

LETTER P-1

Hurley, Kim

From: Dmitriy V Tadenev [dtadenev@juno.com]
Sent: Tuesday, February 06, 2007 9:34 PM
To: vtabart.seircomments
Subject: BART Extension to Milpitas

To whom it may concern,

We live in Milpitas at Dixon Landing Rd very close to former Western Pacific Milpitas Line. My family and I are strongly opposing BART Extension to Milpitas project. We are absolutely sure that this project is going to create several problems for us. First of all it is going to make traffic on Dixon Landing Rd even worse than now. Second the noise of the train is going to make a hell in our nice and quiet neighborhood. Third no we neither our neighbors are never going to use that train because we are driving. So much more people who live in our area are going to suffer from this project than get any benefits of it.

P-1.1

P-1.2

Sincerely,

Dmitry Tadenev

2/7/2007

RESPONSE TO COMMENT LETTER P-1

Dmitry Tadenev

P-1.1 *Since no BART Stations are planned in the Dixon Landing Road area, no new trips attributable to the Project can be expected in this area. Some of the existing traffic on Dixon Landing Road can be expected to change their current travel pattern to access the closest BART station (Montague and Capitol Station). However, these trips would be trips already using these facilities that would show up as new trips attributable to the Project only in the immediate vicinity of the BART Station.*

The Dixon Landing Road At Grade Option, recommended by VTA staff and the PAB, provides a major traffic benefit by grade separating the existing railroad tracks and Dixon Landing Road. Once construction is completed, the railroad tracks and BART would be at grade and Dixon Landing Road would be a depressed roadway, passing underneath. Therefore, roadway traffic would flow smoothly and would not experience the current delay when trains cross Dixon Landing Road.

P-1.2 *The noise impacts for BART operations have been addressed in the Draft SEIR, Chapter 4, Section 4.12. Where noise levels exceed the threshold of significance, noise mitigation is identified. Specifically, two sound walls are identified on the east side of the BART alignment immediately north of Dixon Landing Road. In addition, with the railroad grade separation, trains would no longer be required to sound their warning horns.*

LETTER P-2

Hurley, Kim

From: Dmitriy V Tadenev [dtadenev@juno.com]
Sent: Saturday, February 10, 2007 8:42 PM
To: vtabart.seircomments
Subject: Attn: Tom Fitzwater VTA Environmental Planning

Dmitry Tadenev
120 Dixon Landing, #73,
Milpitas, CA 95035
Ph. (408) 942-7944

Dear Tom,

The Santa Clara Valley Transportation Authority (VTA) proposes to construct a 16.1 – mile extension of BART from the planned Warm Spring Station in Fremont to Milpitas, San Jose and Santa Clara.

We live in Milpitas on Dixon Landing Rd very close to former Western Pacific Milpitas Line, which VTA is planning to use for BART extension. My family and I are strongly opposing BART Extension to Milpitas project. We are absolutely sure that this project could create several problems for us. First of all Dixon Landing Rd, which is crossing railroad, is very busy and BART could make traffic even heavier than now. Second the noise of the train could make a hell in our nice and quiet neighborhood. Third no we neither our neighbors are never going to use that train because we are driving. So much more people who live in our area would suffer from this project then get any benefits of it. Could you help us to cancel this project, please?

P-2.1

P-2.2

Sincerely,

Dmitry Tadenev

2/12/2007

RESPONSE TO COMMENT LETTER P-2

Dmitry Tadenev

P-2.1 *Refer to Response to Comment P-1.1.*

P-2.2 *Refer to Response to Comment P-1.2*

LETTER P-3

Hurley, Kim

From: RAJEEV BHARGAVA [rajeevbhargava2002@sbcglobal.net]
Sent: Friday, February 02, 2007 8:26 PM
To: vtabart.seircomments
Subject: BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA

Hi,

I received your brochure for the above project. I am not going to write anything that you don't know but just want to lend my moral support to your project which might not be commercially and economically attractive at this stage. I empathize with you guys because not only general public but people who matter, are ignorant and indifferent and do not see beyond today.

In short term, and also to short sighted people, it's not a great idea, because they lack awareness about everything from environmental degradation to depletion of unreplenishable natural resources but in long term this is a great project and needs to be supported whole heartedly and not put off just because some vested interests do not want it but even if these vested parties care a bit it serves their interest over a longer period of time than they realize.

P-3.1

Kudos to such a noble project for California and humanity !!

Thx

Rajive

RESPONSE TO COMMENT LETTER P-3

Rajeev Bhargava

P-3.1 *The support for the project is noted.*

DEAN M. FITZWATER: LETTER P-4

3/10/2007

pg 18.3

ITEM 1 OUTAGE 4.2-13 ONLY 99
THE TRANS. & TRANSIT SEC. THE A/E TRANSIT RIDER SH. P
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TRANS. & TRANSIT SEC.

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7 YEARS - ?

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THE THINGS THAT I SAID ON 6/18/06
OTHER ITEMS (U) THAT HE HAS RECENTLY
W. A. P/E TRANS. ON/STILL ON 2006
ASSIGNMENTS LISTED IN CHAPTER 8 ON 19/1 FOR
CONTRIBUTORS?

7) IS THE /YOUNG (9) DIG 211 2002 EIR
WITH THE LAST FORM NUMBER'S 1906 A
BAD ONE? OR BAD THINGS TO COME?

8) OTHER THAN THE ABOVE (TRANSIT) PART,
LOOKS OK BUT PLEASE
RIGHT TO COME
RES. THE FEDERAL

"ALL BUSSES!"
VTA ENV. ANALYSIS
3/10/2007
Pg 203



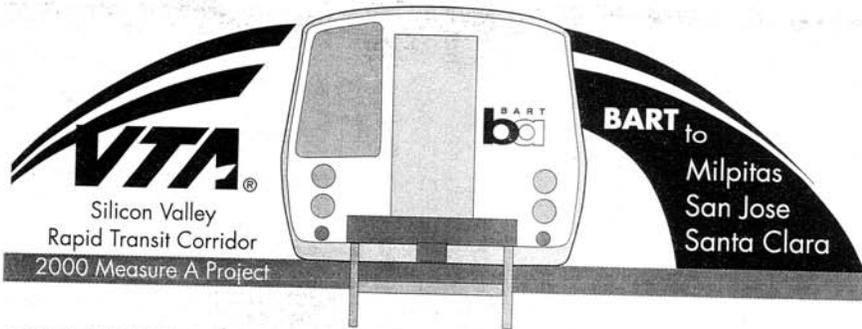
VTA ENV. ANALYSIS

Handwritten notes: "MAR 13 P 1:51", "CHARLIE CAMERON", "HAYWARD CA 94543-0055", "PO BOX 55", "MILPITAS", "SAN JOSE", "SANTA CLARA".

Postmark: "Presort Standard U.S. Postage PAID Permi No. 589 San Jose, CA"

3331 North First Street, San Jose, CA 95134-1906

Valley Transportation Authority



BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA

Draft Supplemental Environmental Impact Report Public Hearings

Audiencia Pública • Điều Trần Công Cộng • 公聽會

TO Mr. TOM FITZWATER
VTA ENVIRONMENTAL PRINCIPAL
3331 N. FIRST ST, BLDG. (K)
SAN JOSE, CA, 95134-1906
3/10/2007
Ky 3073

my comments & corrections for this proposal.

Handwritten signature: "Charlie Cameron", "CHARLIE CAMERON", "P.O. BOX 55", "HAYWARD, CA", "94543"

LETTER P-4 (VTA's Interpretation)

Charlie Cameron's comments on BART:

Dear Mr. Fitzwater:

1. Item (1) on Table 4.2-1: on pg. 9 of the trans. & transit sec. The A/C transit ridership fig. of 215,000 for the carrier in the corridor is slightly incorrect, the correct wording should have used to include the word entire system to include local + A/C trans to San Francisco & San Mateo. Just as you use the fig. for VTA entire system & other carriers on the same Table 4.2-1 on page 9 of Trans. & Transit section. P-4.1
2. The current correct ridership ideas for the current route 217 is approx. 1,200 daily pay (do feel free to double check with A/C transit on this. P-4.2
3. Please do note this route is going to 2 hrs in March/April 2007 for effective bus sign up in June 2007 (with new routing are you aware of this? Please check with Tony DiVito at AC Transit. P-4.3
4. On Table 4.2-2 pg. 10 this figure now all wrong as per info in for-I told you about in another in-Item 1. P-4.4
3. Figure _____
5. On/In Chapter 7 pg. 3 the City of Union City is missing a number in its five dig. Zip code not four found! Did anyone correct this and send get it to you, was notices sent out to the City of Union City wrong with only 4 digit missed Dec. & sorted and or not Dec. notices over the past years? P-4.5
6. How could a _____ Dec. 10 of Hexagon Trans. Consultants overlook of the things that I said on in Item (1) and other items. I don't think he was recently with A/C Trans. In still in 2006 as shown and used by-listed in Chapter 8 on page 1 for contributions? P-4.6
7. Is the/your 9 Dig. Zip code ending with the last four numbers 1906 a bad omen? Or more bad things to come? P-4.7
8. Other than the above items the project looks OK but please get right and correct esp. the feeder all busses!

RESPONSE TO COMMENT LETTER P-4

Charlie Cameron

- P-4.1** *The comment is noted. The AC transit ridership figure of 215,000 refers to all services provided by AC transit.*
- P-4.2** *The ridership numbers were accurate as of December 2006 and can still be used to assess environmental impacts from the project.*
- P-4.3** *The ridership numbers were accurate as of December 2006 and can still be used to assess environmental impacts from the project.*
- P-4.4** *The numbers were accurate as of Fall 2006 and can still be used to assess environmental impacts from the project.*
- P-4.5** *Mailings to the City of Union City were sent by certified mail and VTA has receipts acknowledging their acceptance of the notification. The zip code shown in the Draft SEIR should have been 94587 not 9458.*
- P-4.6** *This comment did not raise an environmental concern and therefore no response is required. Also, refer to Response to Comment P-4.1.*
- P-4.7** *This comment did not raise an environmental concern and therefore no response is required.*

LETTER P-5

Hurley, Kim

From: FJDMCC@aol.com
Sent: Wednesday, February 28, 2007 12:34 PM
To: vtabart.seircomments
Subject: COMMENTS ON BART EXTENSION TO MILPITAS

Please add my comments to the BART DSEIR.

Thank you,

Frank J. De Smidt
PO Box 360342
Milpitas, CA 95036-034
408-263-1115

- Dixon Land Road Alignment (Design change #8)
BART and commercial rails should be placed in a retained cut under Dixon Landing Road. Putting Dixon Landing underground would destroy commercial businesses and residential access on Dixon Landing and other nearby streets causing major disruption and loss of business, as well as potential land value losses. P-5.1
- Locomotive Wye (Design Change #13)
The No Wye Option is preferred. P-5.2
- Curtis Ave. to Trade Zone Blvd. (Design change #14)
Please, no aerial options. The retained cut is the only acceptable choice here. The major impacts on traffic, businesses, and residents from the aerial options are unacceptable. P-5.3
- Milpitas/Montague Capital Station (Design change #17)
The vast amount of surface parking proposed is unacceptable. Such a plan would destroy the future Transit Area residential, commercial, industrial development and dislocate industrial businesses. A large multi-level parking structure is preferred to allow appropriate development of smart growth projects nearby that will dovetail with public transit opportunities. P-5.4

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2/28/2007

RESPONSE TO COMMENT LETTER P-5

Frank De Smidt

- P-5.1** *VTA staff's recommendation is to approve the Dixon Landing Road At Grade Option. The SVRT Policy Advisory Board did not make a recommendation on the Dixon Landing Road options. The other option being considered by VTA is BART in a retained cut. With the Retained Cut Option, Dixon Landing Road and the existing railroad tracks would not be grade separated and traffic delays during train crossings would continue causing substantial long-term traffic impacts. Once BART is constructed, a future grade separation of freight and Dixon Land Road traffic will be substantially more complicated.*
- Temporary construction impacts were addressed in the Draft SEIR. However, the construction staging area located at the southeast corner of Dixon Landing Road and Milmont Drive has been dropped from further consideration. Therefore, the businesses at this location would not be displaced.*
- P-5.2** *The support for the No Wye Option is noted and provided to the VTA Board of Directors for their consideration.*
- P-5.3** *The support for no aerial option is noted and provided to the VTA Board of Directors for their consideration. The Retained Cut Long Option is also the VTA staff and PAB recommendation.*
- P-5.4** *The support for Montague/Capitol Station Parking Structure with Surface Parking Option is noted.*

LETTER P-6

SENDER'S NAME: Danny Garza
SENDER'S EMAIL: ironworkrdanny@aol.com
SENDER'S TELEPHONE: 408-205-3415
SENDER'S FAX: [not given]

SENDER'S ADDRESS: 2151 Old Oakland RD #97
SENDER'S CITY: San Jose
SENDER'S STATE: California
SENDER'S ZIP: 95131

COMMENTS:

Please include these questions with my other comments at the Hostetter/Alum Rock CWG meeting at San Jose High on February 28,2007

Will VTA provide crossing guards for the students forced to cross streets that will be negatively impacted by construction traffic. Road rage is a major concern at the intersections from 33rd to 24th, on both Alum Rock and McKee/Julian. Will you provide POLICE or CROSSIG GUARDS durning school hours including before and after school to protect the children. If not, WHY NOT?

P-6.1

Are the new buildings you are responsible for building going to be reflect the SPANISH STLYE that the CHURCH has. This style is also flavored through out the the community. If not, WHY NOT?

P-6.2

Is 24 hour security going to be applied to the BART Stations. Cameras are not going to be enough. A physical security presece is required. We do not want any DEAD BODIES mysteriously appearing at any of the PARKING STRUCTURES. For example, the Santa Clara Street station will be in close proximity to San Jose High, Anne Darling, San Antonio, Empire Gardens, and Olinder Schools. Mental health buildings and meeting establishments. Many small parks also, do not for get to include and mention the Family Homeless Shelter. 5 Wounds Church, Day Care Center and school are right across from the proposed sight. A strong security plan is needed. If not, WHY NOT?

P-6.3

Is VTA going to take out and aquire some type of avaiable construction insurance to insure that the structural integrity of the church will be protected at all times. The church is very old with limited

P-6.4

reinforcement in the concrete. The whole church is a very delicate object that represent and reflects the community. If for any reason your project were to damage the building or any surrounding properties you could not afford to correct, fix, or repair any problems that may arise due to unforeseen issues in a timely fashion. There is insurance for these concerns, are you going to protect the church with this option? If not, WHY NOT?

P-6.4 cont.

Please send these questions or this page back to me to indicate they reached you. I will wait for your answers in the mean time.

IN Community Spirit,
Danny Garza

Please include me in the project database to receive future information.

RESPONSE TO COMMENT LETTER P-6

Danny Garza

- P-6.1** *VTA will follow BART established guidelines for safety infrastructure at stations, determining appropriate mitigation for impacts, such as traffic signals and crosswalks where appropriate. VTA also coordinates with local jurisdictions to apply appropriate traffic controls within station areas. In public ROW, the local jurisdiction is responsible for providing safety personnel and other measures to ensure public safety.*
- P-6.2** *Architectural design drawings will be developed during the 65 percent design phase and shared with the City and local community. Themes for station architecture are under development now as part of 65 percent design in partnership with the City of San Jose. The City has established a Design Review Committee to provide VTA with input on station architecture. This will be supplemented with input from existing City committees and the public.*
- P-6.3** *In the security plan for the Project, the BART Police Department will provide police services for all Project facilities, stations, garages, and trains. Police personnel are responsible for safeguarding the lives and property of BART patrons and employees. BART police officers have the same powers of arrest as city police officers and county sheriff's deputies. The police work 24 hours a day, 365 days a year. In addition, a BART Transit Police Station is located in the southwest portion of the parking garage at the Alum Rock Station. This will also assist in deterring criminal activities. For areas outside BART facilities, the City of San Jose Police Department will provide police services.*
- P-6.4** *Measures will be taken to avoid impacting the church during construction. These include construction strategies for tunneling, station construction and parking structure construction. A monitoring program will be implemented so that any unanticipated issues that may arise during construction will be identified and addressed promptly. VTA will be responsible for any structural damage related to the construction and/or operation of the Project. VTA will also ensure that funds are available to repair any damage caused by the Project.*

LETTER P-7

TA
ANALYSIS

FAX: 408-321-5787

2007 MAR -1 P 3:23

Rudolf P. Metz
2003 Autumn Gold Dr.
San Jose, CA 95131-2505

TOM FITZWATER, BLDG 'B',

ENVIRONMENTAL PLANNING:

Seir comments
deadline March 16, 07

SO THAT THE TAXPAYERS OF SANTA CLARA COUNTY FEEL THEY HAVE SOME CONTROL OVER V.T.A. SPENDING/PRIORITIES, WE NEED ASSURANCES THAT V.T.A.

WILL NOT AGAIN PARTNER WITH OR BE INFLUENCED BY HOUSING DEVELOPERS ON BUILDING HIGH-DENSITY HOUSING NEAR AND ALONG BART. TRANSIT CORRIDORS.

P-7.1

BART. HAS HAD A VERY MINOR IMPACT ON REDUCING CONGESTION ALONG THE 880 CORRIDOR TO OAKLAND. IT WILL NOT NOTICEABLY RELIEVE CONGESTION ALONG 680, 880, AND 101, AND CERTAINLY ^{NOT} ALONG 237. LIGHT RAIL ITSELF HAS NOT RELIEVED CONGESTION ALONG THE GOLDEN TRIANGLE, PROMPTING HIGH-DENSITY DEVELOPMENT. PUBLIC EDUCATION IN PROMOTING MINIMUM 2 OCCUPANT VEHICLES (2 OCCUPANTS PER CAR)

P-7.2

Mar 01 07 03:13p

Rudy Metz of Cont. Harm.

(408)923-5704

p. 2

AND DISCOURAGING THE HABITUAL PRACTICE OF SINGLE-OCCUPANCY DRIVING (EXCEPT TO A TRANSIT TERMINAL) IS THE BIGGEST STEP IN MAINTAINING SOME QUALITY-OF-LIFE IN SOUTH BAY. THE GLOBAL WARMING THREAT CAN HELP DRIVE THIS EFFORT. MORE COMMUNICATION BETWEEN NEIGHBORS IN OUR ISOLATED (EVEN IN APARTMENT AND CONDO COMPLEXES) NEIGHBORHOODS WOULD ALSO HELP REDUCE THE SINGLE-DRIVER IMPACT.

P-7.2 cont.

I WISH THESE OVERVIEW COMMENTS TO BE ENTERED AS 'FORMAL' COMMENTS INTO THE PUBLIC RECORD.

Rudolf P. Metz

HOMEOWNER 30 YEARS - BERRYESSA.

Reynoso Family

HOMEOWNERS 6 YEARS - BERRYESSA

Mantran & family

homeowner 20 years this area

CONCERNED NEIGHBORS

RESPONSE TO COMMENT LETTER P-7

Rudolf Metz

P-7.1 *On January 6, 2005, the VTA Board of Directors approved the Joint Development Program to create a long-term source of revenue to support VTA's operations while creating station areas and transit corridors, which are vibrant, prosperous, community assets that create strong transit-oriented development. The approved program includes an extensive process by which VTA can solicit and evaluate development proposals and select qualified developers for chosen sites. The approved Joint Development Program has identified future BART stations as potential joint development sites. On a regional level, the Metropolitan Transportation Commission also supports transit-oriented development (TOD) around stations to maximize transit use.*

P-7.2 *BART and LRT are only part of the solution to reducing traffic congestion. Increasing the number of occupants in a vehicle is another congestion management tool as is increasing bus ridership. VTA as the Congestion Management Agency continues to work on this regional issue.*

The Draft SEIR traffic studies include freeway segments level of service analyses. These analyses disclose the existing operating levels of the freeway segments analyzed as well as the year 2030 conditions without and with the Project. Draft SEIR, Table 4.2-17, shows traffic projections on freeway segments without and with the Project. These projections show that freeway volumes would decrease at some of the study freeway segments with implementation of the Project. In addition, Tables 4.2-10 and 4.2-11 show the travel time savings in the year 2030 without and with the Project.

BART Extension - Review the Draft Supplemental Environmental Impact Report (SEIR) Page 1 of 1

LETTER P-8

Hurley, Kim

From: vtabart
Sent: Friday, January 26, 2007 10:19 AM
To: vtabart.seircomments
Cc: Calnan, Ann; Bobadilla, Lauren
Subject: FW: BART Extension - Review the Draft Supplemental Environmental Impact Report (SEIR)

fyi

-----Original Message-----

From: PirkI, Brian [mailto:bpirkI@Asyst.com]
Sent: Thursday, January 25, 2007 12:24 PM
To: vtabart
Subject: BART Extension - Review the Draft Supplemental Environmental Impact Report (SEIR)

Dear VTA,

1. I am looking for a more detailed drawing of the map in the area around/under the Diridon station. I can view the simplified drawing (simplified_05Sep22 ai.pdf) but I would like more detail of the underground path between the Diridon & Santa Clara Stations.

P-8.1

2. Are there specifications for minimum allowable vibrations (acceleration & Amplitude) at ground level near to residential homes. The previous maps I viewed put the tunnels directly beneath my house.

P-8.2

Please let me know

Brian PirkI

24 Cleaves Ave

2/1/2007

RESPONSE TO COMMENT LETTER P-8

Brian Pirkl

P-8.1 *The Diridon/Arena Station is shown in the Draft SEIR, Appendix D, Figures D16-D19. The alignment from the Diridon/Arena Station to the Santa Clara Station is shown in Appendix C, Figures C-47-C50.*

P-8.2 *The analysis of groundborne noise and vibration impacts accounts for the proposed location of the tunnel and nearby residences (some of which may be directly above the tunnel), the local soil strata properties in each area, the speed of the train and the depth of the tunnel. Where noise and vibration impacts are projected to exceed the FTA criteria (which apply to levels inside residences), then mitigation measures have been identified that would reduce the levels to less than significant. The address of the person making the comment is apparently 24 Cleaves Avenue. The tunnel does not pass under the residence as can be seen in Draft SEIR, Figure 4.12-3e.*

LETTER P-9

Hurley, Kim

From: Rajani [rnair95@yahoo.com]
Sent: Friday, March 02, 2007 3:57 PM
To: vtabart.seircomments
Cc: rnair95@yahoo.com
Subject: Tom Fitzwater - BART Extension - Public Hearing Comments

Tom,

Below are some comments I had for the Silicon Valley Rapid Transit Corridor Draft SEIR. I apologize for any redundancies for I have not reviewed the entire document.

1. To minimize further impact to flea market in San Jose, maybe construct a "mall" in addition to the parking garage structure that will provide an open and enclosed space for the various vendors. P-9.1
2. Possibly incorporate local art or artist renderings into the design/noise walls/embankment structures P-9.2
3. Any further details to types of energy sources - usage of solar, wind? P-9.3
4. Usage of Intelligent Transportation System technologies - how the new stations will be equipped with the latest technology within transit industry (IE. similar usage in Europe/Asia) P-9.4
5. Stagger the construction of each station/facilities ; use revenue to subsidize the cost as construction proceeds to next station construction. Naming rights for the stations to subsidize costs as well. P-9.5
6. Another means to reduce noise is possibly use continuous rail (minimize rail joints) - though will increase cost for rail, however may reduce the size of noise wall (i.e size) P-9.6
7. Bike paths along the rail line? P-9.7

Thank you,
Rani Nair
Resident of the City of Milpitas

Want to start your own business? Learn how on [Yahoo! Small Business](#).

3/2/2007

RESPONSE TO COMMENT LETTER P-9

Rani Nair

- P-9.1** *VTA is responsible for funding and constructing facilities related to BART operations at the current Berryessa Flea Market site. The BART facility needs are integrated into the Master Plan for the Berryessa Flea Market Planned Development, which was initiated by the Flea Market landowner.*
- The City of San Jose is processing a General Plan Amendment to convert the Flea Market site to Transit Corridor Residential and other intensified land uses and open spaces that may be programmed for community events.*
- P-9.2** *Art and aesthetics will be addressed by the Project during its final design phase and will be coordinated with the local jurisdictions. VTA, the Cities of San Jose, Milpitas and Santa Clara, and local stakeholders, are just beginning to develop architectural themes and considering opportunities for public art components for stations and BART-related facilities.*
- P-9.3** *The primary energy source for the BART Project will be electricity for Pacific Gas & Electric and Silicon Valley Power. Alternative energy sources such as solar power will be evaluated during Final Design.*
- P-9.4** *VTA and BART will be looking into ITS technology such as real time updates of train arrival times, displaying real time traffic reports on nearby freeways, real time parking lot spaces availability, train information accessible via cell phone displays, smart fare cards, etc.*
- P-9.5** *The current plan is to construct the entire project at one time. This will involve extensive testing and commissioning prior to beginning revenue service. Opening up in phases is not possible without a yard and shops maintenance facility to maintain the BART vehicles. Since the yard and shops maintenance facility is located at the end of the line in the City of Santa Clara, phased opening of stations does not provide for any maintenance facilities. As to naming rights for stations to subsidize costs, VTA will consider this along with other opportunities to reduce costs.*
- P-9.6** *Construction of modern rail transit systems use "continuously welded rail" (CWR) as a typical approach. The Project is no different. CWR does result in quieter wayside noise compared to the older jointed rail.*
- P-9.7** *Because of safety concerns, adequate separation is required between the BART trackway and adjacent uses such as a bike path. The existing ROW for the above ground alignment in Fremont, Milpitas, and San Jose is not adequate to accommodate a continuous bike path. However, portions of the ROW may be available to accommodate a public bike path or trail. Also, see Response to Comment L-3.1 for additional information.*

2-26-07

LETTER P-10

Re: No Parking Option at the BART Diridon Station

VTA is having community meetings regarding the BART extension to San Jose. At the February 13th meeting, it was announced there would be a “NO PARKING OPTION at the BART DIRIDON STATION”. These meetings are not well attended, and I am concerned this information isn’t being well publicized to reach future BART commuters who would expect to park at the BART Diridon Station.

The Diridon Station would probably be the station of choice for those living in Willow Glen, Cambrian, Shasta Hanchett, Rose Garden, Midtown, Burbank, and Santana Row neighborhoods as well as those living along the 87 South corridor. Since there will be no parking at the Diridon Station, residents of these neighborhoods will have to drive to the Santa Clara or Alum Rock BART stations to park. Parking at the Berryessa Station is too far to be considered an option for Central, South, and West San Jose neighborhoods.

A VTA representative stated that since BART stations in San Francisco don’t have parking options, VTA feels justified in not providing parking at the Diridon Station. However, San Francisco is a transit oriented city and riders can easily reach BART stations because:

- Unlike VTA, taking MUNI is a viable option to the automobile.
- Unlike VTA, you don’t need a schedule to ride MUNI as service is frequent.
- Unlike VTA, MUNI has an extensive network of bus and light rail routes crisscrossing the city.
- Unlike VTA, one MUNI fare allows riders to transfer to all other MUNI vehicles within a specific time period, cable cars excepted.

Once the BART extension to San Jose opens, parking could be a problem at the Santa Clara and Alum Rock Stations as those stations will be attracting BART riders not only from the surrounding area but from distant neighborhoods due to the lack of parking at the Diridon Station.

Today, the Diridon Station is a multi-modal transit center, but once BART is built, the Diridon Station will be an important transit hub in need of a parking structure. I urge VTA to reconsider parking options the Diridon Station. Could a creative partnership between VTA, the City of San Jose, Caltrain, and industry be a possible solution?

Sincerely,

Richard Tretten
1563 Koch Lane
San Jose, CA 95125
(408) 265-5956

P-10.1

RESPONSE TO COMMENT LETTER P-10

Richard Tretten

P-10.1 *VTA undertook a substantial outreach effort to encourage comments on the Draft SEIR. VTA mailed 33,637 meeting notices to residents, business and property owners along the BART corridor – ½-mile radius around each of the stations and 1,000 feet along the 16 mile extension. The database also included city stakeholder groups: three city Community Working Groups; 37 neighborhood associations; redevelopment agencies; business associations and past meeting attendees from the Scoping effort.*

Newspaper ads were also run in the following newspapers and dates:

Mercury News: Tuesday, 1/23; Tuesday, 2/6

Santa Clara Weekly: Wednesday, 1/24

Milpitas Post: Thursday, 1/25

El Observador: Friday, 1/26

Thoi Bao: Friday, 1/26

The SEIR included a No Parking Option at the Diridon/Arena Station, in addition to a Parking Structure Option. The Diridon/Arena Station provides excellent intermodal transfer opportunities between commuter rail, light rail and bus transit lines. The station also offers opportunities for future high-density transit-oriented developments (TOD) on surrounding properties. VTA included this option not only to reduce costs, but also to accommodate the City of San Jose's interest in studying long term parking strategies that meet the needs of the City of San Jose, HP Pavilion, and future TOD development. The City of San Jose has requested that VTA work in coordination with the City to address parking strategies in the larger Diridon area.

The ridership model projections show that, with the Diridon/Arena Station No Parking Option, the majority of the displaced park-and-ride traffic would travel to the Santa Clara Station. As a result, the No Parking Option analyzed an additional 815 parking spaces at the Santa Clara Station. Approximately 1,200 daily boarding are lost with this shift in parking. The impacts from adding parking at the Santa Clara Station are addressed in the Draft SEIR under Design Changes 42 and 52. Also, refer to Response to Comment P-56.2.

Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.

LETTER P-11

Hurley, Kim

From: Syed Malek [malek.syed@gmail.com]
Sent: Wednesday, January 31, 2007 3:06 PM
To: vtabart.seircomments
Subject: in support for the Bart at Santa Clara

I support for the Bart at Santa Clara.
This is my dream as I work at Berkeley and commute everyday

P-11.1

Thanks

Syed Malek
870 Fremont Street 103
Santa Clara CA 95050
408 260 0558

2/1/2007

RESPONSE TO COMMENT LETTER P-11

Syed Malek

P-11.1 *The support for the project is noted.*

LETTER P-12

Hurley, Kim

From: ramya kathirvelu [ramya_kathirvelu@yahoo.com]
Sent: Tuesday, February 06, 2007 10:54 AM
To: vtabart.seircomments
Subject: comments

Hi,

We live in milpitas near dixon landing and milmont dr and there are 2 students travelling from my home to san jose state university. It would be very good , if we get a bart line. It will also be nice if there comes a bart station near the university.

P-12.1

rgds,
ramya.

It's here! Your new message!
Get [new email alerts](#) with the free [Yahoo! Toolbar](#).

2/6/2007

RESPONSE TO COMMENT LETTER P-12

Ramya Kathirvelu

P-12.1 *The support for the project is noted.*

LETTER P-13

Hurley, Kim

From: Powers5500@aol.com
Sent: Saturday, February 03, 2007 11:58 AM
To: vtabart.seircomments
Subject: BART SEIR Comments

To Whom it may Concern,

I am writing to express my disapproval of the proposed BART transit line extension. The project will be too costly. The proposal needs to be revised to include a standard gauge rail line and train similar to what CalTrain currently operates. If possible EMU trains should be substituted instead of diesel locomotives. This would be the most cost effective and efficient way to build and operate a rail connection between Fremont BART and downtown San Jose.

P-13.1

Scott McKay
155 Santa Clara #305
San Jose, CA. 95113

Powers5500@aol.com
408-387-3171

2/5/2007

RESPONSE TO COMMENT LETTER P-13

Scott McKay

P-13.1 *The FEIR certified in December 2004 included a discussion of alternatives (see FEIR, Section 3.6 Alternatives Considered and Withdrawn).*

The Major Investment Study/Alternatives Analysis (MIS/AA) for the BART Alternative evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives. On November 9, 2001, the VTA Board of Directors selected the BART Alternative as the Preferred Investment Strategy/Locally Preferred Alternative for the Silicon Valley Rapid Transit Corridor.

LETTER P-14

Hurley, Kim

From: Yuan Jie [zhironglin@hotmail.com]
Sent: Saturday, March 03, 2007 11:59 AM
To: vtabart.seircomments
Subject: Bart Extension Comments and Requests
Importance: High

Dear Madam or Sir,

I am living in a house that is just besides the railway which will become the Bart Extension. I have large concerns on the noises and vibrations from the operation of the train. In order to consider the effects that the bart marking on my life, i hereby request the VTA demonstrate the noises and vibration waves to my wife and me. I also want to obtain the city limit about tthe noise polution and acts relating to neighborhood about this issue.

P-14.1

Thank you!

Best Regrads,

Zhirong Lin

与联机的朋友进行交流, 请使用 Live Messenger;
<http://get.live.com/messenger/overview>

RESPONSE TO COMMENT LETTER P-14

Zhirong Lin

P-14.1 *No street address was provided to identify where the person making the comment lives to determine noise and vibration impacts. Draft SEIR, Chapter 4, 4.12 Noise and Vibration, addresses impacts along the alignment. Where BART operational noise would exceed the Federal Transit Administration (FTA) noise threshold for Severe Impact, noise mitigation has been included. Similarly, for vibration impacts, mitigation has been included that reduces impacts to less than severe levels in all cases except for two residences. The two residences are located at the Terrace Gardens Senior Housing complex just north of Calaveras Boulevard. The federal noise and vibration criteria are applied to the Project. The commentor should contact the City in which they reside regarding local noise guidelines.*

LETTER P-15

Montague Parkway Associates, LP

14428 Big Basin Way #A
Saratoga, California 95070
Bus: (408) 867-5110
Fax: (408) 867-5111

March 7, 2007

Tom Fitzwater
VTA Environmental Planning, Building B
3331 North First Street
San Jose, California 95134-1927

2007 MAR 12 8:35
VTA
ENV. ANALYSIS

Subject: Draft Supplemental Environmental Impact Report for the BART
Extension to Milpitas, San Jose, and Santa Clara

Dear Mr. Fitzwater,

Thank you for the opportunity to respond to the subject Draft SEIR. We are pleased to participate in a project that has tremendous potential for improving the quality of life for Santa Clara County residents. Please consider the following comments on the SEIR outlined below.

Project Description

Design Change 14. Curtis Avenue to Trade Zone Boulevard

In the SVRTC BART Extension to Milpitas, San Jose, and Santa Clara SEIR (SEIR), Design Change 14 from the Conceptual Engineering design phase to the Preliminary Engineering design identifies four alignment options from south of Curtis Avenue to south of Trade Zone Boulevard on pages 9 through 11 of the Project Description. Both aerial options of Design Change 14 require relocation of "one residential driveway" (SEIR page 11). It is not clear from the SEIR text, which residential driveway is affected. Would both aerial options of Design Change 14 require the Crossings at Montague Capitol Avenue driveway to be relocated? If so, how would access to the Crossings at Montague be affected if its Capitol Avenue driveway requires relocation as a result of either aerial option? Also, both aerial options of Design Change 14 require that Capitol Avenue be reconstructed below grade (SEIR page 11). The SEIR does not analyze how access to the Crossings at Montague would be affected by the reconstruction of Capitol Avenue below grade. What kind of impact would the reconstruction of Capitol Avenue below grade have on the Crossings at Montague? How would this impact be mitigated? Additionally, the SEIR does not address whether or not VTA would be responsible for funding construction costs associated with any driveway relocation required if either aerial option of Design Change 14 is chosen. What would the timing of implementation be if relocation is required?

P-15.1

P-15.2

P-15.3

Design Change 17. Montague/Capitol Station.

The SVRTC BART Extension to Milpitas, San Jose, and Santa Clara SEIR (SEIR) identifies several design changes to the Montague/Capitol Station from the Conceptual Engineering design phase to the Preliminary Engineering design on pages 11 through 12 of the Project Description, including two options for parking at the station area. The Parking Structure with Surface Parking Option proposes a four to eight-level parking structure that would be located on 2-acres at the north side of the station area, requiring new property acquisition east and west of Gladding Court. However, it is not clear anywhere in the SEIR text what kind of impact this could have on adjacent residential uses. Would the Gladding Court entrance to the Crossings at Montague require closure to construct the proposed Montague/Capitol Station improvements? If so, the only driveway into and out of the Crossings at Montague apartment complex would occur on Capitol Avenue. What kind of impact would this have on ingress/egress volumes at the Capitol Avenue driveway? The traffic model shows that both driveways are needed as the residents of the apartment complex use one of the driveways for ingress and the other for egress. A secondary/emergency access is required, thus closure of Gladding Court is not a viable option, though the SEIR is silent on this issue. How will the significant and unavoidable closure of Capitol Avenue (Design Change 14), required for the construction of either aerial option at the Capitol Avenue crossing, affect ingress/egress volumes at the Capitol Avenue driveway if the Gladding Court entrance requires closure? What provisions for emergency access would be made? How would internal site circulation be compensated for if closure is required?

P-15.4

Noise and Vibration

The SVRTC BART Extension to Milpitas, San Jose, and Santa Clara Final EIR (Final EIR) and SEIR both address noise and vibration impacts that could result from implementation of the BART extension project (pages 4.13-1 through 4.13-70 and 113 through 185, respectively).

Noise and Vibration Impacts on the Crossings at Montague

The SEIR addresses the effects of traffic and station noise from the Montague/Capitol Station on the residents of the Crossings at Montague on pages 181 through 182. However, it does not analyze any other noise impacts on the residents of the Crossings at Montague. Please verify that other proposed design changes identified in the SEIR will not have a negative noise or vibration impact on the residents of the Crossings at Montague.

P-15.5

Montague/Capitol Station Sound Wall/Noise Barrier

On page 4.13-24 of the Noise and Vibration section of the Final EIR, a 12-foot tall noise barrier was recommended south of the Montague/Capitol Station for all options to reduce noise from buses and station activities at the Crossings at Montague apartment complex. Page 182 of the SEIR states, "The required height of the wall will be reevaluated after the station layout has been finalized. If the station layout is substantially different than assumed for the FEIR analysis, a different height wall

may be appropriate. In any case, the wall will be designed to ensure that the noise impact criteria used in the FEIR will be achieved." The SEIR does not mention when the layout of the station will be finalized or when the final height will be known. Please clarify when the final required height of the sound wall will be known, and how the height of the wall would address the identified noise impacts to residents of the Crossings at Montague.

P-15.6

Montague/Capitol Station Sound Wall/Noise Barrier Maintenance

There is no mention in either the Final EIR or SEIR if VTA will be taking responsibility for maintaining the sound wall/noise barrier recommended south of the Montague/Capitol Station. Please clarify VTA's role in maintaining the sound wall.

P-15.7

Public Safety/Effects of Spillover Crime

The Silicon Valley Rapid Transit Corridor (SVRTC) BART Extension to Milpitas, San Jose, and Santa Clara Final EIR and SEIR both address public safety and security at BART facilities (pages 4.14-1 through 4.14-6 and 187 through 188, respectively), however, neither document addresses the effects of spillover crime into residential neighborhoods that could occur as a result of the implementation of the BART extension project (project). The construction of the Montague/Capitol Station and associated bus transit center and parking structure would introduce public facilities in close proximity to a residential use (the Crossings at Montague apartment complex). How will the proposed project ensure the safety of adjacent residential uses, in particular, the Crossings at Montague, from the effects of spillover crime?

P-15.8

Additionally, if the Montague/Capitol Station's raised platform and multi-level parking structure have views into the Crossings at Montague, in particular the swimming pool area, this could create opportunities for voyeurism into the apartment complex, resulting in unsafe and un-desirable conditions for residents. Will the station's raised platform and multi-level parking structure have views into the Crossings at Montague, and if so, how will the proposed project ensure that the privacy and safety of the residents of the Crossings at Montague is maintained?

P-15.9

Socioeconomics

The Socioeconomics section of the Final EIR (pages 4.15-1 through 4.15-19) identifies displacement and relocation impacts on residential and business uses. The Socioeconomics section of the SEIR (pages 189 through 198) identifies additional businesses relocation as a result of the proposed changes from the Conceptual Engineering design phase to the Preliminary Engineering design phase. Additionally, the SEIR addressed the dislocation impacts of the project's construction staging areas (pages 282 through 283). However, the SEIR does not address the following socioeconomic issues:

- If VTA would be responsible for construction costs of driveway relocation required at the Crossings at Montague if either aerial option of Design Change 14 is chosen.

P-15.10

- If VTA would be responsible for maintenance costs associated with the sound wall/noise barrier recommended south of the Montague/Capitol Station.
- If VTA would be responsible for landscaping and landscaping maintenance costs for the sound wall/noise barrier recommend south of the Montague/Capitol Station parking lot (if landscaping is proposed for the sound wall).
- If VTA would be responsible for the costs associated with retrofitting existing window and doors with new acoustically rated units.
- If VTA would be responsible for costs associated with any modifications to the Crossings at Montague that are necessary due to the layout and design of the Montague/Capitol Station facilities or due to driveway relocation required if either aerial option of Design Change 14 is chosen.

P-15.10 cont.

Visual Quality and Aesthetics

The SVRTC BART Extension to Milpitas, San Jose, and Santa Clara Final EIR and SEIR both address visual quality and aesthetic impacts that could result from implementation of the BART extension project (pages 4.17-1 through 4.17-37 and 203 through 214, respectively).

Montague/Capitol Station Parking Structure

Design Change 17. Montague/Capitol Station, identified on pages 11 through 12 of the SEIR, introduces two options for parking at the station area. The Parking Structure with Surface Parking Option proposes a four to eight-level parking structure that would be located on 2-acres at the north side of the station area. The Final EIR identifies a three to five-level parking structure located at the north side of the station area. The four to eight-level parking proposed with Design Change 17 would potentially double the height of the parking structure proposed at the Montague/Capitol station. While the parking structure would be located north of the Crossings at Montague apartment complex, it could potentially cast shadows on the complex. The SEIR did not analyze what kind of shadow/shading effect the potential doubling in height could have on the Crossings at Montague, if any. Please indicate what kind of shadow/shading effect the potential doubling in height of the parking structure proposed at the Montague/Capitol station could have on the recreation, public, and private open space areas within the Crossings at Montague.

P-15.11

Sound Wall Design

Page 4.17-17 of the Final EIR states, "Architecture and materials to be used in the design of stations, parking structures, and other station facilities would be developed through design meetings with each community." Both the Final EIR and SEIR recommend a sound wall/noise barrier south of the Montague/Capitol Station parking lot to reduce noise from buses and station activities at the Crossings at Montague apartment complex (pages 4.13-24 and 182, respectively). However, it is not clear

P-15.12

from the statement on page 4,17-17 of the Final EIR, if the design of the sound wall/noise barrier recommended south of the Montague/Capitol Station would be developed through design meetings with the community. Please clarify. If the design of the sound wall/noise barrier recommended south of the Montague/Capitol Station would be developed through design meetings with the community, how will VTA ensure that the design is consistent or complimentary to existing required walls on Capitol? Neither the Final EIR nor SEIR speak to the status of community design meetings for station/ parking structure/facility design. What is the status of the community design meetings? How will VTA ensure that neighboring residents/property owners have the opportunity to participate in the station/parking structure/facility community design meetings?

P-15.12 cont.

Sound Wall Landscaping

Neither Visual Quality and Aesthetics section of the Final EIR or SEIR address whether landscaping is proposed for the sound wall/noise barrier recommend south of the Montague/Capitol Station parking lot. Please clarify if landscaping is proposed. If landscaping is proposed, how will VTA ensure that it is properly maintained?

P-15.13

Water Resources, Water Quality, and Floodplains

The Final EIR and SEIR address flooding impacts in the Water Resources, Water Quality, and Floodplains section on pages 4.18-1 through 4.18-28 and 215 through 217 respectively. However, it is not clear from the analysis in either document how the proposed project would affect the storm water retention facility on the Crossings at Montague property. The storm water retention facility on the Crossings at Montague property is needed to collect onsite drainage, convey the 100-year flows through the site, and protect the building finished floor elevations. From the retention facility, storm water is pumped out into an open channel located in the railroad right of way. The proposed project will need to accept storm water from the Crossings at Montague property and convey it appropriately. What mitigations will be in place to ensure this water is conveyed appropriately?

P-15.14

Additionally, it should be noted that the latest published Federal Insurance Rate Map (FIRM), prepared in June of 1998, identifies that approximately 67% of the Crossings at Montague is inundated with shallow flooding during a 100-year storm event. A Letter of Map Revision (LOMR) document was prepared that clearly defined the finished floor elevations around each building and the finished ground adjacent to each building at the complex. After reviewing the LOMR and a copy of the final improvement plans, the Federal Emergency Management Agency (FEMA) issued a letter dated October 26, 2001 documenting the acceptance of the LOMR analysis. This October 26, 2001 letter specifically addresses those buildings that were originally in the flood plain. The LOMR final improvement plans, and the letter from FEMA on October 26, 2001 specifically address the following buildings:

P-15.15

- Building A
- Building B
- Building C
- Building D

- Building E
- Building H
- Building I
- Building J
- Clubhouse

P-15.15
cont.

Additionally, the Final EIR states on page 4.18-27, "Several flood control projects, in place or scheduled for construction or in the planning phase will minimize or eliminate floodplain conditions in the project area." One of the listed projects is the Upper Penitencia Creek Flood Protection Project. The Final EIR states that the Upper Penitencia Creek Flood Protection Project may completely eliminate the 100-year floodplains around the Montague/Capitol and Berryessa Station areas. The proposed project will need to address the overall 100-year flood plain so as to not impact the Crossings at Montague property and to protect development from the proposed project. Please verify that the Upper Penitencia Creek Flood Protection Project will minimize or eliminate floodplain conditions thereby ensuring that the proposed project would avoid impacting the Crossings at Montague property.

P-15.16

Construction

Design Change 14. Capitol Avenue Significant and Unavoidable Impact

The Construction section of the SEIR analyzes the construction impacts associated with the proposed changes from the Conceptual Engineering design phase to the Preliminary Engineering design phase (pages 219 through 284). This analysis identifies a significant and unavoidable impact (Design Change 14) on Capitol Avenue from construction of either aerial option at the Capitol Avenue crossing (9 month closure of Capitol northbound and 9 month closure of Capitol southbound during construction) (SEIR page 215). The SEIR does not analyze what impact these closures would have on the vehicular entrance to the Crossings at Montague apartment complex located on Capitol Avenue. How would the closures affect emergency access to the site? Additionally, the SEIR does not analyze what impact these closures would have on pedestrian traffic and pedestrian access to the Crossings at Montague apartment complex from Capitol Avenue. Please provide this information.

P-15.17

Noise Impacts Along the Line Segment At-Grade Utilities Modifications

The SEIR identifies daytime and nighttime noise impacts from at-grade utilities modifications at the five construction sites in residential areas, including Capitol Avenue (SEIR, page 271). The SEIR proposes to minimize the noise impacts identified for these receptors with the use of temporary noise barriers or noise control curtains (SEIR, page 278). The SEIR states (pages 278-279), "If temporary noise barriers and site layout do not result in compliance with the noise criteria, retrofitting existing window and doors with new acoustically rated units may be considered for the residential structures." How will VTA enforce this statement? Will VTA be responsible for the costs associated with retrofitting existing window and doors with new acoustically rated units?

P-15.18

Vibration Impacts

On page 276 the SEIR states, "If vibratory pile drive (i.e., sonic pile driver) is used to drive steel "sheet piles" at the eleven street crossings during at-grade utilities modifications, it will be perceptible at some of the nearby locations and may exceed the FTA damage criterion of 0.2 inch/second PPV for fragile buildings." Please clarify if the Crossings at Montague is considered to contain "fragile" buildings and if so, would any fragile buildings at the Crossings at Montague apartment complex potentially be affected by vibration impacts during at-grade utilities modifications?

P-15.19

Groundwater Impacts

The Construction sections of the Final EIR and SEIR also address hydrologic changes to the ground water table that could occur as a result of construction of deep foundations, subway tunnels, underground stations, station support structures, and excavation of deep trenches. The Final EIR identified impacts to groundwater between the Great Mall parking lots and the Trade Zone Boulevard Intersection and from Trade Zone Boulevard north of Berryessa Road due to the high groundwater table in the area and the project's excavation of an approximately 20-foot deep trench in that area (Final EIR, page 4.19-93). The Final EIR states on page 4.19-93, "During the dewatering of saturated granular deposits, localized pumping of groundwater may cause diversion of groundwater flow direction toward the excavations, lower groundwater levels, or change overall groundwater flow direction. Decrease in the groundwater levels from prolonged pumping may cause subsidence." Best management practices identified in the Final EIR for ground water impacts include implementation of a ground water monitoring program to assess long-term water level trends (Final EIR, page 4.19-95). Specifically, the Final EIR states, "If necessary, VTA will remedy adverse impacts by lowering pumping rates, deepening wells, or providing other means of maintaining the historical water supply." (Final EIR, page 4.19-95). If prolonged pumping does cause subsidence under commercial and residential uses, in particular the Crossings at Montague apartment complex, resulting in damage to buildings, parking lots, sidewalks, or the swimming pool, what actions will VTA take to remedy any damage?

P-15.20

Regards,



David Wilson
Managing General Partner
Crossings at Montague

RESPONSE TO COMMENT LETTER P-15

Montague Parkway Associates, LP

- P-15.1** *VTA staff and the Policy Advisory Board are recommending the Retained Cut Long Option at this location. This recommendation is consistent with the City of Milpitas' preference for a retained cut option. VTA is not pursuing either aerial option; therefore, no driveway relocations would result.*
- P-15.2** *Refer to Response to Comment P-15.1. Capitol Avenue would not be reconstructed below grade with the Retained Cut Long Option.*
- P-15.3** *Refer to Response to Comment P-15.1.*
- P-15.4** *The construction of the intersection of Milpitas Boulevard Extension and Gladding Court would require a short-term temporary closure to construct the intersection. Nighttime closure of Gladding Court is one option being considered, but, closure would need to be approved by the City of Milpitas. The City's approval and conditions would consider access during emergencies. Refer to Response to Comment P-15.1 regarding selection of the Retained Cut Long Option.*
- P-15.5** *Noise impacts to the Crossings at Montague associated with the proposed station at Montague/Capitol (Design Change 17) were addressed in the 2004 FEIR. Noise impacts associated with BART train operations were updated and addressed in the Draft SEIR, Table 4.12-1. The Crossings at Montague are sufficiently far from the tracks (the nearest building is 165 feet away from the near track) as to not be significantly impacted by BART airborne noise for any of the alignment options. It should be noted that the train speed is lower in this area because of the station.*
- P-15.6** *The Project includes the 12-foot-high sound wall as identified in the 2004 FEIR. The purpose of the sound wall is to reduce noise from bus, automobiles, and station activities. The sound wall substantially reduces noise impacts to ground level outdoor living and recreational areas of the apartment complex. The station layout in the Draft SEIR is adequate to address noise impacts at this location. Final design is scheduled for completion in December 2009.*
- P-15.7** *VTA will maintain all sound walls constructed within the VTA ROW.*
- P-15.8** *There is no evidence that the Project will cause spillover crime in adjacent residential neighborhoods. The BART Police Department will provide police services for all BART facilities 24 hours a day, 365 days a year. For areas outside BART facilities, the police department of the appropriate city will provide police services.*

P-15.9 *As stated in Response to Comment P-15.1, the Retained Cut Long Option is the recommendation. Therefore, aerial options are no longer being considered that may have had views into The Crossings at Montague.*

The multi-level garage would be located more than 600 feet from the swimming pool area of The Crossings development. In addition, there is a 12-foot sound wall planned between the garage and swimming pool that would also partially obstruct views. Accordingly, views of the swimming pool area would be limited. BART security would ensure that any aberrant behavior is curtailed promptly.

P-15.10 *The concerns regarding the aerial options near the Montague/Capitol Station are noted. Refer to Response to Comment P-15.1 regarding the recommendation for the Retained Cut Long Option.*

Refer to Response to Comment P-15.7.

VTA will maintain landscaping within VTA's property as shown in the Draft SEIR, Appendix D, Figures D-2 and D-5. Landscaping is not proposed at this stage for the sound wall south of the Montague Station. This will also depend on whether the property south of the station/Milpitas Boulevard is used as surface parking or Transit Facility.

No retrofitting of existing windows or doors is proposed at this location for the Retained Cut Long Options because the noise impacts were found to be less than significant.

The modifications to the driveways at the Crossings at Montague were necessary for the aerial options only. The staff recommendation to the VTA Board of Directors is to select the Retained Cut Long Option that would not impact the driveways.

P-15.11 *The parking structure is more than 600 feet north of The Crossings property. Therefore, the structure would not cast shadows that would adversely affect the use and enjoyment of the public and private open spaces at The Crossings at Montague. Because the site is located in the northern hemisphere, the longest shadows produced by buildings are to the east and west, not to the south. The length of the shadow cast to the south would be much less, and would not compromise the use and enjoyment of The Crossings' property.*

P-15.12 *Design of the sound wall/noise barrier will not be part of the Community development meetings. Architectural design for the Station is underway with meetings scheduled with Community Working Group, Planning Commission, Art's Commission, Transportation Subcommittee, City Staff and the City Council. This will be followed by the parking structure using the same design review process. If a preferred design is desired, this should be shared with VTA as soon as possible for consideration.*

P-15.13 *Landscaping is not proposed for the sound wall south of the Montague Station.*

P-15.14 *VTA is aware of the existing stormwater retention basin on the Crossings of Montague property, and of the pumping of stormwater from this facility to an open channel in the railroad ROW. The Project would replace the open channel with a piped storm drain system throughout this area. Currently, a 15-inch pipe is planned to convey stormwater from the Crossings property to a storm drain at Montague Expressway.*

During subsequent engineering phases, the capacity and final configuration of the storm drain system will be determined to ensure that the stormwater from the Crossings property, as with stormwater originating elsewhere into this system, is conveyed appropriately.

P-15.15 *VTA is aware of the Letter of Map Revision applicable to the Crossings at Montague. VTA's design of the BART trackway is such that BART is protected from a 100-year flood event. In addition, BART is designed not to contribute additional flows to the 100-year flood event in the surrounding area.*

P-15.16 *The BART Extension Project would be within the 100-year floodplain of Berryessa Creek and East Penitencia Channel between Montague Expressway and Cropley Avenue. This area includes the Montague/Capitol Station area and the Crossings at Montague. The Project would be within the 100-year floodplain of Upper Penitencia Creek both north and south of Berryessa Road. This area includes the Berryessa Station area.*

The proposed flood protection projects on Berryessa Creek by the Santa Clara Valley Water District and the Army Corps of Engineers would address flooding issues at Berryessa Station including the Crossings property, which is adjacent to the station area. The first bullet under the heading "Floodplains" in the FEIR, page 4.18-27 is correct; the second bullet is not. VTA staff appreciates the commentor identifying this issue in the FEIR text. (Also, refer to Response to Comment P-15.15.)

P-15.17 *The concerns regarding the aerial options construction impacts are noted. The VTA staff and PAB recommendation to the VTA Board of Directors is to drop the aerial options and select the Retained Cut Long Option.*

P-15.18 *A Noise Control Plan and Noise Monitoring Plan are discussed in the Draft SEIR, Chapter 4, page 280. Noise measurements at noise-sensitive locations are also discussed. If warranted, VTA would be responsible for the cost of retrofitting of windows and doors.*

P-15.19 *The Crossings at Montague residences are located at a considerable distance from the alignment and impacts are not anticipated. In addition, the residential buildings are not considered to be fragile buildings. Fragile refers to non-engineered timber and masonry buildings. During sheet pile driving, ground vibration near buildings will be monitored wherever there is potential for damage. The contractor will adhere to vibration limits to minimize the potential for damage.*

P-15.20 *Construction of the Project near the Crossings at Montague would include dewatering activities primarily for the Long Retained Cut Option in Milpitas, which is the staff and PAB recommended option, and the foundations for structures at the Montague/Capitol Station. As stated in the 2004 FEIR, Section 4.19.15.1, "the extent of hydrogeologic changes would be dependent on the amount of groundwater table drawdown, transmissivity of the water-bearing sediments, rates and duration of pumping during dewatering, and the distance to a potentially affected water supply facility. If extensive dewatering is needed, it is possible that groundwater conditions over a wide area would be affected." The 2004 FEIR also acknowledges that any "decrease in the groundwater levels from prolonged pumping may cause subsidence." In general, extensive and*

prolonged dewatering is of greater concern for deep excavations, such as the cut-and-cover underground stations.

The following design requirement from the 2004 FEIR, Section 4.19.15.4, is applicable to dewatering, "Prior to the final design of a dewatering system, aquifer pump tests will be conducted to better define the effects of dewatering on groundwater supply facilities. The results of the pump tests will be used to develop a dewatering strategy that will minimize impacts to other groundwater users in the area." During the Preliminary Engineering phase, aquifer testing was conducted in two locations: one adjacent to the planned underpass at Kato Road and one adjacent to the planned retained cut at Hostetter Road. One of the purposes for the testing was to obtain the hydrogeologic parameters for the aquifer located under these two locations to develop construction dewatering strategies. These tests are planned to continue during subsequent engineering phases, including testing within the Project area near the planned long retained cut in Milpitas.

The construction methodology for the retained cut portions of the Project includes the use of cut-off walls to be installed before excavation begins. Cut-off walls may be constructed of concrete, concrete-slurry, or steel. Cut-off walls serve to impede groundwater flow, thereby minimizing dewatering, and also shore up soils closest to the excavation, minimizing the probability of ground surface subsidence on- and off-site.

It should be noted that the depth of the retained cut portions of the BART alignment including from south of East Penitencia Channel to Trade Zone Boulevard and from Hostetter Road to Sierra Road/Lundy Avenue, has been raised during Preliminary Engineering, reducing the amount of dewatering required during construction (see Design Changes 18 and 20).

At this time, subsidence due to dewatering is not anticipated at the Crossings at Montague. Therefore, pre-construction condition surveys of structures and facilities to establish a baseline on this property are not scheduled. (Pre-construction condition surveys are described in this SEIR, Section 4.18.5.4.) If, during subsequent engineering phases of the project, it is determined that dewatering could potentially impact the Crossings at Montague, additional design requirements or mitigation measures will be developed to address this issue.

Hurley, Kim

LETTER P-16

From: John Urban [urbanjohnnewhall@yahoo.com]
Sent: Monday, March 05, 2007 5:41 PM
To: vtabart.seircomments
Cc: megan doyle
Subject: Santa Clara BART SEIR

Hello,

I attended the Feb 15 6:30-8:30PM SEIR Public meeting at the Mission Library in Santa Clara.

I asked several questions and have not been provided the necessary information to formulate my comments for the SEIR. I would like the information ASAP since it has been more than 2 weeks since the meeting.

- 1) How many existing official parking spaces at the Fremont BART station?
- 2) Why was the underground tunnel at I-880 in SJ moved east?

P-16.1

P-16.2

John Urban
President
Newhall Neighborhood Association

Need a quick answer? Get one in minutes from people who know. Ask your question on [Yahoo! Answers](#).

3/6/2007

Hurley, Kim

From: Fitzwater, Tom
Sent: Saturday, March 10, 2007 8:48 AM
To: Hurley, Kim
Subject: FW: SEIR Questions

Please print this out and save in SVRT comments file.

thanks
Tom

-----Original Message-----

From: John Urban [mailto:urbanjohnnewhall@yahoo.com]
Sent: Friday, March 09, 2007 9:52 AM
To: Fitzwater, Tom
Subject: Re: SEIR Questions

Thank you

"Fitzwater, Tom" <Tom.Fitzwater@vta.org> wrote:

Mr. Urban,

On Monday night you sent 2 questions to VTA's seircomments web site. This site was set up to collect comments on the Draft SEIR that would be responded to in the Final SEIR. Unfortunately, we were not aware that you needed a question answered before submitting comments until several days later.

Regarding your questions:

#1. The Fremont BART station has 2,197 existing parking spaces.

#2. The underground tunnel at I-880 was moved east to avoid conflict with the I-880 bridge foundations. This is mentioned in Design Changes 28 and 47. The foundations of existing and previous bridges is shown in Appendix B, Figure B-50.

If you have any other questions, please email me directly.

Tom Fitzwater

Environmental Planning Resources Manager

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3/12/2007

RESPONSE TO COMMENT LETTER P-16

John Urban

P-16.1 *The Fremont BART Station has 2,197 existing parking spaces.*

P-16.2 *The underground tunnel at I-880 was moved east to avoid conflict with the I-880 bridge foundations. This is discussed in Design Changes 28 and 47. The foundations of the existing and previous bridges are shown in the Draft SEIR, Appendix B, Figure B-50.*

LETTER P-17

223 Donner Avenue
Livermore, CA 94551-4240

15 February 2007

Thomas E. Margro
General Manager, BART

Thanks for your January 31 letter. Since my repeated requests for current BART at grade cost detail went unanswered, I adjusted earlier cost figures for inflation. The latest result is \$12.5 million/mile in widened freeway median (as to Antioch or Livermore). On a former railroad roadbed (as to Alum Rock in San Jose), it runs \$11.8 million/mile.

2002-2003 BART Trackway Costs (000,000)		Freeway Median	Railroad Roadbed
Double Track Guideway		\$ 3.6	\$ 3.0
Ductwork		0.4	0.4
Train Control		3.8	3.8
Communications		0.6	0.6
Traction Power		2.8	2.8
Total		\$11.2	\$10.6
CPI-U (Dec 2006)	<u>206.2</u>		
CPI-U (Dec 2002)	185.5	x1.1116	x1.1116
Inflation adjusted trackway costs		\$ 12.5	<u>\$ 11.8</u>

Of course nobody knows the real cost until bids open. (My railroad cost experience was more with force account than contract work.)

Cost elements *not* included:

- | | |
|------------------------------|-------------------------------------|
| Stations | * Grade Separations |
| ** Vehicles | * Other Structures |
| ** Yards | * Earthwork |
| ** Shops | Planning |
| Land/Right of Way | Engineering |
| Freeway Work (BART's share) | * Environmental Analysis/Mitigation |
| Crossovers/Special Trackwork | Construction Management |

- * Not a major cost for BART in freeway median
- ** Charge system-wide, not to a short extension

Thanks again for writing. These inflation-adjusted figures appear reasonable for at-grade BART trackway in freeway medians or on a railroad roadbed. I would still appreciate your sending me current data if it is different.



Robert S. Allen
BART Director (1974-1988)
(925) 449-1387

Cc: BART Board of Directors

Jrc: VTA Have's why BART phase 1 should be at grade on the old WP to Alum Rock and reconfigure into the California ROW at grade short of Lonzan, costly tunnel would be much shorter, *RSJ*

P-17.1

RESPONSE TO COMMENT LETTER P-17

Robert Allen

P-17.1 *Refer to response to Comment P-13.1.*

LETTER P-18

MARA CRAGGS
1064 O'Brien Court
San Jose, CA 95126

VTA
ENV. ANALYSIS

2007 MAR 14 P 2: 46

March 13, 2007

Tom Fitzwater
VTA Environmental Planning, Building B
3331 North First Street
San Jose, CA 95134

RE: Supplemental EIR – BART Extension to San Jose

Dear Mr. Fitzwater:

As a 20-year resident, voter, homeowner and taxpayer living near the proposed BART station, I have grave concerns about the Supplemental EIR.

First, the EIR proposes to move the BART station 150 feet closer to Campbell Avenue than originally proposed. This change will have severe negative impacts upon our neighborhood, in addition to the already significant burdens the City of San Jose has imposed upon us by increased housing density -- without reasonable mitigation of the certain effects (i.e., traffic, parking, crime, noise, and general deterioration of quality of life.) The lack of noise abatement -- already a significant concern with the previous location -- now guarantees that those living anywhere near the line will be severely impacted by continuous and deafening noise levels. The original location should be maintained; there is no reasonable justification for destroying our neighborhood with this re-location.

P-18.1

Next, the EIR proposes moving the parking structure from the HP Pavilion to the Santa Clara station; increasing the number of spaces at Santa Clara station to 2,500; and increasing the height of the Santa Clara station structure to 5-6 stories. Such a structure will be a visual blight on this area, wholly unjustified when a much more logical alternative exists. In addition, locating the parking at the Santa Clara station will create unmanageable traffic conditions on The Alameda. Between the Santa Clara station and 880, The Alameda is ALREADY severely congested much of the day, and most of the hundreds of new homes recently built on Campbell are not even occupied yet. Adding traffic from the significantly enlarged proposed BART parking structure will exacerbate these problems, creating virtually non-stop gridlock. It makes no sense to burden The Alameda area with this additional traffic when the current HP Pavilion site only requires expanding an existing parking structure; places the people and traffic closer to their intended destination, and does not impact a residential neighborhood with unsightly structures and increased traffic congestion. Given these impacts, the original proposed expansion of the existing parking structure at the HP Pavilion is the only sensible approach.

P-18.2

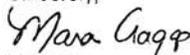
P-18.3

In summary:

- Locate the BART station where originally proposed in 2004. Do NOT move it closer to a residential area where it will be both sub-optimal for riders AND severely impact an already-stressed area.
- Provide noise abatement WHEREVER BART operations will increase existing ambient noise levels.
- Locate the parking structure at the HP Pavilion not at Santa Clara Station. Do NOT exacerbate The Alameda's CURRENT congestion problems. HP Pavilion already has parking; it should simply be expanded to support BART passengers. Do NOT approve a 5+ story structure on The Alameda, creating both an abominable eyesore and non-stop gridlock.

P-18.4

Sincerely,


Mara Craggs

RESPONSE TO COMMENT LETTER P-18

Mara Craggs

P-18.1 *The trackway, not the station, is proposed to be moved approximately 150 feet to the west. The existing residences along O'Brien Court are sufficiently far from the BART tracks as to not be impacted by noise or vibration due to the distances involved. Noise from the BART vehicles will be substantially lower than the existing commuter and other railroad activities that are located closer to O'Brien Court. The new intervening residential developments should also provide some additional shielding from noise impacts. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request. Also, no significant noise impacts were projected for the SVRT Yard and Shops portion of the Project. Traffic and parking are addressed in the Draft SEIR, Section 4.2 and no significant impacts were identified for the area around O'Brien Court. Crime is addressed in Section 4.13, Security and System Safety, and no significant impacts were identified.*

P-18.2 *Draft SEIR, Figures 4.16-16 and 4.16-17 present a computer-generated visual simulation of the proposed 4-story and 6-story parking structures within the context of existing development. The accompanying text notes that neither parking structure would affect an existing designated view corridor, and also notes that the area is already developed with institutional, industrial, and rail uses. The text also notes that potential light and glare impacts would be addressed through application of the same design measures that were discussed in the FEIR. In this context, the proposed parking structure would not introduce a new significant visual impact and would not represent a visual blight on the area. In addition, the parking structure design would be developed in coordination with the City of Santa Clara.*

P-18.3 *Model projections show that, with Diridon/Arena Station No Parking Option and the additional parking provided at the Santa Clara Station, the majority of the displaced park-and-ride traffic from the Diridon/Arena Station would access the Santa Clara Station via Coleman Avenue (not The Alameda). Thus, level of service results show that all of the study intersections in the vicinity of the Santa Clara Station, with the exception of those along Coleman Avenue, would essentially operate the same with and without parking at the Diridon/Arena Station. The intersection of Coleman/Brokaw, the main access intersection, would be impacted with and without the parking structure at the Diridon/Arena Station. However, with the elimination of the Diridon/Arena parking structure, this intersection would experience an increase in traffic, and as a result, an increase in critical delay. With the increase in traffic, in addition to the addition of a second eastbound left-turn lane, the addition of an exclusive eastbound right-turn lane would be required to mitigate the project impact at this intersection. These improvements would improve the intersections level of service to LOS D. No additional intersections in the vicinity of the Santa Clara Station would be impacted as a result of the shift in PNR traffic from the Diridon/Arena Station to the Santa Clara Station.*

As the model projections show, intersections along The Alameda are not projected to experience a significant increase in traffic as a result of the elimination of the parking structure at the Diridon/Arena Station. The Santa Clara Station access along El Camino Real would be kiss-and-ride (KNR) traffic. All PNR traffic to the Santa Clara Station

would have to access the parking structure via the Coleman/Brokaw intersection. Since KNR traffic would continue to have access to the Diridon/Arena Station, no KNR traffic from the Diridon/Arena Station is expected to shift to the Santa Clara Station. The majority of the displaced traffic from the Diridon/Arena Station would access the Santa Clara Station using the Coleman/Brokaw intersection via Coleman Avenue.

Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.

P-18.4

The Santa Clara Station has not moved since the 2004 FEIR. The preference for the parking structure at the HP Pavilion is noted. Refer to Response to Comments P-18.1 regarding noise impacts, P-18.2 regarding visual impacts and P-18.3 regarding traffic impacts and VTA staff recommendation.

LETTER P-19

Hurley, Kim

From: Judith Dunbar [JDunbar@scu.edu]
Sent: Wednesday, March 14, 2007 9:00 PM
To: vtabart.seircomments
Subject: BART to Santa Clara

Dear Tom Fitzwater of VTA Environmental Planning:

Re: Supplemental EIR for BART extension to Santa Clara:

I appreciate an opportunity to offer the following comments:

I strongly oppose eliminating parking from the HP Pavilion in favor of putting those spaces at the Santa Clara Station; San Jose and the HP Pavilion area should take their share of parking and traffic to mitigate the impact on traffic circulation on El Camino/The Alameda near the Santa Clara Station. Traffic circulation in that El Camino/The Alameda area near the Santa Clara Station is currently facing increased volume as a result of the new residential developments on El Camino near Santa Clara University; this will increase even more significantly when the residential projects currently under construction on Campbell Avenue are fully built and occupied.

P-19.1

I also strongly oppose bringing the BART track alignment 150 feet closer to Campbell Avenue than the distance in the previous engineering plans, approved in the 2004 EIR (as I understand it).

P-19.2

Furthermore, there should be noise mitigation measures to reduce the impacts to homes presently under construction on Campbell Avenue, and the neighborhood established since the 1920/30's next to Campbell Avenue.

P-19.3

In order to preserve the quality of neighborhoods--a major goal of city planning--I would be grateful for your serious consideration of these points.

Respectfully yours,

Dr. M. J. Dunbar

RESPONSE TO COMMENT LETTER P-19

M.J. Dunbar

P-19.1 *VTA has included a No Parking Option at the Diridon/Arena Station, in addition to a Parking Structure Option. The Diridon/Arena Station provides excellent intermodal transfer opportunities between commuter rail, light rail and bus transit lines. The station also offers opportunities for future high-density transit-oriented developments (TOD) on surrounding properties. VTA included this option not only to reduce costs, but also to accommodate the City of San Jose's interest in studying long term parking strategies that meet the needs of the City of San Jose, HP Pavilion, and future TOD development. The City of San Jose has requested that VTA work in coordination with the City to address parking strategies in the larger Diridon area.*

The ridership model projections show that, with the Diridon/Arena Station No Parking Option, the majority of the displaced park-and-ride traffic would travel to the Santa Clara Station. As a result, the No Parking Option analyzed an additional 815 parking spaces at the Santa Clara Station. The impacts from adding parking at the Santa Clara Station are addressed in the Draft SEIR under Design Changes 42 and 52. No additional intersections west of the railroad tracks were identified as having significant unavoidable impacts with the No Parking Option.

Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.

P-19.2 *The Preliminary Engineering plans show the BART tracks closer to existing railroad facilities to reduce ROW acquisition to the east. The opposition to shifting the track alignment to the west at the Newhall Yard is noted and provided to the VTA Board of Directors for their consideration.*

P-19.3 *Residences in the older part of this neighborhood are a substantial distance from the alignment and no significant noise impact is projected. For the new residences on Campbell Avenue, no significant noise impact is projected from BART operations. The new residential projects approved by the City of San Jose and located on Campbell Avenue (1180-1184 Campbell Avenue, 1270 Campbell Avenue and Altura) include a 10- to 14-foot-high wall provided by the developer to mitigate wayside noise from freight, commuter and BART trains. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request.*

LETTER P-20

Hurley, Kim

From: Joanne Curme [joanne@exeros.com]
Sent: Friday, March 16, 2007 4:52 PM
To: vtabart.seircomments
Subject: Comments on SC BART Station Noise and Parking

Mr. Fitzwater,

My name is Joanne Curme and I am a homeowner and resident in the Newhall neighborhood bounded by The Alameda, Campbell Ave, and 880. I am writing in response to the supplemental EIR for the BART extension to Santa Clara. There are four major concerns with this proposal that must be addressed.

1. There are new housing developments all along the north side of Campbell, and my well-established 80-year-old neighborhood on the south and east sides of Campbell. The tunnel under 880 ends at the beginning of my neighborhood and the remaining tracks that run parallel to my neighborhood (ending at the SC terminus) are aboveground. Despite the proximity of the tunnel exit and tracks to these homes, there are absolutely no noise mitigation measures included in either the EIR or the SEIR. I do not understand how a report that measures the environmental impact of such a massive project as a new BART terminus has overlooked the hugely negative impact of the noise that will be caused by these trains operating so very close to both brand new and long-established neighborhoods. The negative environmental impact of amplified tunnel noise and track noise on the quality of life of the residents who live here must be documented in the SEIR, and excellent noise mitigation measures must be added to the project.

P-20.1

2. The original EIR placed the BART tracks very close to our homes, and the SEIR brings them even closer. The tracks must be moved back to their original location; there is plenty of room in the VTA Newhall Yard to keep them in their original location.

P-20.2

3. HP Pavilion has persuaded the SEIR committee to leave their acres of parking lots untouched, and instead to provide needed BART parking by doubling the height of the proposed parking structure at the SC terminus. This is an unacceptably irresponsible and arrogant attitude. A venue that regularly attracts thousands of cars to a downtown location must be a partner in providing a responsible parking solution. There is no justification for their refusal: HP Pavilion will benefit from the additional parking spaces, venue-goers will benefit by having closer parking, and San Jose City will benefit from less traffic congestion as cars cruise the streets looking for parking. In addition, future transit users will benefit by having a second multi-story garage near the terminus instead of having to drive up to the SC terminus. Transit use of the parking structure is daytime, and venue use is in the evenings. There is no conflict. The SEIR committee was extremely remiss in permitting HP Pavilion to refuse this valid request for cooperation in bringing BART to San Jose. HP Pavilion must agree to a multi-story parking structure with dual transit and venue use.

P-20.3

4. Car access to the proposed SC terminus is extremely limited. Both the EIR and the SEIR propose exactly one entrance from El Camino Real and one from Coleman, the both of which are expected to accommodate kiss-and-ride traffic along with parking traffic. El Camino Real at this location and nearby major streets (The Alameda, De La Cruz, and smaller feeder streets) are already congested from existing business and residential traffic. More access points from other city streets to the SC terminus must be evaluated and added to the SEIR. In addition, the SEIR must explain how the increased BART car traffic will affect the already-congested local streets, and contain sufficient measures for improving El Camino Real, The Alameda, De La Cruz, and the other local streets so that they can accommodate the increased traffic without negatively affecting the many residential neighborhoods that surround the SC terminus.

P-20.4

Thank you.

Joanne Curme

3/19/2007

RESPONSE TO COMMENT LETTER P-20

Joanne Curme

- P-20.1** *The older residences to the west are sufficiently far from the mainline track as to not be impacted by noise or vibration due to the distances involved and in some cases new intervening buildings that shield noise from the alignment. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request. There are no significant noise impacts projected for the Yard and Shops portion of the Project. Also, refer to Response to Comment P-19.3.*
- P-20.2** *The Preliminary Engineering plans show the BART tracks closer to existing railroad facilities to reduce ROW acquisition to the east. The opposition to shifting the track alignment to the west at the Newhall Yard is noted and provided to the VTA Board of Directors for their consideration.*
- P-20.3** *The preference for the Diridon/Arena Station Parking Structure Option is noted. However, the Diridon/Arena Station provides excellent intermodal transfer opportunities between commuter rail, light rail and bus transit lines. The station also offers opportunities for future high-density transit-oriented developments on surrounding properties. The No Parking Option is based on the premise that it is more cost-effective to encourage transit connections and development opportunities, rather than to build parking structures. The Parking Structure Option was also presented Draft SEIR.*
Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.
- P-20.4** *The traffic study evaluated the proposed access points to the Santa Clara BART Station. The results showed that the main access point on Coleman Avenue would be impacted by the project. However, with the addition of a second eastbound left-turn lane, the intersection would continue to operate at acceptable levels under year 2030 with the Project. In addition, all other intersections in the vicinity of the Santa Clara BART Station to which the Project would add traffic also were evaluated. The intersection level of service analysis, summarized in the Draft SEIR, Table 4.2-18 showed that six of the 23 study intersections in the vicinity of the Santa Clara BART Station would be impacted by the project in the year 2030. Three of the six impacted intersections would have potential improvements that would reduce the impact to less than significant. Also, refer to Response to Comment P-18.3.*

LETTER P-21

Hurley, Kim

From: yaw fann [yfann@hotmail.com]
Sent: Wednesday, March 14, 2007 10:12 PM
To: vtabart.seircomments
Cc: yfann@hotmail.com
Subject: I'm a new resident who live in Campbell Ave neighborhood, San Jose

Hi, to whom it may concern

My name is Yaw Fann who just moved into Campbell Ave neighborhood. I just found VTA is proposing to bring the BART tracks about 150 feet closer to Campbell Ave.

P-21.1

I understand the change is to avoid I-880 bridge foundation and I hope noise mitigation can be applied since it's moving toward to a new residential community where I just moved in. I hope both noise deadening and absorptive sound walls can be added to help in noise mitigation.

Thanks

My address is 1357 Dahlia Loop,
San Jose, CA 95126

Yaw
408-2608262

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RESPONSE TO COMMENT LETTER P-21

Yaw Fann

- P-21.1** *The new residential projects approved by the City of San Jose and located on Campbell Avenue (1180-1184 Campbell Avenue, 1270 Campbell Avenue and Altura) include a 10- to 14-foot-high wall provided by the developer to mitigate wayside noise from freight, commuter and BART trains. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request.*

LETTER P-22

3-14-07

Dear Mr. Fitzwater,

VTA
ENV. ANALYSIS

Bart is coming to the Santa Clara Station. This new station will be located approx. two blocks from my home. Our "quaint" 1930's neighborhood is currently being engulfed by looming highrise multi-family apts., condos and large homes.

Our future and quality of life is in question.

I love my home and it is very sad that I have little or no control as to what will happen to the neighborhood.

I'm a native San Josean
(2nd generation) and I am
appalled at what is
happening to us. No
consideration ~ only
what money is to be
made.

Our Vintage neighborhood
needs protection from
excessive noise (we're
already dealing with
the trains, 880 and jets.)

Please have BART install
a noise deadening wall
near the tunnel.

P-22.1

I'm just waiting to hear
NASA is building the
shuttle launch pad next! ;)

Also, HP Pavilion Station should own their share of the parking spaces.

We do not need additional traffic zooming around our narrow streets.

P-22.2

Thank you for listening, Mr. Fitzwater.

Best Regards,

Julie L. Thompson
1055 O'Brien Ct.
San Jose, Ca 95126

(408) 244-6990

RESPONSE TO COMMENT LETTER P-22

Julie Thompson

P-22.1 *The existing residences along O'Brien Court are sufficiently far from the BART tracks as to not be impacted by noise or vibration due to the distances involved. Noise from the BART vehicles will be substantially lower than the existing commuter and other railroad activities. The new intervening residential developments should also provide some additional shielding from noise impacts. Also, no significant noise impacts were projected for the Yard and Shops portion of the Project. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request.*

P-22.2 *The preference for parking to be provided at the Diridon/Arena Station is noted. Model projections show that, with the Diridon/Arena Station No Parking Option, the majority of the displaced PNR traffic from the Diridon/Arena Station would access the Santa Clara Station via Coleman Avenue (not The Alameda). Thus, level of service results show that all of the study intersections in the vicinity of the Santa Clara Station, with the exception of those along Coleman Avenue, would essentially operate the same with and without parking at the Diridon/Arena Station. The intersection of Coleman/Brokaw, the main access intersection, would be impacted with and without the parking structure at the Diridon/Arena Station. However, with the Diridon/Arena No Parking Option, this intersection would experience an increase in traffic, and as a result, an increase in critical delay. With the increase in traffic, in addition to the addition of a second eastbound left-turn lane, the addition of an exclusive eastbound right-turn lane would be required to mitigate the project impact at this intersection. These improvements would improve the intersections level of service to LOS D. No additional intersections in the vicinity of the Santa Clara Station would be impacted as a result of the shift in PNR traffic from the Diridon/Arena Station to the Santa Clara Station.*

Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.

LETTER P-23

Hurley, Kim

From: John Urban [urbanjohnnewhall@yahoo.com]
Sent: Friday, March 16, 2007 4:38 PM
To: vtabart.seircomments
Cc: megan doyle; Pierluigi Oliverio; pierluigi.oliverio@sanjoseca.gov; sam.liccardo@sanjoseca.gov
Subject: BART:SEIR Warm Springs to Santa Clara

March 16, 2007

Mr Tom Fitzwater
VTA Environmental Planning, Building B
3331 North First Street
San Jose, CA 95134-1927

RE: BART Warm Springs to Santa Clara SEIR Comments

Dear Mr Fitzwater:

I would like to comment on two major issues in the Winter 2007 BART Fremont to Santa Clara Supplemental Environmental Impact Report. The first is eliminating parking at the Diridon/Arena BART station in favor of putting additional parking spaces at the Santa Clara BART station. This is wrong on several fronts:

PARKING

1) Your analysis in the primary EIR determined that there is a need for 4 levels of parking at the Diridon/Arena station. Under the SEIR, parking could be eliminated at the Diridon/Arena station. Trips that normally would go to Diridon/Arena station will presumably create more miles travelled and pollution created as motorist travel to the Santa Clara station or the Alum Rock station. This increase in congestion and pollution goes against the entire concept and idea behind Mass Transit and BART specifically. Putting the displaced parking at the Santa Clara station will only create unnecessarily longer trips down Coleman Ave, The Alameda, and Santa Clara St, as motorist seek alternative stations (primarily Santa Clara station and to a lesser degree Alum Rock station) or worse yet, abandon BART altogether.

2) If parking is eliminated from the Diridon/Arena station, the Santa Clara station will be the only station with dedicated BART parking between the Alum Rock station and the end of the line. As the end of the line station, Santa Clara will serve much like the Fremont BART station serves today. BART patrons from the south Bay all funnel onto the streets of Fremont to park in lots that are full Monday-Thursday by 7:40A. BART's response to the lack of parking at the Fremont and Union City stations is to complete an additional (approx) 600 spaces at the Union City station which is one station away from the Fremont station. The Union City spaces should open sometime in April, 2007 and will help the parking situation at both the Fremont and Union City stations. BART acknowledges that it is not good practice to load one end station with a majority of the traffic and parking, but to distribute the traffic and parking spaces more evenly over numerous stations.

QUESTION: Why is VTA considering the elimination of BART parking at the Diridon/Arena station when existing BART practice is to evenly distribute parking over most of the stations?

3/19/2007

P-23.1

QUESTION: Has VTA considered building the original EIR 3-4 story Santa Clara Station parking structure so that potential future demand may be accommodated through better and more numerous access points to the structure and through the easy expansion of additional stories of parking capacity?

P-23.2

3) I was informed at Santa Clara's Mission Library Auditorium on Thursday February 15, 2007, the HP Pavilion did not want the 3-4 story Parking Structure at the Diridon/Arena station because it partially blocked the public's view of the Pavilion. I am hoping that there are other reasons the VTA has decided to consider eliminating BART parking at the Diridon/Arena station.

The general public contributes money to create public projects for the good of society. Some projects come in the form of building BART systems and entertainment arenas, such as HP Pavilion. In fact, the league of fans website reports that 82% of the funding to build HP Pavilion came from the public. Many taxpayers would agree that HP Pavilion should contribute to society and be out in front promoting the use of Mass Transit in the form of convenient and intelligently placed parking.

<http://www.leagueoffans.org/nhlarenas1990.html>

HP Pavilion has single level parking lots surrounding its venue. Through intelligent management, HP Pavilion and BART should both be able to utilize the space for their needs since most of their clientele will use the space at different times of the day and/or week.

QUESTION: Why is VTA considering the good of one publicly subsidized building (HP Pavilion was built using 82% public funds) over the general public needs of attracting BART ridership, reducing overall miles driven by motorist, and reducing pollution?

P-23.3

QUESTION: For what reason are VTA and HP Pavilion resistant to the idea of the public good in sharing one parking facility for multiple uses (BART uses to capacity M-F 6A-6P and HP Pavilion uses to capacity during typical entertainment hours - after 6P and on the weekends)?

P-23.4

NOISE

The second issue is the lack of noise abatement between housing units and the BART tracks on the section of the alignment from the tunnel at Newhall St to the Santa Clara Station. When the original EIR was started, light industrial warehousing was located southwest of the tracks, now 324 medium density homes are located along this stretch. The BART SEIR was started after the housing developments started their process.

P-23.5

Exiting Tunnel

The funneled noise from BART trains exiting the tunnel at the end of Newhall St twice every 15 minutes will impact the quality of life for residents living just southwest of the tracks between the Newhall tunnel and the Santa Clara station. With the loud pitch of the air being pushed out of the tunnel only 120 feet from Sierra Madre Terrace residents and 250 feet from the Campbell Ave public park, sound absorbing apparatus must be implemented to reduce the noise impacts. A sound reducing apparatus which extends the height of the retaining wall 10 feet above ground level from 833+25 to 842+33 on the southwest side would deflect noise from the three story residential units which extend from 834+00 to 843+00. Funneled noise from tunnel exiting BART trains concentrate the noise in the direction of the third floor of the Sierra Madre Terrace homes. 1000 feet of sound reducing wall will go along way to improve the quality of life for these residents.

P-23.6

Closer Tracks

3/19/2007

The original EIR 10% Conceptual Engineering Plans had the track alignment from the tunnel at Newhall St to the Santa Clara station approximately 300 feet from the private property to the southwest. During this analysis, warehousing occupied two properties that have since been developed into 324 medium density housing units. These housing developments have come in before the SEIR process came in. The proposal contained within the SEIR has the track alignment moving to within approximately 175 feet of the two medium density developments. Sound abatement and sound deadening should be installed to reduce the sound impacts.

P-23.7

QUESTION: Why is VTA resistant to putting sound reduction apparatus at two locations (both ends of the underground tunnel) on the 18 mile extension when the funneled noise created by an exiting BART train is so high pitched and magnified?

John Urban
President
Newhall Neighborhood Association

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3/19/2007

RESPONSE TO COMMENT LETTER P-23

John Urban

P-23.1 *The Diridon/Arena Station provides excellent intermodal transfer opportunities between commuter rail, light rail and bus transit lines. The station also offers opportunities for future high-density transit-oriented developments on surrounding properties. The No Parking Option is based on the premise that it is more cost-effective to encourage transit connections and transit-oriented development opportunities, rather than to build a parking structure.*

Some of the PNR trips will have to go a longer distance if no parking is provided at the Diridon/Arena Station. However, it should be recognized that the PNR trips are the most expensive trips for BART to serve because of the cost of providing structured parking. Therefore, VTA has to consider elimination of parking at some of the planned stations as a strategy of improving the overall cost effectiveness of the Project.

With respect to the proposed Santa Clara BART Station being an end-of-the-line station, the Fremont BART Station serves a much larger market area including downtown areas in Oakland and San Francisco.

P-23.2 *A variety of architectural designs will be considered for the planned Santa Clara Station parking structure. The design of the structure will be finalized in subsequent phases of work. However, construction durations and costs would increase if the parking structure were constructed in phases.*

The purpose of the No Parking Option is primarily to support the City of San Jose's interest in developing a long-term parking strategy for the Diridon area that supports City plans for transit-oriented development in the area along with the Caltrain, VTA, and HP Pavilion parking demands.

Following input from the SVRT Policy Advisory Board and further discussions with interested parties, VTA staff will not be making a recommendation regarding parking at the Diridon/Arena Station. VTA will continue to work with the various parties to develop a comprehensive parking management strategy for the area.

P-23.3 *Refer to Responses to Comments P-23.1 and P-23.2 regarding reasons why a No Parking Option is being considered.*

P-23.4 *Because of the overlapping parking demand by BART riders and the HP Pavilion during some events, shared parking is not as efficient as it might seem. Shared parking is most beneficial when the demand for parking for the various uses occurs at different times. In addition, shared parking would become a long-term VTA operating cost versus an investment eventually yielding a return.*

P-23.5 *The new residential projects approved by the City of San Jose and located on Campbell Avenue (1180-1184 Campbell Avenue, 1270 Campbell Avenue and Altura) include a 10- to 14-foot-high wall provided by the developer to mitigate wayside noise from freight, commuter and BART trains. Supporting noise analysis is contained in "Noise Impact*

Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request.

P-23.6 *The tunnel portal does not in and of itself generate substantially more noise than would be emitted from BART trains traveling in a retained U-wall section. Refer to Response to Comment P-23.5.*

P-23.7 *Refer to Responses to Comments P-23.5 and P-23.6.*

LETTER P-24

Hurley, Kim

From: Chung Wei [wei821@gmail.com]
Sent: Thursday, March 15, 2007 8:51 PM
To: vtabart.seircomments
Subject: comments on BART tracks proposed to be moved about 150 feet closer to your home

Dear Tom Fitzwater:

I am one of the home owner in Encanto Community on Campbell Ave.
There are many houses on Campbell Ave. Also, airport and Cal train have already generated noise to our community. P-24.1
Hopefully, BART will not move closer to Campbell.Ave.
If this is inevitable, please make sure you guys will do your best to reduce the noise coming to our community.

Sincerely,

Chung Wei

3/16/2007

RESPONSE TO COMMENT LETTER P-24

Chung Wei

P-24.1 *Residences in the older part of this neighborhood are a substantial distance from the alignment and no significant noise impact is projected. For the new residences on Campbell Avenue, no significant noise impact is projected from BART operations. The new residential projects approved by the City of San Jose and located on Campbell Avenue (1180-1184 Campbell Avenue, 1270 Campbell Avenue and Altura) include a 10- to 14-foot-high wall provided by the developer to mitigate wayside noise from freight, commuter and BART trains. Supporting noise analysis is contained in "Noise Impact Evaluation for BART Train Operation on SVRT Project North of I-880" dated May 8, 2007 that is available upon request.*

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LETTER P-25

March 16, 2007

Writer's Direct Contact
650.813.5857
TRuby@mofo.com

Santa Clara Valley Transportation Agency
Thomas W. Fitzwater, Environmental Resources Planning Manager
3331 North First Street
San Jose, CA 95134-1927

Re: Comments on the Supplemental Environmental Impact Report for the BART Extension Project

Dear Santa Clara Valley Transportation Agency:

On behalf of San Jose V Investors LLC, we wish to thank you for providing the opportunity to review and comment on the Supplemental Environmental Impact Report (SEIR) to the November 2004 Final Environmental Impact Report (FEIR) for the Silicon Valley Rapid Transit Corridor BART Extension to Milpitas, San Jose and Santa Clara (the "Project"). Our review focuses on impacts related to the proposed Berryessa BART Station ("Berryessa Station") in the City of San Jose but we believe our observations regarding impacts at the Berryessa Station are applicable throughout the station designs in the City of San Jose.

Based on our review, the SEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA") because: (1) the SEIR does not discuss or disclose significant inconsistencies between the Project and the City of San Jose General Plan ("General Plan"), which calls for transit-oriented development ("TOD") around the Berryessa Station, constituting a significant land use impact under the SEIR's own thresholds of significance; (2) the SEIR fails to acknowledge and analyze the Project's incompatibility with the existing urban community that continues to grow around the proposed Berryessa Station by imposing an ill-fitting "suburban" commuter station model focused on automobile use and surface parking; and (3) the SEIR piecemeals the environmental review process by acknowledging but failing to address foreseeable impacts related to TOD near the proposed Berryessa Station.

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1. **The SEIR Does Not Address Significant Land Use Impacts from Increased Surface Parking at the Berryessa Station**

The SEIR fails to acknowledge significant land use impacts resulting from the near tripling of total parking at Berryessa Station as compared to that proposed in the FEIR and the addition of substantial surface parking. These parking changes are directly inconsistent with the planning objectives of the General Plan, which call for high-density, mixed-use TOD near the Berryessa Station. Under the thresholds of significance defined by the SEIR, the Project's inconsistency with the General Plan constitutes a significant impact under CEQA that must be analyzed and disclosed. (SEIR, Ch. 4, p. 3.)

The FEIR provided two parking options at the Berryessa Station, each of which included a single parking structure and neither of which occupied more area than 6.2 acres. In contrast, the SEIR provides two parking options that entail significant surface parking areas covering over 30 acres. In the "Parking Structure with Surface Parking Option," a four- to six level parking structure on 3.4 acres would be constructed in the same general location as one of the parking structures the FEIR and an undisclosed amount of property would be acquired to build a surface parking lot. (SEIR, Design Change 23.) In the "Surface Parking Option," the parking structure would be eliminated completely and replaced with an even broader expanse of surface parking.

Moreover, the SEIR proposes to dramatically increase the parking allotment analyzed in the FEIR, resulting in a near tripling of parking at the Berryessa Station. Under the FEIR, the Berryessa Station was allocated 1,500 parking spaces under both project options. In contrast, under the SEIR the allocation jumps as high as 4,126 spaces – with most of this increase coming as surface parking spaces.

The General Plan establishes *BART Station Area Nodes* around planned BART stations. (General Plan, pp. 144-45.) The *Berryessa Station Area Node* "is planned for a mix of job generating land uses, high density residential and supportive commercial uses, and parks/open space." (General Plan, p. 147.) The General Plan envisions the area developed as a vibrant, pedestrian-friendly, mixed-use area, where the "greatest densities, preferably within mixed use developments, should be adjacent to the station." (General Plan, p. 148.) Pointedly, the General Plan states that "Development inconsistent with the objectives of the ... Station Area Nodes, for instance... auto related uses (e.g., surface parking lots...), should be avoided." (General Plan, p. 150 (emphasis added).)

In contradiction to the requirements of CEQA, the SEIR does not acknowledge or analyze the significant inconsistency of the modified Project with the *Berryessa Station Area Node* planning objectives. (See, e.g., SEIR § 4.11.4.2 ("Project would still be consistent with the land use and development objectives of...San Jose".)) As revised, the Project transforms the area surrounding the Berryessa Station into a sea of surface parking, which directly conflicts

P-25.1

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with the General Plan’s goal of creating a vibrant, pedestrian-friendly, mixed-use TOD. This inconsistency represents a significant land use impact under CEQA and constitutes a significant change from the analysis prepared for the FEIR, where surface parking was not even disclosed as an option for Berryessa Station and the total parking was significantly lower.

P-25.1 con't.

2. The SEIR Fails to Analyze the Project’s Incompatibility with the Existing and Planned Urban Neighborhood around Berryessa Station

The SEIR completely fails to acknowledge, let alone address, the fact that the Project as redesigned significantly disrupts the fabric of the existing and planned urban neighborhood around the Berryessa Station by imposing an incompatible “suburban” model for a BART station that is centered around individuals driving to the station and parking their cars in a surface parking lot. By siting surface parking, a four lane boulevard, and bus bays between the station and existing residential neighborhoods, the project presents obstacles to pedestrian access to the BART station that may reduce ridership. This suburban model not only contradicts the General Plan, as discussed above, but it goes against BART’s goals of “support[ing] TOD and higher densities around BART stations that increase ridership while promoting pedestrian access.” (See SEIR, Ch. 5, p. 1.)

P-25.2

As a result of the suburban model embraced by the new Project design, the Project is incompatible with the existing and planned neighborhood around the Berryessa Station by displacing the potential for transit supportive, high-density, mixed-use development, and under the thresholds of significance established by the SEIR, this constitutes a significant land use impact.

3. The SEIR Piecemeals the Environmental Review Process

Although the SEIR does not analyze TOD and the Project as modified appears to preclude or limit TOD (see discussion above), BART’s goals require, and VTA representatives have acknowledged at public meetings, that TOD may occur in the future around BART stations. If such is the case, the SEIR impermissibly piecemeals the environmental review process by failing to analyze foreseeable impacts associated with TOD from the development of a BART station at the Berryessa site. In other words, the SEIR must either acknowledge that the Project hinders or precludes TOD, in contradiction of the General Plan, as discussed above, or the SEIR must acknowledge that TOD may occur in the future and analyze the foreseeable TOD-related impacts. (SEIR, Ch. 5, p. 1.)

P-25.3

The General Plan outlines potential impacts associated with TOD at Berryessa Station and none of these impacts are fully addressed by the SEIR. For example, the General Plan cautions that “it will be critical to analyze the cumulative traffic impacts of the intensifying land uses” associated with TOD “so that appropriate coordination of the funding and

P-25.4

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construction of improvements” can occur expediently. (General Plan, p. 149.) In addition, the General Plan requires that an EIR for TOD must “consider the potential effects of intensification on existing neighborhoods and adjacent uses.” (General Plan, p. 150.) In summary, the SEIR fails to analyze or disclose these foreseeable potential effects and thus does not comply with the requirements of CEQA.

P-25.4 Con't.

4. General Plan Amendments

In addition to the inadequacies of the SEIR under CEQA that need to be addressed, as summarized above, VTA’s proposed changes to the BART station system in San Jose should be examined through a series of General Plan Amendments which the citizens of San Jose can publicly consider at open hearings, provide comment on and the Mayor and City Council can approve or disapprove.

P-25.5

Whether or not the VTA proposals are right or wrong, the fact that more than thirty (30) acres of property at the Berryessa Station alone, which is within a relatively tight knit urban, residential neighborhood, is proposed for taking by VTA to install “transit facilities”, meaning large scale parking garages and surface parking, bus parking on the scale of a multi-modal transit yard, and a 100-foot right-of-way, four lane boulevard to handle all of this traffic, raises at least the supposition that the project should be evaluated in the context of the city’s General Plan.

P-25.6

Past practice by the City of San Jose also supports the need for a General Plan review of the station design. Over the past decade, the City of San Jose has approved General Plan amendments, re-zonings and project development permits in the Berryessa neighborhood to encourage residential development. Older industrial properties have been converted by the City to residential uses.

P-25.7

The Berryessa Station is characterized in the General Plan as a vibrant, pedestrian friendly, transit oriented development area. The residents of the neighborhood should be able to rely on the expectation that the quality of life agreed upon in the General Plan will be respected. Large scale garages, expansive surface parking, and related facilities were not part of General Plan vision.

Again, VTA should present the BART project revisions to the City of San Jose in the context of General Plan amendments so that the City can publicly evaluate the benefits and disadvantages of the Project.

P-25.8

5. Conclusion

Again, we wish to thank you for the opportunity to review the SEIR and to provide

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comments. On behalf of San Jose V Investors LLC, we look forward to working with VTA to help ensure that the future BART extension to San Jose will become an integral and vibrant part of to the greater San Jose community and the Berryessa Station area.

Sincerely,



Thomas B. Ruby

wc-129036

RESPONSE TO COMMENT LETTER P-25

Morrison & Foerster

P-25.1 *Since VTA is a regional transit agency, the Project is not required to comply with land use policies and regulations adopted by local jurisdictions, which includes local general plan policies. This is why compatibility with local land use policies was not listed as a significance criterion for land use impacts for the Project (see 2004 FEIR, page 6.2-5). Nevertheless, Chapter 4.12 of the 2004 FEIR described the San Jose General Plan policies relating to the Project and explained why for informational disclosure purposes, the Project was generally compatible with these local policies. The proposed changes to the configuration of parking at the Berryessa Station, as reflected in Design Change 23, do not alter the previous finding.*

With respect to effects on existing land uses, as explained in the 2004 FEIR (page 4.12-4 and Figure 4.12-4 on page 4.12-5), the Berryessa Station area encompasses a portion of the San Jose Flea Market and the Berryessa Industrial Park. Much of the land to the southeast of the site is light industrial and is currently used to store cars and trucks. As described in Section 4.14 of the Draft SEIR (see Table 4.14-2 and Chapter 4, page 195), Design Change 23 would significantly reduce the displacement of flea market vendors, from 400 stalls as described in the 2004 FEIR to only 115 stalls. Design Change 23 would result in the displacement of up to 12 additional industrial businesses as compared to the analysis in the 2004 FEIR, but there would be no displacement of any residences.

The land that would be used for parking and/or transit facilities at the Berryessa Station under Design Change 23 is currently in industrial use. This design change addresses the differences between the 2004 FEIR, Figure 4.12-4 with Draft SEIR, Appendix D, Figures D-7 and D-9. Thus, when one compares the proposed Project with existing physical conditions (see CEQA Guidelines §§ 15125, 15126.2(a)), the land use effects resulting from this design change would largely consist of converting industrial businesses (including properties that are currently used to store cars and trucks) to development, including parking, that would directly support the proposed transit facilities at this site. This change is compatible with the land use policies in San Jose's General Plan that support the development of transit facilities.

By definition, the development of transit-oriented development (TOD) requires the construction and operation of the BART Extension or another major transit facility at this site. The currently planned residential and commercial development in the localized area, would not in itself provide sufficient ridership to support operating a transit facility at this location. As shown in Draft SEIR, Section 4.2, Transportation and Transit, Table 4.2-7, the Berryessa station is projected to support over 7,900 boardings each work day. This equates to 1,400 more boardings than projected in the 2004 FEIR. Thus, additional parking, whether in a parking structure or a surface parking lot, would be required to accommodate the projected increase in BART boardings and to serve a transit facility at this location.

Moreover, the commentor's assertion that the amount of parking allocated to the Berryessa Station has nearly tripled is not correct. The 2004 FEIR, Table 4.2-14 on page 4.2-16, identified the Berryessa Station park-and-ride space requirements as 2,500 spaces plus a shift of 1,000 spaces from Alum Rock at the request of the City of San Jose. Thus, 3,500 parking spaces were included in the Berryessa Station plans in the 2004 FEIR (see 2004 FEIR, Table 4.2-14, note 3). The Draft SEIR, Table 4.2-12, 2030 Project Park-and-Ride Space Requirements, incorrectly identified the 2004 FEIR

Berryessa parking as 1,500 spaces and Alum Rock parking as 3,500 spaces. The numbers were reversed and the correct numbers are 3,500 parking spaces at Berryessa and 1,500 spaces at Alum Rock. Therefore, the SEIR Berryessa Station parking supply is less than a one-fifth increase compared to the 2004 FEIR (4,126 as compared to 3,500), not a tripling as the commentor contends.

The surface parking option was included in the Draft SEIR to reduce costs. Both parking options (surface parking alone, as well as structured parking along with some surface parking), have been evaluated and will be presented to the Board of Directors for their consideration. San Jose V Investors LLC's support for the parking structure option is noted.

The City of San Jose General Plan quite properly provides guidance for the envisioned transit-oriented residential and commercial uses envisioned to surround the BART station at some point in the future. The General Plan does not regulate the design of the BART station itself. The General Plan envisions that a BART station would be developed at Berryessa, and sets forth guidance to maximize the use of transit by surrounding uses. Specifically, City of San Jose General Plan, discussion of the Berryessa Station Area Node, page 148 states that, "All development should foster pedestrian activity and connections to the BART station, trails, parks and possible schools." Therefore, it is incumbent upon adjacent property owners and developers to be responsive to the Berryessa Station Area Node planning.

P-25.2

The proposed Berryessa station layout does not disrupt the existing and planned urban neighborhood. As noted above, the land to be used for parking and/or transit facilities under Design Change 23 is currently used for mostly industrial purposes. Neither of the parking options under Design Change 23 would involve any displacement of residential uses or any disruption of an existing neighborhood.

The existing neighborhood includes residential development to the east that would have direct pedestrian access to the Berryessa Station. The San Jose Flea Market site directly to the west is also being considered for TOD development and, should such a redevelopment go forward, those residents and/or employees would also have direct pedestrian access to BART.

The project supports the City's goal of providing a BART station at Berryessa to serve local ridership, and the areas proposed for parking are designed to accommodate the projected ridership for the station. As discussed above, some of the riders would be able to access BART on foot; however, many more riders would access BART via bus, kiss & ride, or automobile from areas not serviced conveniently by transit. BART stations typically service a wider radius than the immediate station vicinity, and BART must provide parking and access for other transit providers to service that wider community.

P-25.3

There is no piecemealing of the BART Project. VTA has analyzed all aspects and components of the Project that is proposed for approval by VTA's Board of Directors.

The fact that TOD may occur at some point in the future in the vicinity of Berryessa Station does not mean that such future TOD is somehow part of the proposed Project or should be included in the proposed project description. To the contrary, at such time when future TOD projects may be proposed, they would be separate and distinct from the proposed transit facilities, and the City of San Jose (not VTA) will be responsible for conducting an environmental review under CEQA to evaluate the impacts that would be caused by any such projects, and for imposing appropriate mitigation on the project applicants.

The Draft Supplemental EIR did include a cumulative analysis of future TOD surrounding the Berryessa Station to the extent such future development was reasonably foreseeable. Draft Supplemental EIR, Section 4.19, Cumulative Impacts, page 285, lists the specific development projects on the north and south sides of Berryessa Road that were included in the cumulative impact evaluation. For example, the traffic analysis in the Draft SEIR assessed impacts and mitigation measures based on year 2030 higher densities of land use.

P-25.4 *Refer to Response to Comment P-25.3 above.*

P-25.5 *This SEIR is the appropriate environmental clearance document for the proposed Project. As a regional transit agency, VTA has the authority to approve transit projects under its jurisdiction, and is not required to process General Plan Amendments through local jurisdictions. However, VTA has nevertheless coordinated extensively with City of San Jose during the planning process. VTA has also held four public hearings on the Draft SEIR to facilitate public comments. Draft SEIR, Chapter 6 describes agency and community participation in the CEQA review process.*

P-25.6 *The Berryessa Station is one of only six proposed BART stations serving a 16.1 mile extension. Therefore, the station must accommodate a variety of facilities needed for the new transit line, including a station platform, bus transit center, kiss-and-ride, and parking. To facilitate access and reduce traffic impacts, a new roadway is designed to connect to both Berryessa Road and Mabury Road. As a multi-modal transit facility, a substantial area of land is required to support the transit uses.*

P-25.7 *Refer to Responses to Comments P-25.1 and P-25.5.*

P-25.8 *Refer to Response to Comment P-25.5.*