Capitol Expressway Light Rail Project Phase 1: Pedestrian and Bus Improvements

Revised Addendum to the Final Supplemental Environmental Impact Report

State Clearinghouse #2001092014

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Section 1. Introduction

1.1 Project Background

The federal and state environmental process for the Capitol Expressway Light Rail (CELR) Project was initiated in September 2001 with the publishing of a Notice of Intent to prepare an Environmental Impact Statement (EIS) in the federal register and the filing of the Notice of Preparation of an EIR with the State Clearinghouse. A Draft EIS/EIR was circulated in April 2004, but only a Final EIR was completed as a result of limited opportunities for securing federal funds. In May 2005, the VTA Board of Directors certified the Final EIR and approved the Light Rail Alternative. As a result of Preliminary Engineering, the Light Rail Alternative was modified to address agency comments, improve operations, minimize right-of-way acquisition and lower costs. The VTA Board of Directors approved a Final Supplemental EIR that evaluated these modifications in August 2007.

The CELR Project is located in the City of San José, as shown in Figure 1, and would be implemented in two distinct phases.

The first phase includes pedestrian and bus improvements and is the focus of this Addendum. These improvements have independent utility and will not commit resources to or limit alternatives for the subsequent phase of the CELR Project. They consist of sidewalk and landscaping along Capitol Expressway, bus stop improvements at Story Road and Ocala Avenue and the expansion and reconfiguration of the Eastridge Transit Center.

The next phase of the project would include the extension of light rail along Capitol Expressway initially from the existing Alum Rock Station to Eastridge Transit Center and to Nieman Boulevard at a future date. A Supplemental Draft EIS for the light rail extension to Eastridge Transit Center is currently being prepared. This federal environmental document will replace the Draft EIS that was originally made available in April 2004.

1.2 Purpose of the Addendum

The California Environmental Quality Act (CEQA) recognizes that between the date projects are approved and the date they are 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 can come to light. 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. If the changes involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, further

environmental review (in the form of a Subsequent or Supplemental Environmental Impact Report) would be warranted per CEQA Guidelines Section 15162 and 15163. If the changes do not meet these criteria, then an Addendum, per CEQA Guidelines Section 15164, is prepared to document any resulting changes to environmental impacts or mitigation measures.

As discussed in Section 3 of this document, the implementation of Phase I will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the preparation of a Supplemental EIR, as defined by CEQA, is not warranted and an Addendum is the appropriate environmental document.

Section 2. Scope of CELR Phase I: Pedestrian and Bus Improvements

2.1 Existing Conditions

Capitol Expressway is an eight-lane limited access expressway consisting of three general purpose lanes in each direction and a High Occupancy Vehicle (HOV) lane near its intersection with U.S. 101 northward to its intersection with Interstate-680. The posted speed limit is 45 miles per hour (mph). Existing transit services in the Capitol Expressway Corridor are provided by the Alum Rock – Santa Teresa light rail line and several bus routes. The Eastridge Transit Center serves as a connection hub for bus routes 12, 22, 26, 31, 39, 43, 70, 71, 77, 103 and 522. Bicyclists are permitted to ride on the shoulders of the expressway. Sidewalks are provided along portions of the expressway, but are not continuous, as indicated in Figure 2: *Existing Pedestrian Sidewalks* (AECOM 2010). The existing sidewalks lack adequate buffer and expose pedestrians to fast-moving traffic. In addition, some of these sidewalks are blocked by utility poles, reducing the distance for pedestrians to pass. Many of the existing signalized crossings lack pedestrian refuges and curb extensions that make crossing for pedestrians safe and convenient. Figures 2.1 and 2.2 provide examples of these conditions.

Residential uses along Capitol Expressway occur in various densities and are usually separated from the roadway by a soundwall or frontage road. Commercial uses are generally found at major intersections. Reid-Hillview Airport is located along the expressway north of Eastridge Mall. To the east of the airport is Lake Cunningham, a regional recreation center.

A route consisting of a crosswalk and sidewalk connects the Eastridge Transit Center to the Eastridge Mall's northern entrance. The sidewalks along public streets and private mall property are not connected to one another. To get to transit and other destinations pedestrians must walk through parking lots, landscaped areas or access roads without crosswalks. In lieu of sidewalks, informal footpaths are etched in the landscaping alongside the roadway, indicating that this is a well-used route for pedestrians. The fence in the median of Eastridge Loop Road reduces the visibility of crossing pedestrians. Directional signs, crosswalks and aesthetic designs that generally alert pedestrians and attract passengers are few and faded. Figures 2.3 – 2.7 provide examples of these conditions.

Figure 2.1: Utility Pole Blocking Sidewalk (left), Figure 2.2: Pedestrian Crossing (right)

Figure 2.3: Disconnected Sidewalk

Figure 2.4: Informal Path in Landscaping

Figure 2.5: Median Fencing at Eastridge Transit Center

Figure 2.6: Faded Pedestrian Crossing at Eastridge Transit Center

Figure 2.7: Lack of Aesthetic Features at Eastridge Transit Center

2.2 Project Description

In the State Transportation Improvement Program, $57,560,000 has been programmed for the CELR Project. VTA proposes to use these funds to implement Phase I of the CELR Project. Phase I will include pedestrian and bus improvements along Capitol Expressway and at the Eastridge Transit Center. The improvements are part of the Strong Neighborhoods Initiative (SNI) program to improve neighborhood conditions, enhance community safety, improve community services and strengthen neighborhood associations (Strong Neighborhoods Initiative 2001). The Phase I improvements are described below and shown in Figure 3: *Capitol Expressway Pedestrian and Bus Improvements* and Figure 4: *Capitol Expressway Pedestrian and Bus Improvements at Eastridge Transit Center*.

PEDESTRIAN IMPROVEMENTS

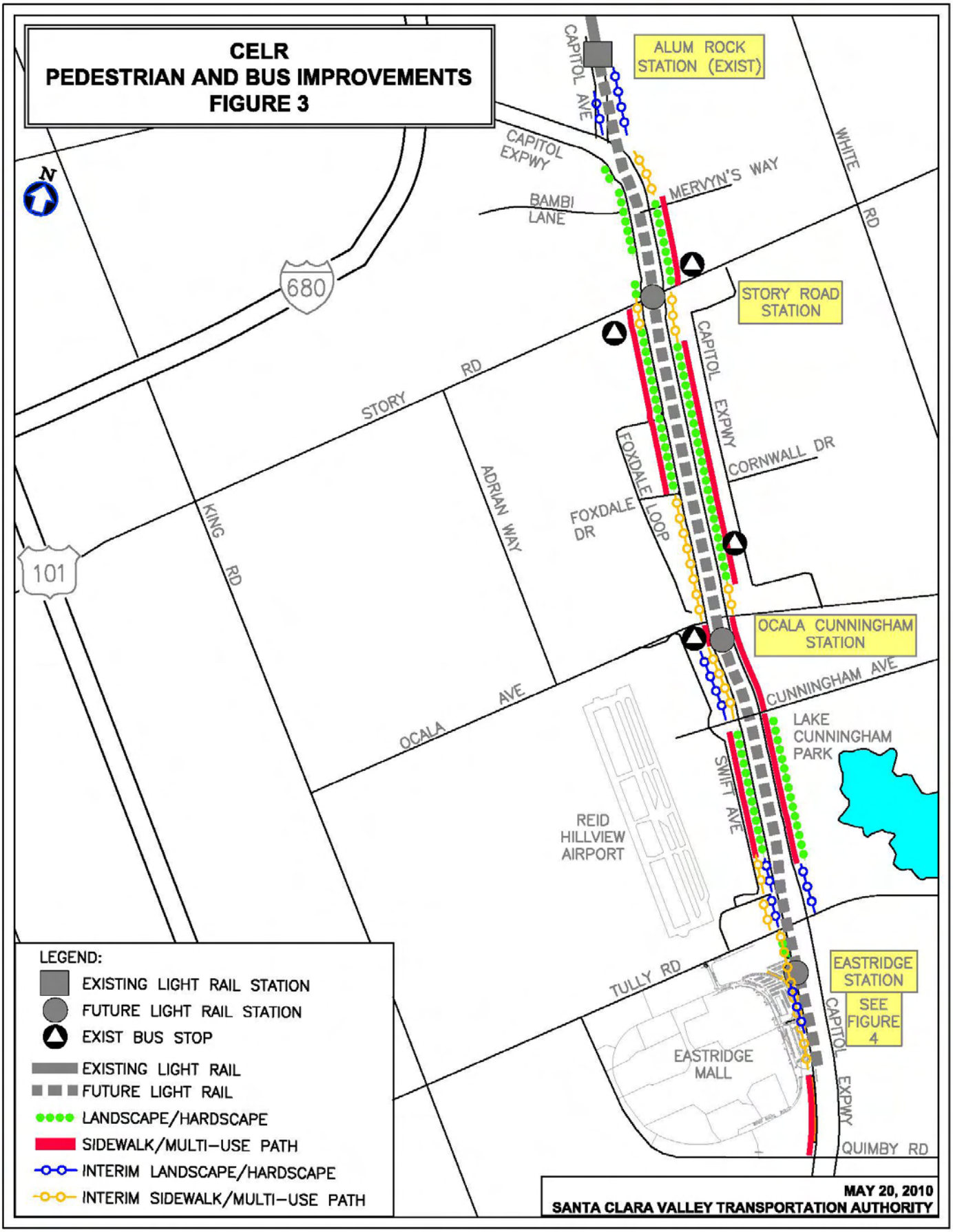
Pedestrian and bicycle access to transit services along Capitol Expressway is limited due to the corridor's automobile-dominated, high volume, and high speed nature. To accommodate existing and planned transit services, Phase I of the CELR Project would renovate Capitol Expressway from a single-purpose urban arterial to a pedestrian-friendly tree-lined street. The streetscape improvements would modify the existing sidewalk network along the expressway to include a multi-use path of greenway approximately 16 feet wide that supports pedestrian and bicycle activity. This multi-use pathway would be located on both sides of the expressway, as space allows, from just south of Capitol Avenue to just north of Quimby Road.

Interim and permanent landscaping is an important feature of the multi-use path. Vegetation, especially trees, add soft textures and bright colors to harsh or dull environments dominated primarily by asphalt and concrete. Trees also provide shade and buffer pedestrians from passing vehicle traffic. They provide a sense of enclosure and create a safe-space for pedestrians to feel welcome and comfortable (Community Design & Architecture, Inc. 2003). To incorporate sustainable landscape design and native plants, ongoing coordination would occur with the City of San José, California Native Plant Society and VTA.

According to VTA's *Pedestrian Technical Guidelines: A Guide to Planning and Designing for Local Agencies in Santa Clara County*, the vast majority of streets in Santa Clara County are within existing rights-of-way, creating a perception that improvements to the pedestrian environment are not feasible due to spatial constraints. Improvements to the pedestrian environment, however, do not necessarily entail acquiring additional right-of-way and often can be found in resizing travel, turning and parking lanes (Community Design & Architecture, Inc. 2003). To accommodate the multi-use path and landscaping, the frontage roadway width would be reduced along portions of both sides of Capitol Expressway. Between Foxdale Drive and Ocala Avenue, pedestrian travel would divert to Leeward Drive, one block west of Capitol Expressway. Fences between the frontage road and Capital Expressway will be maintained.

BUS STOP IMPROVEMENTS AT STORY ROAD AND OCALA AVENUE

Bus stop areas are designed to facilitate safe and convenient passenger boarding and alighting, meet the Americans with Disabilities Act (ADA) requirements, and create safe, pleasant and stop infrastructure would be provided at Capitol Expressway/Story Road and Capitol Expressway/ Ocala Avenue intersections for existing and planned transit services.


CELR
PEDESTRIAN AND BUS IMPROVEMENTS
FIGURE 3
N
ALUM ROCK STATION (EXIST)
CAPITOL AVE
CAPITOL EXPWY
MERVYN'S WAY
BAMBI LANE
WHITE RD
680
STORY ROAD STATION
CAPITOL EXPWY
STORY RD
FOXDALE LOOP
CORNWALL DR
ADRIAN WAY
FOXDALE DR
KING RD
101
OCALA CUNNINGHAM STATION
CUNNINGHAM AVE
OCALA AVE
LAKE CUNNINGHAM PARK
SWIFT AVE
REID HILLVIEW AIRPORT
TULLY RD
EASTRIDGE STATION
SEE FIGURE 4
EASTRIDGE MALL
CAPITOL EXPWY
QUIMBY RD
LEGEND:
EXISTING LIGHT RAIL STATION
FUTURE LIGHT RAIL STATION
EXIST BUS STOP
EXISTING LIGHT RAIL
FUTURE LIGHT RAIL
LANDSCAPE/HARDSCAPE
SIDEWALK/MULTI-USE PATH
INTERIM LANDSCAPE/HARDSCAPE
INTERIM SIDEWALK/MULTI-USE PATH
MAY 20, 2010
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

Bus stop duckouts allow buses to pull out of traffic lanes to safely pick up and drop off passengers. This design requires reconfiguration of the existing curb and sidewalk to allow vehicular traffic to pass as buses pull to the curb. Sign poles will be placed in line with the front of the bus and concrete stop pads will be installed to protect street surfaces from general deterioration associated with frequent stopping activity. Bus stops are identified with red curb markings. Existing amenities, including benches and trash receptacles, will remain. Lighting and landscaping will be added to create a sense-of-place within the community. The infrastructure described above will be implemented according to VTA's Community Design and Transportation (CDT) Program and Service Design Guidelines.

TRAFFIC SIGNAL RELOCATION AT STORY ROAD

Traffic signal heads would be relocated at the Capitol Expressway/Story Road intersection to align with the new curb and gutter as a result of pedestrian and bicycle improvements. The signal heads would be moved to the extent necessary to give approaching traffic and pedestrians as much opportunity as practicable to see and respond to the signal indication in a safe manner.

EASTRIDGE TRANSIT CENTER IMPROVEMENTS

In 2007, VTA was awarded a grant through the Caltrans Environmental Justice: Context Sensitive Program to create an Eastridge Transit Center Improvement and Access Plan. The purpose of the Plan is:

> *"to identify projects that will improve access to the Transit Center from neighboring Environmental Justice communities, and in particular focus on bicycle and pedestrian needs. As Eastridge is the second busiest transfer point in the VTA system, the study is an opportunity to better understand the barriers facing transit passengers in accessing the Eastridge Transit Center. Through extensive community outreach the final plan will identify access improvements to the Transit Center and to bus stops of transit routes that serve the Transit Center. In addition, the plan will address improvements to the transit waiting and transfer environments."* (Community Design & Architecture, Inc. 2010)

Examples of transit center improvements include enhanced passenger amenities such as shelter structures, seating, lighting, real time information, bicycle parking, and other improvements to circulation and waiting areas as applicable.

> *"The report can be used as a reference in any future redesign and rebuilding of the Transit Center. The improvements recommended by this report could be implemented by a variety of agencies and other parties. The report can be used by VTA, the City of San Jose, and other interested parties to pursue funding opportunities that could implement the design concepts beyond the immediate Transit Center to improve the pedestrian and bicycle environment for the Eastridge area."* (Community Design & Architecture, Inc. 2010)

Figure 4 shows the work to be completed at the Eastridge Transit Center as part of Phase 1: Pedestrian and Bus Improvements. The improvements include relocating, reconfiguring, and expanding the existing bus transfer facilities and depot, adding a new access road to the park-and-ride lot, relocating the Eastridge Ring Road in the vicinity of the Transit Center; and adding a multi-use path of sidewalk and landscaping along the eastern edge of the site and along the entrance to the park-and-ride lot. Roadway access for transit services to travel between Tully Road and Eastridge Transit Center will be obtained through perpetual easements for ingress and egress that will replace the temporary easements which expire in 2015

In addition, other improvements could include the following recommendations from the Eastridge Transit Center Improvement and Access Plan (Community Design & Architecture, Inc. 2010):

- Modification of Eastridge internal ring road from the current configuration to a layout that improves pedestrian access from Tully Road and Quimby Road to the Transit Center. This includes a reduction of the traffic lanes to one lane in each direction, a median lane that supports various turn movements and continuous sidewalk with landscaping along the edge of the ring road. A design option for the ring road is to retain the current configuration with the addition of sidewalks and landscaping.
- Improved connection between the east entrance of the mall and the Transit Center. This includes direct sidewalk connection with landscape and signage. Minor parking reconfiguration and access points from the ring road may also be included to support this improved connection.
- To improve bus circulation, provide for bus access from Quimby Road along the ring road to the transit center (buses from Quimby Road currently turn from Quimby to Capitol Expressway to enter the Transit Center using the intersection from the expressway); this option allows buses a more direct route to the Transit Center from Quimby Road using the ring road).

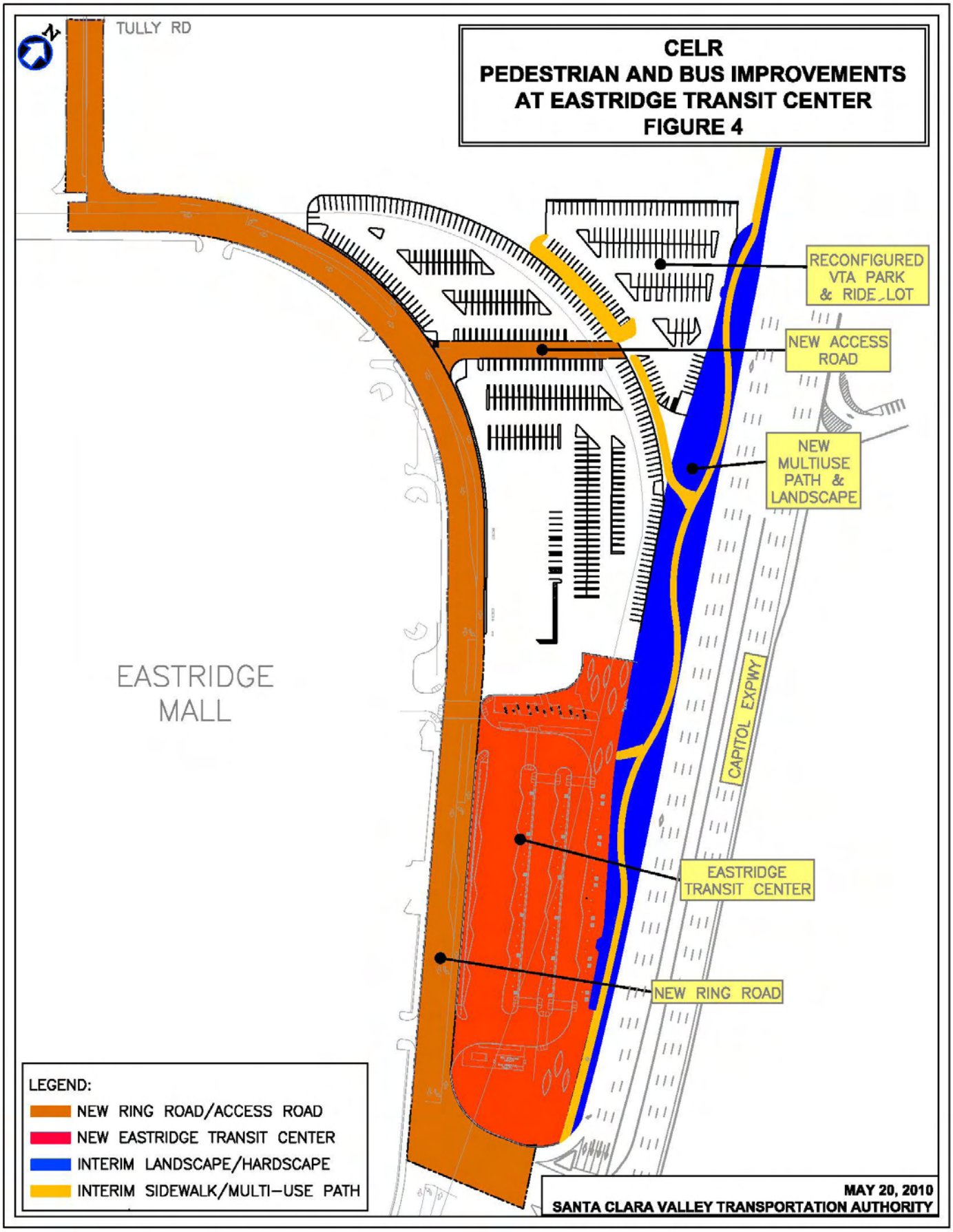
These improvements would require coordination with Eastridge Mall. The Eastridge Transit Center Improvement and Access Plan will be used as a reference during design and rebuilding of the Transit Center and access improvements.

2.6 Property Acquisition

Partial acquisitions necessary to complete the Phase I of the CELR Project are listed in Table 1. No full acquisitions are required.

Table 1: Partial Property Acquisitions for Phase I

Accessor Parcel Number	Address (San José, CA)	Use
486-43-106	2690 Story Rd.	Commercial
491-15-004	1994 John Montgomery Dr.	Commercial
491-15-003	Reid Hillview Airport	Public
491-04-007	2210 Eastridge Loop	Undeveloped
491-04-050	117 Tully Rd.	Commercial
491-48-004	2375 Quimby Rd.	Commercial
491-48-005	2365 Quimby Rd.	Commercial


CELR
PEDESTRIAN AND BUS IMPROVEMENTS
AT EASTRIDGE TRANSIT CENTER
FIGURE 4
TULLY RD
RECONFIGURED VTA PARK & RIDE LOT
NEW ACCESS ROAD
NEW MULTIUSE PATH & LANDSCAPE
CAPITOL EXPWY
EASTRIDGE MALL
EASTRIDGE TRANSIT CENTER
NEW RING ROAD
LEGEND:
NEW RING ROAD/ACCESS ROAD
NEW EASTRIDGE TRANSIT CENTER
INTERIM LANDSCAPE/HARDSCAPE
INTERIM SIDEWALK/MULTI-USE PATH
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SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

Section 3. Environmental Impacts

3.1 Transportation

Phase I of the CELR Project not only supports transit, but also walking and bicycling. In many ways, these modes of transportation are interconnected. Pedestrian linkages play an integral role in establishing an effective transit system. Maintaining safe and direct access to transit for pedestrians improves the viability of both modes. An improved pedestrian environment makes transit a more viable mode while an improved transit system will help make a community less car-dependent and more pedestrian-friendly (Community Design & Architecture, Inc. 2003).

Currently sidewalks are provided along frontage roads parallel to the expressway, but are not continuous. Discontinuous, fragmented sidewalks discourage walking and create uncomfortable and often, unsafe, conditions for pedestrians. To improve these conditions and permit the construction of a multi-use path, the frontage roadway width would need to be narrowed, and parking would be removed on one side in various locations. The pedestrian improvements will reduce the Capitol Avenue frontage road along the east side of Capitol Expressway, south of Story Road from Kollmar Drive to the end of Woodmoor Drive, by approximately 2,700 linear feet, and along the west side of Capitol Expressway, north of Story Road from Excalibur Drive to south of the end of Bambi Lane, by approximately 660 linear feet. This equates to 72 and 24 parallel parking spaces respectively. Table 2 indicates the future parking supply as a result of removing the impacted spaces and narrowing the roadway (AECOM 2010). In addition, the frontage roadway along Mervyn's way, on the east side Capitol Expressway, would be reduced by approximately 400 linear feet, or 18 parallel parking spaces.

Table 2: On-street Parking on Capitol Avenue Frontage Road

Frontage Road Location	Existing Demand	Existing Supply	Parking Loss	Future Supply
Capitol Ave., east of Capitol Expwy. and south of Story Rd., from Kollmar Dr. to the end of Woodmoor Dr.	49	202	72	130
S. Capitol Ave., west of Capitol Expwy. and north of Story Rd. from Excalibur Dr. to south of the end of Bambi Lane	37	84	24	60

Since parking along side streets is available, parking supply will continue to meet existing demand despite the narrowing of the frontage roads. According to *San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656, the social inconvenience of walking farther to one's parked vehicle (such as a side street instead of a frontage road) is not an environmental impact. The inconvenience would not cause secondary physical impacts as defined by CEQA Guidelines Section 15382.

Eastridge Ring Road is a private road that facilitates circulation around Eastridge Mall. The posted speed limit is 25 mph. Currently, the Eastridge Ring Road's 55-foot width contains two travel lanes in each direction, plus a turn lane. If traffic studies indicate that the volumes and turning movements on Eastridge Ring Road do not require two lanes in each direction, VTA is proposing the reduction from five to three lanes. This configuration would include one lane in each direction with a turn lane in the middle that can be treated as a landscaped median where no turn lanes are required. The remaining 22 feet would accommodate a 14-foot multi-use path on the mall-side of the street, with a 6-foot landscape buffer separating pedestrians and bicyclists from moving traffic. The reconfiguration of Eastridge Ring Road and the Eastridge Transit Center improvements would result in the loss of approximately 365 - 375 parking spaces. If traffic studies indicate that the volumes and turning movements on Eastridge Ring Road do require two lanes in each direction, then VTA will relocate Eastridge Ring Road in its current configuration with the addition of sidewalk and landscaping. In this scenario, parking will be reduced by approximately 400 - 410 spaces. Since these existing parking spaces are not usually used due to their location far from the main entrances to Eastridge Mall, the changes to parking capacity would not result in an increase in severity of previously identified significant environmental effects.

Phase I of the CELR Project will not impede any access or result in any major changes in the geometry of Capitol Expressway. All intersection movements possible before the proposed project will be possible after the pedestrian and bus improvements are implemented. As a result, Phase I of the CELR Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects to intersections, roadway circulation, parking, and the overall transportation network as described in the 2007 Final Supplemental EIR.

3.2 Air Quality

The Capitol Expressway Corridor is located within the San Francisco Bay Area Air Basin. The air pollutants of greatest concern in this area are ozone, particulate matter less than or equal to 2.5 microns in diameter (PM2.5), particulate matter less than or equal to 10 microns in diameter (PM10), and carbon monoxide (CO). Motor vehicles are the dominate source of these pollutants. The pedestrian and bus improvements will enhance the pedestrian environment and will not result in any major changes in the geometry of Capitol Expressway that would increase vehicle miles traveled, intersection level of service, delay, or volume-to-capacity ratios. Phase I of the CELR Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to air quality.

3.3 Biological Resources

The analysis of biological resources is based on field observations and characterizations of vegetation communities, wildlife corridors, and suitable habitat for special status species. The project location was formerly evaluated for biological resources and natural resource regulatory

requirements in Section 5.3 of the 2007 Final Supplemental EIR. The analysis concluded that the areas within the corridor are highly disturbed and do not provide suitable habitat for special-status plant species. However, the Western burrowing owl (*Athena cunicularia hypugea*) is a state wildlife species of special concern that may be found in open lots with short vegetation near Lake Cunningham and Reid Hillview Airport. Burrowing owls use burrows created by other animals, usually grown squirrels, to nest underground. With the incorporation of the following mitigation measure and based on the past and present urban setting and use of the corridor, Phase I of the CELR Project would not result in any new significant biological impacts or a substantial increase in the severity of previously identified significant effects to biological resources:

> **Mitigation Measure BIO-7: Conduct Preconstruction Surveys for Nesting and Wintering Western Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls Are Present**
> Preconstruction surveys for Western burrowing owls shall be conducted by a qualified ornithologist before any development within the habitat identified in Figure 4.4-1 of the 2005 EIR. These surveys, which shall include any potentially suitable habitat within 250 feet of construction areas, shall be conducted no more than 30 days before the start of site grading, regardless of the time of year in which grading occurs. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow must be established as determined by the ornithologist in consultation with California Department of Fish and Game (CDFG). No activities, including grading or other construction work or relocation of owls, would proceed that may disturb breeding owls. If owls are resident within 250 feet of the Project Area during the nonbreeding season a qualified ornithologist, in consultation with CDFG, shall passively relocate (evict) the owls to avoid the loss of any individuals if the owls are close enough that they or their burrows could potentially be harmed by associated activities. VTA will ensure that the loss of Western burrowing owl habitat in the project area is replaced with habitat of equal or greater value. Habitat replacement will be based on CDFG's recommended habitat allocation of 6.5 acres for each pair impacted. Location of the compensation habitat will be identified in conjunction with CDFG through a mitigation agreement. Compensation habitat may be located on-site or off-site, depending on approval from CDFG. If necessary, VTA will construct two artificial burrows for each occupied burrow lost or rendered unsuitable as a result of construction activities. VTA will ensure that the mitigation habitat (including artificial burrows) is maintained for owls in perpetuity by an appropriate instrument such as a conservation easement or a mitigation bank.

3.4 Community Services

The purpose of analyzing community services is to identify impacts and benefits to community facilities (schools, fire stations, police stations, hospitals, libraries, civic/community centers, parks, religious institutions, and museums) as a result of the project. The 2007 Final Supplemental EIR concluded that the approved project resulted in no impact to community services. Likewise, Phase I of the CELR Project would not result in the provision or need of new

or physically altered government facilities. Improving pedestrian access to schools, parks, libraries, commercial centers, and other community places located in the vicinity of the Capitol Expressway Corridor is considered a beneficial effect.

3.5 Cultural Resources

The proposed pedestrian and bus improvements occur in areas included in the original Area of Potential Effects (APE) and are evaluated in the *Revised Draft Cultural Resources Investigations and Finding of Effect for the Capitol Expressway Light Rail Transit Corridor* (Jones & Stokes 2005). Based on a review of the Cultural Resources Investigations, there are no known resources within the project limits for the pedestrian and bus improvements project. As a result, no adverse effect to cultural resources has been identified. However, due to the proximity of the project to the conjectural boundaries of one prehistoric archaeological site, CA-SCL-327 VTA will retain a Native American Monitor to be present as necessary during subsurface activities in this area.

3.6 Electromagnetic Fields

This section generally evaluates the potential for health effects from electromagnetic fields (EMF) resulting from the project. EMF is associated with electromagnetic radiation from natural and human-made sources (electronics, telecommunications, and other electrically powered devices). The pedestrian and bus improvements are not electrically powered, although some elements, such as electrically powered traffic signals and lighting, are included. The magnetic field associated with traffic signals and pedestrian lighting diminishes with increased distance and exposure would be intermittent. Phase I of the CELR Project would not change the alignment of the LRT tracks or the location of any electrical substations. As a result, no new significant effects or an increase in severity of previously identified significant effects to electromagnetic fields would occur.

3.7 Energy

Phase I of the CELR Project includes the installment of interim and permanent pedestrian and vehicular lighting along Capitol Expressway. While efforts would be made to install energy efficient fixtures as opposed to widely used sodium-vapor lamps, the additional lighting would increase energy demand and consumption. Overall, the effect would be minor and would not place a substantial demand on regional energy supply, require substantial capacity or significantly increase peak and base period electricity demand. As a result, no new significant effects or increase in severity of previously identified significant effects to energy would occur.

3.8 Environmental Justice

Phase I of the CELR Project will not disproportionately impact minority and low income populations. In fact, pedestrian and bus improvements would be provided with the project along

both sides of the expressway. The increased connectivity, safety and improved pedestrian access are considered overriding benefits of the project.

3.9 Geology, Soils and Seismicity

The topography of the area is relatively flat. There are no significant or unique geologic conditions (e.g., faults, landslides, steep slopes, etc.) on or adjacent to the Capitol Expressway Corridor that would require special mitigation. Although the project is located in a seismically active region, this fact applies to the greater Bay Area and is not unique to this site. Phase I of the CELR Project would not involve the construction of any large-scale structures and facilities. Therefore, there would not be any significant geological impacts resulting in a risk to people or structures. As such, Phase I of the CELR Project would not result in new significant effects or increase or decrease the severity of established as discussed in the 2007 Final Supplemental EIR.

3.10 Hazardous Materials

The pedestrian and bus improvements project would involve subsurface excavation along the entire 2.3 mile Capitol Expressway Corridor. Given the presence of numerous hazardous waste sites as listed in Table 3 (Appendix), there is the potential to encounter hazardous materials during construction of the project.

Of particular concern is a gasoline spill that occurred in 1979 on JC Penney property, in the area in front and to the left of what is now the Evergreen Dialysis Center, adjacent to the Eastridge Transit Center. JC Penney has been identified as the Responsible Party for the investigation and remediation of the spill. Remediation activities have been on-going and currently include vapor extraction and carbon absorption via underground wells.

To avoid the location of the remediation site and established zone of influence for volatile substances, as determined by the Santa Clara County Department of Environmental Health and the Responsible Party, VTA has modified the design of the Eastridge Transit Center. In addition, VTA will implement the following mitigation measure to minimize the potential release of hazardous materials:

> **Mitigation Measure HAZ-9a:** Before construction, a determination shall be made by a qualified environmental assessor (based on field sampling of media, laboratory analysis of samples, visual confirmation of environmental conditions, etc.) as to the nature of environmental risk associated with construction activities. All recommendations of the qualified environmental assessor required to meet state and federal laws (e.g., preparation of a Health and Safety Plan [HSP] for the project, implementation of a Soil Management Work Plan [SMWP] for the project, etc.) shall be implemented by VTA and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to an environmental condition on the project site as a result of existing sources of contamination. If contaminated soil or groundwater is encountered,

VTA shall notify the appropriate local environmental management agencies and fire departments. VTA shall ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations.

As a result of the relocation of the Transit Center, Phase I of the CELR Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects from hazardous materials as evaluated in the 2007 Final Supplemental EIR.

3.11 Hydrology and Water Quality

The Capitol Expressway Corridor is located within the Federal Emergency Management Agency 100-year flood zone and the Coyote Creek and Guadalupe River watersheds. The relative smoothness of impervious surfaces versus soil and/or vegetated areas that exist in the corridor can cause increased runoff in the two watersheds. Phase I of the CELR Project would decrease the amount of existing impervious surfaces by approximately 29,825 square feet (0.68 acres) through the provision of landscape. However, the improvements would also increase the amount of impervious surface by approximately 123,826 square feet (2.84 acres) with the addition of sidewalk and hardscape along the multi-use path. Given the largely urbanized character of the corridor, any additional contribution to runoff, as a result of Phase I of the CELR Project, is considered minimal and is not expected to exceed the capacity of existing or planned drainage systems. Nevertheless, the net increase in impervious surface by approximately 94,000 square feet (2.15 acres) could generate new sources of contamination including sediment, soil, pollutants (such as petroleum hydrocarbons from automotive oil and grease) and trash. The following mitigation measures indicated in the 2005 Final EIR still apply:

Mitigation Measure HYD (Construction)-1: Implement Water Quality Control Measures during Construction Activities
This mitigation measure is discussed in Section 3.18, Construction Impacts.

Mitigation Measure HYD-11: Comply with All Applicable Regulations and Subsequent Permit Programs Related to Water Quality Control
In implementing the project, VTA shall comply with the Clean Water Act, including all National Pollution Discharge Elimination System (NPDES) permit requirements. VTA shall require the construction contractor to develop and implement a storm water pollution prevention plan (SWPPP) in accordance with State Water Resources Control Board (SWRCB) regulations. VTA shall obtain coverage under the State's General Construction Stormwater Permit, and shall comply with applicable requirements relative to land grading and erosion control.

Mitigation Measure HYD-12: Implement Measures to Maintain Operational Water Quality

VTA shall perform inspections and cleanings such that permit treatment requirements will be met, and shall ensure that outlet structures provide for proper energy dissipation in accordance with standard specifications for storm drainage. VTA shall ensure that regular maintenance of parking facilities includes a program to clean curbside pavement areas of litter, fuel, and oils spills. Storm drain inlet traps shall be inspected at least annually and cleaned as required. In addition, VTA shall consider and design, where physical site constraints allow, stormwater filtering landscapes to where stormwater collected over impervious surfaces are passed over landscape features such as vegetated swales prior to discharge from the site into stormwater collection and conveyance facilities.

Pursuant to Provision C.3 of the SCVURPPP NPDES permit, Best Management Practices (BMPs) for projects that result in the displacement of more than 43,560 square feet (1 acre) of impervious surface must implement treatment BMPs to the maximum extent practicable (MEP). Those BMPs whose primary mode of action to treat stormwater depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to either the maximized stormwater quality capture volume for the area, based on historical rainfall records (URQM, 1998); or equal to the volume of annual runoff required to achieve 80% or more capture (CASQA, 1993).

Treatment BMPs such as swales, sand filters, wetlands, and others whose primary mode of action depends on flow capacity shall be sized to treat 1) 10% of the 50-year peak flow; or 2) the flow of runoff produced by a rain event equal to at least two times the 85th-percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or 3) the flow of runoff resulting from a rain event equal to at least 0.2-inch-per-hour intensity.

3.12 Land Use

The primary land use along Capitol Expressway is residential. Residential land uses occur in various densities and are usually separated from the expressway by either a wall or frontage road. In addition, industrial, commercial, and public uses, as well as vacant lots, are scattered along the expressway. Generally, commercial uses are located at major intersections.

As VTA's CDT Manual emphasizes, a multi-modal street serves both transportation and land use roles in a community. From the land use perspective, the street should not only connect people to their desired destinations, but should also provide an interesting and pleasant experience for pedestrians. Sidewalks are important social spaces where people interact and walk together, wait for a bus and exercise (Community Design & Architecture, Inc. 2003).

As a result, Phase I of the CELR Project would provide benefits to adjacent land uses. The improvements are in compliance with the applicable local plans, programs, and policies related to land use. Phase I of the CELR Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to land use as evaluated in the 2007 Final Supplemental EIR.

3.13 Noise and Vibration

The pedestrian and bus improvements are not expected to result in any noise or vibration impacts that would exceed criteria used by VTA and the Federal Transit Administration (FTA). Phase I of the CELR Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to noise and vibration as evaluated in the 2007 Final Supplemental EIR.

3.14 Safety and Security

The pedestrian and bus improvements would contribute to a safer environment by providing pedestrian-scaled lighting and a wide, multi-use path. As part of the project, a fence will be installed in the traffic median to separate Capitol Expressway from the frontage roads and prevent jay-walking. As a result, no new significant effects or an increase in severity of previously identified significant effects to safety and security would occur as a result of Phase I of the CELR Project.

3.15 Socioeconomics

The proposed pedestrian and bus improvements will not displace any businesses or residences. Partial acquisitions will primarily affect the landscaping at commercial properties. Temporary easements for construction will also be required. No new significant effects or an increase in severity of previously identified significant effects related to socioeconomics would occur as a result of Phase I of the CELR Project.

3.16 Utilities

While the proposed phasing of the project will affect the timing and extent of the utility relocations, no new significant effects or an increase in severity of previously identified significant effects related to utilities would occur as a result of Phase I of the CELR Project.

3.17 Visual Quality

The project area is a transportation corridor that has a general urban character. Phase I of the CELR Project does not change the visual quality analysis from representative viewpoints along the corridor. Phase I of the CELR Project would not result in new significant environmental

effects or a substantial increase in the severity of previously identified significant effects to visual quality as described in Section 5.17 of the 2007 Final Supplemental EIR.

3.18 Construction Impacts

Construction of the pedestrian and bus improvements would occur over a period of approximately 2-3 years, beginning in June 2011. A Traffic Management Plan would be employed to facilitate traffic flow as necessary. VTA would fulfill the following mitigation measures related to construction activities:

Mitigation Measure TRN (Construction)-2a: Prepare Traffic Management Plan
VTA shall require its contractors to prepare and implement traffic handling plans in concert with the City of San José. Based on the Traffic Management Plan, contractors would use flagmen to control construction equipment traffic and follow daily construction schedules. VTA would use a Construction Management contractor and assign a specific Construction Management VTA team to oversee construction including contractor compliance to mitigation measures.

Mitigation Measure TRN (Construction)-2c: Provide the Public and Transit Users with Advanced Notice of Reroutes and Changes in Stops and Service
Transit service on time performance could be affected during the construction period. The public and transit users would receive notifications of any changes in transit service due to the construction of the pedestrian and bus improvements. The program would be part of the Capitol Expressway Light Rail Project public outreach effort.

Mitigation Measure AQ (Construction)-1: Implement Dust and Vehicle Emission Control Measures (Best Management Practices) during Construction Activities
VTA will implement, or will require the designated contractor to implement, the following basic BMPs to control dust emissions during construction.

- Water all active construction areas at least twice daily as required to control dust.
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water daily to, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites, as needed.
- Sweep streets (with water sweepers) if soil is visible on adjacent public streets, as needed.
- Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas that will be inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt and sand).

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways, as needed.
- Reduce idling of internal combustion engines to an absolute minimum to the greatest extent feasible.
- Maintain construction equipment properly and tune engines to minimize exhaust emissions.

Mitigation Measure E (Construction)-1: Adopt Energy Conservation Measures
VTA will require contractors to adopt construction energy conservation measures including, but not limited to, those listed below.

- Use energy-efficient equipment and incorporate energy-saving techniques in the construction of the Light Rail Alternative.
- Avoid unnecessary idling of construction equipment.
- Consolidate material delivery as much as possible to ensure efficient vehicle utilization.
- Schedule delivery of materials during non-rush hours to maximize vehicle fuel efficiency.
- Encourage construction workers to carpool.
- Maintain equipment and machinery, especially those using gasoline and diesel, in good working condition.

Mitigation Measure GEO (Construction)-1: Implement Proper Construction Methods to Minimize Risk of Lateral Spreading, Subsidence, and Collapse Hazards
Prior to implementation of the proposed improvement activities the following construction methods should be employed:

- construct edge containment structures such as berms, dikes, retaining structures, or compacted soil zones;
- remove or treat soils and geologic materials prone to lateral spreading and settling; and
- install drainage measures to lower the groundwater table below the level of settleable soils (California Division of Mines and Geology 1997).

Mitigation Measure GEO (Construction)-2: Reinforce Foundations or Excavate Expansive Soil to Minimize Risk of Soil Expansivity
Special engineering techniques such as using reinforced steel in foundations, using drainage control devices, and/or over-excavating and backfilling with nonexpansive soil shall be implemented during construction activities to minimize the risk of structural loss, injury, or death.

Mitigation Measure HAZ (Construction)-1a: Conduct Subsurface Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater

VTA shall conduct site investigations to determine whether any chemicals of concern are present. If necessary, a risk assessment shall be prepared and procedures established before construction to address the identification, excavation, handling, and disposal of hazardous materials. If contaminated soil or groundwater is encountered, VTA shall notify the appropriate local environmental management agencies and local fire departments. VTA shall ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations. Before construction, a determination shall be made by a qualified environmental assessor (based on field sampling of media, laboratory analysis of samples, visual confirmation of environmental conditions, etc.) as to the nature of environmental risk associated with construction activities at the identified hazardous materials sites. A similar determination shall also be made for each of the proposed park-and- ride lot sites. All recommendations of the qualified environmental assessor required to meet state and federal laws (e.g., preparation of a health and safety plan [HSP] for the project, implementation of a soil management work plan [SMWP] for the project, remediation of affected soil and groundwater, etc.) shall be implemented by VTA and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to an environmental condition on the project site as a result of an existing sources of contamination. Before construction activities, soil samples shall be taken at park-and-ride lot facilities (only where grading is planned) to determine the presence or absence of banned pesticides. If soil samples indicate the presence of any contaminant in hazardous quantities, VTA shall contact the RWQCB and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts. These soils shall be remediated in compliance with applicable laws.

Mitigation Measure HAZ (Construction)-1b: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials

In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall:

- immediately stop work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- notify the Resident Inspector;
- secure the area as directed by the Resident Inspector;
- notify the City of San José Hazardous Waste/Materials Coordinator and the San José Fire Department; and
- notify the City of San José Hazardous Waste/Materials Coordinator and the San José Fire Department.

Mitigation Measure HYD (Construction)-1: Implement Water Quality Control Measures during Construction Activities

VTA shall require the contractor to submit and implement an approved erosion and sedimentation control plan to control erosion and prevent water pollution during project construction. No ground-disturbing activities shall be performed until such a plan is accepted. The plan shall emphasize standard temporary erosion control measures to reduce sedimentation and turbidity of surface runoff from disturbed areas. Each rainy season (October 1 to May 1), the contractor shall have in place desilting basins for runoff from areas disturbed by cleaning, grubbing, and grading operations. VTA shall require the contractor to submit a spill prevention, containment, and clean-up (SPCC) plan for fuels, oils, lubricants and other hazardous substances that may be used during construction. No construction activities shall be performed until such a plan is accepted.

Mitigation Measure HYD (Construction)-2: Use Non-Potable Water for Construction Activities

VTA shall require that non-potable water be used for construction activities as feasible.

Mitigation Measure SS (Construction)-1: Implement Construction BMPs to Protect Workers and the Public

VTA shall require construction contractors to implement BMPs to ensure the safety of construction workers and local residents during construction of the project. Fencing and lighting of construction and staging areas, as well as recognized construction materials, shall be used to contain construction activities and avoid accidents. VTA shall require the construction project coordinator to be responsible for job-site safety and security.

3.19 Cumulative Impacts

This section generally evaluates the incremental effect of the project on the environment when considered in conjunction with closely related past, present, and reasonably foreseeable future projects. Phase I of the CELR Project will not result in any new significant cumulative effects or an increase in severity of previously identified significant cumulative effects.

3.20 Growth-Inducing Impacts

Phase I of the CELR Project is generally consistent with the projected and planned growth in the project area. The pedestrian and bus improvements do not directly or indirectly induce economic, population or housing growth in the surrounding environment. As a result, no new significant growth inducing effects or increase in the severity of previously identified significant effects would occur.

Section 4. Conclusion

Based upon the analyses of Phase I of the CELR Project, it has been determined that there will be no new significant environmental impacts not previously disclosed in the 2007 Final Supplemental EIR nor substantial increases in the severity of any previously identified significant effects. Therefore, an Addendum to the previous 2007 Final Supplemental EIR is the appropriate environmental document. The undersigned concur with these conclusions.

6/14/2010

Tom Fitzwater
Manager, Environmental Programs and Resources Management
Santa Clara Valley Transportation Authority

Date

Appendix

Table 3: Nearby Sites Contaminated with Hazardous Materials

Site Name	Address (San José, CA)	Description of Contaminants	Status	Remediation Activities
Sparkle Cleaners	303 South Capital Avenue	Subsurface soils and groundwater may have been contaminated with perchloroethylene	Open	Unknown
Exxon Service Station 7-3297	2710 Alum Rock Avenue	Petroleum hydrocarbons	Closed	Complete
Chevron #9-1574	2605 Alum Rock Road	Gasoline, waste oil, and oil/water separator waste in groundwater	Closed	Complete
Shell	2510 Alum Rock Road	Petroleum hydrocarbons and Methyl-tert-butyl ether (MTBE) in groundwater	Open	Ongoing
Pacific Bell	3205 Rose Avenue	Petroleum hydrocarbons, tertyl butyl alcohol and MTBE in groundwater	Open	Ongoing
Eagle Gas and Mini Mart	95 South Capitol Avenue	Petroleum hydrocarbons in soil and groundwater	Open	Ongoing
Jet Gas (former)	2790 Story Road	Petroleum hydrocarbons in groundwater	Open	Ongoing
Chevron 9-8247	2710 Story Road	Gasoline, waste oil, and oil/water separator waste in groundwater	Open	Ongoing
SAVEK and Capitol Car Wash	2701 Story Road	MTBE and gasoline in the groundwater	Open	This site is under investigation and supervision of the Santa Clara Valley Water District and the San Francisco Bay Regional Water Quality Control Board.
Texaco	2695 Story Road	MTBE and gasoline in the groundwater	Open	Groundwater monitoring has been performed at this site since February 1992. No active remediation has occurred to date.

Site Name	Address (San José, CA)	Description of Contaminants	Status	Remediation Activities
Southland Company/Shell	2690 Story Road	Petroleum hydrocarbons in groundwater	Closed	Complete
Rotten Robbie #11	2305 Story Road	Waste oil in groundwater	Open	Ongoing
Airport Properties	20502 John Montgomery Drive	Groundwater impacts	Closed	Complete
Gee Bee Aero	2660 John Montgomery Drive	Soil impacts during removal of a waste-oil underground storage tank facility	Closed	Complete
Reid-Hillview Airport	2500 Cunningham Avenue	Release of diesel fuel to soil and groundwater	Closed	Complete
Aero Trends, Inc.	2635 Cunningham Avenue	Release of aviation fuel to soil	Closed	Complete
Inbound Aviation	2655 Robert Fowler Way	Release of aviation fuel to soil	Closed	Complete
Amelia Reid Aviation	2650 Robert Fowler Way	Release of aviation fuel to soil	Closed	Complete
J.C. Penney	2242 Tully Road	Gasoline in groundwater	Open	A Corrective Action Plan (CAP) proposing soil and groundwater remediation was approved by the Santa Clara County of Department of Environmental Health in 2009. Groundwater monitoring and sampling has been ongoing at the site since 1995.
Firestone Master Care #3682	2240 Tully Road	Release of an unidentified substance to soil	Closed	Complete
Eastridge Shopping Center	1 Eastridge Mall	Diesel fuel released in soil	Closed	Complete
ARCO 2187	2375 Quimby Road	Petroleum hydrocarbons in groundwater	Open	As of August 2009, the Santa Clara County of Department of Environmental Health declared that no further action was required at the site and had begun reviewing the case for closure.

Site Name	Address (San José, CA)	Description of Contaminants	Status	Remediation Activities
SpeeDee Oil Change and Tune-Up	1825 East Capitol Expressway	This site is listed in the Hazardous Waste Information System database. However, no records of violations or releases were found.	Open	The site is not expected to pose an environmental concern.

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