 6.13.5.2, *BART Extension Alternative*, under the subheading, *Impact BART Extension + TOJD UTIL 4*, has been clarified to state that providing water conveyance infrastructure to connect to Santa Clara mains in the public right-of-way is the responsibility of the applicant.

**Water Conveyance Infrastructure**

SJWC and SCWSU would be responsible for providing onsite water infrastructure to connect BART facilities and TOJD to the existing water supply system. In Santa Clara, it would be the applicant's responsibility to provide onsite infrastructure to connect to SCWSU mains in the public right-of-way. ~~These w~~Water suppliers would also evaluate the need for offsite water infrastructure improvements prior to the issuance of a building permit....

This is a clarification and does not alter any analysis in the SEIS/SEIR.

- L4-41 The comment refers to Table 14 on page 60 of the BART Only Transportation Impact Analysis (TIA), not the SEIS/SEIR. The BART Only TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Table 14 of the BART Only TIA presents the 2025 Transportation Network Improvements for use in the 2025 Background scenarios. The SEIS/SEIR does not include an evaluation of 2025 Background conditions, and thus a re-evaluation of this scenario in the TIA would not affect the analysis presented in the SEIS/SEIR.

The SEIS/SEIR includes 2035 Forecast Year conditions because this scenario includes higher traffic volumes than 2025 conditions and thus represents the worst-case scenario for analysis. Widening Coleman Avenue to accommodate a third southbound through lane at the intersection of Coleman Avenue and Brokaw Road was included in 2025 Background conditions in the BART Only TIA and the BART + TOJD TIA.

The intersection of Coleman Road and Brokaw Road has been re-evaluated with only two southbound through lanes under 2025 Background conditions, as requested by the City of Santa Clara. This evaluation is described in response to comments L4-48 and L4-49. The BART Only TIA was also revised to state that this improvement will not be implemented by 2025, but would be implemented by 2035. The finding in the BART Only TIA with this change is that the BART Extension would not result in a significant impact at this intersection under 2025 conditions in the AM or PM peak hours, and remains the same with this change to the 2025 lane configuration.

- L4-42 This comment refers to Table 14 on page 60 of the BART Only TIA, which presents the 2025 Transportation Network Improvements for use in the 2025 Background scenarios. The BART Only TIA is a technical report that is included as supporting documentation to the SEIS/SEIR

The BART Only TIA evaluates both 2025 Background and 2035 Forecast Year conditions. The SEIS/SEIR includes 2035 Forecast Year conditions because this scenario includes higher traffic volumes than 2025 conditions and thus represents



the worst-case scenario for analysis. The BART Only TIA included the addition of second left-turn lanes on the southbound and eastbound approaches at the intersection of Lafayette Street and El Camino Real under both 2025 Background and 2035 Forecast Year conditions. This intersection has been re-evaluated without those additional left-turn lanes under 2025 conditions, as requested by the City of Santa Clara. This change to the lane configuration at the intersection did not change the finding in the BART Only TIA because the level of service (LOS) would remain at LOS D in both peak hours under 2025 Background Plus Project conditions. Based on the changes to lane configurations at this intersection, the following changes are made to the Average Delay (in seconds) under 2025 No Project Conditions and 2025 Phase II Project Conditions in Table 33 of the BART Only TIA:

2025 No Project: AM Avg Delay ~~39.4~~ 43.4 LOS D; PM Avg Delay ~~40.0~~ 43.0, LOS D

2025 Phase II Project: AM Avg Delay ~~39.3~~ 43.2, LOS D; PM Avg Delay ~~40.0~~ 42.9, LOS D

As such, the BART Extension would not result in a significant impact at this intersection under 2025 Background Plus Project conditions in the AM or PM peak hours.

- L4-43 This comment refers to Table 14 on page 60 of the BART Only TIA, which presents the 2025 Transportation Network Improvements for use in the 2025 Background scenarios. The BART Only TIA is a technical report that is included as supporting documentation to the SEIS/SEIR

The BART Only TIA evaluates both 2025 Background and 2035 Forecast Year conditions. The SEIS/SEIR includes 2035 Forecast Year conditions because this scenario includes higher traffic volumes than 2025 conditions and thus represents the worst-case scenario for analysis. Table 14 depicts that the 2025 Background scenario includes the addition of second left-turn lanes on both the eastbound and westbound approaches at the intersection of El Camino Real and San Tomas Expressway. As requested by the City of Santa Clara, this intersection has been re-evaluated with the addition of second left-turn lanes at all four approaches. The following changes were made to the Average Delay (in seconds) under 2025 No Project Conditions and 2025 Phase II Project Conditions in Table 33 of the BART Only TIA for the San Tomas Expressway and El Camino Real intersection:

2025 No Project: AM Avg Delay ~~65.8~~ 62.2, LOS E; PM Avg Delay ~~79.6~~ 73.8, LOS E

2025 Phase II Project: AM Avg Delay ~~65.5~~ 61.8, LOS E; PM Avg Delay ~~78.6~~ 72.8, LOS E

This change to the lane configuration reduces the average delay at the intersection under 2025 operating conditions in both the AM and PM peak hours, although the level of service remains at LOS E for both with and without the BART Extension Alternative conditions. The finding in the BART Only TIA with this change is that no significant impacts would result at this intersection under 2025 Background Plus Project conditions, and conclusions remain the same.

- L4-44 This comment refers to Figure 22 of the BART Only TIA. The BART Only TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Figure 22 in the BART Only TIA presents the intersection lane configurations near Santa Clara Station under 2025 conditions. As requested, Figure 22 has been revised to depict the lane configurations at Coleman Avenue/Brokaw Road, Lafayette Street/El Camino Real, and San Tomas Expressway/El Camino Real intersections to be consistent with the City of Santa Clara's input.

- L4-45 As requested in comments L4-41 through L4-43, three intersections have been re-evaluated with different lane geometry under 2025 conditions. This evaluation is provided in the revised BART Only TIA. The level of service remains LOS D at the intersection of Lafayette Street and El Camino Real under 2025 conditions, both with and without the lane geometry changes, with and without the BART Extension Alternative, in both peak hours. The level of service remains LOS E at the intersection of San Tomas Expressway and El Camino Real under 2025 conditions, both with and without the lane geometry changes, with and without the BART Extension Alternative, in both peak hours. At the intersection of Coleman Avenue and Brokaw Road, eliminating the third southbound through lane results in this intersection operating at LOS F instead of LOS D in the PM peak hour (with three southbound through lanes). However, based on the City of Santa Clara's significant impact criteria, there would be no significant impact when 2025 Background and 2025 Background Plus Project conditions are compared (both with only two southbound through lanes). Thus, the conclusion that there would be no significant impacts under 2025 conditions in the BART Only TIA remains the same.

- L4-46 This comment refers to page 134 of the BART Only TIA, not the SEIS/SEIR. The BART Only TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Page 134 (2035 Cumulative No Project condition) of the BART Only TIA incorrectly identifies the intersection of Coleman Avenue and Newhall Drive as a City of Santa Clara intersection. An Errata sheet has been added to that TIA to note that the intersection of Coleman Avenue and Newhall Drive should be identified as a City of San Jose intersection.

Page 179 (2035 Cumulative Plus Project conditions) of the BART Only TIA correctly identifies the intersection of Coleman Avenue and Newhall Drive as a City of San Jose intersection, and the City of San Jose thresholds of significance for cumulative conditions are applied to this intersection.

- L4-47 This comment refers to Table A-4 on page 4 of Appendix A to the BART + TOJD TIA. The BART + TOJD TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Table A-4 on page 4 of Appendix A of the BART + TOJD TIA correctly identifies the Coleman Avenue and Brokaw Road intersection as a City of Santa Clara intersection. All other tables in the BART + TOJD TIA also correctly identify this as a City of Santa Clara intersection.

- L4-48 This comment refers to page 53 of the BART + TOJD TIA, not the SEIS/SEIR. The BART + TOJD TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Page 53 in the BART + TOJD TIA discusses 2025 Background conditions. The SEIS/SEIR does not analyze impacts by assuming 2025 Background conditions, but instead uses 2035 Forecast Year conditions because this scenario includes higher traffic volumes than 2025 conditions and thus represents the worst-case scenario analysis. As requested by the City of Santa Clara, the intersection of Coleman Avenue and Brokaw Road has been re-evaluated under 2025 conditions without the addition of a third southbound through lane for the BART + TOJD Alternative. The elimination of that lane results in much longer delay at this intersection in the PM peak hour under both 2025 Background Without Project conditions and 2025 Background Plus Project conditions (average delay was 113.7 seconds with three southbound through lanes versus 194.4 seconds with only two southbound through lanes under 2025 Background Plus Project conditions). The BART + TOJD TIA found that there would be a significant impact at this intersection under 2025 Background Plus Project conditions, and the revised evaluation results in the same finding of a significant impact.

At the intersection of San Tomas Expressway and El Camino Real, the addition of second left-turn lanes on the northbound and southbound approaches (San Tomas Expressway) as well as on the eastbound and westbound approaches (El Camino Real) was evaluated for 2025 conditions. The revision, which adds capacity to the intersection, resulted in slightly less average delay at this intersection. In the AM peak hour under 2025 Background Plus Project conditions, the level of service would improve from LOS F and 82.8 seconds average delay (with second left-turn lanes at only two approaches) to LOS E and 78 seconds average delay (with second left-turn lanes at all four approaches). The previous analysis noted there would be no significant impact in the AM peak hour because the average delay, critical delay, and critical volume-to-capacity (V/C) decreased when “no project”

and “plus project” conditions were compared. Based on the revised analysis of second left-turn lanes at all four approaches, there would be no significant impact during the AM peak hour because LOS E is an acceptable level of service. In the PM peak hour, the level of service would remain at LOS F with second left-turn lanes at all four approaches. Because the average delay, the critical delay, and the critical V/C would all decrease when “no project” and “plus project” conditions are compared, there would be no significant impact in the PM peak hour. Thus, the finding in the BART + TOJD TIA that there would be no significant impact on this intersection under 2025 Background Plus Project conditions remains the same.

L4-49 The following mitigation measure is proposed for the intersection of Coleman Avenue and Brokaw Road in Section 3.5.3.4, *Impact BART Extension + TOJD TRA-1: Conflict with a Transportation Plan, Ordinance, or Policy*: Mitigation Measure TRA-~~A~~B: Implement Intersection Improvements at Coleman Avenue and Brokaw Road, described in Chapter 3, Section 3.5.3, *BART Extension with TOJD Alternative*. This measure would change the lane geometry of the eastbound and westbound approaches to one exclusive left-turn lane, one shared through-left lane, and one exclusive right-turn lane. It would also change the signal control from protected left-turn phasing to split phase.

After evaluating several possible mitigation measures (as detailed below), the proposed mitigation was found to adequately mitigate the impact without widening Brokaw Road. Because of the high volume of right-turns from eastbound Brokaw Road onto Coleman Avenue, an exclusive right-turn lane would be necessary so that some vehicles can make a right turn during the overlapping left-turn phase from northbound Coleman Avenue. Because very few through vehicles from eastbound Brokaw Road are projected, the through movement was added to the middle lane. With this mitigation, the intersection would function at LOS D (50.6 seconds average delay) in the PM peak hour under 2035 Cumulative Plus Project conditions. This mitigation could be accomplished within the existing roadway ROW, whereas the City's recommended mitigation would require roadway widening.

One mitigation option evaluated was to modify the eastbound leg of Brokaw Road to provide two left-turn lanes and a through-right lane. This option would not require roadway widening, but it did not fully mitigate the impact, because an exclusive right lane is necessary to accommodate the large volume of right-turning vehicles during an overlap phase.

Another mitigation option evaluated was to modify the eastbound leg to include four lanes, but to make no changes to the westbound lane. This option, which would include two left-turn lanes, one through lane, one right-turn lane on the eastbound approach, no changes to the westbound approach, and protected left-



turn phasing, would require additional roadway right-of way. Because this option would require acquisition of right-of-way from an adjacent property and would result in more delay (54.4 seconds average delay) than the recommended mitigation measure, it was not selected.

The SEIS/SEIR states that the proposed mitigation measure “or a comparable mitigation measure as determined upon coordination with the City of Santa Clara” would be implemented. VTA is committed to working with the City to develop an acceptable mitigation for this intersection.

- L4-50 This comment refers to page 152 of the BART + TOJD TIA. The BART + TOJD TIA is a technical report that is included as supporting documentation to the SEIS/SEIR.

Page 152 of the BART + TOJD TIA includes a discussion of the Multimodal Improvement Plan that would be required because an acceptable level of service would not be maintained on the Congestion Management Plan intersection of De La Cruz Boulevard and Central Expressway. Accordingly, VTA is committed to preparing a Multimodal Improvement Plan and will coordinate with the City of Santa Clara and the Santa Clara County Department of Roads and Airports during its preparation.

- L4-51 The mitigation measure proposed for the intersection of Lafayette Street and Lewis Street under 2035 Cumulative Plus Project conditions is to provide an exclusive westbound right-turn lane, as requested by the City of Santa Clara. The City is further requesting that Lewis Street be widened on the north side of the street by taking ROW from the adjacent Larry J. Marsalli Park. Section 4(f) of the U.S. Department of Transportation Act, which is applicable to federal transportation projects, states that a special effort must be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Parklands are to be protected unless unusual factors or unique problems are present, or the cost, environmental impacts, or community disruption resulting from proposed alternatives are particularly large. Given that other feasible mitigation is available that would avoid acquisition of ROW of the park, the mitigation that avoided acquiring park ROW was selected, as presented in the SEIS/SEIR.

The mitigation proposed in the SEIS/SEIR would shift the lanes on Lewis Street to the south, in order to provide an exclusive right-turn lane on Lewis Street and does not require taking ROW from the park. Thus, the mitigation included in the SEIS/SEIR meets the requirements of Section 4(f) by providing a westbound right-turn lane without taking land from the park. The City’s suggested expansion on the north side of Lewis Avenue would require acquisition of ROW from a park, which would not meet the intent of Section 4(f). To avoid impacts on the

park, the City's suggestion was not carried forward, and therefore no change is being made to the SEIS/SEIR.

The SEIS/SEIR also states that this mitigation measure "or a comparable mitigation measure as determined upon coordination with the City of Santa Clara" would be implemented. VTA is committed to working with the City to develop an acceptable mitigation for this intersection while still meeting Section 4(f) requirements.

- L4-52 See response to comment L4-49.
- L4-53 See response to comment L4-51.
- L4-54 This comment is noted.
- L4-55 See responses to comments L4-19 and L4-25.
- L4-56 See response to comment L4-25.
- L4-57 See response to comment L4-25.