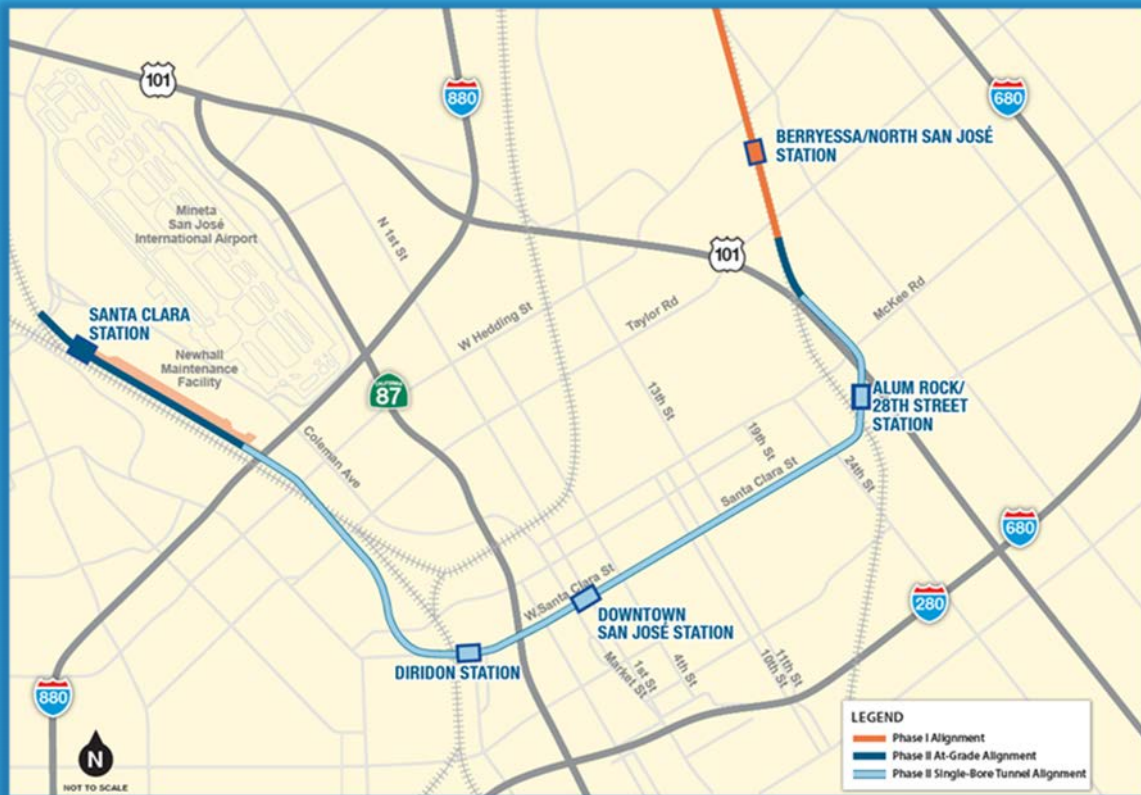


BART Silicon Valley Phase II Extension Project FINAL RELOCATION PLAN



BART Silicon Valley Program

Phase II Extension Project

Final Relocation Plan

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1.0 EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is proceeding with Phase II of the Silicon Valley Rapid Transit Program (BSV), which seeks to extend the San Francisco Bay Area Rapid Transit system (BART) to Santa Clara County. VTA has received environmental clearance for the BART Silicon Valley Phase II Project (Project). The Project's Final SEIS/SIER certification, and the Federal Transit Administration's issuance of a Record of Decision, resulted after a thorough, multi-year planning effort that included a comprehensive analysis of alternatives and exhaustive public engagement and response to comments, leading to selection of the alignment for the Project.

Phase I of BSV, which is currently undergoing system testing, is an approximately 10.2-mile extension from the BART Warm Springs Station in the City of Fremont to the Berryessa/North San José Station.

BART Phase II consists of an approximately 6-mile extension of the BART system from the Berryessa/North San José Station through downtown San José and terminating in Santa Clara near the Santa Clara Caltrain Station. BART Phase II includes three stations in the City of San José (Alum Rock/28th Street, Downtown San José, and Diridon Stations), one station in the City of Santa Clara (Santa Clara Station) and the Newhall Maintenance Facility in the City of Santa Clara. Two ventilation structures are included along the alignment. A map of the Project alignment is shown below.

Map 1.1 BART Phase II Project Alignment



As with any major transportation project in an urbanized area, some relocations of residential and non-residential occupants will be unavoidable for the Project to be completed. The Project team, however, will seek to minimize the number of potential property acquisitions and resulting occupant relocations as part of its ongoing design and planning efforts.

Federal and State law require a public agency to prepare a program to appropriately address potential impacts to occupants of properties that may be acquired to construct a project. California law requires that program to be documented in a Relocation Plan that is formally adopted by the agency.

This Final Relocation Plan generally provides potential Project impact information and an overview of VTA's Relocation Assistance Program. The Draft Relocation Plan was made available for public review and comment in accordance with California law, which requires a minimum 30-day public comment period.

This Final Relocation Plan was prepared to respond to public comments and will be submitted to VTA's Board of Directors for its review, consideration, and adoption at its December 6, 2018 meeting.

The Project will require the acquisition of both publicly and privately-owned properties. VTA will be responsible to acquire the properties needed to construct the Project and to provide relocation assistance to occupants of those properties in compliance with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C.4051 *et seq.*) and the California Relocation Act (Gov. Code 7260 *et seq.*).

The following summary presents an account of potentially impacted persons that may need to relocate based on the current preliminary engineering design:

9 Potentially Impacted Residential Occupants

- 1 Tenant Living in a Single-Family Residence
- 8 Tenants Living in Apartments

57 Potentially Impacted Non-Residential Occupants

- 12 Absentee Landlords Leasing Space to Others
- 38 Business Occupants
- 1 Cellular Tower Tenant
- 2 Outdoor Advertising Sign
- 4 Entities Who May Be Required to Move Personal Property Only

2.0 THE RELOCATION PLAN

2.1 Statutory Requirements

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Uniform Act), and the California Relocation Act require public agencies to plan for the potential impact to persons and personal property caused by the construction of publicly funded projects. California law requires public agencies to prepare a formal Relocation Plan and make it available for a 30-day review and comment period prior to submitting it to the agency's decision-making body for review, consideration and adoption.

The purpose of the Relocation Plan is to:

- (a) Describe the transit portion of the project, its schedule and financing plan;
- (b) Identify the anticipated impact that the project would have on the occupants of property that may be acquired;
- (c) Identify the availability of potential replacement sites for impacted occupants; and
- (d) Explain the agency's Relocation Assistance Program.

The Draft Relocation Plan was made available for public review. The public was given an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into the final Relocation Plan that will be submitted to the VTA Board of Directors for review, consideration, and adoption during its December 6, 2018 Board meeting.

The Draft Relocation Plan was available online at: www.vta.org/bart/construction/realestate and a hard copy was available at the following locations during normal business hours:

- Santa Clara Valley Transportation Authority
River Oaks Administrative Offices
- Berryessa Library
- Alum Rock Library
- Dr. Martin Luther King, Jr.
Main Library
- Central Park Library

VTA also presented the Draft Relocation Plan for discussion and comment during public meetings held on the following dates, times and locations:

September 6, 2018	5:30 p.m.	VTA Board Meeting 55 West Hedding Street, San José
September 11, 2018	4:00 p.m.	San Jose City Hall, Wing 118/119 200 East Santa Clara Street, San José
September 12, 2018	4:00 p.m.	Mexican Heritage Plaza 1700 Alum Rock Avenue, San José
September 13, 2018	4:00 p.m.	Santa Clara University Manresa Learning Center 475 El Camino Real, Santa Clara

2.2 Preparation of the Relocation Plan

VTA contracted with Associated Right of Way Services, Inc. (AR/WS) to help plan how to assist property occupants who may be affected by the Project and to develop a Relocation Plan. VTA developed a list of properties that may be either partially or fully acquired in order to accommodate the Project construction needs. VTA sent letters to the property owners and occupants of the properties. A sample of those letters are included in Appendix D. The letters introduced the Project and invited the property owners and occupants to meet with Relocation Advisors from AR/WS. Property owner and occupant meetings were conducted. Information gathered from those meetings was incorporated into the findings of the Draft Relocation Plan. However, no specific property information or occupant identification is included in this Plan in order to maintain the privacy of occupants, including those who may not need to be relocated based on final Project design and construction.

AR/WS analyzed the characteristics of the occupants to determine replacement site needs, relocation planning needs, and the estimated cost of providing Relocation Assistance under VTA's Relocation Assistance Program. Information was gathered from occupants on a voluntary basis. Some occupants chose not to participate in the interview process. Additional information was gathered from interviews with VTA staff and property owners and general public records.

AR/WS and VTA staff participated in a series of community meetings to present information about the Relocation Planning process and engage the community in the public review and comment period. Those meetings include VTA Board meetings, Community Working Group meetings, Citizens Advisory Committee meetings, Policy Advisory Committee meetings, and Congestion Management Program & Planning Committee meetings.

Comments received during the circulation of the Draft Relocation Plan are summarized in Appendix G.

3.0 BART SILICON VALLEY PHASE II EXTENSION

3.1 Project Description

BART Phase II is the second phase of the BART Silicon Valley Program (BSV), which seeks to extend BART to Santa Clara County. Phase I of BSV, currently undergoing system testing, is an approximately 10.2-mile extension from the BART Warm Springs Station in the City of Fremont to the Berryessa/North San Jose Station. BART Phase II, commencing at the terminus of Phase 1, consists of an approximately 6-mile extension of the BART system from the Berryessa/North San José Station through downtown San José and terminating in Santa Clara near the Santa Clara Caltrain Station. BART Phase II includes three stations in the City of San José (Alum Rock/28th Street, Downtown San José, and Diridon Stations), one station in the City of Santa Clara (Santa Clara Station) and the Newhall Maintenance Facility in the City of Santa Clara. Two ventilation structures are included along the alignment.

3.2 Project Schedule

April 5, 2018	VTA Board of Directors approved the Project and certified the Final SEIR
June 4, 2018	FTA issued the Record of Decision
June – August 2018	Meetings with property owners/occupants who potentially may need to relocate
August 17, 2018	Start of Draft Relocation Plan Comment Period
December 6, 2018	VTA Board of Directors to consider adoption of the Final Relocation Plan

VTA will begin to initiate written offers to property owners as Project design and property impact are determined. The preliminary Project schedule for engineering, construction, revenue service, etc. is depicted in the figure below:

Figure 3.2 BSV Phase II Preliminary Project Schedule



3.3 Preliminary Relocation Cost Analysis

A preliminary relocation cost analysis was developed from information gathered in property owner and property occupant interviews, research of the area real estate market, federal and California relocation laws and regulations, and the experience of VTA's consultant. For residential occupants, VTA's consultant estimated potentially eligible moving costs and replacement housing payments, and for business occupants, VTA's consultant estimated potentially eligible moving and reestablishment costs. The cost to relocate the one advertising sign was not included in this analysis. Instead of relocating the sign, VTA will compensate the sign owner for the depreciated value of the improvements.

The preliminary relocation cost estimate to provide benefits for affected residential and business occupants is estimated at this time to be approximately \$22 million to \$35 million or more. This preliminary analysis is based upon VTA's current understanding of the affected residents and businesses. The cost to acquire real property and improvements pertaining to realty and the cost associated with potential loss of business goodwill are not included in this analysis.

VTA will not proceed with displacement activities until it has secured the funds to pay relocation assistance payments to eligible occupants. Funds will be sufficient to provide full relocation assistance in accordance with VTA's Relocation Assistance Program.

3.4 Funding for Relocation Assistance

VTA has secured sufficient funding to provide full Relocation Assistance in accordance with its Relocation Assistance Program. VTA may seek partial or full reimbursement from federal sources if federal funding is secured.

The current estimated total cost of BART Phase II is approximately \$4.7 billion. A funding strategy for this project is planned through multiple revenue streams including: the 2000 Measure A half-cent sales tax at \$1.0 billion, the State of California and its Traffic Congestion Relief Program (TCRP) at \$160 million, federal grants including the New Starts program at approximately \$1.5 billion, the 2016 Measure B, half-cent sales tax at \$1.5 billion, and a maximum of \$750 million from the Transit and Intercity Rail Capital Program. VTA's funding strategy of \$4.91 billion assumes a level of additional contingency required by FTA that is anticipated based on future risk assessment results.

2000 Measure A. On August 9, 2000, the VTA Board of Directors voted to place a 30-year half-cent transit sales tax on the November 7, 2000 General Election ballot, giving Santa Clara County voters the opportunity to vote on transportation improvements in the County including construction of a BART Extension from Alameda County to Santa Clara County.

Measure A was approved by 70.3 percent of the voters and collection of the tax began in April 2006 to help fund design and construction of the BART Silicon Valley project.

2008 Measure B: Operation and Maintenance Funding. On November 4, 2008, an additional Santa Clara County ballot measure supporting the BART extension passed, receiving 66.78% of the vote, exceeding the two-thirds super majority. The 30-year eighth-cent Measure B sales tax will generate dedicated revenue to fulfill VTA's obligation to BART for the operation, maintenance, and future capital reserve of the extension VTA constructs.

2008 Measure B stipulated that collection of the eighth-cent sales tax begin when federal and State funds were secured. Federal funds were considered secured and matched at the time VTA received a \$900 million Full Funding Grant Agreement in March 2012. Collection of the eighth-cent sales tax began on July 1, 2012.

2016 Measure B. In June 2016, the VTA Board of Directors unanimously adopted the framework and funding amounts to place an additional half-cent 30-year sales tax measure on the November 8, 2016 ballot to help fund transportation priorities. An extensive 18-month public outreach process gathered input and suggestions on how to best improve the transportation needs of Santa Clara County. Through this process, a list of categories and transportation projects were approved, including a plan to invest \$1.5 billion in Phase II of the BART Silicon Valley Extension. Measure B, which required a two thirds majority vote, was approved by voters by more than 71 percent of the vote and became effective in April of 2017.¹

State of California – Traffic Congestion Relief Program (TCRP). In August 2014, VTA received the sixth and final allocation from the State of California's Traffic Congestion Relief Program (TCRP) for VTA BART Silicon Valley (BSV). The \$39 million brings the total amount of TCRP funding received for BSV to \$649 million. The California Transportation Commission (CTC), who is responsible for overseeing State-funded transportation programs, has allocated a total of \$768 million to BSV.

VTA BART Silicon Valley was identified as one of 53 projects statewide eligible to receive TCRP funds in 2000, when legislation passed creating the program.

Early TCRP allocations funded project engineering and environmental clearance activities. The final allocation will help fund construction of the Milpitas and Berryessa/North San Jose Intermodal Transportation Centers and their BART stations and go towards design and construction of the parking structures at the two stations.

Federal Funding. The Federal Transit Administration's (FTA) New Starts program is the federal government's primary discretionary financial resource for supporting locally planned, constructed, implemented, and operated major transit projects. This program funds new commuter rail, light rail, heavy rail, and bus rapid transit projects, streetcars, and ferries, as well as extensions to existing transit systems in every area of the country.

¹2016 Measure B funds are currently being collected and placed in an escrow account pending the resolution of an appeal of a judgment entered in a lawsuit contesting the Measure. VTA prevailed at trial and expects to prevail in the appeal.

Local support required: New Starts projects, like all transportation investments in metropolitan areas, must emerge from a regional, multi-modal, transportation-planning process. In the San Francisco Bay Area, the Metropolitan Transportation Commission (MTC) is the metropolitan planning organization (MPO) that oversees transportation planning for the nine Bay Area counties. MTC has included the BART Silicon Valley Extension in the 2040 Regional Transportation Plan.

How projects are evaluated: New Starts projects undergo evaluation by the FTA throughout the entire project development process. Based on this evaluation, the FTA makes decisions about moving projects forward, from preliminary engineering to final design, and to the execution of a Full Funding Grant Agreement (FFGA) to annual funding recommendations to Congress. The FFGA is the multi-year contractual agreement between the FTA and VTA that formally defines the project scope, cost and schedule, and establishes the terms of federal financial assistance.

VTA submitted an application to enter into New Starts Project Development for BART Phase II in March 2016. Activities related to the Project Development phase are necessary to refine a cost estimate and financial plan for the project. VTA must complete a number of activities during this phase which include: adoption into the region's long-range transportation plan, clearly defining the project description, completing activities for evaluation and rating, and completing the environmental review process.

Pursuant to its discussions with FTA, VTA anticipates submittal of an application for the Expedited Project Delivery pilot program in late 2019, with the intent of receiving an earlier Full Funding Grant Agreement from the FTA in 2020. In the event that the Project is not approved for the pilot program, VTA will submit a complete package for entry into New Starts Engineering.

3.5 Concurrent Displacement

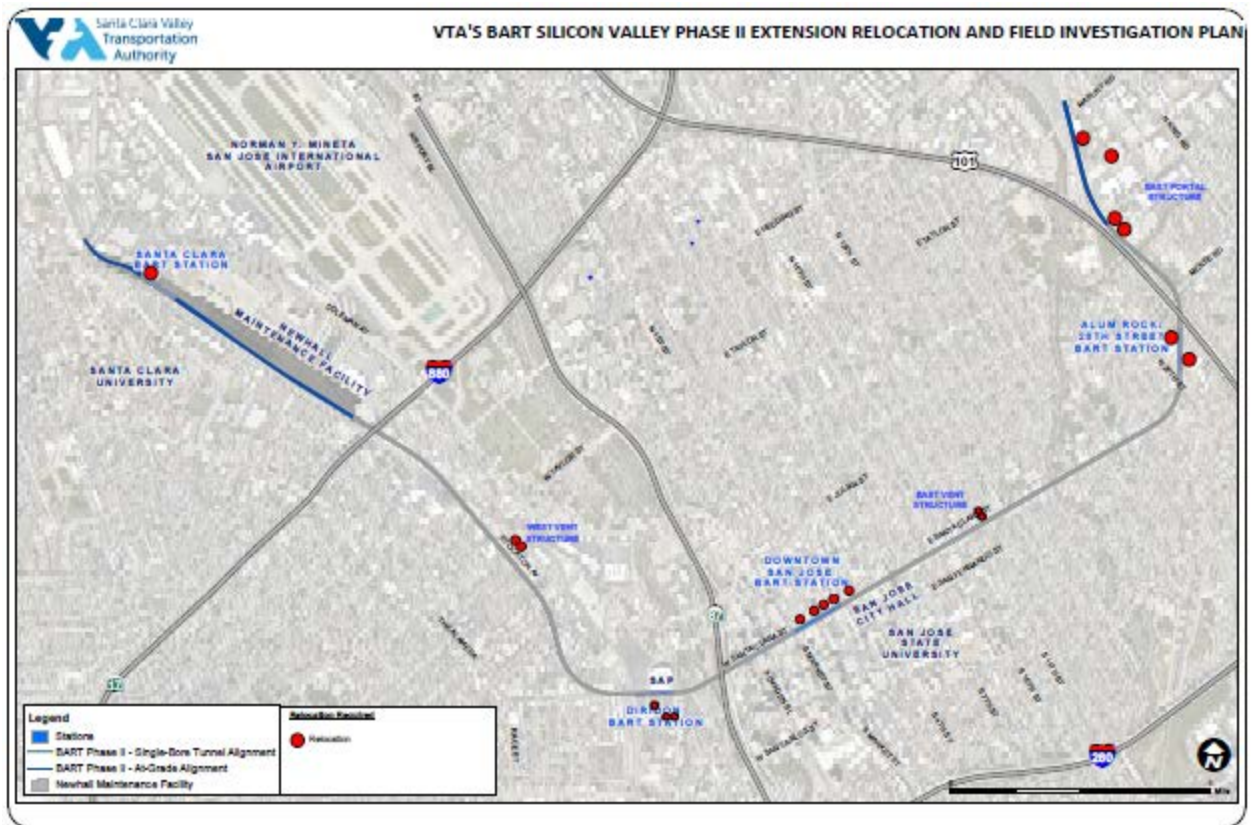
Based upon discussions with local public agencies in Santa Clara County, VTA is not aware of concurrent displacement resulting from public agency generated projects that would be expected to significantly compete for similar replacement site resources.

4.0 RELOCATION IMPACT

This section of the Relocation Plan addresses the anticipated relocation impact related to the potential acquisition of properties needed for the construction of the Project. The proposed Project may displace 9 residential occupants and 57 non-residential entities (businesses, cellular towers, outdoor advertising signs and personal property only). VTA is attempting to work with project designers and planners to minimize impact to properties and occupants. When possible, and based on future Project design and engineering work, VTA will acquire only those portions of properties that are necessary and will work with the owners and occupants of those properties to reconfigure the space so that displacement of occupants is minimized or avoided altogether.

Map 4.1 below demonstrates the location of properties in the cities of San José and Santa Clara that were identified in the FEIS/FEIR as properties which may be considered for acquisition in full or in part to allow for Project Construction.

Map 4.1 Locations of Potentially Impacted Properties



Twenty-five properties were identified in the FEIS/FEIR for the Single-Bore alternative that may result in relocation of occupants. Seven of those properties are publicly owned. The remainder are privately held properties with residential and non-residential occupants.

Table 4.1 summarizes the occupants that may be impacted by the Project.

Table 4.1 Summary of Potentially Impacted Occupants

9 Potentially Impacted Residential Occupants	
1	Tenant Living in a Single-Family Residence
8	Tenants Living in Apartments

57 Potentially Impacted Non-Residential Occupants	
12	Absentee Landlords Leasing Space to Others
38	Business Occupants
1	Cellular Tower Tenant
2	Outdoor Advertising Signs
4	Entities Who May Be Required to Move Personal Property Only

VTA sent General Information Notices to property owners and occupants to provide general project information and to invite property owners and tenants to meet to discuss the Project and potential project impacts. The representatives of 25 entities accommodated VTA’s request for meetings and provided much of the information that is included herein. None of the residential tenants agreed to meet.

4.1 Impact to Residential Occupants

Work to date has identified nine households that may be required to relocate if properties are purchased in downtown San José. One household rents a single-family residence. Eight households rent apartments on the second floor of a mixed-use building.

If VTA initiates negotiations with the owners of these properties, a Relocation Advisor will meet with each household to determine current housing costs, dwelling characteristics, occupant housing needs, and household income. This information will allow VTA to provide meaningful assistance to the occupants. VTA’s Relocation Assistance Program provides for advisory and monetary assistance to help households secure comparable replacement housing in the area.

4.1.1 Overcrowded Conditions for Residential Occupants

No overcrowding of dwellings was perceived or reported. However, if a household needs a larger replacement housing unit in order to meet VTA’s Relocation Assistance Program Standards, they will be provided the necessary additional assistance to secure replacement housing that accommodates the size of their household.

4.1.2 Accessibility Needs

Future interviews with residential occupants will provide information as to household accessibility needs. If an occupant reveals that any special needs exist, VTA will provide any additional advisory assistance that is required in order to identify and secure housing that is fully assessible to the occupant.

4.1.3 Other Special Needs

VTA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for households to work with their Relocation Advisor to identify and relocate to replacement sites.

4.1.4 Language

If an occupant expresses a preference for verbal and written information in a language other than English, VTA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

4.1.5 Residential Occupancy and Affordability

No rent costs or household income information was provided by property owners or households. VTA's Relocation Assistance Program will provide Replacement Housing Payments to help residential occupants with the increased costs for comparable replacement housing in the area. VTA's Relocation Assistance Program would ensure that comparable replacement housing is affordable for the residential occupants for 42 months.

4.1.6 Transportation

The tenant living in the single-family residence has on-site parking. The eight households living in the apartments do not have parking available on site. These households may rely on nearby public transportation. VTA will work diligently to identify comparable rentals in the area that will provide for similar access to public transportation.

4.2 Impact to Non-Residential Occupants

Fifty-seven non-residential entities may be impacted by Project acquisition efforts.

Twelve entities own real estate that they lease to others. These businesses may be interested in reestablishing their investment properties.

Seven additional entities own personal property that is currently situated on parcels that may be impacted by the Project. The personal property that potentially may be impacted includes outdoor advertising signs, cellular antenna, and fleet vehicles.

The remaining 38 entities are businesses operating on site. Most are small businesses serving the greater San José community. Seven of these businesses own the property where they operate. The remaining 31 lease properties. The businesses have been categorized to help with the assessment of impact and replacement site options.

Table 4.2.1 Summary of Impact to Non-Residential Occupants

<i>Category</i>	<i>Description of Use</i>	<i>Number of Impacted Businesses</i>
1	General Retail/Office/Food Service/Nightclub/Bar	12
2	Service Station	1
3	Warehouse/Light Industrial/Heavy Industrial	6
4	Contractor Yard	9
5	Automotive Use	10

Category 1: General Retail, Office, Food Service, Nightclub/Bar Space.

Twelve businesses operate small office space, retail businesses, service businesses, bank services, food service or nightclubs/bars. All but two of these businesses are situated in downtown San José in mixed use buildings. Some are small locally owned businesses and three are franchised or corporately owned retail businesses serving the downtown walk in community. Four of the businesses have liquor licenses that would need to be transferred.

Table 4.2.2 Summary of Impact to General Retail, Office, Food Service and Nightclub/Bar Occupants

<i>Description of Use</i>	<i>Size of Leased Space (sf)</i>	<i>Special Considerations</i>
Medical Consulting Office	1,500 to 2,000	Clientele Access
Bank	10,000 to 15,000	Safes and deposit boxes
Bakery/Food/Liquor Store	1,200 to 3,000	Liquor license
Adult Retail Store	1,200 to 1,600	Permissible locations
Night Club/Bar	1,200 to 5,000	Liquor license
General Office Space	1,500 to 2,500	Location
Franchised Service Companies	1,000 to 2,000	Proximity to other franchised locations

Category 2: Service Station. One nationally branded gas station facility may be impacted by the project in downtown San José. If this property is acquired for the Project, the station owner would need to relocate to a replacement facility.

Category 3: Warehouse, Light Industrial and Heavy Industrial Use. Six businesses are captured in this category. Business uses include a produce sales and distribution, two large print shops, a remodeling business, a small technology-based company, and one business occupying a research and development space. Some businesses have significant building improvement requirements related to their use or equipment.

Table 4.2.3 Summary of Impact to Warehouse, Light Industrial and Heavy Industrial Use Occupants

<i>Description of Use</i>	<i>Size of Leased Space</i>	<i>Special Considerations</i>
Large Print Shops	100,000 – 130,000 sf	Heavy Equipment Site Preparation
Research and Development	148,000 sf	Specialty Equipment Site Preparation
Produce Sales and Distribution	1,000 – 1,200 sf	
Remodeling Business	1,000 to 1,200 sf	
Technology Business	1,200 to 1,600 sf	

Category 4: Contractor Building and Yard. Nine businesses support the area’s construction industry by providing asphaltting, signage, raw materials, fencing, and stone and granite sales and installation. These businesses are similar in that they require office space and yard space to accommodate equipment, materials, and employee parking.

These businesses utilize heavy industrial truck access and depend upon proximity to contractor jobs in the area. Most have heavy equipment and inventory and secured perimeter fencing. While many sell directly to businesses, some sell directly to the public.

Table 4.2.4 Summary of Impact to Contractor Building and Yard Occupants

<i>Description of Use</i>	<i>Building Size</i>	<i>Yard Size</i>
Security/Fencing Sales and Service	10,000 to 12,000 sf	1 to 2.5 acres
Stone/Granite Sales and Service	3,000 to 20,000 sf	1.5 to 3 acres
Fleet Sales and Maintenance	80,000 sf	5 acres
Construction Support/Rental Service	2,200 – 6,000 sf	.25 to 1.0 acre
Asphalt and Cement Services	8,500 – 9,500 sf	1.28 acres

Category 5. Automotive Use. Ten automotive businesses are captured in this category. Uses include small automotive repair and service businesses, specialty automotive shops and one private bus transportation company. The majority are small automotive businesses situated in an industrial automotive park. One is a stand-alone auto body repair and paint shop. One occupies space adjacent to a service station. The transportation company services local area businesses and performs fleet maintenance.

Table 4.2.5 Summary of Impact to Automotive Use Occupants

<i>Description of Use</i>	<i>Size of Leased Space</i>	<i>Special Considerations</i>
Automotive Service and Repair	1,000 to 10,000 sf	Nine businesses would require similar space
Transportation Service and Repair	20,000 sf on 2-acre lot	Business owns and occupies adjacent parcels
Automotive Body Repair	10,000 sf on a 40,000 sf lot	Special permitting and assistance related to automotive painting facility

4.2.1 Accessibility Needs

None of the business owners who were interviewed reported having employees with special needs that required American with Disabilities (ADA) access at the existing property or at a future replacement property.

4.2.2 Other Special Needs

The majority of businesses will need significant lead-time to allow the business owners to identify adequate replacement sites and to plan for the design, permitting and actual move of personal property and equipment. Relocation Advisors will work closely with the business owners to keep them apprised of the Project schedule. In addition, Relocation Advisors will provide information on available replacement sites and reimbursement for eligible expenses under VTA's Relocation Assistance Program.

VTA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for businesses to work with their Relocation Advisor to identify and relocate to replacement sites.

4.2.3 Language

Most occupants speak English as their primary language or are able to communicate in English. Two business owners expressed a preference for verbal and written information in Spanish. If language assistance is necessary, VTA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

4.2.4 Impact to Employees

It is anticipated that more than 150 employees may be affected if the businesses are required to relocate. If businesses are able to move to sites within the San José area, and if they can maintain similar access to public transportation, then the impact to employees would be minimal.

4.2.5 Transportation

Business owners reported that the majority of employees do not rely on public transportation when commuting to work. It is assumed that the residential occupants rely on both public and private transportation. If occupants request information regarding replacement sites close to public transportation, VTA will work diligently to identify sites that will allow access to public transportation.

5.0 RELOCATION RESOURCES

Relocation Advisors will begin to work with each occupant once VTA presents a written offer to the property owner. VTA plans to assist the eligible occupants to successfully relocate in the community. Substantial efforts have been made to identify sites that will accommodate the 9 households and 57 non-residential occupants who may be required to move from their present locations under the current preliminary design.

5.1 Residential Impact and Replacement Sites

Research was conducted over an eight-week period in June and July of 2018 to identify comparable housing in downtown San José for the nine residential tenant households who may be impacted by the Project. One two-bedroom single family residence and eight one-bedroom apartments could be required to move to allow for Project construction. It is anticipated that at least nine people rent these units on a month-to-month basis. More than 72 similar rental units were found in downtown San José during the search period. Based upon the available replacement housing in downtown San José, it appears that there will be sufficient replacement housing available for the households that may need to relocate.

The Relocation Assistance Program will provide the advisory and monetary assistance necessary for households to secure comparable replacement housing as provided under the Uniform Act and California law. The information provided in Appendix B is representative of the properties that may be available at the time that the households may be searching for comparable replacement housing. The accompanying map demonstrates the proximity to the occupants' current dwellings.

5.2 Non-Residential Replacement Sites

Based on public records, observation and tenant interviews, it was determined that there are 57 non-residential entities that may be impacted to allow for the Project's construction. These entities are made up of property owners who lease space, business entities who occupy space, and occupants who store personal property.

57 Potentially Impacted Non-Residential Occupants

12	Absentee Landlords Leasing Space to Others
38	Business Occupants
1	Cellular Tower Tenant
2	Outdoor Advertising Sign
4	Entities Who May Be Required to Move Personal Property Only

These businesses occupy properties with various zoning. Some occupy the property in accordance with a Conditional Use Permit from the City of San José which allows their specific special use. It is anticipated that all impacted businesses will need more than the statutory 90-day notice to identify, secure and move into replacement sites. Several of the businesses may require Conditional Use Permits to accommodate their occupancy at a

replacement site. Others may require significant tenant improvements that will require permitting and construction.

Six businesses own the property that they occupy. The remaining 32 lease property. Research was conducted over an eight-week period in San José, Santa Clara and the surrounding areas to identify properties for sale and for lease that might meet the replacement sites needs of the 38 impacted businesses. Some sites would require significant improvements or Conditional Use Permits to accommodate the business uses.

The information provided in Appendix C is representative of the properties that may be available at the time the businesses may be searching for replacement sites. The accompanying map demonstrates the location of the available properties.

6.0 RELOCATION ASSISTANCE PROGRAM

This portion of the Relocation Plan summarizes VTA's Relocation Assistance Program for the Project. This summary is provided for general information purposes only. Should this summary contain any information inconsistent with the laws governing relocation assistance, the applicable laws and corresponding regulations will take precedence. VTA's Relocation Assistance Program must follow federal regulations as cited in the Federal Law (42 U.S.C. 4061 *et seq.*) and its regulations (49 CFR Part 24) (the Uniform Act), and applicable State of California Relocation Law and Regulations.

VTA's Relocation Assistance Program establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs and projects undertaken with Federal financial assistance. The primary purpose of the Relocation Assistance Program is to ensure that persons would not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

VTA's Residential Relocation Assistance and Non-Residential Relocation Assistance brochures are contained in Appendixes E and F, respectively.

6.1 Important Terms

Alien Not Lawfully Present. Under federal law, any resident alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

VTA is committed to working with residents who are not lawfully present in the United States and will consider use of local funds for relocation assistance as appropriate.

Business. Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, or marketing of products, commodities or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display or displays must be moved as a result of acquisition of property for the Project.

Comparable Replacement Dwelling. A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- a) Decent, safe, and sanitary as described below.
- b) Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- c) In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- d) Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- e) Within the financial means of the Displaced Person (housing costs do not exceed 30% of the household’s average monthly income, if the household is low-income based on the U.S. Department of Housing and Urban Development income limits), either by the Displaced Person’s own means or through assistance from the Relocation Assistance Program.

Conditional Entitlement Letter. A written notice provided by VTA to eligible residential owner- and tenant-occupants of real property, stating their entitlement to receive a Replacement Housing Payment upon completion of a Housing Valuation Study.

Decent, Safe, & Sanitary. In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- a) Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- b) Contain a safe electrical wiring system adequate for lighting and other devices.
- c) Contain a safe heating system capable of sustaining a healthful temperature.
- d) Be adequate in size, with respect to the number of rooms and area of living space, to accommodate the Displaced Persons.
- e) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- f) Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- g) Be free of any barriers, which prevent reasonable ingress, egress, or use of the dwelling by such Displaced Person.

Displaced Person. Any lawful person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of VTA's written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Project.

Housing Valuation Study. A study prepared by VTA, describing the maximum replacement housing payment available to eligible residential owner- and tenant-occupants based on comparable replacement dwellings.

Nonprofit Organization. A public or private entity that has established its nonprofit status under applicable federal or State law.

Notice of Eligibility. A written notice provided by VTA to owner- and tenant-occupants of real property at the time VTA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

Notice to Vacate. A statutorily required written notice provided by VTA to occupants of real property that VTA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

Personal Property. Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

Relocation Advisor. A Relocation Advisor is a person who is experienced in aiding occupants in accordance with the Uniform Act. Relocation Advisors will be available to work with each occupant to understand the Relocation Assistance Program, provide Program information in writing, provide information on available replacement sites, and provide analyses of compensable monetary assistance under the Program.

Small Business. A business having not more than 500 employees working at a site, which is the location of economic activity and which will be acquired or is displaced by the Project. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of Uniform Relocation Act and its implementing regulations.

Unlawful Occupant. A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under State law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

6.2 Eligibility for Relocation Assistance and Timing of Move

To be eligible for relocation assistance, a Displaced Person must be lawfully occupying the property to be acquired by VTA at the time VTA makes a written offer to the property owner to purchase the property. All occupants of properties that VTA offers to purchase will be notified of VTA's offer by way of a Notice of Eligibility, which VTA will send to tenants or occupants shortly after it initiates negotiations with a property owner. While VTA is statutorily required to provide only a 90-day written notice of the day the occupant is required to relocate, VTA intends to begin working with each occupant as soon as an offer is presented to the property owner. This will allow each occupant to work with a Relocation Advisor while VTA is negotiating for the purchase of the property. This should provide each occupant an extended period of time to work with a Relocation Advisor to identify and secure a replacement site. VTA's goal is to work with each occupant to plan appropriately for the move and to understand the assistance that is available under VTA's Relocation Assistance Program.

Businesses and storage tenants who occupy the property on the date of VTA's first written offer to the property owner will be eligible to receive assistance in accordance with VTA's Relocation Assistance Program. Residential tenant occupants must rent and occupy a site for 90 days prior to VTA's first written offer to be eligible for Replacement Housing Payments as described in the Relocation Assistance Program.

Residential occupants eligible to receive Replacement Housing Payments will not be required to move prior to receiving a Conditional Entitlement Letter. VTA will send a Conditional Entitlement Letter to eligible residential occupants upon completion of a Housing Valuation Study, which determines the maximum replacement housing payment based on comparable replacement housing.

VTA will make every effort to assist each Displaced Person in finding reasonably comparable replacement sites. However, for businesses or nonprofit organizations, federal and State laws do not require VTA to guarantee that the business owner will find a replacement site that it finds to be acceptable. Displaced Persons ultimately choose their preferred replacement site and their participation in the process is critical to the success of the relocation.

Although an eligible Displaced Person is not required to move until 90 days after receiving a Notice to Vacate, a Displaced Person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from VTA. If Displaced Persons choose to relocate at any time after receiving a Notice of Eligibility, they will be eligible to receive relocation assistance in accordance with VTA's Relocation Assistance Program. If Displaced Persons move before receiving a written Notice of Eligibility, they will not be eligible for, or provided with relocation assistance.

Although VTA may provide notice to Displaced Persons that they are eligible to receive relocation assistance, while occupying their current location, the Displaced Persons will continue to have the same rights and responsibilities they otherwise would have under any

lease or other agreement related to the property; VTA's Notice of Eligibility does not waive those rights and obligations.

6.3 Relocation Advisory Assistance

VTA's Relocation Assistance Program provides relocation advisory assistance. VTA's Relocation Advisors are specialized in providing relocation assistance and will administer VTA's Relocation Assistance Program. Each Displaced Person will be assigned a Relocation Advisor.

6.3.1 Services

The Relocation Advisor will guide each Displaced Person through the relocation process. The Relocation Advisor will help to locate a decent, safe, and sanitary replacement dwelling for residential occupants and a suitable replacement property for business or nonprofit organizations. It is the Relocation Advisor's goal and desire to be of service and to assist each Displaced Person in any way possible to help the Displaced Person to successfully relocate. The Relocation Advisor is available to help and to advise the Displaced Person; therefore, each Displaced Person should make full use of the available services.

Individuals with disabilities will be provided the assistance needed to understand their rights under VTA's Relocation Assistance Program and assistance to locate and move to a replacement site. A Displaced Person should notify a Relocation Advisor if additional assistance is needed.

6.3.2 Understanding the Relocation Assistance Program

During the initial contact meeting, a Relocation Advisor will explain VTA's Relocation Assistance Program. The advisor will interview the Displaced Person to understand the household characteristics and replacement housing needs, or the business's current operation, facility, and replacement site needs. The advisor will explain the assistance and payments that the Displaced Person may claim in accordance with the Displaced Person's eligibility. It is important that Displaced Persons explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview, a Relocation Advisor will ask detailed questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the Displaced Person's eligibility and rights, and forward information regarding available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed to inspect replacement properties, especially if the Displaced Person is elderly or disabled. Displaced Persons are free to use the services of their own real estate agents or brokers.

6.3.3 Planning and Preparing to Relocate

A Relocation Advisor will continue to work with each Displaced Person to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are reimbursable under VTA's Relocation Assistance Program and which costs are not; and, assist the Displaced Person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completed rental applications or loan documents; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as federal, State, and local programs offering assistance to Displaced Persons; and consumer education literature. A Relocation Advisor will also help to determine any special need or an outside specialist to help a Displaced Person plan for the move and if applicable, the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a Displaced Person through any special concerns related to the relocation.

In addition, a representative of VTA will work with each business owner and the owner of the real property (if the business is a tenant) to identify and to resolve any issues regarding what is "real estate" and what is "personal property" that can be relocated. Each business owner may be asked to provide a copy of the business owner's lease agreement (if applicable) to help to determine the ownership of furniture, fixtures, and equipment.

VTA's goal is for each Displaced Person to achieve a successful relocation in the community. It is important that each business owner do everything a prudent business owner would do to maintain the business. All Displaced Persons should work closely with their Relocation Advisor to evaluate and prepare for the move and search leads to available replacement sites.

6.4 Relocation Expenses for Residential Displaced Persons

6.4.1 Actual Moving Expenses

An eligible Displaced Person may be reimbursed for the actual, reasonable, and necessary cost of the household's move to a replacement home.

Actual, reasonable, and necessary moving expenses may include the following:

- (a) Transportation of the displaced household for up to 50 miles.

- (b) Packing, moving and unpacking household goods.
- (c) Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- (d) Storage of household goods, as may be necessary.
- (e) Insurance for the replacement value of your property during the move and necessary storage.
- (f) The replacement value of property lost, stolen, or damaged in the move (but not through neglect) if insurance is not reasonably available.

Eligible Displaced Persons may choose from among the following reimbursement options:

Payment for Actual Reasonable Moving and Related Expenses. Payment is made to reimburse actual moving expenses based on the *lower* of at least two acceptable moving bids from qualified professional moving carriers.

Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the Displaced Person for any one-time utility reconnection fees, such as phone, gas, electricity, and cable.

A Fixed Moving Payment. Displaced Persons may choose to move their own personal property to the replacement site and to submit a claim based on the current moving expense and dislocation allowance schedule published by the Code of Federal Regulations below.

Occupant Owner Furniture									Occupant does not own furniture		
Number of Rooms of Furniture									Addt'l room	1 room/no. furn.	Addt'l room/no. furn.
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms				
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90	

A combination of both. A Displaced Person can be reimbursed using a combination of the two reimbursement options, depending upon specific circumstances.

6.4.2 Replacement Housing Payments for Tenant-Occupants

A Replacement Housing Payment may be provided to eligible tenant-occupants to help them rent or buy a comparable replacement dwelling. To qualify for the Replacement Housing Payment, the tenant-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 90 consecutive days prior to VTA's initial written offer to purchase the property; and (2) the property was their primary residence for that 90-day period (Eligible Tenant-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Tenant-Occupants to a 42-month period

and caps the payment at \$7,200 per property. The Replacement Housing Payment to Eligible Tenant-Occupants is computed in the following manner:

The Replacement Housing Payment for one month is determined by subtracting the base monthly rent for the present home from the cost of rent and utilities for the actual or comparable replacement dwelling, whichever is less. VTA will determine the cost of replacement housing based on a Housing Valuation Study. If the actual or comparable replacement housing cost is greater than the base monthly rent, that difference is multiplied by 42 months to determine the total maximum Replacement Housing Payment amount. If the actual or comparable replacement housing cost is less than the existing housing cost, no Replacement Housing Payment is available.

Generally, the “base monthly rent” for the present home is the *lesser* of (a) the monthly rent and average monthly cost for utilities during the three months immediately prior to vacation, or (b) 30% of the average monthly gross household income, if the household is low-income based on U.S. Department of Housing and Urban Development income limits. VTA will inform Eligible Tenant-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter) and explain the basis of its determination so that Eligible Tenant-Occupants will know in advance how much assistance they may receive. That information should help Eligible Tenant-Occupants decide how much they wish to pay for replacement housing.

Eligible Tenant-Occupants are free to rent any decent, safe and sanitary housing unit of their choice. The Replacement Housing Payment may be paid directly to the tenant or an authorized designee. VTA will provide the assistance in monthly installments or other periodic payments.

Federal law provides that the maximum Replacement Housing Payment that Eligible Tenant-Occupants can receive is \$7,200 per property acquired by VTA (not per tenant). If the total rent differential (without the moving payments) is in excess of \$7,200, the Last Resort Housing Program will be used as described in Section 6.4.3 below.

To claim the Replacement Housing Payment, Eligible Tenant-Occupants must rent and occupy a decent, safe and sanitary replacement dwelling within 12 months after moving from the acquired property. VTA may extend this period for good cause.

Purchasing a Replacement Dwelling. If Eligible Tenant-Occupants choose to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment based on the rent differential could be applied toward a down payment and incidental expenses to purchase a decent, safe, and sanitary replacement dwelling within 1 year of the date the household moves from the property acquired by VTA. The Replacement Housing Payment cannot exceed the maximum rent differential (as previously described) or the amount of a reasonable down payment for a comparable replacement dwelling plus expenses incidental to the purchase, whichever is less.

6.4.3 Last Resort Housing Program

Whenever a program or project cannot proceed in a timely manner because comparable replacement dwellings are not available within the maximum Replacement Housing Payment of \$7,200 for Eligible Tenant-Occupants, VTA will provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the Displaced Person. Any determination that VTA makes to provide Last Resort Housing assistance must be adequately justified as follows:

On a case-by-case basis, for good cause, which means that appropriate consideration has been given to the following:

- a. Availability of comparable replacement housing in the area;
- b. Resources available to provide comparable replacement housing;
- c. Individual circumstances of the Displaced Person;

Or, by determination of the following:

- a. Little, if any, comparable replacement housing is available to Displaced Persons within the entire project area; therefore, Last Resort Housing assistance is necessary to the area as a whole.
- b. A project cannot be advanced to completion in a timely manner without Last Resort Housing assistance.
- c. The method selected for providing Last Resort Housing assistance is cost effective, considering all the elements that contribute to total project costs.

Several methods to provide Last Resort Housing assistance to qualified Displaced Persons are available. They include the following:

- a. Provide supplemental funds in excess of \$7,200 limits to allow eligible occupants to purchase or rent a comparable replacement dwelling. The actual amount of assistance is determined through a Housing Valuation Study.
- b. Rehabilitate or create additions to make a replacement dwelling meet DS&S standards.
- c. Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of household's gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

- d. Provided a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
- e. Relocate and rehabilitate a dwelling.
- f. Purchase land and/or a replacement dwelling and subsequently sell or lease the land to or exchange the land with the Displaced Person.
- g. Remove barriers for persons with disabilities.

All households who are eligible to receive assistance under the Last Resort Housing Program will be notified in writing.

6.5 Relocation Expenses for Business and Nonprofit Organization Displaced Persons

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit organization may request a fixed payment in lieu of actual moving and related expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

A business owner must provide a Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. The Relocation Advisor will need to inspect the personal property at the displacement and replacement sites and monitor the move in order to assess the business's eligibility for reimbursement of certain moving expenses.

6.5.1 Actual Moving Expenses

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business's or organization's move when the move is performed by a professional or commercial mover or when the business owner elects to self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include the following:

- a) Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.
- b) Packing, crating, unpacking and uncrating personal property.
- c) Storage of personal property for a period up to 12 months, as determined by VTA to be necessary in connection with relocation.

- d) Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.
- e) Replacement value of property lost, stolen, or damaged (but not through neglect) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.
- f) Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.
- g) Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
- h) Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.
- i) Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site.
- j) Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.
- k) Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
- l) Impact fees or one-time assessments for anticipated heavy utility usage.

VTA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Advisor will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner should work closely with the assigned Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement under the Relocation Assistance Program. It is important that each occupant work closely with their Relocation Advisor so their costs are documented and presented to VTA for review and pre-approval whenever possible. VTA will exercise its discretion to decide which expenses relating to the businesses' move are eligible for reimbursement.

Professional Moving Planner. A business owner may elect to work with a move planner. VTA may reimburse a business owner for these costs under the following conditions:

- a) Business works with Relocation Advisors and professional move planners to develop an approved Scope of Services;
- b) Business provides VTA with two detailed Scope of Services and Fees (including hourly rates) from two professional mover planning companies;
- c) The Scope, Fee and Hourly Rate is pre-approved in writing by VTA;
- d) The professional move planner submits deliverables as directed by VTA;
- e) No fees other than those specifically related to the moving of personal property will be approved for payment;
- f) No fees related to preparing claim forms will be approved for payment.

Commercial/Professional Move. A business owner may elect to hire professional or commercial movers to move personal property. VTA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

Self-Move. If a business owner agrees to take full responsibility for all or part of the move of its operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA's discretion.

Before a business performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date the business intends to move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

Direct Loss of Tangible Personal Property. Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property, which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (a) the value of the item for continued use at the displacement site less the proceeds from its sale, or (b) the estimated reasonable cost of moving the item. A Relocation Advisor will explain this procedure in detail if this is a consideration.

Substitute Personal Property. Where an item of personal property, which is used in connection with an operation, is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (a) the replacement cost, minus any net proceeds from its sale, or (b) the estimated cost of moving the original item.

Low Value High Bulk Property. If VTA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location.

6.5.2 Searching Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation, meals and lodging when away from home, the reasonable value of the time spent during the search, the reasonable value of fees paid to real estate agents or brokers to locate a replacement site, the reasonable value of time obtaining permits and attending zoning hearings, and the reasonable value of time spent negotiating the purchase of a replacement site.

6.5.3 Actual Reestablishment Expenses

A small business, as defined in section 6.1, or nonprofit organization may be eligible for reimbursement, not to exceed \$25,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

- a) Repairs or improvements to the replacement real property required by federal, State, or local laws, codes or ordinances.
- b) Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation.
- c) Construction and installation costs of exterior signs to advertise the operation.
- d) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting.
- e) Advertisement of the replacement location.
- f) Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges, personal or real property taxes, insurance premiums, or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

- a) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- b) Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation.
- c) Interest on money borrowed to make the move or purchase the replacement property.

- d) Payment to a part-time business in the home that does not contribute material to the household income.

6.6 Fixed Payment for Moving Expenses (In Lieu Payment)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000. A business or nonprofit organization that is determined to be eligible for a fixed payment will be paid after it moves from the property that VTA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by VTA:

- a) The business owns or rents personal property that must be moved due to the displacement.
- b) The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).
- c) The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity, which are under the same ownership and are not being displaced by VTA.
- d) The business is not operated at a displacement site solely for the purpose of renting such site to others.
- e) The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move (a) complete a Request for Determination of Entitlement form, which is available from a Relocation Advisor; (b) provide a written statement of the reasons the operation cannot be relocated without a substantial loss of existing patronage; and (c) provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different from business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

Computation of the Fixed Payment. The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which the business is displaced, or a two-year period deemed more representative by VTA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, State and local income taxes. A business must provide VTA with proof of net earnings to support a request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA.

6.7 Other Important Information

6.7.1 Move of Personal Property Only

Some persons rent space to store personal property. An owner of personal property has the option of moving the personal property by using a commercial mover or by performing a self-move as described below.

Commercial/Professional Move. An owner of personal property may elect to hire professional or commercial movers to move personal property. VTA may reimburse the storage tenant for the cost, based on the lower of two bids or estimates.

Self-Move. If an owner of personal property agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA's discretion.

Before a storage tenant performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date of the intended move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

6.7.2 Advertising Signs

The amount of a payment for direct loss of an advertising sign, which is considered personal property, shall be the lesser of:

- The depreciated reproduction cost of the sign, as determined by VTA, less any proceeds from its sale; or
- The estimated cost of moving the sign, but no with allowance for storage.

6.7.3 Relocation Site Office

VTA River Oaks Administrative offices are located within ten miles of the proposed Project area located in the City of San José. Relocation Advisors will meet with occupants at the affected site or at VTA offices. Therefore, no on-site Relocation Site Office is required.

6.7.4 Filing Claims

Relocation expenses will typically be reimbursed after Displaced Persons submit to the Relocation Advisor a signed claim and all required documentation supporting the

claim. Claims may be submitted as costs are incurred; Displaced Persons do not have to wait until the relocation is complete to submit claims for reimbursement.

For tenants of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months after the Displaced Person vacates the property. For owners of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months of the later of (a) the date the property is vacated or (b) the date that the owner receives final payment from VTA for acquisition of the property. A Relocation Advisor will work with each Displaced Person to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to VTA for review and processing. VTA will make every effort to provide reimbursement for any approved, eligible portion of that claim within approximately 30 working days after approval of the claim.

If VTA denies all or a part of a claim for reimbursement, or if VTA refuses to consider a claim, VTA shall promptly notify the Displaced Person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

6.7.5 Relocation Payments Are Not Considered Income

No relocation reimbursement received by a Displaced Person is considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by VTA to a third party can be considered a taxable event. As a result, third part payments may be subject to an IRS Form 1099 from VTA.

6.7.6 Business Goodwill

Business owners may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of VTA's Relocation Assistance Program. Relocation Advisors can assist business owners with understanding basic information about filing a claim for loss of business goodwill.

6.7.7 Nondiscrimination

Under Title VI of the federal Civil Rights Act of 1964, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential

units is illegal. The Act ensures that all services and benefit will be administered to the public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status or any other basis protected by law.

6.7.8 General Information

This summary of VTA's Relocation Assistance Program has been provided as a courtesy by VTA. It is intended to provide general information concerning VTA's Relocation Assistance Program and to assist Displaced Persons in understanding their rights and benefits. Questions regarding VTA's Relocation Assistance Program should be directed to a Relocation Advisor once an advisor has been assigned. If questions arise prior to the assigning of a Relocation Advisor, questions should be directed to Associated Right of Way Services, Inc. at 925-691-8500.

Further details regarding federal and State relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act 42 U.S.C. Sections 4601 et. seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.

6.7.9 Project Assurances

VTA is committed to providing relocation assistance to all eligible occupants who are required to relocate as a result of the Project. VTA is committed to following applicable federal and State laws. VTA will not proceed with any phase of the Project or other activity that will result in the displacement of any person, business, or farm until it provides the following assurances:

- a) Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and State laws and guidelines.
- b) VTA has established a Relocation Assistance Program offering the services described in applicable federal and State law and guidelines.
- c) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- d) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- e) If the Final Relocation Plan is approved by the VTA Board, VTA attests to its commitment to have funds available to provide relocation assistance in accordance with VTA's Relocation Assistance Program identified herein prior to proceeding with the relocation of an occupant.
- f) This Relocation Plan meets the requirements of the California Code of Regulations, Title 25, Chapter 6.

- g) VTA will contract with qualified Relocation Advisors for the following services:
- 1) Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.
 - 2) Assist each eligible Displaced Person to complete applications for payments and benefits.
 - 3) Assist each eligible Displaced Person in obtaining and becoming established in a suitable replacement location.
 - 4) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by State or federal anti-discrimination laws, or any other arbitrary circumstances.
 - 5) Supply to such eligible person's information concerning programs administered by the Federal Small Business Administration, and other federal or State programs, offering assistance to Displaced Persons.
 - 6) Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
 - 7) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

7.0 RELOCATION APPEAL PROCESS

The Uniform Act provides that a person may file a written appeal to the agency if the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of a payment authorized, by the Uniform Act. If an individual is dissatisfied, he/she may submit to VTA a letter within 90 days of the claim being rejected, stating all of the relevant facts and the reasons he/she believes the claim should be paid or adjusted. VTA will consider a written appeal regardless of form.

VTA will permit the Appellant to inspect and copy all materials pertinent to the appeal, except for materials that have been classified as confidential. In deciding the appeal, VTA will consider all pertinent justification and other material submitted by the Appellant. VTA will then make written determination of the appeal, including an explanation of the basis on which the decision was made, and furnish the Appellant a copy. The Appellant will be advised of his/her right to seek judicial review.

Appendix A

Station Site Design Maps

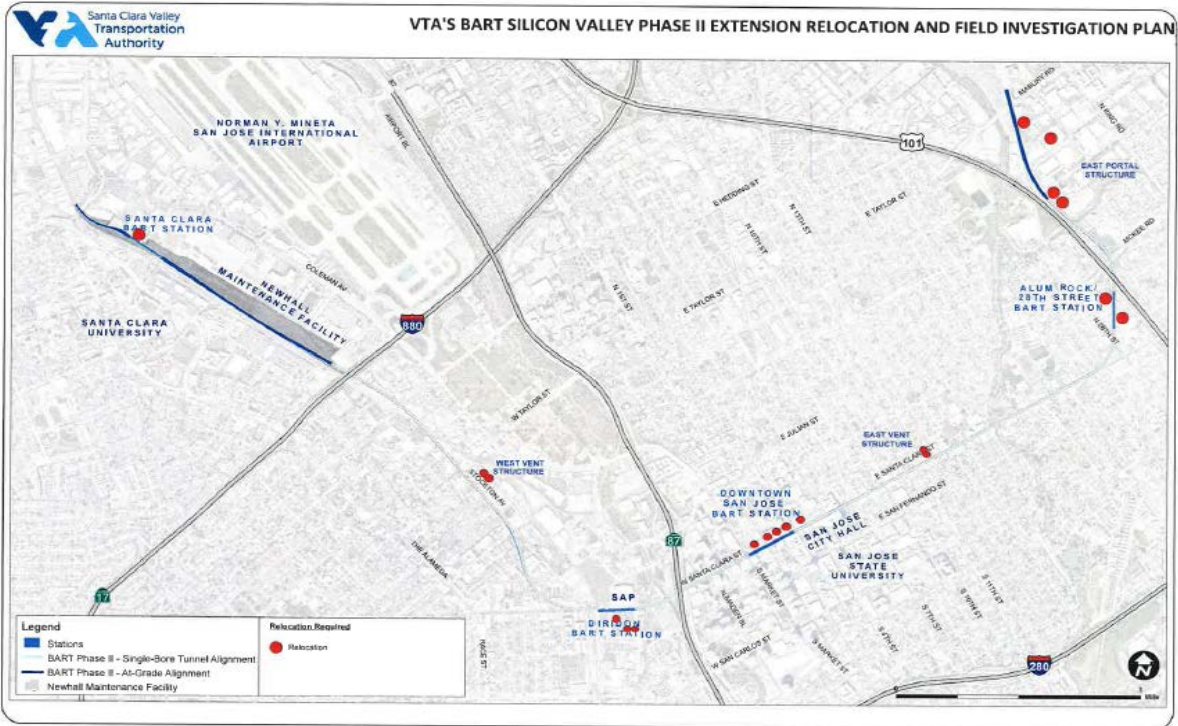


Figure 1

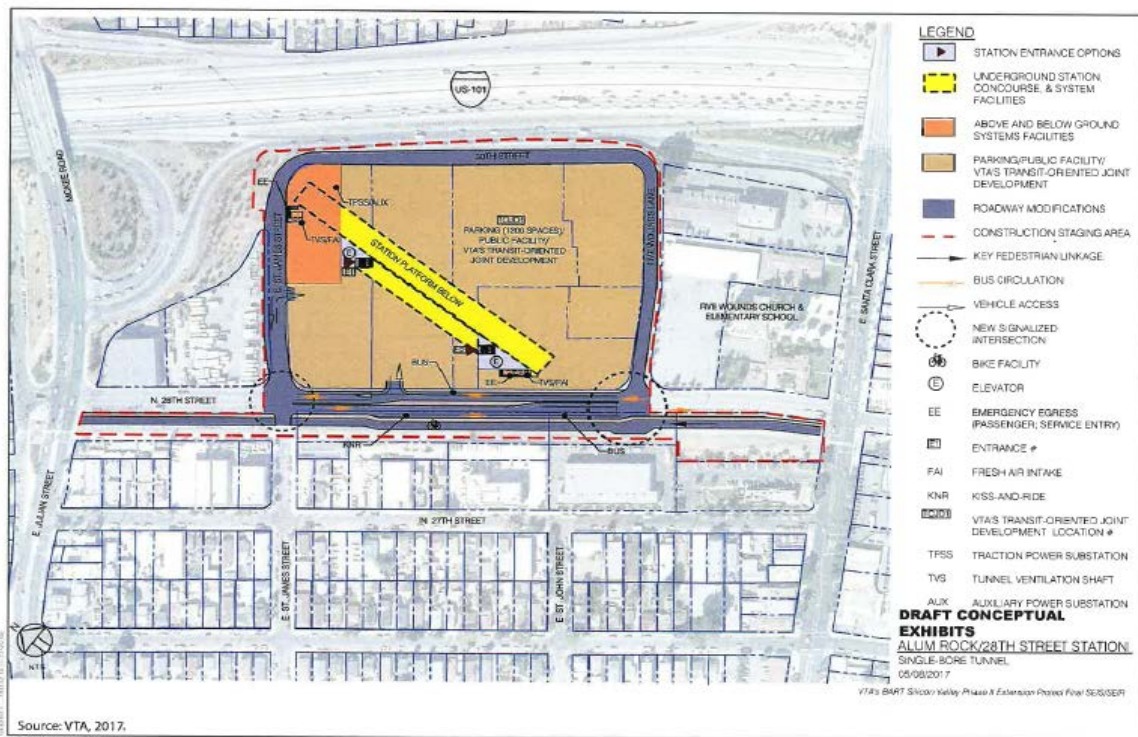


Figure 2
 Alum Rock/28th Street Station Plan (Single-Bore)
 VTA's BART Silicon Valley-Phase II Extension Project

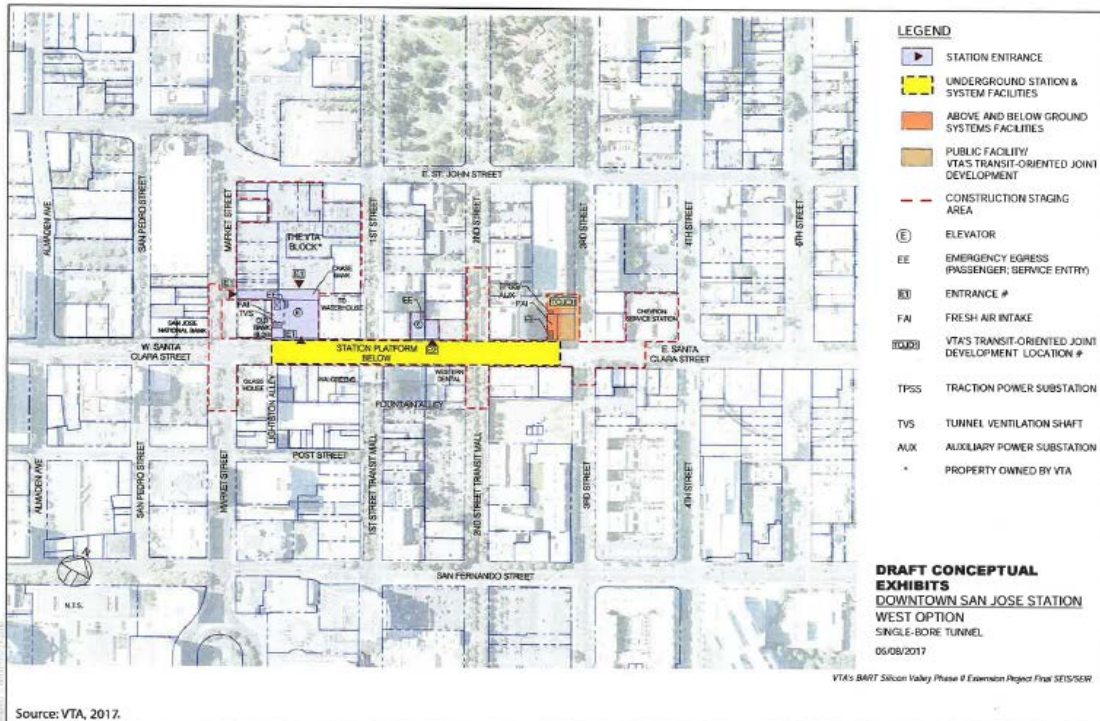


Figure 3
 Downtown San Jose Station West Option Plan (Single-Bore)
 VTA's BART Silicon Valley–Phase II Extension Project

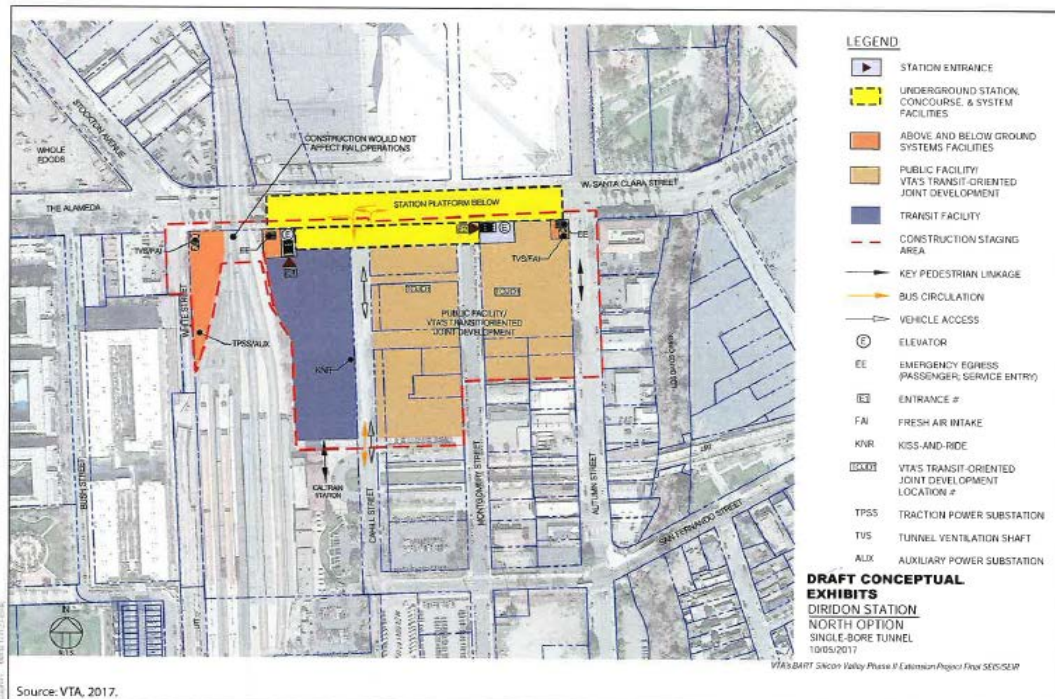


Figure 4
 Diridon Station North Option Plan (Single-Bore) (Revised)
 VTA's BART Silicon Valley–Phase II Extension Project

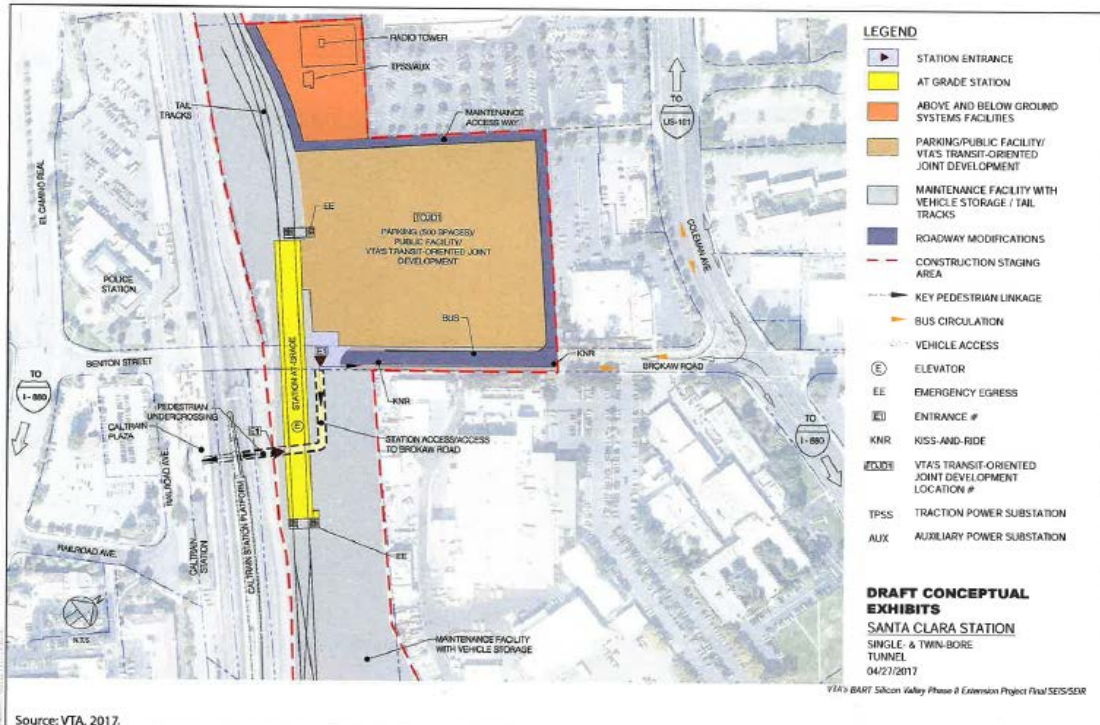


Figure 5
 Santa Clara Station (Twin-Bore and Single-Bore) (Revised)
 VTA's BART Silicon Valley-Phase II Extension Project

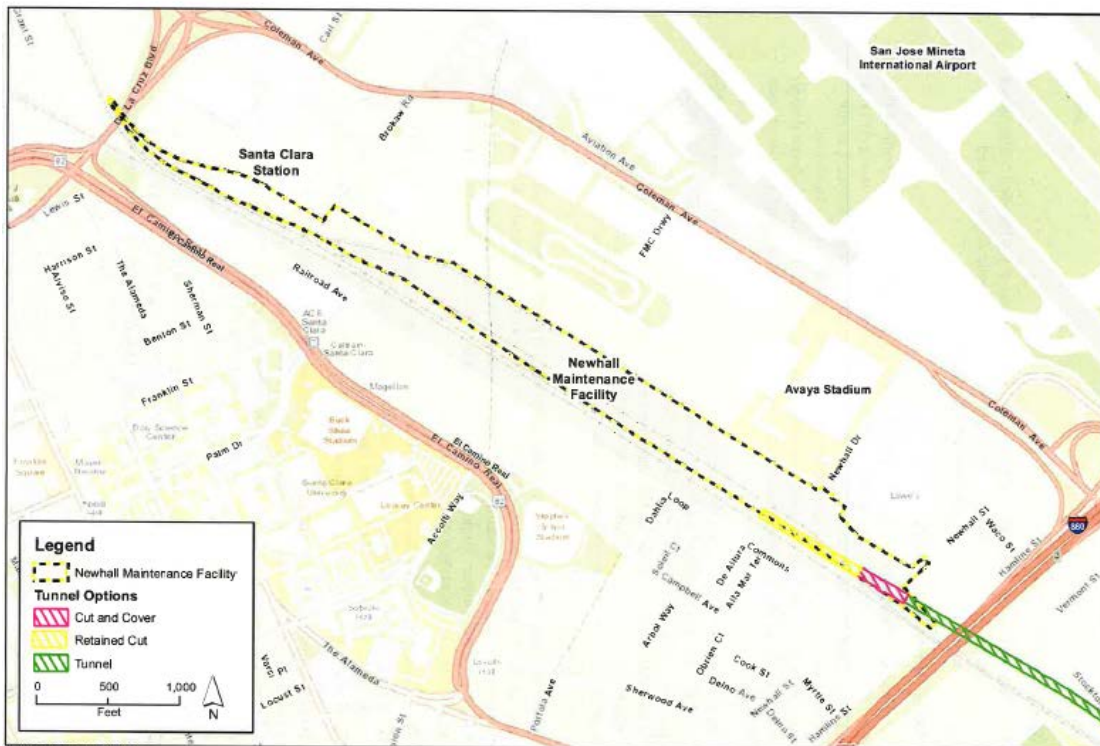


Figure 6
 Newhall Maintenance Facility
 VTA's BART Silicon Valley – Phase II Extension Project

Appendix B

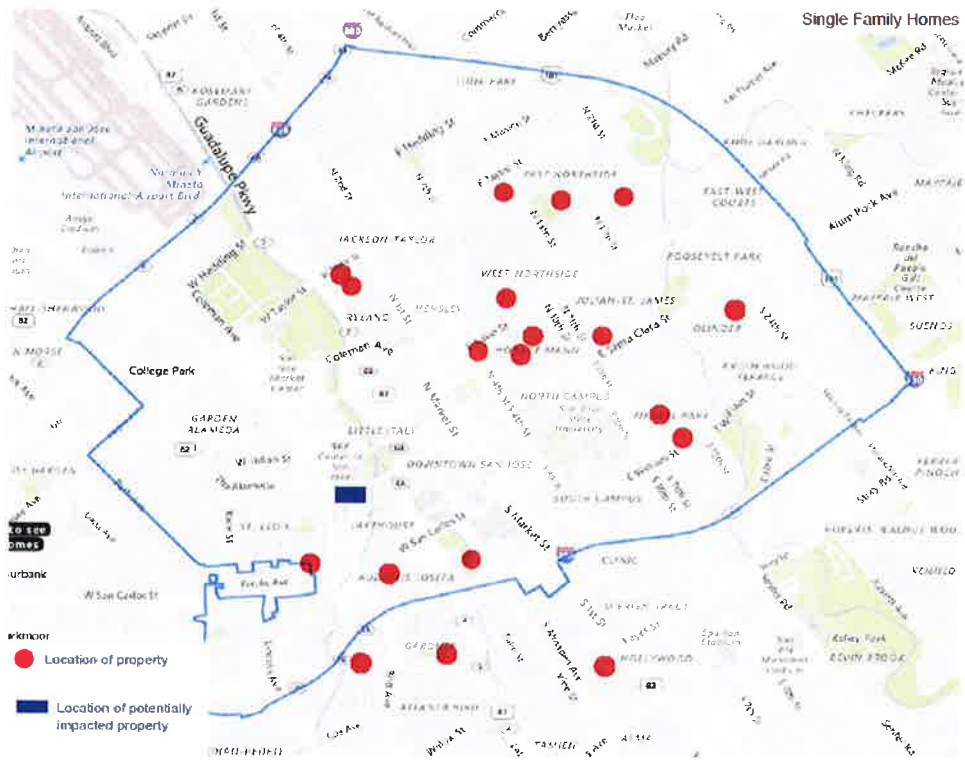
Residential Replacement Site Information

Appendix B
Residential Replacement Site Information

The Relocation Assistance Program will provide the advisory and monetary assistance necessary for households to secure comparable replacement housing. The information provided below is representative of the properties that might be available at the time that the households would be searching for comparable replacement housing.

Two-Bedroom Single Family Residences for Rent
Downtown San José Area

<i>Address</i>	<i>Monthly Rental Rate</i>
238 North 12 th Street at Julian	\$1,800
247 North 5 th Street	\$2,350
131 George Street	\$2,550
East Saint James at 7 th Street	\$2,650
Sunol Street at Pacific Avenue	\$2,695
296 Woz Way	\$2,700
607 North 13 th Street	\$2,750
478 North 20 th Street	\$2,795
1333 Essex Way	\$2,865
651 Miller Street	\$2,995
1169 Sherman Street	\$3,100
521 North 16 th Street	\$3,195
Jerome Street at Provost	\$3,200
20 South 21 st Street	\$3,400
373 North 8 th Street	\$3,400
730 Drake Street	\$3,450
373 North 8 th Street	\$3,500
3219 King Street	\$5,000

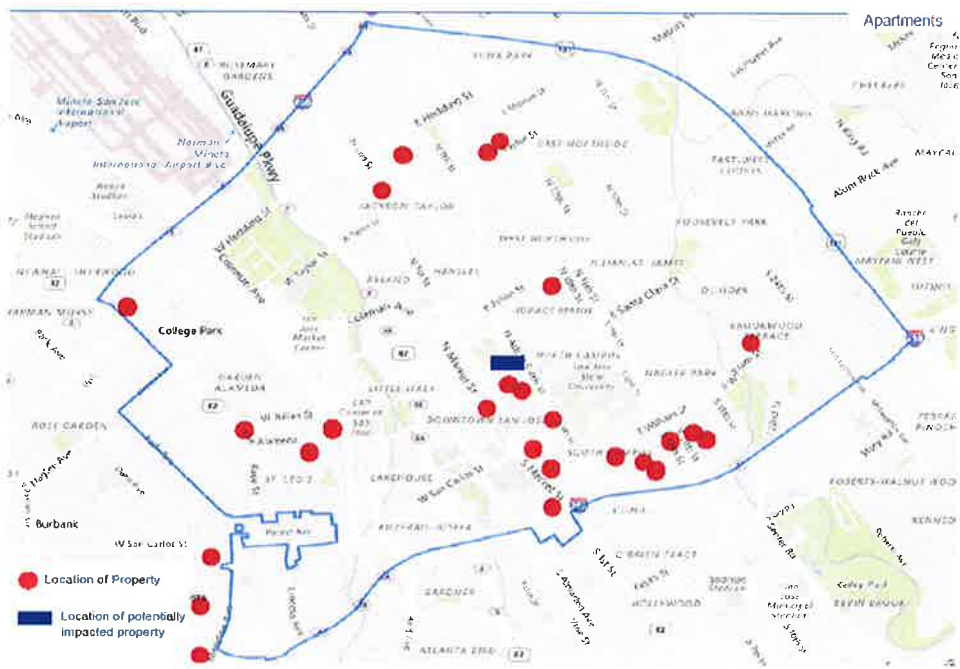


Eighteen two-bedroom single-family residences were listed for rent in the downtown San José area over the eight-week search period. This research would indicate that there are a sufficient number of comparable replacement dwellings in the area to accommodate the one tenant household who may be required to relocate for the Project.

**One-Bedroom Apartments for Rent
Downtown San José Area**

<i>Address</i>	<i>Monthly Rental Rate</i>
411 Clifton Avenue	\$ 1,650
10 th Street at Taylor	\$ 1,650
516-518 Chiechi Avenue (three available)	\$ 1,650
971 Whitethorn Drive	\$ 1,750
266 & 290 Perrymount Avenue (two available)	\$ 1,800
280 North 8 th Street	\$ 1,850
283 East Reed Street	\$ 1,850
628 South 10 th Street	\$ 1,950
North 4 th Street	\$ 1,950
40 Sunol Street	\$ 1,995
93 West Reed Street	\$ 2,095
561 South 7 th Street	\$ 2,095

<i>Address</i>	<i>Monthly Rental Rate</i>
950 Meridian Avenue	\$ 2,095
773 North 2 nd Street	\$ 2,095
322 South 19 th Street	\$ 2,100
101 East San Fernando Street	\$ 2,117
56 South 2 nd Street	\$ 2,125
201 South 4 th Street	\$ 2,418
201 South 12 th Street	\$ 2,501
787 The Alameda	\$ 2,650
1300 The Alameda (four available)	\$ 2,723
360 South Market Street	\$ 3,106
77 North Alameda Avenue (fifteen available)	\$ 2,813-4,456
1040 South 12 th Street	\$ 1,695- 1,995
33 S. 3 rd Street (six available)	\$ 2,595- 2,795
1432 West San Carlos Street (two available)	\$ 2,618-2,748
311 South 1 st Street (two available)	\$ 2,550-2,670



Fifty-four one-bedroom apartments were listed for rent in the downtown San José area over the eight-week search period. This research would indicate that there are a sufficient number of comparable replacement dwellings in the area to accommodate the eight tenant households who may be required to relocate for the Project. VTA may extend the period of time households have to identify and secure replacement housing. This would allow households to select from a greater number of rental units in the downtown San José area.

Appendix C

Non-Residential Replacement Site Information

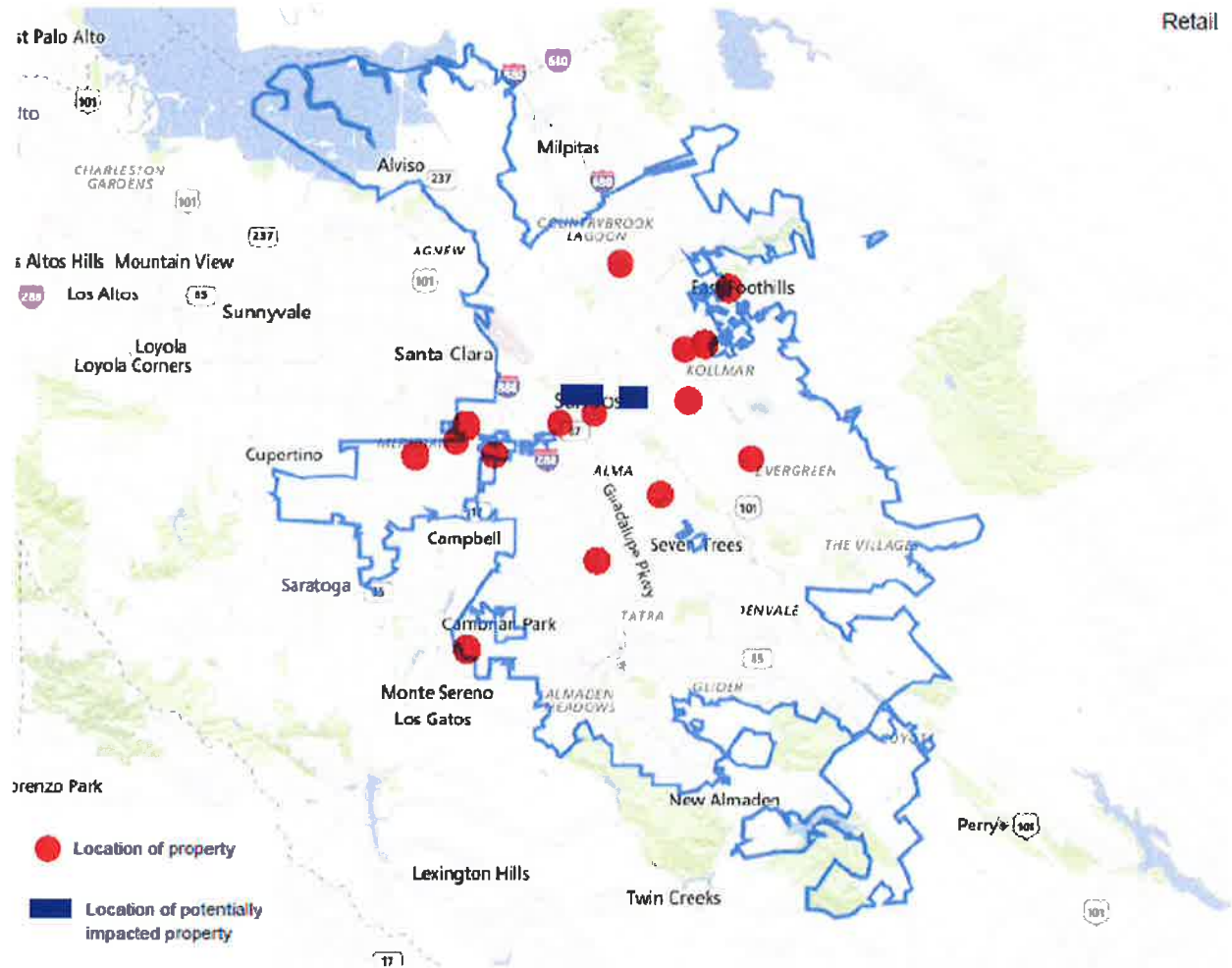
Appendix C Non-Residential Replacement Site Information

The Relocation Assistance Program will provide advisory assistance to businesses to identify viable properties to accommodate their business use. The information provided below is representative of the properties that might be available at the time businesses would be searching for replacement sites. Some properties would require Conditional Use Permits to accommodate the business uses. In addition, properties may require tenant improvements to meet the business' needs.

As many as 38 businesses may need to relocate to allow for Project development. Those businesses have been grouped into five general categories of use to allow for an analysis of impact and replacement site options. If a business is actually impacted by the Project, a Relocation Advisor will work closely with each business owner to determine specific replacement site needs and to help identify viable replacement sites for each business.

Category 1: General Retail, Office, Food Service, Nightclub/Bar Space in San Jose

<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Description</i>
110 Baytech Drive	27,988 sf	Not Disclosed	First Floor Creative Space, 2000 AMPS/277-480 Volts, Dock Loading
4620 Fortran Drive	10,000 sf	\$14,000/Month NNN	Open Floor Plan, Close to Freeways
1550 Leigh Avenue	18,987 sf	Not Disclosed	Single Story Freestanding Building, Corner Signage
2170-2190 Paragon Drive	46,032 sf	\$11.04/SF/Year	Flex Space Light Manufacturing
1155 North Capitol Avenue	1,500 sf	\$ 1.75/SF/Month	Office/Medical Office Space on Second Floor. Close to Ligh trail.
2365 Quimby Road, Suite 260	200-5,796 sf	Not Disclosed	Medical Office Space Second Floor.
3162 Newberry Drive, Suite 30	900 sf	\$27.60/SF/Year	Medical Office Space First Floor.
3162 Newberry Drive, Suite 40	1,225 sf	\$27.60/SF/Year	Medical Office Space First Floor.
455 O'Connor Drive, Suite 330	1,471 sf	\$33.00/Sf/Year	Medical Office Space Third Floor
2550 Samaritan Drive, Suite E	1,052 sf	Not Disclosed	Medical Office Space
2550 Samaritan Drive, Suite F	2,211 sf	Not Disclosed	Medical Office Space
2081 Forest Avenue	1,280 sf	Not Disclosed	Medical Office Space
1698 Story Road	4,587 sf	Not Disclosed	Freestanding Retail Space
2131 South 10 th Street	6,000 sf	\$6,000/Month	Retail Space/Office/Warehouse
840 The Alameda	1,500-3,783 sf	\$42 NNN/SF/Year	Divisible Office/Retail
175 South Capitol Avenue, Suite D	1,134 sf	\$2.75 NNN/SF/Month	Retail/Office/Medical Office Space
175 South Capitol Avenue, Suite I	1,206 sf	\$2.75 NNN/SF/Month	Retail/Office/Medical Office Space
3477 McKee Road	1,073 sf	\$ 3.50 NNN/SF/Month	Restaurant Space
3481 McKee Road	1,350 sf	\$3.50 NNN/SF/Month	Bakery Space
2652 Alum Rock Avenue, Suite E	985 sf	\$ 3.75 NNN/SF/Month	Restaurant Space
375 Saratoga Avenue, Suite N	1,080 sf	\$ 4.50 NNN/SF/Month	Retail/Restaurant Space
4750 Almaden Expressway, Suite 148	1,400 sf	\$ 2.75 NNN/SF/Month	Retail Space Full Storefront Glass and Private Office,
127 North 4 th Street	1,000 sf	\$2,000/Month	Office/Retail Space



Research for area retail, office and medical office space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Twelve businesses will need to relocate into space that might easily accommodate client access. Some of the businesses will require liquor licenses or special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

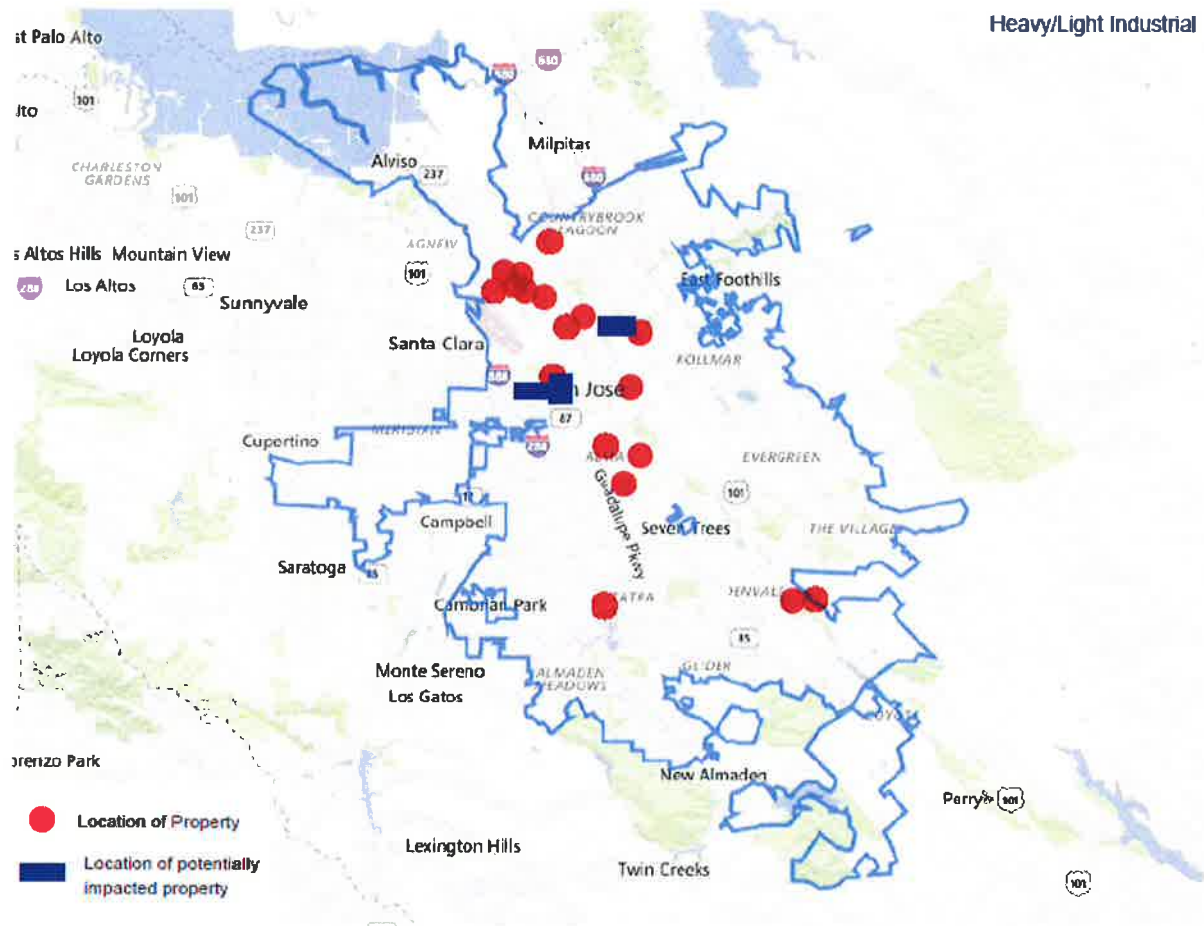
Category 2: Service Station, San José

No vacant service stations were found to be listed for sale or for lease during the search period. It is anticipated that an extended search period and a focused search enlisting area specialty Brokers may reveal area service stations for lease or for sale.

Category 3: Warehouse, Light Industrial and Heavy Industrial Use in San José

<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Description</i>
211 Ryland Street	2,900 sf office 700 sf warehouse	Not Disclosed	Office/Warehouse and 15,400 sf Yard Space
85 Keyes Street	2,000 sf industrial space	\$7,900/Month	Light Industrial Zoning, Roll Up Doors, 8,000 sf Yard Space
370 South 22 nd Street	14,000 sf	\$24.00/SF/Year	Industrial Warehouse, Roll Up Doors
2075 Bering Drive	39,744 sf	\$18.00/SF/Year	Industrial Warehouse
941 Berryessa Road	25,400 sf	\$14.40/SF/Year	Industrial Warehouse
6212 Hellyer Avenue	68,084 sf		Industrial Warehouse with 32' Clear Height, Dock High Doors, 1,000 Amp, 3-phase electric, new
326-330 Charcot Avenue	24,724-51,175 sf	Not Disclosed	Warehouse/Manufacturing Space, Dock High and Grade Level Doors, 2,000 Amps, 277/480 Volts, 3-phase, 24' Clear Height,
2520-2530 Zanker Road	55,600 sf	\$14.40/SF/Year	Warehouse/Manufacturing Space, Dock High and Grade Level Doors, 8250 Amps, 120/208 Volts, 3-phase, 24' Clear Height,
1766 Junction Avenue	50,000 sf	\$13.30/SF/Year	Industrial Warehouse Space
370-372 Piercy Road	12,050 sf	\$20.04/SF/Year	Industrial Warehouse Space, Light Manufacturing
1335 North 10 th Street	10,000 sf	\$1.20 Gross	Industrial Warehouse, Fenced Yard, Grade Level Doors, 14' Clear Height
350 West Trimble Road	463,512 sf	Not Disclosed	Industrial Manufacturing 6,000 Amps
1801 Smith Avenue	6,000 to 22,484 sf	\$13.80/SF/Year	Industrial Warehouse Space, Dock and Grade Level Doors, Heavy Industrial Zoning, 20' Clear Height, 600 Amps 208 Volt 3 Phase
2170 Oakland Road	8,170 sf	\$15.60 NNN/SF/Year	Light Manufacturing, 400 Amps 208 Volt, Grade Level Doors
1718 Stone Avenue	30,000 sf	\$14.40/SF/Year	Industrial Warehouse Space
3553 North 1 st Street	86,145 sf	Not Disclosed	Industrial Live/Work Unit

Heavy/Light Industrial



Six businesses will require Light Industrial or Heavy Industrial Warehouse space if they are required to relocate. Research for space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Some of the businesses will require special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

Category 4: Contractor Yard and Lots, San Jose

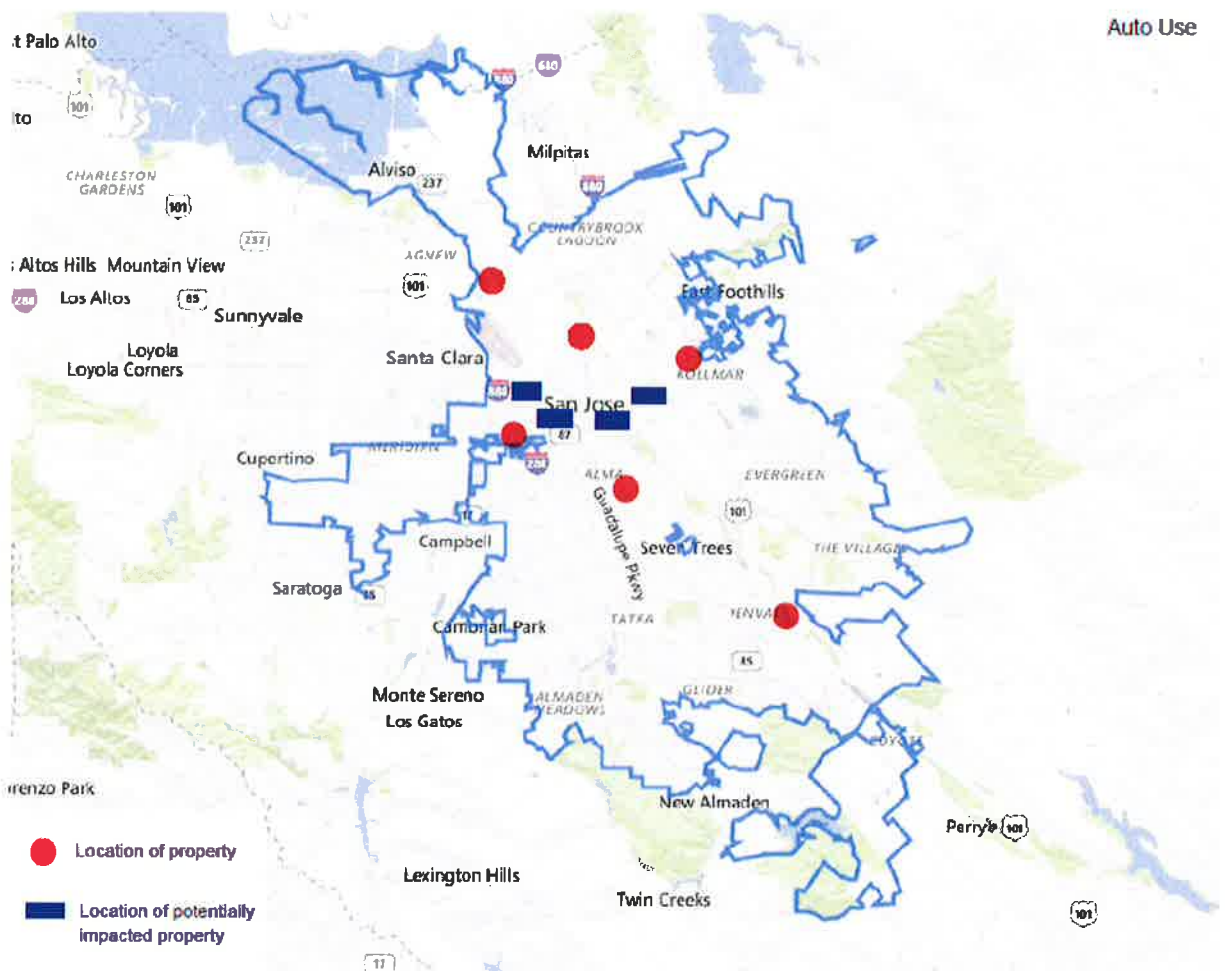
<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Comments</i>
1711 Junction Court	22,959 sf	Not Disclosed	Dock Doors, 24' Clear Height, Shared Yard
1810 South 7 th Street	21,650 sf on 1.70 acres	\$1.15 PSF, NNN	For sale at \$4,950,000
1815 South 10th Street	22,484 sf on .70 acres	\$1.45 PSF, NNN	For sale at \$4,150,000
San Carlos at Josefa Street	1,000 sf office 14,000 sf lot	Not Disclosed	Office/Storage and 14,000 sf lot.



Nine businesses may need to relocate to contractor yards or warehouse space with fenced yard areas. This search for contractor yard space was limited to San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Some of the businesses may require special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

Category 5. Automotive Use, San José

<i>Address of Site</i>	<i>City</i>	<i>Building Size</i>	<i>Lease Rate</i>
40-50 Cleveland Avenue	San José	4,945 sf	\$22.56/SF/Year
855 Service Street	San José	4,980 sf	Not Disclosed
31-93 South Capitol Avenue	San José	7,419 sf	\$19.20/SF/Year
2123 Bering Drive	San José	15,992 sf	\$16,20/SF/Year
2127-29 Monterey Highway	San José	9,640 sf	\$1.00 NNN/SF/Month



Research for area automotive use space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Ten automotive related businesses may be impacted by the Project. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

Appendix D

Sample General Information Notices

**BART Silicon Valley Phase II
Extension Project**



Sent Via First Class and Certified Mail
Return Receipt Requested

June 25, 2018

Contact
Address
City/State

Re: **Notice: VTA's BART Silicon Valley Phase II Extension Project
Relocation Assistance Program
General Information Notice and Informational Brochure**

APN: _____ P.I.N.: _____

Dear _____:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you own **may** be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you own at _____ ("the property") as a potential site that **may** be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you or your tenant are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Ms. Karen Eddleman at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact her at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Ms. Eddleman at AR/WS at 925-691-8500.

Sincerely,

Ron Golem
Deputy Director, Real Estate & Joint Development

Enclosures

**BART Silicon Valley Phase II
Extension Project**



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Return Receipt Requested

June 25, 2018

Contact
Business Name
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City/State

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This is not a notice to move. It is important that you continue to honor your existing lease agreement. No decision has been made to acquire the property you occupy. Therefore, if you move before VTA makes a written purchase offer and before VTA provides you with a Notice of Eligibility, you will **not** be eligible to receive relocation assistance. If it is determined that the property you occupy is needed for the Project, VTA will provide you with a Notice of Eligibility as soon as possible *after* the initiation of negotiations *and* it is determined that you are eligible to receive relocation benefits.

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Sincerely,

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Deputy Director, Real Estate & Joint Development

Enclosures

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Dear _____:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you occupy **may** be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you occupy at _____ ("the property") as a potential site that **may** be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

This is not a notice to move. It is important that you continue to honor your existing lease agreement. No decision has been made to acquire the property you occupy. Therefore, if you move before VTA makes a written purchase offer to the property owner and before VTA provides you with a Notice of Eligibility, you will **not** be eligible to receive relocation assistance. VTA will provide you with a Notice of Eligibility as soon as possible *after* the initiation of negotiations with the property owner *and* it is determined that you are eligible to receive relocation benefits.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Mr. Andrew Marchesano at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact him at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Mr. Marchesano at AR/WS at 925-691-8500.

Sincerely,

Ron Golem
Deputy Director, Real Estate & Joint Development

Enclosures

General Information Notice Fact Sheet for Businesses

Relocation Assistance Program Benefits. If the proposed Project moves forward and VTA acquires the property, you will be provided with advisory services and payments related to costs to move personal property and equipment. A summary of these benefits is contained in the enclosed Relocation Assistance Brochure, and generally include the following:

- Relocation Advisory Services
- Actual, Reasonable and Necessary Moving and Related Expenses
- Replacement Site Search Costs
- Reestablishment Expenses

If you are required to move, a Relocation Advisor will work with you throughout the relocation process. The Relocation Advisor is available to answer relocation questions, assist in completing claim forms, and keep displaced informed of the project schedule.

Right to Appeal. Persons displaced may appeal if they believe that VTA failed to properly determine eligibility or the amount of the payment required under the Relocation Regulations. All displaced persons have the right to be represented by legal counsel at their own expense, but legal representation is not required. If the appeal is denied, they may seek judicial review.

Minimum of 90 Days' Notice to Vacate. VTA will not require any legal occupants to vacate the property with less than 90 days written notice. It is VTA's goal to provide a written notice of eligibility as soon as an offer is presented to the property owner to enable you to have as much lead time as is feasible to secure a replacement site and to successfully relocate.

Commitment to Anti-Discrimination. VTA assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity on the grounds of race, color, national origin, age, gender, disability or religion as provided by the Civil Rights Act of 1964. Should you need language assistance for translation of documents or interpretation services, your Relocation Advisor will ensure that you receive such assistance at no cost to you. If you have a complaint against VTA or its third-party contractors, please call customer services at (408) 321-2300 or TTY (408) 321-2330 or via email to: customer.service@vta.org.

¿Puede leer este documento? Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

이 문서를 읽을 수 있습니까? 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300로 연락주시기 바랍니다.

Kaya mo bang basahin ang dokumentong ito? Kung hindi, matutulungan ka naming basahin ito. Para makatanggap ng librang tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

您是否能閱讀本文件? 若否, 我們能協助您閱讀。欲取得免費協助, 請聯絡VTA社區關係部專線 (408) 321-2300。
Bạn có thể đọc tài liệu này không? Nếu không, chúng tôi có thể giúp bạn đọc tài liệu này. Để được trợ giúp miễn phí, vui lòng gọi Bộ Phận Quan hệ Cộng đồng của VTA theo số (408) 321-2300.

Appendix E

Relocation Assistance Handbook – Residential

Relocation Assistance Handbook

Residential Occupants

A Summary of the Santa Clara Valley Transportation Authority's
Relocation Assistance Program for Federally Funded Projects

June 2018

This handbook is presented as a courtesy of Santa Clara Valley Transportation Authority and is intended to provide general information concerning the Relocation Assistance Program that may become available for residential occupants.

¿Puede leer este documento? Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

이 문서를 읽을 수 있습니까? 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300 로 연락주시기 바랍니다.

Kaya mo bang basahin ang dokumentong ito? Kung hindi, matutulungan ka naming basahin ito. Para makatanggap ng libreng tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

Relocation Assistance for Residential Occupants

Oftentimes, properties that are needed for a public project are occupied by residents, businesses, farms or non-profit organizations. The Santa Clara Valley Transportation Authority (VTA) is in the process of planning its project and has determined that certain properties currently occupied by owners or tenants potentially may be required for project construction. Such properties may be appraised in accordance with applicable state and federal laws, and a formal written offer may be presented to the owner of the real property. VTA will notify occupants promptly after it initiates negotiations for the purchase of the property so that the occupants are fully informed of the efforts to acquire the property and the possibility that the occupants may be required to move to allow for the project's development. In order to protect the rights of the occupants, the law provides that a displaced person can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

If a negotiated settlement cannot be reached with the property owner, VTA staff may request its Board of Directors to adopt a Resolution of Necessity, which authorizes the General Counsel to initiate an eminent domain action.

In the event it is determined that an occupied property is required for construction of a project, VTA will seek to minimize the impact caused by its project by providing impacted occupants with assistance in accordance with its established Relocation Assistance Program that includes personal relocation advisory assistance and monetary benefits for eligible displaced persons. On November 4, 2010, the VTA Board of Directors adopted federal and state relocation laws and regulations to ensure that uniform, fair and equitable treatment is afforded to persons displaced as a result of VTA's projects:

Federally Funded Projects: U.S. Code, Title 42, Chapter 61 "The Uniform Act"
49 Code of Federal Regulations Part 24

State and Locally Funded Projects: California Government Code Section 7260, et seq.
California Code of Regulations, Title 25, Chapter 6, §6000, et seq.

If a planned VTA project may require an occupant to move, a Relocation Advisor will work with the occupant throughout the process to provide detailed information, answer specific questions, and assist in finding a replacement site. Occupants should make full use of their services.

This brochure broadly summarizes VTA's Relocation Assistance Program for Residential Occupants. It describes the principal provisions of relocation legislation. Relocation regulations can be complicated and difficult to interpret. Therefore, persons reading this brochure are urged not to form advanced opinions as to the benefits and amounts to which they may receive. Strict requirements must be met before program eligibility can be established and benefit amounts are determined. Premature action may jeopardize eligibility for a relocation payment.

Definition of Terms

This Relocation Assistance Handbook incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined in federal regulations and are summarized below. Please refer to 49 CFR 24.2 for a more detailed presentation of definitions.

Comparable Replacement Dwelling. A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function and provides the same utility.
- Adequate in size to accommodate the occupants.
- In an area not subject to unreasonable adverse environmental conditions.
- In a location generally not less desirable with respect to public utilities and commercial and public facilities, and reasonably accessible to the occupant’s place of employment.
- On a site that is typical in size for residential development with normal site improvements and customary landscaping.
- Currently available to the displaced person on the private market. Persons receiving government housing assistance will be provided housing based upon housing program criteria.
- Within the financial means of the displaced person:
 - For a homeowner, a dwelling is considered to be within their financial means if they receive Replacement Housing Payments.
 - For a tenant occupant, a dwelling is considered to be within their financial means if they receive Replacement Housing Payments.
 - For low income tenant households (based on the U.S. Department of Housing and Urban Development income limits) a dwelling is considered housing if costs do not exceed 30% of the household’s average monthly income.
 - For a low-income tenant occupant household, either by the displaced person’s own means or through assistance from the Relocation Program.

Decent, Safe, & Sanitary (DS&S). In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size, with respect to the number of rooms and area of living space, to accommodate the displaced persons.
- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

Displaced Person/Occupant. Any person who moves from the real property or moves his or her personal property from the real property as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of such real property in whole or in part.

Dwelling. Dwelling is the place of permanent or customary and usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multi-family or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home or other residential unit.

Household Income. The total gross income received for a 12-month period from all sources (earned and unearned). Household income does not include program benefits that are not considered income by federal law such as food stamps and Women Infants Children (WIC) program. For detailed exclusions published by FHWA, please see https://www.fhwa.dot.gov/real_estate/policy_guidance/exclusions.cfm.

Initiation of Negotiations (ION). The date of delivery of the initial written offer of just compensation by VTA to the owner or the owner’s representative to purchase the real property for the project. If VTA issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the initiation of negotiations means the actual move of the person from the property.

Legal Residency. Each displaced person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify lawful presence in the United States. Occupants should speak with a Relocation Advisor if they cannot provide certification. Such occupants may be eligible for benefits through alternative assistance under the Relocation Program.

Low-Income Household. The U. S. Department of Housing and Urban Development’s Annual Survey of Income Limits for the Public Housing and Section 8 Programs identifies income levels for metropolitan areas (<https://www.huduser.gov/datasets/ura/ura18/IncomeLimits-URA-FY18.pdf>). Tenant households who can document that their total average gross household income is classified as “low income” may be eligible to receive additional housing assistance. In order for a household to qualify as “low income” in the San Jose, Sunnyvale, Santa Clara the gross household income must be at or below the following levels:

Fiscal Year 2018 Income Limits Summary							
U. S. Department of Housing and Urban Development							
1 Person	2 People	3 People	4 People	5 People	6 People	7 People	8 People
\$66,150	\$75,600	\$85,050	\$94,450	\$102,050	\$109,600	\$117,150	\$124,700

Owner of a Dwelling. A person who is considered to have met the requirements to own a dwelling if the person holds any of the following interests in that real property:

- Fee title, a life estate, a land contract, a 99-year lease or a lease including any options for extension with at least 50 years to run from the date of acquisition; or
- An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- A contract to purchase any interest or estate; or
- Any other interest, including a partial interest which, in the judgment of VTA, warrants consideration as ownership.

Person Not Displaced. Federal regulations provide a list of persons who do not qualify as eligible displaced persons which includes persons who move before the initiation of negotiations, persons who occupy the property after it is acquired, persons who occupy for the purpose of obtaining assistance, a person who is not required to relocate permanently, a person who is not required to relocate as a result of a partial acquisition of real property, persons who are notified in writing that eligibility for relocation assistance has been rescinded, an owner-occupant who voluntarily conveys property after being fully informed that VTA will not seek to condemn the property, a person who is determined to be an unlawful occupant, or a person who is not legally present in the United States.

Tenant. A person who has the temporary use and occupancy of real property owned by another.

Unlawful Occupant. A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. A person who is determined to be in unlawful occupancy prior to or after the ION, or a person who has been evicted for cause, under applicable law.

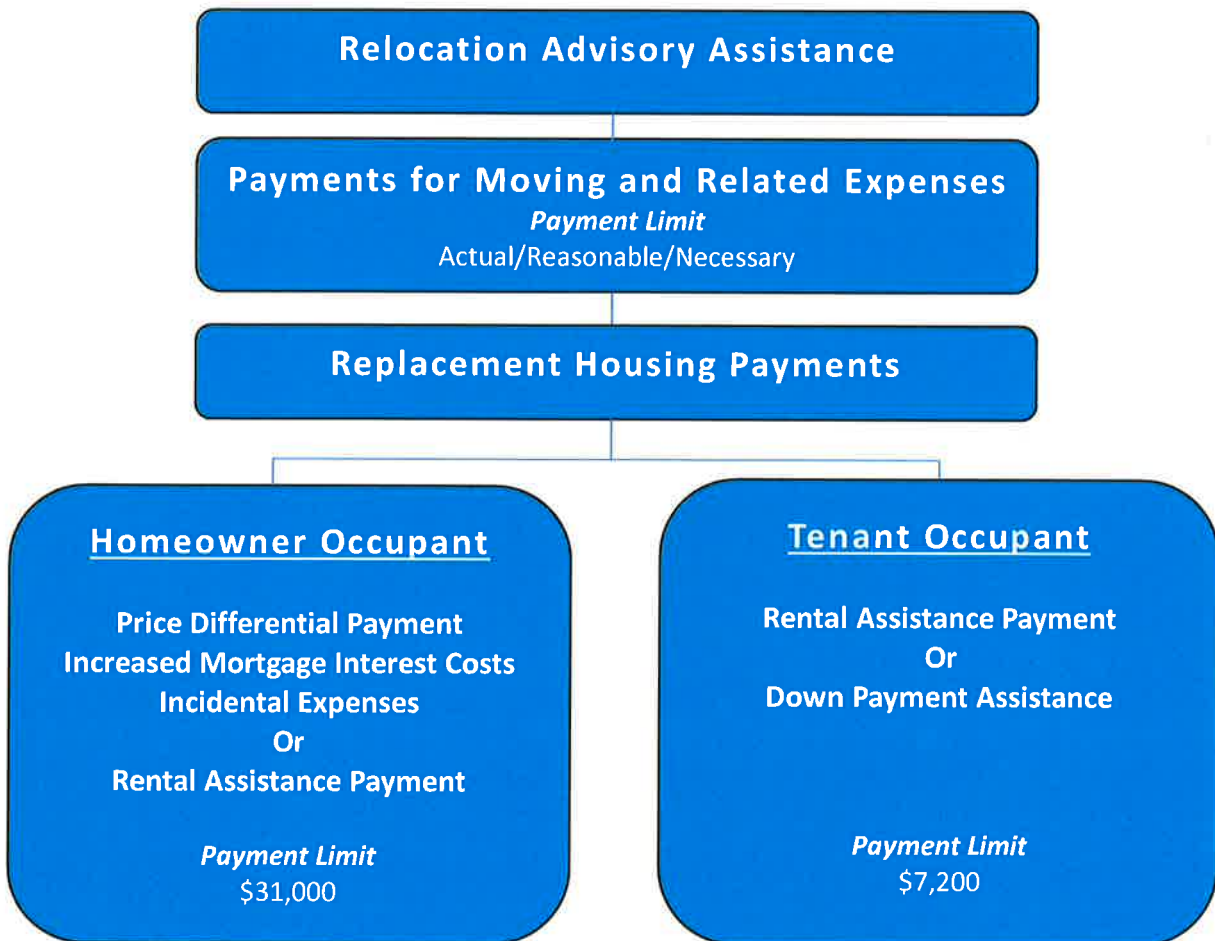
VTA's Relocation Assistance Program

State and federal law require that VTA adequately plan for how the Project might impact the community and occupants who may be required to relocate to allow for Project development. Therefore, VTA attempts to engage property occupants early in the planning process in order to provide information about the Project, potential impact, and available relocation assistance services. Displaced persons can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

In accordance with federal law and VTA's Relocation Assistance Program, VTA offers displaced persons both Advisory Services and Payments for eligible relocation costs. VTA's Relocation Assistance Program is broadly summarized on the following pages. Occupants are encouraged to speak with a Relocation Advisor and to read specific details in the regulations found in 49 CFR 24.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons and, therefore, does not anticipate every circumstance or question regarding the Relocation Program.

VTA's Relocation Assistance Program for Eligible Residential Occupants



Note: Households may qualify for Replacement Housing of Last Resort which may provide Replacement Housing Payments which exceed payment limits stated above.

Relocation Advisory Assistance

VTA contracts with experienced Relocation Advisors who will work with each displaced person to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Program and to learn more about the occupant's current housing and replacement site needs. The Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

VTA's goal is for each occupant to successfully relocate back into the community. It is important that an occupant actively participates in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

All displaced persons shall receive appropriate noticing that helps them understand the available benefits and the project schedule. A Relocation Advisor will assist in the search for comparable, decent, safe, and sanitary replacement housing that is available to the occupant and is within the household's financial means. Transportation will be offered to inspect housing referrals, if needed. An eligible occupant cannot be required to move unless at least one comparable replacement dwelling has been made available and the occupant has been given at least 90 days' advance written notice of the date by which they would be required to move. A Relocation Advisor will also prepare claim forms on behalf of each household and will help to file those claims for reimbursement under the Relocation Program.

Eligible displaced persons will be provided advisory assistance which may include assistance in the referral of complaints of discrimination to the appropriate federal, state or local fair housing enforcement agency. Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

Payments for Moving and Related Expenses

Each eligible displaced person is entitled to receive a moving payment to cover the cost to move personal property to a replacement home. The Relocation Program covers specific costs related to the move. Each household may elect one or a combination of the following three options for cost reimbursement:

One or a combination of the following

Commercial Move <i>Payment Limit</i> <i>Actual/Reasonable/Necessary</i>	Fixed Moving Payment <i>Payment Limit</i> FHWA Move Schedule	Actual Cost Move <i>Payment Limit</i> Invoices and Receipts
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Commercial Move. Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property for a distance up to 50 miles. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

Fixed Move Payment. A household may choose to move their own personal property to the replacement site and to submit a claim based on the following schedule.

Occupant Owns Furniture									Occupant does not own furniture	
Number of Rooms of Furniture								Add'l room	1 room/ no furn.	Additional room no furn.
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms			
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90

Actual Cost Move Based on Receipts. Payment is based upon receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover. This option allows the household to be reimbursed for any one-time utility reconnection fees, such as phone, gas, electric, and cable. VTA will participate in costs related to moving the occupant up to 50 miles.

Storage Costs. A displaced person may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. The need for such storage must be pre-approved by VTA and determined to be reasonable and necessary. Only property that is currently located at the affected site would be eligible for storage cost reimbursement. This option is available to persons who do not choose to be reimbursed under the Fixed Moving Payment.

Replacement Housing Payments

Replacement Housing Payments are available to eligible displaced persons to ensure that decent, safe and sanitary comparable replacement housing is available within their financial means. The type of replacement housing payment an occupant is eligible to receive depends on whether an occupant owns or rents a dwelling. To be fully eligible to receive Replacement Housing Payments, occupants must have legally occupied the dwelling 90 days or more prior to the initiation of negotiations. Persons who have occupied the dwelling for less than 90 days prior to initiation of negotiations could possibly become eligible for program benefits, once VTA is able to acquire the property and close escrow.

A Housing Valuation Study will be prepared to determine the cost of a comparable replacement dwelling. Each household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Replacement Housing Payment to which the household is entitled. Replacement Housing Payments will be made only when the household demonstrates that entitlement amounts have been or will be spent to purchase or rent comparable, decent, safe and sanitary replacement housing.

Replacement Housing Payments	
Homeowner Occupant	Tenant Occupant
Price Differential Payment Increased Mortgage Interest Costs Incidental Expenses Or Rental Assistance Payment	Rental Assistance Payment Or Down Payment Assistance
Payment Limit \$31,000	Payment Limit \$7,200
<i>Note: Households may qualify for Replacement Housing of Last Resort which may provide Replacement Housing Payments which exceed payment limits stated above.</i>	

Relocation Advisors will provide continuing information concerning available, comparable replacement dwellings in the area. Occupants may choose to purchase or rent a replacement dwelling that is decent, safe and sanitary in whatever community they choose. Occupants must work with a Relocation Advisor to coordinate an inspection of the replacement property prior to the occupant making a commitment to purchase or rent the dwelling.

An occupant may also be eligible for additional monetary assistance through VTA's Last Resort Housing Program. A Relocation Advisor will thoroughly explain the program and assess an occupant's potential eligibility.

Homeowner-Occupants. If a homeowner has owned and occupied a dwelling for at least 90 days immediately prior to the initiation of negotiations for a property, the homeowner may be eligible to receive a payment of up to \$31,000 to assist with the increased cost to purchase a comparable, decent, safe and sanitary replacement dwelling. This payment is in addition to the amount VTA pays for the purchase of the property. VTA will compute the maximum payment a homeowner is eligible to receive. A homeowner must purchase and occupy a replacement dwelling within one year from the date of purchase of the displacement dwelling by VTA. A homeowner occupant's Replacement Housing Payment has three components:

1. **Price Differential Payment** – is a payment made for the difference between the cost of a comparable replacement dwelling and the cost VTA pays for the acquired property; and
2. **Mortgage Interest Differential Payment** – the amount which covers the increased interest costs, if any, required financing a replacement dwelling. To be eligible, the acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 90 days immediately prior to the initiation of negotiations; and
3. **Incidental Expenses Payment** – for one-time incidental costs related to the purchase of a comparable replacement dwelling, such as escrow fees, recording fees and credit reports. Recurring expenses such as prepaid taxes and insurance premiums are not compensable. Some incidental expenses are pro-rated.

An owner-occupant, who **chooses to rent rather than purchase** a replacement dwelling, may be eligible to receive a rental assistance payment of up to the amount available under the Price Differential Payment option, explained above. The payment would be based on the difference between the monthly economic rental value of the occupied dwelling and the amount of monthly rent required for a comparable replacement dwelling, as determined by VTA, multiplied by 42.

Tenant-Occupants. Tenants (and certain owners in occupancy for less than 90 days) may be eligible for a payment of up to \$7,200 to assist in renting or purchasing a comparable replacement dwelling. This payment is designed to enable an occupant to rent a comparable decent, safe, and sanitary replacement dwelling for a 42-month period. If an occupant qualifies, and **wishes to rent** a replacement dwelling, the maximum rental assistance payment will be based on the difference, over a 42-month period, between the monthly rental cost (including utilities) of a comparable replacement dwelling and the **lesser of** current average rent and utilities or thirty percent (30%) of the household’s average monthly household income. The assistance is calculated as shown below and is available to help with actual increased housing costs for 42 months. This amount will be paid directly to the tenant or to the tenant’s designee.

If the tenant is determined to be low-income, they may receive additional assistance to secure housing.

Computation for Monthly Replacement Housing Payments

Lesser of:

Cost to Rent Comparable Replacement Housing + Estimated Utility Costs

or

The Actual Cost to Rent Comparable Replacement Housing + Estimated Utility Costs

Minus the Lesser of:

Current Rent + Average Monthly Utilities

or

30% of the Household’s Gross Monthly Income **if household is “Low Income”¹**

Eligible tenant-occupants may choose to purchase (rather than rent) a replacement dwelling. The Replacement Housing Payment can be converted into a down payment to purchase a decent, safe and sanitary replacement home within one year of the date the household moves from the acquired property. The amount of the down payment shall not exceed the amount of a reasonable down payment for a comparable dwelling plus expenses incident to the purchase. For additional information regarding this payment option, please speak with a Relocation Advisor.

Replacement Housing of Last Resort

Replacement Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable, decent, safe and sanitary replacement housing is within the financial means of the displaced person. Last Resort Housing is a procedure wherein the Replacement Housing Payment may exceed the indicated monetary limits above to enable a displaced person to relocate to comparable, decent, safe and sanitary replacement housing within their financial means. VTA has considered several methods to provide Replacement Housing of Last Resort to qualified displaced persons:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with a comparable, affordable dwelling. All payments are based on the most comparable replacement property as approved in the Housing Valuation Study. As with all other replacement housing payments, displaced occupants must meet requirements in order to claim payments.

¹ As determined by the U.S. Department of Housing and Urban Development’s Annual Survey of Income Limits that determine eligibility for assisted housing programs (<https://www.huduser.gov/portal/datasets/il.html>)

2. New replacement housing could be constructed, existing housing could be rehabilitated, or funds could be provided for private parties to rehabilitate existing units for occupancy by displaced households.
3. Provision of a Housing Voucher or other subsidized housing option.

All households who are eligible to receive assistance under Replacement Housing of Last Resort, will be notified in writing. Typically, this information is included in the Conditional Entitlement Letter.

Additional Program Information

Claim Processing and Distribution of Payments. All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist in completing claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all displacement and replacement properties as needed. Each claim will be submitted to VTA along with documentation for review and processing.

The time limit to file claims with VTA is 18 months from the later of (1) the date on which the claimant receives final payment for the real property or, (2) the date which the property is vacated. Approved, fully documented claims submitted to VTA are typically paid within 30 days. Checks will be delivered to the household or to the household's designee. Advance payments may be provided, on a case-by-case basis, when a later payment would result in financial hardship.

Appeal and Grievance Process. Displaced persons have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or VTA and/or VTA's property management practices. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information.

Eviction Policy. It is important that each tenant-occupant continues to pay rent to their current landlord. Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, the evicted tenant would not be considered a "displaced person" and, therefore, would not be eligible to receive relocation assistance payments.

If VTA takes possession of the property, the household will be required to pay rent in accordance with the existing rental agreement. Failure to pay rent can result in a deduction from payments owed to the household and/or eviction. If a household receives a Notice to Vacate and VTA is required to take legal action to move the household from the property, they will seek rent and damages.

Relocation Payments are Not Considered Income. 49 CFR 24 states that no relocation payment received by a displaced person shall be considered as income for the purpose of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or any other federal law, except for any federal law providing low-income housing assistance. Occupants should always consult their tax advisor for current tax information.

This is Not a Notice to Vacate. No eligible household will be required to move until/unless comparable, decent, safe and sanitary replacement housing is available within the household's financial means and they have received at least 90-days advance written notice of the date by which they must vacate.

Title VI – VTA's Non-Discrimination Policy

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with VTA. Federal and state law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident. To request additional information on VTA's non-discrimination obligations or to file a Title VI Complaint, please call customer services at (408) 321-2300 or TTY (408) 321-2330 or via email to: customer.service@vta.org.

Should language assistance be required, it will be provided at no cost. A Relocation Advisor can arrange assistance for language assistance upon request.

Fair Housing Laws

Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe and sanitary housing, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require VTA to provide a person a larger payment than what may already be necessary to enable a person to relocate to a comparable replacement dwelling.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons. No summary relocation law can anticipate every circumstance or question regarding the Relocation Program. It is important that each household works closely with a Relocation Advisor to identify any special circumstances that need to be addressed when searching for replacement housing. No household should commit to renting or purchasing a replacement dwelling until the home has been inspected by a Relocation Advisor. A Relocation Advisor is available to assist in the relocation process and will explain each person's rights and help to obtain the relocation payments and other assistance for which they are eligible.

Notes

Appendix F

Relocation Assistance Handbook – Non Residential

Relocation Assistance Handbook

Businesses, Farms and Non-Profit
Organizations

A Summary of the Santa Clara Valley Transportation Authority's
Relocation Assistance Program for Federally Funded Projects

June 2018

This handbook is presented as a courtesy of Santa Clara Valley Transportation Authority and is intended to provide general information concerning the Relocation Assistance Program that may become available for non-residential occupants.



Solutions that move you

¿Puede leer este documento? Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

이 문서를 읽을 수 있습니까? 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300 로 연락주시기 바랍니다.

Kaya mo bang basahin ang dokumentong ito? Kung hindi, matutulungan ka naming basahin ito. Para makatanggap ng libreng tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

Relocation Assistance for Businesses, Farms and Non-Profit Organizations

Oftentimes, properties that are needed for a public project are occupied by residents, businesses, farms or non-profit organizations. State and federal law require that the Santa Clara Valley Transportation Authority (VTA) contact these occupants as soon as negotiations for the property begins so that the occupants are fully informed of the efforts to acquire the property and the possibility that the occupants may be required to move to allow for the project's development. In order to protect the rights of the occupants, the law provides that a displaced person can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

VTA is in the process of planning its project and has determined that certain properties currently occupied by owners or tenants potentially may be required for project construction. Such properties may be appraised in accordance with applicable state and federal laws, and a formal written offer may be presented to the owner of the real property. If a negotiated settlement cannot be reached, VTA staff may request its Board of Directors to adopt a Resolution of Necessity, which authorizes the General Counsel to initiate an eminent domain action.

In the event it is determined that an occupied property is required for construction of a project, VTA will seek to minimize the impact caused by its project by providing impacted occupants with assistance in accordance with its established Relocation Assistance Program that includes personal relocation advisory assistance and monetary benefits for eligible displaced persons. On November 4, 2010, the VTA Board of Directors adopted federal and state relocation laws and regulations to ensure that uniform, fair and equitable treatment is afforded to persons displaced as a result of VTA's projects:

Federally Funded Projects:	U.S. Code, Title 42, Chapter 61 "The Uniform Act" 49 Code of Federal Regulations Part 24
State and Locally Funded Projects:	California Government Code Section 7260, et seq. California Code of Regulations, Title 25, Chapter 6, §6000, et seq.

A Relocation Advisor will work with the occupant throughout the process to provide detailed information, answer specific questions, and assist in finding a replacement site. Occupants should make full use of their services.

This brochure broadly summarizes VTA's Relocation Assistance Program for Businesses, Farms and Non-Profit Organizations. It describes the principal provisions of relocation legislation. Relocation regulations can be complicated and difficult to interpret. Therefore, persons reading this brochure are urged not to form advanced opinions as to the benefits and amounts to which they may receive. Strict requirements must be met before program eligibility can be established and benefit amounts are determined. Premature action may jeopardize eligibility for a relocation payment.

Definition of Terms

This Relocation Assistance Handbook incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined in federal regulations and are summarized below. Please refer to 49 CFR 24.2 for a more detailed presentation of definitions.

Displaced Person/Occupant. Any lawful person (individual, family, partnership, association, business or corporation) who moves from real property, or moves personal property from real property, as a direct result of VTA's written notice to vacate the property required for a project. In the case of a partial acquisition, VTA will determine if a person is displaced as a direct result of the acquisition.

Business. Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacturing, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display(s) must be moved as a result of acquisition of property for the project.

Non-Profit Organization. A public or private entity that has established its nonprofit status under applicable federal or state law.

Small Business. A business having not more than 500 employees working at a site being acquired, which is the location of economic activity. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of the Uniform Relocation Act and its implementing regulations.

Initiation of Negotiations (ION). Generally, the date VTA delivers the initial written offer to the property owner with the intent to initiate negotiations to purchase the property for a public project. In rare cases, VTA may present a Notice of Intent to Acquire to a property owner and tenant in order to establish an earlier ION and allow parties to become eligible to receive relocation assistance.

Legal Residency. Each displaced person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify lawful presence in the United States of America. Occupants should speak with a Relocation Advisor if they cannot provide certification. Such occupants may be eligible for benefits through alternative assistance under the Relocation Program.

Unlawful Occupancy. A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law prior to or at the time of the ION. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

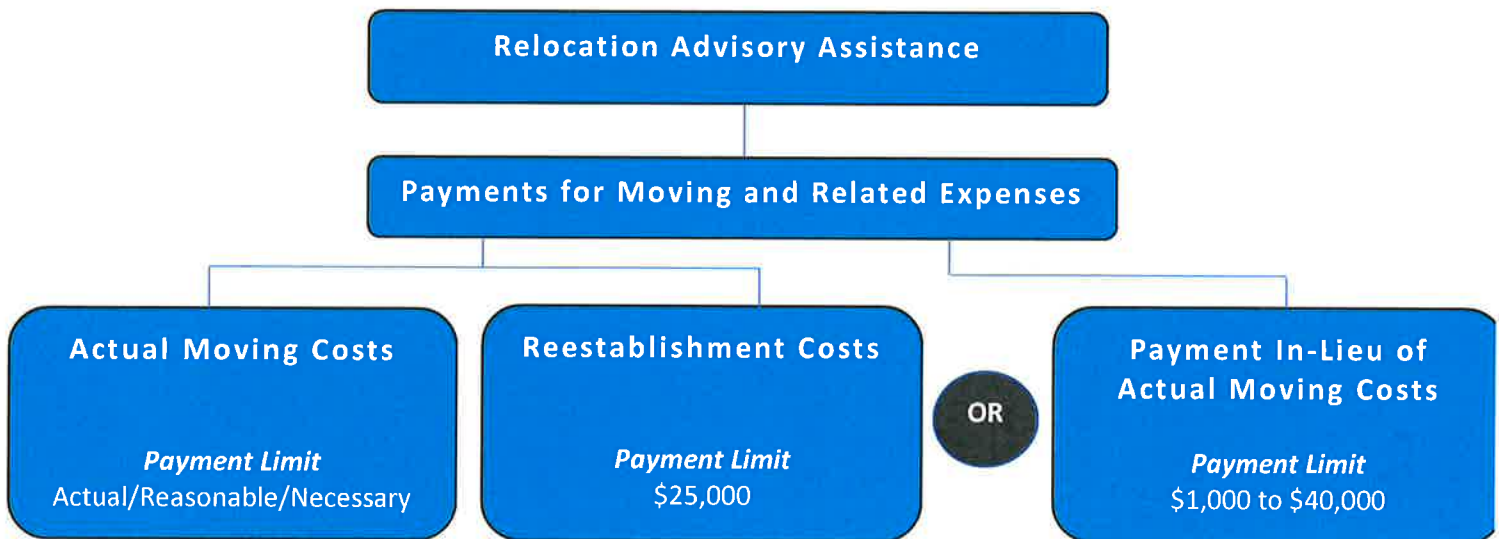
VTA's Relocation Assistance Program

State and federal law require that VTA adequately plan for how the Project might impact the community and occupants who may be required to relocate to allow for Project development. Therefore, VTA attempts to engage property occupants early in the planning process in order to provide information about the Project, potential impact, and available relocation assistance services. Displaced persons can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

In accordance with federal law and VTA's Relocation Assistance Program, VTA offers displaced persons both advisory services and payments for eligible relocation costs. VTA's Relocation Assistance Program is broadly summarized in the chart below and on the following pages. If an occupant is eager to learn more about the assistance that may be available to them, they are encouraged to speak with their Relocation Advisor and to read specific details in the regulations found in 49 CFR 24.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons. No handbook summarizing relocation law can anticipate every circumstance or question regarding the Relocation Program.

VTA's Relocation Assistance Program for Eligible Businesses, Farms and Non-Profit Organizations



Relocation Advisory Assistance

VTA contracts with experienced Relocation Advisors who will work with each displaced person (occupant) to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Program and to learn more about the occupant's current operation, facility and replacement site needs. The Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

VTA's goal is for each occupant to successfully relocate back into the community. Relocation Advisors work closely with each occupant so that the Advisor can better understand the needs of the occupant and help the occupant understand the assistance that is available to them and to help the occupant make claims for payment. It is important that an occupant do everything a prudent business owner would do to relocate to a replacement site and maintain its goodwill. This includes actively participating in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

Payments for Moving and Related Expenses

An eligible business or non-profit organization may request reimbursement on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if an occupant moves themselves. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

Each occupant will need to provide an inventory of the personal property to be moved and advance notice of the approximate date of the move. A Relocation Advisor must be allowed to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess eligibility for certain moving payments.

An occupant may file a claim for whatever costs it would like to submit. Claims are filed through the Relocation Advisor who will assist the occupant to document the claim. The Relocation Advisor will then package the claim and submit the claim to VTA for review. If all or part of a claim is approved, payment will be processed and a check will be delivered to the occupant within approximately 30 days. If all or a part of the claim is denied, the occupant will be paid for the portion of the claim that was approved and will receive a letter detailing the reasons for the denial. The occupant will also receive additional information related to VTA's Relocation Appeal Process.

VTA weighs all claims against the standards set forth in the law and regulations which require that payment be made to reimburse occupants for eligible actual, reasonable and necessary costs.

Actual:	The cost must actually be incurred and must be related to moving the personal property from the property VTA would like to acquire or be an actual cost to reestablish the occupant at a replacement site.
Reasonable:	The cost must be reasonable. VTA measures reasonableness by a number of factors, including, but not limited to getting multiple detailed estimates for each cost.
Necessary:	The cost must be necessary and related to the moving or personal property from the property VTA would like to acquire or be necessary to reestablish the occupant at a replacement site.

Actual Moving Costs

An occupant may claim reimbursement for actual, reasonable and necessary moving costs related to moving personal property. Eligible expenses under this category are described below. An occupant may seek reimbursement under one or a combination of the following options:

- Option 1: **Commercial Move.** An occupant can secure two reasonable, detailed moving bids for the cost to perform the move of personal property. VTA will review the bids and will indicate approval of the lower bid prior to the move date. An occupant can then hire a commercial mover to perform all or part of the move of the personal property. The occupant then submits documentation of the contract and proof that the move has been completed and the contractor has been paid.
- Option 2: **Self-Move.** An occupant can elect to move all or a portion of the personal property. There are two choices for reimbursement under this option:
- A. Occupant secures two reasonable, detailed bids for the cost to move items of personal property. Occupant enters into a Self-Move Agreement with VTA to accept the lower of the two bids as compensation. Occupant performs a self-move of the personal property and demonstrates to VTA that the move has been completed.
 - B. Occupant performs the move and keeps detailed receipts for labor, materials and equipment and submits the documentation to VTA for payment once the move is completed.

The word "move" is used to capture the various facets of the costs related to preparing for the move of personal property and various costs to reconnect the personal property. A more detailed itemization of eligible costs is listed below.

- Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business or non-profit organization was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building; it also includes modification to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it

to the replacement structure, replacement site or the utilities at the replacement site and modification necessary to adapt the utilities at the replacement site to the personal property.

- Storage of personal property for a period generally not to exceed 12 months, as determined by VTA to be necessary in connection with relocation. These expenses must be pre-approved.
- Insurance of personal property while in storage or transit; and
- The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not available.
- The cost of any license, permit, fee or certification that is required to the extent such cost is necessary to the reestablishment of the operation at a new location. However, payment shall be based on the remaining useful life of the existing license, permit or certification.
- The reasonable cost of any professional service (including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges) necessary for the planning of the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site. These expenses must be preapproved by VTA.
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing and marketing studies. A business owner may elect to work with a move planner. VTA will reimburse a business owner for these costs under the following conditions:
 - Business works with Relocation Advisors and professional move planners to develop an approved Scope of Services;
 - Business provides VTA with two detailed Scope of Services and Fees (including hourly rates) from two professional mover planning companies;
 - The Scope, Fee and Hourly Rate is pre-approved in writing by VTA;
 - The professional move planner submits deliverables as directed by VTA;
 - No fees other than those specifically related to the moving of personal property will be approved for payment;
 - No fees related to developing claim forms will be approved for payment.
- Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
- Impact fees or one-time assessment for anticipated heavy utility usage.
- Reimbursement of up to \$2,500 for time spent searching for a replacement property. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search. Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, related time obtaining permits and attending zoning hearing, and time spent negotiating for a replacement site. Commission and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.
- Other moving and related expenses not listed as ineligible as VTA determines to be reasonable and necessary.

Again, all costs must be actual, reasonable and necessary. Only those costs that could not have been avoided or substantially reduced at an alternate available site will be considered eligible. This is not an inclusive list of moving related expenses. A Relocation Advisor will provide a complete explanation of reimbursable expenses specific to the occupant's needs.

Alternative Options for Items Not Moved. At times, occupants find that it is not ideal for them to relocate a piece of personal property. There are several options to be reimbursed for items that are not actually moved. They are briefly described below. A Relocation Advisor can provide clearer direction on these options based on the personal property being addressed.

Direct Loss of Tangible Personal Property. When an occupant chooses not to move an item of personal property and chooses not to replace it at the new location, the occupant may be eligible for a payment for the actual direct loss of tangible personal property. This payment is based on the lesser of:

- (1) the value of the item for continued use at the site less the proceeds from its sale, or
- (2) the estimated reasonable cost of moving the item.

Substitute Personal Property. When an occupant chooses not to move an item of personal property but instead chooses to substitute it with a comparable item at the new location, an occupant may request reimbursement in an amount not to exceed the lesser of:

- (1) the replacement cost, minus any net proceeds from its sale, or
- (2) the estimated cost of moving the original item.

Low Value High Bulk Property. If VTA considers an item of personal property to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new location.

Costs Not Eligible for Reimbursement Under Actual Moving Costs. Certain items that are not eligible for reimbursement under the Relocation Program. There is no assistance with the costs:

- Moving structures or any other item of real property improvement.
- Interest on a loan.
- Loss of goodwill, loss of profits, or loss of trained employees.
- Additional operating expenses at the new location (except as provided for under Reestablishment).
- Personal injury.
- Preparing claims for a relocation payment (legal or professional services fees).
- Searching for a replacement dwelling.
- Physical changes to the real property at the replacement site that are not specifically related to reconnecting moved personal property or under Reestablishment.
- Storage costs on real property owned or leased by occupant.
- Refundable security deposits and utility deposits.

Reestablishment Expenses

A small business or non-profit organization may be eligible for a payment, not to exceed \$25,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business or non-profit organization must have not more than 500 employees working at the site VTA is attempting to acquire.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by federal, state, and local laws, codes or ordinances.
- Modifications to the replacement real property to accommodate the business operation or to make the replacement structures suitable for the operation.
- Construction and installation costs of exterior signs to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as painting, wallpapering, paneling, or carpeting.
- Advertising the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Other items that VTA considers essential for reestablishment.

The following is a nonexclusive listing of reestablishment expenditures **not** considered to be reasonable and necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site which are for aesthetic purposes.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

Fixed Payment In-Lieu Actual Moving Costs

A displaced business, non-profit organization, or farm operation may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000.

For an occupant to be eligible for a fixed payment, VTA must determine the following:

- Occupant owns or rents personal property that must be moved due to the displacement.
- Occupant cannot be relocated without a substantial loss of its existing patronage.
- Occupant is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by VTA's project.

- Occupant contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for non-profit organizations are slightly different than business requirements. The computation for non-profit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified. Occupants who are interested in claiming a fixed payment, should consult a Relocation Advisor for additional information.

Computation of the Fixed Payment. The fixed payment for a displaced business is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by VTA. An occupant must provide proof of net earnings to support the claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA.

Additional Program Information

Title VI – VTA’s Non-Discrimination Policy. Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with VTA. Federal and state law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident. To request additional information on VTA’s non-discrimination obligations or to file a Title VI Complaint, please call VTA Customer Service at (408) 321-2300 or TTY (408) 321-2330 or via email to: customer.service@vta.org.

Should language assistance be required, it will be provided at no cost. A Relocation Advisor can arrange assistance for language assistance upon request.

Claim Processing and Distribution of Payments. All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the occupant in completing claim forms, will notify occupants of the documentation needed in order to file the claim, and will inspect the displacement and replacement properties as needed. Each claim will be submitted to VTA along with documentation for review and processing. All claims filed with VTA shall be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the real property or, (2) the date on which the property is vacated. Once a fully documented and complete claim is submitted to VTA, if approved, a check should be available within 60 days. Checks will be delivered to the claimant or claimant’s designee. Advance payments may be provided, on a case-by-case basis, when a later payment would result in financial hardship to the business.

Appeal and Grievance Process. Displaced persons will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or VTA and/or VTA’s property management practices. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information.

Eviction Policy. Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits.

Relocation Payments are Not Considered Income. 49 CFR 24 states that no relocation payment received by a displaced person shall be considered as income for the purpose of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or any other federal law, except for any federal law providing low-income housing assistance. Occupants should always consult their tax advisor for current tax information.

This is not a notice to vacate. No eligible occupant in legal occupancy will be required to move without at least 90-days advance written notice of the date by which they must vacate.

Current Rental Agreement. It is important that each tenant continues to pay rent to their current landlord. If VTA takes possession of the property, the tenant will be required to pay rent. Failure to pay rent can result in a deduction from payments owed to the occupant and/or eviction. If an occupant receives a Notice to Vacate and VTA is required to take legal action to move the entity from the property, they will seek rent and damages.

Loss of Business Goodwill Information. A business, farm or non-profit organization may be eligible to claim a loss of business goodwill. California law provides that under the circumstances detailed below, a business owner may be compensated for a loss of goodwill. Section 1263.510 of the California Civil Code of Procedure states:

(a) The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:

1. The loss is caused by the taking of the property or the injury to the remainder.
2. The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
3. Compensation for the loss will not be included in payments under Section 7262 of the Government Code.*

*Section 7262 of the Government Code refers to compensation to displaced persons for moving and related expenses as a part of the cost of the acquisition of real property for a public use. Compensation for the loss of goodwill under Section 1263.510 of the California Civil Code of Procedure will only be made to the extent such loss is not compensated for under Section 7262.

4. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

(b) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old or acquisition of new patronage.

Any entitlement is contingent upon the business owner's ability to prove such loss in accordance with the provisions of the California Code of Civil Procedure.

Notes

Appendix G

Comments and Responses to Draft Relocation Plan

Public Comment

Public Comment Number:	1
Comment Received From:	William Lyon, Property Owner Lyon-Edison Investment Company, LLC
Form and Date of Comment:	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 6, 2018
Property Referenced:	664 and 656 Stockton Avenue, San José, CA
Comments:	See Attached Public Comment 1 Letter

Public Comment Number:	2
Comment Received From:	William Lyon, Property Owner Lyon-Edison Investment Company, LLC
Form and Date of Comment:	Verbal comments presented at the Santa Clara Community Working Group Meeting on September 13, 2018
Property Referenced:	664 and 656 Stockton Avenue, San José, CA
Comments:	Mr. William Lyon presented comments similar to those presented in attached Public Comment 1 Letter

VTA Response to Comments

Response to commenter’s request to avoid acquisition of this parcel: VTA received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project’s design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA’s BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA’s property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

VTA intends to implement transit-oriented joint development as part of its transit facilities for a range of reasons. These include, but are not limited to: fostering transit use; enhancing transit service; increasing ridership; decreasing automobile use; and facilitating the creation and improvement to walkable, mixed-use communities. However, VTA is in the planning and design stages of the Project, and has not initiated the acquisition process for any of the properties identified in Project environmental documents.

William Lyon
Lyon-Eidson Investment Co. LLC
c/o Matteoni, O'Laughlin & Hechtman
Norman Matteoni, Esq.
848 The Alameda
San Jose, CA 95126

September 6, 2018

Ron Golem
Deputy Director, Real Estate & Joint Development
Valley Transit Authority (VTA)
BART Silicon Valley Phase II Extension Project
3331 North First Street
San Jose, CA 95134-1927

Dear Mr. Golem,

I am the property manager and one of the owners of **656 and 664 Stockton Avenue** consisting of shops and warehouses. I am writing to respectfully request that VTA does not select our property as the site for the Stockton Avenue Ventilation Structure as part of the BART II Extension.

This property has been in our family since 1929 and is the location from which my grandfather operated his business. It has had significant sentimental and financial value for three generations of our family. My two siblings and I have planned for, and rely on the rental income that this property generates for our retirement. Replacement of this reliable, steady income stream is nearly impossible as we rarely have vacancies.

More significantly, the property is currently leased to 11 commercial tenants (see Exhibit A). Six of these tenants are small business owners operating from our site for over 14 years. **Three of those businesses have been at our site for over 27 years.** They are rightly concerned about the disruption to their operations that will result if VTA condemns the property. Some of these businesses have installed equipment on-site that would be difficult, if not impossible, to relocate or replicate in another location. Others have a customer base that is dependent on this central location. Given the lack of comparable, affordable space in downtown San Jose, a move would have a dramatic adverse effect on their businesses. The community may lose the valuable services that they provide.

In addition, VTA has proposed the street facing portion of the Stockton Avenue Ventilation Structure site house up to 15,000 square feet of retail and commercial use (Exhibit C). If that is the case, such a seizure would, in our view, be in violation of the California Constitution, which permits private property to be taken only for public use. At a minimum, we would therefore expect VTA to exclude the portion of our land that is slated for retail development.

Based on the plan outlined in the June 4th Record of Decision and subsequent Proposed Relocation Plan, it appears that VTA is considering three sites on Stockton Avenue (see Exhibit B-1):

1. One-half of our property at 664 Stockton Avenue and the adjacent property to our left (two buildings at 690 Stockton Avenue).
2. One-half of our property at 656 and 664 Stockton Avenue and the adjacent property to our right (Royal Coach Bus Company at 630 Stockton Avenue).
3. Maaco Auto Painting Corporation (600 Stockton Avenue).

We propose that the VTA select the 3rd site identified above based on the following:

1. *Due to the increase in residential use on Stockton Avenue, a painting business, such as Maaco Auto Painting, is incompatible with the respiratory health needs of a residential community, and will most likely necessitate a future move.*
2. Maaco Auto Painting has several other locations in the South Bay from which to serve their customers.
3. A forced relocation of single business at the Maaco site verses 11 businesses on our site.
4. Maaco Auto Painting has the support of a large corporation making a move far less disastrous to their business than to our family and tenants.

It is important to note that the most recent diagram (Exhibit B-2) found in a memorandum to the VTA Board dated August 29th only shows 2 sites on Stockton Avenue. *We believe that this is misleading and that the third proposed ventilation site should be included in all correspondence prior to September 17th, the official close of the Proposed Relocation Plan public comment period. We hope that this was an oversight and that our property has not been selected prior to the end of this period in violation of the legal guidelines.*

While we certainly understand the need, and are in full support of the BART II extension. Based on the existence of viable alternatives, the financial harm a condemnation would create for so many families and businesses, and the high cost to taxpayers of relocating our tenants, we urge VTA to consider a different location for the Stockton Avenue Ventilation Structure.

Please do not hesitate to contact me if you have any additional questions. Please share this letter with the VTA Board.

Sincerely,



William Lyon
Lyon-Eidson Investment Co. LLC
(408) 842-8704

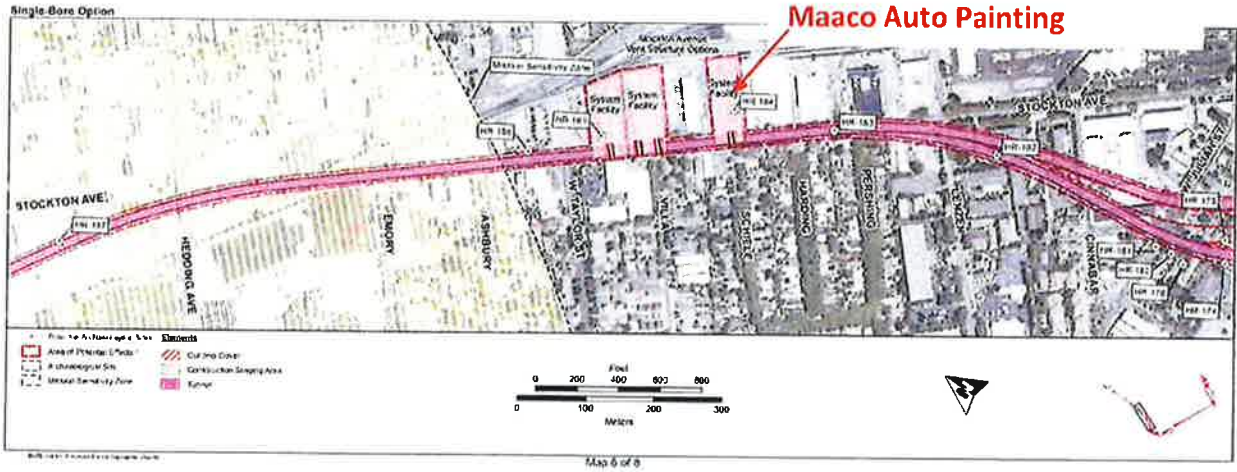
cc: community.outreach@vta.org

Exhibit A

	Unit	Name	Lease Start	Duration (years)
1	664	Sharon's Auto Repair	9/1991	27
2	A	Midway Auto	6/2015	3
3	B-E	TN Produce & Grocery	12/2011	6
4	F	Alma and Cisco Auto Detail	8/2004	14
5	G	J & J Radiator Service	7/2004	14
6	H	Sean Denton Automotive	9/2003	15
7	I	Renovation: Residential & Commercial Remodeling	11/2014	3
8	J-K	Gromm Racing Heads	3/1970	38
9	L	Vietnam Luue / J Vimer Automotive	2/2017	1
10	M	Arron Von Minden Research & Development	9/2010	8
11	656	Acrylonics	10/1989	28

Exhibit B

B-1- Original Diagram with 3 sites as identified in the June 4th Record of Decision (RoD)



B-2 - New Diagram - from Board Memorandum, August 29, 2018, sent from Raj Scrinath to VTA Board of Directors (only shows 2 sites)

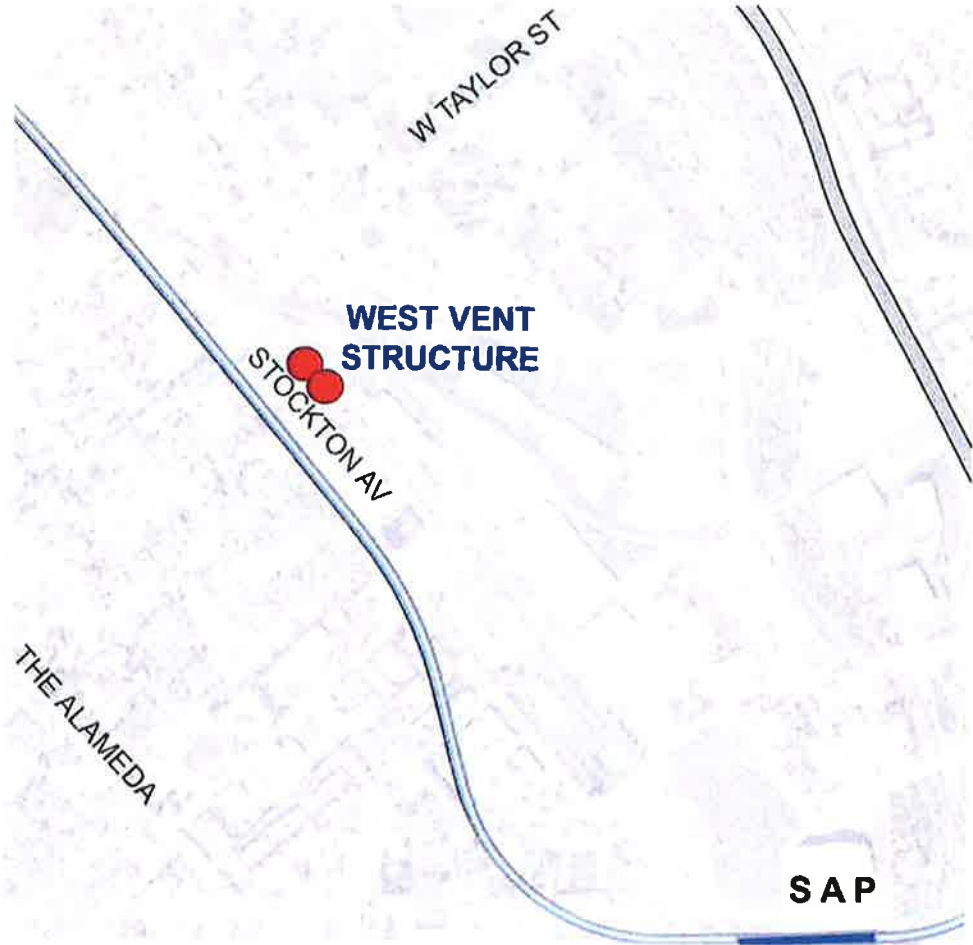


Exhibit C

Stockton Ave Retail Projection - 15,000 Square Feet

Table 2: TOJD Densities and Parking

Location	Residential (dwelling units)	Retail (square feet)	Office (square feet)	Parking (spaces)	Acres
Alum Rock/28 th Street Station	275	20,000	500,000	2,150 ^a	11
Santa Clara and 13 th Streets Ventilation Structure	N/A	13,000	N/A	N/A	1.18
Downtown San Jose Station	N/A	10,000	35,000	128	0.35
Diridon Station	N/A	72,000	640,000	400	8
Stockton Avenue Ventilation Structure	N/A	15,000	N/A	N/A	1.18-1.7
Santa Clara Station	220	30,000	500,000	2,200 ^b	10

^a Total Parking (BART Extension + TOJD) at Alum Rock/28th Street Station will be 3,350 spaces.
^b Total Parking (BART Extension + TOJD) at Santa Clara Station will be 2,700 spaces.

Public Comment

<i>Public Comment Number:</i>	3
<i>Comment Received From:</i>	Norman E. Matteoni, Attorney for Lyon-Edison Investments Company
<i>Form and Date of Comment:</i>	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 13, 2018
<i>Property Referenced:</i>	664 and 656 Stockton Avenue, San José, CA
<i>Comments:</i>	See Attached Public Comment 3 Letter

<i>Public Comment Number:</i>	4
<i>Comment Received From:</i>	Ross Lyon
<i>Form and Date of Comment:</i>	Verbal comments presented at the VTA Board Meeting on September 6, 2018 and at the Santa Clara Community Working Group Meeting on September 13, 2018
<i>Property Referenced:</i>	664 and 656 Stockton Avenue, San José, CA
<i>Comments:</i>	Mr. Ross Lyon presented comments similar to those presented in attached Public Comment 3 Letter.

VTA Response to Comments

Response to commenter’s request to avoid acquisition of this parcel: VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project’s design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA’s BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA’s property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

Response to commenter’s comment related to lack of noticing during environmental phase: The following environmental notices concerning this property were delivered to the owner’s address of record in Gilroy, CA: notices for the public scoping meetings in February, 2015; Notice of Availability of the Draft SEIS/SEIR in December, 2016; and the Notice of Availability of the Final SEIS/SEIR in February, 2018.

Norman E. Matteoni

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

September 13, 2018

Ron Golem
Deputy Director, Real Estate & Joint Development
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1927

Re: 664 and 656 Stockton Avenue, San Jose, California

Dear Ron,

I represent the Lyon-Edison Investments Company that owns the above property.

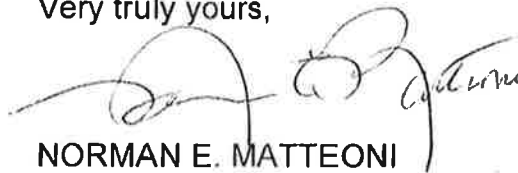
One of the family members attended the community outreach meeting the other night. Prior to that, a letter of August 16, 2018 was sent concerning potential relocation of businesses that occupy this property. The owner's responded that an alternative location be chosen for the ventilation facility that is under consideration at the front of this property.

The owner's representative was informed that the objection comes too late and should have been made during the environmental review process, finalized earlier this year. Neither the owner nor the tenants received any notice of that process. The first notice that they received was your letter of June 25, 2018, at which point they immediately investigated the impacts. That letter does not commit to acquire the property, but states that the property may be affected and acquired (it is not clear whether the entire site is under consideration). Thus, the owner's input should be evaluated in the decision making process of whether the acquisition should occur.

Most importantly, the owner does request that the consequences of any take of this property be considered. Your letter not only references the vent shaft but the overall property. Nor is the location of the ventilation facility specifically identified in relation to buildings or driveway on the overall site.

There are 12 small businesses on the one acre plus site. These business will have great difficulty in relocating and maintaining their operations. Any take should balance the cost of acquisition, where there are alternatives, against the impacts of displacing 12 businesses. If only the vent shaft is taken, there are still consequences to the businesses.

Very truly yours,

A handwritten signature in black ink, appearing to read "Norman E. Matteoni", written over a horizontal line.

NORMAN E. MATTEONI

NEM/jm

cc: William D. Lyon
email: Community.Outreach@vta.org

Public Comment

<i>Public Comment Number:</i>	5
<i>Comment Received From:</i>	Sharon Smith, Business Owner, Sharon's Auto Repair
<i>Form and Date of Comment:</i>	Email sent to VTA Community Outreach September 11, 2018
<i>Property Referenced:</i>	664 Stockton Avenue, San José, CA
<i>Comments:</i>	See Attached Public Comment 5 Electronic Mail

VTA Response to Comments

Response to commenter's request to avoid acquisition of this parcel: VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

Response to commenter's concern about potential replacement sites: In the event this business owner needs to be relocated, relocation advisors will work closely with this business to find available replacement sites that are as close as possible to its current location.

From: sts52 <sts52@sbcglobal.net>
Sent: Tuesday, September 11, 2018 5:07 PM
To: Community.Outreach
Subject: VTA phase II

My name is Sharon Smith I'm owner/operator at Sharon's Auto Repair located at 664 Stockton Avenue the front unit I have been there since 1991. I sincerely hope you find another place to relocate as I am not quite ready to retire yet and I'm certainly not ready to start over somewhere else just for a few years my customers are used to come in there they're very comfortable there it's been working out very well for a lot of years and I hope you find a better location I know a lot of the neighbors I will lose them as customers because they won't be able to walk down and have it so convenient I also walk to work everyday and have for year's.. this would greatly change my life and a negative way and also my customers if you need to call me my phone number is 408-529 7445, email: sts52@sbcglobal.net

Sent from my Verizon, Samsung Galaxy smartphone

Public Comment

<i>Public Comment Number:</i>	6
<i>Comment Received From:</i>	Manraj Natt, Property Owner and Business Owner
<i>Form and Date of Comment:</i>	Email sent to VTA Community Outreach September 13, 2018
<i>Property Referenced:</i>	147 East Santa Clara Street, San José, CA
<i>Comments:</i>	See Attached Public Comment 6 Electronic Mail

<i>Public Comment Number:</i>	7
<i>Comment Received From:</i>	Manraj Natt Property Owner and Business Owner
<i>Form and Date of Comment:</i>	Verbal Comments Presented at the Downtown/Diridon Community Working Group Meeting on September 11, 2018
<i>Property Referenced:</i>	147 East Santa Clara Street, San José, CA
<i>Comments:</i>	Mr. Manraj Natt presented comments similar to those presented in his email to Community Outreach dated September 13, 2018

VTA Response to Comments

Response to the commenter’s request to avoid acquisition of this parcel: VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project’s design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA’s BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA’s property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

Response to the commenter’s reference to questions posed during the meeting between commenter and the relocation advisor: Mr. Natt’s questions pertained to the selection of alternative properties for the Project, and the request to avoid acquisition of this parcel. VTA’s response regarding the selection of the alignment for the Project, as well as acquisition refinement process, is stated above.

Karen Eddleman

From: MANRAJ NATT <sjchevron@att.net>
Sent: Thursday, September 13, 2018 10:57 AM
To: Community.Outreach
Cc: Bradley, Kathy
Subject: Comment - From Manraj Natt (147 E. Santa Clara St. San Jose, CA 95113) on Draft Relocation Plan

Dear Sir/Madam,

My name is Manraj Natt, and I am the owner of Chevron gas station @ 147 E. Santa Clara St. San Jose, CA 95113. Our location has been identified that 'MAY' be taken over by VTA for the construction of Bart Phase II project.

My questions to VTA & AWRS were not satisfactorily answered during our meeting with AWRS. None of my concerns were given importance and no one from VTA tried to reach out to me regarding them

VTA's one letter has made our lives very stressful not knowing our short or long term future. There was no hope or guarantees presented in that letter. Furthermore, in the draft relocation plan, it is asserted (on page 12) that service station may be relocated without any concrete plans.

It is very clear that not enough homework was done by VTA/AWRS to answer/satisfy our concerns or questions. According to VTA our site will be used for 'Construction Staging Area', which to me does not make sense. Had VTA conducted the proper survey, there were many suitable and worthy locations where 'Construction Staging' can be done. I will name few here for your reference.

1. Empty lot on St. James St and 4th Street (North East Corner)
2. Empty parking lots on 4th Street (between our Chevron station & Church)
3. Empty space in front of city hall (South East corner of Santa Clara St & 4th Street)
4. VTA lost opportunity to get the empty lot in front of city hall (North East corner of Santa Clara St & 4th Street). The construction on this lot started on Jan 10 earlier this year.

Since most of our questions were unanswered and we do not want to relocate and not interested in selling our property, I urge VTA to reconsider their decision about annexing our property. I also want VTA to conduct detailed analysis about their needs and then proceed accordingly.

The annexation of our property by VTA will impact our lives, our tenants' lives, and future of our kids and beyond. Please reconsider acquiring our property.

Thanks,

Manraj Natt
Onwer of property @
147 E. Santa Clara St. San Jose, CA 95113

Public Comment

Public Comment Number:	8
Comment Received From:	Peggy O’Laughlin, Attorney for Apple, Inc.
Form and Date of Comment:	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 13, 2018
Property Referenced:	335 Brokaw Road, Santa Clara, CA
Comments:	See Attached Public Comment 8 Letter

VTA Response to Comments

Response to commenter’s statement related to relocation timeframe: In the event relocation of Apple, Inc. is required, VTA’s relocation advisors will closely work with Apple, Inc. to appropriately plan for the relocation of this facility to minimize impacts. The VTA team has already met with Apple, Inc. and has requested a tour of the property and a listing of personal property and equipment inside the facility to allow further advance planning in the event relocation is required.

Response to commenter’s statement regarding requirement that new facility be replicated in advance of move: At this juncture, VTA does not have sufficient information as to whether a new facility must be constructed in advance of relocation. Regardless, VTA would reimburse Apple, Inc. for moving and reestablishment costs as provided under applicable state and federal laws. Apple, Inc. also would be able to assert a claim for loss of business goodwill through the acquisition process.

Response to commenter’s request to avoid acquisition of this parcel: VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project’s design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA’s BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA’s property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

Public Comment

Public Comment Number:	8
Comment Received From:	Norman E. Matteoni, Attorney for Apple, Inc.
Form and Date of Comment:	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 13, 2018
Property Referenced:	335 Brokaw Road, Santa Clara, CA
Comments:	See Attached Public Comment 8 Letter

VTA Response to Comments

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When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.



September 13, 2018

Via E-mail and Overnight Delivery

Norman E. Matteoni

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

Santa Clara Valley Transportation Authority
Real Estate and Joint Development
Ron Golem, Deputy Director, Real Estate and Joint Development
3331 North First Street
San Jose, CA 95134-1927

**Re: Apple Inc.'s Comments to the Draft Relocation Plan for
BART Silicon Valley Phase II Project**

Dear Mr. Golem:

Apple Inc. appreciates the opportunity to review and comment on the Draft Relocation Plan for BART Silicon Valley Phase II Project (the "Plan").

Apple's research and development (R&D) operation, at its leased premises on 335 Brokaw Road, in Santa Clara is not a typical business suitable for relocation under the Plan. To date, Apple has invested approximately \$100 million in 335 Brokaw. Apple's operations this state-of-the-art business critical facility cannot go dark and be shut down to allow the equipment to be moved and installed in a replacement site. And, given that the equipment in 335 Brokaw is highly specialized and custom designed and manufactured, it cannot be picked up, moved and reinstalled in a replacement site. If VTA insists on taking the 335 Brokaw facility prior to the expiration of Apple's initial lease term in 2025, the only viable solution for Apple is replicating the 335 Brokaw facility at a replacement site while continuing its R&D operations at 335 Brokaw, thus assuring a seamless transition to the replacement site.

Finding a suitable replacement site will also be a challenge according to Apple's real estate and development team. Based upon Apple's extensive knowledge of the local real estate market, it will be very difficult to find a suitable alternative site for Apple's R&D operation which have the same favorable features as 335 Brokaw. Because the Plan is only intended to provide an overview of the businesses and residents impacted by the project, it does not provide relevant information critical for VTA's Board to consider when evaluating the impact of the project on Apple's R&D facility and why the relocation



848 The Alameda
San Jose, CA 95126
ph. 408.293.4300
fax. 408.293.4004
www.matteoni.com

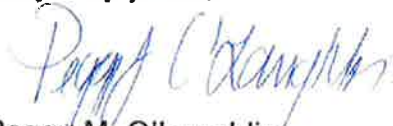
assistance available for small businesses described in the Plan will be immaterial given Apple's circumstances. In short, standard relocation assistance just does not fit.

As to the timing of displacement, the Plan acknowledges that most businesses will require more than the statutory 90-day notice to vacate their premises. Apple will need 2 to 3 years notice to be able to implement an acceptable plan of replication. Due to this long lead time and the challenges Apple has already identified associated with securing a suitable replacement facility, Apple continues to request the project's construction schedule for a reliable indication of when 335 Brokaw may be taken. This schedule and VTA's project plans remain elusive. Making matters more uncertain is VTA's recent correspondence to Apple on relocation indicating that VTA has not yet made any final decision to acquire 335 Brokaw.

Of particular concern to Apple is that VTA has identified 335 Brokaw as a potential early acquisition target for an interim use as a construction laydown yard. As VTA is aware from Apple's March 6, 2017 and April 4, 2018 comment letters to the Draft Project EIR and the recent, July relocation meeting, Apple opposes any interim use of 335 Brokaw requiring an early taking of its state-of-the-art R&D facility as a significant and unnecessary waste of public funds.

Apple supports a successful outcome for BART Silicon Valley Phase II Project and looks forward to continuing a constructive dialogue with VTA regarding the Project's potential impacts on Apple's facility at 335 Brokaw and the means to lessen or avoid those impacts. Apple hopes this comment letter provides VTA with a better understanding of the unique circumstances involving a take and relocation of this Apple facility.

Very truly yours,



Peggy M. O'Laughlin,
for Apple, Inc.

PMO/jm

cc: Evelyn Tran, Acting General Counsel

Public Comment

Public Comment Number:	9
Comment Received From:	Glenn L. Block, California Eminent Domain Law Group, a P. C. for Monarch Truck Center
Form and Date of Comment:	Letter to SCVTA dated September 17, 2018
Property Referenced:	195 North 30 th Street, San José, CA
Comments:	See Attached Public Comment 9 Letter

VTA Response to Comments

Response to commenter’s statement related to client not being mentioned by name in Relocation Plan: The purpose of the Draft Relocation Plan is to plan for the potential relocation of occupants. The federal and state regulations do not require that all potentially impacted occupants and properties be listed by name. Further, some occupants may not wish their names to be publicly disclosed--especially given that they ultimately could be removed from the Project footprint.

Response to commenter’s statement related to insufficient relocation planning: Monarch Trucking was included in the Contractor Building and Yard category (Category 4, Section 4.2) of the Draft Relocation Plan. Although the site description was inadvertently omitted from the summary table, the Draft Relocation Plan did consider and address the impact to this business. The table was corrected in the Final Relocation Plan.

The Draft and Final Relocation Plans recognize the complexity of the move of this business, and anticipate that this and other businesses will require significant lead time and planning to identify and secure viable replacement sites in order to allow businesses to successfully relocate. See Sections 4.2.2 and 5.2 of the Draft and Final Relocation Plans. VTA will work closely with business owners to help identify potential replacement sites that specifically meet the needs of the business if and when they are required to relocate. The regulations do not require VTA to identify specific relocation sites for each business that potentially may be relocated sometime in the future. Rather, the Relocation Plans are required to assist in understanding the businesses’ needs to help plan for successful future potential relocations. Every effort will be made to work with this and all businesses to provide adequate lead time to identify, secure and move to replacement properties.

GLENN L. BLOCK
GLB@CALEDLAW.COM
DIRECT DIAL – 818-957-6577

September 17, 2018

Via Email (community.outreach@vta.org)

Santa Clara Valley Transportation Authority
Real Estate & Joint Development
3331 North First Street
San Jose, CA 95134-1927

Re: **Draft Relocation Plan for Public Comment**
Santa Clara Valley Transportation Authority (VTA)
BART Silicon Valley Extension Project, Phase II
195 N. 30th Street, San Jose, CA (APN 467-08-010 and – 052; etc.)

Dear Sir/Madam:

We are counsel to Monarch Leasing, Inc. dba Monarch Truck Center (“Monarch”) with respect to the proposed acquisition of the above-referenced properties (“Subject Properties”), and displacement of Monarch, for the BART Silicon Valley Extension Project, Phase II (“Project”).

Monarch is a family owned full-service medium-duty truck dealership employing about 65 people. Monarch was established in 1976, and has operated continuously at the Subject Properties for more than 30 years. Monarch sells new and used trucks, as well as offering truck leasing, truck rental, truck service and repair, and truck parts.

This letter constitutes Monarch’s comments with regard to the VTA’s Draft Relocation Plan (“Draft Plan”).

First, although the Subject Properties occupied by Monarch (in addition to the adjacent leased ROW areas) are clearly identified for acquisition in Figure 2 (Alum Rock/28th Street Station Plan), *the Draft Plan does not identify Monarch’s business as one of the businesses being displaced.* Moreover, the Plan does not address the significant time and complexity associated with relocating Monarch’s business. Accordingly, in these respects it appears the Draft Plan is inaccurate and deficient.

The Draft Plan generally identifies and references 35 potentially impacted business occupants (Page 2, Table 4.1, etc.), and more specifically identifies the businesses by “type” in Section 4.2 (pages 11 - 13). While Category 5 purports to identify the “Automotive Use” businesses, it only references 8 small or specialty automotive service and repair businesses (1000sf – 1200sf), and one “private bus transportation company” (20,000sf on 2 acre-lot). Monarch’s business is not identified or referenced in Section 4.2 or otherwise in the Draft Plan.

As noted above, Monarch is a full-service medium duty truck dealership (sales, leasing, rental, service/repair and parts). The Subject Properties occupied by Monarch consist of approximately 80,000sf of buildings (showrooms, offices, service/repair bays, parts warehouse, etc.) located on a total site area of approximately 5 acres.

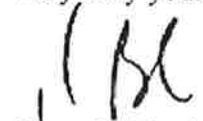
Relocation of Monarch's business is anticipated to take approximately 12 – 18 months, starting after Monarch is able to secure a suitable relocation site. Because of the size and complexity of Monarch's operation, significant improvements will need to be designed, permitted and constructed. And, the relocation site must be operational before Monarch can move, or the business will be substantially damaged. This information was discussed with the VTA's relocation consultants prior to the issuance of the Draft Plan.

The Draft Plan does not reference the availability of any potentially suitable relocation sites for Monarch. Monarch commenced its search for suitable relocation sites several months ago, but no potentially suitable relocation sites have been identified yet. The Draft Plan does not address the lack of available potentially suitable sites meeting Monarch's relocation requirements.

The Federal relocation regulations suggest that a proper relocation plan, "should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations." 49 C.F.R. §24.205(a). Moreover, "When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes ... and/or few alternative relocation sites should include an analysis of business moving problems." 49 C.F.R. §24.205(a)(5). And, special relocation services should also be considered. 49 C.F.R. §24.205(a)(6). It does not appear the Draft Plan adequately addresses these matters.

We look forward to reviewing a revised Plan that incorporates these comments, and working with the VTA to ensure Monarch is successfully relocated.

Very truly yours,



Glenn L. Block
California Eminent Domain Law Group, a P.C.

cc: Nicole Guetersloh, Monarch Truck Leasing, Inc. dba Monarch Truck Center

Public Comment

<i>Public Comment Number:</i>	10
<i>Comment Received From:</i>	Elias Garcia, Maaco Collision and Auto Painting
<i>Form and Date of Comment:</i>	Letter Sent to Karen Eddleman dated October 25, 2018
<i>Property Referenced:</i>	600 Stockton Avenue, San José, CA
<i>Comments:</i>	See Attached Public Comment 10 Letter

VTA Response to Comments

Response to commenter’s request to avoid acquisition of this parcel: VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project’s design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA’s BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA’s property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

Response to commenter’s concern about potential replacement sites: In the event this business owner needs to be relocated, relocation advisors will work closely with this business to find available replacement sites that are as close as possible to its current location.



AMERICA'S BODYSHOP®

October 25, 2018

Karen Eddleman
Associated Right of Way Services, Inc.
2300 Contra Costa Blvd., #525
Pleasant Hill, CA 94523

Re: Maaco at 600 Stockton Avenue, San Jose, CA
Draft Relocation Plan

Dear Ms. Eddleman:

The owners of this property and I have been invited to respond to the Draft Relocation Plan for potentially affected properties of the BART Extension project.

My auto body shop is located at the above address on Stockton Avenue, which the VTA indicates as a location of potential ventilation shaft for the underground BART line in the street. At the same time, the VTA letter of September 27 does not specify this limited use but states the parcel may be required for construction of the project. This and other language indicate the potential of total acquisition. At the same time, I understand VTA will be looking at other alternatives. My business—Maaco, is a long term tenant on this site with a large metal building on the first 2/3ds of the parcel; the rear of the property is devoted to vehicle and parts storage with a couple of smaller out buildings.

First, I am uncertain where on the site a ventilation shaft would be located. But any location that displaces the business has numerous negative impacts. Any location near the front of the property can interfere with access and visibility, as well as customer parking. See the attached photo.

Second, the impact on the business, particularly if it is totally displaced, is serious:

1. The ability to relocate this business is very limited:
 - a. There is not a comparable building available for rental (size, location, rent). I have spent two years looking for a second auto business site in San Jose and have not found any with the required characteristics.
 - b. Due to zoning and environmental laws, it is very difficult to get San Jose or any nearby city to grant a new spray booth license. It is a long and costly endeavor.



AMERICA'S BODYSHOP®

- c. 80% of my fleet accounts are within 3-4 miles of my business. I provide services to several companies around the San Jose Airport and I know those local contracts were given to me because of my proximity to their business.
 - d. The Franchise Agreement imposes restrictions on distance from other competing Maaco businesses. I cannot be any closer than 5 miles to another Maaco location. That compounds the difficulty to find another location.
 - e. Any possible relocation can effectively cause me lose substantial customer base and require me to start over.
2. All of the above show the strong prospect of a wipe out of my business.
 3. I am a minority business owner.
 4. I made a long term investment in the purchase of a home three years ago with the expectation that I would be at my home long term and close to work. I may need to sell my home depending if I had to move my business elsewhere, assuming a location could be found. As indicated above that prospect is very dim.
 5. I am the head of my household and this would have a significant impact on my family.
 6. This change would displace 10 employees that would lose their jobs and depend on this income to support their families.
 7. I entered a new 5 year lease a year ago and still have 4 years on the current lease.
 8. I have a good relationship with the owner of the property and every expectation of the renewal of the lease.

Any attempted relocation is destined to fail and another vital service business will have been displaced from San Jose.

Sincerely,

ELIAS GARCIA

EG:cab
encls.

cc: Kathy Bradley, VTA
Kosich Properties, LLC