



Date: May 23, 2007  
 Committee Meeting Date: n/a  
 Board Meeting Date: June 7, 2007  
 ACTION  DISCUSSION  INFO

**BOARD MEMORANDUM**

**TO:** Santa Clara Valley Transportation Authority  
Board of Directors

**THROUGH:** Michael T. Burns *Michael T. Burns*  
General Manager

**FROM:** Carolyn M. Gonot *Carolyn M. Gonot*  
Chief Development Officer

**SUBJECT:** Final Supplemental Environmental Impact Report Certification  
BART Extension Project to Milpitas, San Jose and Santa Clara

**RECOMMENDATION:**

Approve design changes to the Silicon Valley Rapid Transit Corridor Bay Area Rapid Transit (BART) Extension Project to Milpitas, San Jose and Santa Clara through the following actions:

1. Certify that the Supplemental Environmental Impact Report (SEIR):
  - a. Meets the requirements of California Environmental Quality Act (CEQA);
  - b. Represents the independent judgment of the Lead Agency; and
  - c. Was presented to the VTA Board of Directors and that they reviewed and considered it.
2. Adopt:
  - a. Findings;
  - b. Facts in Support of Findings; and
  - c. Statement of Overriding Considerations.
3. Adopt a Mitigation Monitoring and Reporting Program.
4. Adopt the Recommended Project Description

## **BACKGROUND:**

The VTA Board of Directors certified the Final Environmental Impact Report (FEIR), adopted the recommended Project description, and approved the BART Extension Project to Milpitas, San Jose and Santa Clara (Project) in December 2004 in accordance with CEQA. Analysis of the Project presented in the 2004 FEIR was based on 10 percent design plans prepared during the Conceptual Engineering phase of the Project. Following approval of the Project and adoption of the recommended Project description by the VTA Board, the Preliminary Engineering phase began, taking the design plans to the 35 percent level. VTA has prepared a Final SEIR, in accordance with the CEQA, to evaluate the potential environmental impacts that result from the Preliminary Engineering design modifications to the Project previously evaluated in the 2004 FEIR. The SEIR also covers any new information available since certification of the 2004 FEIR.

## **DISCUSSION:**

The BART Project begins at the approved BART Warm Springs Station in the City of Fremont and proceeds on the former Union Pacific railroad right-of-way through the City of Milpitas to near Las Plumas Avenue in the City of San Jose. The extension then descends into a subway tunnel, continues through downtown San Jose, and terminates at grade in the City of Santa Clara near the Caltrain Station. The total length of the alignment is 16.1 miles. Six stations are proposed with an additional future station in Milpitas. Passenger service for the Project is planned for 2016, assuming funding is available.

Fifty-seven design changes were identified as the Project moved from the 10 percent Conceptual Engineering phase to the 35 percent Preliminary Engineering phase. These 57 design changes are addressed in the SEIR (see Attachment A for a list of the design changes and the staff recommendations).

On April 25, 2007 several design changes were presented to the SVRT Policy Advisory Board (PAB) for their consideration. The PAB concurred with VTA staff recommendation for Design Change 1 – Mission Boulevard/East Warren Alignment At Grade Option, Design Change 14 – Curtis Avenue to Trade Zone Boulevard Retained Cut Long Option, Design Change 25 – Electrical and Communication Facilities near Mabury Road Las Plumas Overhead Option, Design Change 42 – Diridon/Arena Station and Alignment North Bus Transit Center Option, and Design Change 52 – Santa Clara Station Parking Structure North Option.

The PAB did not concur with Design Change 8 – Dixon Landing Road Alignment At Grade Option and Design Change 42 – Diridon/Arena Station Parking No Parking Option. Regarding the Dixon Landing Road Alignment At Grade Option, the City of Milpitas was concerned with construction impacts to adjacent businesses. VTA has committed to work with the City of Milpitas on a construction phasing plan at this location. Based on input received from the PAB and after further discussions with interested parties, VTA staff is no longer making a recommendation for Design Change 42 regarding parking at the Diridon/Arena Station. VTA will continue to work with the City of San Jose regarding parking strategies).

At the April PAB meeting VTA staff did not make a recommendation regarding Design Change 40 – Downtown San Jose Station and the options for a station entrance south of Santa Clara Street and between 1<sup>st</sup> and 2<sup>nd</sup> Streets. Subsequently, VTA staff now have a recommendation regarding the three design options being considered for the main entrance of the Downtown San Jose Station: (1) Ravioli/Firato Delicatessen Building (Entrance M-1A), (2) Bank of America/Bank of Italy Building (Entrance M-1B), and (3) Western Dental/Moderne Drug Building (Entrance M-1C). Knowing that the City and the Downtown Association had a preference for the Bank of America building, VTA completed seismic and historical resources evaluations for all three options. The seismic study concluded that in order to place the BART access stairways, escalators and elevator within the basement and lobby of the Bank of America building, the entire building and 13 story office tower would require a seismic retrofit. The cost of constructing the entrance and retrofitting the Bank of America building is estimated to be in the range of \$46 to \$56 million. This cost excludes the displacement of approximately 50 building tenants. The other station portal construction costs are estimated at \$15.6 million for the Kotansky Project Buildings currently being developed and \$17.2 million for the Western Dental Building option. Based on cost and transit connections to bus and light rail, the Western Dental Building portal location is the best alternative for VTA, unless the City of San José is able to fund the seismic upgrade of the Bank of America building and office tower, deal with the tenant displacement issues, and accept and be prepared to mitigate the risks associated with this site selection.

Chapter 2 of the Final SEIR provides the Recommended Project Description including staff recommendation where design options were studied. The actions required to complete the environmental review process and approve the design changes to the Project are listed below with supporting information provided as attachments.

- Certification of the Final SEIR as adequately addressing the environmental impacts resulting from the changes to the Project and new information available since the certification of the 2004 FEIR.
- Adoption of Findings, Facts in Support of Findings, and Statement of Overriding Considerations (Attachment B). This acknowledges that the following impacts remain significant and unavoidable but the Project's benefits outweigh the impacts. The significant unavoidable impacts identified in the Final SEIR are as follows:
  1. Significant unavoidable traffic impacts would result at the following freeway segments and intersections.
    - Great Mall Parkway and Montague Expressway
    - Milpitas Boulevard and Yosemite Drive
    - Milpitas Boulevard and Montague Expressway
    - Dempsey Road and Landess Avenue
    - Park Victoria Drive and Landess Avenue
    - Old Oakland/Main Street and Montague Expressway

- Milpitas Boulevard and Calaveras Boulevard
  - Hillview Drive and Calaveras Boulevard
  - Park Victoria Drive and Calaveras Boulevard
  - Lundy Avenue and Berryessa Road
  - King Road and Mabury Road
  - 24th Street and Santa Clara Street
  - US 101 and Santa Clara Street
  - McLaughlin Avenue and Story Road
  - King Road and Mabury Road
  - San Tomas Expressway and El Camino Real
  - De La Cruz Boulevard and Central Expressway
  - De La Cruz Boulevard and Martin Avenue
2. Significant unavoidable energy impacts would result because the demand for electricity by the Project cannot be accommodated during peak periods without potential disruptions recognizing the deficiencies in the statewide transmission infrastructure.
  3. Significant unavoidable vibration impacts would result at the following locations:
    - Two residences at the Terrace Gardens Senior Housing complex
  4. Significant unavoidable traffic impacts during construction would result at the following locations:
    - Kato Road near the BART alignment.
    - Dixon Landing Road near the BART alignment.
    - East Santa Clara Street between 4th Street and San Pedro Street and Saint James Street at 5th Street, near the Downtown San Jose Station
    - West Santa Clara, Autumn, and Montgomery streets near the Diridon/Arena Station
  5. Significant unavoidable parking impacts during construction would result at the following locations:
    - One office located south of Trade Zone Boulevard and east of the railroad ROW at the Trade Zone Boulevard construction staging area
    - Off-street parking at the Downtown San Jose Station construction staging area
    - Off- and on-street parking south of West Santa Clara Street near the Diridon/Arena Station

6. Significant unavoidable noise impacts during construction would result at the following locations:

- Construction sites within the Project.
- Adoption of the Mitigation Monitoring and Reporting Program to ensure that the mitigation measures in the 2004 FEIR and Final SEIR are implemented (Attachment C).
- Approval of the Recommended Project Description for the BART Extension Project to Milpitas, San Jose and Santa Clara (Attachment D).

In addition, as part of the Recommended Project Description, rename the “Montague/Capital BART Station” in the City of Milpitas, the “Milpitas BART Station”. This name change is in response to a Milpitas City Counsel action on April 3, 2007 where they approved a motion to request the name change.

#### **ALTERNATIVES:**

Concurrence is being requested on the staff recommendations for the 57 design changes since the adoption of the 2004 FEIR. The VTA Board could adopt none, some or all of the staff recommended design options.

#### **FISCAL IMPACT:**

The BART Extension Project is part of the Measure A Transit Program. The financial plan indicates that his Project will need additional revenue to be constructed and operated in the time frame described.

The 2004 FEIR included a Project cost estimate of a \$4.1 billion (2003\$, \$4.5 billion in 2005\$). The recommended design changes include approximately \$350 million (2005\$) in increased costs resulting primarily from additional parking and revenue vehicles requirements associated with a changing the planning horizon from the year 2025 to the year 2030, and additional real estate costs for construction staging areas. The cost increases are offset by approximately \$200 million (2005\$) resulting from Value Engineering efforts, including the consolidation of the Civic Plaza/SJSU and Market Streets stations into a single Downtown San Jose station, and optimizing the configuration of the Yard and Shops Facilities. The recommended design changes with major impacts to project costs are as follows.

<u>Design Change</u>	<u>Description</u>	<u>(Millions)</u>
17 & 23	Additional Parking	+ \$ 60
53	Real Estate CSA	+ \$ 30
55	Additional Revenue Vehicles	+ \$ 240
28	Realign Tunnel Portals	- \$ 20
38,39,40, & 41	Consolidate Downtown Stations and Crossover	- \$ 130
51	Optimize Yard & Shops configuration	- \$ 35
	Other Changes – Increases & Decreases	+\$ 5

In aggregate, the staff recommended design changes would increase estimated project costs by approximately \$150 million (2005\$).

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:**

Not applicable.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Not applicable.

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