# **BART SILICON VALLEY**

# Phase 1 – Berryessa Extension

# Addendum No. 3 to the 2<sup>nd</sup> Supplemental Environmental Impact Report

Santa Clara Valley Transportation Authority

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#### **SECTION 1.0 INTRODUCTION**

#### 1.1 Purpose of the Addendum

The California Environmental Quality Act (CEQA) recognizes that between the date a project is approved and the date a project is constructed, one or more of the following changes may occur: 1) the scope of the project may change, 2) the environmental setting in which the project is located may change, 3) certain environmental laws, regulations, or policies may change, and 4) previously unknown information may be identified. CEQA requires that lead agencies evaluate these changes to determine whether or not they are significant.

The mechanism for assessing the significance of these changes is found in CEQA Guidelines Sections 15162 – 15164. Under these Guidelines, a lead agency should prepare a subsequent or supplemental CEQA document if the triggering criteria set forth in CEQA Guidelines Section 15162 and 15163 are met. These criteria include a determination whether any changes to the project, or the circumstances under which the project will be undertaken, involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, a subsequent or supplemental CEQA document may be prepared if "new information" meeting certain standards under Guidelines Section 15162 is presented. If the changes do not meet these criteria, or if no "new information of substantial importance" is presented, then an Addendum per CEQA Guidelines Section 15164 is prepared to document any minor corrections to the Environmental Impact Report (EIR) or Initial Study/Mitigated Negative Declaration (MND). CEQA does not require that an Addendum be circulated for public review.

#### 1.2 Overview of the BART Silicon Valley Project

The BART Silicon Valley Project would begin at the BART Warm Springs Station in the City of Fremont and proceed on the former Union Pacific railroad right-of-way through the City of Milpitas to near Las Plumas Avenue in the City of San Jose. The Project would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in the City of Santa Clara near the Caltrain Station. The total length of the alignment would be 16.1 miles.

This Addendum addresses changes since the VTA Board of Director's certification of the 2<sup>nd</sup> Supplemental EIR in March 2011 for Phase I only. Phase I consists of the first 9.9 miles of BART Silicon Valley, beginning at the current planned terminus at the BART Warm Springs Station in Fremont, through Milpitas, to near Las Plumas Avenue in San Jose, and includes 2 stations: Milpitas Station in the City of Milpitas and Berryessa Station in the City of San Jose. See Figure 1. BART Silicon Valley – Phase I - Berryessa Extension (note that all exhibits are provided at the end).

#### 1.3 Previous Environmental Studies

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Draft Environmental Impact Statement/Environmental Impact Report & Draft 4(f) Evaluation, March 2004

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Environmental Impact Report, November 2004

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Draft Supplemental Environmental Impact Report, January 2007

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Supplemental Environmental Impact Report, May 2007

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the Supplemental Environmental Impact Report, September 2010

BART Silicon Valley, Phase I – Berryessa Extension, Draft 2<sup>nd</sup> Supplemental Environmental Impact Report, November 2010

BART Silicon Valley, Phase I – Berryessa Extension, Final 2<sup>nd</sup> Supplemental Environmental Impact Report, March 2011

Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the 2<sup>nd</sup> Supplemental Environmental Impact Report, August 2011<sup>1</sup>

## 1.3.1 Prior Environmental Review For Project Activities Relating to Systems Facilities near Railroad Court

This Addendum evaluates changes to the Project feature referred to as Systems Facilities that are located nearest to Railroad Court in Milpitas. These System Facilities include a high-voltage substation, traction power substation, train control house, switching station, and supporting underground utilities and easements. The Systems Facilities is located west of the BART Silicon Valley Phase I Berryessa Extension alignment on two industrial properties referred to as Horner and Walton.

The following is a summary of the environmental analysis under CEQA for the Systems Facilities and related Ingress and Egress Easements (IEEs) on the Horner and Walton properties.

In December 2004, the VTA Board of Directors certified the Final Environmental Impact Report (EIR) for the BART Silicon Valley Project which described the extension of the BART

<sup>&</sup>lt;sup>1</sup> This Addendum did not address any changes to either the Horner or Walton properties.

system from its current planned terminus in Fremont (to be implemented in 2014) through Milpitas and San Jose to Santa Clara. The analysis in the Final EIR was based on early (10 percent) design plans prepared during the conceptual engineering design phase of the Project.

The Final EIR identified the location for the proposed SRR and SRC System Facilities (Systems Facilities) within the same general area as the current designed location. Specifically, the Final EIR discussed the impacts associated with displacement of half of the recreational vehicle (RV) storage area on the Horner property, which would be approximately 70 storage units, and some parking from an adjacent industrial use at the Walton property that could affect the property's conformance with the zoning code and may require approval of a variance. In addition to the Systems Facilities, an IEE was identified on the Horner property to provide long-term access to the permanent facilities.

In June 2007, the VTA Board of Directors certified the Final Supplemental Environmental Impact Report (SEIR-1). Analysis of the Project in the Final SEIR-1 was based on approximately 35 percent design plans prepared during the preliminary engineering design phase of the Project. As described in the Final SEIR-1, the location of the System Facilities was maintained with an access easement/road connecting the site with Railroad Court. The Final SEIR-1 disclosed the impacts associated with the displacement of the entire RV storage business, which included 135 storage tenants on the Horner property and no change to the impacts to the Walton property.

In March 2009, VTA and the U.S. Department of Transportation Federal Transit Administration (FTA) released the Draft Environmental Impact Statement (EIS) for the Project under the National Environmental Policy Act (NEPA). The Draft EIS was based on the Project analyzed in the Final EIR and the Final SEIR-1, but also evaluated further design changes based on the 65 percent design plans then available.

The Draft EIS explained that the System Facilities would cause the displacement of one light industrial (RV storage) business, which included approximately 175-200 storage units, and one residence (the residence was thought to be a grounds keeper unit on-site) on the Horner property. The facilities would also cause the displacement of approximately 20 parking spaces from an adjacent industrial use on the Walton property; however, the loss of parking would not cause the displacement of this industrial business.

The Final EIS was released for public circulation by the FTA on March 31, 2010. The Final EIS described that, in response to property owner concerns, the location of the System Facilities had been shifted approximately 100 feet to the south of the location described in the Draft EIS. In addition, the configuration of the buildings housing the System Facilities had been reconfigured and the Train Control Building was modified from a one-story to a two-story structure. The FTA issued a Record of Decision approving the Project on June 24, 2010.

On November 1, 2010, VTA issued a Public Notice of Availability and published the Draft 2<sup>nd</sup> Supplemental Environmental Impact Report (SEIR-2) for the Project. The Draft SEIR-2 updated the information presented in the Final EIR and the Final SEIR-1, and considered 25

design changes identified when the design plans progressed from the 35 percent level to the 65 percent level. One such change was Design Change #10 (DC 10), involving an Alternative "Location B" for the System Facilities. This was the same change in location and layout evaluated in the prior approved EIS which shifted the location of the System Facilities about 100 feet to the south. The Draft SEIR-2 analyzed the environmental impacts of DC 10 under visual quality, noise and vibration and construction related noise and vibration impacts, and found no significant impacts. Though not required by CEQA, the Draft SEIR-2 also described the socioeconomic impact of the change. In addition to DC 10, the IEE on the Horner property did not change and in Appendix H of the Draft SEIR-2, an IEE was shown on the Walton property.

On February 9, 2011, VTA published the Final SEIR-2. The Final SEIR-2 stated that DC 10 was a "minor change" from the previously approved location and would only shift the location approximately 100 feet to the south. The Final SEIR-2 also described that, in response to property-owner concerns, the layout was modified and the location of the Systems Facilities was shifted 32 feet north from the previous location environmentally cleared in the Final EIS. Thus, the Design Change would only shift the location south by approximately 68 feet from its original location in the 2004 Final EIR and 2007 Final SEIR-1. The Final SEIR-2 provided further analysis of this change, and concluded that it would not result in any new significant environmental impacts. On March 3, 2011, the VTA Board of Directors certified SEIR-2.

#### 1.4 Scope of this Addendum

This Addendum is limited in scope to an evaluation of the proposed design modifications to the Project for the System Facilities site plan refinements, service utilities and related utility easements, and to determine whether the modifications result in any substantial change to the environmental setting, impacts, and mitigation measures as previously described in the approved EIR, Supplemental EIR, and 2<sup>nd</sup> Supplemental EIR.

#### SECTION 2.0 PROPOSED MODIFICATIONS TO THE PROJECT

# 2.1 Modification to System Facilities and New Utility Easements Analyzed in this Addendum

The design of the Project has progressed since the Final SEIR-2 was approved by the VTA Board of Directors in March 2011. The design modifications to the Project discussed in this Addendum include a redesign of the layout of the Systems Facilities buildings into a smaller footprint and the shift in the location of the Systems Facilities approximately 57 feet north of the location and layout in the approved Final SEIR-2. Thus, the current location of the Systems Facilities was shifted south from its original location in the 2004 Final EIR and 2007 Final SEIR-1 by 11 feet. This Addendum also includes the addition of new utilities to support the Systems Facilities. These include a sanitary sewer, storm water drainage, potable water, power, and telecommunications services for the SRR and SRC Systems Facilities located near Railroad Court in Milpitas. These utility services are required per the BART Facility Standards to meet the safety requirement for an emergency eyewash (which necessitates

water and sewer) and to provide telecommunications for emergency calls and power for facility lighting (see BFS Criteria Mechanical Line Section, Article 4.2.1. Table 1 - Plumbing and Drainage Equipment and Devices). Typically, the services are small in size and connect to utility mains in nearby streets. For the SRR and SRC sites, the nearest connection point for these services is Railroad Court, approximately 700 feet to the south. This Addendum analyzes the above described design modifications to the following private properties (described in much greater detail in Section 3.1 below):

- 420 Railroad Court, APN 022-31-030, Property Owner: Horner.
- 386 Railroad Court, APN 028-23-012, Property Owner: Walton.
- Union Pacific Railroad, 028-23-011.
- Beresford Master et al., 028-27-000.

#### 2.2 Description of Design Change Options

In the 2007 Draft and Final SEIR-1, the 2009 Draft and 2010 Final EIS, and the 2010 Draft and 2011 Final SEIR-2, a permanent Ingress and Egress Easement (IEE) between the SRR and SRC Systems Facilities and Railroad Court was identified on the Horner property (Figure 2). The permanent IEE was identified on the Walton property in the 2010 Draft and 2011 FSEIR-2 (Figure 3). Therefore, these two IEEs are considered to be environmentally cleared in previous environmental documents. The discussion below describes easements that were not identified in previous environmental documents. However, the new easements were designed within the footprint of the previously environmentally cleared footprint of the IEEs where possible. Under all Options, utilities are located within the IEE on Walton Property and, to the extent feasible, within IEE on Horner property. Since the Final SEIR-2 was certified in March 2011, there have been no changed circumstances related to this project feature other than the changes described below. The intended uses of the proposed Systems Facilities have not changed. The background conditions of the project are still substantially the same because less than one year has passed.

The layout of the Systems Facilities as approved in the 2011 Final SEIR-2 is shown in Figure 4. After the VTA Board of Directors certified the Final SEIR-2 in March of 2011, the configuration of the Systems Facilities buildings was modified again. The proposed new layout of the Systems Facilities is shown in Figures 5 through 8. As the figures show, the two-story Train Control Building was moved north of the High Voltage Substation Site SRC (SRC) and the Switching Station SRR (SRR). SRC and SRR were redesigned to sit parallel and adjacent to each other; whereas they were adjacent but in a tandem linear configuration. By modifying the layout of these Systems Facilities, the overall footprint of the site was reduced as described above in Section 1.3.1. The modified layout of the facilities resulted in 17 fewer parking spaces lost on the Walton property. However, the facilities were shifted slightly west taking an additional 5 storage spaces from the Horner property.

In addition to the modified Systems Facilities layout configuration described above, new utilities have been identified to serve these facilities since the Board certified the Final SEIR-2 in March of 2011. There are four options for the location/configuration of these new utilities described below.

#### 2.2.1 Utility Configuration - Option 1

Under this design change option, the utilities would be routed through two properties. On the Walton property, construction would include a connection to the existing storm drain and the routing potable water and joint trench (telecommunications/electrical) utilities through the drive aisle within the previously environmentally cleared (in the 2010 Draft and 2011 Final SEIR-2) Ingress and Egress Easement. Construction of the new utilities within the Walton property would take up to 6 months. On the Horner property, the sanitary sewer line would be routed through the drive aisle within the previously environmentally cleared IEE (in the SEIR-1, EIS, and SEIR-2). Construction of the new utility within the Horner property would take up to 3 months. A map of the proposed locations of the above described easements is attached as Figure 5.

#### 2.2.2 Utility Configuration - Option 2

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain that runs through the Walton property. Construction of this connection would take up to 2 months. On the Horner property, the sanitary sewer, potable water, and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle, but fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required and the minimum separation widths between each utility. Construction of the new utilities within the Horner property would take up to 6 months. A map of the proposed locations of the above described easements is attached as Figure 6.

#### 2.2.3 Utility Configuration - Option 3

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain within the Walton property, and would take up to 2 months, similar to Option 2 above. On the Horner property, the sanitary sewer, potable water, and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle but would fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required, the minimum separation widths between each utility, and also leaving the existing ATT/Sprint telecommunications line in place. Construction of the new utilities within the Horner property would take up to 6 months. A map of the proposed locations of the above described easements is attached as Figure 7.

#### 2.2.4 Utility Configuration - Option 4

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain within the Walton property similar to Options 2 and 3 above. Construction of the new utilities within the Walton property would take up to 2 months. On the Horner property, the potable water and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle but would fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required, the minimum separation widths between each utility, and also leaving the existing ATT/Sprint telecommunications line in place, similar to options 1 and 3 above. Construction of the new utilities within the Horner property would take up to 6 months. The sanitary sewer would be routed east of the systems facility under the UPRR tracks, under the VTA property, then to

within a private recreational area for a residential community east of the alignment. The sanitary sewer line will then turn and head southward in a pathway parallel to the adjacent UPRR tracks to the west. Construction of the new utilities within the UPRR ROW and in the recreational area east of the alignment would take up to 8 months. A map of the proposed locations of the above described easements is attached as Figure 8.

#### 2.2.5 VTA's Coordination with Property Owners

Regardless of option chosen, VTA will work with the property owners to coordinate construction scheduling to minimize disruption to the existing businesses on-site such as maintaining access to parking, providing space for truck turn-around (on the Walton property), and maintaining access to the site through the driveways on Railroad Court. Trench plates/covers will be used to cover open trenches while not in use to provide access to parking spaces on Walton and storage spaces on Horner. The trench plates/covers are designed to hold the maximum traffic load at each property including large trucks/trailers. Construction workers will not utilize the business area for parking and construction equipment and materials will be staged offsite. During normal 8:00AM to 5:00PM business hours, while crews are excavating the trench, temporary trench plates/covers will be used to minimize the number of parking spaces blocked by the active trench. On the Horner property, notices of temporary delays and anticipated dates of work will be provided to vehicle owners prior to start of work. On the Walton property, VTA will work with the property owner to ensure that truck loading docks are accessible for business use at mutually agreed upon times specified by the operating tenant, and will schedule trenching work that affects use of the loading dock and truck turning/access areas during mutually agreed upon times and dates that allow for a reasonable construction work window and will not prevent the necessary turning radius for delivery trucks. This may require night or weekend construction work. VTA will work with the Walton property owner to ensure that driveway access from Railroad Court is maintained during normal facility business hours, typically weekday Monday thru Friday 8:00AM to 5:00PM. VTA will work with the Horner property owner to ensure that driveway access to and from Railroad Court is maintained at all times to allow vehicle owners to move their vehicles with minor delays while work is ongoing, since the storage facility's normal business hours are 24 hours a day, 7 days a week. Possible construction measures to allow access could include: phased construction, flaggers, use of temporary trench plates/covers, or comparable methods.

#### **SECTION 3.0 ENVIRONMENTAL EVALUATION**

#### 3.1 Existing Conditions

The location of the SRR and SRC Systems Facilities, which was previously environmentally cleared in the SEIR2, is located in an area with existing site constraints that limit the available options for locating utility connections to the Systems Facilities.

As shown in Figure 9, the site is bounded on both sides by existing railroad tracks that are currently utilized by freight operations. The track to the west of the Systems Facilities site, which generally runs north to south, is the Union Pacific Railroad (UPRR) Warm Spring Subdivision track and is used daily by UPRR and Burlington Northern Santa Fe (BNSF). The

two tracks immediately to the east of the Systems Facilities site, which run more northwest to southwest than the Warm Spring Subdivision track, are the new/relocated UPRR Milpitas Lead tracks. These tracks are used daily by UPRR and BNSF. The track farthest to the east (and east of the new/relocated UPRR Milpitas Lead tracks) is the old Milpitas Line. This track is owned by the VTA and is currently out-of-service; however, UP has operating rights until abandonment later in 2012. Coordination with UPRR and BNSF requires lengthy lead times for any work proposed within the area of influence of the operational freight tracks. Any construction within the area of influence must be reviewed and approved by UPRR, and may require a UPRR flagman be assigned full-time during field work.

There is an existing AT&T/Sprint fiber optic telecommunications line that runs along the length of the Horner property from under the UPRR tracks to the north through the drive aisle to Railroad Court to the south. The existing utility corridor is approximately 6 feet wide, as it is sized to accommodate eighteen 4-inch fiber optic cables. Depending on the option, this utility may or may not have to be relocated on the Horner property. To relocate this utility would require coordination with the utility providers to minimize service disruption throughout construction. The relocation of this utility would require a longer construction period.

A 10-foot minimum separation between potable water and sanitary must be maintained in accordance with the Department of Public Health Water Works Standards, California Code of Regulations, Title 22, Division 4, Chapter 16, Article 4, Section 64572.

In order to analyze the impacts of the reconfigured Systems Facilities layout and of the construction of underground utilities between the SRR and SRC Systems Facilities and Railroad Court, a brief description of the operation of each business is provided below:

#### 3.1.1 Walton Property, 386-404 Railroad Court, APN 028-23-012

This property is approximately 4.2 acres and has a mixture of light-industrial and warehouse uses on-site. The property is bounded by the existing UPRR freight tracks located to the east, by a vehicle storage business to the west, and by Wrigley Creek to the south. Access to this property is from two driveways from Railroad Court within the City of Milpitas.<sup>2</sup> Within the property at 386-404 Railroad Court, there are several businesses with different addresses and separate access via two driveways off of Railroad Court.

The construction of additional utilities would affect only the northernmost driveway businesses, with addresses of 396-398 Railroad Court. The new utilities would not affect the internal circulation of the businesses located off of the southern driveway at 386-392 Railroad Court because each property has its own separate access driveway off of Railroad Court. These properties are connected by a narrow drive aisle; in order to move from one business

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<sup>&</sup>lt;sup>2</sup> NOTE: South of Wrigley Creek is another property owned by Walton at 206-230 Railroad Avenue, APN 028-23-021. This property is approximately 10.62 acres, also has light-industrial/warehouse uses on-site, and has its own access via driveways off of Railroad Avenue. The construction of additional utilities within 386-404 Railroad Court would not affect the property located at 206-230 Railroad Avenue because each property has its own separate access and parking off of Railroad Court and Railroad Avenue, respectively, separated by Wrigley Creek.

to the other, one can either use the drive aisle or exit each property and drive on Railroad Court.

There are approximately 135 existing parking spaces to support these businesses at 386-404 Railroad Court. There are loading docks for each business, though only one loading area would be affected by the new utilities (396-398 Railroad Court). The tenant(s) of the affected properties operate electroplating business (398 Railroad Court), and are for lease/not currently an operating business (396 Railroad Court), respectively. Normal business hours are 8:00AM to 5:00 PM, Monday through Friday. Existing on-site loading docks adjacent to the vehicle parking spaces are utilized for trucks loading and unloading. Parking spaces are utilized for cars during the hours of 8:00AM to 5:00 PM, Monday through Friday by both employees and customers/clients. They are also utilized for delivery trucks 24 hours a day 7 days a week for staging and maneuvering. Limited street parking is available on Railroad Court in the event that parking spots are impacted by construction.

The SRR and SRC Systems Facilities would be located at the northern end of the 386 Railroad Court property adjacent to the existing UPRR freight tracks in an existing parking area.

#### 3.1.2 The Horner Property, 420 Railroad Court, APN 022-31-030

This property is approximately 4.1 acres and is a long and narrow parcel bounded by a light-industrial/warehouse business to the east, Railroad Court to the south, and the existing UPRR freight tracks to the west and north. Access to this property is from one driveway on Railroad Court. The owner of this property operates a recreational/large vehicle and boat storage business. Normal business hours are 24 hours a day, 7 days a week, as are guaranteed to access their vehicles and remove them from the storage business at all times. The use of parking spaces on this property is for long-term storage of recreational vehicles such as RVs and boats. Storage spaces are larger than standard auto parking, and as a result, there is minimal personal car parking for customers. Street parking is thus not a viable alternative for this business.

The SRR and SRC Systems Facilities would be located at the northern end of the 420 Railroad Court property adjacent to the existing UPRR freight tracks on the site of existing storage stalls.

#### 3.1.3 UPRR, APN 028-23-011

This property is an existing freight railroad corridor running generally from north to south and is located east of both the Horner and Walton properties within the City of Milpitas. The tracks continue northward and southward beyond the limits of this area.

#### 3.1.4 Beresford Master et al., 028-27-000

This property is a private residential development located east of the UPRR tracks within the City of Milpitas and contains Edgewater Drive as the northern most street in the development. The development includes a "Fitness Loop" hike and bike trail and private park adjacent to the UPRR tracks.

#### 3.2 Impacts Discussion

The design modifications described above would not create the potential for new significant environmental impacts, nor would they cause a substantial increase in the severity of any previously identified significant impacts previously documented in the CEQA documents certified for the Project. The modification to the layout of the Systems Facilities has consolidated the footprint of the buildings into a much smaller space than previously approved and has not changed the size or appearance of these buildings. The changed configuration would cause no new significant impacts, nor would they increase the severity of previously evaluated significant impacts. They also would not create the need for any additional mitigation measures beyond those described in the SEIR-2. The only change to the Systems Facilities configuration warranting discussion is a shift of the facility footprint to the west causing the displacement of 5 storage spaces on the Horner property. These impacts are discussed below under the Transportation Section along with the temporary parking impacts associated with the new utilities. The new utilities would be located underground within the drive aisles of both properties. After construction, the properties would be restored to pre-construction condition. Once the utilities are constructed and the properties are restored to their pre-construction condition, the properties would not be affected during the long-term operation of the project except for infrequent maintenance or repairs, as allowed by the terms of the IEEs.

The discussion that follows focuses on short-term, construction related environmental subject areas: air quality, hazardous materials; noise; socioeconomics<sup>3</sup>; transportation; and utilities. No additional information or changes in other subject areas that include biological resources and wetlands; community services and facilities; cultural resources, geology, seismicity, and soils; land use; vibration; visual quality and aesthetics; water resources, water quality, and floodplains; cumulative impacts; and growth-inducing impacts is necessary due to the design modifications described in this Addendum. The affected parcels, impacts, and environmental evaluation are described below.

Previous environmental documents discussed the environmental impacts associated with the fee take for the System Facilities and IEE on both the Walton and Horner properties. However, previous environmental documents did not discuss the impacts associated with the construction of underground utilities required to serve the System Facilities through the Walton, Horner, UPRR, or Beresford properties.

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<sup>&</sup>lt;sup>3</sup> Impacts on socioeconomics alone without any accompanying physical impact is not required to be analyzed under CEQA. Therefore, the information on purely socioeconomic impacts in this Addendum is provided only for informational purposes. However, the Addendum analyzes whether any socioeconomic impact will result in a physical impact (such as blight or urban decay).

#### 3.2.1 Utility Configuration

#### 3.2.1.1 Construction - Air Quality

Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). Construction-related air quality impacts were previously evaluated in the 2010 Draft and 2011 Final SEIR-2. The mitigation measures identified in the SEIR-2 such as those related to construction emissions, dust control watering, and equipment idling that apply to the operation of this type of equipment during construction are still applicable. The BAAQMD issued new CEQA Air Quality Guidelines in May of 2011, after the VTA Board of Directors certified the Final 2<sup>nd</sup> SEIR and approved the Project. However, the new guidelines are substantively similar to the old guidelines. In addition, the design change has only added the need for a new and very small surface area to be disturbed to construct the utilities compared to the approved Project. This additional area to be disturbed does not result in any new construction related air quality impacts; therefore, no new mitigation is warranted.

#### 3.2.1.2 Construction - Hazardous Materials.

Under all four options, a project-wide Contaminant Management Plan (CMP) and a Remedial Action Plan (RAP), as described in the 2010 Draft 2<sup>nd</sup> SEIR, have been prepared for the BART Silicon Valley Project. These plans provide the framework for identifying and handling contaminated/hazardous materials within the Project area and how to dispose of them properly and in accordance with applicable laws and regulations. The Contaminant Management Plan establishes the criteria and classifications for reuse of soils within the project limits, such as unrestricted on-site reuse, reuse only under encapsulation with clean fill, etc. The Remedial Action Plan identifies specific locations within the project where soils fall within these classifications, and outlines how the CMP will be implemented on site. The mitigation measures identified in the CMP detail requirements for the management for soil and railroad ballast, groundwater as part of dewatering activities, and building materials. In addition, a site-specific hazardous materials investigation will be performed prior to construction of the Systems Facilities and supporting utilities. In the event any soils or materials are encountered in the subsurface that may be contaminated or hazardous, it would be stockpiled in accordance with the RAP, sampled, and disposed of off-site at a soil disposal facility as required by law. Clean soils and/or gravel would then be imported to use to backfill the utility trenches. If excess material is excavated that is not used in the backfill, it will be sampled and disposed of off-site at a soil disposal facility in accordance with the CMP and RAP, or if uncontaminated, it may be used as fill for a construction project at the contractor's discretion. Therefore, no new or substantially more severe significant impacts would result during construction due to hazardous materials and all previously environmentally cleared and applicable mitigation measures in prior environmental documents remain applicable to the Project.

#### 3.2.1.3 Construction - Noise

Under all four options, the construction of utilities would require the use of noise generating mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement

upon completion of work). Noise impacts associated with this type of equipment during construction were previously evaluated in the EIR, SEIR-1 and SEIR-2. Specific construction noise mitigation measures are identified in Section 4.18.5.7 of the SEIR-2. The mitigation measures identified include complying with Federal Transit Administration construction noise guidelines and complying with local jurisdiction construction hours where feasible. Under Option 4, construction noise would occur within a private residential recreation area near a residential neighborhood. Therefore, VTA would implement previously identified mitigation measures, which were environmentally cleared in Section 4.18.5.7 of the SEIR-2, such as noise monitoring and locating noisy equipment away from sensitive receptors. Therefore, no new construction related noise impacts would result from this design change, and no new mitigation is warranted.

#### 3.2.1.4 Transportation.

The following discussion describes the potential transportation impacts including parking, truck-turn around, and access, associated with each of the four options. Table 1, below, shows a comparison of the location of utility, construction period, and permanent and temporary parking loss for each of the four options.

LUCATIO	Option 1	Option 2	D TO APPROVED 20 Option 3	Option 4
LOCATION OF UTILITY	Walton-storm drain, water, electrical, and telecom	Walton-storm drain	Walton-storm drain	Walton - storm drain
	Horner-sanitary sewer.	Horner-sanitary sewer, water, electrical, and telecom.	Horner-sanitary sewer, water, electrical, and telecom	Horner-water, electrical, and telecom  Beresford and UPRR – sanitary sewer
	Existing fiber optic line (Sprint) on Horner <b>NOT</b> relocated	Existing fiber optic line(Sprint) on Horner to be relocated within Horner property	Existing fiber optic line (Sprint) on Horner <b>NOT</b> relocated	Existing fiber optic line (Sprint) on Horner NOT relocated
Utilities Construction Period Walton Horner UPRR Beresford	6 months 3 months -	2 months 6 months -	2 months 6 months -	2 months 6 months 4 months 4 months
Parking-Permanent Loss: Walton-spaces* Horner-storage** Parking-Temporary	17 fewer displaced 5 more displaced	17 fewer displaced 5 more displaced	17 fewer displaced 5 more displaced	17 fewer displaced 5 more displaced
Loss Walton-blocked Horner-storage Horner-blocked***	5 0 5	5 14 5	5 26 5	5 29 5

Table 2, below, shows the available parking spaces under Existing No Project conditions, under the approved project from the Final SEIR-2, and under the proposed design changes in this Addendum.

<sup>\* -</sup> Walton parking spaces are sized typical of personal vehicle parking spaces, approximately 10'x18'

\*\* - Horner storage spaces are wider and deeper than standard parking stalls, and are approximately 12'x40'

<sup>\*\*\*-</sup> blocked only until construction workers can clear access for stored vehicles to exit or for vehicle to access storage parking space, estimated at less than one hour.

Table 2. COMPARISON OF AVAILABLE PARKING SPACES			
	Walton Parking Spaces	Horner Rental Spaces	
Existing w/out Project <sup>1</sup>	135*	175	
Final SEIR-2 Approved Design	105	150	
Addendum No, 3 to SEIR-2	-	-	
w/Systems Facilities and IEE (permanent) <sup>2</sup>	122	145	
w/Utility Easements (temporary) <sup>3</sup>	-	-	
Option 1	117	140	
Option 2	117	126	
Option 3	117	114	
Option 4	117	111	

- \* Within APN 028-23-012.
- 1. The Walton and Horner properties start out with 135 and 175 parking spaces respectively.
- 2. The Systems Facilities remove 13 and 30 parking spaces respectively as of the current design.
- 3. During construction and installation of the utility easements, there will a be temporary loss of an additional 5 parking spaces from Walton and a loss of 5, 19, 26, and 29 parking spaces from Horner under Options 1, 2, 3, and 4, respectively. Once construction is completed, Walton will have 122 spaces and Horner will have 145 spaces.

#### Walton Property

Permanent Parking Impacts. Under all four options, the reconfiguration of the Systems Facilities layout would cause the permanent displacement of 17 fewer parking spaces in comparison to the approved Project from the SEIR-2. As a result, there are no new or substantially more severe impacts on permanent parking than analyzed in the prior environmental documents. In fact, impact will be less than that previously identified because 17 fewer permanent parking spaces would be lost.

Temporary Parking Impacts. Under all four options, as described in Section 2.2.5 above temporary trench plates/covers would be used to cover trenches while not in use to provide access to parking spaces adjacent to the trench. VTA will ensure that access is maintained to a minimum of 117 parking spaces, of the 122 spaces, over the active trench at any given time. In addition, construction workers will not utilize the business area for parking and construction equipment and materials will be staged offsite. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Truck Turn-Around and Loading. Under all four options, as described in Section 2.2.5 above, VTA will work with the property owner to ensure that truck loading docks are accessible for business use to minimize disruption to the business operations during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Access to/from Railroad Court. Under all four options, as described in Section 2.2.5 above, VTA will work with the property owner to ensure that driveway access from Railroad Court is maintained to minimize disruption to the business operations during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant

impacts, would result from the four design change options and no new mitigation is necessary.

Construction Traffic. Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). VTA will ensure that the use of these types of equipment will be phased so that a minimum of 117 parking spaces, of the 122 spaces, will be available at any given time during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Spill Over Parking onto Railroad Court. Under all four options, there would be 12 more parking spaces during construction than were approved in the Final SEIR-2. As stated on pages 4-106 and 4-107 of the Final SEIR-2, according to the Milpitas City Ordinance, Title XI, Section 53, Table 53.09-1, manufacturing and warehousing facilities require a minimum of one parking space per 1,500 square feet and office space requires a minimum of one parking space per 350 square feet. According to James Lindsay, Planning and Neighborhood Services Director of the City of Milpitas at that time, City planning files documented that the property has 13,358 square feet of office and 42,042 square feet of warehouse, generating a requirement of 67 parking spaces. The 1991 plans for the property on file with the City indicate that 137 parking spaces are supplied. With the temporary loss of the 5 spaces during construction for up to 6 months, the property will have an ample supply of well over 67 parking spaces during construction. Therefore, the construction of these utilities would not conflict with City of Milpitas parking requirements and would not result in any new significant impacts, or increases to previously-identified significant impacts, and no new mitigation measures are necessary.

Therefore, the transportation impacts to the property during construction will be minimized and would cause a less-than-significant impact.

#### Horner Property

Permanent Parking Impacts. Under all four options, the reconfiguration of the Systems Facilities layout would cause the permanent displacement of 5 additional storage spaces in comparison to the approved Project from the SEIR-2. The loss of 5 storage spaces out of 135 storage spaces is a loss of 3.7% of the existing total of storage spaces. The permanent loss of 5 storage spaces would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

#### Temporary Parking Impacts.

ALL OPTIONS - Under all four options, at any given time, a maximum of 5 vehicle storage spaces would be temporarily blocked while crews are excavating. As mentioned in Section 2.2.5 above, trench plates/covers will be used to cover open trenches while not in use to provide access to storage spaces during construction. Minor delays of 30 minutes to one hour may be required to allow crews to safely cover the open trench to allow for vehicle entry and exit. In addition, notices of the temporary delays and anticipated dates of work will be provided to vehicle owners prior to start of work. The loss of 5 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

*OPTION 1* – Under this option, there are no additional storage space displacements than those described above.

OPTION 2 – Under this option, the existing ATT/Sprint fiber optic line would be relocated onsite. Telecommunications service for the facility would be located in a joint trench with the electrical utilities within the drive aisle along with the water and sanitary sewer utilities. Compared to Option 1, a much wider utility pathway would be required to fit all of the utilities proposed for this property, plus the minimum separation widths between each utility. In addition to the 5 blocked spaces described above, the wider pathway for utilities under this option would impact up to 14 additional storage spaces for the entire 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 14 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property.

OPTION 3 – This option also requires the placement of water, sanitary sewer, telecom, and electrical utilities within this property. However, this design option allows the ATT/Sprint line to remain in place on-site. Therefore, with the ATT/Sprint line to be protected in-place during construction of the new water, sanitary sewer, electrical and new fiber optic line. A much wider utility pathway is required, in comparison to Option 2, to fit all of the utilities and minimum separation widths between each utility. The wider pathway for utilities would impact up to 26 of the storage spaces on the Horner property for the 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 26 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. OPTION 4 - This design option is similar to Option 3 in that it allows the ATT/Sprint line to remain in place on-site. However, the sanitary sewer would be routed east of the Systems Facilities and not on the Horner property as under Options 2 and 3. Because ATT/Sprint would remain in place

on-site, a much wider utility pathway is required to fit all of the utilities and minimum separation widths between each utility. A wider pathway for utilities would impact up to 29 of the storage spaces on the Horner property for the entire 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 29 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and compensate the property owner for the loss of his property.

Construction Traffic. Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). VTA will ensure that the use of these types of equipment will be phased so that a maximum of 5 storage spaces will be blocked at any given time during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Access to/from Railroad Court. As mentioned in Section 2.2.5 above, VTA will work with the property owner to ensure that driveway access to and from Railroad Court is maintained at all times to allow vehicle owners to move their vehicles with minor delays while work is ongoing. Possible construction measures to allow access could include: phased construction, flaggers, use of temporary trench plates/covers, or comparable methods. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

#### <u>UPRR Property</u>

Options 1 through 3 do not impact UPRR service because no utilities are proposed within the property. Under Option 4, construction would take up to 4 months on the UPRR Property. VTA will coordinate with UPRR prior to and during construction of the sanitary sewer line under the existing and operational freight tracks so as to minimize impacts to freight service. Construction methodology may include trenchless installation such as directional drilling or jack-and-bore technology to allow UPRR service to continue uninterrupted over the line. Construction work may be limited to evening, night-time, or weekend work, or may require temporary restrictions on freight operations to construct the sanitary sewer. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

#### **Beresford Property**

Options 1 through 3 do not impact the Beresford Property because no utilities are proposed within the property. Under Option 4, the sanitary sewer would be constructed through the residential recreation area and connect to an existing sanitary sewer line within Edgewater Drive. Construction of Option 4 would take up to 4 months on the Beresford Property. Up to one lane on Edgewater Drive at a time would be closed during 7AM to 5PM business hours to construct the connection to the sewer within the street ROW. Therefore, there are no new

significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

Therefore, the impacts to the property during construction will be minimized and would cause a less-than-significant impact.

#### 3.2.1.5 Socioeconomics

Because the footprint of the Systems Facilities was shifted north, 17 fewer permanent parking spaces would be lost on the Walton property compared to the previously analyzed design in the SEIR-2. Therefore, the socioeconomic impact on the Walton property due to loss of permanent parking is less than that disclosed and approved in the SEIR-2. There are no significant physical impacts resulting from any economic impacts of the Project on the Walton property from the loss of permanent parking spaces (ex. blight or urban decay). This conclusion is based on the fact that 117 parking spaces remain which far exceeds the city parking requirement for the property (refer to Section 3.2.1.4 Transportation and Table 2). For the Horner property, the reconfiguration of the Systems Facilities would cause a permanent displacement of 5 additional storage spaces than that previously analyzed under the SEIR-2. This is a loss of 3.7% of the available storages spaces on the property. Such loss would not cause a new significant socioeconomic impact because VTA would comply with the Uniform Relocation assistance and Real Property Acquisition Policies Act of 1970, and would compensate the owner for the loss of his property. There are no significant physical impacts resulting from the economic impacts of the Project on the Horner property from the loss of permanent parking spaces (ex. blight or urban decay). In addition to the permanent displacement of parking on the Walton and storage spaces on the Horner properties, there will be a temporary surface disturbance and loss of 5 parking/storage spaces during construction of the utilities for up to 6 months on the Horner property and 2 to 6 months on the Walton property, depending on the option selected. During construction, crews will use plates/covers to cover open trenches while not in use to provide access to storage/parking spaces during construction. The loss of 5 storage spaces for up to 6 months on the Horner property and the loss of 5 parking spaces for 2 to 6 month on the Walton property would not cause a new significant economic impact because VTA would compensate the properties for the temporary loss of the spaces. There are no significant physical impacts resulting from the economic impacts of the Project on the Horner property or Walton property from the temporary loss of parking spaces (ex. blight or urban decay).

#### 3.2.1.6 Construction - Utilities

Under all four options, the new utility connections are needed to support the Train Control Building, which requires electricity, a telephone line, an eye wash, and one restroom. The water, sanitary sewer, telecom, and electrical needs of the Train Control Building are very minor and are commensurate with a single family home. To provide services to this building would not cause a strain on the existing services. The connections would be made to existing services that have the capacity to support the additional needs associated with the construction of a new single family home or the Train Control Building. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

#### Walton Property

The only existing utility within the drive aisle of this property where the new utilities are proposed is an existing storm drain. Under all four options the Systems Facilities require a connection to the existing storm drain on-site. As described on pages 4.19-40 and 4.19-41 of the SEIR-2, (regardless of option chosen) this project will implement measures to avoid or minimize degradation of storm water quality during construction with the implementation of a Storm Water Pollution Prevention Plan (SWPPP) on all properties within the Project. With the implementation of a SWPPP, the construction of this project, including the utilities described above, would not cause a new significant impact to storm water quality, nor would it cause an increase in any previously disclosed significant impacts, and no new mitigations are necessary.

Therefore, the impacts to the existing utilities will be minimized and would cause a less-thansignificant impact.

#### **Horner Property**

OPTIONS 1, 3 & 4 - These design options allows the existing ATT/Sprint line to remain in place on-site. As stated on page 4.19-88 of the 2004 DRAFT EIS/DRAFT EIR as a mitigation measure for impacts to utilities, VTA will coordinate with the utility provider to identify the existing fiber optic telecommunications line in the field prior to construction. It will be protected in place during construction of the sanitary sewer line. VTA will coordinate with the utility provider to minimize disruption to service through construction. Therefore, the impacts to the existing utilities will be minimized and would cause a less-than-significant impact and no new mitigation is necessary.

OPTION 2 - This design option requires the ATT/Sprint line to be relocated on-site in a joint trench with the electrical utilities to allow for the construction of the water, sanitary sewer, and electrical lines. This may cause service disruptions to customers served by this utility and will require further coordination with the telecommunications utility provider. VTA will coordinate with the utility provider to identify the existing fiber optic telecommunications line in the field prior to construction. VTA will coordinate with the utility provider to minimize disruption to service through construction. Therefore, the impacts to the existing utilities will be minimized and would cause a less-than-significant impact and no new mitigation is necessary.

#### 3.3 Conclusion

Staff recommends the selection of Option 1 as the preferred option for the routing of the new utility easements because (1) it does not require the relocation of the existing fiber optics line; (2) separates the sanitary sewer and water lines; (3) maintains all the utility easements within the IEE footprints; and (4) does all of the foregoing with the least displacement of parking spaces on both properties.

The final easements and acquisitions that are required may change (i.e., increase or decrease in size, change type, and/or change from permanent to temporary, etc.) during final design while being within the scope of the project and minor in nature. These changes can

be a result of working with utility companies to relocate their facilities. It is the intent of this Addendum and previous environmental documents adopted by VTA to fully disclose the potential environmental impacts of the easements and other acquisitions that are generally indicative of the type of work required, recognizing some adjustments may be necessary based on final design and/or working with individual property owners during the real estate acquisition process. Should additional modifications beyond the scope of the project trigger the need for additional environmental review pursuant to CEQA Guidelines Section 15162 and other applicable provisions of CEQA, VTA will prepare the necessary additional environmental analysis.

In conclusion, no new significant or substantially more severe impacts would result from the proposed design modifications including the modification to the layout of the Systems Facilities or the routing of utility services to the SRR and SRC Systems Facilities located near Railroad Court under Options 1-4. All mitigation measures described in the SEIR-2 are still applicable.

#### **SECTION 4.0 ENVIRONMENTAL DETERMINATION**

Based upon the evaluation of the proposed design modifications to the approved BART Silicon Valley Project, the Addendum No. 3 to the Project has not identified any new significant adverse impacts nor any substantial increase in the severity of any previously identified significant adverse impacts previously documented for the Project, nor has any "new information of substantial importance" been presented pursuant the CEQA Guidelines Section 15162. Therefore, an Addendum to the previous EIR, SEIR-1 and SEIR-2 is the appropriate environmental document.

Thomas W. Fitzwater, Manager

Environmental Programs and Resources Management

Santa Clara Valley Transportation Authority

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FIGURE 1

















