

# **BART SILICON VALLEY**

## **Phase 1 – Berryessa Extension**

### **Addendum No. 5 to the 2<sup>nd</sup> Supplemental Environmental Impact Report**

**Santa Clara Valley Transportation Authority**

**March 2014**



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## **SECTION 1.0 INTRODUCTION**

### ***1.1 Purpose of the Addendum***

The California Environmental Quality Act (CEQA) recognizes that between the date a project is approved and the date a project is constructed, one or more of the following changes may occur: 1) the scope of the project may change, 2) the environmental setting in which the project is located may change, 3) certain environmental laws, regulations, or policies may change, and 4) previously unknown information may be identified. CEQA requires that lead agencies evaluate these changes to determine whether or not they are significant.

The mechanism for assessing the significance of these changes is found in CEQA Guidelines Sections 15162 – 15164. Under these Guidelines, a lead agency should prepare a subsequent or supplemental CEQA document if the triggering criteria set forth in CEQA Guidelines Section 15162 and 15163 are met. These criteria include a determination whether any changes to the project, or the circumstances under which the project will be undertaken, involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, a subsequent or supplemental CEQA document may be prepared if “new information” meeting certain standards under Guidelines Section 15162 is presented. If the changes do not meet these criteria, or if no “new information of substantial importance” is presented, then an Addendum per CEQA Guidelines Section 15164 is prepared to document any minor corrections to the Environmental Impact Report (EIR) or Initial Study/Mitigated Negative Declaration (MND). CEQA does not require that an Addendum be circulated for public review.

### ***1.2 Overview of the BART Silicon Valley Project***

The BART Silicon Valley Project would begin at the BART Warm Springs Station in the City of Fremont and proceed on the former Union Pacific railroad (UPRR) right-of-way through the City of Milpitas to near Las Plumas Avenue in the City of San Jose. The Project would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in the City of Santa Clara near the Caltrain Station. The total length of the alignment would be 16.1 miles.

This Addendum addresses changes since the VTA Board of Director’s certification of the 2<sup>nd</sup> Supplemental EIR in March 2011 and approval of subsequent Addenda to the 2<sup>nd</sup> SEIR in April and May of 2012 for Phase I only. Phase I consists of the first 9.9 miles of BART Silicon Valley, beginning at the current planned terminus at the BART Warm Springs Station in Fremont, through Milpitas, to near Las Plumas Avenue in San Jose, and includes 2 stations: Milpitas Station in the City of Milpitas and Berryessa Station in the City of San Jose. See Figure 1. BART Silicon Valley – Phase I - Berryessa Extension.



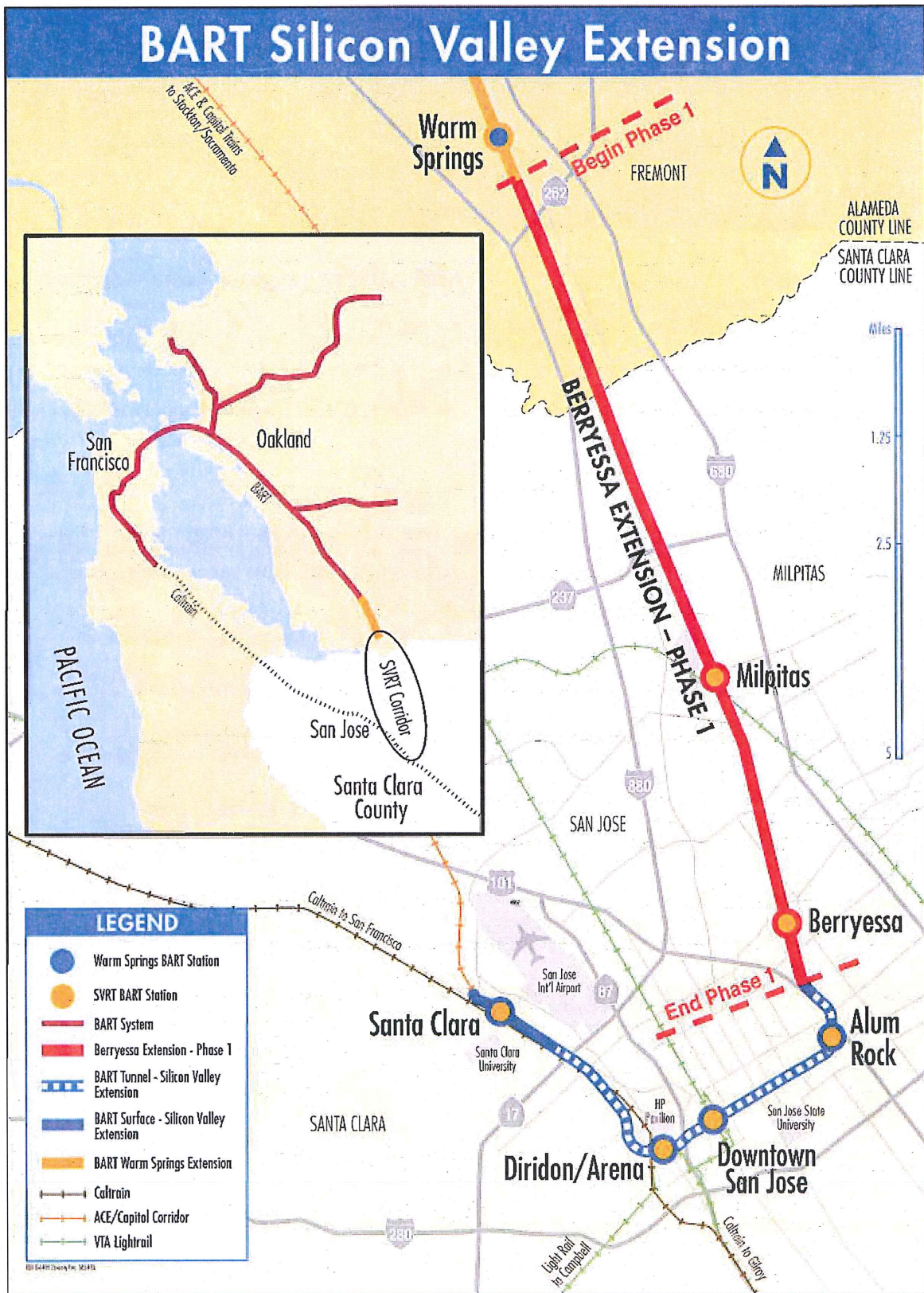


Figure 1 - BART Silicon Valley - Berryessa Extension



### **1.3 Previous Environmental Studies**

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Draft Environmental Impact Statement/Environmental Impact Report & Draft 4(f) Evaluation, March 2004*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Environmental Impact Report, November 2004*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Draft Supplemental Environmental Impact Report, January 2007*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Supplemental Environmental Impact Report, May 2007*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the Supplemental Environmental Impact Report, September 2010*

*BART Silicon Valley, Phase I – Berryessa Extension, Draft 2<sup>nd</sup> Supplemental Environmental Impact Report, November 2010*

*BART Silicon Valley, Phase I – Berryessa Extension, Final 2<sup>nd</sup> Supplemental Environmental Impact Report, March 2011*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the 2<sup>nd</sup> Supplemental Environmental Impact Report, August 2011*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum No. 2 to the 2<sup>nd</sup> Supplemental Environmental Impact Report, May 2012*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum No. 3 to the 2<sup>nd</sup> Supplemental Environmental Impact Report, April 2012*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum No. 4 to the 2<sup>nd</sup> Supplemental Environmental Impact Report, May 2013*

### **1.4 Scope of this Addendum**

This Addendum is limited in scope to an evaluation of new permanent and temporary easements needed to the east of the Silicon Valley Berryessa Extension (SVBX) Project alignment just north of Berryessa Road in the City of San Jose, and to determine whether these modifications result in any substantial change to the environmental setting, impacts, and mitigation measures as previously described in the approved EIR, Supplemental EIR, 2<sup>nd</sup> Supplemental EIR, and subsequent Addenda.

## SECTION 2.0 PROPOSED MODIFICATIONS TO THE PROJECT

### 2.1 *New Easements North of Berryessa Road*

The design of the SVBX Project has progressed since the Final SEIR-2 was approved by the VTA Board of Directors in March 2011 and subsequent Addenda to the 2nd SEIR were approved by the VTA Board of Directors in 2011, 2012, and 2013. These previous environmental documents described that the alignment of the BART extension from Fremont to San Jose would follow the former UPRR alignment south from Fremont, through Milpitas and San Jose and terminate near US 101. In these previous documents, the alignment south of the Sierra Road/Lundy Avenue intersection was in an at-grade configuration starting at STA 498+00, transitioned to an elevated configuration just north of Berryessa Road at STA 505+75, and crossed over Berryessa Road on an aerial bridge structure starting at STA 519+45. The design modifications to the Project discussed in this Addendum include new temporary and permanent easements to the east of the elevated structure north of Berryessa Road. The background conditions of the project are still substantially the same.

This Addendum discusses new easements on the following private properties:

Address	APN
1702 Heavenly Bamboo Court San Jose, CA 95131	241-21-001
1637 Fern Pine Court San Jose, CA 95131	241-21-016
1636 Fern Pine Court San Jose, CA 95131	241-21-017

Recent property line surveys indicate that several of the footings of an existing concrete wall located east of the SVBX Project alignment and north of Berryessa Road from STA 515+50 to STA 519+50 are located within VTA right-of-way (ROW). Previous environmental documents, described above, did not identify any easements east of the elevated structure north of Berryessa Road; however, this was prior to a detailed boundary and topographic survey that revealed the encroachment of the existing concrete wall into VTA ROW. Construction of the elevated structure would be in conflict with the footings within VTA ROW, and since these are integral to the structural support of the concrete wall, the entire concrete wall must be removed.

#### **Temporary Construction Easement (TCE)**

During removal of the concrete wall and during construction of the previously approved elevated structure within VTA ROW, a temporary construction easement (TCE) of at least five feet in width (measured from the property line) is needed from STA 515+50 to STA 519+50 as shown in Figure 1. Activities that may occur within this five-foot easement include, but are not limited to, the following: removal of the existing concrete wall; clearing vegetation; removal of existing arbors, trellises, or other structures within the easement; grading the ground surface; excavation of up to 5 feet deep and 2 feet wide (within the easement) to construct the elevated structure and subsurface foundation; placement of scaffolding and/or formwork to construct the permanent elevated structure (either constructed on the ground or



suspended from higher sections of the wall); placement of safety netting on the wall and/or on scaffolding; finishing, surfacing, and applying coatings to the wall as it is constructed; and other construction-related activities. In addition to construction personnel, construction equipment that may be temporarily located within the 5-foot wide TCE would include: ladders, scaffolding to support crews while working on the upper portions of the permanent elevated structure, safety netting, scissor lifts where accessible, excavation supports if necessary, and temporary construction fencing to provide safety and restrict access within the construction zone to appropriate construction personnel. The equipment listed above may be installed for weeks to months at a time. In addition to temporary fencing of restricted areas within the TCE, an access gate may be installed that runs parallel to Berryessa Road to allow construction crews to enter and exit the TCE from Berryessa Road. The TCE would be needed for the entire duration of construction for up to four years; however, construction equipment and activities would be staged within the TCE as needed during that time. Construction crews would need access for weeks or months at a time within the four year construction period.

### **Maintenance Easement (ME)**

After the SVBX Project is in operation, VTA will need to access the eastern side of the elevated structure north of Berryessa Road for maintenance purposes, such as for graffiti removal, for routine structural inspections, and for repairs as needed within an approximately five-foot-wide permanent maintenance easement (ME), measured from the property line, as shown in Figure 1. A permanent fence or wall may be constructed along the property line to restrict access to the permanent facility. In addition to maintenance personnel, maintenance equipment that may be used/installed temporarily within the ME includes: ladders, scissor lifts where accessible, scaffolding, and other small access equipment required for maintenance purposes. Also, a permanent access gate may be constructed along Berryessa Road to allow maintenance personnel permanent access to the ME from Berryessa Road.



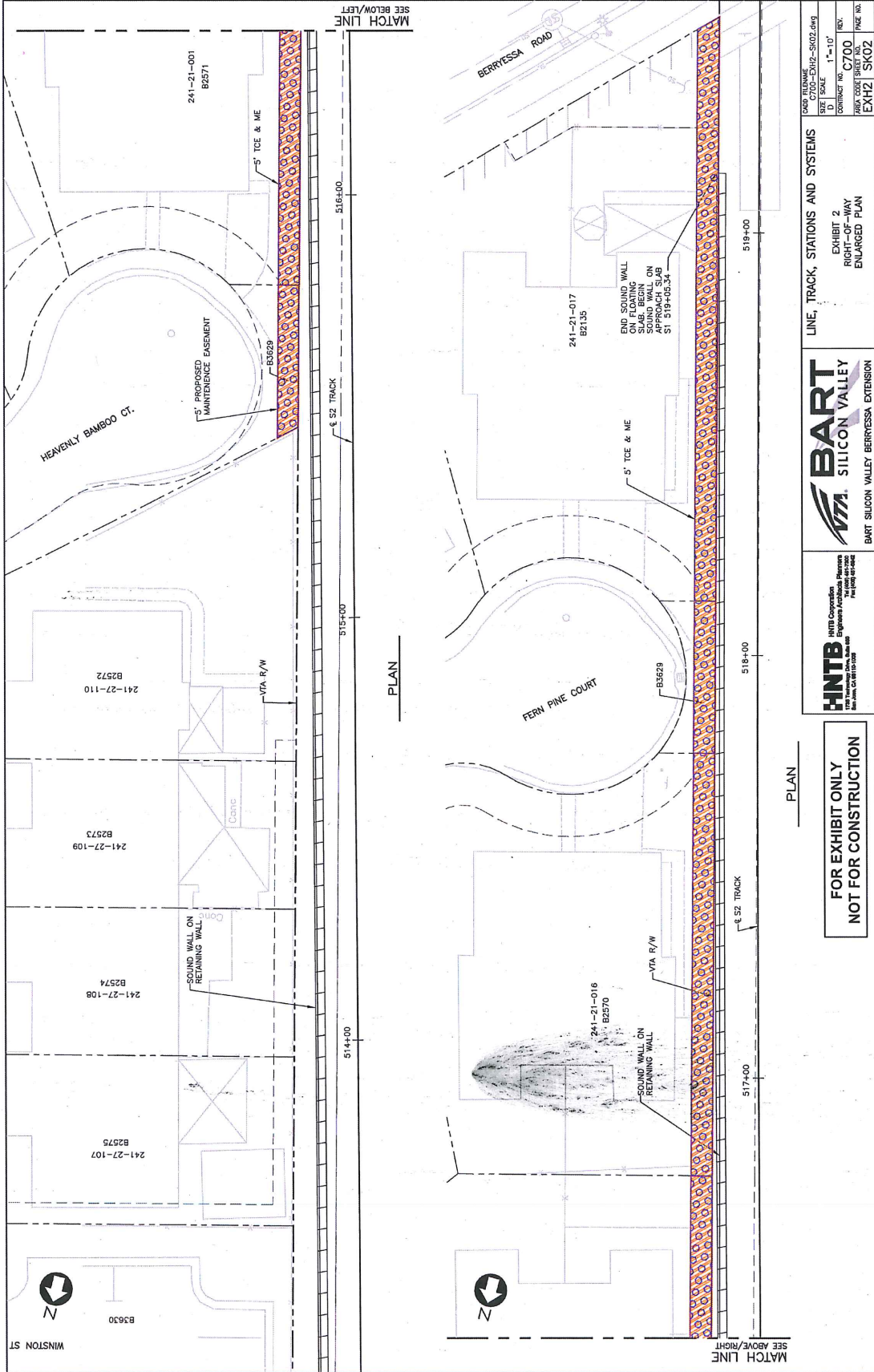


Figure 1: New Easements Needed East of the Elevated Structure and North of Berryessa Road

## **SECTION 3.0 ENVIRONMENTAL EVALUATION**

### ***3.1 Impacts Discussion***

The discussion below addresses the potential environmental impacts resulting from new SVBX Project easements needed east of the elevated structure north of Berryessa Road in the City of San Jose.

#### **Short-Term/Construction Impacts**

The discussion that follows focuses on short-term, construction related environmental subject areas: noise and socioeconomics. No additional information or changes in other subject areas that include air quality; biological resources and wetlands; community services and facilities; cultural resources; hazardous materials; geology, seismicity, and soils; land use; vibration; transportation; utilities; visual quality and aesthetics; water resources, water quality, and floodplains; cumulative impacts; and growth-inducing impacts are necessary due to the design modifications described in this Addendum. All mitigation measures described in previous environmental documents for this project are still applicable and will be implemented accordingly. The noise and socioeconomic impacts and environmental evaluation are described below.

#### ***Construction - Noise***

Impacts associated with the construction of the elevated structure have been disclosed in previous environmental documents. Removal of the existing concrete wall and acquisition of the new easements would not cause any additional significant noise impacts beyond those previously described. Noise impacts associated with this type of construction activity were previously evaluated in the EIR, SEIR-1 and SEIR-2. Specific construction noise mitigation measures were identified in Section 4.18.5.7 of the SEIR-2. The mitigation measures identified include complying with FTA construction noise guidelines, which include standards for residential as well as industrial uses during daytime and nighttime hours, and complying with local jurisdiction construction hours, where feasible. Construction noise would occur near a residential neighborhood. Therefore, VTA will implement previously identified mitigation measures, which were discussed in Section 4.18.5.7 of the SEIR-2 and included noise monitoring to establish the background noise and noise thresholds in accordance with FTA criteria, noise curtains (where operations are expected to exceed the residential or industrial noise thresholds), restrictions on working hours, and locating noisy equipment away from sensitive receptors where feasible. Therefore, no new construction related significant noise impacts would result from this design change, and no additional mitigation is warranted.

#### ***Construction – Socioeconomics***

During construction, the front doors of the three residences listed above may be temporarily restricted. VTA will work with property owners and tenants to schedule the restrictions to minimize inconveniences to property owners and/or tenants. Variations in the width of the TCE may be negotiated with property owners/tenants to allow for flexibility of access to the



easement from public ROW. The width of the easement may change during negotiations with property owners and/or tenants. VTA will negotiate with the property owners/tenants to minimize disruption to the three residences during construction. VTA will coordinate with property owners and tenants to schedule installation/access/use of the equipment/facilities to minimize disruption to property owners and/or tenants.

As stated in previous environmental documents, all appraisal, acquisition, and relocation activities will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the California Government Code, and the California Code of Regulations. In addition, VTA will negotiate with property owners and/or tenants to minimize disruption to residents for maintenance activities when feasible. VTA will restore the property within the TCE to its original condition, or to a condition agreed upon by VTA and the property owner during real estate negotiations. Therefore, the Project would not have significant socioeconomic impacts to the property owners of the three homes affected by the new easements and removal of the existing concrete wall.

### **Long-Term/Operational Impacts**

The discussion that follows focuses on the long-term, operational related environmental subject areas of biological resources and socioeconomics. No additional information or changes in other subject areas that include air quality; community services and facilities; cultural resources, geology, hazardous materials; geology, seismicity, and soils; land use; noise and vibration; transportation; utilities; visual quality/aesthetics; water resources, water quality, and floodplains; cumulative impacts; and growth-inducing impacts are necessary due to the design modification described in this Addendum. All mitigation measures described in previous environmental documents for this project are still applicable and will be implemented accordingly. The biological resources and socioeconomic impacts and environmental evaluation are described below.

#### ***Biological Resources***

Up to ten mature trees may be removed within the footprint of the TCE to allow for necessary foundation excavations and construction access to the wall face. Prior to removal of all trees, VTA will conduct pre-construction surveys for nesting birds if removal of the trees is scheduled within the nesting season. Therefore, the Project would not cause significant biological impacts to biological resources.

#### ***Socioeconomics***

During maintenance activities within the permanent ME, access to the front doors of the three residences listed above may be temporarily restricted. VTA will coordinate with property owners and tenants to schedule installation/access/use of the equipment/facilities within the ME to minimize disruption to property owners and/or tenants. Variations in the width of this easement may be negotiated with property owners/tenants to allow for flexibility of access to the easement from public ROW. The width of the easement may change during negotiations with property owners.



As stated in previous environmental documents, all appraisal, acquisition, and relocation activities will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the California Government Code, and the California Code of Regulations. In addition, VTA will negotiate with property owners and/or tenants to minimize disruption to residents during long-term maintenance activities. Therefore, the Project would not have significant socioeconomic impacts to the property owners of the three homes affected by the new easements.

### **3.2 Conclusion**

The final easements and acquisitions that are required may change (i.e., increase or decrease in size, change type, and/or change from permanent to temporary, etc.) during final design while being within the scope of the project and minor in nature. It is the intent of this Addendum and previous environmental documents adopted by VTA to fully disclose the potential environmental impacts of the easements and other acquisitions that are generally indicative of the type of work required, recognizing some adjustments may be necessary based on final design and/or working with individual property owners during the acquisition process. Should additional modifications beyond the scope of the project trigger the need for additional environmental review pursuant to CEQA Guidelines Section 15162 and other applicable provisions of CEQA, VTA will prepare the necessary additional environmental analyses. In conclusion, no new significant or substantially more severe impacts would result from the new easements on private property north of Berryessa Road and east of the SVBX Project alignment. All mitigation measures described in the SEIR-2 are still applicable.

## **SECTION 4.0 ENVIRONMENTAL DETERMINATION**

Based upon the evaluation of the proposed design modifications to the approved BART Silicon Valley Project, the Addendum No. 5 to the Project has not identified any new significant adverse impacts nor any substantial increase in the severity of any previously identified significant adverse impacts previously documented for the Project, nor has any "new information of substantial importance" been presented pursuant the CEQA Guidelines Section 15162. Therefore, an Addendum to the previous EIR, SEIR-1 and SEIR-2 is the appropriate environmental document.



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5/2/2018

Date