

# **VTA's BART SILICON VALLEY PROGRAM**

## **Phase 1 – Berryessa Extension Project**

### **Addendum No. 6 to the 2<sup>nd</sup> Supplemental Environmental Impact Report**

**Santa Clara Valley Transportation Authority**

**March 2015**

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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 VTA’s BART Silicon Valley Program***

VTA’s BART Silicon Valley Program begins 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 five subsequent Addenda to the 2<sup>nd</sup> SEIR from 2011 to 2014 for Phase I only. Phase I consists of the first 9.9 miles of BART Silicon Valley, which begins at the currently 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 as shown in Figure 1.



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*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum No. 5 to the 2<sup>nd</sup> Supplemental Environmental Impact Report, March 2014*

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

This Addendum is limited in scope to an evaluation of a new permanent ingress and egress easement needed to the east of the Silicon Valley Berryessa Extension (SVBX) Project alignment, south of Kato Road, and immediately south of Scott Creek in the City of Milpitas. This Addendum will also determine whether the new easement would 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 Easement South of Kato Road and Scott Creek***

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, 2013, and 2014. The design modifications to the Project discussed in this Addendum include a new permanent ingress/egress easement near STA 176+80 to the east of the alignment and south of Kato Road and Scott Creek. The background conditions of the project are still substantially the same.

This Addendum discusses a new easement on the following private property:

<b>Address</b>	<b>APNs</b>
Mayfield Housing Corporation, a California Corporation Milpitas, CA 95131	519-1728-004 and 519-1728-005

Previous environmental documents, described above, identified an ingress/egress easement for utility company access through an easement located on the property immediately to the north of this property. However, the access required crossing of Scott Creek and could not accommodate the current design vehicle turning radius (a Ford 2014 Super Duty Crew Cab) without extensive reconstruction of the creek and the private property's wall, so a new access point was required.

#### **Ingress/Egress Easement (IEE)**

Chevron and MCI require unimpeded access to perform maintenance on their facilities within the SVBX Project corridor. Chevron and MCI would utilize this new IEE on an as-needed basis, typically monthly, to access the SVBX Project corridor and perform routine maintenance and inspections of their facilities as shown in Figure 2. Chevron and MCI previously accessed the SVBX Project corridor at Kato Road. With the Project's grade separation of Kato Road completed in 2014, the access to the corridor was eliminated. The IEE will be a means for the utility companies to enter the corridor at a new access point, which serves to replace the one removed as a result of the Kato Road grade separation. Without the replacement access point, and because the VTA-owned right-of-way is too narrow to accommodate a vehicle turnaround, maintenance vehicles would need to enter the corridor at one access point, inspect the 900 foot long portion of the utilities, and then reverse the vehicle 900 feet in order to exit the corridor at the same access point that it had entered. The new access point would eliminate the need for the vehicles to reverse for long distances.



Vehicles may enter the corridor at this new access point and drive south to exit the alignment at the next access point to the south at Dixon Landing Road, or may enter at Dixon Landing Rd. and drive north to exit the alignment at this new access point.

The utility companies would access the corridor from the eastern side of the alignment immediately south of Scott Creek for maintenance purposes such as utility inspections and repairs as needed. The IEE would be accessed from Warm Springs Boulevard and would proceed through the housing development on a private road (Meadowfaire Common). The IEE would be centered on the existing paved street and would not affect parking. Access would proceed west through the existing removable bollards onto a paved fire access road and then continue onto a second private street (Woodgrove Common). The easement would then narrow to approximately 13 feet for a short distance to maintain existing parking. The IEE would proceed west toward the alignment over an existing sidewalk and grassy area. This same area is currently encumbered by utility easements for Alameda County Flood Control and Water Conservation District and Union Sanitary District. The IEE would be graded, and an all-weather driving surface would be installed to replace the grass in coordination with the utility companies and property owner.

The IEE would widen to approximately 27 feet to accommodate the maintenance truck turning radius as it enters the SVBX corridor as shown in Figure 3. Up to three trees would be removed, and other trees may be trimmed to allow for vehicle access without damage to branches. A new 25-foot-wide rolling gate, or other approximately-sized gate, would be installed to access the alignment near STA 176+80. The rolling gate would be comparable to the existing rolling gate.

## **SECTION 3.0 ENVIRONMENTAL EVALUATION**

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

The discussion below addresses the potential environmental impacts resulting from the new SVBX Project easement needed south of Kato Road and Scott Creek in the City of Milpitas.

#### **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 construction-related noise and socioeconomic impacts and environmental evaluation are described below.

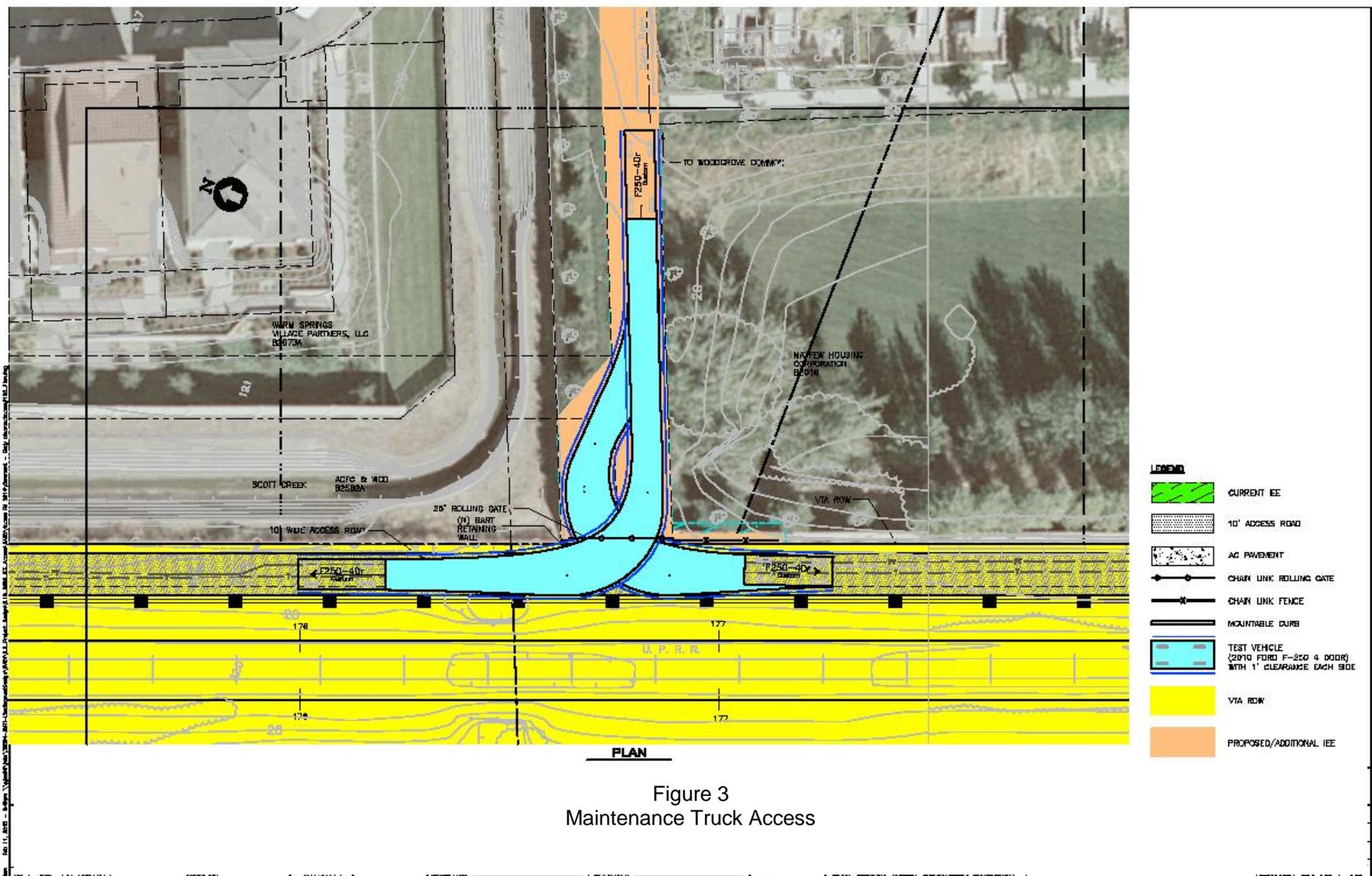


Figure 3  
Maintenance Truck Access

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

Acquisition of the new easement, removal of the old gate, construction of the new gate, and improving the roadway surface along the new IEE 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 implementation of a noise control plan in accordance with FTA criteria. 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 sidewalk and grassy area near the residences closest to the easement 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 IEE 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 coordinate with property owners and/or tenants to schedule installation/access/use of the equipment/facilities to minimize disruption during construction and use of the IEE.

As stated in previous environmental documents, appraisal and easement acquisition 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. Therefore, the Project would not have significant socioeconomic impacts to the property owners of the homes affected by construction of the new easement, roadway pavement installation, removal of the existing rolling gate, and construction of the new gate.

### **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; 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 long-term biological resources and socioeconomic impacts and environmental evaluation are described below.

## ***Biological Resources***

Up to three existing decorative landscaping trees will be removed and overhanging limbs of other trees may be trimmed within the footprint of the IEE to allow for necessary construction access to the alignment and to accommodate the maintenance vehicle turning radius once the Project is in operation. Removed trees will be replaced at a 1:1 ratio in accordance with the previously adopted mitigation measure. Prior to removal of any tree, VTA will conduct pre-construction surveys for nesting birds if removal of the trees is scheduled within the nesting season. No riparian areas will be impacted. Therefore, the Project would not cause significant biological impacts to biological resources.

## ***Socioeconomics***

During maintenance activities within the permanent IEE, access to the sidewalk and grassy areas of the residences closest to the easement may be temporarily restricted. VTA and the utility companies will minimize disruption to property owners and/or tenants when feasible. 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, appraisal and easement acquisition 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. Therefore, the Project would not have significant socioeconomic impacts to the property owners of the homes affected by the new easement.

## ***3.1 Conclusion***

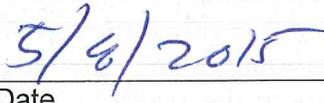
The final easement and acquisitions that are required may change (i.e., increase or decrease in size, change type, and/or change from permanent to temporary, etc.) during final design while being within the scope of the project and minor in nature. It is the intent of this Addendum and previous environmental 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 that 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 IEE on private property south of Kato Road and Scott Creek 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. 6 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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Date

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