
Chapter 2

Changes to the Project, Changes in Circumstances, and Introduction of New Information

This section discusses the proposed changes to the Capitol Expressway Light Rail Project, changes in circumstances, and the introduction of new information since the approval of the 2005 Final EIR and the 2007 Final SEIR.

2.1 Changes in Project Description

VTA is proposing the following changes to the project description.

No Median Ocala Station: VTA is proposing to eliminate the Ocala Avenue Station from the project because it does not meet VTA's Transit Sustainability Policy's criteria of 600 boardings per station, and it requires property acquisition and roadway realignment in order to meet the geometric requirements for a station. In 2035, the estimated boardings for the Ocala Station are expected to be 250 (Exhibit A).

No Sidewalk Widening and Sound Wall Relocation North of Ocala Avenue: The project is proposing to eliminate improvements to a recently constructed sidewalk located on the west side of Capitol Expressway between Foxdale Drive and Ocala Avenue because these improvements would require the relocation of an existing sound wall and the partial acquisition of the backyards of nine residences. These improvements would widen the sidewalk into a multi-use path and add landscaping (Exhibit B).

Expansion of Eastridge Park-and-Ride Lot: Currently, there are 115 parking spaces at the Eastridge Park-and-Ride Lot. In the 2005 Final EIR, VTA originally identified that a total of 250 – 550 parking spaces were required at Eastridge Station over the forecast period of 2010 – 2025. In 2009, VTA reran its model for the federal environmental document, and determined that a total of 476 – 481 spaces would be required at the end of the new forecast period ending in 2035. Based on historical data at VTA's existing light rail stations, VTA believed that the estimated demand from the model was high, and proposed to add 135 spaces to the existing supply of 115 for a total of 250 spaces. As a result of concerns expressed by Eastridge Mall that as parking demand reaches the limit of available supply, VTA transit patrons will park in the Mall's spaces, VTA is proposing in this SMND to provide a total of approximately 445 parking spaces. If demand warrants, up to 481 parking spaces could be provided by demolishing a vacant building on property owned by VTA (Exhibit C). It should be noted that the

total amount of parking proposed has increased from the 417 spaces included in the Draft SMND.

2.2 Changes in Circumstances

There have been a number of changes in circumstances since the approval of the 2005 Final EIR and the 2007 Final SEIR. These changes pertain to significance thresholds, related projects, and mitigation measures.

Bus Rapid Transit: Since the certification of the 2007 Final SEIR, the Santa Clara Alum Rock Project was approved on December 11, 2008. This project included two Bus Rapid Transit (BRT) routes that would travel on Capitol Expressway between the Alum Rock Station and Eastridge Transit Center. These services are anticipated to be operational in late 2014 and will utilize articulated vehicles, operate on 6-minute headways, and include stations with real time information and ticket vending machines. These new BRT routes were added to the 2018 and 2035 No-Build scenarios.

Construction Threshold for “Disrupting a Business for a Period of Three Months or More”: On November 4, 2010, VTA adopted new significance thresholds that did not include the disruption of a business for a period of three months or more during construction. Under CEQA, economic and social changes resulting from a project are generally not treated as significant effects on the environment unless they result in a physical change. When VTA evaluated this threshold, it could not find evidence that significant environmental effects would result from disrupting a business for a period of three months or more during construction.

Energy: The 2007 Final SEIR identified a “Significant and Unavoidable” impact to electrical transmission infrastructure during periods of peak demand. Decreased demand from lower than expected economic growth in both the near and long term and added savings from energy efficiency and a growing portfolio of renewable energy sources has reduced the constraints on the electrical transmission infrastructure, especially during peak periods. As a result, this is no longer considered a “significant and unavoidable impact”.

Noise from Operations: In order to further reduce 150 moderate noise impacts from the project, VTA is proposing to incorporate quiet pavement such as a layer of open-graded rubberized asphalt, on Capitol Expressway. This measure would reduce all but one of the moderate impacts from project operations.

Parking Thresholds: Revisions to the significance thresholds for CEQA became effective on January 1, 2010, and no longer included effects on parking. This was based on the decision in the case *San Franciscans Upholding the Downtown Plan v. City & County of SF*, 102 Cal.App.4th 65 (Sept. 30, 2002), in which the court ruled that parking deficits are an inconvenience to drivers but not a significant physical impact on the environment unless there were indirect effects from providing insufficient parking. As a result of this change to the CEQA Guidelines, VTA adopted new significance thresholds that did not include the effects of parking on November 4, 2010. Therefore, this SMND does not evaluate the effect of project changes on parking supply and park-and-ride capacity, but focuses primarily on indirect and cumulative impacts from loss of parking.

Traffic: Since the 2007 Final SEIR, existing traffic conditions have changed, projections of population and employment growth were updated, and significance criteria for traffic were revised. As a result of these changes, traffic impacts were reassessed. Compared to the 2007 Final SEIR, traffic impacts at Story Road, Tully Road, and Quimby Avenue decreased from “Significant and Unavoidable” to “Less than Significant” due to benefits afforded to through movements on Capitol Expressway as a result of Transit Signal Priority for the BRT. These improvements were partially offset by the identification of a new significant impact at Capitol Avenue and Capitol Expressway. However, this impact was able to be mitigated to “Less than Significant” by providing a straight-through lane and adding one left-turn lane along westbound South Capitol Avenue and eastbound Excalibur Drive.

2.3 Introduction of New Information

For the federal environmental document, VTA updated a number of technical reports to reflect baseline conditions at the time of the Notice of Intent (NOI) to prepare an EIS. These reports included traffic, air quality, noise & vibration, energy, cultural resources, and hazardous materials. In addition, VTA updated the California National Diversity Database and demographic data from the 2010 U.S. Census. Based on the updated data, the following impacts were no longer considered to be significant:

Air Quality and Greenhouse Gases: Since the 2007 Final SEIR was approved, there have been a couple changes in the regulations that affect air quality relating to Particulate Matter (PM) 2.5 and greenhouse gases. The Environmental Protection Agency (EPA) designated the Bay Area as in nonattainment of the PM2.5 standard on October 8, 2009. The effective date of the designation was December 14, 2009, on which date certain transportation projects that use any federal funds or seek federal action became subject to project level conformity requirements. For projects which are not exempt, a project level review and an interagency consultation with members of Federal Highways Administration (FHWA), Federal Transit Administration (FTA), Caltrans, Metropolitan Transportation Commission (MTC) and other agency members must be completed to determine if the construction of the project will result in adverse air quality

impacts from fine particulate matter in the project area. In November 2010, VTA submitted the project assessment form for PM_{2.5}, which was reviewed by the Air Quality Conformity Task Force at their meeting on December 8, 2010. On January 24, 2011, the Air Quality Conformity Task Force determined that the project is not a Project of Air Quality Concern (POAQC) and that no hot-spot analysis would be required.

On March 18, 2010, the Office of Planning and Research released guidance on determining the significance of impacts from greenhouse gas emissions. An updated Air Quality Technical Study was prepared that included an evaluation of greenhouse gas emissions.

Environmental Justice: In the 2007 Final SEIR, VTA identified disproportionately high and adverse health and environmental effects on minority and low income populations as a result of noise and vibration from operations and construction. Based on revisions to the DOT Order entitled *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (DOT Order 5610.2(a), May 2012) and FTA Circular 4703.1, *Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients*, published August 2012, VTA re-evaluated the effect of the project on EJ populations and found that these effects were limited to the construction period, were of short duration, and were no greater than those experienced by non-EJ populations who reside in the project area. As a result, this impact was no longer considered to be “Significant and Unavoidable”.