

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

March 6, 2017
By E-Mail to:
BARTPhase2EIS-
EIR@vta.org

Tom Fitzwater
SVRT Environmental Planning Manager
VTA Environmental Programs & Resources Management,
Building B-2
3331 North First Street
San Jose, CA 95134

Re: VTA's BART Silicon Valley - Phase II Extension Project (SCH# 2002022004)

Dear Mr. Fitzwater:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating for the regional planning of transportation, land use and air quality, with a focus on climate change. We have commented previously on many of the earlier documents for this project. The following comments and page citations pertain to the Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report ("DEIR") for VTA's BART Silicon Valley - Phase II Extension Project ("Proposed Project").

Areas of Controversy

Having been involved with this project from the time of its 2001 Major Investment Study, TRANSDEF takes exception to the overly narrow list of Areas of Controversy, p. ES-8. Indeed, the very first Area of Controversy, which has dogged the Proposed Project from the beginning, is "Why it is appropriate for the public to expend many billions of dollars to extend BART to Diridon Station and Santa Clara, when the areas of high employment are elsewhere in Santa Clara County?" Besides meeting the desires of San Jose city fathers to have a subway in their town, please provide the justification explaining why this is a cost-effective solution to an actual commute challenge. (And no, TRANSDEF disagreed bitterly with the conclusions of the Major Investment Study, and considered it to be a political document with no transportation credibility.)

Making this question more scandalous is the DEIR's finding that the Proposed Project would carry only 14,619 new riders in 2035. (p. 3-50.) This ridership compares to that of an unimpressive bus line. With the capital cost of such a line being a few million dollars, how can the Proposed Project's cost of \$4.69 billion (p. 9-3) be justified?

P86-1

P86-2

The second question is "Why, if BART is extended to Downtown San Jose, does it make any financial, environmental or transportation sense to extend it further to Santa Clara, when there is already established Caltrain service between Diridon Station and Santa Clara? It has never been established that there is an unmet transit need between those two points. Please provide a legitimate justification for this project element.

P86-3

Project Purpose

If the purpose of the Proposed Project is to:

Improve public transit service in this corridor by providing increased transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and populations throughout the Bay Area and from communities that can access the BART regional rail network. Santa Clara County residents will be provided improved access to employment and activity centers in Alameda, Contra Costa, and San Francisco counties, including the Bay Area's major employment concentration in downtown San Francisco. (p. 1-5)

P86-4

then the Proposed Project is routed to the wrong destination. San Jose isn't a major employment center, when compared to other cities in the County. In addition, County residents already have improved access to downtown San Francisco via Caltrain. These so-called needs are not clearly thought out, or convincing.

As transit advocates we fully support the following purpose:

expanding multimodal options and reducing reliance on single auto commute trips. Increasing the use of transit is critical to moving workers through highly congested travel corridors that serve major employment centers. (p. 1-5)

The DEIR fails to provide any evidence that the Proposed Project will actually have any of these desirable effects. It is evident that the:

Cities of San Jose and Santa Clara [would like] to direct business and residential investments in the Alum Rock neighborhood of east-central San Jose, downtown San Jose, Diridon Station, in the vicinity of the existing Santa Clara Caltrain Station, and elsewhere in the BART Extension alignment. (p. 1-5)

P86-5

Critics of the Proposed Project have long contended that this is the actual purpose of the Proposed Project. However, stimulate this development of private property is hardly a compelling reason for the public to spend \$4.69 billion.

Project Need

Santa Clara County has severe transportation challenges resulting from its decision to build out as low-density sprawl. The light rail system that had been proposed in the 1970's as a fix for that sprawl was never built.¹ Instead, more expressways and highways were built, leading to the insoluble traffic problems now apparent. The Proposed Project would do little or nothing to solve any of this, because it would function primarily as an intra-regional connector, rather than as local transit.²

P86-6

We note the total failure to provide population and employment data for other parts of the County. This is unacceptable, and prevents a needed comparison between San Jose's needs, and those of the rest of the County.

p. 1-11: The discussion of transit connectivity fails to establish that there is actual demand by BART passengers for transit service to downtown San Jose.

P86-7

p. 1-12: The discussion of North First Street begs the question "Why doesn't the Proposed Project go to North First Street, where there is employment and travel demand?" Bringing passengers to Diridon Station, if they really want to go to North First Street, is a very expensive and fundamental planning mistake.

P86-8

San Jose has been known for such mistakes throughout its recent history. The city is acknowledged as having the worst operating ratio for a light rail system in the United States. This BART extension would live up to VTA's motto: Serving places people don't want to go to.

P86-9

p. 1-12: Why would East Bay BART riders go to San Jose to get to San Francisco? They already have direct service on BART.

Greenhouse Gas Emissions

Include as a feasible mitigation for the significant unavoidable increase in GHG emissions, and the associated conflicts with plans to reduce GHGs: the Transportation Demand Management (TDM) program recently enacted into ordinance by the City and County of San Francisco.³

P86-10

Transportation Operation Analysis

p. 3-2: Please discuss SB 743 as part of the Regulatory Setting. San Francisco has adopted VMT as its impact metric, as a result of that legislation. Given that San Jose's envy of San Francisco is widely known, why hasn't San Jose done likewise?

P86-11

p. 3-48 - 3-50: Given the paltry ridership projected in Tables 3-11 and 3-14, and the estimated project cost, is the Proposed Project the most expensive project ever proposed to FTA, on a cost per new rider basis? Please compare these ridership projections from those of the 2004 FEIR, which were universally criticized as inflated.

P86-12

Alternatives

TRANSDEF proposes that FTA and VTA evaluate the following alternative to the Proposed Project: Use the funding assembled for the Proposed Project to instead build out the Altamont Corridor Rail Project. See its Preliminary Project Description.⁴ Key studies have already been completed: the Preliminary Alternatives Analysis,⁵ along with its Appendices,⁶ and project promotional brochures.^{7,8} This Alternative should include a reopened Dumbarton Rail Bridge, as that would allow direct service to the high employment areas of the Mid-Peninsula. While VTA would probably not serve as the lead agency for its implementation, the merits of this Alternative must be evaluated alongside those of the Proposed Project, because this Alternative would far better serve the Project Purpose and Need, and would be eligible for funding from the same sources as the Proposed Project.

Unlike the Proposed Project, this Alternative offers a comprehensive solution for commuters from the Tri-Valley and Central Valley to travel by rail, direct from their communities to employment sites distributed throughout the County. The train's speed and reliability would out-compete with driving in heavy congestion. This Alternative has the potential to divert large numbers of drivers from the highway to rail, resulting in lower regional congestion, lower GHG emissions, lower fatalities, and happier travelers, able to work on the train and spend more time at home. Commuting by train from the Tri-Valley and Central Valley has the potential of putting a dent in the Bay Area's tremendous unmet housing demand, thus lowering housing and transportation costs for many households.

TRANSDEF appreciates this opportunity to provide these comments on the Proposed Project.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President
David@Schonbrunn.org

CC:

Steve Heminger, MTC
David Cortese, Santa Clara County. MTC
Joe Simitian, Santa Clara County
VTA Board of Directors

Attachments

SF TDM Ordinance

¹ Silicon Valley's Transportation Future Part 1: A Vision Beyond Gridlock, a video by City of Cupertino, https://www.youtube.com/watch?v=_lrUr648Nas (accessed 3/6/17.)

² Table 3-12, p. 3-49 projects an intra-regional ridership of 36,810, compared to local ridership of 15,201.

³ See <http://sf-planning.org/shift-transportation-demand-management-tdm> and the attached file.

⁴ Altamont Corridor Preliminary Project Description, California High-Speed Rail Authority, May 2009, http://transdef.org/HSR/Altamont_assets/Altamont_Corridor_Preliminary_Project_Description_5_1_09.pdf (Accessed 3/3/17.)

⁵ Altamont Corridor Rail Project, Project Environmental Impact Report/Environmental Impact Statement, Preliminary Alternatives Analysis Report, February 2011 http://transdef.org/HSR/Altamont_assets/Altamont%20Corridor%20Rail%20Project%20Preliminary%20AA%20Report.pdf (Accessed 3/3/17.)

⁶ Preliminary AA Report Appendices, http://transdef.org/HSR/Altamont_assets/%20Preliminary%20AA%20Report%20Appendices.pdf (Accessed 3/3/17.)

⁷ "Welcome to the start of a new vision!", October 2009 newsletter from Altamont Corridor Rail Project, http://transdef.org/HSR/Altamont_assets/Altamont_Newsletter1Oct2009.pdf (Accessed 3/3/17.)

⁸ "Help Realize The Altamont", February 2011 newsletter from Altamont Corridor Rail Project, http://transdef.org/HSR/Altamont_assets/AltamontNewsletter%202011.pdf (Accessed 3/3/17.)

ATTACHMENT

1 [Planning Code - Transportation Demand Management Program Requirement]

2
3 **Ordinance amending the Planning Code to establish a citywide Transportation Demand**
4 **Management (TDM) Program, to require Development Projects to incorporate design**
5 **features, incentives, and tools that support sustainable forms of transportation; to**
6 **create a new administrative fee to process TDM Plan applications and compliance**
7 **reports; and to make conforming amendments to various sections of the Planning**
8 **Code; affirming the Planning Department's determination under the California**
9 **Environmental Quality Act, and making findings of public necessity, convenience, and**
10 **welfare under Planning Code Section 302, and findings of consistency with the General**
11 **Plan and the eight priority policies of Planning Code Section 101.1.**

12 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Findings. The Board of Supervisors of the City and County of San
21 Francisco hereby finds and determines that:

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 160925, and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On _____, the Planning Commission, in Resolution No. _____, the
2 Board of Supervisors adopted findings that the actions contemplated in this ordinance are
3 consistent, on balance, with the City's General Plan and eight priority policies of Planning
4 Code Section 101.1. ~~The Board adopts these findings as its own. A copy of said Resolution~~
5 A Memorandum from the Planning Department discussing the ordinance's consistency with
6 the General Plan and Planning Code Section 101.1 is on file with the Clerk of the Board of
7 Supervisors in File No. 160925, and is incorporated herein by reference. The Board adopts
8 those findings as its own.

9 (c) On August 4, 2016, the Planning Commission, in Resolution No. 19715,
10 approved this legislation, and recommended it for adoption by the Board of Supervisors. A
11 Memorandum from the Planning Department discussing how public necessity, convenience
12 and welfare require adoption of this ordinance is on file with the Clerk of the Board of
13 Supervisors in File No. 160925, and is incorporated herein by reference. The Board adopts
14 those findings as its own. ~~and adopted findings that it will serve the public necessity,~~
15 ~~convenience and welfare. Pursuant to Planning Code Section 302, the Board adopts these~~
16 ~~findings as its own. A copy of said Planning Commission Resolution No. 19715,~~
17 ~~recommending adoption of this Ordinance, is on file with the Clerk of the Board of Supervisors~~
18 ~~in File No. 160925 and is incorporated herein by reference.~~

19
20 Section 2. The Planning Code is hereby amended by adding Sections 169, 169.1,
21 169.2, 169.3, 169.4, 169.5, and 169.6, to read as follows:

22
23 **SEC. 169. TRANSPORTATION DEMAND MANAGEMENT PROGRAM.**

24 Sections 169 through 169.6 (hereafter referred to collectively as "Section 169") set forth the
25 requirements of the Transportation Demand Management Program (TDM Program).

1
2 **SEC. 169.1. FINDINGS.**

3 (a) According to Plan Bay Area 2040, the long-range integrated transportation and land-
4 use/housing strategy for the San Francisco Bay Area through 2040 adopted in 2013 by the Association
5 of Bay Area Governments and the Metropolitan Transportation Commission, San Francisco is expected
6 to grow by approximately 191,000 jobs and 102,000 households from 2010 to 2040.

7 (b) This growth will generate an increased demand for transportation infrastructure and
8 services on an already constrained transportation system. One of the challenges posed by this growth
9 is the increased number of single occupancy vehicle trips, and the pressures they add to San
10 Francisco's limited public streets and rights-of-way, contributing to congestion, transit delays, and
11 public health and safety concerns caused by motorized vehicles, air pollution, greenhouse gas (GHG)
12 emissions, and noise, thereby negatively impacting the quality of life in the City.

13 (c) The Transportation Sustainability Program, or TSP, is aimed at accommodating this
14 new growth while minimizing its impact on San Francisco's transportation system. It is a joint effort of
15 the Mayor's Office, the Planning Department, the San Francisco County Transportation Authority, and
16 the San Francisco Municipal Transportation Agency that has spanned many years and has involved a
17 robust process of public outreach and discussion. The TSP includes three separate but related policy
18 initiatives: the Transportation Sustainability Fee (TSF); the modernization of San Francisco's
19 environmental review process under the California Environmental Quality Act (CEQA); and the
20 Transportation Demand Management (TDM) Program.

21 (1) The first component, the TSF, seeks to fund transportation improvements to
22 support new growth by charging a development impact fee on new development. The City approved the
23 TSF in 2015 with the enactment of Ordinance No. 200-15 (Board of Supervisors File No. 150790).

24 (2) The second component, the modernization of the environmental review process
25 under CEQA, has been shepherded by the State under Senate Bill 743 (Stats. 2013, C. 386, now

1 codified in Public Resources Code Section 21099). SB 743 required the Office of Planning and
2 Research (OPR) to develop new guidelines to replace the existing transportation review standard,
3 focused on automobile delay, with new criteria that "promote the reduction of greenhouse gas
4 emissions, the development of multimodal transportation networks, and a diversity of land uses." OPR
5 recommended a replacement metric of Vehicle Miles Traveled, or VMT, that is, the amount and
6 distance of automobile travel attributable to a project. The Planning Commission unanimously
7 approved a Resolution adopting changes consistent with implementation of SB 743, including the use of
8 Vehicle Miles Traveled as the metric for calculating transportation-related environmental impacts, at
9 its hearing on March 3, 2016 (Planning Commission Resolution No. 19579).

10 (3) The third component creates the TDM Program, detailed in Section 169. The
11 TDM Program seeks to promote sustainable travel modes by requiring new development projects to
12 incorporate design features, incentives, and tools that support transit, ride-sharing, walking, and
13 bicycle riding for the residents, tenants, employees, and visitors of their projects.

14 (d) State and regional governments have enacted many laws and policy initiatives that
15 promote the same sustainable transportation goals the TDM Program seeks to advance. For instance,
16 at the state level, the Congestion Management Law, Gov. Code Section 65088, establishes that to
17 reduce the state's traffic congestion crisis and "keep California moving," it is important to build
18 transit-oriented development, revitalize the state's cities, and promote all forms of transportation.
19 Assembly Bill 32, the California Global Warming Solutions Act of 2006 (Chapter 488, Statutes of
20 2006), requires statewide GHG reductions to 1990 levels by 2020. Executive Orders B-30-15, S-3-05
21 and B-16-12 set forth GHG reduction targets beyond that year, to 2050. Senate Bill 375, the
22 Sustainable Communities and Climate Protection Act of 2008 (Chapter 728, Statutes of 2008) supports
23 the state's climate action goals to reduce GHG emissions through coordinated transportation and land
24 use planning with the goal of creating more sustainable communities. Under this statute, the
5 California Air Resources Board establishes GHG reduction targets for metropolitan planning

1 organizations, based on land use patterns and transportation systems specified in Regional
2 Transportation Plans and Sustainable Community Strategies. Plan Bay Area 2040 sets GHG and
3 Vehicle Miles Traveled reduction targets and a target for increasing non-automobile mode share for
4 the Bay Area.

5 (e) In addition, San Francisco has enacted many laws and policy initiatives that promote
6 the same sustainable transportation goals the TDM Program seeks to advance. The "Transit First
7 Policy," in Section 8A.115 of the City Charter, declares that public transit is "an economically and
8 environmentally sound alternative to transportation by individual automobiles," and that within the
9 City, "travel by public transit, by bicycle and on foot must be an attractive alternative to travel by
10 private automobile." The GHG Reduction Ordinance, codified at Chapter 9 of the Environment Code,
11 sets GHG reduction emission targets of 25% below 1990 levels by 2017; 40% below 1990 levels by
12 2025; and 80% below 1990 levels by 2050. The City's Climate Action Strategy, prepared pursuant to
13 the GHG Reduction Ordinance, has identified a target of having 50% of total trips within the City be
14 made by modes other than automobiles by 2017, and 80% by 2030. One of the ways identified to
15 achieve this target is through TDM for new development.

16 (f) San Francisco has long acknowledged the importance of TDM strategies in the
17 Transportation Element of the City's General Plan, the San Francisco County Transportation Plan,
18 and many Area Plans. For example, each of the Area Plans within Eastern Neighborhoods and the
19 Transit Center District Plan identify policies for the development of a TDM program within them.

20 (g) The TDM Program set forth in Section 169 requires new projects subject to its
21 requirements to incorporate design features, incentives, and tools to encourage new residents, tenants,
22 employees, and visitors to travel by sustainable transportation modes, such as transit, walking, ride-
23 sharing, and biking, thereby reducing Vehicle Miles Traveled associated with new development. The
24 goals of the TDM Program are to help keep San Francisco moving as it grows, and to promote better
25

1 environmental, health, and safety outcomes, consistent with the state, regional, and local policies
2 mentioned above.

3 (h) For projects that use Development Agreements and may not be required to comply fully
4 with the requirements of Section 169, it is the Board of Supervisors' strong preference that
5 Development Agreements should include similar provisions that meet the goals of the TDM Program.

6 (i) The Board of Supervisors finds that it is in the public interest to exempt
7 affordable housing from the fees and requirements of the TDM Program, in order to promote
8 this important City policy and priority, and also because these projects generally generate less
9 VMT. A 2014 study by Transform and California Housing Partnership Corporation, "Why
10 creating and preserving affordable homes near transit is a highly effective climate protection
11 strategy," finds that "Higher Income households [defined as above 120% of area median
12 income] drive more than twice as many miles and own more than twice as many vehicles as
13 Extremely Low-Income households [defined as 30% or less of AMI] living within 1/4 mile of
14 frequent transit," which demonstrates how the TDM value for on-site affordable housing units
15 is largely dependent on the level of affordability of the targeted households.

16 (j) The Board of Supervisors finds that it is in the public interest to exempt some
17 uses from the TDM Program fees, in order to promote other important City policies and
18 priorities, such as the goals and missions of City-funded charitable health and human service
19 organizations. As such, the Board of Supervisors finds that parking spaces dedicated to
20 service vehicles provided for City-funded charitable health and human service organizations
21 shall be excluded from the definition of a parking space in the TDM Program Standards.

22
23 **SEC. 169.2. DEFINITIONS.**

24 For purpose of Section 169, the following definitions shall apply. In addition, see the Planning
25 Commission Standards for the Transportation Demand Management Program (TDM Program

1 Standards), described in Section 169.6, for additional definitions of terms applicable to this Section
2 169.

3 Approval. Any required approval or determination on a Development Application that the
4 Planning Commission, Planning Department, or Zoning Administrator issues.

5 Development Application. As defined in Section 401.

6 Development Project. As defined in Section 401.

7 Transportation Demand Management, or TDM. Design features, incentives, and tools
8 implemented by Development Projects to reduce VMT, by helping residents, tenants, employees, and
9 visitors choose sustainable travel options such as transit, bicycle riding, or walking.

10 Transportation Demand Management Plan, or TDM Plan. A Development Project's plan
11 describing compliance with the TDM Program.

12 Transportation Demand Management Program, or TDM Program. The San Francisco policy
13 requiring Development Projects to incorporate TDM measures in their proposed projects, as set forth
14 in Section 169.

15 Vehicle Miles Traveled, or VMT. A measure of the amount and distance that a Development
16 Project causes people to drive, as set forth in more detail by the Planning Commission in the TDM
17 Program Standards prepared pursuant to Section 169.6.

18
19 **SEC. 169.3. APPLICABILITY.**

20 (a) Except as provided in subsection (b), Section 169 shall apply to any Development
21 Project in San Francisco that results in:

22 (1) Ten or more Dwelling Units, as defined in Section 102; or

23 (2) Ten or more bedroomss of in a Group Housing or Residential Care Facility,

24 as thisee terms are is defined in Section 102; or
25

1 (3) Any new construction resulting in 10,000 occupied square feet or more of any
2 use other than Residential, as this term is defined in Section 102, excluding any area used for accessory
3 parking; or

4 (4) Any Change of Use resulting in 25,000 occupied square feet or more of any use
5 other than Residential, as this term is defined in Section 102, excluding any area used for accessory
6 parking, as set forth in the TDM Program Standards, if:

7 (A) The Change of Use involves a change from a Residential use to any use
8 other than Residential; or

9 (B) The Change of Use involves a change from any use other than
10 Residential, to another use other than Residential.

11 (5) For any Development Project that has been required to finalize and record a
12 TDM Plan pursuant to Section 169.4 below, any increase in accessory parking spaces or Parking
13 Garage spaces within such Development Project that results in an increase in the requirements of the
14 TDM Standards shall be required to modify such TDM Plan pursuant to Section 169.4(f) below.

15 (b) Exemptions. Notwithstanding subsection (a), Section 169 shall not apply to the
16 following:

17 (1) One Hundred Percent Affordable Housing Projects. Residential uses within
18 Development Projects where all residential units are affordable to households at or below 150%
19 120% of the Area Median Income, as defined in Section 401, shall not be subject to the TDM Program.
20 Any uses other than Residential within those projects, whose primary purpose is to provide services to
21 the Residential uses within those projects shall also be exempt. Other uses shall be subject to the TDM
22 program. All uses shall be subject to all other applicable requirements of the Planning Code.

23 (2) Parking Garages and Parking Lots, as defined in Section 102. However, parking
24 spaces within such Parking Garages or Parking Lots, when included within a larger Development

1 Project, may be considered in the determination of TDM Plan requirements, as described in the TDM
2 Program Standards.

3 (c) When determining whether a Development Project shall be subject to the TDM
4 Program, the Development Project shall be considered in its entirety. A Development Project shall not
5 seek multiple applications for building permits to evade the applicability of the TDM Program.

6 (d) The TDM Program shall not apply to any Development Project that receives Approval
7 of a any Development Application or Development Agreement before the effective date of this
8 Section.

9 (e) Development Projects with a Development Application filed or an Environmental
10 Application deemed complete on or before September 4, 2016 shall be subject to 50% of the
11 applicable target, as defined in the Planning Commission's Standards. Development Projects
12 with no Development Application filed or an Environmental Application deemed complete on
13 or before September 4, 2016, but that file a Development Application on or after September 5,
14 2016, and before January 1, 2018, shall be subject to 75% of the such target. Development
15 Projects with a Development Application on or after January 1, 2018 shall be subject to 100%
16 of the such target.

17
18 **SEC. 169.4. TRANSPORTATION DEMAND MANAGEMENT PLAN REQUIREMENTS.**

19 (a) A property owner shall submit a proposed TDM Plan along with the Development
20 Project's first Development Application. For all projects that require a pre-application community
21 meeting, the Project Sponsor shall present a draft TDM Plan at that pre-application meeting
22 and solicit feedback from the local community to be taken into consideration in preparing the
23 proposed TDM Plan for submittal to the Planning Department. For all projects that require a
24 community meeting occur prior to project application, the Project Sponsor shall discuss
25 potential TDM measures and program standards at that meeting and solicit feedback from the

1 local community to be taken into consideration in preparing the proposed TDM Plan for
2 submittal to the Planning Department. If the Planning Department requires any preliminary
3 application or assessment prior to the project application, the project sponsor shall submit a
4 draft TDM plan at that time. The proposed TDM Plan shall document the Development Project's
5 proposed compliance with Section 169 and the Planning Commission's TDM Program Standards.

6 (b) The proposed TDM Plan shall be reviewed in conjunction with the approval of the first
7 Development Application for the Development Project.

8 (c) Compliance with the TDM Program, including compliance with a finalized TDM Plan,
9 shall be included as a Condition of Approval of the Development Project. The Planning Commission
10 shall not waive, reduce, or adjust the requirements of the TDM Program through the approval
11 processes described in Sections 304, 309, 329 or any other Planning Commission approval process
12 that allows for exceptions.

13 (d) The Development Project shall be subject to the TDM Program Standards in effect at
14 the time of its first Development Project Application Approval. If the Planning Commission has issued
15 revised TDM Program Standards subsequent to that the date of the Development Project's first
16 Development Project Approval Application was filed, then the property owner may elect to have the
17 Development Project be subject to the later-approved TDM Program Standards, but if so, must meet all
18 requirements of such revised Standards.

19 (e) The Zoning Administrator shall approve and order the recordation of a Notice in the
20 Official Records of the Recorder of the City and County of San Francisco for the subject property prior
21 to the issuance of a building or site permit. This Notice shall include the Development Project's final
22 TDM Plan and detailed descriptions of each TDM measure.

23 (f) Upon application of a property owner, after a TDM Plan is finalized and the associated
24 building or site permit has been issued, a Development Project's TDM Plan may be modified in
25 accordance with procedures and standards adopted by the Planning Commission in the TDM Program

1 Standards. However, if such modification to an existing TDM Plan is required pursuant to Section
2 169.3(a)(5) above, the modified TDM Plan shall be finalized in accordance with the procedures and
3 requirements of the TDM Standards in effect at the time of the modification.

4 (g) Property owners shall pay administrative fees with the application, periodic
5 compliance review, and voluntary update review of their TDM Plans, as set forth in the
6 Planning Department Fee Schedule.

7
8 **SEC. 169.5. MONITORING, REPORTING AND COMPLIANCE.**

9 (a) Prior to the issuance of a first certificate of occupancy, the property owner shall
10 facilitate a site inspection by Planning Department staff to confirm that all approved physical
11 improvement measures in the Development Project's TDM Plan have been implemented and/or
12 installed. The property owner shall also provide documentation that all approved programmatic
13 measures in the Development Project's TDM Plan will be implemented. The process and standards for
14 determining compliance shall be specified in the Planning Commission's TDM Program Standards.

15 (b) Throughout the life of the Development Project, the property owner shall:

16 (1) Maintain a TDM coordinator, as defined in the Planning Commission's TDM
17 Program Standards, who shall coordinate with the City on the Development Project's compliance with
18 its approved TDM Plan.

19 (2) Allow City staff access to relevant portions of the property to conduct site visits,
20 surveys, inspection of physical improvements, and/or other empirical data collection, and facilitate in-
21 person, phone, and/or e-mail or web-based interviews with residents, tenants, employees, and/or
22 visitors. City staff shall provide advance notice of any request for access and shall use all reasonable
23 efforts to protect personal privacy during visits and in the use of any data collected during this process.

24 (3) Submit periodic compliance reports to the Planning Department, as required by
25 the Planning Commission's TDM Program Standards.

1
2 SEC. 169.6. TRANSPORTATION DEMAND MANAGEMENT PROGRAM

3 STANDARDS.

4 (a) The Planning Commission, with the assistance of the Planning Department and in
5 consultation with staff of the San Francisco Municipal Transportation Agency and the San Francisco
6 County Transportation Authority, shall adopt the Planning Commission Standards for the
7 Transportation Demand Management Program, or TDM Program Standards. The TDM Program
8 Standards shall contain the specific requirements necessary for compliance with the TDM Program.
9 The TDM Program Standards shall be updated from time to time, as deemed appropriate by the
10 Planning Commission, to reflect best practices in the field of Transportation Demand Management.

11 (b) When preparing, adopting, or updating the TDM Program Standards, the Planning
12 Commission shall consider the primary goals of Section 169, that is, to reduce VMT from new
13 development in order to maintain mobility as San Francisco grows, and to achieve better
14 environmental, health and safety outcomes. In addition, the Planning Commission shall consider the
15 following principles:

16 (1) The requirements of the TDM Program, as set forth in the TDM Program
17 Standards, shall be proportionate to the total amount of VMT that Development Projects produce, and
18 shall take into account site-specific information, such as density, diversity of land uses, and access to
19 travel options other than the private automobile in the surrounding vicinity.

20 (2) The TDM Program Standards shall provide flexibility for Development Projects
21 to achieve the purposes of the TDM Program in a way that best suits the circumstances of each
22 Development Project. To that end, the TDM Program Standards shall include a menu of TDM
23 measures from which to choose. Each measure in this TDM menu shall be designed to reduce VMT by
24 site residents, tenants, employees, or visitors, as relevant to the Development Project, and must be
25 under the control of the developer, property owner, or tenant.

1 (3) Each of the TDM measures in the TDM Program Standards shall be assigned a
2 number of points, reflecting its relative effectiveness to reduce VMT. This relative effectiveness
3 determination shall be grounded in literature review, local data collection, best practice research,
4 and/or professional transportation expert opinion, and shall be described in the TDM Program
5 Standards.

6 (c) One year after the effective date of the TDM Program, the Planning Department
7 shall prepare a report analyzing the implementation of the TDM Program and describing any
8 changes to the TDM Program Standards. Every four years, following the periodic updates to the
9 San Francisco Countywide Transportation Plan that the San Francisco County Transportation
10 Authority prepares, the Planning Department shall prepare a report containing the same
11 information analyzing the implementation of the TDM Program and describing any changes to
12 the TDM Program Standards. The Planning Department shall present such reports to the Planning
13 Commission, and may present them to the Board of Supervisors during a public
14 hearings, if a Supervisor chooses to request a hearing on the matter.

15
16 Section 3. The Planning Code is hereby amended by revising Sections 102, 151, 163,
17 166, and 305, and ~~357~~ to read as follows:

18
19 **SEC. 102. DEFINITIONS.**

20 * * * *

21 **Floor Area, Gross.**

22 * * * *

23 (b) "Gross Floor Area" shall not include the following:

24 * * * *

1 (21) Any area devoted to bicycle parking, bicycle maintenance rooms, or car share
2 spaces when such features are provided as part of a Development Project's compliance with
3 the Transportation Demand Management Program set forth in Section 169 of the Planning
4 Code.

5 * * * *

6
7 **SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.**

8 (a) Applicability. Off-street parking spaces shall be provided in the minimum quantities
9 specified in Table 151, except as otherwise provided in Section 151.1 and Section 161 of this
10 Code. Where the building or lot contains uses in more than one of the categories listed,
11 parking requirements shall be calculated in the manner provided in Section 153 of this Code.
12 Where off-street parking is provided which exceeds certain amounts in relation to the
13 quantities specified in Table 151, as set forth in subsection (c), such parking shall be
14 classified not as accessory parking but as either a principal or a conditional use, depending
15 upon the use provisions applicable to the district in which the parking is located. In
16 considering an application for a conditional use for any such parking, due to the amount being
17 provided, the Planning Commission shall consider the criteria set forth in Section 157 of this
18 Code. Minimum off-street parking requirements shall be reduced, to the extent needed, when such
19 reduction is part of a Development Project's compliance with the Transportation Demand Management
20 Program set forth in Section 169 of the Planning Code.

21 * * * *

22
23 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND**
24 **TRANSPORTATION BROKERAGE SERVICES IN COMMERCIAL AND MIXED USE**
25 **DISTRICTS.**

1 (a) Purpose. This Section 163 is intended to assure that adequate *measures services*
2 are undertaken *and maintained* to minimize the transportation impacts of added office
3 employment *and residential development* in the downtown and South of Market area, in a
4 manner consistent with the objectives and policies of the General Plan, by facilitating the
5 effective use of transit, encouraging ridesharing, and employing other practical means to
6 reduce commute travel by single-occupant vehicles.

7 (b) Applicability. The requirements of this Section apply to any project meeting one of
8 the following conditions:

9 (1) In Commercial and Mixed Use Districts, projects where the *gross occupied*
10 square feet of new construction, conversion, or added floor area for office use equals at least
11 100,000 square feet;

12 (2) In the C-3-O(SD) District, where new construction, conversion, or added
13 floor area for residential use equals at least 100,000 square feet or 100 dwelling units;

14 (3) In the C-3-O(SD) District, projects where the *gross occupied* square feet of
15 new construction or added floor area for any non-residential use equals at least 100,000
16 square feet; or

17 (4) In the case of the SSO, WMUO, or MUO District, where the *gross occupied*
18 square feet of new, converted or added floor area for office use equals at least 25,000 square
19 feet.

20 (c) Requirement. For all applicable projects, the *project sponsor property owner* shall be
21 required to provide on-site transportation brokerage services for the actual lifetime of the
22 project, as provided in this Subsection. Prior to the issuance of a temporary permit of
23 occupancy *(for this purpose Section 149(d) shall apply)*, the *project sponsor property owner* shall
24 execute an agreement with the Planning Department for the provision of on-site transportation
25 brokerage services, *and preparation of a transportation management program to be approved by the*

1 *Director of Planning and implemented by the provider of transportation brokerage services. The*
2 *transportation management program and transportation brokerage services shall be designed:*

3 *(1) To promote and coordinate effective and efficient use of transit by tenants and their*
4 *employees, including the provision of transit information and sale of transit passes on-site;*

5 *(2) To promote and coordinate ridesharing activities for all tenants and their*
6 *employees within the structure or use;*

7 *(3) To reduce parking demand and assure the proper and most efficient use of on-site*
8 *or off-site parking, where applicable, such that all provided parking conforms with the requirements of*
9 *Article 1.5 of this Code and project approval requirements;*

10 *(4) To promote and encourage the provision and proliferation of car-sharing services*
11 *convenient to tenants and employees of the subject buildings in addition to those required by Section*
12 *166, and to promote and encourage those tenants and their employees to prioritize the use of car-share*
13 *services for activities that necessitate automobile travel, including the promotion and sale of individual*
14 *and business memberships in certified car-sharing organizations, as defined by Section 166(b)(2).*

15 *(5) To promote and encourage project occupants to adopt a coordinated flex-time or*
16 *staggered work hours program designed to more evenly distribute the arrival and departure times of*
17 *employees within normal peak commute periods;*

18 *(6) To participate with other project sponsors in a network of transportation brokerage*
19 *services for the respective downtown, South of Market area, or other area of employment concentration*
20 *in Mixed Use Districts;*

21 *(7) To carry out other activities determined by the Planning Department to be*
22 *appropriate to meeting the purpose of this requirement.*

23 **SEC. 166. CAR SHARING.**

24 * * * *

5 (g) Optional Car-Share Spaces.

1 (1) Amount of Optional Spaces. In addition to any permitted or required parking
2 that may apply to the project, the property owner may elect to provide additional car-share
3 parking spaces in the maximum amount specified in Table 166A; provided, however, that the
4 optional car-share parking spaces authorized by this subsection (g) are not permitted for a
5 project that receives a Conditional Use authorization to increase parking. Additional car-share
6 parking spaces shall be allowed beyond the maximum amount specified in Table 166A, to the extent
7 needed, when such additional car-share parking spaces are part of a Development Project's
8 compliance with the Transportation Demand Management Program set forth in Section 169 of the
9 Planning Code.

10 * * * *

11
12 **SEC. 305. VARIANCES.**

13 (a) General. The Zoning Administrator shall hear and make determinations regarding
14 applications for variances from the strict application of quantitative standards in this Code. He
15 shall have power to grant only such variances as may be in harmony with the general purpose
16 and intent of this Code and in accordance with the general and specific rules contained
17 herein, and he shall have power to grant such variances only to the extent necessary to
18 overcome such practical difficulty or unnecessary hardship as may be established in
19 accordance with the provisions of this Section. No variance shall be granted in whole or in
20 part which would have an effect substantially equivalent to a reclassification of property; or
21 which would permit any use, any height or bulk of a building or structure, or any type or size or
22 height of sign not expressly permitted by the provisions of this Code for the district or districts
23 in which the property in question is located; or which would grant a privilege for which a
24 conditional use procedure is provided by this Code; or which would change a definition in this
25 Code; or which would waive, reduce or adjust the inclusionary housing requirements of

1 Sections 415 through 415.9; or which would reduce or waive any portion of the usable open
2 space applicable under certain circumstances in the Eastern Neighborhoods Mixed Use
3 Districts pursuant to Section 135(i) and 135.3(d); or which would waive or reduce the quantity
4 of bicycle parking required by Sections 155.2 through 155.3 where off-street automobile
5 parking is proposed or existing; *or which would waive, reduce or adjust the requirements of the*
6 *TDM Program in Sections 169 et seq.* A variance may be granted for the bicycle parking layout
7 requirements in Section 155.1 of this Code. If the relevant Code provisions are later changed
8 so as to be more restrictive before a variance authorization is acted upon, the more restrictive
9 new provisions, from which no variance was granted, shall apply. The procedures for
10 variances shall be as specified in this Section and in Sections 306 through 306.5.

11 * * * *

12
13 Section 4. Ordinance 149-16 (Board of Supervisors File No. 160632, effective August
14 31, 2016) repealed the entirety of Section 357, which this Ordinance sought to amend. As a
15 result of the Board's action, amendments to Section 357 are no longer being proposed.

16
17 Section 5. Add the following to the Planning Department Fee Schedule (referenced in
18 Board of Supervisors' Ordinance 149-16), as a new subsection (c) in the Section entitled
19 "TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT APPLICATIONS."

20 (c) Transportation Demand Management Program fees. The fee for review of a
21 Development Project's Transportation Demand Management Plan (TDM Plan) shall be
22 \$6,000, plus time and materials in excess of this initial one-time fee. The fee for periodic
23 compliance review required under the Transportation Demand Management Program (TDM
24 Program) Standards shall be \$1,000. In addition, the fee for voluntary Transportation
25 Demand Management Plan/TDM Plan update review shall be \$1,300. Development Projects

1 consisting of 24 Dwelling Units or less shall be exempt from the periodic compliance review
2 fee and the voluntary update review fee, but shall be otherwise subject to the TDM Program
3 as set forth in Planning Code Section 169 et seq, including the required payment of the
4 application fee. Any land use that requires a TDM Plan, but will be occupied by a non-profit
5 organization that will receive funding from the City to provide services at the subject property
6 shall be exempt from all TDM fees, provided it files fee waiver applications with the Planning
7 Department. Non-profit organizations wishing to be exempt from these fees shall file their fee
8 waiver applications together with their TDM Plan (to waive the application fee), every two
9 years after issuance of a certificate of occupancy (to waive the compliance fees), and as
10 needed (to waive the voluntary update review fee). Aside from these fee waivers, these non-
11 profit organizations shall be subject to the TDM Program as set forth in Planning Code
12 Section 169 et seq. The non-profit fee waivers listed above shall be revoked if a change
13 occurs in the use or tenancy of the project, such that the minimum requirements for such a
14 waiver are no longer met.

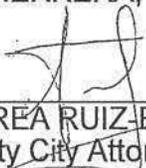
15
16 Section 46. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 57. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25 additions, and Board amendment deletions in accordance with the "Note" that appears under

1 the official title of the ordinance. Notwithstanding the previous sentence, if the City enacts the
2 ordinance in Board of Supervisors File No. 160632, which, among other things, deletes
3 Planning Code Section 357 in its entirety and places the transportation study fees referenced
4 in Planning Code Section 357 into the uncodified Section 4 of that ordinance, it is the intent of
5 the Board of Supervisors that this ordinance not conflict with the ordinance in File No. 160632.
6 Accordingly, if the City enacts the ordinance in File No. 160632 with the deletion of Planning
7 Code Section 357 in its entirety, it is the intent of the Board of Supervisors that Section 357 be
8 likewise deleted from this ordinance, but that subsection (c) of Planning Code Section 357,
9 which is added by this ordinance, be treated as an uncodified provision of this ordinance, and
10 serve as the basis for the inclusion of the fee established in subsection (c) in the Planning
11 Department Schedule of Fees.

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(1/31/2017, Amended in Board)

[Planning Code - Transportation Demand Management Program Requirement]

Ordinance amending the Planning Code to establish a citywide Transportation Demand Management (TDM) Program, to require Development Projects to incorporate design features, incentives, and tools that support sustainable forms of transportation; to create a new administrative fee to process TDM Plan applications and compliance reports; and to make conforming amendments to various sections of the Planning Code; affirming the Planning Department’s determination under the California Environmental Quality Act, and making findings of public necessity, convenience, and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Existing Law

The Planning Code contains a number of requirements to promote modes of transportation other than the automobile. For example, Section 155.2 requires some projects to provide bicycle parking; Section 155.4 requires non-residential uses over 10,000 square feet to provide shower facilities and locker rooms; and Section 163 requires transportation management programs and brokerage services for large office projects in Commercial and Mixed Use Districts.

Amendments to Current Law

This Ordinance would amend the Planning Code to add a comprehensive Transportation Demand Management (TDM) Program, codified in new Section 169. The Ordinance defines TDM to include “design features, incentives, and tools” implemented by development projects in order to reduce Vehicle Miles Travelled, or VMT, “by helping residents, tenants, employees, and visitors choose sustainable travel options such as transit, bicycle riding, or walking.” It defines VMT, in turn, as “a measure of the amount and distance that a Development Project causes people to drive.” The Ordinance makes extensive findings explaining the Program’s policy goals “to help keep San Francisco moving as it grows, and to promote better environmental, health, and safety outcomes, consistent with [many] state, regional, and local policies,” including AB 32, Plan Bay Area, and the City’s Transit First policy.

The TDM Program would apply to most development projects in the City, both residential and non-residential. The major exceptions are small projects (less than 10 residential units or less than 10,000 square feet of commercial space), one hundred per cent affordable housing projects, and parking garages. The ordinance would not apply to development projects that have received their approval before the effective date of the ordinance.

The Ordinance provides for gradual, phased-in implementation of the TDM Program:

- Development Projects with a Development Application filed or an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 50% of the applicable target, as defined in the Planning Commission's Standards;
- Development Projects with no Development Application filed or an Environmental Application deemed complete on or before September 4, 2016, but that file a Development Application on or after September 5, 2016, and before January 1, 2018, shall be subject to 75% of such target; and
- Development Projects with a Development Application on or after January 1, 2018 shall be subject to 100% of such target.

Under the Ordinance, a development project must submit a proposed plan to comply with the TDM Program, called a TDM Plan, together with its first application. The proposed TDM Plan is reviewed in conjunction with the rest of the approvals required for the project, and compliance the Plan becomes a condition of approval of the project. The Ordinance includes reporting and monitoring requirements. For instance, development projects subject to the Program must maintain a TDM coordinator; allow City staff access to relevant portions of the property to conduct site visits, and surveys; and submit periodic compliance reports.

The Ordinance delegates to the Planning Commission the authority to prepare the "Planning Commission Standards for the Transportation Demand Management Program, or TDM Program Standards," which "contain the specific requirements necessary for compliance with the TDM Program." The Ordinance provides that the Planning Commission shall prepare the TDM Program standards with the assistance of Planning Department staff and in consultation with staff of the San Francisco Municipal Transportation Agency and the San Francisco County Transportation Authority, and that the Standards shall be updated from time to time, at the Commission's discretion.

The Ordinance establishes general principles to guide the Planning Commission in the preparation of the TDM Program Standards. First, it mandates that the requirements of the TDM Program shall be proportionate to the total amount of VMT that development projects produce, and shall take into account site-specific information, such as density, diversity of land uses, and access to travel options other than the private automobile in the surrounding vicinity. Second, it requires that the TDM Program Standards provide flexibility to development projects to achieve the purposes of the TDM Program in a way that best suits the circumstances of each project, by including a menu of TDM measures from which to choose. Third, the Ordinance requires that each of the TDM measures in the TDM Program Standards shall be assigned a number of points, reflecting its relative effectiveness to reduce VMT. The Ordinance mandates that the Planning Department prepare a report on the implementation of the TDM Program, and any updates to the TDM Program Standards, one year after the effective date of the Program, and every four years afterwards. The Ordinance

mandates that staff present this report to the Planning Commission and the Board of Supervisors, if a Supervisor requests at hearing on the matter.

The Ordinance also sets forth administrative fees to cover the administrative costs of processing TDM Plan review and compliance reports, and amends several other sections of the Planning Code, to make conforming amendments.

Background Information

This Ordinance is part of the Transportation Sustainability Program, or TSP. The TSP is a policy initiative aimed at accommodating new population growth in San Francisco, while minimizing its impact on the City's transportation system. It is a joint effort of the Mayor's Office, the Planning Department, the San Francisco County Transportation Authority, and the San Francisco Municipal Transportation Agency. The TSP has spanned many years and has involved a robust process of public outreach and discussion. The TSP includes three separate but related policy initiatives: the Transportation Sustainability Fee (TSF); the modernization of San Francisco's environmental review process under the California Environmental Quality Act (CEQA); and the Transportation Demand Management (TDM) Program. The two first components have already been adopted through a separate ordinance (in the case of the TSF) and resolution (in the case of CEQA modernization).

This revised Legislative Digest incorporates amendments that the Land Use Committee made to the Ordinance on November 28, 2016, and on January 23, 2017.

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SAN FRANCISCO PLANNING DEPARTMENT

January 23, 2017

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2012.0726PCA;
Transportation Sustainability Program – Shift TDM Program Standards
Amendments
BOS File No:160925

Dear Ms. Calvillo,

On August 4, 2016 the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would amend the Planning Code to establish a citywide Transportation Demand Management (TDM) Program, to require Development Projects to incorporate design features, incentives, and tools that support sustainable forms of transportation; to create a new administrative fee to process TOM Plan applications and compliance reports; and to make conforming amendments to various sections of the Planning Code.

At the August 4 hearing, the Commission voted to recommend approval of the proposed Ordinance to the Board of Supervisors via Planning Commission Resolution No. 19715.

Also, at the August 4 hearing, the Commission also considered the adoption of the Planning Commission Standards for the TDM Program document in compliance with the proposed Ordinance, which establishes a framework of TDM requirements for new development projects, to make sure that these projects are designed to encourage residents, tenants, employees and visitors to get around using sustainable modes of travel such as transit, walking, and bicycling.

At the August 4 hearing, the Commission voted to adopt the TDM Program Standards via Planning Commission Resolution No. 19715 conditioned upon approval of the proposed Ordinance by the Board of Supervisors.

Since the Planning Commission's action on August 4, 2016, staff has conducted additional outreach in preparation for the Board of Supervisors Land Use and Transportation Committee hearings. Based upon the additional outreach and analysis, staff identified amendments to the TDM Program Standards that were proposed for adoption by the Planning Commission.

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Transmittal Materials

CASE NO 2012.0726PCA
Transportation Sustainability Program
Shift TDM Program Standards Amendments

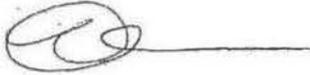
The substantive amendments are related to: lowering the minimum target, removing the requirement to reduce parking for projects with a substantial amount of parking, creating a maximum required target for projects, and changes to the following individual TDM measures:

- Car-share Parking and Membership
- Family TDM Amenities
- On-site Childcare
- Contributions or Incentives for Sustainable Transportation
- On-site Affordable Housing

Additional non-substantive changes to several TDM measures and the definition of Group Housing were also proposed. At the January 19, 2017 hearing, the Commission voted to approve the amendments to the TDM Program Standards via Planning Commission Resolution No. 19838 and directed staff to further consider standards for walkability.

Please find attached documents relating to the actions of the Commission. A hard copy of this transmittal will also be hand delivered to your office. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



for

AnMarie Rodgers
Senior Policy Advisor

cc:

Clerk of Land Use Committee, Alisa Somera
City Attorney, Andrea Ruiz-Esquide
Office of the Clerk of the Board, Attn: John Carroll

Attachments (one copy of the following):

Planning Commission Resolution No. 19838

Planning Commission Executive Summary for Case No. 2012.0726PCA (1/19/2017)

Planning Commission Executive Summary for Case No. 2012.0726PCA Supplemental Memo (1/19/2017)

Response to Comment Letter P86

TRANSDEF

P86-1 The second paragraph of the *Executive Summary* Section ES.4.2, *Areas of Controversy*, has been revised with new bullets 2 and 3 as follows:

- The alignment and station locations.
- Type of transit service being provided.

In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology for bringing transit to Santa Clara County. This study resulted in the selection of the Union Pacific Railroad corridor as the alignment. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara, with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology. This MIS was adopted by the VTA Board of Directors in November 2001. The VTA Board of Directors has continued to support this project through certification and approval of the recommended project in the 2004 Final EIR and 2007 Final Supplemental EIR.

In November 2000, the voters in Santa Clara County approved Measure A, a 30-year half-cent sales tax devoted to specified public transit capital improvement projects, which includes extending BART from Alameda County to the Cities of Milpitas, San Jose, and Santa Clara. Since that time, Santa Clara County voters have approved two additional sales tax ballot measures in 2008 and 2016 by a two-thirds vote supporting the extension of BART to Santa Clara. Also refer to Master Response 6, *Why Santa Clara as a Terminal Station*, regarding extending BART to the City of Santa Clara.

Additionally, the purposes for the BART Silicon Valley Extension (see Volume I, Chapter 1, Section 1.2, *Purpose and Need for Transportation Improvements*) include service to locations of major employment centers and forecasted population growth, improvement of transit services and increasing intermodal connectivity, filling critical transportation gaps, and support of local and regional land use plans. Refer to response to comments P86-4, P86-7, P86-9, and P86-13 regarding more details on the purposes of the BART Extension.

As stated in Volume I, Chapter 1, Section 1.2, *Incomplete Regional Transit Connectivity*, critical gaps exist that increase congestion and travel times. Closing these gaps improves local access, speed, and reliability of transit and thus generates travel time savings for users. These savings will encourage a mode shift to transit from auto, thus relieving regional congestion.

P86-2 Refer to response to comment P86-1 and Master Response 6, *Why Santa Clara as a Terminal Station*, regarding the project's purpose and need.

BART and Caltrain generally provide service from different markets within the Bay Area. Caltrain provides direct service between San Francisco and Santa Clara County, and BART provides direct service between the East Bay and San Francisco. A BART extension to Santa Clara will allow East Bay passengers a direct link, or one seat ride, to downtown San Jose and Santa Clara, and from there a direct connection to the Mineta San Jose International Airport.

P86-3 This question relates to the desirability of extending BART, but does not raise any specific environmental issues relative to the SEIS/SEIR. Refer to response to comment P86-1 and Master Response 6, *Why Santa Clara as a Terminal Station*.

P86-4 The development of the purpose and need of this project dates back to the preparation of the 2001 Major Investment Study. Thank you for your comment on your support for expanding multimodal options.

The purposes for the BART Silicon Valley Extension are addressed in Volume I, Chapter 1, Section 1.2, *Purpose and Need for Transportation Improvements*. In regards to major employment centers, residents will have access to employers such as San Jose State University (weekday population of over 40,000 students, faculty and staff members, and visitors), which contribute to a job center in downtown San Jose that is anticipated to double in size by 2035. Further, the extension will provide a rail connection between BART and Caltrain, allowing riders to conveniently access destinations along both systems. Also refer to response to comment P86-1 and Master Response 6, *Why Santa Clara as a Terminal Station*, regarding the purpose of the BART Extension.

P86-5 Please see response to comment P86-1 and Master Response 6, *Why Santa Clara as a Terminal Station*, regarding how the BART Extension meets the project's purpose and need.

P86-6 As stated in Volume I, Chapter 1, Section 1.2, *Purpose and Need for Transportation Improvements*, the BART Extension Alternative's overall goal is to improve transit services and increase intermodal connectivity, including improving public transit service in the corridor, enhancing regional connectivity, supporting transportation solutions, and improving mobility options. Therefore, one of the primary purposes of the BART Extension is to provide an alternative for longer trips in the corridor. Local transit is being addressed by VTA's other modes of service that include local transit opportunities through VTA's bus and light rail services.

Figures 1-6, *2010 Population Density*, and 1-7, *2010 Employment Density*, provide data for a large portion of Santa Clara County. The purpose and need of the project and the development of the location of the alignment are drawn from a

long history of planning (as discussed in Volume I, Section 1.4, *BART Extension Project History*). In those studies, the population and employment data, regional transportation needs, and the City of San Jose transportation needs were evaluated. As a result, options for transportation solutions, including this project, were developed. The purpose of this SEIS/SEIR is to analyze and disclose the anticipated environmental impacts of the BART Extension, to evaluate a range of alternatives, and identify feasible mitigation measures to reduce significant impacts when feasible.

P86-7 The transportation demand is discussed as part of the need of the project in Volume I, Chapter 1, *Purpose and Need*, of the SEIS/SEIR. Santa Clara County residents will be provided improved access to employment and activity centers in Alameda, Contra Costa, and San Francisco counties, including the Bay Area's major employment concentration in downtown San Francisco and San Jose. San Jose has the largest total downtown population growth and proportional downtown employment growth when compared to San Francisco and Oakland. Figures 1-8, *Growing Downtown Populations*, and 1-9, *Growing Downtown Jobs*, illustrate San Francisco having the highest job and population for the three central business districts in 2015 and 2035. Figures 1-8 and 1-9 also illustrate an increase in downtown San Jose population from approximately 20,000 to 80,000 and employment increasing from approximately 25,000 to 50,000 jobs by 2035. Therefore, part of the purpose of this project is to improve public transit service in this corridor by providing increased transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and populations throughout the Bay Area and from communities that can access the BART regional rail network, like San Jose

P86-8 This question relates to the location of the extension's route but does not raise any specific environmental impact issues relative to the SEIS/SEIR. The alternative of routing the extension to North First Street rather than downtown San Jose and Santa Clara would not meet the fundamental objective of providing BART service to Downtown San Jose with local and regional connections. Further, connecting to Diridon Station follows the alignment approved in 2004 by VTA's Board of Directors, and the language of the 2000 Measure A and the 2016 Measure B sales tax ballot measures. The *Envision San Jose 2040 General Plan*, directs future growth of population and employment to the downtown corridor compared to North San Jose. Additionally, the MTC's Plan Bay Area emphasizes improving access by concentrating future development around transit nodes and along transit corridors such as the Downtown Corridor.

The existing Diridon Station is a major regional transit hub serving Amtrak, Altamont Commuter Express (ACE), Caltrain, local VTA light rail and bus, and regional express buses to Monterey-Salinas, Santa Cruz, and Los Angeles. With the addition of the proposed high-speed rail (HSR) service, and expanded

Caltrain, ACE, and Amtrak Capitol Corridor and Amtrak service, Diridon Station will become a station of statewide significance and one of the busiest intermodal stations in North America. Chapter 3, Section 3.2.2, *Bicycle Facilities*, and Section 3.3.3, *Pedestrian Facilities*, outlines the extensive bicycle and pedestrian network that is currently available within this downtown corridor. Additionally, VTA has identified several high-priority areas (Focus Areas) for improvements, within which the BART stations fall.

The suggested North First Street Alternative, including not connecting to Diridon Station, would not support several of the purposes of the project as identified in Volume I, Section 1.2, *Purpose and Need for Transportation Improvements*. A North First Street Alternative would not enhance regional connectivity (this alternative has no connection to Amtrak, ACE, and Caltrain); does not improve mobility options in particular for low-income, youth, elderly, disabled, and ethnic minority populations (this alternative does not serve the San Jose east side, which includes concentrations of low-income and ethnic minority populations); and does not support local and regional land use plans and facilitate efforts of the Cities of San Jose and Santa Clara to direct business and residential investments in the Alum Rock neighborhood of east-central San Jose, downtown San Jose, Diridon Station, in the vicinity of the existing Santa Clara Caltrain Station, and elsewhere in the BART Extension alignment (this alignment supports future planned high density developments. Therefore, this suggested alternative is rejected for not meeting several of the primary purposes of the project.

The extension of the BART regional rail system will provide a Downtown San Jose Station connection to VTA's light rail and bus system for passengers traveling to and from the North First Street area. Therefore, the BART Extension will provide riders with a convenient connection to the North First Street area.

P86-9 This question relates to the desirability of the extension, but does not raise any specific environmental impact issues relative to the SEIS/SEIR.

Volume I, Chapter 1, Section 1.2, *Purpose and Need for Transportation Improvements*, describes the benefits of the BART Extension. Section 1.2.2.2, *Incomplete Regional Transit Connectivity*, describes the critical transportation gaps that the Phase II Extension would fill, including connecting the three major central business districts of the Bay Area to higher density residential and employment areas and existing and future transit services. The proposed project does not extend BART service from the East Bay through San Jose to San Francisco. The project enhances regional connectivity by expanding and interconnecting BART service with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County.

P86-10 The significant and unavoidable impact determination for greenhouse gas (GHG) emissions for the BART Extension with TOJD Alternative was related to

consistency with Executive Order (EO) B-30-15 and EO S-3-05. EO B-30-15 established an interim GHG reduction target of 40 percent below 1990 levels by 2030, and EO S-3-05 established a long-term goal of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050. As discussed in Chapter 6, Section 6.9, *Greenhouse Gas Emissions and Climate Change*, although it is possible that future state and federal actions will reduce BART Extension emissions to net negative and TOJD emissions to a level below the substantial progress indicator, this cannot be presumed at this time.

Mitigation Measures GHG-A through GHG-D, described in Section 6.9, *Greenhouse Gas Emissions*, subsection 6.9.5.3, *BART Extension with TOJD Alternative*, under the subheading, *Operation*, apply to the TOJDs. Implementation of these mitigation measures would reduce GHG emissions from the BART Extension with TOJD Alternative. However, as explained above, emissions cannot be demonstrated to achieve a net negative impact. Therefore, out of an abundance of caution, it is conservatively assumed that the BART Extension with TOJD Alternative's long-term (2035) emissions would be significant and unavoidable.

Implementation of a Transportation Demand Management (TDM) Program would not alter the above impact analysis. According to the San Francisco Planning Department, the TDM Program is designed to work with developers to provide more onsite amenities that will encourage smarter travel options so people can get around more easily without a car.

The proposed TOJD would inherently function as a TDM system by locating residents and employees near the BART Stations. Refer to Chapter 3, *NEPA and CEQA Transportation Operation Analysis*, for a discussion of regional transit trip reductions associated with the BART Extension Alternative, which were accounted for in the GHG analysis. Chapter 3 discusses additional traditional TDM measures such as the provision of bicycle facilities, including bike parking, at each station and enhancement of pedestrian/bicycle facilities through planned pedestrian/bicycle improvements in the area. Similarly, Chapter 3 describes BART's adopted System Expansion Policy, which discusses the potential to add BART parking as station improvements are implemented, but also consider alternatives to driving to stations, such as improvements to station access encouraging carpool, transit, and bicycle and pedestrian access. Although the operational transportation analysis in Chapter 3 did not identify the need for a TDM program, the BART Extension with TOJD already incorporates many relevant elements that are common to TDM programs.

P86-11 The discussion of Senate Bill 743 has been added to Chapter 3, Section 3.2, *Regulatory Setting*, as follows:

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 in order to further the state's commitment to its climate change goals. Environmental review of transportation impacts currently focuses on the delay that vehicles experience at intersections and on roadway segments (LOS). Under SB 743, the focus of a transportation impact analysis will shift from driver delay to reduction of greenhouse gas (GHG) emissions, creation of multimodal networks, and promotion of a mix of land uses. SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the State CEQA Guidelines (Title 14 of the California Code of Regulations, Division 6, Chapter 3, Sections 15000–15387) to provide an alternative to LOS for evaluating transportation impacts.

Pursuant to SB 743, OPR released a *Preliminary Discussion of Updates to the CEQA Guidelines* in August 2014 and a *Revised Proposal on Updates to the CEQA Guidelines* in January 2016. These documents propose Vehicle Miles Traveled (VMT) as the replacement metric for LOS. In light of the growing importance of VMT as a basis for analyzing transportation impacts, discussion of VMT is included in this chapter.

However, because the Natural Resources Agency has not yet adopted new State CEQA Guidelines, the final proposal for those Guidelines is not yet available for review, and adoption of the revised State CEQA Guidelines is at least a year away, LOS is still used as the primary metric for evaluating impacts on intersections and freeways in this SEIS/SEIR. Level of service is still the adopted metric for analyzing impacts in the City of San Jose, the City of Santa Clara, and by VTA, in its capacity as the Congestion Management Agency for Santa Clara County. The SEIS/SEIR is consistent with the metrics used by those agencies.

At a local level, the City of San Jose has adopted a mode shift goal and a VMT/GHG reduction goal as part of the *Envision San Jose 2040 General Plan. Vision Zero*, adopted in 2015, serves as the climate action plan for the City of San Jose and also includes transportation-related goals and policies. The City of Santa Clara's General Plan, adopted in 2010, and its Climate Action Plan, adopted in 2013, include goals and policies related to all travel modes and strategies for reducing VMT and GHG.

The SEIS/SEIR applies the impact criteria adopted by the City of San Jose and the City of Santa Clara to the intersections in their respective jurisdictions. In addition, VTA's impact criteria are applied to all Congestion Management Plan intersections.

- P86-12 This question relates to the desirability of the BART Extension, but does not raise any specific environmental impact issues relative to the SEIS/SEIR. Under FTA's Fixing America's Surface Transportation (FAST) Act, cost effectiveness is not

evaluated on a cost per new rider basis. Rather, the cost effectiveness measure is the annual capital and operating and maintenance per trip.

Comparing ridership projections from the 2004 EIR is not possible as the FTA ridership model has evolved over time and there are different input requirements for socioeconomic, transportation, and pricing data assumptions that are input into the travel demand model required by FTA.

- P86-13 The suggested alternative would not meet the project objectives. Specifically, a fundamental objective of the BART Extension as provided in Volume I, Chapter 1, Section 1.2, *Purpose and Need for Transportation Improvements*, is to “[s]upport local and regional land use plans and facilitate efforts of the Cities of San Jose and Santa Clara to direct business and residential investment in the Alum Rock neighborhood, of east-central San Jose, downtown San Jose, Diridon Station, in the vicinity of existing Santa Clara Caltrain Station, and elsewhere in the BART Extension alignment.”

BART operations are being funded through a Santa Clara County voter-approved sales tax ballot measure. On November 4, 2008, voters approved Measure B, which added a 1/8-cent increment to the local sales tax effective March 2012 and continuing until March 2042. The sales tax is dedicated solely to the operation, maintenance, and infrastructure renewal costs of BART extensions into the County. The funding procured for the BART Extension is not transferrable to other projects. Therefore, the suggested alternative is also not financially feasible.

Other agencies are currently assessing the Altamont Corridor Rail Project and feasibility of a Dumbarton Rail Bridge and procuring funding for these projects. While VTA supports expansion of transit in the region, these other projects do not meet the purpose and need established for the BART Phase II Extension.

Swan, Samantha

From: Hans <japan_b@yahoo.com>
Sent: Monday, March 06, 2017 4:28 PM
To: bartphase2eis-eir
Subject: VTA San Jose Expansion route concerns and suggestion
Attachments: VTA question.docx

Hi Mr Tom Fitzwater,

My name is Hans Liang, a resident at 305 Destino Circle, San Jose, CA, 95133.

Here I have a concern and suggestion of the VTA router for San Jose Expansion project Phase-II.

Please review the attached file for detail.

Thanks so much for your time.

Regards,

Hans Liang

To: Mr. Tom Fitzwater

VTA Environmental Planning, Building B

Date: 03/06/2017

3331 North First Street, San Jose, CA, 95134

From: Hans Liang

305 Destino Circle, San Jose, CA, 95133

Please note:

This e-mail contains 3 appendixes:

Appendix 1: The 57 house address of Marburg Places in zip code 95133.

Appendix 2: The documents show incorrect residential number in impact analysis reports, data extract from VTA's 2004 and 2017 – on line document and from public hearing material published by VTA.

Appendix 3: Suggest routes

I have a concern and suggestions for VTA expansion to San Jose phase II project route pass underneath Marburg Place.

Concerns:

For the current planned route between Alum Rock stations to Berryessa Station.

Surprised found out there is a Marburg Place contain a 57 residential community got ignored and never get included in any of VTA's environmental impact analysis reports between year of 2004 ~ 01/30/2017.

The Marburg Place household community start build from either year of 2004 or 2005 and the builder put it on to the market for sale start from year of 2006, first house sold on 12/08/2006 according to Santa Clara's county tax record (303 Destino Circle, San Jose, CA, 95133)

Base on above, quite easy to see the San Jose City Planning Division should have approved and issued the building construction permit/license to the builder back to year of 2004 or earlier of 2005.

P87-1

P87-2

P87-3

But, yes, these 57 residential homes still get ignored for past 10 years from VTA when project moving forward – please refers to Appendix#2.

I am a little big worry if this symptom reflects either the analysis report generates under careless or VTA does not have good re-view system/workflow implemented to review all changed for past 10+ years. I am also worry if it spread into all, that there are still many other elementals can also got ignored from VTA's and environmental impact analysis reports and never show and get considered in VTA's hyper volume analysis documents.

P87-3,
cont.

Suggestion one – Also see picture <2>:

Please consider relocates the Alum Rock station from its current location as show in plan document to a location close by underneath Santa Clara street (similar to downtown Civic Plaza/SJSU's station design). This should able to gain more angel degree space for rail route to turn into 28th street easily. For plan to keep stay on Rail Road/28th Street Option.

P87-4

Suggestion two – Also see picture <3>:

With 101/Diagonal Option, instead of by pass under 101 and tunnel into 101 east side directly and pass underneath Marburg Palace, the tunnel should able route into follow underneath US-101 and start turn east from the point of 1500 Marburg way and eventually to become parallels with US-101 on east side of US-101 (back to match with current plan), And start ascent right after pass Lower Silver Creek (match to same as original plan) until it get up to ground level right on or before Las Plumas Ave, and connect into the VTA existing rail to Berryessa Station.

P87-5

Thanks so much for you're looking into this, and for your consideration,

Hans Liang

03/06/2017

Appendix 1

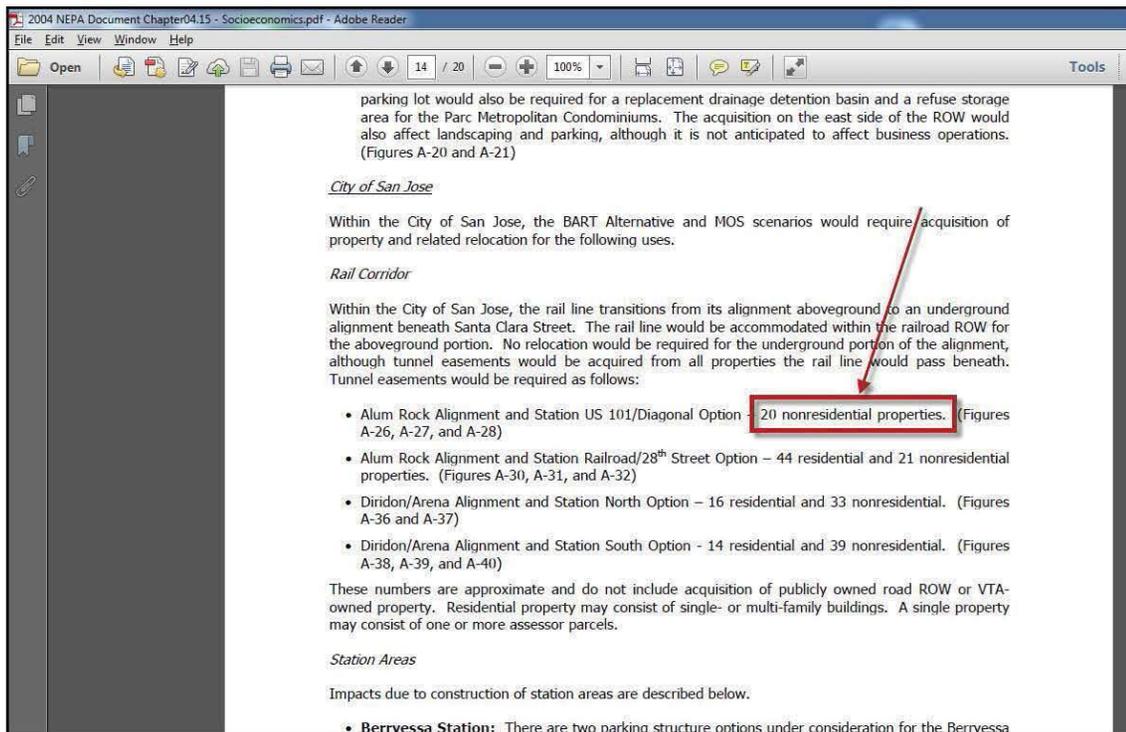
Marburg Place resident address list:

301 ~ 395 Destino Circle, SJ, CA, 95133

1500 ~ 1532 Marburg Way, SJ, CA, 95133

Appendix 2:

Screenshot from VTA - 2004 NEPA document Chapter 04.15 – Socioeconomics – Page#14 – post on VTA web site under 2004 NEPA document page.



Appendix 2 (Continue):

Screenshot from VTA December 2016 Public Hearing presentation document – 08 Noise and Vibration Technical Report– Page#73

Santa Clara Valley Transportation Authority Chapter 4. Impact Analysis

Table 4-12: Groundborne Vibration for the Twin-Bore Option Alignment

Civil Station	Receiver Location	Land Use	SVSX Design Speed (mph)	Horizontal Distance to Near Track CL (feet)	Rail Depth (feet)	FTA GBV Criteria (VdB)	Max 1/3 OB GBV Without Mitigation (VdB)	# of Receptors
584	433 N 33 rd Street	MFR	48	156	51	72	57 to 61	--
585	1500 Marburg Way	SFR	48	0	54	72	60 to 64	--
590	333 N 33 rd Street – Anne Darling Elementary School	Institutional	48	155	49	75	58 to 62	--
593	290 N 31 st Street	SFR	48	184	50	72	59 to 63	--
595	269 N 31 st Street	SFR	48	53	50	72	60 to 64	--
595	263 N 31 st Street	SFR	48	120	53	72	60 to 64	--
595	261 N 31 st Street	SFR	48	125	53	72	60 to 64	--
610	5 Wounds Lane – Frve Wounds School	Institutional	48	280	53	75	56 to 60	--
614	24 N 26 th Street – SF Nova Alliance Community Center	Institutional	48	0	52	75	61 to 65	--
615	26 N 26 th Street	SFR	48	150	52	72	55 to 59	--
617	23 N 26 th Street	SFR	48	140	51	72	55 to 59	--
618	1245 Santa Clara Street – Alum Rock Counseling Center	Institutional	48	0	51	75	59 to 63	--
618	9 S 26 th Street	SFR	48	178	51	72	54 to 58	--
619	30 N 25 th Street	SFR	48	200	51	72	54 to 58	--
619	20 N 25 th Street	SFR	48	160	51	72	56 to 60	--
619	1236 Santa Clara Street	SFR	48	68	51	72	56 to 60	--
619	1241 Shortridge Avenue	MFR	48	197	51	72	56 to 60	--
619	1211 Santa Clara Street	MFR	48	21	51	72	61 to 65	--

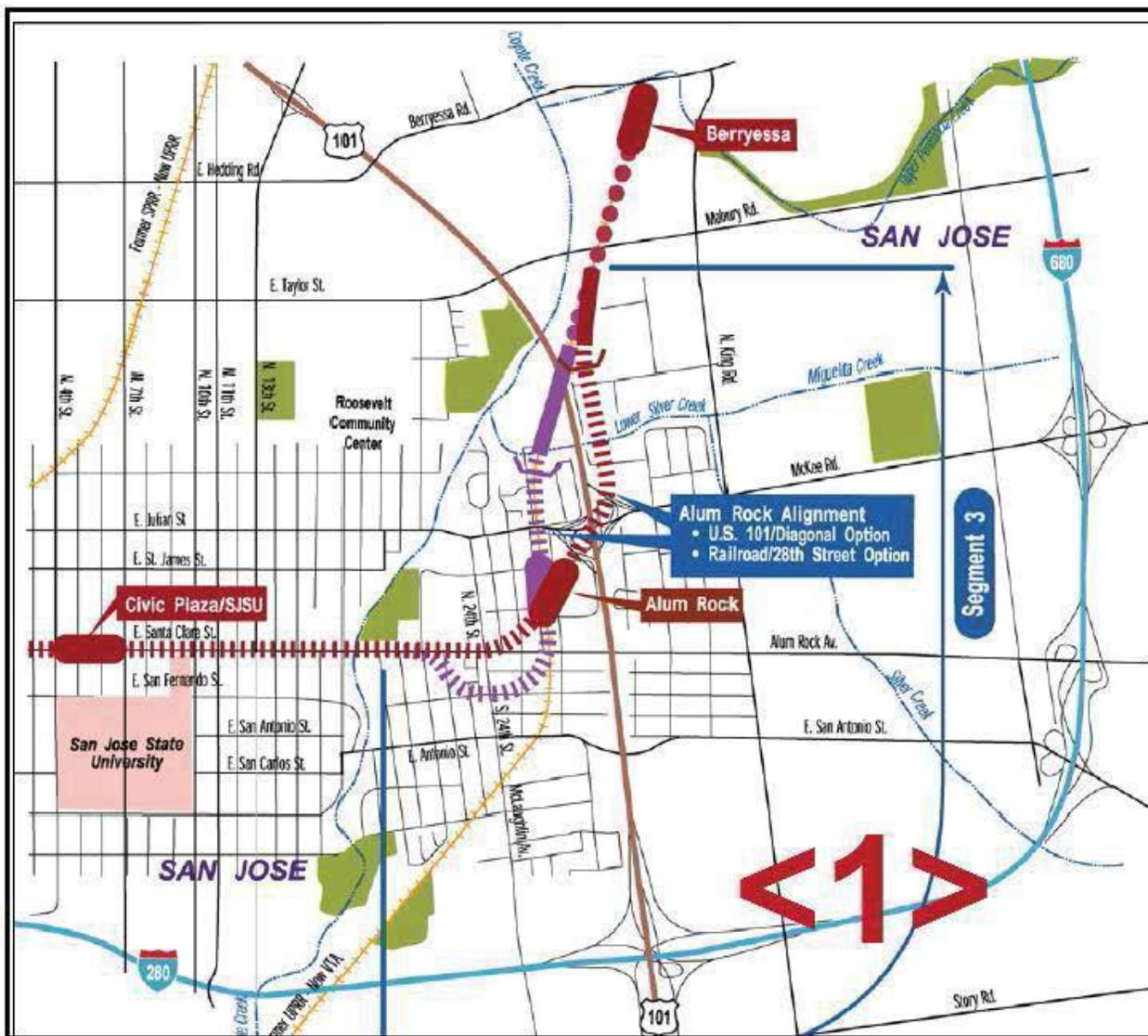
619	1241 Shortridge Avenue	MFR	48	197	51	72	56 to 60	--
619	1211 Santa Clara Street	MFR	48	21	51	72	61 to 65	--
619	1226 Santa Clara Street	SFR	48	68	51	72	59 to 63	--
620	1220 Santa Clara Street – Sociedad Filharmonica	Institutional	48	45	50	75	59 to 63	--
620	1210 Santa Clara Street	SFR	48	35	50	72	60 to 64	--
622	45 N 25 th Street	SFR	48	171	50	72	54 to 58	--
622	16 S 24 th Street	SFR	48	114	50	72	56 to 60	--
623	1169 Santa Clara Street	SFR	48	60	50	72	59 to 63	--
623	1161 Santa Clara Street	SFR	48	70	50	72	56 to 60	--
623	16 N 24 th Street	SFR	48	90	54	72	57 to 61	--
624	11 S 24 th Street	SFR	48	137	54	72	57 to 61	--

Appendix 3

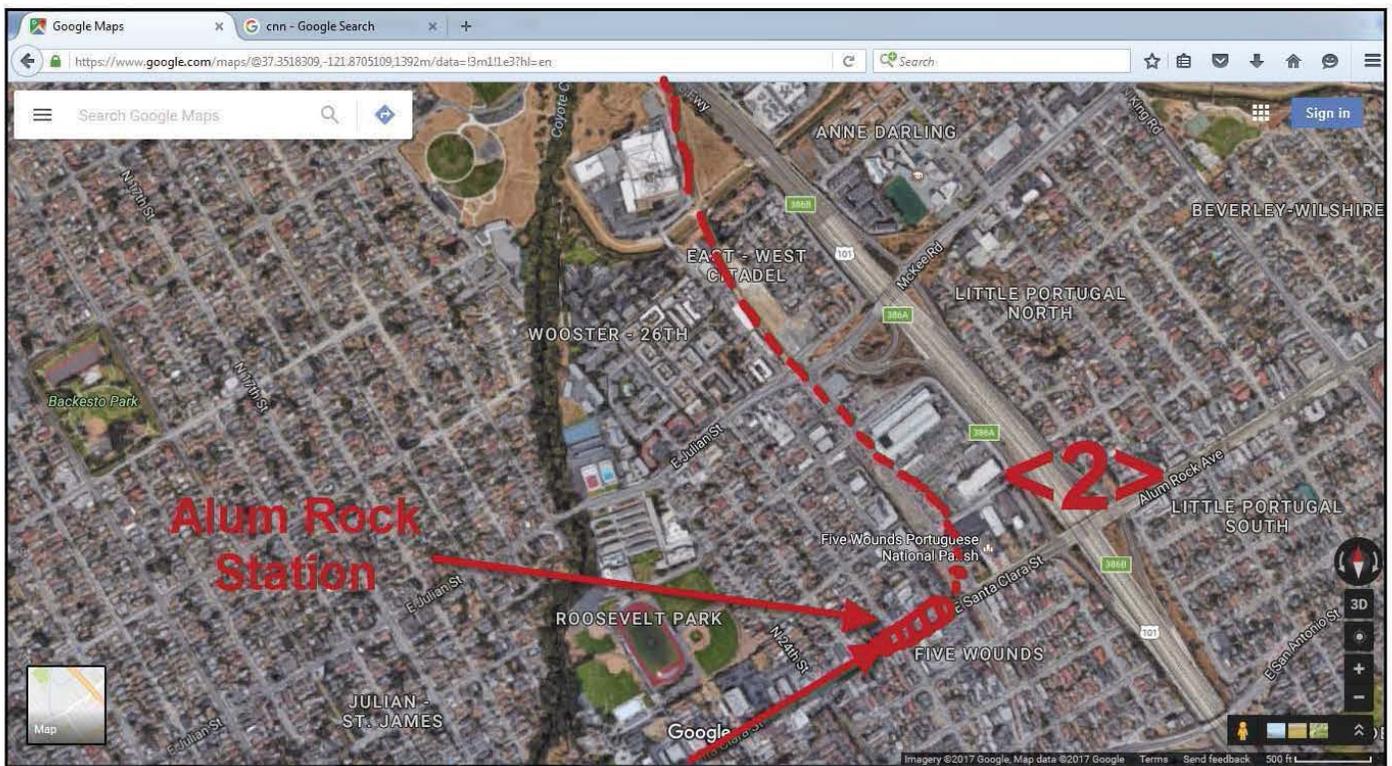
Suggest alternate route – for Alum Rock station to Marburg Road.

Please note:

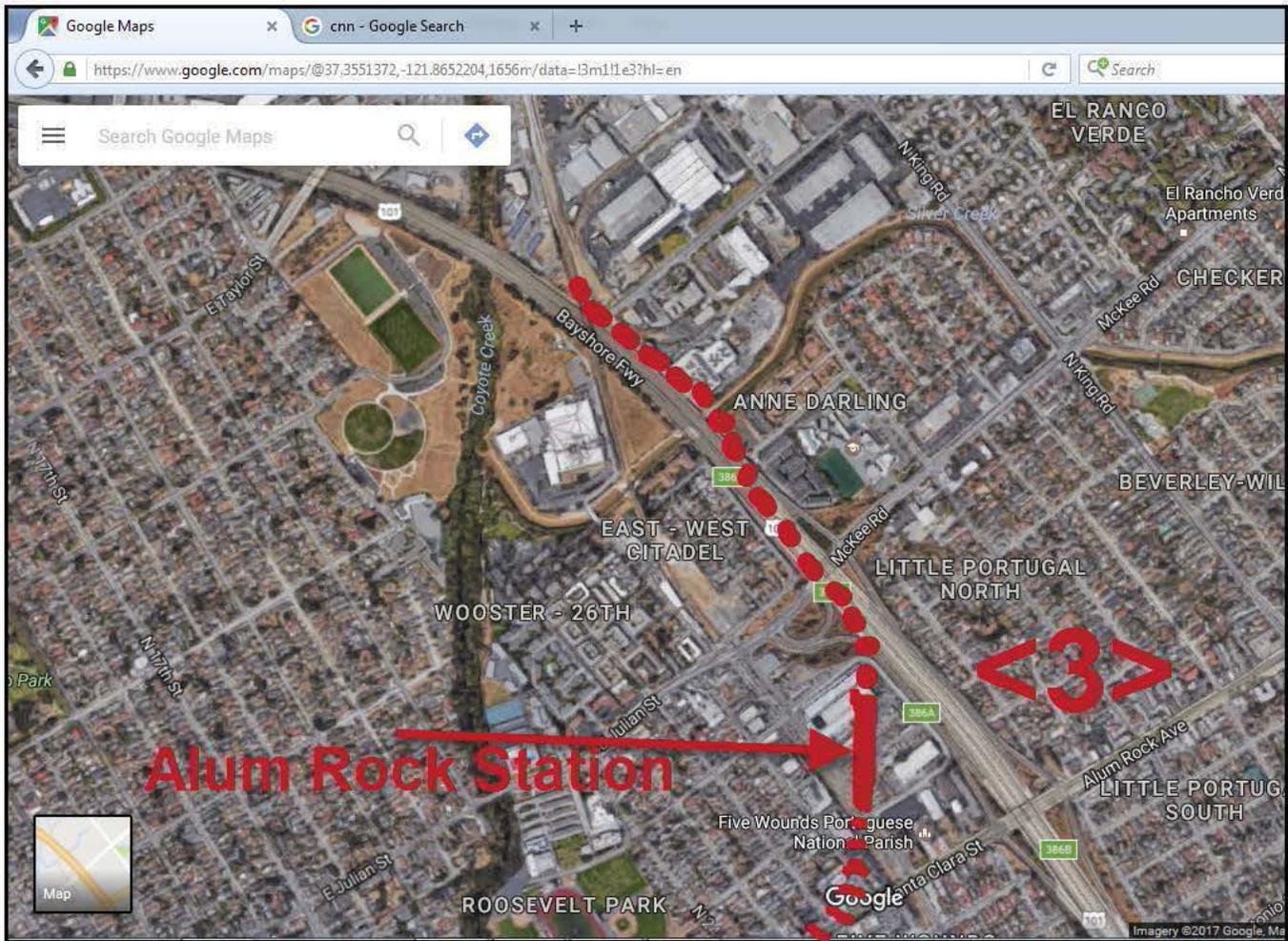
Screenshot for picture <1> is two options show on original document download from VTA website that copy out from 2004 NEPA – Chapter 03 – Alternative – page 24.



Picture <1>



Picture <2>



Picture <3>

Response to Comment Letter P87

Hans Liang

- P87-1 The appendices attached and the comment's concerns are noted. See detailed responses below.
- P87-2 Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28th Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.
- P87-3 See response to comment P87-2. Chapter 10, *Agency and Community Participation*, details all of the public outreach that was conducted for the SEIS/SEIR, which included Marburg Place. See Section 10.1, *Summary of Scoping*, for details about scoping that was mailed to Marburg Place residents; Section 10.4.2, *Public Meetings and Workshops*, and 10.4.3, *Newsletters, Fact Sheets, Brochures, and Notices*, detail meetings and literature available to Marburg Place residents; and Section 10.6, *Chronology of Coordination* details the chronology of public outreach and coordination meetings.
- P87-4 Volume I, Section 2.4, *Alternatives Considered and Withdrawn*, included the "Alum Rock Station at 23rd Street" alternative.

A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28th Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

This alternative was not selected because this option would require reconstruction of the railroad bridge over U.S. 101 and coordination/permitting efforts with Caltrans, there is no space for a parking garage, a "non- typical" curved portal could lead to possible operational impacts, there are limited construction staging

areas available to build the station, and the above-ground portion south of U.S. 101 would impact residential areas and Rocketship Discovery Prep school.

- P87-5 A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28th Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

Swan, Samantha

From: Bob Van Cleef <bob@vancleef.org>
Sent: Monday, March 06, 2017 4:55 PM
To: bartphase2eis-eir
Subject: Draft SEIS/SEIR Comment
Attachments: Draft-SEIS-VanCleef.pdf

Please see attached:

Bob

--

Robert E. Van Cleef
Community Advocate
<http://age-friendly-sc.com/>
<http://five-wounds.equoria.org/>
<http://vta-sprinter.org/>

Title: Draft SEIS/SEIR Comments Author: Robert E. Van Cleef Format: complete

VTA's BART Silicon Valley Phase II Extension Project - Draft SEIS/SEIR Comments

Author: Robert E. Van Cleef

Street Address: 54 N 33rd Street, San Jose, CA 95116

Phone: 1-408-391-6406

Email Address: bob@vancleef.org

1,800 words

Summary

One of my biggest disappointments with this process is that it appears no one took the opportunity offered by the split of the project into two phases to reevaluate the plans for the second phase. Over the years, multiple alternative routes and station configurations have been offered by many different advocates. None of them have been taken serious enough to be publicly reviewed and documented.

P88-1

As a contrast, the community plans for the BART station at 28th street were initiate in 2000, reviewed and updated in 2010 and reviewed and converted to four Urban Villages in 2013.

There seems to have been no desire or incentive to look at improving what was proposed over twenty years ago, to meet today's evolving requirements. For example, my proposal for relocating the Newhall Yard to the Las Plumas area near the Berryessa Station, which is included later, received verbal shrugs from staff members, but no formal review.

P88-2

Other alternatives that were proposed and discussed online and in web forums:

1. Drop Santa Clara Station as a duplicate to Diridon, including adding a people mover to the airport from Diridon for an HSR airport connection.
2. Drop Diridon as a duplicate to the Downtown station and use Santa Clara for the Caltrain connection. This would have automatically added a preference for the Western station location, to place it nearer to Diridon, eliminating the debate over the Eastern station option.
3. Move the Newhall Yard to Las Plumas Avenue and use the property for TOD.
4. Move the Newhall Yard to Las Plumas Avenue and reserve the property for use as an HSR train storage / maintenance facility.

P88-3

P88-4

5. Convert Phase II from a BART connection to an eBART configuration, allowing it to extend all the way across the valley as a light rail extension.

P88-5

Minor Corrections

1.0: Purpose and Need

Page 1-14

Table 1-3: Activity Centers within the Vicinity of the BART Extension Alternative Stations

P88-6

6-7. Cristo Rey San Jose Jesuit High School and Five Wounds Middle School are the same thing. Use Cristo Rey San Jose Jesuit High School.

38. Greyhound Bus Terminal was shut down and moved inside Diridon Station.

P88-7

28th Street Station: Five Wounds Portuguese National Parish is not mentioned.

P88-8

Santa Clara Station: Avaya Sport Arena not mentioned. With the new pedestrian tunnel, it should be accessible

P88-9

NEPA 4.11 / CEWA 6.11 Land Use

Figure 4.11 / 6.11

- Shows E. Julian as extending East of 101. That should be McKee Road.
- Shows E. Santa Clara Street as extending East of 101. That should be Alum Rock Avenue.

P88-10

Newhall Yard

The Newhall Maintenance Yard should be relocated to the Las Plumas Avenue area, near the Berryessa BART Station. (See my recommendation below).

P88-11

The Newhall property should be reserved for:

- Transit Oriented Development
- Possible support location for HSR construction
- A HSR Train Storage and maintenance facility: *San Jose Done Right*

My Recommended Alternative

One topic VTA keeps bringing, related to BART Phase II, is their need for the Newhall Yard maintenance facility, which is located on 42 acres of prime land near the Santa Clara train station, Avaya stadium, Lowes Hardware and has direct access to highway 880.

Newhall Fact Sheet

I did some rough Google map calculations.

There is a light industrial area below the Berryessa Station – Maybury / King / Silver Creek / tracks – that appears to be over 100 acres. It seems to me that land around the Newhall Yard area would be worth a lot more, being near the airport, highways and Caltrain, than the light industrial land near King and Maybury. It is prime TOD/mixed-use land and would fit in perfectly with VTA's pending policy on affordable housing in joint developments.

pac_031016_packet.pdf (see item #11)

True, a maintenance facility at Berryessa would not be at the end-of-line. However, I would see it as more accessible to the northern regions, given that the trains going to/from the maintenance yard would not need to go through the tunnel or deal with the congestion at the Diridon Station.

Google Map Layout

The area around the old rail road tracks – 52 acres – is labeled on my map as the Southern Section. If you look closely at the satellite images, you can still see some of the original tracks. That shows how easy it should be to connect into the new BART system.

Other thoughts;

- Construction of a Berryessa maintenance facility could be completed and brought online long before the Phase II tunnel construction has even been started.
- The income from the development and sale of Newhall should be sufficient to help with the buy out of the needed Berryessa property and supplying relocation assistance to the current owners and tenants.
- Removal of the maintenance facility from the BART Phase II project and applying any excess funds to the main project, may help ease some of the cost issues remaining on that project.
- This would place the maintenance facility jobs near a region of the city where a large work force lives, potentially shortening commutes.

P88-12

P88-13

P88-14

P88-15

P88-16

Station Comments

Santa Clara Station

12 May 2016: *Santa Clara kills housing/mixed use development across from Caltrain and proposed future BART station*

- The application was withdrawn after Council demanded more parking and less housing in the transit-rich area, in response to resident concerns.
- The project had initially called for 450 apartment units, with retail on the ground floor. The number of apartments was later reduced to 370, then again to 318 in the final review in February. Within the development, 10 percent of the units were required to be provided at below market rate.
- We should look into an option where the Santa Clara BART station would be relocated to someplace near Valley Fair, Santana Row and the tri-villages (on the Santa Clara side if that makes them happy). From there it could be extended to Cupertino (De Anza/spacehip).
- Include a discussion of any possible BART extensions beyond the Santa Clara station.

P88-17

P88-18

P88-19

P88-20

Note:

I find that interesting, given this was near a Caltrain station and the future BART station. If that area could not support a 318 unit project, how can the 28th Street station area support the 418 unit Empire Lumber site? It doesn't even have BRT?

P88-21

Diridon Station

Discuss people mover connections between Diridon Station and the Airport, as an alternative to people mover options between the Santa Clara Station and the Airport. The Diridon option would provide a direct airport connection to High Speed Rail.

P88-22

Downtown Station

Figure 4.11-2 (downtown-east) shows a large public facility between sixth and seventh, that doesn't have an equivalent in Figure 4.11-3 (downtown-west).

This is apparently the construction staging site. The VTA block on Santa Clara is said to be serving the same purpose, but is not marked or identified.

P88-23

Destroying the Grocery Outlet would have a large, negative impact on downtown living. A replacement location should be provided, with relocation help, prior to anything being done.

P88-24

28th Street Station

Figure 4.11-1 shows the 28th street station site as one big parking lot! There has been over 15 years of planning effort that has gone into it as a TOD site.

P88-25

Five Wounds Urban Village

Question: Shouldn't there be different drawings, based on single/double bore tunnels, for all stations? Diridon Station is the only one with two drawings.

P88-26

NEPA 5.0

starting at 5.3.1.2 on page 25

- Twin bore starts at Newhall and is lifted out of downtown, where it restarts from Berryessa.
- Single bore starts at Newhall and runs all the way to Berryessa
- That is the direct opposite of any previous description of the process

P88-27

Development of the Newhall maintenance yard is not impacted by this decision. Operations at the Newhall maintenance yard cannot really start until the entire tunnel is completed, supplying a route for BART units to get to it. The main facilities can be built at anytime, as they do not sit directly on top of the tunnel.

However, this will most likely have a negative impact on the development time schedules for the Five Wounds Urban Village. Delaying the tunnel boring until later in the construction timeline will lead to a delay in the construction of the foundation of the station at 28th Street. The construction of large commercial buildings on that site will therefore be delayed. Only after the boring machines have cleared the area of the 28th street station, will the building developers be free to move forward. The development and operation of the urban village is not dependent on BART operations to begin. However, it is dependent on the completion of the station foundational components before major construction can start.

P88-28

In addition, the construction of the Five Wounds Trail through that area also cannot begin until VTA releases all the construction staging areas, which are needed for the construction of the station foundations.

Schedule: Figure 5-1 page Tunnel, tracks and stations: 2019-2025

Three Station Alternative

Look into saving money by eliminating one for the stations where overlap can be demonstrated.

P88-29

Diridon and Santa Clara

Drop the Santa Clara Station

Linking BART to Santa Clara might have made sense in 1995. However, today the idea of spending \$1.5B to extend BART beyond Diridon seems to be a waste of money.

P88-30

1. The Santa Clara Station does not seem to have sufficient ridership to justify the expense.
2. The proposed airport people mover could easily connect to Diridon as an alternative.
3. The proposed maintenance yard can be located near the Berryessa BART station.

Drop the Diridon Station

(See next section.)

Diridon and Downtown Stations

Another potential discussion should be dropping either the Diridon or the Downtown stations. There is the issue of having two stations too close together. Are they worth the cost and the performance impact?

P88-31

1. If the Eastern Downtown Option is chosen, the stations won't be close enough together for elimination of Diridon to be an option.
2. If the Western Downtown Option is selected, it would be close enough to Diridon that it could serve as the BART connection to Diridon.
3. Choosing the Downtown Option would justify maintaining the Santa Clara station, with the cost savings from the Diridon Station helping to cover the expense of the tunnel extension to Santa Clara.

Response to Comment Letter P88

Robert Van Cleef

P88-1 In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology including four light rail alternatives. This study resulted in the selection of the Union Pacific Railroad corridor. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology.

The MIS was adopted by the VTA Board of Directors in November 2001. Since that time the voters of Santa Clara County have passed two sales tax ballot measures that have continued to support the BART extension to Santa Clara.

Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, describes a number of alternative routes, including San Fernando and St. James Streets, a connection to Mineta San Jose International Airport, and an Alum Rock Station at 23rd Street.

A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28th Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

P88-2 Refer to BART's comment letter R8, which states that the Newhall Maintenance Facility is “an essential element of the project, without which the project could not go forward....BART needs to stress the importance of the facility to the operational functioning of the Santa Clara Extension, and to BART's ability to maintain the extension in a state-of-good-repair and to provide the level of service and reliability expected by residents and businesses in Santa Clara County.” The Hayward Maintenance Facility is a heavy maintenance facility that includes several repair shops, a vehicle overhaul shop, parts warehouse, and vehicle storage, while the Newhall Maintenance Facility will be for general maintenance, repairs, and vehicle storage. Therefore, the two maintenance facilities serve entirely different functions.

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal*

Station. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

Refer to Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, for a discussion of a connection to Mineta San Jose International Airport. VTA planning is leading a study to look at connections to determine the best approach to providing connections to the San Jose airport from Santa Clara and Diridon Stations.

- P88-3 Diridon Station is a key transfer station with the greatest percentage of rail (Caltrain, ACE, and Amtrak-Capitol Corridor and light rail) connections, as shown in Table 3-6, *2035 Forecast Year Mode of Access by BART Extension Station*. In addition, it would provide the only direct link from BART to the High Speed Rail Project in Santa Clara County. Therefore, it is critical to the overall project.
- P88-4 See response to comment P88-2.
- P88-5 See response to comment P88-1.
- P88-6 Five Wounds Middle School has been deleted from Table 1-3, *Activity Centers within the Vicinity of the BART Extension Alternative Stations*. This does not change the conclusions presented in the SEIS/SEIR.
- P88-7 The Greyhound Bus Terminal has been deleted from Table 1-3. This does not change the conclusions presented in the SEIS/SEIR.
- P88-8 Five Wounds Portuguese National Church has been added to Table 1-3. This does not change the conclusions presented in the SEIS/SEIR.
- P88-9 Avaya Stadium is included in Table 1-3 as number 54.
- P88-10 Figures 4.11-1 and 6.11-1 (*San Jose General Plan Land Use Designations – Alum Rock/28th Street Station (Single and Twin Bore) (Revised)*) have been revised to show McKee Road and Alum Rock Avenue east of U.S. 101.
- P88-11 See response to comment P88-2.
- P88-12 See response to comment P88-2.
- P88-13 See response to comment P88-2.
- P88-14 See response to comment P88-2.
- P88-15 See response to comment P88-2.
- P88-16 See response to comment P88-2.

- P88-17 The decision by the City of Santa Clara to approve or disapprove a housing project is outside VTA's purview. The comment does not raise an environmental concern related to the BART Phase II project.
- P88-18 See response to comment P88-17.
- P88-19 See response to comment P88-2.
- P88-20 VTA's Valley Transportation Plan 2040 (VTP 2040) is the countywide long-range transportation plan that is included in the Metropolitan Transportation Commission's (MTC) regional long-range plan. Currently, VTP 2040 does not include any plans to extend the BART system in Santa Clara past the planned Santa Clara Station. An extension beyond Santa Clara would likely require a several billion dollar investment with funding from an additional sales tax measure to cover construction and operations.
- P88-21 The BART Extension with TOJD Alternative includes 275 residential dwelling units at Alum Rock/28th Street Station along with retail and office space with the density of development constrained by achieving the City of Santa Clara's parking requirements. This is based on the allowable uses per the City's General Plan. The entitlement decisions regarding Transit-Oriented Joint Development (TOJD) at Alum Rock/28th Street, Downtown San Jose, and Diridon Station will be made by the Cities of San Jose and Santa Clara.
- P88-22 While the current BART project alignment is not connecting to the Mineta San Jose International Airport, VTA is planning to study a people mover connection from BART to the airport. This study, known as the Airport People Mover (APM) Business Plan is planned to complete in 2018. The scope is to use previously completed APM studies done by VTA and the City of San Jose to review alignments, capital and operating costs, and ridership, and provide the VTA Board of Directors with critical information to determine a course forward. Appropriate public outreach and involvement will be part of the study scope. The *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, will be conducted in collaboration with the local cities. The study will analyze multimodal connections to the Santa Clara BART Station from major activity centers including Avaya Stadium. Opportunities for public and stakeholder input will be provided throughout the study.
- P88-23 The "public facility" between 6th and 7th Streets, as depicted in Figure 4.11-2, *San Jose General Plan Land Use Designations – Downtown San Jose Station East Option (Twin Bore) (Revised)*, represents a potential future TOJD site under the Downtown San Jose Station East Option. This site would not be developed under the Downtown San Jose Station West Option.
- P88-24 The following grocery stores and food markets are located within a mile of the Grocery Outlet that would be displaced by the Downtown San Jose Station East

Option: Mi Pueblo Food Center, Safeway, Nijiya Market, Whole Foods, Artegas Food Center, Trader Joe's, Chaparral Supermarket, Dai Tanh, Kumar Island Market, Medex Drugs, and La Raza Supermarket.

- P88-25 Figure 4.11-1, *San Jose General Plan Land Use Designations – Alum Rock/28th Street Station (Single and Twin Bore) (Revised)*, accurately depicts plans for the Alum Rock/28th Street Station for the BART Extension Alternative. The light pink color identifies the station area as “Urban Village” which is consistent with the City of San Jose General Plan. A parking structure of up to seven levels would accommodate BART park-and-ride demand with 1,200 parking spaces at this site.
- P88-26 At the time of the Draft SEIS/SEIR, the locations of stations and facilities shown in the figures in Section 4.11, *Land Use*, were the same for single- or double-bore tunnels for all station locations except for the Diridon Station North Option. Therefore, the same plans were used for both twin-bore and single-bore for a majority of the alignment.
- Since preparation of the Draft SEIS/SEIR, the station plans for the Single-Bore tunnel option have been revised. See Volume I, Chapter 1, *Purpose and Need*, and Appendix B, *Project Plans and Profiles*, for revised station plans for the Single-Bore tunnel option.
- P88-27 Section 5.3.1.2 provides information on the launch and extraction site of the TBM based on current information. The section discussing the Single-Bore Option tunneling methodology has been revised to state that tunneling may start from either the west or the east depending on the contractor's approach, with no pull out in between. The Twin-Bore Option can similarly start at either end but with a pull out at Downtown San Jose Station. There is no error in the description as provided in Section 5.3.1.2.
- P88-28 The construction schedule shown on Figure 5-1, *Construction Schedule*, is based on the current plan for construction sequencing and is subject to modification by the contractor. Construction sequencing and scheduling must take into consideration the construction methodology of each BART Extension feature (described in Section 5.3, *Construction Activities*), availability of materials and equipment, available construction staging areas, and the intent to reduce the overall construction schedule as much as feasible and practicable as well as minimize the duration and severity of impacts on the community.
- P88-29 The two closest stations are Downtown San Jose and Diridon. Downtown San Jose Station is by far the highest ridership BART station (see Table 3-13, *2035 Forecast Year Average Ridership by Station with the BART Extension Alternative*) and therefore is a key station location. Refer to response to comment P88-3 regarding the importance of the Diridon Station.

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

P88-30 See responses to comment P88-1, P88-2, and P88-22.

P88-31 See response to comment P88-29.



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March 6, 2017

Tom Fitzwater
SVRT Environmental Planning Manager
VTA Environmental Programs & Resources Management
3331 N. First St., Building B-2
San Jose, CA 95134

Dear Tom,

The members of the San Jose Downtown Association (SJDA) appreciate the opportunity to comment on the BART Phase II Draft SEIR/SEIS.

Over the past 17 years, SJDA has supported three transportation measures that have included local tax funding for bringing BART to the South Bay. Our members remain committed to the long-term potential of San Jose as the center city of Silicon Valley, including the improved mobility, access and overall land-use density a BART subway serving downtown will bring.

We are also committed to protecting our businesses, residents, pedestrians and visitors from a massive, eight-year construction project that will produce severe adverse impacts on downtown's vitality, economy and livability.

Can we reap the long-term gains of BART without devastation during the short-term pain of construction? (Many of our members wouldn't consider an eight-year construction period "short-term," however, this reference is made in context of BART as a 100-year-plus public works investment).

Project Options

Our comments concern the impacts in downtown exclusively, with a focus on the Downtown San Jose and Diridon stations. Unless otherwise specified, we assume the twin-bore methodology so our comments can address its more detrimental impacts on the downtown community. For the Downtown San Jose station, we acknowledge outright the superiority of the **West Option** and concentrate our comments on this station. For the Diridon station, our comments focus on the superior **North Option**.

The Draft SEIR/SEIS is deficient and inadequate in four of the project's most essential elements:

1. Socioeconomics
2. Construction Mitigation
3. Historic Architecture
4. Parking

Socioeconomics

The report correctly states the socioeconomic impacts are “adverse during construction,” resulting in “disruptions to nearby businesses and a potential loss of income while access is limited and detoured.” (5-132).

The construction impacts would “last up to 8 years” (5-134). This is an eternity to local communities living day-to-day through the construction. The Draft SEIR/SEIS offers a thin gruel in addressing the “potential” severe economic losses facing businesses and landlords: construction will be phased; there will be a “comprehensive” education and outreach plan; pedestrian access will be maintained “whenever feasible;” and construction workers may become new customers of local businesses (5-133).

The report does not *mention* a financial relief package for BART socioeconomic impacts.

Locally, large and small transportation projects have offered financial reparations to mitigate construction impacts. The light-rail construction downtown (1985-88) provided monthly rent subsidies for businesses and as recently as 2015, VTA established a financial assistance program for Alum Rock businesses in the Bus Rapid Transit (BRT) project path that paid up to \$50,000.

P89-1

Both the light-rail and BRT financial relief programs were reactive programs established well after construction impacts had escalated during their project schedules.

It would be reasonable to assume the 8-year construction of a BART subway beneath downtown San Jose will have much more dire impacts on businesses than BRT. The cumulative effect of road closures, detours, sidewalk closures, noise, dust, haul routes, loss of parking, utility interruption and the inevitable emergencies/delays/unforeseen items will impact every business, residence and property in vicinity of the station boxes – from Mucho's to SAP Center. To not proactively plan for a financial impact program in the document is a profound omission.

Construction Mitigation

While the report provides some quality mitigations (the dust control section is excellent), the overall construction mitigation approach seems mailed in from other projects and does not appear customized for the rigors of an eight-year BART project, particularly the subway section through downtown. The “to be determined” nature of the report assumes

P89-2

the details for effective mitigation are forthcoming while many impacts identified as “adverse” are left unaddressed.

P89-2,
cont.

Santa Clara Street is the single street that traverses the entire downtown east/west. No comprehensive downtown circulation and access study has been conducted or is cited in the Draft SEIR/SEIS that provides analysis on projected road closures.

For instance, the report (Table 5.2) acknowledges “one block and one intersection” or “two blocks and one intersection” closures for “up to 3 months” on Santa Clara Street. This includes “full and partial closures” of Autumn, Montgomery and Cahill streets that would have devastating impacts on SAP Center operations.

P89-3

For the downtown West option, a two-month closure of Market Street is proposed. For the light rail closures, the bus bridge would operate three months on First Street, then three months on Second Street.

Nowhere is the cumulative impacts of these closures aggregated with the bus re-routing; temporary station locations; truck haul routes; downtown calendar of special events, races and parades; delivery needs; commute peaks; construction staging areas; sidewalk closures; loss of parking and SAP Center schedule.

The implication in the report that steel plates will be placed over a four-block long cut-and-cover station box hole on Santa Clara Street and traffic will continue to freely flow does not align with the number of closures, lane reductions and other “adverse” impacts identified. For long periods of time, all traffic, including BRT and up to 16 local bus lines, will be re-routed to other downtown streets. These adjacent streets have not been analyzed for their impacts and other than the truck haul routes, have not even been identified in the Draft SEIR/SEIS.

P89-4

In Figure 5-2, the dramatic impacts of trucks hauling dirt out of the twin-bore station boxes are estimated: 24,000 individual truck trips (14,750 Downtown and 9250 Diridon). That’s 462 truck trips every week (52 weeks) for an entire year with 8 trucks operating in a single hour during peak volumes at the Downtown station (Table 5-1).

The haul routes in 5-12 were not coordinated in advance with the downtown community. The preponderance of Downtown station haul routes crisscrossing the northwest district of downtown on Market, St. James and Notre Dame will have severe impacts to San Pedro Square and newly built/under construction/entitled high rise housing projects Axis, Centerra, Silvery Towers and North San Pedro with persistent noise, exhaust, dirt tracking and fugitive dust. For Diridon, the haul routes out Montgomery and Autumn Streets directly in front of the arena are unacceptable unless agreed upon in advance with SAP Center operations, including strict work hour moratoriums, cleaning, security and contractor penalties for non-compliance.

P89-5

While we understand the Draft SEIR/SEIS considers different alternatives for construction staging areas, it is obvious for many of the above stated reasons that staging

P89-6

areas in street right-of-way on Market Street and Second Street are unacceptable options. The oversized staging area along Autumn Street for the Diridon north/twin-bore option should be reduced to minimize impacts in the vicinity of SAP Center.

P89-6,
cont.

Without comprehensive analysis of downtown's circulation and access, it is difficult for us to have confidence in the Draft SEIR/SEIS and a reasonable assurance of how people, buses, bikes, cars, delivery vehicles, haul trucks, construction equipment, pedestrians, pedicabs and emergency vehicles are going to maneuver downtown for eight years of BART construction.

P89-7

Furthermore, our experience with projections in documents like this Draft SEIR/SEIS is they turn out to be rosier than on-the-ground conditions, and "up to 3 months" from a 2017 report ends up being 6 months or more in the midst of construction in 2021.

P89-8

The mitigation efforts outlined in the Draft SEIR/SEIS are insufficient. The typical education, business survey, website update approach outlined in TRA-CNST-A thru C are not robust or proactive enough for the BART project. There is a need for another level of mitigation with this project:

- direct engagement and integration with existing social, email and other established communication modes downtown, especially with residents, office tenants and ground floor businesses;
- creative wayfinding to address "diminished pedestrian and vehicular access;"
- coordination with Groundwerx and daily cleaning assignments with contractors;
- graffiti abatement on construction sites, barricades and equipment;
- contractor parking;
- side streets, haul routes and secondary street impacts coordination as traffic moves off Santa Clara Street;
- separate SAP Center protocol during arena operations;
- coordination of deliveries and loading for businesses;
- daily access issues procedures; emergency notification procedures;
- advance scheduling for detours, closures, utility interruption, etc. and minimum notice requirement for change in work;
- Be Barrier Beautiful program participation; shoe shining services;
- holiday season and special event coordination;
- construction hour adjustments (such as "no jackhammers" at lunch in front of restaurants) or early morning hours in front of residences;
- security issues around temporary/relocated bus stops, construction barricades, etc.;
- weather disruption delay notifications; monitoring/reporting of construction contractor compliance, including noise levels and ongoing maintenance (such as uneven steel grate "popping" sounds when vehicles pass over them, etc.);
- transparent complaint resolution procedures;
- minimize any tree removal;
- coordinating locations and minimizing impacts of above-ground station system facilities like the TPSS (auxiliary power substation), fresh air intake and exhaust shafts, emergency ventilation shaft, and emergency exits;

P89-9

- financial relief package application recruitment and management;
- ongoing committee/oversight group with regular reports to San Jose City Council and VTA Board.

P89-9,
cont.

The City of San Jose should condition the project through its encroachment permit process to ensure complete Transportation Management, Construction Mitigation and Community Outreach plans are adopted in advance and followed. Strict compliance measures should be written into all construction agreements with BART contractors and subcontractors, including escalating financial penalties for repeated non-compliance. Funding will be needed to independently monitor contractors for compliance measures during the entire eight-year construction period. For targeted mitigation and outreach at Alum Rock, Downtown and Diridon, contracting directly with established neighborhood/business groups already engaged with their impacted communities would be the most effective long-term mitigation strategy.

P89-10

Historic Architecture

It is difficult to believe the Draft SEIR/SEIS reaches a “no adverse effects” conclusion with constructing a four-block long subway station in the midst of the San Jose Downtown Commercial District, a National Register of Historic Places (NRHP)-listed historic district.

P89-11

There are 19 buildings around the Downtown station plus Cahill Station and train underpass at Diridon that are NRHP eligible. Many of the historic buildings have basements extending under the sidewalks on Santa Clara Street that will be directly impacted by the BART construction.

In 4.5.4.2 the Draft SEIR/SEIS acknowledges impacts of station portals and elevators but since these facilities are built on sidewalks dismisses their impact to the historic buildings. As other above-ground systems in the historic district are acknowledged, like ventilation shafts and “canopy structures,” each is equally dismissed without even “indirect adverse effects.”

P89-12

It makes no sense that a 160-foot long canopy structure at the northside Downtown station portal directly in front of the historic San Jose Savings and Loan building (4.5-21) would not even have “indirect adverse impacts” despite acknowledging it would have “visual impacts.” Apparently, the scale and “transparent materials” of the canopy would minimize its “visual impacts.” Such detail of the canopy structure begs the question where are the drawings and schematics that show it has “no indirect adverse impacts?” They are not in the Draft SEIR/SEIS.

P89-13

How is it possible to say ventilation shafts that are 15x20 feet and 12 feet high for exhaust and fresh air will not adversely impact the district? These shafts will disrupt views, create noise, emit smoke and exhaust, and create dead spaces in the urban environment, impacting the context of the historic district. Furthermore, the station portals could be up to 40 feet long, 24 feet wide and 15 feet high. These one-story

P89-14

facades would have an impact to the historic district context and adjacent historic buildings.

P89-14,
cont.

The location of the TPSS auxiliary power substation in either the Mitchell block or the “Freddy J’s” building at corner of 3rd and Santa Clara would both have impacts on the historic district context. At Diridon, these above-ground systems facilities would be blocked from public view by a nine foot wall or fence, which simply means that an out of context nine foot wall or fence would now be in public view. Nothing in this area is “out of public view” especially in the vicinity of Cahill station and the train underpass.

P89-15

Construction of soil cement or slurry diaphragm retaining walls and other elements of the station box will expose many vulnerable historic buildings to excessive vibrations. For instance, the Bank of Italy building at the corner of First and Santa Clara Street is right on top of the station box, has an extended basement, and is vulnerable to cracks and vibration with terra cotta ornamentation on its exterior façade. The location of stationary equipment (mixing plants, generators, cranes, etc.) will also potentially impact historic buildings in the district, the severity dependent on placement of the equipment.

P89-16

The Draft SEIR/SEIS conclusions of no adverse impacts and no indirect adverse impacts to the historic district are unsubstantiated and flawed.

P89-17

Parking

Illogically, the Draft SEIR/SEIS concludes that eliminating 715 parking spaces (635 off-street and 80 on street) across the street from SAP Center will have “no adverse effect on parking” (5.5.2.7). This conclusion makes no sense.

P89-18

It isn’t just the parking that BART will remove, but also the demand it will generate. Where is the BART parking at Diridon? Not a single replacement parking space is offered in the Draft SEIR/SEIS. Where are the construction workers and BART employees going to park? Where are the BART riders who take personal vehicles to Diridon going to park? What analysis of the BART parking impacts to the Diridon area and SAP Center events was made (because it isn’t in this document)? Clearly this subject will require alternative analysis.

P89-19

The Downtown station will lose 370 spaces (310 off street and 60 on street). Like the Diridon station, the Draft SEIR/SEIS says construction mitigation measures will somehow result in “no adverse effect on parking” despite not conjuring a single replacement space, offer of free validated parking to merchants or use of the free DASH circulator shuttle to move customers, employees, convention-goers and residents around downtown during the 8-year construction period.

P89-20

Clearly the parking section of the Draft SEIR/SEIS is insufficient and will have to be supplemented.

Finally, we found the Draft SEIR/SEIS conclusion of “of moderate liquefaction potential” in the soils (4.8.2) should be shared with the California High Speed Rail Authority staff who have had trouble figuring out how to study an underground alignment into San Jose.

P89-21

Thank you for the opportunity to comment on this vital regional transportation project.

Sincerely,



Scott Knies
Executive Director

Cc: Mayor Sam Liccardo
Supervisor Dave Cortese
Supervisor Cindy Chavez
Supervisor Ken Yeager
Councilmember Raul Peralez
Councilmember Johnny Khamis
Councilmember Chappie Jones
Councilmember Lan Diep
Councilmember Dev Davis
Nuria Fernandez, VTA
Jim Ortbal, City of San Jose
Kim Welsh, City of San Jose
Members of SJDA Board of Directors

Response to Comment Letter P89

San Jose Downtown Association

P89-1 Establishing a financial assistance program for businesses is a decision that must be made by the VTA's Board of Directors. Such a decision could only be determined once a final project description has been approved by the Board as this provides a defined scope of the areas that will be impacted by construction. If the VTA Board were to adopt such a policy, it would then become part of the Construction Education and Outreach Program.

P89-2 The comment makes general assertions without providing specifics on which mitigation measures are deficient; therefore, it is difficult to respond to the comment with specificity. The SEIS/SEIR discusses the impacts on the Downtown San Jose area due to 8 years of construction. See Mitigation Measures TRA-CNST-A through TRA-CNST-D, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, which have been provided and in some cases revised to be more specific to lessen the impacts on the surrounding community due to long duration of construction.

P89-3 Traffic impacts and road closures are discussed in Table 5-2, *Downtown San Jose Station Twin-Bore Roadway Construction Impacts*, and Section 5.5.2.5, *Downtown San Jose Station East Option*, Section 5.5.2.6, *Downtown San Jose Station West Option*, and Section 5.5.2.7, *Diridon Station (South and North Options)*. The conclusions presented in Section 5.15.15, *Socioeconomics*, related to disruptions due to the Downtown San Jose Station construction as identified in the SEIS/SEIR take into account the cumulative and overall impacts of the various disruptions to transit, pedestrian, and vehicular traffic and how construction affects local businesses, residents, and office goers. The overall impact is identified as adverse under NEPA.

VTA will work with property and business owners to minimize disruption and maintain access throughout construction and would implement Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, as described in Section 5.5.1, *Construction Outreach Management Program*. Mitigation Measure TRA-CNST-A would implement an extensive outreach program to notify the public of upcoming construction activities and provide frequent updates, a dedicated onsite outreach coordinator, and 24-hour hotline. The overall intent of Mitigation Measure TRA-CNST-A is to coordinate construction activities with existing business operations and other development projects and to establish a process that will adequately address the concerns of businesses and their customers, property owners, residents, and commuters. VTA will work with property owners and business owners in the station areas to

maintain access to businesses during construction to the extent feasible. VTA will also implement Mitigation Measure TRA-CNST-C: Prepare and Implement an Emergency Services Coordination Plan, as described in Section 5.5.1, *Construction Outreach Management Program*, and work with the City of San Jose to develop parking management strategies to encourage multi-modal access to the Downtown San Jose area. Construction of the BART Extension Alternative would also provide work opportunities for the community, which would be beneficial for the local economy. Additionally, mitigation measures for air quality (Mitigation Measures AQ-CNST-A through AQ-CNST-I) and noise construction (Mitigation Measures NV-CNST-A through NV-CNST-S) would reduce potential effects on businesses (see Sections 5.5.3, *Air Quality*, and 5.5.13, *Noise and Vibration*, respectively) except for construction noise impacts at the Downtown San Jose and Diridon Stations.

- P89-4 See response to comment P89-3. VTA will comply with the established City of San Jose truck haul routes as described in Section 5.2.4.2, *Truck Haul Routes*, and shown in Figure 5-12, *Truck Haul Routes*. Any changes to this will be directly coordinated and reviewed in advance with the City of San Jose. VTA will coordinate bus rerouting with the local cities and essentially reroute buses one street to the north or south as required. Because this is a linear project, as project construction would move, the location of detours is also likely to change. Therefore, no one intersection or street will receive all the detour traffic for long periods of time.
- P89-5 VTA will comply with the established City of San Jose truck haul routes as described in Section 5.2.4.2 and shown on Figure 5-12. Any changes to these routes will be directly coordinated and reviewed in advance with the City of San Jose.
- P89-6 The conceptual staging area footprints are based on the areas needed to complete the work effort for this large transportation project. They are conservative in size, and refinements may be worked out with the City of San Jose as part of the Master Cooperative Agreement. The comments regarding Market and Second Streets relate to the Downtown San Jose Station West Option where construction staging is difficult because of the density of development. Similarly, portions of Autumn Street are needed for construction staging because of the limited options.
- P89-7 See responses to comments P89-2 through P89-4. VTA will implement Mitigation Measures TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, and TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, to reduce impacts during construction. Mitigation Measure TRA-CNST-A will also reduce impacts on pedestrians and bicyclists. This measure would inform residents of construction

activities and where they may affect pedestrian and bicycle routes and travel times. Additionally, the outreach effort would provide an avenue for receiving concerns, comments, and questions from the public regarding pedestrian and bike routes and travel time impacts.

Mitigation Measure TRA-CNST-B will also reduce impacts on pedestrians and bicyclists. This plan will provide safe travel corridors for pedestrians and bicyclists within and through construction areas or provide detour routes with wayfinding signage.

Even with these mitigation measures, adverse effects would result on pedestrians, bicyclists, vehicles, and transit.

- P89-8 The construction schedule shown on Figure 5-1, *Construction Schedule*, is based on the current plan for construction sequencing and is subject to modification by the contractor. Construction sequencing and scheduling must take into consideration the construction methodology of each BART Extension feature, availability of materials and equipment, available construction staging areas, and the intent to reduce the overall construction schedule as much as feasible and practicable as well as minimize the duration and severity of impacts on the community.
- P89-9 Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Management Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, includes a number of proactive activities and states that “[c]ritical components of this plan will include but are not limited to the following public outreach strategies using a variety of media opportunities.” As the final plan is developed, the additional suggested actions will be considered. In addition, Mitigation Measures TRA-CNST-B through TRA-CNST-D, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, will have to be revised to be more specific during the final planning stage.
- P89-10 VTA and the City of San Jose are major partners on this project and have been and will continue to meet and coordinate as the project progresses. VTA will secure encroachment and development permits as required for the project as identified in Table 2-4, *Required Permits and Approvals*. A Master Cooperative Agreement will be developed between the City of San Jose and VTA to define the roles and responsibilities and expectations of the project. VTA has set up three Community Working Groups that have been meeting on a regular basis during the planning and environmental phase. These groups will continue to meet throughout the construction phase. However, the member of the groups may evolve as new stakeholders are added. VTA recognizes the importance of contracting directly with local businesses during the construction of the project.

P89-11 As described in Section 4.5.4, *Environmental Consequences and Mitigation Measures* (in Section 4.5, *Cultural Resources*) while some elements of the Downtown San Jose Station East and West Options, such as station entrance portals and elevators, would be located within the boundary of the San Jose Downtown Commercial District (Map References E-08 through E-14, E-18, E-19, and E-21 in Appendix D.1, *Architectural/Built Resources Area of Potential Effects Map*) and may alter the landscaping, infrastructure, and hardscape (i.e., sidewalks, curbs, light standards, and street furniture) within the public right-of-way at those locations, these features have been altered and/or replaced over time and are not considered contributing elements of the district. Given the size of the historic district (28 contributing structures in total located within a more than two-square-block area over 11 acres), and that there are only a few locations where station entrance portals or elevators would be located within or immediately adjacent to the historic district, the proposed alterations of the streetscape features within the public right-of-way would not present an adverse effect on the overall historic district.

Set in a dense urban setting, the San Jose Downtown Commercial District, which consists of late nineteenth and early twentieth century buildings predominantly one to five stories in height, has already been altered by the construction of modern (i.e., not dating to the historic district's period of significance) buildings, structures, and infrastructure, including the addition and/or replacement of light standards, mailboxes, signage, traffic and pedestrian lights, bus shelters, parking meters, and sidewalk improvements.

The project's proposed one-story entrance portals and elevators are small in scale relative to the surrounding buildings, and their massing would be consistent with the character of the commercial district and existing transportation corridors. The historic integrity of the historic district and its contributors, including those that are adjacent to entrance portals and elevators (Map References E-13, E-14, and E-18), would remain unchanged.

Under the Downtown San Jose Station West Option, a station entrance is proposed adjacent to 81 West Santa Clara Street (Map Reference E-23), which is individually eligible for the NRHP. The freestanding entrance structure's Santa Clara Street façade would be set back from the historic property's façade, would be constructed using transparent glass with metal panels, and would be up to 25 feet in height. The entrance structure would be differentiated from the historic property because it would be set back from the historic property façade, would be lower height, and would use modern transparent construction materials. The station entrance would result in *no direct or indirect adverse effect* on the historic building at 81 West Santa Clara Street. This station entrance would also be located one-half block (more than 225 feet) west, and outside, of the boundary of the San Jose Downtown Commercial District Historic District, and would not

result in any adverse effects on the historic district. While visible from the northwestern-most portion of the historic district, the setting of the area along the north side of Santa Clara Street has already been heavily altered by the introduction of modern buildings with heights of one to seven stories. The introduction of a station entrance that is compatible in scale to the contributors of the nearby historic district would not result in any indirect adverse effects on that district. Likewise, a similar station entrance under the Downtown San Jose Station West Option on the north side of Santa Clara Street between First and Second Streets would not have any adverse indirect effects on the historic district. The entrance structure size would be compatible with the historic district contributing buildings and would not adversely alter the setting or integrity of the historic district overall, nor any of the contributing structures that are located along the south side of Santa Clara Street.

Some of the historic properties within downtown San Jose may have basements that extend under the sidewalks adjacent to Santa Clara Street, and those within proximity to the Downtown San Jose Station (West or East Option) would likely be in conflict with the project, especially under the Twin-Bore Option. Basements in conflict with project facilities under the street or sidewalk right-of-way will be acquired; however, basements of historic properties within the project area are not character-defining features of the individual contributors or the district as a whole. Therefore, acquisition of the portion of these basements that extend into the street or sidewalk right-of-way and in conflict with the project would not affect the historic designations of these historic properties, would not affect their eligibility for the NRHP or CRHR, and would not affect their status as significant historical resources per CEQA. Lastly, per Section 106 of the National Historic Preservation Act, FTA must consult with the State Historic Preservation Officer on the assessment of adverse effects for historic properties listed or eligible for listing in the NRHP.

- P89-12 See response to comment P89-11. As analyzed in Sections 4.5.4 under the heading *Develop and Implement a Construction Transportation Management Plan* the BART Extension Alternative would result in no indirect adverse effects on the identified historic properties from either the construction or operation of tunnels, stations (Alum Rock/28th Street, Downtown San Jose East and West Options, Diridon South and North Options, and Santa Clara), two mid-tunnel ventilation structures, two tunnel portals, or the Newhall Maintenance Facility. Indirect effects on historic properties may be caused by the introduction of new visual, auditory, and vibration elements from the project. However, all below-grade features of the Twin-Bore and Single-Bore Options and stations would not be visible from the surface near any historic property, and therefore would not result in any indirect adverse visual effects on the 29 historic properties. Each station would include the construction and operation of aboveground station

entrances, and ventilation, fresh air, exhaust, and access shafts. In addition, Downtown San Jose Station would include the construction of a new building to house the emergency exhaust shaft and streetscape improvements. None of these aboveground components would cause any indirect adverse visual effect on historic properties. Refer to the series of figures included in Sections 4.16.4 and 6.14.4, *Visual Quality and Aesthetics*, which show existing conditions and simulated views depicting BART Extension elements such as station entrances and other aboveground elements in relation to eligible historic properties (see also, Section 5.5, *Impacts from Construction of the BART Extension*). The full analysis is provided in the *Preliminary Finding of Effects Report*, which is a supporting technical report for the project.

- P89-13 It is assumed that the commenter is referring to the San Jose Building and Loan building (Map Reference E-23, in Appendix D.1, *Architectural/Built Resources Area of Potential Effects Map*), which is located at 81 West Santa Clara Street. As described in Section 4.5.4.2, *BART Extension Alternative*, the aboveground project feature nearest this historic building is a station entrance adjacent to this historic property that would replace an existing parking lot and one-story modern bank building under the Downtown San Jose West Option. Located half a block west of and outside the boundaries of the historic district, the entrance would be to the east and north of this historic property, but would be a freestanding structure. The entrance façade along West Santa Clara Street would be set back approximately 5 feet from the façade of the historic building, constructed of transparent glass and metal panels, and measure approximately 160 feet in length. Along West Santa Clara Street, the glass entrance façade would be one story high under the Twin-Bore Option; under the Single-Bore Option, the entrance façade along West Santa Clara Street would be approximately 25 feet high.

Figure 4.16-7, *Key Viewpoint 6: Downtown San Jose Station West Option – Santa Clara Street/Lightson Alley (Twin Bore)*, in Section 4.16, *Visual Quality and Aesthetics* depicts a visual simulation of the Downtown San Jose West Station Option under the Twin-Bore Option at this location. Figure 4.16-D, *Key Viewpoint D: Downtown San Jose Station West Option – Santa Clara Street/Lightson Alley (Single Bore)*, in Section 4.16, *Visual Quality and Aesthetics* depicts a visual simulation of the Downtown San Jose West Station Option under the Single-Bore Option at this location. The entrance façade would include the use of transparent materials to minimize visual impacts on the adjacent historic property. The façade would not visually detract from the architectural character of the historic property because it would be of a lower height, set back from the historic building, and use materials that are architecturally differentiated but compatible with the historic building. The entrance façade would neither block views when looking to or from the historic property, nor would it alter the character-defining architectural features for which the historic property was found

to be historically significant. Thus, the project would result in no direct or indirect adverse effects on the San Jose Building and Loan building.

- P89-14 As described in Section 4.5.4.2, and in response to comments P89-11 and P89-12, these station ventilation components would be visible from some historic properties; however, the viewshed and setting of the historic properties would not be adversely altered, and the historic integrity of the historic properties near these shafts would be unchanged. The scale and massing of these project elements would be consistent with the existing dense urban setting in which these historic properties are located. As such, there would be no indirect adverse effect on the San Jose Downtown Commercial District Historic District any other historic properties from the construction or operation of ventilation shafts.

Please refer to response to comment P83-10 regarding use of emergency ventilation facilities.

The design of aboveground project features would be designed to blend in with the existing urban fabric of the street and coordinated with the City of San Jose; therefore, these facilities would not create “dead spaces” or adversely affect historic properties.

- P89-15 For a discussion of impacts related to project features within the VTA Block (formerly Mitchell Block) and the potential to impact historic properties, see responses to comments P89-11 through P89-14.

The proposed project facilities at the northwest corner of East Santa Clara and North 3rd Streets under the Downtown San Jose Station East and West Options would not have adverse indirect effects on the San Jose Downtown Commercial District Historic District. As described in Volume I, Chapter 2, *Alternatives*, the proposed facilities at that location would be outside the boundary of the historic district and would not result in any direct adverse effect to the historic district. The TPSS and auxiliary power substations would be less than 15 feet in height and would be located 75 feet or more away from the historic district. These facilities would be concealed within a new one-story building that would replace the existing one-story building currently housing Freddy J’s (91 East Santa Clara Street) and the adjacent two-story building (97 East Santa Clara Street). The construction of a new building to house these system facilities would somewhat alter the setting near the historic district; however, the setting of the historic district has already been heavily altered by the construction of several modern (i.e., built after the historic district’s period of significance) buildings, including a 13-story commercial building immediately adjacent to the Freddy J’s building, and other infrastructure. The replacement of two heavily modified buildings with a new structure of similar scale and massing would not adversely alter the viewshed or setting of the historic district or any of its 10 contributors. Therefore, the historic properties would not suffer an indirect adverse effect from the project

as the new building would be consistent with the character of the existing Santa Clara Street transportation corridor and the dense urban setting of the area. Consequently, neither the TPSS nor the auxiliary power substation in the vicinity of the historic district would result in indirect adverse effects on the district and its contributors.

As described in Volume I, Chapter 2, *Alternatives*, at the Diridon Station (both South and North Options), system facilities would be located aboveground (approximately 12 feet high) and underground. For the Diridon Station South Option, these facilities would be located between Autumn Street and Los Gatos Creek and west of Cahill Street, and for the Diridon Station North Option, these facilities would be located between Autumn and Montgomery Streets and west of Cahill Street. System facility sites within public view would be surrounded by an approximately 9-foot-high concrete block (CMU) wall, and sites outside of public view would be surrounded by a 9-foot-high fence. As described in Section 4.14, *Visual Quality and Aesthetics*, the system facilities would be enclosed, but visible to motorists, pedestrians, and bicyclists traveling along roadways and the existing Caltrain corridor. They may also be visible from the existing nearby residential units. The surrounding environment in this area is urbanized, and the system facility site would be located within an existing parking lot and shielded from public view by a 9-foot-high CMU wall if publicly visible. It would be designed in mass and scale to maintain consistency with the surrounding environment and would be visually consistent with the surrounding built environment. There are no scenic vistas close to the station site. The visual changes caused by the aboveground station amenities and system facility sites would not substantially degrade the existing visual character or quality of the surrounding area, as they would be designed for consistency and unity with surrounding visual character (mass and scale) of the area. Therefore, the impact on visual quality and aesthetics would be *no adverse effect*.

- P89-16 As described in the SEIS/SEIR, indirect impacts on historic resource may be caused by the introduction of new noise and vibration from construction of the BART Extension Alternative. The *Noise and Vibration Technical Report* concludes that impacts caused by vibration from construction of the BART Extension may exceed the FTA thresholds of 0.12 inch/second PPV to 0.2 inch/second PPV with the potential to cause physical damage or alteration on historic properties in some locations. The appropriate threshold is dependent on the building condition. Section 5.5.13.2, *Vibration Impact*, in Chapter 5, *NEPA Alternatives Analysis of Construction*, provides a list of historic resources in proximity to the areas where the Twin-Bore Option would be constructed that could be exposed to vibration levels over 0.12 inch/second PPV to 0.2 inch/second PPV and that would require mitigation to reduce impacts. Implementation of a Construction Vibration Control and Monitoring Plan as

outlined in Mitigation Measures NV-CNST-P through NV-CNST-S (see Section 5.5.13.3, *Noise and Vibration Mitigation Measures*) would minimize and/or avoid construction impacts on historic properties. In addition, concerns about vibration-induced settlement are addressed in Mitigation Measures GEO-CNST-B through GEO-CNST-F (see Section 5.9.2.2, *Surface Settlement Mitigation Measures*). Thus, the BART Extension Alternative would not result in any *indirect* adverse effects on the 32 historic properties.

P89-17 This comment serves as a conclusion to the specific impacts on historic resources comments raised in P89-11 through P89-16. See responses to comment P89-11 through P89-16 for responses to specific concerns regarding impacts to historic resources. Direct and indirect adverse effects on historic properties have been assessed in accordance with Section 106 of the National Historic Preservation Act, 36 Code of Federal Regulations 800.5 (Assessment of Effects). In addition, per Section 106 of the National Historic Preservation Act, FTA and VTA must obtain State Historic Preservation Officer concurrence on all determinations of potential adverse effects on historic properties that are listed in or eligible for the NRHP. Therefore, the supporting documentation has been provided that validates the conclusions.

P89-18 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station.

P89-19 Refer to Master Response 2, *Diridon Station Short-Term Parking*, regarding parking impacts during construction of the Diridon Station.

Construction workers would park in the construction staging area identified at Diridon on Figures 5-7, *Proposed Diridon Station North Construction Staging Area (Revised)*, and 5-8, *Proposed Diridon Station South Option Construction Staging Areas*. BART stations do not require a large number of employees to operate a facility, and it is anticipated that the majority of these employees and BART riders would access the station by a variety of transit modes including BART, VTA Bus and Light Rail services, and Caltrain.

P89-20 The comment refers to the Downtown San Jose Station West Option where up to 370 on- and off-street parking spaces would be lost. As detailed in Sections 5.5.2.5 and 5.5.2.6, the Downtown San Jose Station West Option area is well-connected by transit lines (light rail transit, bus rapid transit, and local buses) and nearby Caltrain. Loss of up to 60 on-street parking spaces in an area that is well served by transit options and allows on-street parking on nearby streets is not considered adverse. Construction of the downtown station would result in the loss of 310 off-street spaces at the VTA Block. VTA always intended the use of the site for parking as an intermittent use until VTA finalized plans for the parcel. Therefore, loss of parking would not result in an adverse impact.

P89-21 The Draft SEIS/SEIR was reviewed and commented on by California High-Speed Rail Authority staff.

Swan, Samantha

From: annezk <annezk@yahoo.com>
Sent: Monday, March 06, 2017 5:07 PM
To: bartphase2eis-eir; Jeannie Bruins/VTA; Sam Liccardo SJ Mayor/VTA VC; Lan Diep/VTA; Charles Jones/VTA; Johnny Khamis/VTA; Raul Peralez/VTA; Salta Vaidhyanathan/VTA; Larry Carr/VTA; Cindy Chavez/VTA; Ken Yeager/VTA; Teresa O'Neill/VTA; Glenn Hendricks/VTA; Dave Cortese/VTA; General Manager; M Carrasso/VTA; R Rennie/VTA; J McAllister/VTA
Subject: Bart phase 2

Extending Bart to Santa Clara is too expensive and is redundant. Has NOT been adequately studied for environment impacts . Re: noise, vibration and air quality. Extending to Santa Clara conflicts with and /or violates Measure B.

P90-1

Given our current administration's view on spending the VTA board should behave prudently by first reducing the phase ii project to end at Diriadon as originally planned and then shelve it until such a time in which impacts can be throughly studied

P90-2

Tax payers and voters can be adequately advised. The VTA can assure you that they understand and can competently undertake a project for which they have no ecpetience

as originally p

Response to Comment Letter P90

Anne Zingale

P90-1 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

The ballot language for 2016 Measure B included, “finishing the BART extension to downtown San Jose, Santa Clara.” VTA is implementing the alternative identified in the 2001 Major Investment Study adopted by the VTA Board of Directors, and the ballot language for 2000 Measure A and 2016 Measure B.

VTA has developed an overall funding strategy that includes federal, state, and local funding sources as highlighted in Chapter 9, *Financial Considerations*, of the SEIS/SEIR. This strategy of \$4.91 billion is based on a capital cost estimate that includes stations at Alum Rock, Downtown San Jose, Diridon, and Santa Clara; the Newhall Maintenance Facility; and additional contingency. Of the sources that have been identified in the funding plan, local sources are tax measures that have been approved by voters and have values totaling \$2.5 billion set aside for the project. State sources include the Traffic Congestion Relief Program (\$160 million) and Cap and Trade program funds (up to \$750 million). Federal sources include funding from the Federal Transit Administration's New Starts program (\$1.5 billion).

P90-2 See response to comment P90-1.



March 7, 2017

Tom Fitzwater, SVRT Environmental Planning Manager
 VTA Environmental Programs & Resources Management, Building B-2
 3331 North First Street, San Jose, CA 95134
 BARTPhase2EIS-EIR@vta.org

Dear Mr. Fitzwater,

Thank you for the opportunity to comment on the BART Phase 2 EIS-EIR.

Friends of Caltrain is a 501c3 nonprofit supporting sustainable transportation on the Peninsula Corridor from San Francisco through San Jose, including a modernized Caltrain service well-integrated with regional transit including connections to BART. Connecting BART to Caltrain in the South Bay will fulfill a longstanding vision to complete a regional network of backbone rail service. Following are our comments on the EIS-EIR.

P91-1

Parking, Transit Oriented Joint Development, and Vehicle Miles Traveled

While parking provision is no longer considered an environmental impact under the California Environmental Quality Act, the updated metric to assess transportation impact under CEQA is vehicle miles travelled per capita, and there is strong evidence that providing excess parking results in increased driving.

P91-2

<http://www.citylab.com/commute/2016/01/the-strongest-case-yet-that-excessive-parking-causes-more-driving/423663/>

In a valuable and innovative step, the environmental impact report covers transit-oriented joint development (TOJD) at proposed stations. The TOJD sites at Alum Rock and Santa Clara include parking, as shown in Table 3-40. Using GreenTRIP Connect (<http://www.transformca.org/greentrip/connect>), an online tool that assesses parking demand based on local parking utilization rates in the area, the tool projects that both the Alum Rock and Santa Clara stations are proposed to provide parking at a level higher than the estimated parking demand. This excess parking would be expected to generate higher VMT that would otherwise occur.

P91-3

Site	Development	Proposed Parking	Needed parking
Alum Rock	275 housing units	400 spaces	311 spaces
Santa Clara	220 housing units	400 spaces	251 spaces

P91-3,
cont.

Therefore, the project should re-assess the amount of proposed parking in consideration of projections of parking need, and relationship between parking need and VMT associated with the levels of parking.

Risk to TOD at Santa Clara Station

As noted, the TOJD at Santa Clara station proposes 220 housing units. However, the likelihood that this housing development will take place is cast in serious doubt, since as of the writing of these EIR comments, the City of Santa Clara has just lost the 3rd development of TOD housing in the Santa Clara Station transited in less than a year.

On March 7, as these comments were being finalized, the Santa Clara City Council voted down 4:3 a 5-story mixed-use development with 151 apartments and 10,000 square feet of retail at 2232-2240 El Camino Real near El Camino and Scott, on the VTA 522 Rapid line, one rapid bus stop away from Santa Clara Caltrain. In her remarks before voting against the project, the Mayor commented, "our residents have reached the limits of their tolerance for the amount of housing we are willing to tolerate."

Just two weeks earlier another developer pulled an 158-unit project on El Camino Real in Santa Clara between Lawrence and Wolfe right as City Council was to review that project for final approval on February 21. At that city council meeting, Council members commended residents for their active engagement to oppose the housing development.

P91-4

Less than a year earlier Santa Clara [lost yet another housing/mixed use development](http://www.greencaltrain.com/2017/03/santa-clara-considers-housing-on-el-camino-after-losing-two-developments-in-a-year/), immediately across from the Caltrain station and proposed future BART station. That project was pulled by the developer, after community opposition reduced the size of that development from 450 apartment units, to 370, to 318.

<http://www.greencaltrain.com/2017/03/santa-clara-considers-housing-on-el-camino-after-losing-two-developments-in-a-year/>

Part of the environmental justification to extend BART to Santa Clara is transit-oriented development in the station area. However, according to these actions and statements by the City Council and community, the city seems unwilling to allow TOD at the proposed station and in the transited of the station on the El Camino rapid bus line. Therefore these environmental benefits seem unlikely to be realized.

NEPA analysis considers the finances of the project (Chapter 9). Value capture methods are described as a potential revenue source. This revenue source is at risk given the demonstrated challenges for TOD housing in Santa Clara.

P91-5

Transit benefits of Santa Clara Station

Over and above the risks to transit-oriented development in the Santa Clara station area is the fundamental redundancy of the project section from Santa Clara to Diridon.

According to the transportation analysis in the EIR, the BART-SV extension is projected to generate only 14,619 new linked transit trips compared to the No Build scenario (Table 3-14).

Table 3-14: 2035 Forecast Year Weekday Transit Trips and New Linked Transit Trips

Performance Measure	No Build	BART Extension
Weekday Transit Trips: All Operators in Area ^a	1,873,183	1,887,802
New Linked Transit Trips ^b	n/a	14,619

Source: Hexagon Transportation Consultants, Inc. 2016a

^a Includes total daily transit trips for the all transit operators within the modeled area (the entire Bay Area).

^b Linked transit trips exclude transfer boardings. New linked trips are diverted almost entirely from auto trips and represent new riders on transit.

The transit benefit of the project is greater than that statistic suggests, because the 14,600 net total subtracts 12,500 trips diverted from slower VTA buses, providing riders with substantially faster trips. For example, a trip from South Fremont to Downtown San Jose would be slashed from 47 to 31 minutes (Table 3-18).

Unfortunately, the 14,619 net new riders also includes a projected 14% cannibalization of existing rail service, with 2,860 trips diverted from Caltrain/ACE/Capitol Corridor. Most of that cannibalization is expected to be 1,800 trips diverted from Caltrain (Table 3-11)

Santa Clara Valley Transportation Authority

NEPA and CEQA
Transportation Operation Analysis

Table 3-11: 2035 Forecast Year No Build and BART Extension Alternatives Average Weekday Boardings by Transit Operator

Operator	Submode	2035 Forecast Year No Build	2035 Forecast Year BART Extension	Absolute Difference	Percentage Difference
BART ^a	Heavy Rail	581,700	617,000	35,300	6.1%
Caltrain	Commuter Rail	86,700	84,900	-1,800	-2.1%
Amtrak-Capitol Corridor	Intercity Passenger Rail	1,875	1,515	-360	-19.2%
ACE	Commuter Rail	17,800	17,100	-700	-3.9%
VTA	Light Rail	87,700	88,400	700	0.8%
	Express Bus	12,050	2,125	-9,925	-82.4%
	Local/Limited Bus	211,850	209,300	-2,550	-1.2%
Total		999,675	1,020,330	20,655	2.1%

^a Boardings by operator are systemwide and are not necessarily made in the corridor. Because BART and other rail services typically exclude internal transfers in boarding counts, they thereby reflect linked trips. Bus services include all vehicle boardings, including transfers, and thereby reflect unlinked trips.

In particular, the segment from Santa Clara to Diridon is a duplicate of Caltrain service, in a segment that has plenty capacity. Caltrain ridership has increased over 2x over the last decade, and popular peak hour trains show a high level of crowding (see Table 8 from Caltrain's passenger counts). However, Diridon-Santa Clara has plenty of room. According to Caltrain's recent ridership counts, there were only 39 passengers heading Northbound getting off in Santa Clara (coming from Diridon or points South) and only 11 passengers heading SB from Santa Clara in the morning (Santa Clara to Diridon). <http://www.caltrain.com/Assets/Marketing/caltrain/pdf/2016/2016Annual+Passenger+Counts.pdf>

Table 8: FULLEST TRAINS IN EACH DIRECTION (AT 95% SEATED CAPACITY OR ABOVE)

(Average seated capacity: 650 passengers per train, 5-car Gallery train)
(Average seated capacity: 762 passengers per train, 6-car Bombardier train)

Northbound				
Train No.	Depart SJ	Max Load	Train Seating Capacity (Post 4/4/16)	Percent of Seated Capacity
319	7:03 AM	951	762	125%
323	7:45 AM	950	762	125%
329	8:03 AM	882	762	116%
375	5:23 PM	841	762	110%

STATION	NORTHBOUND		SOUTHBOUND		TOTAL	
	On	Off	On	Off	On	Off
San Francisco	0	8,753	3,387	0	3,387	8,753
22nd Street	6	84	1,359	17	1,365	101
Bayshore	26	28	95	5	121	33
South SF	97	179	59	58	156	237
San Bruno	211	117	176	39	387	156
Millbrae	403	992	1,232	105	1,636	1,098
Burlingame	342	90	248	65	590	156
San Mateo	555	298	534	254	1,089	553
Hayward Park	79	69	78	58	156	127
Hillsdale	1,239	411	493	279	1,732	689
Belmont	150	84	141	58	291	142
San Carlos	322	225	342	267	664	491
Redwood City	929	665	419	855	1,348	1,520
Menlo Park	347	387	186	544	533	931
Palo Alto	923	2,033	293	2,960	1,216	4,993
California Ave.	351	286	61	412	412	698
San Antonio	343	60	40	156	383	216
Mountain View	1,693	304	97	1,686	1,790	1,991
Sunnyvale	2,112	153	34	207	2,146	360
Lawrence	276	98	27	285	303	383
Santa Clara	496	39	11	192	507	231
College Park	11	42	0	101	11	144
San Jose Diridon	2,890	44	1	692	2,891	735
Tamien	1,191	166	0	18	1,191	184
Capitol	62	2	0	0	62	2
Blossom Hill	123	6	0	0	123	6
Morgan Hill	182	0	0	0	182	0
San Martin	77	0	0	0	77	0
Gilroy	178	0	0	0	178	0

Less cost-effective than more increased Caltrain frequency

We have heard an argument made that the reason that duplicate service between Diridon and Santa Clara is non-redundant since Caltrain does not currently provide frequent service between Diridon and Santa Clara. The service pattern analyzed in Caltrain's electrification EIR does show less frequency than BART is projected to have. But that service pattern does not reflect a committed Caltrain service plan - Caltrain has not yet decided on the service plan for electric service.

Analysis shows that VTA could get more transit service for the money by refraining from building the extra BART station, and using the money instead to increase Caltrain service frequency to match BART frequency in Santa Clara County.

<http://www.greencaltrain.com/2016/05/vta-savings-from-integrated-bartcaltrain-service/>
<https://docs.google.com/spreadsheets/d/1HU9EVWkmY88lpCNcEQZtUyFNf1oDHu29YCQJGwNS8/edit?usp=sharing>

Given the state's ambitious mandate to reduce greenhouse gas emissions under SB32, it is a wasteful use of limited financial resources to utilize funding to duplicate a portion of the transit system that has plentiful capacity, instead of using the funding to create additional, non-redundant service.

NEPA analysis (Chapter 9) considers project finances. The above analysis suggests that a Santa Clara station would be financially less effective than increasing Caltrain service.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'Adina', with a long horizontal line extending to the right.

Adina Levin
Friends of Caltrain
<http://greencaltrain.com>

P91-7

P91-8

P91-9

Response to Comment Letter P91

Friends of Caltrain

- P91-1 The comment in support of connecting BART to Caltrain in the South Bay is noted.
- P91-2 Both the Downtown San Jose Station and Diridon Station options do not include parking facilities as BART riders are projected to access the station by walk/bike, bus, heavy rail, light rail transit, and kiss-and-ride. This is in line with the comment about not encouraging driving.
- P91-3 The number of parking spaces provided as part of the TOJD is based on meeting the parking requirements for the Cities of San Jose and Santa Clara for residential and commercial land uses. Parking for BART riders is not included in the TOJD nor is shared parking with BART riders.
- VTA will work in cooperation with the Cities of San Jose and Santa Clara to consider strategies to reduce parking demand consistent with the Cities' requirements.
- P91-4 TOJD is not the primary environmental justification for extending BART service to Santa Clara. All TOJDs are subject to local City approvals.
- The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.
- P91-5 TOJD is not part of the NEPA project. No federal funding would be used for the TOJD. Chapter 9, *Financial Considerations*, only deals with finances for the NEPA project.
- P91-6 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.
- P91-7 Comment in opposition of extending BART to Santa Clara Station is noted.
- The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.
- P91-8 Comment in opposition of extending BART to Santa Clara Station is noted.

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

P91-9 Comment in opposition of extending BART to Santa Clara Station is noted.

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.