

Section 1

Introduction

1.1 PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

The Santa Clara Valley Transportation Authority (VTA) is the lead agency under the California Environmental Quality Act (Public Resources Code Section 21000) (CEQA) for the preparation of this Environmental Impact Report (EIR). This document serves as the environmental review for the Santa Clara-Alum Rock Transit Improvement Project (proposed project). The proposed project is comprised of two phases that include Bus Rapid Transit (BRT) service and Single Car Light Rail Transit (LRT) service in the long term which would run the length of the approximately 7.4-mile Santa Clara-Alum Rock Corridor (Corridor). The Corridor is located in the City of San Jose and within a larger study area known as the Downtown East Valley Study Area. The Corridor runs east/west along Santa Clara Street and Alum Rock Avenue and generally begins at the San Jose Diridon Station on the west to Capitol Avenue on the east. In addition to providing transit services in the Corridor, transit service would continue on to the south along Capitol Avenue and Capitol Expressway to the Eastridge Transit Center.¹

This Draft Environmental Impact Report (Draft EIR) has been prepared in compliance with the CEQA Guidelines to disclose the environmental impacts associated with the proposed project, including the direct, indirect, and cumulative impacts of construction and operation. As provided by the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially reduce significant environmental damage where feasible. In discharging this duty, the public agency has an obligation to balance a variety of public objectives, taking into account economic, environmental, and social issues. This EIR is an informational document that informs public agency decision makers and the general public of the significant environmental effects of the proposed project. An EIR must identify possible means to minimize the significant effects and describe reasonable alternatives to the project. As lead agency, VTA is required to consider the information in this EIR along with any other available information in making a final decision on the proposed project. The basic informational requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, significant irreversible changes, growth-inducing impacts, cumulative impacts, and project alternatives.

1.2 LEAD AND RESPONSIBLE AGENCIES

The proposed project is under the jurisdiction of VTA. VTA is designated as the lead agency, since it will have the primary approval and implementation authority of the proposed project. Under CEQA,

¹ Potential impacts associated with the extension of transit services in the Capitol Expressway Corridor were analyzed in the Capitol Expressway Light Rail Final Supplemental Environmental Impact Report (FSEIR) dated January 2007, which is incorporated herein by reference.

other agencies that have discretionary authority over the project or aspects of the project are considered “responsible agencies.” Following the actions of the VTA Board of Directors, other permits, licenses, and approvals involving other local, State, and federal agencies may be required before project implementation. The following is a list of responsible agencies and the relevant requirements.

- U.S. Army Corps of Engineers: Federal Clean Water Act Section 404, Section 401 compliance.
- U.S. Fish and Wildlife Service: Federal Endangered Species Act compliance.
- California Department of Transportation: Encroachment Permit for work within or adjacent to U.S. 101, I-680, and SR 130 (Alum Rock Avenue).
- California Department of Fish and Game: California Fish and Game Code Section 1601 Streambed Alteration Agreement and California Endangered Species Act Section 2080 compliance.
- San Francisco Bay Regional Water Quality Control Board: National Pollutant Discharge Elimination System General Industrial/General Construction Storm Water Discharge Permits.
- City of San Jose: Encroachment Permit of use of City of San Jose roadway right-of-way.

1.3 EIR PROCESS

Initiating the Environmental Review Process

VTA distributed a Notice of Preparation (NOP) on September 5, 2001 and on November 1, 2007, announcing its intent to prepare and distribute a Draft EIR. Responses were received from a number of public agencies and individuals. Public agencies that submitted comment letters include the Governor’s Office of Planning and Research, Santa Clara County, the City of San Jose, the Bay Area Air Quality Management District (BAAQMD), the San Mateo County Transit District (SamTrans), and the San Jose Arena Authority.

A public scoping meeting was held for the proposed project on November 14, 2007 at San Jose City Hall. The scoping meeting provided the public and affected government agencies with an opportunity to present their environmental concerns about the proposed project. CEQA-related concerns raised at the scoping meeting are identified in Section S.7, Areas of Controversy, in the Summary of this Draft EIR.

Draft EIR

As previously stated, this Draft EIR provides a physical impact analysis for the proposed project. Where significant impacts are identified, the Draft EIR recommends mitigation measures to reduce or eliminate the potentially significant impacts and identifies which significant impacts are unavoidable. Alternatives to the proposed project are also presented. This environmental document is considered a

draft under CEQA since it must be reviewed and commented upon by public agencies, organizations, and individuals.

Public Review

This Draft EIR is being distributed for a 45-day public review and comment period. Readers are invited to submit written comments on the adequacy of the document; that is, does this Draft EIR identify and analyze the possible environmental impacts and recommend appropriate mitigation measures? Comments are most helpful when they suggest specific alternatives and/or additional measures that would better mitigate significant environmental effects. CEQA Guidelines Section 15096(d) calls for responsible agencies² to provide comments on those project activities within the agency's area of expertise and to support those comments with either oral or written documentation.

Written comments should be submitted to: Roy Molseed, Senior Environmental Planner
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San Jose, CA 95134-1906
FAX: (408) 321-5787
E-mail: SCLAR.eir.comments@vta.org

All comments must be received by August 21, 2008

For further information, call (408) 321-5789.

Final EIR

Following the close of the public review and comment period, written responses will be prepared that address all substantive written and oral comments on the Draft EIR. The Final EIR will consist of the Draft EIR, the comments received during the public review period, responses to the comments, and any revisions to the Draft EIR that result from public agency and public comments.

Project Review and Approval

The VTA Board of Directors must ultimately certify that it has reviewed and considered the information in the EIR and that the EIR has been completed in conformity with the requirements of CEQA before any decision can be made regarding the proposed project. Pursuant to CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects of the proposed project unless the public agency makes one or more of the following findings, which would need to be supported by substantial evidence in the record:

² CEQA Section 21069 defines a responsible agency as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

- Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Statement of Overriding Considerations

If VTA decides to approve the proposed project with significant effects that are identified in the Final EIR but which are not avoided or substantially lessened, VTA must indicate that any such unavoidable significant effects are acceptable due to overriding considerations as described in CEQA Guidelines Section 15093. This is known as a “Statement of Overriding Considerations.” In preparing this statement, CEQA requires VTA to balance the prescribed types of benefits of the proposed project against its unavoidable environmental risks. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines Section 15093). If an agency makes a Statement of Overriding Considerations, the statement must be included in the record of the proposed project approval.

Even if a Statement of Overriding Considerations is adopted for certain project impacts, mitigation measures and a mitigation monitoring and reporting program would be adopted for other project impacts, sometimes including impacts related to those for which a Statement of Overriding Considerations was adopted. VTA would use the mitigation monitoring program as a mechanism to control project impacts during and after construction.

1.4 USE OF THIS REPORT

An EIR is an informational document, whose purpose is to make the public and decision-makers aware of the environmental consequences of a project. As noted earlier, VTA is the lead agency for the EIR. Thus, the VTA Board of Directors will review this report and weigh its contents against other economic, social, neighborhood, and other considerations to determine whether the proposed project should be approved as proposed, approved with conditions (inclusive of mitigations proposed in this EIR), or disapproved.

Other public agencies besides the lead agency also have discretionary approval over the proposed project. These agencies, known as “responsible agencies,” will also review the Draft EIR and may comment during the public review period. For example, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) may review the Draft EIR and provide approval of a National Pollutant Discharge Elimination System (NPDES) permit and associated Storm Water Pollution Prevention Plan (SWPPP).

1.5 REPORT ORGANIZATION

This section provides an overview of the Draft EIR, its purpose, and its intended uses. Section 2, Project Description, provides a description of the proposed project's use, development, circulation, and design features. Section 3, Environmental Analysis, describes the existing conditions in the project vicinity and explains changes to these baseline conditions that would occur if the proposed project were approved. The existing conditions focus on physical environmental topics such as air quality, cultural resources, hydrology, hazardous materials, land use, noise, population and housing, public services, transportation, utilities, and visual quality. An analysis of each subject section in Section 3 is divided between:

- The Existing Conditions section provides a general overview of existing conditions on and adjacent to the Santa Clara-Alum Rock Corridor. Local, State, and federal regulations are also identified and discussed when relevant.
- The Environmental Consequences and Mitigation Measures section provides a description of the criteria used to evaluate whether an impact is considered significant. These “significance criteria” are based on standards identified in CEQA, the State CEQA Guidelines, applicable public policies and regulations, professional judgment, and/or judicial decisions. Significant impacts of the proposed project are enumerated, summarized, and discussed. Feasible mitigation measures that would reduce significant impacts are then identified. The significance of the impact after mitigation is also indicated. For impacts found to be less than significant, mitigation measures are not required. Cumulative impacts are analyzed in Section 4, Other CEQA Considerations.

Section 4, Other CEQA Considerations, discusses other topical issues required by CEQA, such as unavoidable adverse effects, growth-inducing effects, cumulative impacts, and project alternatives. The discussion on project alternatives contains a description and assessment of alternatives to the proposed project, including a No Project Alternative, and identifies the environmentally superior alternative. Section 5, Agencies, Organizations, and Individuals Receiving Copies, includes a list of recipients of the Draft EIR. Section 6, List of Preparers, identifies contributors to this document.