Chapter 3
Environmental Setting, Impacts, and Mitigation

Together, this chapter and the SEIR-2 describe substantial changes in the environmental setting, impacts, and mitigation measures for each of the environmental resource areas that were evaluated in the 2005 Final EIR, the 2007 Final SEIR, and the 2014 Subsequent IS/MND. For each environmental topic, only the proposed changes to the approved project that have the potential to result in an environmental effect or result in a change in adopted mitigation measures are discussed. For a detailed discussion of the existing setting at the time each prior environmental document was prepared, impacts (including thresholds of significance), and mitigation measures, refer to Chapter 4 of the 2005 Final EIR, Chapter 5 of the 2007 Final SEIR, and Chapter 3 of the 2014 Subsequent IS/MND. Table 1-1 in Chapter 1, *Executive Summary*, of the SEIR-2 lists the environmental impacts and mitigation measures that apply to the approved project and the proposed changes to the approved project.

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3.1 Transportation

Potential transportation impacts associated with the proposed changes to the approved project are evaluated in the SEIR-2.

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3.2 Air Quality and Climate Change

Potential air quality and climate change impacts associated with the proposed changes to the approved project are evaluated in the SEIR-2.

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3.3 Biological Resources

This section describes the potential biological resources impacts associated with the proposed changes to the approved project.

Environmental Setting

This section describes the changes to the existing biological resources conditions and applicable regulations subsequent to the certification of the 2014 Subsequent IS/MND. This analysis is based on and supported by the March 28, 2017, *Capitol Expressway Corridor Project – Biological Resources Update* prepared by H.T. Harvey & Associates (H.T. Harvey & Associates 2017). The update included a review of recent information on special-status species occurrences based on the California Natural Diversity Database (CNDDB), Santa Clara Valley Habitat Plan (a combined Habitat Conservation Plan and Natural Community Conservation Plan), and other relevant documents, and a March 2017 reconnaissance survey of the project alignment to assess existing conditions, noting any differences between existing conditions and those previously mapped within the project corridor for the 2005 Final EIR (which was based on 2001–2006 information).

As with the approved project, the proposed changes to the approved project are located within an urban environment consisting of mostly developed habitat with scattered vegetation such as trees and shrubs. Most existing habitat conditions were found to be generally unchanged from those described and mapped for the 2005 Final EIR; changes to existing habitats are described below. Figure 3.3-1 shows the biological habitats in the vicinity of the location of the proposed changes to the approved project. Freshwater marsh habitat is still present as previously mapped along Thompson Creek, and ruderal/burrowing owl (*Athene cunicularia*) habitat is still present in a number of areas on the west side of Capitol Expressway between Ocala Avenue and Tully Road, and on the east side of Capitol Expressway between Cunningham Avenue and Tully Road. Ruderal/streambank habitat is still present in most areas along Silver Creek both upstream and downstream of Capitol Expressway. Conclusions from the 2005 Final EIR regarding special-status wildlife species that remain applicable for the proposed changes to the approved project are as follows.

- California red-legged frogs (*Rana draytonii*) are not expected to disperse to the project corridor, and California red-legged frogs and California tiger salamanders (*Ambystoma californiense*) are both determined to be absent from the project corridor.
- The 2005 Final EIR discussion on aquatic habitat included the western pond turtle (*Actinemys marmorata*) in the list of "special-status species that could occur in aquatic habitat" but indicated that the potential for occurrence of western pond turtles on the site is low. The potential still exists for occurrence of western pond turtles in Thompson Creek or Silver Creek, at least in low numbers.
- The great horned owl (*Bubo virginianus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and Cooper's hawk (*Accipiter cooperii*) are

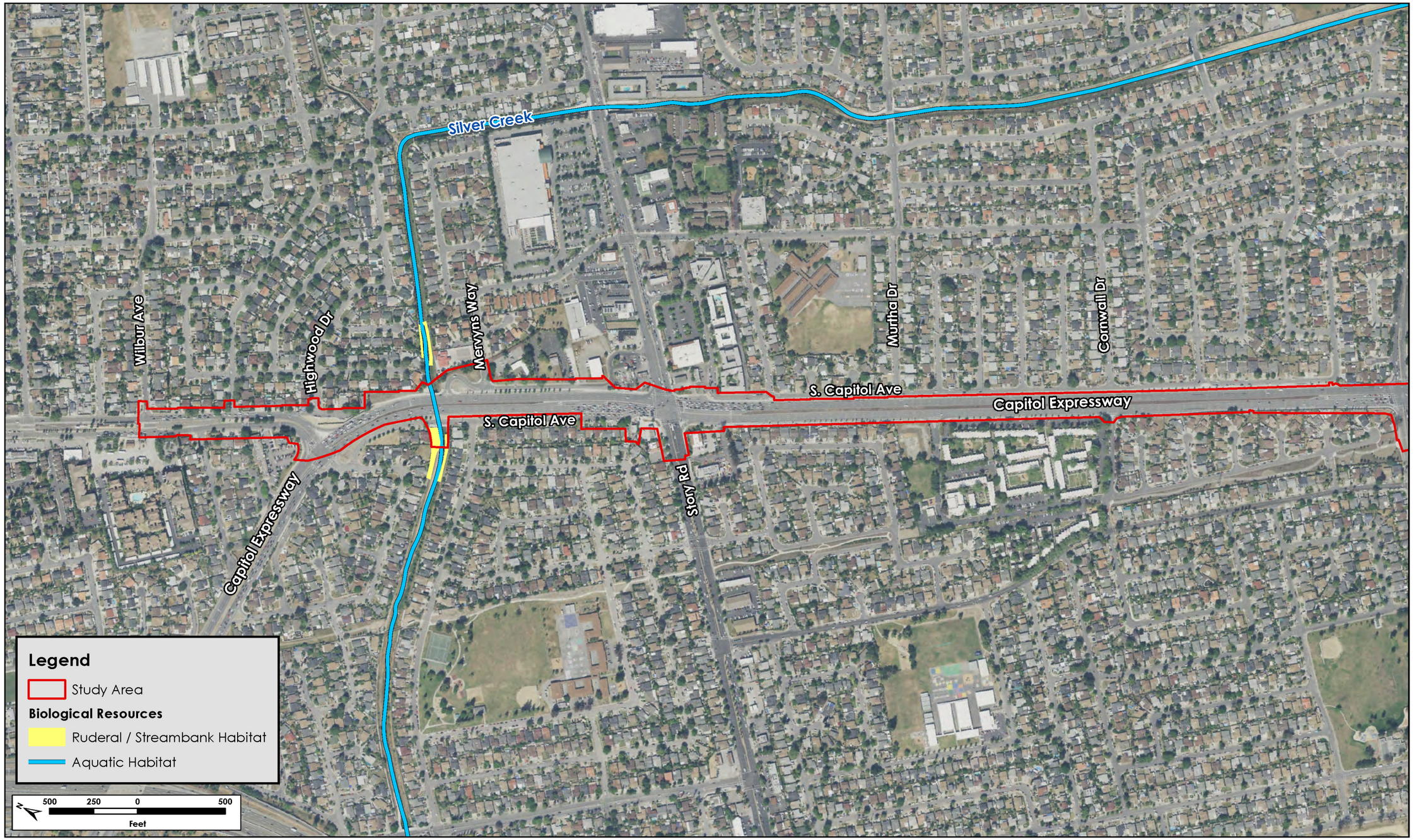
raptors that could nest in the project vicinity. A number of other (non-raptor) bird species could also nest in the project area.

Important changes regarding general habitat conditions within the project corridor since the previous biological resources mapping prepared for the 2005 Final EIR are as follows.

- **Burrowing Owl Habitat.** The extent of ruderal/burrowing owl habitat has been reduced substantially at several locations. Some areas that provided grassy or weedy habitat suitable for burrowing owl nesting, roosting, and/or foraging during the period of 2001 to 2006 currently support bare dirt and gravel without any burrows. The most substantial change has been the replacement of ruderal/burrowing owl habitat on the southwest corner of Tully Road and Capitol Expressway with an auto dealership.
- **Ruderal/streambank habitat transforming to future riparian woodland.** The majority of habitat along Silver Creek on either side of Capitol Expressway, near the north end of the study area, is consistent with ruderal/streambank habitat as described in the 2005 Final EIR. The number and density of willows in this area is not sufficient to characterize the community as riparian at this time, though eventually these willows are expected to mature into riparian woodland.
- **Removal of "California Red-Legged Frog" habitat designation.** The 2005 Final EIR mapped the grassy area on the east side of Capitol Expressway between Cunningham Avenue and Tully Road as "Ruderal/Burrowing Owl and California Red-Legged Frog Upland Habitat." This grassy area is currently unchanged, and still provides ruderal/burrowing owl habitat. However, the "California Red-Legged Frog" habitat designation has been removed, as it is no longer expected to occur in the study area.
- **Nesting Raptors.** The northern harrier (*Circus cyaneus*), identified in the 2005 Final EIR as possibly nesting within the project vicinity, is no longer expected to occur as a breeder.

No changes in habitat conditions or the known distributions of special-status plant species have occurred since 2006 that would suggest that any special-status plant species are expected to occur in the project area. The conclusions of the 2005 Final EIR that no special-status plants occur within the project corridor are still valid. Attachment A of the Second Subsequent IS contains an updated list of special-status species known to occur or with the potential to occur within the project corridor. The updated list was compiled from information provided in the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife databases, including the CNDDB and California Native Plant Society.[1]

[1] This information was generated in February 2018. The USFWS information was generated for the project corridor; the CNDDB and California Native Plant Society information was generated for the San Jose East Quadrangle, which includes the project corridor.



Source: H.T. Harvey & Associates 2017.

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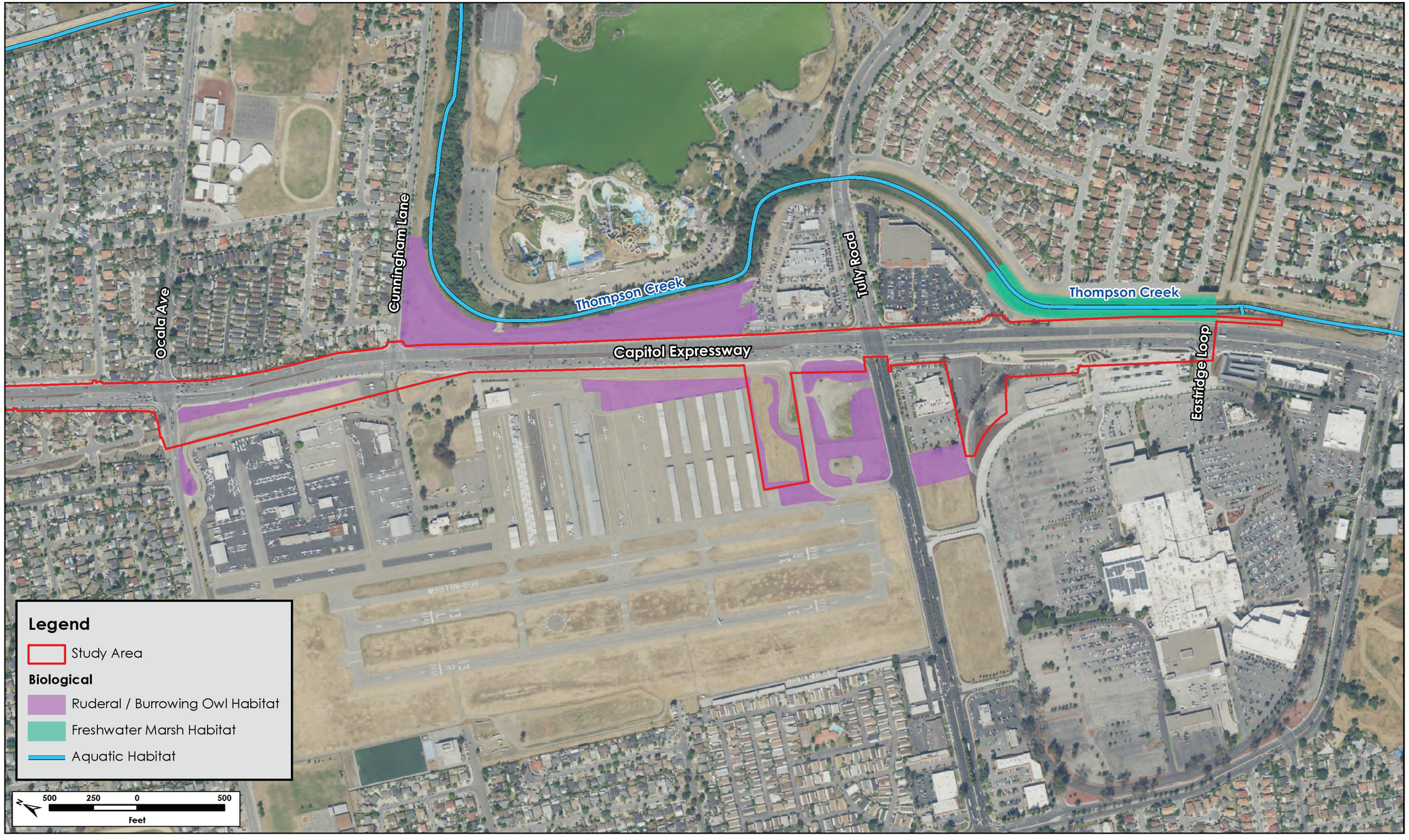
Figure 3.3-1
Biological Habitats in the Vicinity of the Proposed Changes (sheet 1 of 2)



Source: H.T. Harvey & Associates 2017.

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Figure 3.3-1
Biological Habitats in the Vicinity of the Proposed Changes (sheet 2 of 2)

In 2013 the Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County, and the cities of Gilroy, Morgan Hill, and San Jose adopted the Santa Clara Valley Habitat Plan (Santa Clara Valley Habitat Agency 2012). The Plan promotes the protection and recovery of certain special status species, called "covered species", while accommodating planned public and private development infrastructure, and maintenance activities in accordance with applicable laws. The Plan encompasses the Llagas/Uvas/Pajaro watersheds within Santa Clara County; all of the Coyote Creek watershed, except for the Baylands; a large portion of the Guadalupe watershed; and small areas outside of these watersheds. The Plan was developed in association with USFWS and the California Department of Fish and Wildlife and in consultation with a stakeholder group and the general public with the goal of protecting and enhancing ecological diversity in more than 500,000 acres of Santa Clara County. To this end, the Plan describes how to avoid, minimize, and mitigate impacts on covered species, thereby addressing the permitting requirements relevant to these species for activities conducted in the Plan area. The approved project and the proposed changes to the approved project are not a "covered activity" under the Plan. Therefore, any impacts to covered species or natural habitats would not be mitigated through the Plan unless the project "opts in" to the Plan.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant biological resource impacts compared to the impacts previously identified and analyzed for the approved project. Regarding burrowing owls, this impact discussion focuses on the reduced impacts associated with the proposed changes to the approved project.

The majority of proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; and modification to Story Station pedestrian access) would involve modifications to approved project structures that are located fully within an urbanized, developed environment, such as existing paved arterial roadways, sidewalks, and parking areas. Similarly, although the proposed extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections would require a greater amount of ground-disturbing activities compared to the approved project, it would be located in the median, which is an urbanized, developed environment. In addition, the proposed relocation of a construction staging area would involve the use of a different vacant area along the project corridor, which is unlikely to include sensitive biological resources due to the disturbed nature of the habitat within the project corridor. Furthermore, Pacific Gas & Electric (PG&E) updated its design to relocate approximately 1.4 miles of PG&E's double-circuit Milpitas- Swift and McKee- Piercy 155 kilovolt (kV) power line electrical facilities (lines) as part of the proposed changes to the approved project. There are currently six steel lattice towers and two tubular steel poles (TSPs) located along the Capitol Expressway between Ocala Avenue and Quimby Road in the City of San Jose.

These eight structures would be replaced with a total of 10 TSPs as part of the proposed changes compared to the 8 TSPs that were included in the approved project. It is unlikely that the TSPs would be located in an area that includes sensitive biological resources due to the disturbed nature of the habitat within the project corridor and this change would not increase the potential construction impacts beyond the impacts previously identified and analyzed for the approved project. Due to the absence of biological resources in these areas, the proposed changes to the approved project would not introduce new or more significant impacts related to biological resources, and many impacts identified in the 2005 Final EIR would not apply to the proposed changes to the approved project.

One proposed change to the approved project (the revisions to Capitol Expressway roadway lane configurations) would require a greater amount of ground-disturbing activities compared to the approved project that could impact adjacent biological resources. The proposed change would require limited amounts of roadway widening that could encroach on greater amounts of adjacent ruderal and freshwater marsh habitat. The impact discussion below focuses on these proposed change to the approved project that could result in new or greater impacts, beyond those identified and analyzed for the approved project.

Impact: The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project:

- BIO-7 (Permanent Loss of Biological Habitats or Disturbance to Inhabiting Species),
- BIO-14 (Temporary Disturbance of Nesting Raptors during Construction, Including Swallows),
- BIO-15 (Temporary Disturbance of Nesting Habitat for Migratory Birds, Including Swallows), and
- BIO-18 (Loss of Urban Trees).

The March 28, 2017 *Capitol Expressway Corridor Project – Biological Resources Update* determined that burrowing owls do not currently nest on or near the project corridor, and have not nested in the vicinity in three or more years. Thus, it is assumed that breeding burrowing owls are currently absent from the study area. As a result, the proposed changes to the approved project would not result in a significant impact on burrowing owl habitat. Ruderal habitat impacted by the proposed changes to the approved project is ostensibly suitable for the species, and it is possible that occasional migrant or wintering owls may roost or forage on the site. However, because burrowing owls are more abundant and widespread in the South Bay in winter than during the breeding season, suitable habitat for migrants and wintering owls is unlikely to limit South Bay burrowing owl populations. Therefore, impacts on potential, but unoccupied, burrowing owl habitat resulting from the proposed changes to the

approved project would not adversely affect baseline regional burrowing owl populations. Thus, the compensatory mitigation for habitat impacts described in the 2005 Final EIR as part of Mitigation Measure BIO-7 is not necessary and the mitigation measure has been revised below accordingly. Nevertheless, ostensibly suitable habitat is present within the project corridor, and there is some potential for burrowing owls to occur in the project corridor, at least as occasional migrants or winter visitors.

The 2005 Final EIR includes the western pond turtle in the discussion of special-status species that could occur in aquatic habitat, but indicates that the potential for its occurrence on the site is low. The Santa Clara Valley Habitat Plan maps the reach of Thompson Creek south and west of Lake Cunningham as "primary habitat" for the western pond turtle, however biologists did not observe any western pond turtles in either Thompson Creek or Silver Creek during surveys. Nevertheless, this species has the potential to occur in either creek. Western pond turtles are known to occur in permanent or ephemeral aquatic habitats such as rivers, streams, lakes, ponds, lagoons, and marshes, as well as artificial aquatic habitats such as reservoirs, stock ponds, gravel pits, and sewage treatment plants. Turtles use these aquatic habitats for both foraging and dispersing, with known dispersal distances along stream corridors of over 3.1 miles. Stagnant or slack-water relatively deep pools within these aquatic habitats that contain suitable basking and hiding spots (such as exposed and subsurface woody debris, exposed rocks, rooted or undercut banks, emergent vegetation, and branches at the water surface) are important habitat elements for this species, and western pond turtles seem to avoid aquatic habitats that lack these habitat elements. Although neither creek currently contains optimal habitat for the western pond turtle, some of the habitat elements preferred by western pond turtles are present and thus this species could occur here, at least in low numbers. The magnitude of anticipated impacts on this species due to the proposed changes to the approved project would be very low, if at all, given the low number of western pond turtles that may be present in or near the project area. Nevertheless, Mitigation Measure BIO-12 would ensure that impacts to individual western pond turtles do not occur during project construction.

Mitigation: The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project:

- BIO-7 (Conduct Preconstruction Surveys for Nesting and Wintering Western Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls Are Present),

- BIO-12 (Conduct Preconstruction Surveys for Western Pond Turtles and Implement Measures to Avoid or Minimize Adverse Effects if Turtles are Present),
- BIO-14a (Conduct a Preconstruction Survey for Nesting Raptors),
- BIO-14b (Avoid Active Raptor Nests during the Nesting Season),
- Mitigation Measure BIO-15 (Conduct Preconstruction Surveys for Nesting Migratory Birds),
- BIO-18a (Conduct a Tree Survey to Assess Tree Resources Impacted), and
- BIO-18b (Replace Trees).

Mitigation Measure BIO-7 has been revised based on the recommendations in the March 28, 2017 *Capitol Expressway Corridor Project – Biological Resources Update*. In addition, Mitigation Measures BIO-12, BIO-14a, and BIO-15 have been modified to reflect current conditions as well as current biological resources standards and recommendations by the California Department of Fish and Wildlife (CDFW).

Mitigation Measure BIO-7

Preconstruction surveys for Western burrowing owls shall be conducted by a qualified ornithologist before any development within the habitat identified in Figure 3.3-1. These surveys, which shall include any potentially suitable habitat within 250 feet of construction areas, shall be conducted no more than 30 days before the start of site grading, regardless of the time of year in which grading occurs. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow must be established as determined by the ornithologist in consultation with CDFW. No activities, including grading or other construction work or relocation of owls, would proceed that may disturb breeding owls. If owls are resident within 250 feet of the Project Area during the nonbreeding season a qualified ornithologist, in consultation with CDFW, shall passively relocate (evict) the owls to avoid the loss of any individuals if the owls are close enough that they or their burrows could potentially be harmed by associated activities.

Mitigation Measure BIO-12

Preconstruction surveys for western pond turtles shall be conducted by a qualified biologist just prior to (i.e., the day of) initiation of any construction in non-developed habitat that occurs within 100 feet of Thompson Creek. If any individual western pond turtles are detected within the project's impact areas, the individuals shall be moved to

suitable habitat within the nearest creek, at least 300 feet outside the project area.

Mitigation Measure BIO-14a

Preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during implementation of the Project. This survey shall be conducted within 48 hours of construction activity during the breeding season. For nesting raptors, the breeding season is from January 1 to August 31. During this survey, the ornithologist would inspect all trees and suitable grassland habitat in and immediately adjacent to the affected areas for raptor nests. If the survey does not identify any nesting special-status raptor species in the area potentially affected by the proposed activity, no further mitigation is required.

Mitigation Measure BIO-15

If construction activities are scheduled to occur during the migratory bird breeding season (February 1-August 31), a preconstruction survey for nesting migratory birds shall be conducted prior to commencement of construction activities. If an active nest is identified within the study area, construction activities will stop (only where a nest is located) until the young fledge or the nest is removed in accordance with CDFW approval.

Inclusion of these mitigation measures would reduce these impacts to "Less than Significant."

Less-than-significant impact with mitigation.

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3.4 Community Services

This section describes the potential community services impacts associated with the proposed changes to the approved project.

Environmental Setting

There are numerous community facilities located near the Capitol Expressway corridor, including police stations, fire stations, schools, parks, community centers, hospitals, libraries, and places of worship. Table 3.4-1 provides details on the communitiy facilities identified in the 2005 Final EIR and the four new community facilities located within 0.25 mile of the location of the proposed changes to the approved project since the publication of the 2014 Subsequent IS/MND.[2]

Table 3.4-1 Community Facilities Near the Capitol Expressway Corridor

Name of Facility[1]	Address (Nearest Major Cross Street)	Distance from Corridor (miles)[2]
Preschool and Elementary Schools		
Play N' Learn Preschool	505 Massar Avenue (Dobern Avenue/Abed Court)	0.2 mile on Highwood Drive to Penrod Place to Massar Avenue
Reach Montessori Preschool	2490 Story Road (Capitol Expressway)	0.2 mile west on Story Road
A.J. Dorsa Elementary	1290 Bal Harbor Drive (Decatur Drive)	0.2 mile west on Bal Harbor Drive
Holly Oak	2995 Rossmore Way (White Road)	0.5 mile east between Quimby and Aborn Roads; no direct access
Lyndale	13901 Nordyke Drive (White Road)	0.4 mile east on Wilbur Avenue
Most Holy Trinity	1940 Cunningham Avenue (Kind Road)	0.6 mile west on Ocala Avenue to Winter Park Way to Cunningham Way
Sylvia Cassell	1300 Tallahassee Drive (Story Road)	0.3 mile west between Story Road and Ocala Avenue; no direct access
William Rogers	2999 Ridgemont Drive (Ocala Avenue)	0.4 mile east on Ocala Avenue to Ridgemont Drive
Junior High/ Intermediate/ Middle Schools		
George V. Leyva Intermediate	1865 Monrovia Dive (Aborn Road)	0.2 mile west on Aborn Road to Irwindale Drive

[2] As discussed in the 2005 Final EIR, the 0.25-mile threshold is significant because people are typically willing to walk approximately 0.25-mile (which takes approximately 5 minutes) to a transit stop.

Name of Facility[1]	Address (Nearest Major Cross Street)	Distance from Corridor (miles)[2]
High Schools		
East Valley Christian High	2715 South White Road (Quimby Road)	0.6 mile east on Quimby Road to White Road
James Lick High	57 North White Road (Alum Rock Avenue)	0.3 mile east on Alum Rock Avenue
Mount Pleasant High	1750 South White Road (Ocala Avenue)	0.6 mile east on Ocala Avenue to White Road
Libraries		
Hillview Branch	2255 Ocala Avenue (Capitol Expressway)	0.3 mile west on Ocala Avenue
Places of Worship		
Grace Community Baptist Church	2801 Florence Avenue (Capitol Avenue)	0.1 mile east on Florence Avenue
Eastside Church of God	2490 Story Road (Capitol Expressway)	0.2 miles west on Story Road
Major Parks		
Hillview	2251 Ocala Avenue (Capitol Expressway)	0.3 mile west on Ocala Avenue
Lake Cunningham	2305 South White Road (Tully Road)	0.2 mile east on Tully Road
Thompson Creek Trail[3]	Capitol Expressway and Tully Road	0.03 east on Tully Road
Fire Stations		
Station No. 16	2001 South King Road (Cunningham Avenue)	0.9 mile west on Ocala Avenue to King Road
Station No. 24	2525 Aborn Road (Nieman Boulevard)	0.4 mile east on Aborn Road
Regional Facilities		
National Hispanic University	14271 Story Road (White Road)	0.7 mile east on Story Road
Reid-Hillview Airport	2350 Cunningham Avenue (Capitol Expressway)	0.2 mile west on Cunningham Avenue

Notes:

[1] Shaded row indicates a new community facility located within 0.25 mile of the location of the proposed changes to the approved project since the publication of the 2014 Subsequent IS/MND.

[2] Distance was measured from the facility to the nearest portion of the corridor where the approved project or proposed changes to the approved project would be located.

[3] Additional information regarding the Thompson Creek Trail is provided in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*.

Source: VTA 2005; GoogleEarth 2018; ICF 2018; VTA 2012.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant community services impacts compared to the impacts previously identified and analyzed for the approved project.

As with the approved project, the proposed changes to the approved project would not generate an increase in population that would require additional community services or change existing police and fire service ratios. In addition, the proposed changes would not affect access to the community service facilities or result in alterations or displacements of these facilities.

Similar to the approved project, construction activities associated with the proposed changes to the approved project would temporarily disrupt emergency access within the project corridor. However, the construction activities would not disrupt emergency access beyond what was previously identified and analyzed for the approved project and the effect would be temporary. In addition, construction of the foundation for TSP No. 53A, TSP No. 54, and TSP No. 55 may require temporary closure of the Thompson Creek Trail for safety during drilling, and foundation work. However, this closure would be temporary with a duration of approximately 10 to 15 days per pole and would include the appropriate detour information and signage. Thus, the construction activities associated with the proposed changes would not increase community services impacts beyond what was previously identified and analyzed for the approved project.

The majority of the proposed changes to the approved project (including the modifications to Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; and modification to Story Station pedestrian access) would involve modifications to existing or approved project structures. Thus, these proposed changes would not result in changes to emergency response times beyond those previously identified and analyzed for the approved project. In addition, the proposed relocation of a construction staging area and the proposed relocation of PG&E's electrical transmission facilities would not increase emergency response times.

Two proposed changes to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and revisions to Capitol Expressway roadway lane configurations) could change roadway circulation and emergency response times compared to the approved project. The proposed replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would reduce the potential for vehicle, train, and emergency vehicle conflicts along Capitol Expressway compared to the conflicts previously identified and analyzed for the approved project. In addition, this proposed change would avoid the potential for delays at light rail grade crossings identified and analyzed for the approved project. Furthermore, the proposed creation of four general purpose traffic lanes in each direction with a center median between Story Road and Capitol Avenue and the addition of right and left turn lanes on Capitol Expressway would improve vehicle circulation and access for emergency vehicles by allowing more space for emergency vehicles to pass

other vehicles compared to the approved project. Similar to the approved project, VTA would coordinate development of evacuation plans for the proposed aerial guideway to ensure the safety of light rail patrons and operators. Thus, these proposed changes to the approved project would be beneficial to and would improve emergency response times compared to the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to community services.

The following impact from the 2005 Final EIR would apply to the proposed changes to the approved project: CS (Construction)-1 (Temporary Disruption of Emergency Access).

Mitigation: Operation. None required. There is "No Impact."

Construction. The following mitigation measure identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: Mitigation Measure CS (CON)-1 (Coordinate with Emergency Service Providers). Inclusion of this mitigation measure would reduce this impact to "Less than Significant."

Less-than-significant operational and construction impact with mitigation.

3.5 Cultural Resources

This section describes the potential cultural resources impacts associated with the proposed changes to the approved project.

Environmental Setting

The following discussion describes the changes to the existing cultural resources conditions subsequent to the certification of the 2014 Subsequent IS/MND.

HISTORICAL RESOURCES

The 2014 Subsequent IS/MND stated that there were no historical resources within the vicinity of the changes to the project analyzed in that environmental document based on the 2010 update to the *Cultural Resources Identification and Evaluation Report* (CRIER) (ICF International 2010). The 2010 CRIER stated that 15 properties constructed before 1965 (45 years prior to the completion of the CRIER) were located adjacent to the project footprint. None of these 15 properties qualified as a historical resource for the purposes of California Environmental Quality Act (CEQA) review.

Two properties constructed between 1966 and 1968 (1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue) are located adjacent to the proposed changes to the project. Figure 3.5-1 shows the existing buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue. While these properties were not considered for their potential to be CEQA historical resources in past studies including the 2014 Subsequent IS/MND, they have since become eligible for consideration (over 50 years old). Therefore, these properties require California Register of Historical Resources (CRHR) evaluation. Neither building has previously been evaluated for listing in the CRHR or has otherwise been evaluated to determine its CEQA historical resource status. Both buildings were recorded and evaluated for listing in the CRHR during an intensive-level historical resources survey on May 22, 2018. ICF documented the CRHR evaluations on Department of Parks and Recreation 523A (Primary Record) and 523B (Building, Structure, Object) forms completed for each building (included in Attachment B of the Second Subsequent IS). The CRHR evaluations concluded that neither building meets the criteria for listing in the CRHR; thus, 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue do not qualify as historical resources under CEQA. Therefore, no additional historical resources are located adjacent to the location of the proposed changes to the project.

a. View of the building at 1091-1093 S. Capitol Avenue.

b. View of the building at 1148 S. Capitol Avenue.

Source: ICF 2018.

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Figure 3.5-1
1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue

A summary of the evaluations for the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue under CRHR Criteria 1 through 4 is provided below.

- **Criterion 1 (Events):** The buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue were constructed during the second half of the 1960s and are typical examples of suburban commercial retail development in eastern San Jose from this period. Neither property represents a prominent or influential instance of commercial development within the context of San Jose's low-density suburban expansion in the post-World War II period. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 1.
- **Criterion 2 (Persons):** Past owners and individuals associated with the commercial tenants of 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not known to have made important contributions to local, California, or national history that are directly conveyed through the subject properties. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 2.
- **Criterion 3 (Architecture/Design):** Both 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are commercial retail buildings designed in a vernacular mid-century modern architectural style that is common throughout San Jose, Santa Clara County, and California as a whole. The buildings are unremarkable examples of 1960s-era commercial architecture and do not possess high artistic merit. The buildings' architects have not been identified, and neither building appears to be the work of a master architect or designer. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 3.
- **Criterion 4 (Information Potential):** Neither the building at 1091–1093 S. Capitol Avenue nor the building at 1148 S. Capitol Avenue appears to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 4.

ARCHAEOLOGICAL RESOURCES

Based on the 2010 CRIER, the 2014 Subsequent IS/MND did not identify any archaeological resources within the project footprint. The following discussion is based on and supported by the May 16, 2018, *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Final Cultural Resources Memorandum* (Attachment C of the Second Subsequent IS). The memorandum reviewed the findings of previous analyses, performed an updated records review and continued Native American consultation, and reviewed previous analyses of buried archaeological resource sensitivity. As summarized below, these efforts did not identify any newly recorded archaeological resources within the area in which direct ground disturbance is anticipated as a result of the proposed changes (the project footprint). An updated literature review at

the Sonoma State University Northwest Information Center did not identify any new known archaeological resources within the project footprint.

As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, effective July 1, 2015, Assembly Bill (AB) 52 formally established new requirements under CEQA to protect tribal cultural resources. AB 52 requires the lead agency under CEQA to consult with California Native American tribes who have requested consultation as of July 2015, as described in Public Resources Code § 21080.3.1, subdivisions (b), (d), and Chapter 532 Statutes of 2014. In February, 2018 Santa Clara Valley Transportation Authority (VTA) mailed letters serving as formal notification under AB 52 to all nine previously contacted individuals to continue consultation with local Native American individuals. VTA requested an updated Native American Heritage Commission (NAHC) Sacred Lands File search and list of parties who hold affiliations with the general area in February 2018. The NAHC responded on March 1, 2018 with a negative Sacred Lands File search and a list of six tribal representatives, five of which were included in previous consultation. In April 2018, a letter serving as formal notification under AB 52 was mailed to one new individual (Katherine Erolinda Perez, Chairperson of the North Valley Yokuts Tribe) identified in the 2018 NAHC response. To date, no comments were received from those individuals that VTA staff were able to reach and no responses have been received.

In addition, a desktop-based geoarchaeological sensitivity analysis revealed that the project footprint is underlain by landforms that have sensitivity for containing unknown buried archaeological resources. The presence of such landforms were verified by a previous geoarchaeological field study (Psota 2015). Although the previous geoarchaeological field study did not identify any buried archaeological resources or surfaces, the sample size of the study was not large enough to rule out the potential for encountering unknown buried archaeological resources.

Environmental Impacts and Mitigation

The impact discussion in this section primarily focuses on the proposed changes to the approved project that could result in new or more significant cultural resources impacts compared to the impacts previously identified and analyzed for the approved project.

As with the approved project, there are no historical resources as defined in Section 15064.5 of the CEQA Guidelines located within or adjacent to the location of the proposed changes to the approved project. As such, the proposed changes to the approved project would not result in changes to the significance of a historical resource or additional impacts on historical resources beyond the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to historical resources.

Mitigation: None required. There is "No Impact."

No impact. No mitigation required.

As with the approved project, there are no known archaeological resources located within the project footprint for the proposed changes to the approved project. Similarly, there are no isolated human remains, cemeteries, or archaeological resources that contain human remains identified within the project corridor according to the updated literature review at the Sonoma State University Northwest Information Center. As such, the proposed changes to the approved project would not result in additional impacts on known archaeological resources (including human remains) compared to the impacts previously identified and analyzed for the approved project. However, the horizontal and vertical extent of ground disturbing activities associated with some of the proposed changes to the approved project (specifically, pile driving and the minor shift in the location and straightening of the Story Station pedestrian overcrossing) would be different than those analyzed for the approved project. Thus, the proposed changes to the approved project could result in impacts on unknown archaeological resources.

Impact: The May 16, 2018 *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Final Cultural Resources Memorandum* indicates that the total amount of ground disturbance from the instances where the proposed changes to the approved project (0.06 acre) would account for a very small percentage (0.7 percent) of the 9-acre project footprint. Therefore, the conclusions of the prior archaeological reports have not changed, and the potential for the proposed changes to the approved project to affect as-yet undocumented archaeological resources would be minimal.

The following procedures represent standard practice that would be followed in the case of inadvertent discovery of buried cultural resources and human remains:

- **Stop work immediately if buried cultural deposits are encountered during construction activities.** Should any cultural and/or archaeological resources be discovered (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) during construction activities, VTA shall suspend work in the immediate vicinity, and VTA's construction inspector shall contact VTA's Environmental Programs Department to coordinate site investigations by a qualified archaeologist to assess the materials and determine their significance.

- **Stop work immediately if human remains are encountered during construction activities:** If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety

Code, VTA and Contractor shall immediately suspend work in the immediate vicinity and contact the Santa Clara County coroner. If the Santa Clara County coroner determines the remains are Native American in origin, VTA will contact the Native American Heritage Commission to request a Most Likely Descendent to coordinate the disposition of the remains.

- **Native American monitoring during construction:** VTA shall retain the services of a Native American monitor during construction involving subsurface excavation between Cunningham Avenue and Quimby Avenue.

Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to archaeological resources (including human remains).

Mitigation: None required. With inclusion of the standard practice procedures, there is "No Impact."

No impact. No mitigation required.

As with the approved project, the potential is low for a unique paleontological resource or site to occur in the Capitol Expressway corridor. As such, the proposed changes to the approved project would not result in the direct or indirect destruction of a unique paleontological resource or site beyond the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to paleontological resources.

Mitigation: None required. This impact is "Less than Significant."

Less-than-significant impact. No mitigation required.

3.6 Electromagnetic Fields

This section describes the potential for health effects from electromagnetic fields (EMF) associated with the proposed changes to the approved project. EMF are invisible, non-ionizing, low-frequency radiation. Concerns about EMF exposure pertains to its ability to interfere with other electrical systems and have adverse biological effects. Examples of sources of EMF generation include traction power systems and substations, communications, and electrically powered light rail vehicles.

Environmental Setting

The existing EMF conditions and applicable regulations remain unchanged since the 2014 Subsequent IS/MND.

Environmental Impacts and Mitigation

The impact discussion below primarily focuses on the proposed changes to the approved project that could result in new or more significant EMF impacts compared to the impacts previously identified and analyzed for the approved project.

The majority of proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; and modification to Story Station pedestrian access) would involve modifications to existing or approved project structures. Thus, these proposed changes would not result in additional sources of EMF generation or exposure to EMF beyond the level of exposure previously identified and analyzed for the approved project. In addition, the proposed relocation of a construction staging area would not result in additional sources of EMF generation. Furthermore, the proposed extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections would result in an elevation change associated with the overhead contact system (OCS), which transmits electrical energy to light rail vehicles. In the vicinity of Cunningham Avenue, where PG&E wirelines crossing Capitol Expressway would overlap with the proposed aerial guideway, there may be potential for inductance, which is the property of an electric circulate by which a varying current produces a varying magnetic field that induces voltage in the same circuit or a nearby circuit. However, it is not anticipated that an increase in exposure to EMF would occur beyond what was previously identified and analyzed for the approved project. In addition, the proximity of the OCS, traction power, and control equipment under the floor of a light rail vehicle (sources of EMF generation) to light rail vehicles and stations (where passengers and train operators are located) would not change compared to the approved project. Finally, there are currently six steel lattice towers and two tubular steel poles (TSPs) located along the Capitol Expressway between Ocala Avenue and Quimby Road in the City of San Jose. These eight structures would be replaced with a total of 10 TSPs as part of the proposed changes compared to the 8 TSPs that were included in the approved project. This change would not substantially increase

the proximity of TSPs (sources of EMF generation) to light rail vehicles and stations. Thus, these proposed changes to the approved project would not increase the level of exposure to EMF previously identified and analyzed for the approved project. Typical EMF levels experienced within a light rail car would remain the same as presented in the 2005 Final EIR, which would be approximately 50 percent below ACGIH's threshold.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to EMF.

The following impact from the 2005 Final EIR would still apply to the proposed changes to the approved project: EMF-2 (Effects from Direct Current Magnetic Fields that Exceed the Guidelines of ACGIH).

Mitigation: None required. This impact is "Less than Significant."

Less-than-significant impact. No mitigation required.

3.7 Energy

This section describes the potential for energy impacts associated with the proposed changes to the approved project.

Environmental Setting

The 2014 Subsequent IS/MND stated that the state's power infrastructure and supply will have sufficient thermal capacity to handle the Greater Bay Area through 2024. In the most recent projections, the 2017-2018 CAISO Transmission Plan indicates that there are some reliability concerns consisting of thermal overloads. However, these concerns are mostly addressed by previously approved projects, and the 2017-2018 CAISO Transmission Plan identifies additional mitigation requirements to further address these concerns (CAISO 2018).

The following regulations were adopted or updated subsequent to the certification of the 2014 Subsequent IS/MND:

- **Senate Bill 350—De Leon (Clean Energy and Pollution Reduction Act of 2015) (2015).** Senate Bill (SB) 350 was approved by the California legislature in September 2015 and signed by Governor Brown in October 2015. Its key provisions are to require the following by 2030: (1) a renewables portfolio standard of 50% and (2) a doubling of energy efficiency (electrical and natural gas) by 2030, including improvements to the efficiency of existing buildings. These mandates will be implemented by future actions of the California Public Utilities Commission and California Energy Commission.
- **Senate Bill 1389 (2002) and California Integrated Energy Policy Report.** SB 1389 requires the CEC to develop an integrated energy plan for electricity, natural gas, and transportation fuels. The energy plan is to be updated biannually and support improvements to the California energy system that reduce air pollution, congestion, and wasteful energy use. The current Integrated Energy Policy Report (IEPR) was updated in 2018 and covers a broad range of topics, including, but not limited to, environmental performance of the electricity generation system, landscape-scale planning, transportation fuel supply reliability, climate adaptation activities, and climate and sea level rise scenarios.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant energy impacts compared to the impacts previously identified and analyzed for the approved project.

Similar to the approved project, construction activities associated with the proposed changes to the approved project would temporarily consume energy. However, the construction activities would not increase the consumption of nonrenewable energy

resources in a wasteful, inefficient, and/or unnecessary manner beyond what was previously identified and analyzed for the approved project.

The majority of proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; modification to Story Station pedestrian access; and the proposed relocation of PG&E electrical transmission facilities) would involve modifications to existing or approved project structures. Thus, these proposed changes would not result in additional energy demand compared to the level of exposure previously identified and analyzed for the approved project. In addition, the proposed relocation of a construction staging area would not result in additional energy demand.

One proposed change to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections) would result in fewer vehicle miles traveled and better intersection performance compared to the approved project, as discussed in Section 5.1, *Transportation*, of the SEIR-2. The replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would enable light rail vehicles to travel at increased speeds compared to the approved project. The increased speeds would result in better system performance. Thus, ridership could increase, which would lead to lower fuel consumption in private vehicles and lower energy consumption for this proposed change to the approved project compared to the approved project. In addition, it is anticipated that the proposed replacement of the at-grade track alignment with an aerial guideway would result in slightly less energy consumption compared to the approved project because the elevated guideway would allow light rail vehicles to avoid traffic signal delay that would occur at intersections for an at-grade alignment. By avoiding traffic signal delay, this proposed change to the project would eliminate the need for additional energy required for light rail vehicle acceleration at intersections. Thus, the system would operate more efficiently, which would lead to lower energy consumption. Although the acceleration effect is anticipated to be minor, this proposed change to the approved project would result in lower energy consumption compared to the impacts previously identified and analyzed for the approved project.

In the 2007 Final SEIR, VTA identified a significant and unavoidable impact to electrical transmission infrastructure during periods of peak demand as the electricity generation and transmission network in California came under increasing strain to meet growing demand from population and economic growth, higher-than-average summer temperatures, and decreasing consumer conservation efforts. Since then, conditions have changed dramatically. As discussed above, the 2017-2018 CAISO Transmission Plan indicates that there are some reliability concerns consisting of thermal overloads. However, these concerns are mostly addressed by previously approved projects, and the 2017-2018 CAISO Transmission Plan identifies additional mitigation requirements to further address these concerns. Given the state's current projections, this increase in electricity demand during peak periods is not considered to represent an adverse effect. As a result, this effect is no longer considered significant and unavoidable.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to energy.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: E (CON)-1 (Consumption of Nonrenewable Energy Resources in a Wasteful, Inefficient, and/or Unnecessary Manner from Project Construction), E (CON)-2 (Consumption of Nonrenewable Energy Resources in a Wasteful, Inefficient, and Unnecessary Manner from Secondary Facilities Activities), E-7 (Place a Substantial Demand on Regional Energy Supply), E-8 (Significantly Increase Peak and Base Period Electricity Demand), and E-9 (Increase Demand on Electricity Transmission Infrastructure).

Mitigation: Operation. None required. This impact is "Less than Significant."

Construction. The following mitigation measure identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: Mitigation Measure E (CON)-1 (Adopt Energy Conservation Measures).

Inclusion of this mitigation measure would reduce this impact to "Less than Significant."

Less-than-significant operational and construction impact with mitigation.

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3.8 Geology, Soils, and Seismicity

This section describes the potential geology, soils, and seismicity impacts associated with the proposed changes to the approved project.

Environmental Setting

The existing geology, soils, and seismicity conditions remain unchanged subsequent to the certification of the 2014 Subsequent IS/MND. Previously, the Uniform Building Code was used as a standard reference in California for earthquake and seismic design measures. Since the certification of the 2014 Subsequent IS/MND, the City of San Jose has updated this standard reference to the current California Building Standards Code (San Jose Municipal Code 24.01.120) (City of San Jose 2018).

As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, the California Supreme Court concluded in its *California Building Industry Association v. Bay Area Air Quality Management District* decision that "the California Environmental Quality Act (CEQA) generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." With this ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing seismic hazards on new project receptors) to be an impact requiring consideration under CEQA, unless the project could exacerbate an existing environmental hazard. The proposed changes to the approved project would not change existing seismic hazards and, thus, would not exacerbate certain existing hazards. Therefore, the seismic hazards impact discussion is provided below for informational purposes only.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant geology, soils, and seismicity impacts compared to the impacts previously identified and analyzed for the approved project.

As with the approved project, the proposed changes to the approved project would be located approximately 2 miles east of the active Hayward fault. The location of the proposed changes to the approved project would not traverse the fault.

The majority of proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; shifting and straightening of Story Station pedestrian overcrossing; modification to Story Station pedestrian access; and relocation of a construction staging area) would not introduce new facilities or structures that could be subject to geologic hazards. Thus, these proposed changes would not increase the potential for human injury or loss resulting from geologic hazards beyond the impacts previously identified and analyzed for the approved project.

Two proposed changes to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and the proposed relocation of PG&E electrical transmission facilities) would include new structures that could be subject to geological hazards. Similar to the approved project, these proposed changes would be located in an area of strong seismic ground shaking; areas that are highly susceptible to liquefaction; areas that may be susceptible to lateral spread, subsidence, and collapse; and areas that may be on expansive soils. However, the proposed aerial structure and the Tubular Steel Poles (TSPs) would not increase the potential for human injury or loss resulting from geological hazards or structural failures during strong seismic ground shaking occurrences compared to the impacts previously identified and analyzed for the proposed project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to geology, soils, and seismicity.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: GEO-4 (Risk Caused by Strong Seismic Ground Shaking), GEO-5 (Risk Caused by Seismic-Related Ground Failure, Including Liquefaction), GEO-6 (Risks from Lateral Spreading, Subsidence, and Collapse), and GEO-7 (Risk Caused by Expansive Soil).

Mitigation: The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: GEO-4 (Incorporate Caltrans Seismic Design Criteria), GEO-5 (Incorporate Liquefaction Minimization Methods to Prevent Localized Liquefaction), GEO-6 (Implement Proper Construction Methods to Minimize Risk of Lateral Spreading, Subsidence, and Collapse Hazards), and GEO-7 (Reinforce Foundations or Excavate Expansive Soils to Minimize Risk of Soil Expansivity).

Mitigation Measure GEO-4 has been revised. Mitigation Measure GEO-6 has been revised to be consistent with the *Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117A* released in 2008.

Mitigation Measure GEO-4: Incorporate Caltrans Seismic Design Criteria

During the design process, VTA shall design any and all proposed infrastructure in accordance with the appropriate Caltrans Seismic Design Criteria.

Mitigation Measure GEO-6: Minimize Risk of Lateral Spreading, Subsidence, and Collapse

Prior to implementation of the proposed transit improvement activities, the following construction methods shall be employed:

- construct edge containment structures such as berms, dikes, retaining structures, or compacted soil zones;
- remove or treat soils and geologic materials prone to lateral spreading and settling; and
- install drainage measures to lower the groundwater table below the level of settleable soils pursuant to the California Division of Mines and Geology's *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, *Special Publication 117A* (2008).

Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Less-than-significant impact with mitigation.

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3.9 Hazardous Materials

This section describes the potential hazardous materials impacts associated with the proposed changes to the approved project. This evaluation includes hazardous materials impacts related to construction personnel, people residing in the area, and the surrounding environment.

Environmental Setting

This section describes the changes to the existing hazardous materials conditions and applicable regulations subsequent to the certification of the 2014 Subsequent IS/MND. This analysis is based on and supported by the February 2018 *Capital Expressway Light Rail - Environmental Data Resources (EDR) Radius Map Report with GeoCheck* (Environmental Data Resources 2018) (included in Attachment D of the Second Subsequent IS). Because surrounding hazardous materials site conditions can change over time, an updated database search was conducted as part of this review.

As with the approved project, the proposed changes to the approved project are located within an urban environment with numerous buildings and structures. Table 3.9-1 identifies the known hazardous materials sites located within 1/8 mile of the proposed changes to the approved project corridor.

As shown in Table 3.9-1, there are 27 hazardous materials sites located within 1/8 mile of the location of the proposed changes to the approved project. Five of the sites were also identified as potential environmental concerns in the 2005 Final EIR (Matos Eastridge Shell/John Lassetter Jr at 2690 Story Road [#4 in Table 3.9-1]; Wright Bros, Inc. at 2660 John Montgomery Drive [#5 in Table 3.9-1]; Chevron #9-8247 at 2710 Story Road [#9 in Table 3.9-1]; Airport Properties at 20502 John Montgomery Road [#10 in Table 3.9-1]; and Gas & Shop, Capital Car Wash, Clean Machine Inc. at 2701 Story Road [#19 in Table 3.9-1]). The other 13 sites identified as potential environmental concerns in the 2005 Final EIR are not relevant to the proposed changes to the approved project.

Two preliminary hazardous materials evaluations consisting of soil and groundwater sampling were conducted in 2006 and 2011. These evaluations were conducted to determine the potential for nearby hazardous materials release sites to result in contamination of the soils and groundwater underlying the approved project corridor.

The 2006 *Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* (Geocon Consultants, Inc. 2006) stated that impacted soil and groundwater from three hazardous materials release sites (2701 Story Road, 2710 Story Road, and 2375 Quimby Road) would likely be encountered during ground-disturbing activities for the approved project. The 2375 Quimby Road site is located south of the location of the proposed changes to the approved project. As such, this site is not further discussed. The other contamination sources (i.e., Chevron #9-8247 at 2710 Story Road [#9 in Table 3.9-1] and Gas & Shop, Capital Car Wash, Clean Machine Inc. at 2701 Story Road [#19 in Table 3.9-1]) have since been remediated under the oversight of the Santa Clara County Local Oversight Program (LOP) and have received closure as of February

2017 and April 2015, respectively. Other locations of elevated contaminant concentrations in groundwater were not located within the corridor of the approved project. Groundwater does not typically remain static in the subsurface and as such, groundwater analytical data from 2006 may not reflect current existing conditions. Additionally, the *2006 Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* evaluation detected total petroleum hydrocarbons as diesel (TPHd) and total hydrocarbons as motor oil (TPHmo) in surface soils (soils immediately beneath the asphalt pavement) in the vicinity of the northern portion of the Eastridge Transit Center parking area. No other soil sample contaminant detection was identified within the corridor of the proposed changes to the approved project.

The 2011 *Soil Sample Report Capitol Expressway Light Rail Bus Improvement Project* (Geocon Consultants, Inc. 2011) conducted soil samplings in unpaved areas along the west side of Capitol Expressway between Story Road and Quimby Road, and in the vicinity of the former J.C. Penney Facility located at 2242 Tully Road (#13 in Table 3.9-1). Lead was reported in the soil sampling along Capitol Expressway and limited concentrations of TPHd and TPHmo were detected in the soil samplings in the vicinity of the former J.C. Penney Facility. However, none of these concentrations exceeded regulatory criteria and would not require special handling if removal and disposal were required.

Table 3.9-1 Hazardous Materials Sites within 1/8-mile of the Location of the Proposed Changes to the Approved Project

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
1	Mercedes Benz of San Jose/Auto Company XXII, Inc.	3000 East Capitol Expressway	0.01 mile to the south-southeast	RCRA-LQG, FINDS, ECHO, CUPA Listings, AST, HAZNET, SAN JOSE HAZMAT	Large Quantity Generator site. Waste includes: waste oils, degreasing sludge, spent solvents, etc. AST onsite. No violations associated with this listing were identified.
2	Beshoff Infiniti	2198 Tully Road	0.02 mile to the west	AST, CUPA Listings, SAN JOSE HAZMAT	County of Santa Clara CUPA HMBP site. AST onsite. No violations associated with this listing were identified.
3	Autozone #5924	2690 Story Road	0.03 mile to the north-northwest	LUST, HIST LUST, HIST UST, CUPA Listings, HIST CORTESE, San Jose HAZMAT	LUST site. The case involved gasoline release to groundwater. Case opened in March of 1985 and received closure by the San Francisco Bay Regional Water Quality Control Board in February of 1996. No other violations associated with this listing were identified.
4	Matos Eastridge Shell/John Lassetter Jr	2690 Story Road	0.03 mile to the north-northwest	EDR Hist Auto, HIST UST	Historic gasoline service station. Four USTs onsite. Gasoline and waste oil. No violations associated with this listing were identified.
5	Wright Bros, Inc.	2660 John Montgomery Drive	0.03 mile to the south-southeast	LUST, HIST LUST, EMI, HIST CORTESE	LUST site. The case involved waste/motor/hydraulic/lubricating oil release to soil. Case opened in May of 1992 and received closure by the Santa Clara County LOP in October of 1995. No other violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
6	Aero Trends/ LP Enterprises/ Flying S Aviation	2635 Cunningham Avenue	0.03 mile to the southeast	LUST, HIST LUST, HIST CORTESE, UST, CUPA Listings, San Jose HAZMAT	LUST site. The case involved an aviation fuel release to soil. Case opened in May of 1996 and received closure by the Santa Clara County LOP in June of 1996. No other violations associated with this listing were identified.
7	Verizon Wireless	2636 John Montgomery Road	0.03 mile to the south	EMI, San Jose HAZMAT	Site subject to emissions inventory. Carbon monoxide and nitrogen oxides reported to the Bay Area Air Quality Management District. No violations associated with this listing were identified.
8	SJSU-Reid Hillview Aviation Facility	2105 Swift Avenue	0.03 mile to the south-southeast	CUPA Listings	The site is included in the County's CUPA database. The CUPA consolidates the administration, permits, inspections, and enforcement activities related to hazardous materials handling. No violations associated with this listing were identified.
9	Chevron #9-8247	2710 Story Road	0.04 mile to the north-northwest	HIST UST, UST, LUST, EMI, HIST CORTESE, HIST LUST, SWEEPS UST, RCRA-SQG, FINDS, ECHO, HAZNET, CUPA Listings, EDR Hist Auto, SAN JOSE HAZMAT	Historic LUST site. The case involved MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in January of 1981 and received closure by the Santa Clara County LOP in February of 2017. Various remediation techniques conducted onsite for several years, including in-situ chemical treatment as well as groundwater and soil vapor extraction and treatment. No other violations associated with this listing were identified.
10	Airport Properties	20502 John Montgomery Road	0.04 mile to the south-southeast	LUST, HIST CORTESE	LUST site. The case involved a diesel fuel release to groundwater due to a failure of an onsite UST. Case opened in August of

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
					1991 and received closure by the Santa Clara County LOP in December of 1995. No other violations associated with this listing were identified.
11	Eastridge Shopping Center, Eastridge Shopping Mall Inc, Eastridge Center Food Pavillon	1 Eastridge Drive	0.04 mile to the southwest	RCRA-SQG, LUST, HIST LUST, FINDS, ECHO, HAZNET, HIST CORTESE, CUPA Listings, SWEEPS UST	Historic LUST site. The case involved a diesel release to groundwater. Case opened in November of 1991 and received closure by the Santa Clara County LOP in July of 1997. Listed as a hazardous waste generator. 2,000-gallon diesel UST onsite. No other violations associated with this listing were identified.
12	McDonald's Corp	2680 Story Road	0.06 mile to the north-northwest	CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. No violations associated with this listing were identified.
13	J.C. Penney	2242 Tully Road	0.06 mile to the southwest	LUST, HIST LUST, HIST CORTESE	Historic LUST site. The case involved gasoline release to soil and groundwater. Groundwater monitoring and extraction was conducted onsite, as well as soil vapor extraction. Case opened in February of 1979 and received closure by the Santa Clara County LOP in November of 2012. No other violations associated with this listing were identified.
14	Firestone Master Care #3682	2240 Tully Road	0.06 mile to the southwest	LUST, HIST LUST, HIST CORTESE	Historic LUST site. The case involved a release (of undisclosed material) to soil. Case opened in January of 1992 and received closure by the Santa Clara County LOP in October of 1994. No other violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
15	Macy's Department Store at Eastridge	2210 Tully Road	0.07 mile to the southwest	SLIC, CUPA Listings	Cleanup Program Site. The case involved a hydraulic fluid release to soil and groundwater. Case opened in April of 2014 and received closure by the Santa Clara County LOP in March of 2016. No other violations associated with this listing were identified.
16	Clearwire - Silverstone	1555 Silverstone Place	0.07 mile to the northwest	San Jose HAZMAT	Auto wrecking facility. Part of the San Jose hazardous materials database. No violations associated with this listing were identified.
17	Fill-Em'-Fast #90-04, World Oil #101, Texaco (CVX #21-1340), Bill S Mobil Oil Service	2695 Story Road	0.07 mile to the north-northwest	HIST UST, UST, LUST, HIST LUST, SWEEPS UST, HIST UST, CUPA Listings, EDR Hist Auto, HIST CORTESE, San Jose HAZMAT	Historic LUST site. Site contamination associated with site Chevron #9-8247. The case involved MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in February of 1985 and received closure by the Santa Clara County LOP in July of 2010. No other violations associated with this listing were identified.
18	Pep Boys #828	2730 Story Road	0.09 mile to the north-northwest	FINDS, CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Classified as Auto Wrecking/Misc Simple Facility under San Jose HAZMAT. No violations associated with this listing were identified.
19	Gas & Shop, Capital Car Wash, Clean Machine Inc.	2701 Story Road	0.09 mile to the north-northwest	UST, LUST, HIST LUST, SWEEPS UST, CUPA Listings, HIST CORTESE, San Jose HAZMAT, EDR Hist Auto	Historic LUST site. The case involved Benzene, Toluene, Xylene, MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in February of 1992 and received closure by the Santa Clara County LOP in

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
					April of 2015. No other violations associated with this listing were identified.
20	Gee Bee Aero, Inc.	2502 John Montgomery Road	0.10 mile to the west-southwest	RCRA-SQG, FINDS, ECHO	Small Quantity Generator site. Types of wastes not disclosed in EDR report. There were no violations associated with this listing.
21	West Valley Transmission	2771 Dublin Drive	0.11 mile to the north-northwest	EDR Hist Auto	Historic automotive repair shop. No violations associated with this listing were identified.
22	Lane's Auto Service	2739 Story Road #B	0.12 mile to the north-northwest	CUPA Listings	The site is included in the county's CUPA database generating waste oil. Also listed as a HMBP facility. No violations associated with this listing were identified.
23	Tire Time/Tire & Wheel Warehouse	2739 Story Road	0.12 mile to the north-northwest	CUPA Listings, San Jose HAZMAT, EDR Hist Auto	County of Santa Clara CUPA HMBP site generating waste oil. Classified as Auto Repair Facility under San Jose HAZMAT. No violations associated with this listing were identified.
24	Nice Air	2575 Robert Fowler Way	0.12 mile to the south-southwest	AST, CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Classified as Auto Repair Facility under San Jose HAZMAT. AST onsite. No violations associated with this listing were identified.
25	Safeway #3095	2980 East Capitol Expressway	0.12 mile to the southeast	CUPA Listings, EMI, HAZNET, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Site subject to emissions inventory and also generates hazardous waste. Waste categories include: alkaline solutions, inorganic solid waste, aged or surplus organics, pharmaceutical waste, and solvent mixtures. No violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
26	Albertsons No. 7135	2980 East Capitol Expressway	0.12 mile to the southeast	RCRA NonGen / NLR, FINDS, ECHO, EMI	Classified as a non-generator of hazardous waste. Site subject to emissions inventory and historically a small quantity generator. No violations associated with this listing were identified.
27	Chipotle Mexican Grill #2138	2990 East Capitol Expressway 40	0.12 mile to the southeast	CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. No violations associated with this listing were identified.

Notes:
AST = Aboveground Storage Tank
CORTESE = Hazardous Waste & Substances Sites List
CUPA = Certified Unified Program Agency
ECHO = Enforcement & Compliance History Information
EDR Hist Auto = EDR Exclusive Historical Auto Stations
EMI = Emissions Inventory Data
FINDS = Facility Index System/Facility Registry System
HAZMAT = Hazmat/Incidents
HAZNET = Facility and Manifest Data
HIST = Historical
HMBP = Hazardous Materials Business Plan
LOP = Local Oversight Program
LUST = leaking underground storage tank
MTBE = methyl tert-butyl ether
RCRA-LQG Resource Conservation and Recovery Act – Large Quantity Generator
SLIC = Spills, Leaks, Investigations and Cleanup
SWEEPS =Statewide Environmental Evaluation and Planning System
TBA = tertiary butyl alcohol
UST = underground storage tank

Source: Environmental Data Resources 2018.

Environmental Impacts and Mitigation

The impact discussion in this section primarily focuses on the proposed changes to the approved project that could result in new or more significant hazardous materials impacts compared to the impacts previously identified and analyzed for the approved project.

The addition of extensive pile driving required for construction of the proposed aerial guideway included in the proposed changes to the approved project would in some cases require dewatering, which could cause construction workers to encounter and be exposed to hazardous materials, and could expose the surrounding environment to contaminated soils and groundwater from historic hazardous materials handling in the area. However, this potential for exposure to impacted soil and groundwater during construction of the proposed changes to the approved project would not be new or substantially increased in severity compared to the impacts previously identified and analyzed for the proposed project.

The proposed changes to the approved project would not alter approved project operations, which would entail operating light rail trains using electricity delivered through an overhead contact system primarily within the median of the Capitol Expressway. As with the approved project, the proposed changes to the approved project would not transport or handle any hazardous materials, or emit hazardous emissions that would pose a hazard to nearby schools, the public, and the environment. Maintenance of the proposed changes to the approved project requiring the use of common hazardous materials would be required to comply with applicable regulations regarding the transport and handling of these materials. The proposed changes to the approved project would not introduce new or more significant impacts related to operational hazardous materials use.

Some of the proposed changes to the approved project would require a greater amount of ground-disturbing activities compared to the approved project. Most notably, the aerial guideway would include the construction of concrete columns supported on pile foundations and aerial sound walls. In addition, revisions to the Capitol Expressway roadway configuration, which includes roadway widening, and the proposed relocation of the PG&E electrical transmission facilities would require slightly more ground-disturbing activities than the approved project. Other proposed changes to the approved project, such as modifications to the Eastridge Station platforms and tracks and the reduction in parking spaces at the Eastridge Park-and-Ride lot, would result in fewer ground-disturbing activities compared to the approved project.

Regarding construction activities, the proposed changes to the approved project could introduce new or more significant impacts related to hazardous materials, beyond those identified and analyzed for the approved project. Overall, construction activities associated with the proposed changes to the approved project are expected to involve similar amounts of ground disturbance as the approved project. However, construction of the proposed changes to the approved project would in some cases require dewatering, which could cause construction workers to encounter and be exposed to hazardous materials, and could expose the surrounding environment to contaminated soils and

groundwater from historic hazardous materials handling in the area beyond what was anticipated and analyzed in the 2005 Final EIR.

The 27 hazardous materials sites located within 1/8 mile of the project corridor (Table 3.9-1) either do not have violations associated with the listing, or have since been remediated and have received closure. It is not anticipated that conditions at sites located within 1/8 mile of the project corridor would significantly affect the soils and groundwater underlying the proposed changes to the approved project. As previously discussed, the 2011 *Soil Sample Report Capitol Expressway Light Rail Bus Improvement Project* determined that the concentrations of lead, TPHd, and TPHmo detected in the soil samplings in the vicinity of the former J.C. Penney Facility did not exceed regulatory criteria and would not require special handling if removal and disposal were required. However, as indicated in the 2006 *Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* (Geocon Consultants, Inc. 2006), there is potential for construction activities near the northern portion of the Eastridge Transit Center parking area to expose contaminants in surficial soils. Therefore, it is possible that construction workers and the surrounding environment could be exposed to impacted soil and groundwater during ground-disturbing activities from historic hazardous materials handling in the area. However, the potential for exposure to impacted soil and groundwater during construction of the proposed changes to the approved project would not be increased compared to the impacts previously identified and analyzed for the proposed project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to hazardous materials.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: HAZ (CON)-1 (Release of Hazardous materials into the Environment), HAZ-9 (Hazard to the Public or Environment through Reasonable Foreseeable Upset and Accident Conditions Caused by the Release of Hazardous Materials); HAZ-10 (Hazardous Emissions or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 Mile of an Existing or Proposed School); HAZ-11 (Hazard to the Public or the Environment from a Federally or State-Listed Hazardous Material Site); and HAZ-12 (Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials).

Mitigation: The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: HAZ-9a/(CON)-1a (Conduct Subsurface Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater), HAZ (CON)-1b (Control Contamination), HAZ (CON)-1c (Conduct Lead and Asbestos Surveys Prior to Building Demolition or Renovation), HAZ-9a (Conduct Subsurface

Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater) and HAZ-9b (Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials).

Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Less-than-significant impact with mitigation.

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3.10 Hydrology and Water Quality

This section describes the potential hydrology and water quality impacts associated with the proposed changes to the approved project.

Environmental Setting

This section describes the changes to the existing hydrology and water quality conditions and applicable regulations subsequent to the certification of the 2014 Subsequent IS/MND.

The existing hydrological area is generally unchanged from that described in the 2005 Final EIR. As with the approved project, the proposed changes to the approved project are located within the Coyote Creek watershed, which eventually drains to the South San Francisco Bay. Surface waters in the vicinity of the project corridor include Silver Creek and Thompson Creek.

Several documents and projects pertaining to hydrology and water quality were not considered in the 2014 Subsequent IS/MND, or have been updated, or are in the process of being completed subsequent to the certification of the 2014 Subsequent IS/MND. The 2012 *California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report)* (State Water Resources Control Board 2015) did not list Silver Creek or Thompson Creek as impaired. The report did list South San Francisco Bay as impaired for chlordane, dichlorodiphenyltrichloroethane (DDT), dieldrin, dioxins, furan compounds, invasive species, mercury, polychlorinated biphenyls (PCBs), and selenium.

In the 2014 and 2016 *California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report)* (State Water Resources Control Board 2018), no change to the listing for the South San Francisco Bay occurred and Thompson Creek continued to not be listed as impaired. The report did newly list Silver Creek as impaired for trash.

Since the 2014 Subsequent IS/MND, the Federal Emergency Management Agency (FEMA) has updated one of the Flood Insurance Rate Maps (FIRMs) for the area that includes the project corridor. FIRM Map Number 06085C0252J, which depicts the area between the existing Alum Rock Station and north of Ocala Avenue, was updated in February 2014 (Federal Emergency Management Agency 2014). As with the approved project, the proposed changes to the approved project would be located within the 100-year flood hazard zone of Silver Creek. As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, the Lower Silver Creek Flood Protection Project, underway and anticipated to be completed in 2019, would provide protection from flood damage and reduction in channel bank failures along Lower Silver Creek between the Cunningham Reservoir and Interstate 680. Improvements to the 100-year flood hazard zone of Silver Creek as a result of the Lower Silver Creek Flood Protection Project may not be reflected in FEMA FIRMs until 2019.

Several applicable stormwater regulations have been updated since the 2014 Subsequent IS/MND, including the reissuance of the Phase 1 Municipal Regional Stormwater

NPDES Permit (MRP), Order No. R2-2015-0049), overseen by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). In addition, VTA was newly regulated as a Non-traditional MS4 under the Phase II General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewer Systems (MS4), Order No. 2013-0001-DWQ, effective July 30, 2013. Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, provides a detailed discussion of these updated stormwater regulations.

Land development can adversely affect the runoff hydrograph (flow pattern) from a site by increasing the impervious area, decreasing natural vegetation, changing grading or soil compaction, and creating new drainage facilities. As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, the VTA is regulated as a Phase 2 Non-traditional MS4. The stormwater treatment regulations under this MS4 require new road projects (including sidewalks and bicycle lanes) that create 5,000 square feet or more of newly constructed or replaced and contiguous impervious surface to comply with post-construction stormwater treatment requirements. These types of treatment measures, including avoiding impervious surfaces, providing site controls to manage pollutant sources, and Low Impact Development features such as bioretention basins and vegetated swales will comply with the EPA's Greenstreets guidelines (EPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook Green Streets*) (Lukes & Kloss 2008).

Lastly, as discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, the California Supreme Court concluded in its *California Building Industry Association v. Bay Area Air Quality Management District* decision that "the California Environmental Quality Act (CEQA) generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." With this ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing flooding hazards on new project receptors) to be an impact requiring consideration under CEQA, unless the project could exacerbate an existing environmental hazard. The proposed changes to the approved project would not change existing flooding hazards and, thus, would not exacerbate certain existing hazards. Therefore, the flooding impact discussion is provided below for informational purposes only.

Environmental Impacts and Mitigation

The impact discussion in this section primarily focuses on the proposed changes to the approved project that could result in new or more significant hydrology and water quality impacts compared to the impacts previously identified and analyzed for the approved project.

Similar to the approved project, construction activities associated with the proposed changes to the approved project involving soil disturbance, excavation, cutting/filling, stockpiling, and grading activities could result in increased erosion and sedimentation to surface waters. In addition, construction of the concrete foundation for TSP No. 53A, TSP No. 54, and TSP No. 55 may require temporary closure of the Thompson Creek

Trail for safety during drilling, and foundation work. Hazardous materials associated with construction equipment (such as fuels and lubricants) could also adversely affect water quality if spilled or stored improperly.

In addition, construction of the proposed changes to the approved project would in some cases require dewatering and the associated discharge of groundwater or dewatering effluent. This is an impact that was not analyzed in the 2005 Final EIR. Construction of the proposed changes to the approved project would require additional dewatering activities associated with installation of the concrete columns for the proposed aerial guideway. When temporary and limited groundwater dewatering would be required for construction activities, dewatering effluent would be treated and discharged back to the nearby surface water, if possible, providing an opportunity for groundwater recharge. A dewatering plan will be submitted and approved by VTA to determine treatment and disposal options for extracted groundwater prior to any dewatering activities.

Furthermore, construction activities associated with the proposed changes could also result in a temporary increase in water demand. However, the increase in water demand during construction would not be substantial. The proposed changes to the approved project would not substantially increase hydrology impacts during construction beyond what was previously identified and analyzed for the approved project.

The proposed changes to the approved project would not alter approved project operations, which would entail operating light rail trains within the median of the Capitol Expressway, light rail stations, and park-and-ride lots. The proposed changes to the approved project would not introduce new or more significant impacts regarding violations of water quality standards or waste discharge requirements.

The majority of proposed changes to the approved project (including the modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; modification to Story Station pedestrian access; and relocation of a construction staging area) would not introduce new facilities or structures that would substantially impact hydrology or water quality. Thus, these proposed changes would not increase the potential for hydrology and water quality impacts beyond the impacts previously identified and analyzed for the approved project.

According to the *Preliminary Engineering Drainage Report* (Rajappan & Meyer Consulting Engineering, Inc. 2005) prepared for the approved project, the approved project would result in cumulative flows that would be less than the existing flows because of the removal of hard surface pavement. However, the majority of existing drainage systems would be unable to contain a 10-year storm event. As with the approved project, only the portions of the stormwater drainage system that are in conflict with the proposed changes to the approved project would be replaced at the same capacity. Therefore, the existing stormwater drainage system would continue to be deficient until the capacity of pipes is increased and inadequate slopes are improved. The change in impervious areas resulting from the proposed changes to the approved project would not

exacerbate the existing stormwater drainage system issues beyond what was previously identified and analyzed for the approved project.

Several proposed changes to the approved project (including the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and revisions to Capitol Expressway roadway lane configurations) would result in additional impervious and rework area[3] beyond the amount of rework area identified for the approved project. The replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would result in approximately 8.5 acres of impervious elevated surface above a pervious median. Revisions to the Capitol Expressway roadway configuration would require roadway widening which could create minor additional impervious or rework areas. At this preliminary stage of design, the exact increase in impervious area from the approved project is unknown and an assessment of the amount of existing permeable area being replaced has not yet been completed. However, it is not anticipated that the proposed changes to the approved project would result in a substantial increase in the amount of impervious area compared to the approved project. Post-construction runoff from new pavement would be managed in accordance with National Pollutant Discharge Elimination System permit requirements for VTA's MS4 permit. Although there is supporting work on City and County roadways subject to the MRP, stormwater would be treated under VTA's permit in coordination between the three agencies. Proposed stormwater treatment measures within VTA's right-of-way would comply with the stormwater guidelines presented in VTA's *Stormwater and Landscaping Design Criteria Manual*, and the proposed stormwater treatment measures for roadway improvements within Santa Clara County.

In addition, the proposed aerial guideway would consist of a new structure that could be subject to flood hazards. The replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would be beneficial with respect to potential flooding impacts. Transit users would be elevated above the roadway, thereby reduce the potential for exposing people or structures to significant risk of loss, injury, or death involving flooding. As part of the proposed changes, the Capitol Expressway corridor would be crowned from the middle of the roadway. The majority of floodwaters during a flood event would likely accumulate on the outer pavement edges of the Capitol Expressway, away from the proposed aerial guideway. In addition, deck drains on the aerial structures would reduce accumulated storm and flood water by conveying runoff to outfalls near the base of each support and would connect to the City's storm drain. Furthermore, an underdrain system would be constructed underneath the at-grade sections of the guideway extension (Rajappan & Meyer Consulting Engineering, Inc. 2005).

[3] A rework area is an area that is currently impervious and would undergo a change in use as a result of the proposed changes to the approved project. The size of the rework area, even if currently impervious, is included in the calculation of the proposed changes to the approved project's total treatment area due to the change in usage.

The proposed changes would not increase the potential for hydrology and water quality impacts compared to the impacts previously identified and analyzed for the proposed project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to hydrology and water quality.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: HYD (CON)-1 (Impair Water Quality), HYD (CON)-2 (Depletion of Groundwater Supplies), HYD-11 (Violation of Water Quality Standards or Waste Discharge Requirements), HYD-12 (Creation of Additional Runoff), HYD-13 (Alterations in Existing Drainage Patterns), and HYD-14 (Exposure to Flood Hazards).

Mitigation: Operation. The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: HYD-11 (Comply with All Applicable Regulations and Subsequent Permit Programs Related to Water Quality Control), HYD-12 (Maintain Operational Water Quality), and HYD-14 (Construct Facilities to Minimize Flood Impacts). Mitigation Measures HYD-11 and HYD-12 have been revised.

Mitigation Measure HYD-11: Comply with All Applicable Regulations and Subsequent Permit Programs Related to Water Quality Control

In implementing the project, VTA will comply with the Clean Water Act (CWA), including all National Pollution Discharge Elimination System (NPDES) permit requirements. VTA will require the construction contractor to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with State Water Resources Control Board (SWRCB) regulations and the NPDES Construction General Stormwater permit. VTA will obtain coverage under the State's General Construction Stormwater Permit, and will comply with applicable requirements relative to land grading and erosion control. VTA will comply with the Clean Water Act, including all NPDES permit requirements. VTA will obtain coverage under the State Water Resources Control Board's Construction General Permit for Storm Water, Order No. 2009-0009-DWQ (CGP), and contractors must meet the substantive requirements for discharge of storm water runoff associated with construction activity.

The SWPPP will identify the specific BMPs proposed for the project, including but not limited to erosion prevention, sediment control,

waste management, spill prevention/housekeeping, good housekeeping, non-storm water management, and run-on/runoff control, inspection, maintenance, and BMP repair procedures; and certain monitoring requirements, as well as permanent water quality post construction BMPs.

For those areas in VTA right-of-way, VTA will implement water quality measures required pursuant to the Phase II General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewer Systems (MS4), Order No. 2013-0001-DWQ, effective July 30, 2013. The stormwater treatment regulations under this MS4 require new projects that create 5,000 square feet or more of newly constructed or replaced and contiguous impervious surface to comply with post-construction stormwater treatment requirements. BMPs may include avoiding impervious surfaces, providing site controls to manage pollutant sources, and Low Impact Development features such as bioretention basins and vegetated swales. Roadway improvements will comply with the EPA's Greenstreets guidelines. In addition, a long-term maintenance plan (minimum of five years) will be developed in accordance with the Phase II MS4 requirements and will describe the procedures to ensure that the post-construction storm water management measures are adequately maintained.

For those areas in City or County right-of-way, VTA will implement water quality measures required pursuant to provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP) Order No. R2-2015-0049, overseen by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). This permit requires projects that result in the displacement of more than 43,560 square feet (1 acre) of impervious surface to implement treatment BMPs to the maximum extent practicable. BMPs may include detention/retention units, infiltration structures, swales, sand filters, wetlands, or other low impact development measures that improve water quality.

Mitigation Measure HYD-12: Implement Measures to Maintain Operational Water Quality

In accordance with the Phase II MS4 permit, VTA will perform inspections and cleanings such that NPDES permit treatment requirements will be met, and will ensure that outlet structures provide for proper energy dissipation in accordance with standard specifications for storm drainage. VTA will ensure that regular maintenance of parking facilities includes a program to clean curbside pavement areas of litter, fuel, and oils spills. Storm drain inlet traps will be inspected at least annually and cleaned as required.

Pursuant to Provision C.3 of the MRP, those areas in City or County right-of-way that result in the displacement of more than 43,560 square feet (1 acre) of impervious surface must implement treatment BMPs to the maximum extent practicable. Sizing of these BMPs will be in accordance with the most recent guidelines in the MEP and/or issued by the SCVURPPP, and typically relate to volume- or flow-based treatment capacity.

Those BMPs whose primary mode of action to treat stormwater depends on volume capacity, such as detention/retention units or infiltration structures, will typically be designed to treat stormwater runoff equal to either the maximized stormwater quality capture volume for the area, based on historical rainfall records (URQM, 1998); or equal to the volume of annual runoff required to achieve 80% or more capture (CASQA, 1993).

Treatment BMPs such as swales, sand filters, wetlands, and others whose primary mode of action depends on flow capacity will typically be sized to treat 1) 10% of the 50-year peak flow; or 2) the flow of runoff produced by a rain event equal to at least two times the 85th-percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or 3) the flow of runoff resulting from a rain event equal to at least 0.2-inch-per-hour intensity.

Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Construction. The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: HYD (CON)-1 (Implement Water Quality Control Measures), HYD (CON)-2 (Use Non-Potable Water). Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Less-than-significant operational and construction impacts with mitigation.

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3.11 Land Use

This section describes the potential land use impacts associated with the proposed changes to the approved project.

Environmental Setting

The primary land use along the Capitol Expressway corridor is residential. Notable non-residential land uses along the corridor include the Reid-Hillview Airport, Lake Cunningham Park, and Eastridge Shopping Mall. As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, the Thompson Creek Trail was completed in 2017 and the nearest portion of the trail to the proposed changes to the approved project is located adjacent to Capitol Expressway between south of Tully Road and Quimby Road. Refer to Chapter 2 for additional information regarding the Thompson Creek Trail.

The following applicable plans and policies were either adopted or updated subsequent to the certification of the 2005 Final EIR, 2007 Final SEIR, or 2014 Subsequent IS/MND:

- **Valley Transportation Plan 2040 (Santa Clara Valley Transportation Authority 2014):** Valley Transportation Plan 2040 was adopted in October 2014 and provides a planning and policy framework for developing and delivering future transportation projects in three major program areas: highways, local system, and transit. The plan highlights the projects and plans that will be pursued in the next 25 years, including complete streets, express lanes, bus rapid transit, and bicycle/pedestrian improvement projects.
- **Santa Clara County Countywide Trails Master Plan, Existing and Proposed Regional Trail Connections Map Update (Santa Clara County 2015):** The existing and proposed regional trail connections map for the Countywide Trails Master Plan was updated in August 2015. The updated map depicts the existing and proposed off-street trails and on-street bike route with parallel trail in the vicinity of the approved project.
- **Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) (Santa Clara Valley Habitat Agency 2012):** Santa Clara Valley Transportation Authority (VTA), Santa Clara Valley Water District, Santa Clara County, and the cities of Gilroy, Morgan Hill, and San Jose prepared the plan which promotes the protection and recovery of covered species while accommodating planned public and private development infrastructure, and maintenance activities in accordance with applicable laws. Section 3.3, *Biological Resources*, provides a description of the plan's goals. The proposed changes to the approved project are located within the regulatory boundary of the HCP/NCCP in areas designated as Urban Development.
- **Reid-Hillview Airport Comprehensive Land Use Plan (Santa Clara County 2007a):** This plan was adopted in October 2007 and amended in November 2016.

The plan identifies safety restriction policies and land use compatibility standards for areas within the Airport Influence Area (AIA). The proposed changes to the approved project are located within the AIA and the Traffic Pattern Safety Zone, and a portion of the Capitol Expressway south of Tully Road is within the Turning Safety Zone for the airport. Additionally, the proposed changes to the approved project would be located within the Federal Aviation Regulations Part 77 elevation restriction of 283 feet above mean sea level.

- **Reid-Hillview Airport Master Plan (Santa Clara County 2007b):** This plan was issued in June 2007 and defines the role of the airport and identifies airfield and building improvements/design that would enhance safety and provide for more orderly aircraft ground movements. The plan also identified three areas as potentially suitable for non-aviation commercial use. However, these areas remain undeveloped.
- **Envision San José 2040 General Plan (City of San Jose 2011):** In November 2011, the City of San Jose adopted the Envision San José 2040 General Plan, which provides the framework for guiding land use decisions through goals, policies, and land use designations. The general plan identifies the Capitol Expressway corridor as a Grand Boulevard, which designates it as a major transportation corridor and a primary route for transit services. Residential and retail growth along the light rail system is supported by the general plan. The general plan Transportation Network Diagram also identifies planned light rail stations along the Capitol Expressway corridor, consistent with the proposed changes to the approved project.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant land use impacts compared to the impacts previously identified and analyzed for the approved project.

Similar to the approved project, construction activities associated with the proposed changes to the approved project would temporarily result in lane and street closures, and detours would occur. As with the approved project, a Traffic Management Plan would be implemented to restore traffic capacity and access to local businesses during construction. In addition, signs would be posted to direct pedestrians to intersections where they may cross to proceed along the project corridor and to avoid construction areas. Pedestrians would be able to access local businesses along the project corridor during construction. The construction activities associated with the proposed changes would not disrupt local businesses beyond what was previously identified and analyzed for the approved project and the effect would be temporary. In addition, construction of the concrete foundation for TSP No. 53A, TSP No. 54, and TSP No. 55 may require temporary closure of the Thompson Creek Trail for safety during drilling, and foundation work. However, this closure would be temporary.

As with the approved project, the proposed changes to the approved project would be located within the median of or on parcels directly adjacent to Capitol Expressway. Capitol Expressway is an existing major transportation corridor that currently functions as a barrier within the community and defines established communities within the area. Thus, the proposed changes would not result in the physical division of established communities.

As with the approved project, the proposed changes to the approved project would be located within areas identified as Urban Development in the Santa Clara Valley HCP/NCCP, as discussed in Section 3.3, *Biological Resources*. Transportation projects within the planning limits of urban growth are considered part of Urban Development and are covered activities under the HCP/NCCP. Thus, the proposed changes are covered activities under the HCP/NCCP and would not conflict with an applicable HCP/NCCP.

The majority of the proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to the Eastridge Station platforms and tracks; modifications to Story Station pedestrian access; and relocation of a construction staging area) would be located at-grade within the existing Capitol Expressway roadway right-of-way. These proposed changes would be consistent with the Envision San José 2040 General Plan identification of Capitol Expressway as a major transportation corridor and a primary route for transit services. In addition, the proposed extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections would result in the placement of a new elevated structure within the Reid-Hillview Airport AIA. This proposed change would occur within the Reid-Hillview Airport's Traffic Pattern Safety Zone where the potential for aircraft accidents is relatively low and the need for land use restrictions is minimal. This proposed change would also be located within the Federal Aviation Regulations Part 77 elevation restriction of 283 feet above mean sea level. At its maximum height of approximately 60 feet with the overhead catenary system and poles, the proposed aerial guideway would exceed the height restrictions in this area. However, a Notice of Proposed Construction or Alteration will be submitted to the Federal Aviation Administration in accordance with Title 14 of the Code of Federal Regulations Part 77. As such, the proposed changes to the approved project would not conflict with applicable land use plans compared to the impacts previously identified and analyzed for the approved project.

Three proposed changes to the approved project (the reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; and the relocation of the PG&E electrical transmission facilities) would include features located on parcels adjacent to the existing Capitol Expressway roadway right-of-way. In addition, the relocation of the Story Station pedestrian overcrossing would adjust the location of the eastern and western landings of the pedestrian overcrossing. On the east, this proposed change would maintain an existing driveway along Capitol Expressway into the gas station located south of Story Road, thereby maintaining access to the gas station. In addition, the proposed revisions to the Capitol Expressway roadway lane configurations would maintain access to other existing adjacent land uses. As discussed in Section 3.14, *Socioeconomics*, the proposed changes to the approved project would require fewer properties to construct and implement the

proposed changes compared to the approved project. In addition, most of the required properties would be partial. Furthermore, the proposed changes to the approved project would be compatible with the Thompson Creek Trail, which was completed subsequent to the certification of the 2014 Subsequent IS/MND. As such, these proposed changes to the approved project would be compatible with existing adjacent land uses, nor result in increased incompatibilities with or reductions in efficiency or effectiveness of adjacent land uses compared to the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to land use.

The following impact from the 2005 Final EIR would apply to the proposed changes to the approved project: LU (Construction)-1 (Disruption of Local Businesses).

Mitigation: Operation. None required. This impact is "Less than Significant."

Construction. None required. This impact is "Less than Significant."

Less-than-significant operational and construction impacts. No mitigation required.

3.12 Noise and Vibration

Potential noise and vibration impacts associated with the proposed changes to the approved project are evaluated in the SEIR-2.

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3.13 Safety and Security

This section describes the potential safety and security impacts associated with the proposed changes to the approved project.

Environmental Setting

As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, effective January 1, 2017, Senate Bill (SB) 215 amended the Public Utilities Code to change how the California Public Utilities Commission (CPUC) processes formal applications by requiring a commissioner or administrative law judge to oversee each rail crossing application.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant safety and security impacts compared to the impacts previously identified and analyzed for the approved project.

If lane closures for construction activities are prohibited during peak periods, an increase of approximately one year would be anticipated for the duration of project construction, changing the construction period from 2019 to 2024 under the approved project, to 2019 to 2025with the proposed changes. Similar to the approved project, some portions of the construction period would require that construction employees and equipment occupy portions of the project corridor, including the median and parking spaces at active construction locations. The proposed changes to the approved project would not substantially increase safety and security impacts during construction beyond what was previously identified and analyzed for the approved project.

As with the approved project, the proposed changes to the approved project would establish new light rail stations with increased pedestrian activity, auto and bus drop-offs and loadings, and park-and-ride traffic, which could be potential locations for crimes such as vandalism and theft from automobiles. However, the proposed changes to the approved project would not result in threats to security, which are typically caused by inadequate security measures.

The majority of the proposed changes to the approved project (including the modifications to the Eastridge Station platforms and tracks; reduction in parking spaces at the Eastridge Park-and-Ride lot; the minor shift in the location and straightening of the Story Station pedestrian overcrossing) would involve modifications to existing or approved project structures. These proposed changes would not result in changes to pedestrian or bicycle safety. Similarly, the proposed relocation of a construction staging area and the proposed relocation of PG&E electrical transmission facilities would not result in changes to pedestrian or bicycle safety. In addition, the proposed modification to Story Station pedestrian access, which would restrict pedestrian access to the Story Station at the median to emergency purposes only, would be beneficial to and would

improve safety compared to the impacts previously identified and analyzed for the approved project. This proposed change would reduce the potential for pedestrian and vehicle conflicts from at-grade crossings of Capitol Expressway.

Two proposed changes to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and revisions to Capitol Expressway roadway lane configurations) would change pedestrian or bicycle circulation and safety compared to the approved project The proposed replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would grade-separate the light rail alignment from pedestrians and bicyclists. In general, this proposed change would reduce the potential for pedestrian/bicycle conflicts and accidents with light rail operations along Capitol Expressway. Table 2-1 in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information,* shows the rail crossings, safety risks, and proposed safety devices (for the at-grade crossings) included in the approved project and the proposed changes to the approved project. The proposed changes to the approved project would include revisions to rail crossings included in the approved project at the following cross streets: Ocala Avenue (pedestrian and automobile grade-separated crossing), Cunningham Avenue (pedestrian and automobile grade-separated crossing), northern pedestrian crossing to platform (at-grade), and southern pedestrian crossing to platform (at-grade). As discussed above, the grade-separated crossings would reduce the potential for pedestrian/bicycle conflicts and accidents with light rail operations and no safety devices are proposed. The at-grade pedestrian crossings would include crossing gates, flashing lights, and bells to reduce the potential for pedestrian conflicts with light rail operations.

In addition, the proposed revisions to Capitol Expressway roadway lane configurations would include the installation of bicycle slots to facilitate and improve bicycle circulation. Furthermore, the proposed center median between Story Road and Capitol Avenue, the treatment for which has not yet been designed, would separate traffic and prevent vehicle collisions with the proposed guideway columns. These proposed changes to the approved project would be beneficial to and would improve pedestrian and bicycle safety compared to the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to safety and security.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: SS (CON)-1 (Potential for Safety Risks during Construction) and SS-4 (Inadequate Lighting of Visual Obstructions at Park-and-Ride Lots).

Mitigation: Operation. The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved

project: Mitigation Measure SS-4a (Implement Safety and Security Measures to Deter Crime), SS-4b (Use Lighting, Cameras, and Security Patrols to Enhance Safety), and SS-4c (Define Fire and Life Safety Procedures and Develop Evacuation Plans). Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Construction. The following mitigation measure identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: SS (CON)-1 (Implement Construction BMPs to Protect Workers and the Public). Inclusion of this mitigation measure would reduce this impact to "Less than Significant."

Less-than-significant operational and construction impacts with mitigation.

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3.14 Socioeconomics

This section describes the potential socioeconomic impacts associated with the proposed changes to the approved project. Socioeconomic impacts refers to the potential to negatively affect the population, household, and community characteristics of an area through physical divisions, disruption of efforts to economically revitalize the area, growth inducement, displacement of businesses or housing, and increased demand for housing.

Environmental Setting

The following applicable data were either adopted or updated subsequent to the certification of the 2005 Final EIR, 2007 Final SEIR, or 2014 Subsequent IS/MND. The study area for the purposes of the socioeconomics analysis includes the census tracts located adjacent to the Capitol Expressway corridor within the project limits (5033.05, 5033.06, 5033.21, 5035.06, 5035.10, 5035.11, 5040.01, and 5040.02). Information from the 2000 U.S. Census was used in the 2005 Final EIR to describe the demographic characteristics of the study area for the approved project and the City of San Jose (City). For this section, 2016 American Community Service data are used to describe existing demographic characteristics of the study area.

According to the 2005 Final EIR, the study area for the approved project had housing vacancy rates (2%) that were equal to the City as a whole. The study area and the City as a whole were expected to substantially gain population and employment over the next 20 years. By 2025, it was predicted that the City would have a total population of 1,230,664 people, an increase of 38% from 2000. The study area was expected to grow slower, with an increase of 21% over the same time period. The projected increase in employment is similar in both the City and the study area; the City was expected to increase its employment by 31% by 2025, while study area employment is expected to grow by 29%. Overall, residents of the study area for the approved project were as likely to be transit dependent as residents of the City as a whole.

Table 3.14-1 shows the existing (2017) population, housing, and employment characteristics of the study area and of the City. There are a large number of residential areas within the corridor and the study area is predominately owner-occupied, single-family residential homes. The City has more multi-family homes (43%) than the study area (25%), and higher percentages of renter-occupied housing (43%) than the study area (40%). The vacancy rate in the study area (1%) is lower than the vacancy rate in the City (3%).

Transit dependency is characterized by the following.

- The population unlikely to drive (those under 18 and over 65 years of age).
- The number of workers using public transportation.
- The number of persons below the poverty line.

Table 3.14-2 shows the transit dependency characteristics of the City and study area. Table 5.2-1 in Section 5.2, *Environmental Justice*, of the SEIR-2 shows the poverty characteristics of the City and study area. The study area has similar percentages of the population that is under 18 (25%) and over 65 (10%) when compared to the City (23% and 11%, respectively). The percentage of the population that uses public transportation to get to work is the same in the study area as in the City (4%). The individual census tracts have varying percentages of workers that use public transportation, varying from 2% to 7%. The percentage of workers with no access to a vehicle is higher in the study area (2%) than in the City as a whole (1%).

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant socioeconomics impacts compared to the impacts previously identified and analyzed for the approved project.

As with the approved project, the proposed changes to the approved project would not physically divide the community because it would be within an established transportation corridor. It is anticipated that the proposed changes would help to improve the corridor rather than detract from efforts to economically revitalize it. In addition, the proposed changes would not affect population or housing demand in the study area. As such, the proposed changes to the approved project would not result in impacts related to physically dividing an established community, inducing substantial growth, or creating a demand for additional housing. Consistency of the proposed changes with applicable regional plans and policies is discussed in Section 3.11, *Land Use*.

The Eastridge Park-and-Ride lot currently includes approximately 180 parking spaces. The approved project increases the parking to 445 spaces at Eastridge Station to partially address the increased demand of 481 spaces from the project. As part of the proposed changes to the approved project, VTA is proposing to reduce the parking to approximately 302 spaces through reconfiguration of the Eastridge park-and-ride lot. . As shown in Table 2-2 in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, based on updated VTA forecasts, the proposed changes to the approved project would increase existing (2017) parking demand to 114 parking spaces. In years 2023 and 2043, the proposed changes to the approved project would increase parking demand to 293 vehicles and 374 vehicles, respectively.

For right-of-way needs, the approved project required the entire property of seven residential properties and three commercial properties located adjacent to the Capitol Expressway. Additionally, temporary and permanent right-of-way needs were required under each alternative. Refer to Table 4.16-3 in the 2005 Final EIR for a summary of right-of-way requirements by option and refer to Table 4.16-4 in the 2005 Final EIR for a complete listing of the potential right-of-way requirements for the approved project.

Table 3.14-1 Existing (2017) Population, Employment, and Housing Characteristics for the City of San Jose and the Study Area

Location/ Census Tract	Population	Employment[1]	Housing							
			Housing Units	Percent Occupied	Percent Vacant	Percent Single Family	Percent Multi-Family	Percent Other	Percent Owner-Occupied	Percent Renter-Occupied
City of San Jose	1,009,363	500,238	328,185	97%	3%	53%	43%	3%	57%	43%
Study Area for the Proposed Changes	**44,505**	**20,623**	**10,161**	**99%**	**1%**	**72%**	**25%**	**3%**	**60%**	**40%**
5033.05	6,378	3,028	1,522	99%	1%	77%	17%	6%	62%	38%
5033.06	4,276	1,863	923	98%	2%	80%	3%	17%	72%	28%
5033.21	4,942	2,447	1,105	99%	1%	98%	2%	0%	82%	18%
5035.06	6,190	2,740	1,314	98%	2%	72%	28%	0%	57%	43%
5035.10	6,079	2,702	1,407	100%	0%	72%	28%	0%	52%	48%
5035.11	3,810	1,878	876	99%	1%	88%	11%	1%	71%	29%
5040.01	6,302	3,140	1,575	99%	1%	53%	47%	0%	54%	46%
5040.02	6,528	2,825	1,439	99%	1%	54%	44%	2%	42%	58%

Notes:

[1] Employment includes workers over 16 years old.

Source: U.S. Census Bureau 2017a, 2017b, 2017e.

Table 3.14-2 Existing (2017) Transit Dependency Characteristics for the City of San Jose and the Study Area

Location/ Census Tract	Population	Persons Under 18	Percent under 18	Persons 65 and Over	Percent 65 and Over	Total Workers	Workers Using Public Transit	Percent Using Public Transit
City of San Jose	1,009,363	236,955	23%	115,534	11%	486,960	20,394	4%
Study Area for the Proposed Changes	**44,505**	**11,067**	**25%**	**4,386**	**10%**	**20,073**	**897**	**4%**
5033.05	6,378	1,379	22%	1,021	16%	2,932	57	2%
5033.06	4,276	1,103	26%	530	12%	1,833	69	4%
5033.21	4,942	905	18%	853	17%	2,388	47	2%
5035.06	6,190	1,729	28%	482	8%	2,628	197	7%
5035.10	6,079	1,698	28%	464	8%	2,674	108	4%
5035.11	3,810	845	22%	509	13%	1,859	88	4%
5040.01	6,302	1,736	28%	527	8%	3,063	163	5%
5040.02	6,528	1,672	26%	786	12%	2,696	168	6%

Notes:
[1] Workers includes workers over 16 years old.
Source: U.S. Census Bureau 2017c, 2017d.

Table 3.14-3 Preliminary Property Right-of-Way Requirements for the Proposed Changes

No.	Assessor's Parcel Number	Address	Existing Use	Right-of-Way Needed	Right-of-Way Requirement (square feet)		Partial or Full Right-of-Way Requirement
					Permanent	Temporary	
1	488-01-041	2710 Story Road	Business	Partial Fee Take, TCE, Permanent Easement, Access Restriction	1,175	2,405	Partial
2	488-01-002	1148 Kollmar Drive	Business	Partial Fee Take,[1] TCE	2,428	1,523	Partial
3	488-01-004	2710 Kollmar Drive	Multi-Family	TCE	0	978	Partial
4	491-01-016	SE Corner of Capitol Expressway & Cunningham Avenue	Public	Partial Fee Take, TCE[2]	761	771	Partial
5	491-02-073	3000 E. Capitol Expressway	Business	Partial Fee Take, TCE, Permanent Easement	2,470	473	Partial
6	491-02-074	3001 E. Capitol Expressway	Business	Partial Fee Take, TCE, Permanent Easement	13,400	3,122	Partial
7	491-02-069	2880 E. Capitol Expressway	Business	Permanent Easement	2,260	0	Partial
8	491-02-070	2950 E. Capitol Expressway	Business	Permanent Easement	2,514	0	Partial
9	491-02-071	2950 E. Capitol Expressway	Business	Permanent Easement	9,786	0	Partial
10	491-02-072	2990 E. Capitol Expressway	Business	TCE, Permanent Easement	4,445	1,917	Partial
11	491-02-066	Thompson Creek	Public	Permanent Easement	38,754	0	Partial
12	491-48-006	Thompson Creek	Public	Permanent Easement	43,304	0	Partial
13	484-45-060	2686 Lombard Avenue	Single-Family	TCE	0	465	Partial
14	484-45-061	353 S. Capitol Avenue	Single-Family	TCE	0	337	Partial
15	484-45-062	455 S. Capitol Avenue	Single-Family	TCE	0	310	Partial
16	484-45-116	461 S. Capitol Avenue	Business	Partial Fee Take, TCE	2,168	2,462	Partial
17	484-34-015	1017 S. Capitol Avenue	Single-Family	TCE	0	250	Partial

No.	Assessor's Parcel Number	Address	Existing Use	Right-of-Way Needed	Right-of-Way Requirement (square feet)		Partial or Full Right-of-Way Requirement
					Permanent	Temporary	
18	484-34-016	1033 S. Capitol Avenue	Single-Family	Permanent Easement, TCE	22	250	Partial
19	484-34-017	1049 S. Capitol Avenue	Single-Family	Permanent Easement, TCE	225	335	Partial
20	484-34-131	1091 & 1093 S. Capitol Avenue	Business	Partial or Full Fee Take[1], TCE	1,829	533	Partial or Full
21	484-34-019	2695 Story Road	Business	Partial Fee Take, TCE	3,979	957	Partial
22	486-39-025	1330 Foxdale Loop	Multi-Family	TCE	0	943	Partial
23	486-43-106	2690 Story Road	Business	Partial Fee Take, TCE	1,629	2,364	Partial
24	491-15-003	Reid-Hillview Airport	Public	Partial Fee Take, TCE, Permanent Easement	10,600	1,154	Partial
25	491-15-041	Swift Avenue	Utility	Partial Fee Take, TCE Permanent Easement[2]	1,817	2,746	Partial
26	491-13-009	Reid-Hillview Airport	Public	Permanent Easement	1,401	0	Partial
27	491-05-020	Reid-Hillview Airport	Public	Partial Fee Take, Permanent Easement, TCE	16,598	5,169	Partial
28	491-04-012	290 E. Capitol Expressway	Business	Full Fee Take	3,019	0	Full
29	491-04-047	290 E. Capitol Expressway	Business	Full Fee Take	5,852	0	Full
30	484-33-110	2785 Mervyns Way	Public	Partial Fee Take, TCE	841	640	Partial
31	491-13-021	Laydown Area at Reid-Hillview	Public Right-of-Way	TCE	0	26,067	Partial
32	491-05-001	Laydown Area at Reid-Hillview	Public Right-of-Way	TCE	0	73,553	Partial
33	491-01-030	City-owned Parcel at Lake Cunningham	Public	Permanent Easement	47	0	Partial
34	491-37-106	2530 Quimby Road	Single-Family	Permanent Easement	823	0	Partial

No.	Assessor's Parcel Number	Address	Existing Use	Right-of-Way Needed	Right-of-Way Requirement (square feet)		Partial or Full Right-of-Way Requirement
					Permanent	Temporary	
35	-	Capitol Expressway	Public	Permanent Easement (Sanitary Sewer)	519	0	Partial
Total Right-of-Way Needed:					**172,666**	**129,724**	**NA**

Notes:
TCE = Temporary Construction Easement; NA = Not Applicable; IEE = Ingress Egress Easement
Partial Fee Take refers to the partial right-of-way need of a parcel; Full Fee Take refers to the full right-of-way need of a parcel.
[1] These areas are within public right-of-way, and do not have an Assessor's Parcel Number or address associated with them.
Source: BKF 2019.

The proposed changes to the approved project would require additional property right-of-way needs not identified in the previous environmental documents prepared for this project. Table 3.14-3 and Figure 3.14-1 identify the temporary and permanent property right-of-way needs required as part of the proposed changes to the approved project. Temporary property right-of-way needs, labeled as temporary construction easements in Figure 3.14-1, means the land would be used temporarily during construction in order to construct the proposed changes; it would be returned to the landowner following the construction period. Permanent right-of-way needs are real estate rights required to construct the approved project, which may include fee interests or easement interests, including, but not limited to: ingress/egress easements, roadway easements aerial guideway easements, public service easements, and utility easements, as labeled in Figure 3.14-1.

As shown in Table 3.14-3, permanent property right-of-way needs of 172,666 square feet and temporary property right-of-way needs of 129,724 square feet of property would be required to construct and implement the proposed changes to the approved project. Most of these property right-of-way needs would require part of the property (partial). However, the proposed changes to the approved project would require the entire property (full) of three parcels. Overall, the proposed changes to the approved project would require less property right-of-way needs to construct and implement compared to the approved project. In addition, most of the required property right-of-way needs would be partial. The property right-of-way needs are as follows.

- **Full Property Required.** Two of the three parcels that would be required in full are both located at 290 E. Capitol Expressway (Assessor's Parcel Numbers [APNs] 491-04-012 and 491-04-047) and are owned by the same owners, Lawyers Title Ins. Corp./Arcadia Development Co. They are classified as businesses, but there are no businesses currently occupying the parcels. The parcels are in front of and adjacent to the Beshoff Infiniti car dealership on the southwest corner of Tully Road and Capitol Expressway. This would not be expected to affect the Beshoff Infiniti dealership operations. The third parcel that would be required in full is located at 1091 & 1093 S. Capitol Avenue, and is owned by two individuals who lease the two spaces to a beauty salon and car stereo shop. These three parcels are required to construct Eastridge Station.
- **Partial Property Required.** As shown in Figure 3.14-1, partial property right-of-way needs would be required at various locations within the project corridor, including the following.
    - Businesses on Story Road and E. Capitol Expressway.
    - Businesses and residences on Kollmar Drive and S. Capitol Avenue.
    - Residences on Sussex Drive, Lombard Avenue, and Foxdale Loop.
    - Public uses on Thompson Creek, Reid-Hillview Airport, and Mervyns Way.

In addition, temporary easements for construction and permanent easements for utilities and maintenance would also be required. Partial property right-of-way needs would primarily affect landscaping at commercial properties, and front and back yards of

residential properties. Right-of-way negotiations with the property owners would occur during final design of the project.

Despite all of the anticipated property right-of-way needs associated with the proposed changes to the approved project, the proposed changes are not anticipated to result in an adverse effect related to the displacement of residential or business properties. The number of properties needed is low for a project of this scale. All properties would be purchased at fair market value and relocation assistance would be provided where applicable in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. Thus, the proposed changes to the approved project would not result in a greater socioeconomic impact compared to the impacts previously identified and analyzed for the approved project.

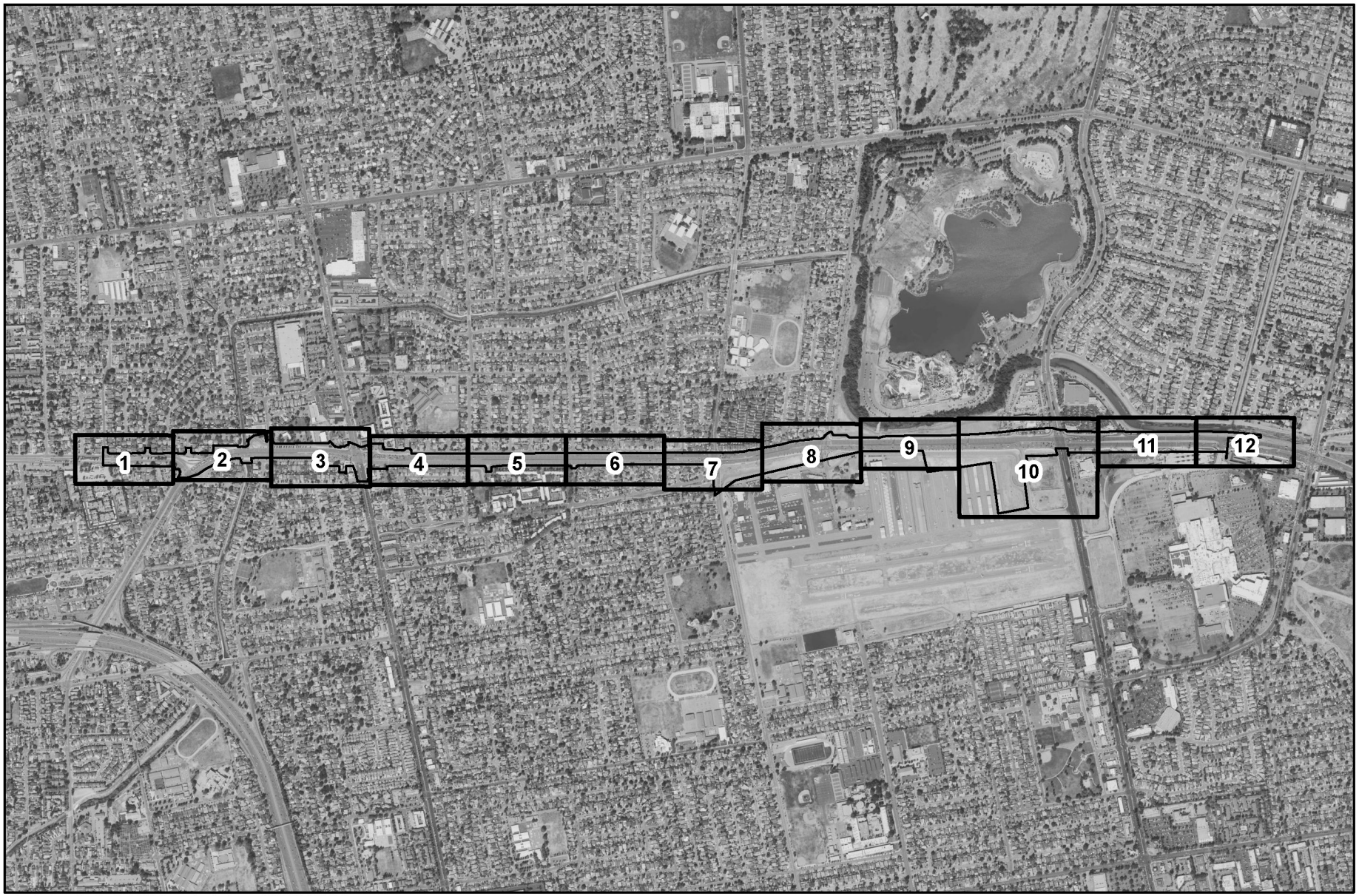
Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to socioeconomics.

The following impact from the 2005 Final EIR would still apply to the proposed changes to the approved project: SOC-16 (Displacement of Existing Businesses or Housing).

Mitigation: The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: SOC-16a (Comply with Legislation for Acquisition and Relocation) and SOC-16b (Inform Residents and Businesses of Project Status).

Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Less-than-significant impacts with mitigation.



Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

Legend

- Capitol Expressway Corridor
- # Map Book Sheet

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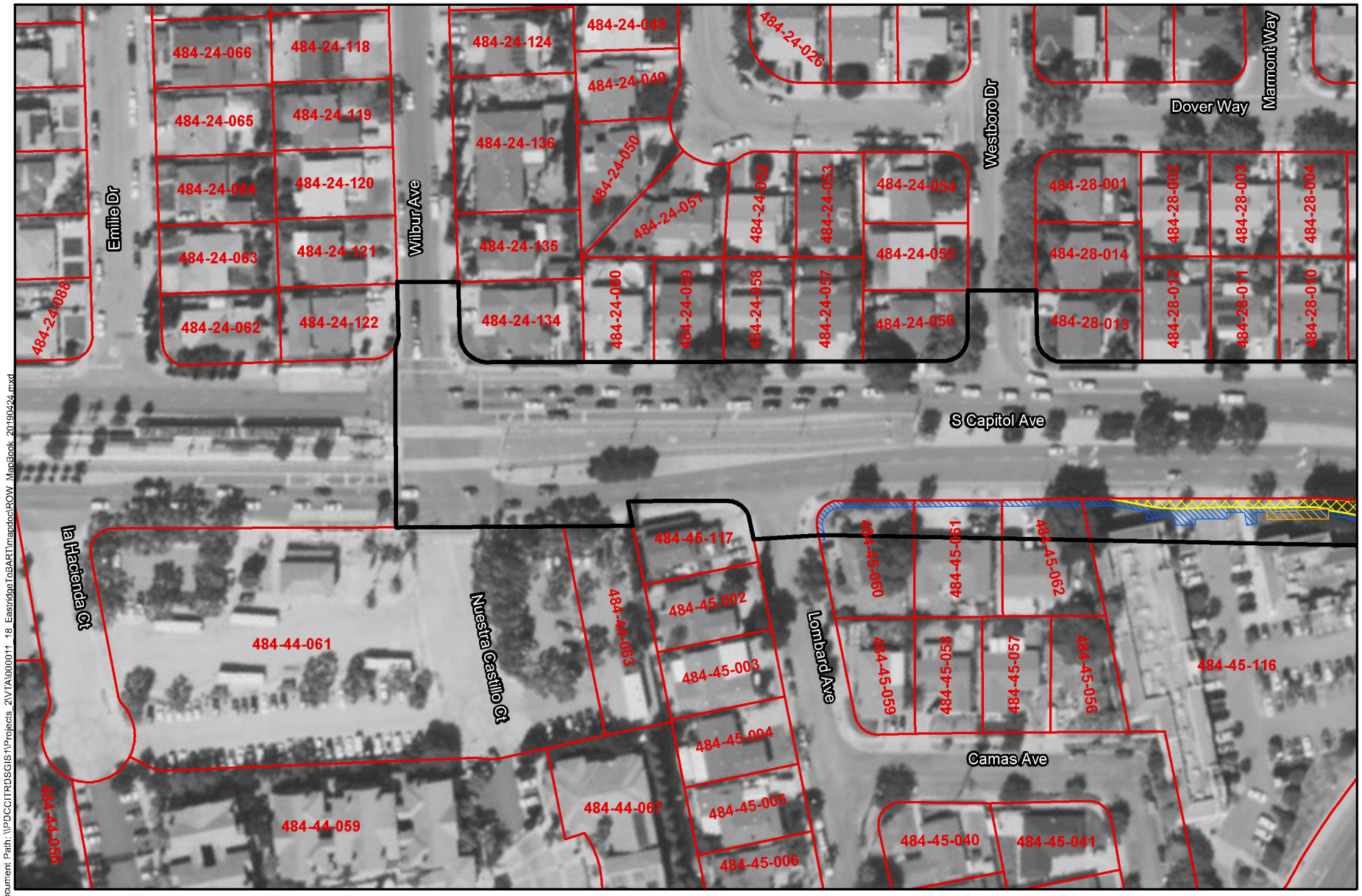
Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes



Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

- Temporary Construction Easement
- Staging Area

N

0 100 Feet

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes (Sheet 1 of 12)

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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

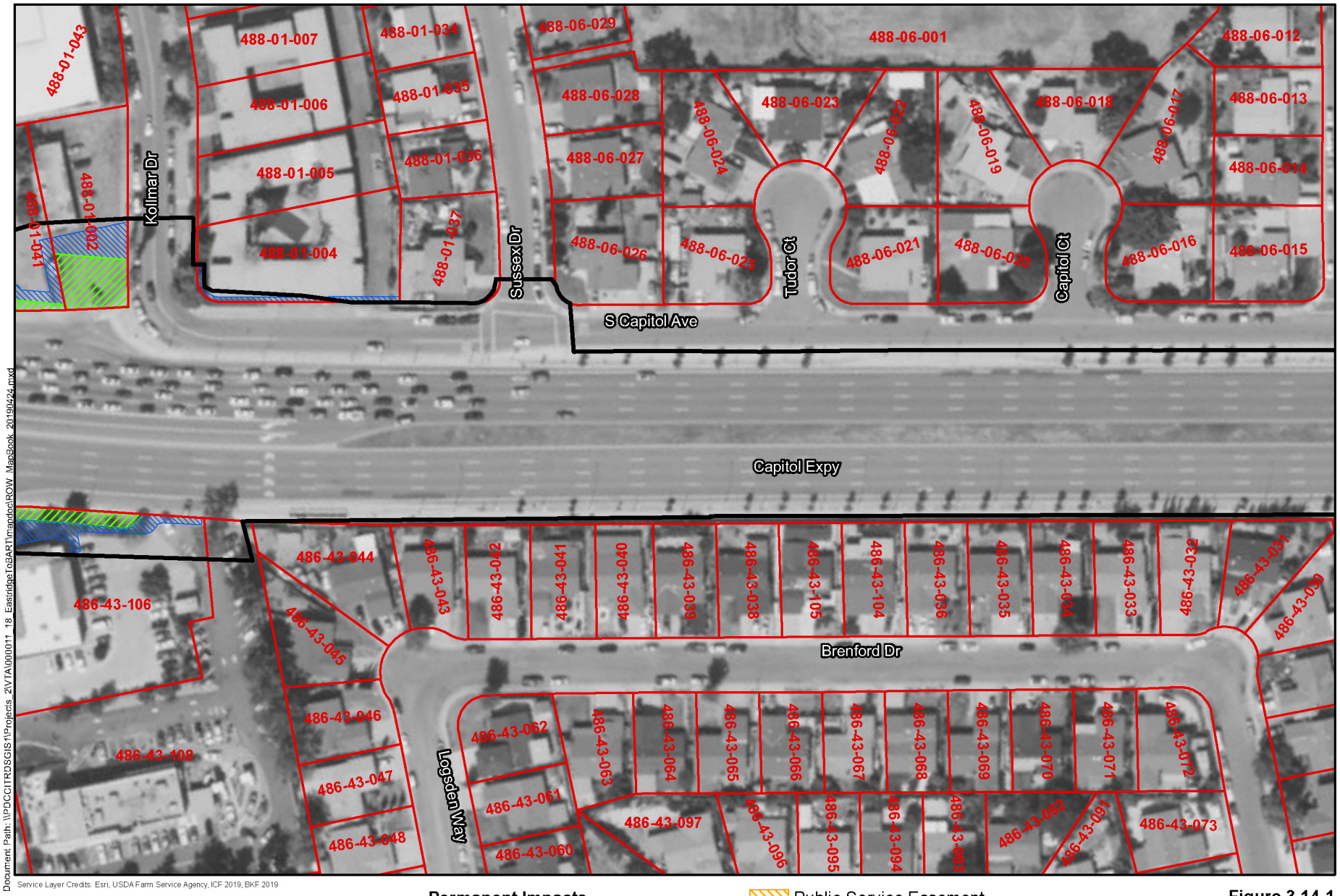
- Temporary Construction Easement
- Staging Area

N

0 100 Feet

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 2 of 12)

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 3 of 12)



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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

- Temporary Construction Easement
- Staging Area

N

0 100 Feet

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 4 of 12)

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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

N

0 100 Feet

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

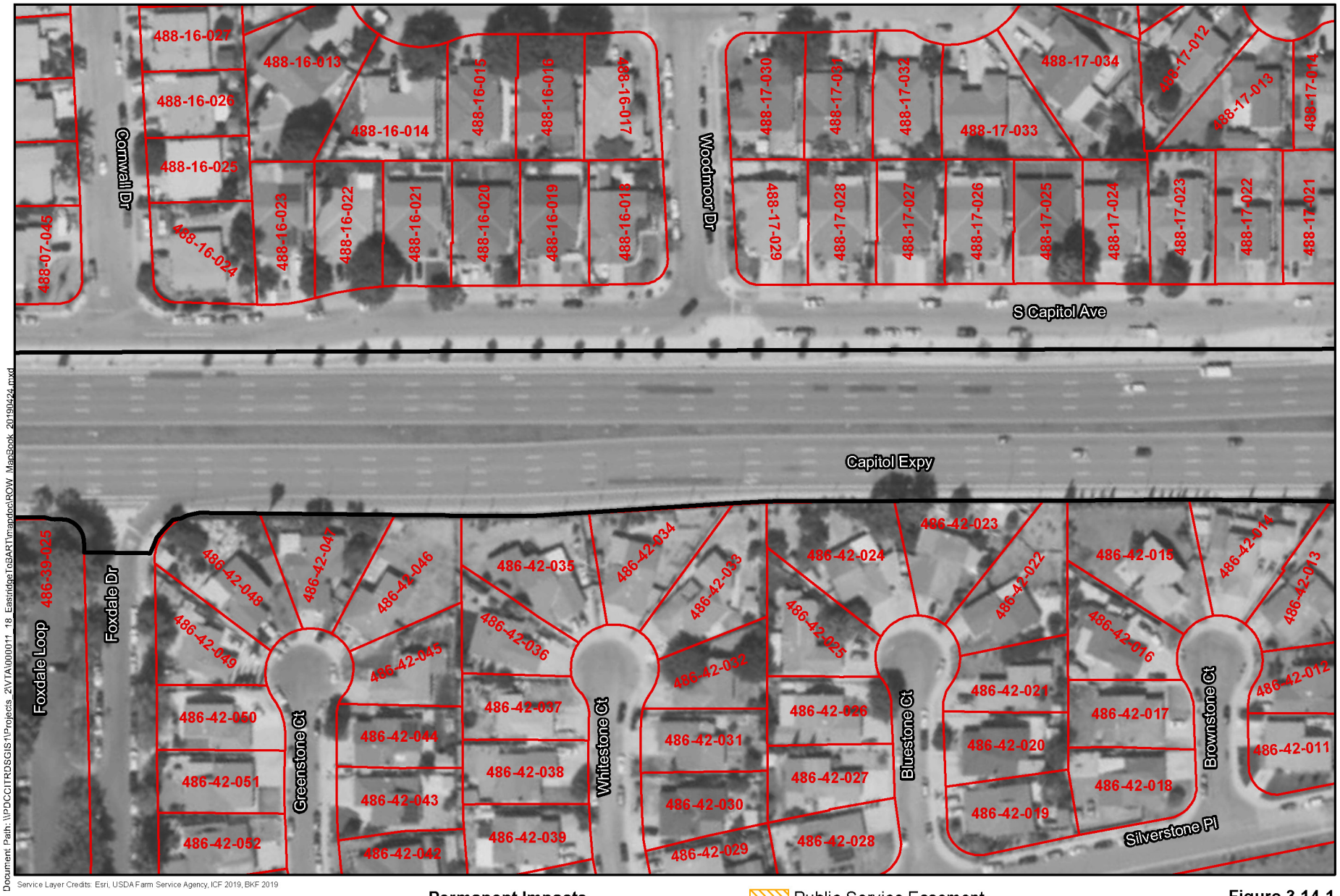
Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

- Temporary Construction Easement
- Staging Area

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 5 of 12)



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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

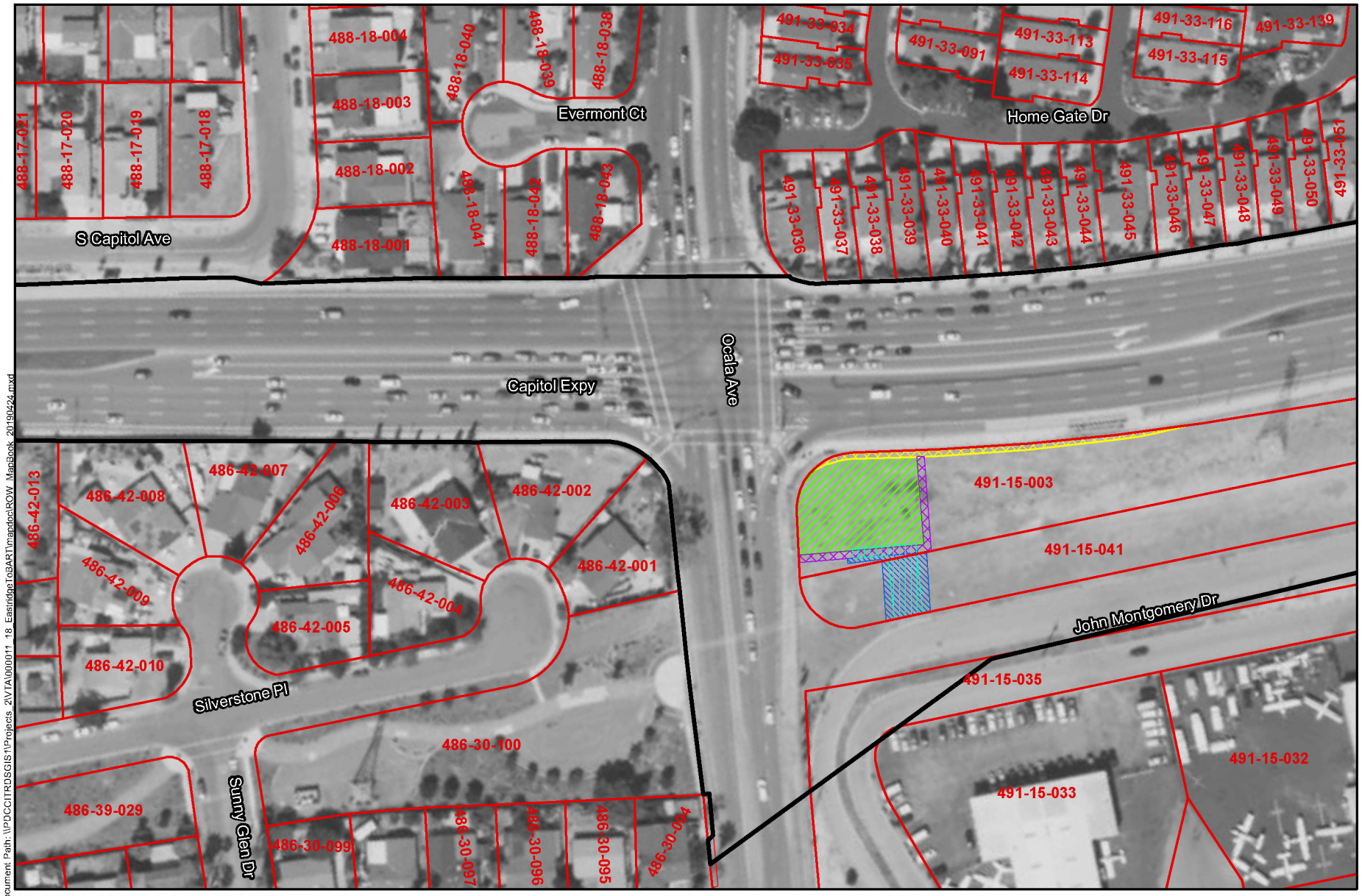
Temporary Impacts

- Temporary Construction Easement
- Staging Area

N

0 100 Feet

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 6 of 12)



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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

N

0 100 Feet

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111-11-111 Assessor Parcel Numbers

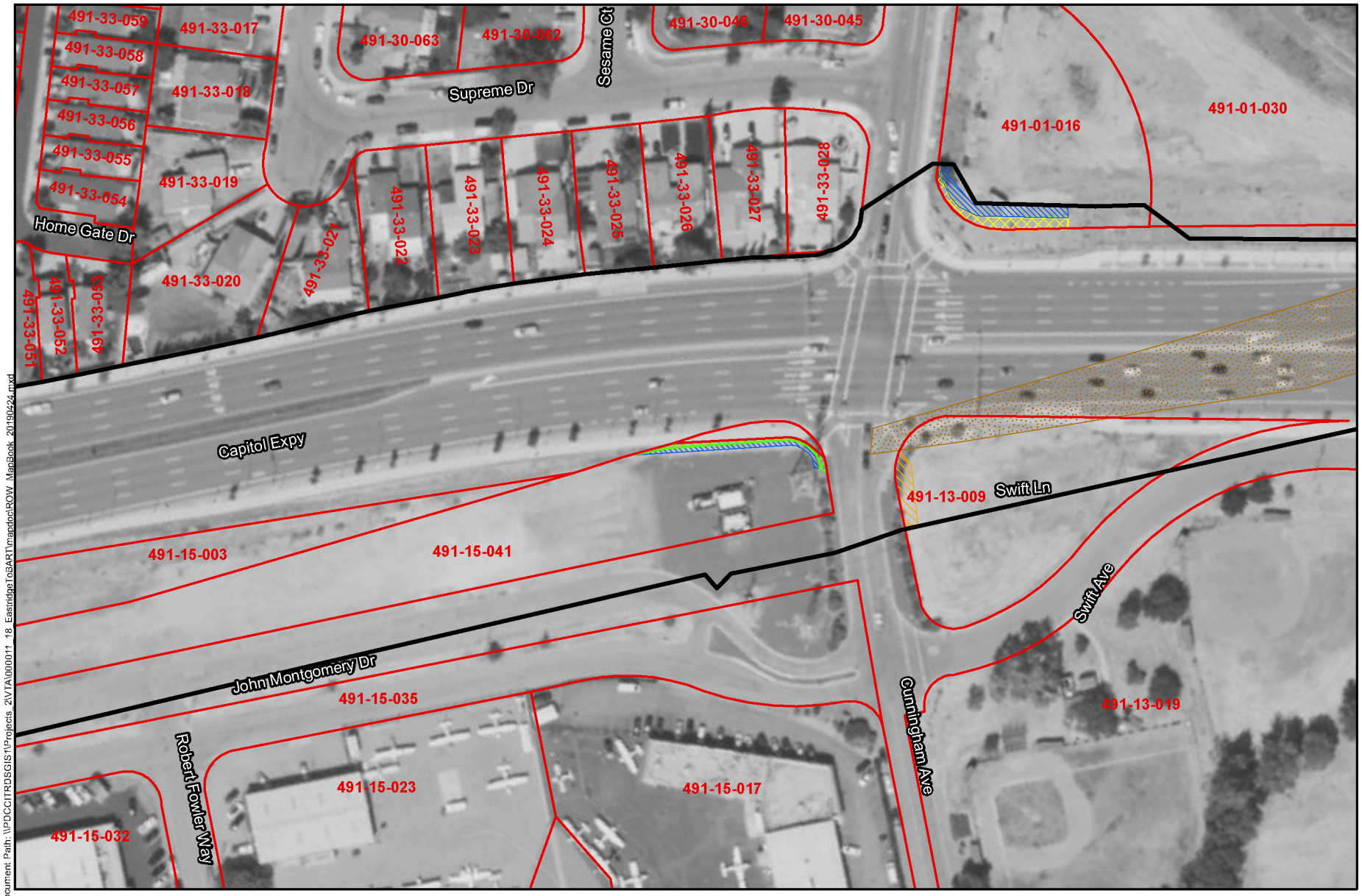
Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

- Temporary Construction Easement
- Staging Area

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 7 of 12)



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Service Layer Credits: Esri, USDA Farm Service Agency, ICF 2019, BKF 2019

Legend

- Capitol Expressway Corridor
- Parcel Boundary
- 111 - 11 - 111 Assessor Parcel Numbers

Permanent Impacts

- Right-of-Way Take
- Maintenance Easement
- PG&E Electrical Transmission Easement (Overhead Easement)
- Private Ingress Egress Easement
- Public Service Easement
- Roadway Easement

Temporary Impacts

- Temporary Construction Easement
- Staging Area

N

0 100 Feet

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 8 of 12)

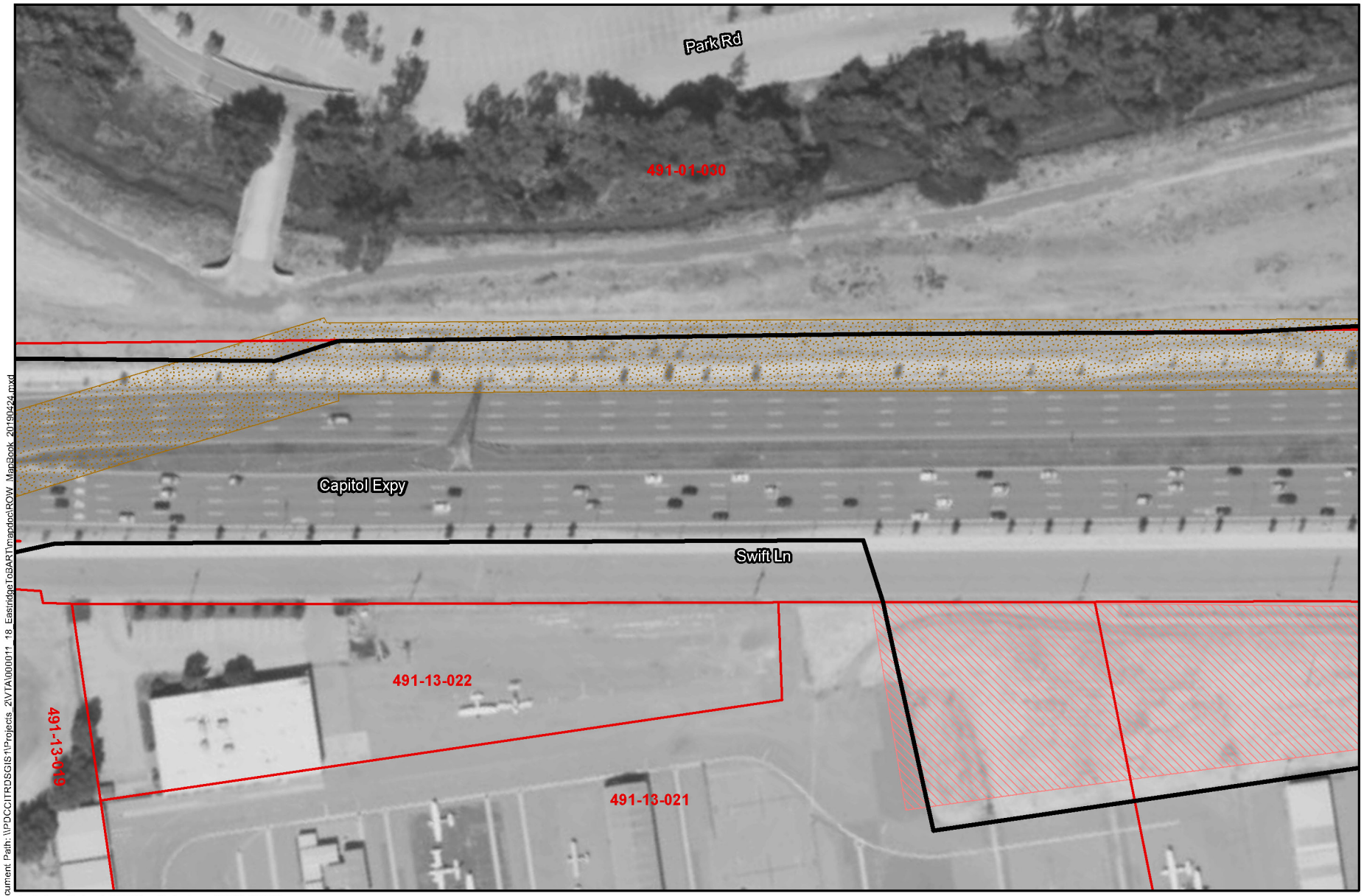

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes
(Sheet 9 of 12)

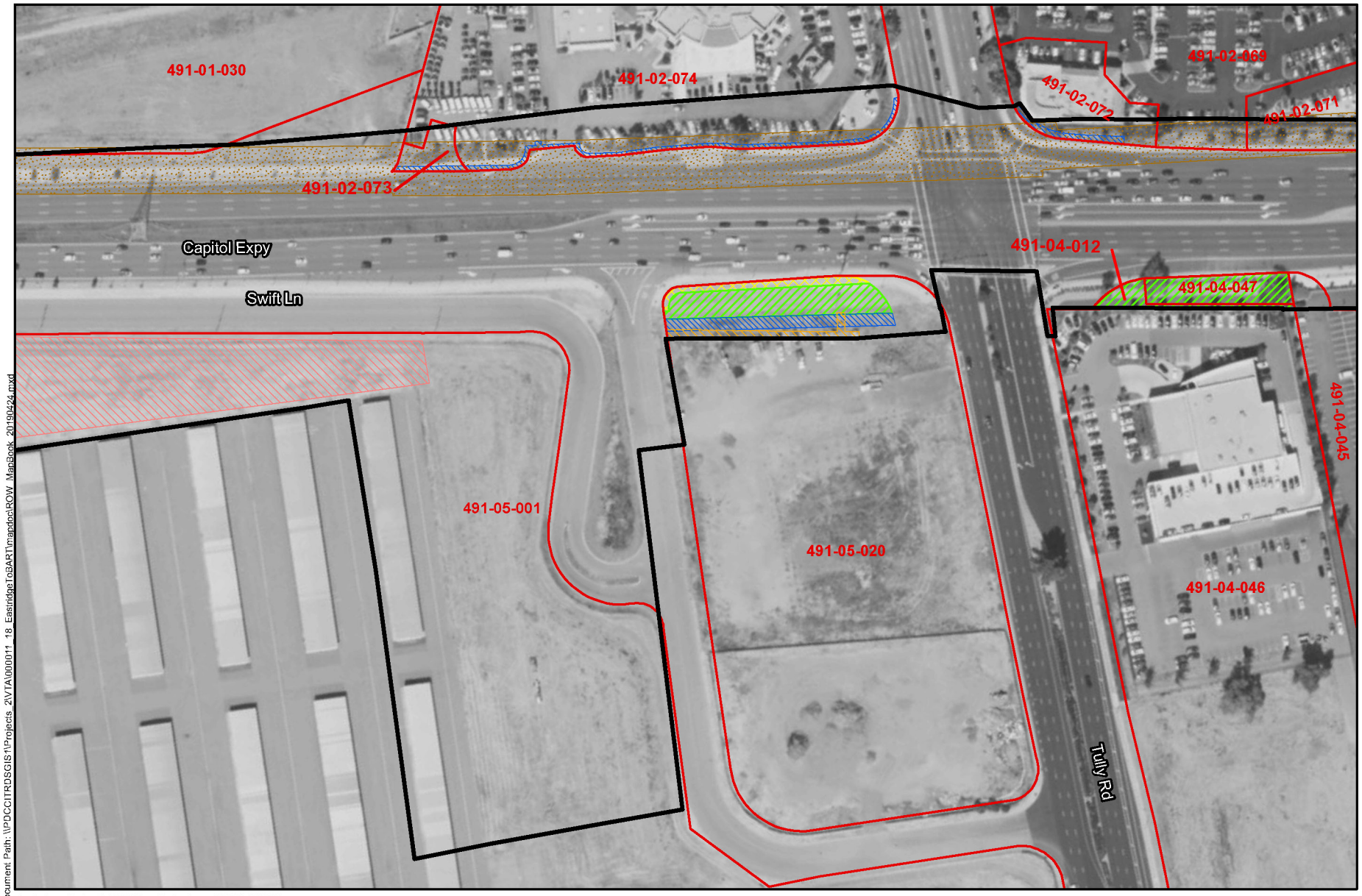

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes (Sheet 10 of 12)

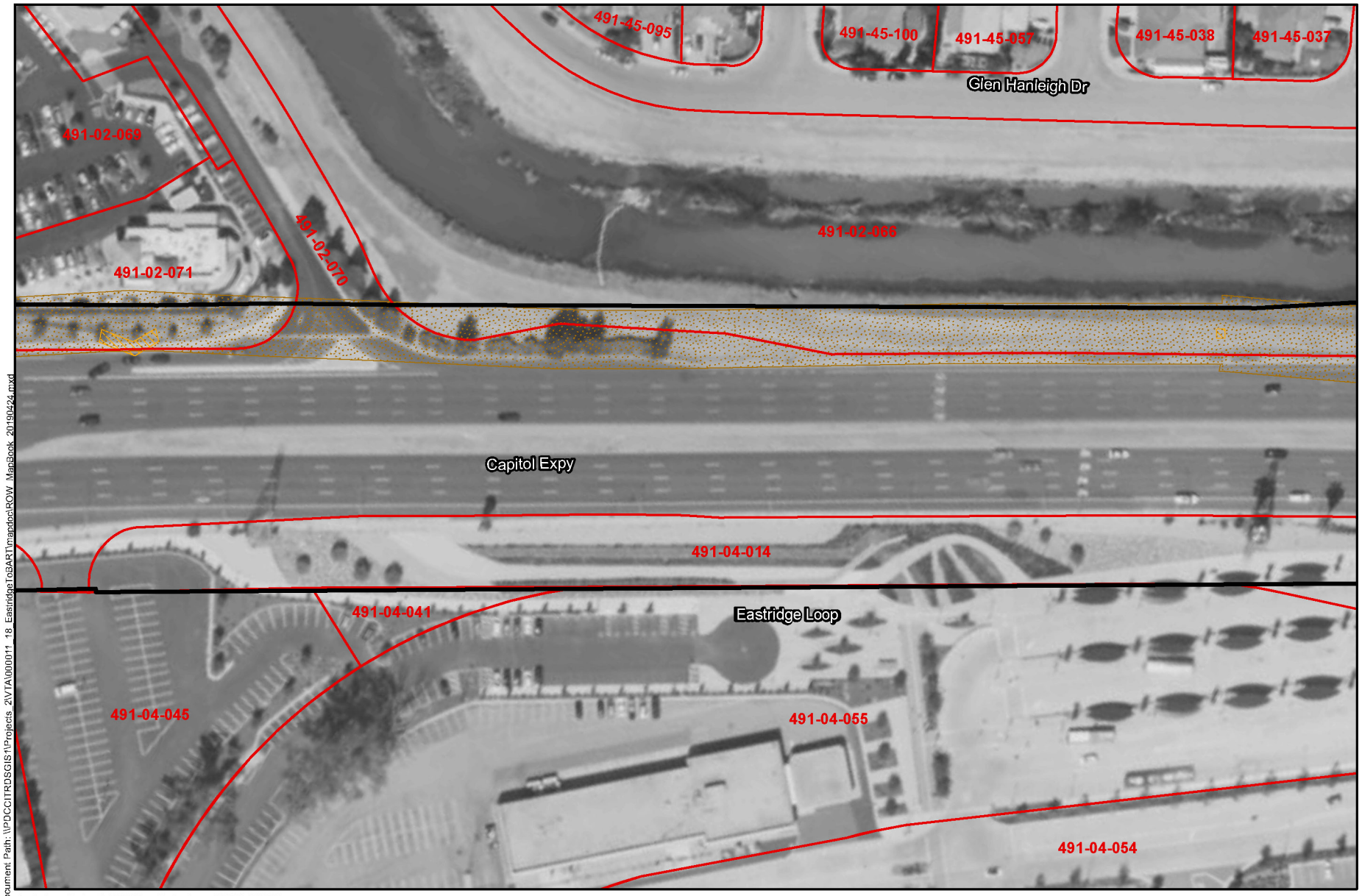

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes (Sheet 11 of 12)

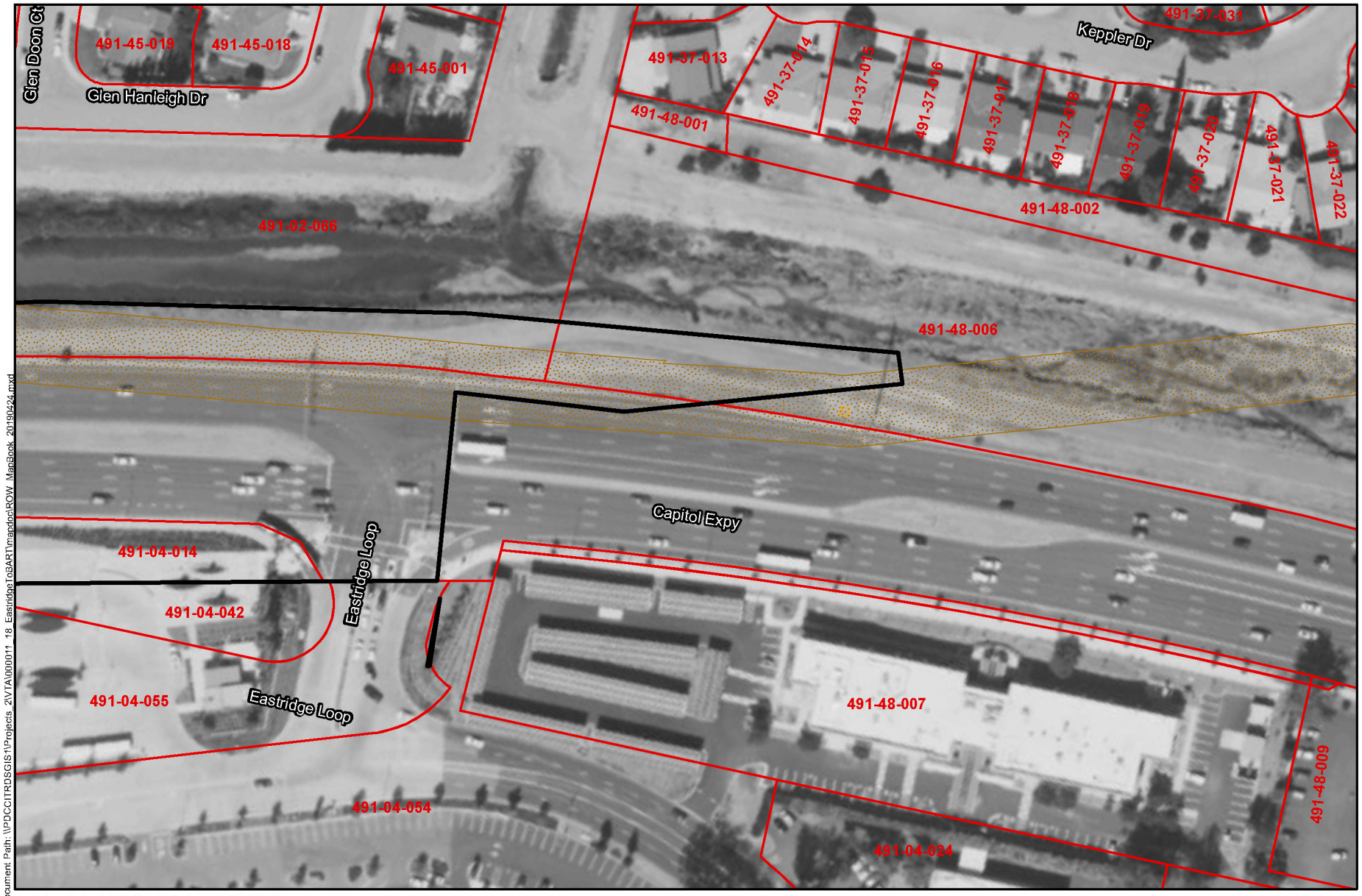

Figure 3.14-1
Right-of-Way Requirements for the Proposed Changes (Sheet 12 of 12)

3.15 Utilities

This section describes the potential utilities impacts associated with the proposed changes to the approved project. Utilities include stormwater drainage systems, sanitary sewer lines, water lines, gas and electricity lines, and telecommunication lines.

Environmental Setting

The existing utilities conditions and applicable regulations remain unchanged since the certification of the 2014 Subsequent IS/MND.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant utilities impacts compared to the impacts previously identified and analyzed for the approved project.

Similar to the approved project, the proposed changes to the approved project would require the relocation of utilities during construction, which requires disruption of service. The proposed changes to the project would require the relocation of a 3-inch high pressure natural gas line under Cunningham Avenue. The proposed changes would also include the relocation of PG&E electrical transmission facilities. Other relocations and modifications to utilities may be required once final design of the proposed changes is complete. However, the utility relocations would not be uncommonly large or complex. Related service disruptions are not expected to last more than a few hours, and disruptions of 24 hours or more are highly unlikely. The proposed changes to the approved project would not substantially increase utilities impacts during construction beyond what was previously identified and analyzed for the approved project.

The proposed changes to the approved project would not alter approved project operations, which would entail operating light rail trains using electricity delivered through an OCS primarily within the median of the Capitol Expressway corridor. The primary required utility would be electricity and water, and there would be minimal demand for other utilities such as gas, telecommunications, and sanitary sewage. The demand for utilities associated with the proposed changes would not require the construction of new or additional electrical, gas, water, telecommunications, or sanitary sewage facilities. The proposed relocation of PG&E electrical transmission facilities, including two additional TSPs and an increase in height up to approximately 121 feet for one TSP to clear the proposed aerial guideway, would not be required due to increased demand; rather, these proposed changes would be required to accommodate the proposed aerial guideway.

The majority of the proposed changes to the approved project (including the modifications to the Eastridge Station platforms and tracks; the reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; modification to Story Station pedestrian

access; relocation of a construction staging area; and relocation of PG&E electrical transmission facilities) would not increase the amount of impervious areas within the corridor compared to the approved project. Thus, these proposed changes would not increase the generation of runoff or the need for the construction of new stormwater drainage systems or expansion of existing systems beyond what was previously identified and analyzed for the approved project.

Two proposed changes to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and revisions to Capitol Expressway roadway lane configurations) could change the amount of impervious areas within the corridor compared the approved project, resulting in an associated change in the amount of runoff directed to the existing stormwater drainage system. As discussed in Section 3.10, *Hydrology and Water Quality*, the proposed replacement of the at-grade track alignment with an aerial guideway between south of Story Road and north of Tully Road would introduce an impervious elevated surface above a pervious median. The proposed revisions to the Capitol Expressway roadway configuration would require roadway widening, which could create minor additional impervious areas. Overall, it is anticipated that these proposed changes to the approved project would result in a slight increase in impervious areas within the corridor, but it is unlikely this slight increase would have any substantial effect on the existing storm drainage system. At this preliminary stage of design, the exact difference in the amount of impervious area compared to the approved project is unknown and an assessment of the amount of existing pervious area being replaced has not yet been completed. The proposed aerial guideway would include appropriate drainage facilities that would be directed to the existing storm drainage system. In addition, BMPs and stormwater treatment measures would be implemented to reduce runoff generated by the proposed changes to the approved project. Under existing conditions, the stormwater drainage system is not sufficient at some locations due to undersized pipes and inadequate slopes. As with the approved project, only the portions of the stormwater drainage system that are in conflict with the proposed changes to the approved project would be replaced at the same capacity. Therefore, the existing stormwater drainage system would continue to be deficient until the capacity of pipes is increased and inadequate slopes are improved. Pipes that are under capacity and drainage facilities with inadequate slopes could result in poor or inadequate drainage flow rates, and could result in localized ponding or flooding during storm events. However, the additional impervious areas resulting from the proposed changes to the approved project would not exacerbate the existing stormwater drainage system issues beyond what was previously identified and analyzed for the approved project, or contribute to cumulative effects due to the incorporation of BMPs and stormwater treatment to reduce runoff.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant effects or a substantial increase in the severity of previously identified significant impacts related to utilities.

The following impact from the 2005 Final EIR would apply to the proposed changes to the approved project: UTL (CON)-1 (Disrupt a

Utility Service for a Period of 24 Hours or More) and UTL-3 (Require or Result in the Construction of New Stormwater Drainage Facilities or Expansion of Existing Facilitates).

Mitigation: Operation. None required. This impact is "Less than Significant."

Construction. The following mitigation measure identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: UTL (CON)-1 (Coordinate with Utility Service Providers Prior to Construction of Light Rail Facilities). Inclusion of this mitigation measure would reduce this impact to "Less than Significant."

Less-than-significant operational and construction impacts with mitigation.

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3.16 Visual Quality

This section describes the potential impacts on visual quality resulting from the proposed changes to the approved project. Factors affecting visual quality include the potential to degrade the existing visual character and quality of the Capitol Expressway corridor, negatively affect scenic vistas, and introduce new sources of light and glare. People that are potentially affected by these factors are called "sensitive visual receptors" and include residents and recreationalists in proximity to the project corridor.

Environmental Setting

The existing visual character and quality within the Capitol Expressway corridor is largely unchanged subsequent to the certification of the 2014 Subsequent IS/MND. North of Ocala Avenue, the corridor passes through residential development. South of Ocala Avenue, much of the corridor passes by the Reid-Hillview Airport, Raging Waters, car dealerships, and Eastridge Mall. The corridor also passes by residential developments east of Capitol Expressway between Ocala Avenue and Cunningham Avenue, and south of Tully Road.

Some minor visual changes have occurred within the vicinity of the corridor subsequent to the certification of the 2014 Subsequent IS/MND, including improvements to the Eastridge Transit Center completed in 2015 and the construction of the Thompson Creek Trail in 2017. Improvements to the Eastridge Transit Center increased the visual quality of the station with upgraded parking lots and bus loops, safer pedestrian circulation routes, pedestrian shelters, landscaping, and an overall design that creates a unified sense of place. In addition, VTA completed improvements to the vacant building located at the Eastridge Transit Center in September 2017 and moved its VTA Access Paratransit staff to the Eastridge Park-and-Ride Lot. Refer to Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, for additional information regarding the Thompson Creek Trail. The nearest portion of the trail to the location of the proposed changes to the approved project is located adjacent to Capitol Expressway between south of Tully Road and Quimby Road. The new paved portion of the Thompson Creek Trail skirts the creek on its western levee and is not a notable visual feature in the landscape. However, the trail slightly increases the number of sensitive visual receptors near the Capitol Expressway corridor.

Environmental Impacts and Mitigation

This impact discussion primarily focuses on the proposed changes to the approved project that could result in new or more significant visual quality impacts compared to the impacts previously identified and analyzed for the approved project.

SCENIC VISTAS

The closest designated scenic route to the Capitol Expressway corridor is U.S. 101, located 2 miles west of Capitol Expressway. As with the approved project, the location of

the proposed changes to the approved project would not be visible from this segment of U.S. 101 and the proposed changes would not negatively affect scenic vistas. In addition, as discussed in Section 3.5, *Cultural Resources*, there are no buildings that qualify as historical resources under CEQA within the Capitol Expressway corridor. Thus, the potential impacts on scenic vistas associated with the proposed changes to the approved project would not be increased compared to the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to scenic vistas.

Mitigation: None required. This impact is "Less than Significant."

Less-than-significant impact. No mitigation required.

LIGHT AND GLARE

Similar to the approved project, nighttime construction activities associated with the proposed changes to the approved project would involve the use of lighting equipment that could cause glare, potentially affecting the residents adjacent to the project corridor. The proposed changes to the approved project would not substantially increase light and glare during construction beyond what was previously identified and analyzed for the approved project.

As with the approved project, the proposed changes to the approved project would be located within the median of or on parcels directly adjacent to Capitol Expressway. The majority of the proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; modifications to Eastridge Station platforms and track; reduction in parking spaces at the Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; modification to Story Station pedestrian access; and relocation of a construction staging area) would not involve an increase in light or glare. There is one proposed change to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections) that would result in a nominal increase in daytime glare and intermittent increases in nighttime lighting. Daytime glare would result if sunlight reflects off of passing train windows and can be seen by nearby residents. However, this is not expected to be a factor affecting residential viewers because the proposed aerial guideway would be at a level that is higher than residences. The aerial guideway may create shading, which could negatively affect nearby residences, especially in the winter when sun angles are lower. While the aerial structure would not include any lighting, intermittent increases in nighttime lighting may be seen by nearby residents as trains along the aerial guideway pass at night. However, like the potential for glare, such intermittent increases are not likely to affect sensitive residential receptors because the passing light would be at a higher elevation than the roofs of residences. Therefore, it is not very likely that the light would be seen flashing in

windows as the trains pass at night. Similarly, as a result of the increase in height of the TSPs and the proximity to Reid-Hillview Airport, PG&E may need to install FAA obstruction lighting on some or all of the new poles in accordance with FAA requirements. However, red LED obstruction lighting on the TSPs would be at a higher elevation than the roofs of residences and the red lighting would be warm colored so it would not likely brighten the night sky or create glare or nuisance light spill. Therefore, it is not likely that substantial amounts of light from the obstruction lighting would be visible at night. Thus, the potential impacts on light and glare associated with the proposed changes to the approved project would not be increased compared to the impacts previously identified and analyzed for the approved project.

Impact: Based on the analysis above, the proposed changes to the approved project would not result in a new significant impact or a substantial increase in the severity of previously identified significant impacts related to light and glare.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: VQ (CON)-1 (Creation of a New Source of Substantial Light or Glare) and VQ-1 (Creation of a New Source of Substantial Light or Glare).

Mitigation: Operational. The following mitigation measure from the 2005 Final EIR would still apply to the proposed changes to the approved project: Mitigation Measure VQ-1 (Incorporate Lighting Design Standards to Minimize Fugitive Light and Glare). Inclusion of this mitigation measure would reduce this impact to "Less than Significant."

Construction. The following mitigation measure identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: VQ (CON)-1 (Direct Lighting toward Construction Areas). Inclusion of this mitigation measure would reduce these impacts to "Less than Significant."

Less-than-significant operational and construction impacts with mitigation.

VISUAL CHARACTER AND QUALITY

Capitol Expressway is an existing major transportation corridor that occupies the visual landscape with overhead transmission lines, vertical poles, lattice steel transmission towers, lighting, signage and other equipment associated with transportation infrastructure.

Construction activities for the proposed changes to the approved project involving the use of heavy equipment, transport of soils and material, and other visual signs of construction would occur along the Capitol Expressway corridor and at construction staging areas, similar to the approved project. These activities would be most visible to pedestrians

along the corridor and residents of adjacent homes. Viewers traveling through the corridor such as VTA bus transit passengers, automobile drivers, and bicyclists would have intermittent views of these activities and construction staging areas. However, the construction-related visual changes would be short-term in nature and would not substantially alter the visual character of the urban expressway, where roadway maintenance activities are accepted visual elements. The proposed changes to the approved project would not substantially increase the degradation of visual quality during construction beyond what was previously identified and analyzed for the approved project.

The majority of the proposed changes to the approved project (including the revisions to Capitol Expressway roadway lane configurations; reduction in parking spaces at Eastridge Park-and-Ride lot; minor shift in the location and straightening of the Story Station pedestrian overcrossing; modification to Story Station pedestrian access; and relocation of PG&E electrical transmission facilities) would involve modifications to existing or approved project structures. Similarly, the proposed relocation of a construction staging area could result in the degradation of visual character and quality at the site of the relocated staging area, but this impact would be temporary.

Two proposed changes to the approved project (the extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections and the modifications to Eastridge Station platforms and tracks) would change the visual character and quality of the Capitol Expressway corridor. The proposed modifications to Eastridge Station platforms and tracks would be beneficial compared to the impacts previously identified and analyzed for the approved project because these changes would eliminate the reconstruction of Eastridge Loop/Capitol Expressway intersection and would lower the Tully Road bridge crossing such that it would not require a substantial alteration to the visual environment.

Figure 3.16-1 shows the existing view and the visual simulation at Eastridge Station looking north. As shown in Figure 3.16-1, the proposed changes to the approved project at the Eastridge Station platforms and track would complement the existing station design and would not degrade the quality of views associated with the station. In addition, the height of the single platform would be similar to the height of the two platforms included in the approved project and, thus, would not obstruct background views of the Diablo Range for pedestrians on the at-grade sidewalk. The other proposed design changes at the Eastridge Station would be minor and would not degrade the visual quality of the area.

The proposed aerial guideway would include concrete columns supported on pile foundations. The aerial guideway would also include aerial sound walls. Figure 3.16-2 shows the existing view and the visual simulation at Ocala Avenue intersection looking southeast. As shown in Figure 3.16-2, when looking southeast from Ocala Avenue, the proposed extension of the aerial guideway would be a major visual change compared to existing conditions. Figure 3.16-3 shows the existing view and the visual simulation at Ocala Avenue intersection looking northwest. As shown in Figure 3.16-3, the aerial guideway would tower over nearby single-story residences and is likely to be perceived as a visual intrusion in the landscape. This proposed change would result in a large,

elevated structure that would typically be 20 to 35 feet high at the top-of-rail with a maximum height of approximately 60 feet with the overhead catenary system and poles compared to the at-grade alignment that would be included in the approved project. This structure would be highly visible to motorists and pedestrians on Capitol Expressway as well as from many nearby residences. The proposed changes would add or relocate major structural elements that would alter the existing visual character and quality of the corridor to a greater degree compared to the impacts previously identified and analyzed for the approved project.

Impact: The introduction of the aerial guideway into the visual setting would result in a major change in the views from the residences along the Capitol Expressway corridor and it would diminish the privacy of the residences, which would be visible from the aerial guideway. Specifically, the sensitive visual receptors in the adjacent residences would likely experience an invaded sense of privacy from light rail users being able to look down and into their backyards and into the upper levels of their residence. In addition, the proposed aerial guideway would dominate the landscape within the Capitol Expressway corridor by creating a less suburban neighborhood feeling and more of an urban neighborhood feeling compared to the approved project because the aerial guideway would introduce large-scale, elevated transportation structure into the landscape. In addition, the landscape would be more visually cluttered due to the proposed aerial guideway compared to the approved project.

The following impact from the 2005 Final EIR would still apply to the proposed changes to the approved project: Impact VQ-3 (Degradation of Existing Visual Quality).

Mitigation: Operational. The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: VQ-3 (Refine Project Design for Consistency with the Community), and VQ-4 (Incorporate Landscaping in the Project Design).

Mitigation Measure VQ-4 has been revised to be consistent with VTA's Sustainable Landscape Policy.

Mitigation Measure VQ-4: Incorporate Landscaping

VTA will develop and implement a comprehensive landscaping plan to soften the massing, hardscape, and structural elements of the Project. The landscaping shall be designed to be consistent with vegetation types and patterns within the Capitol Expressway Corridor, and shall provide year-round aesthetic enhancement.

As part of this plan, VTA shall review project designs to ensure that the following elements are implemented in the Project landscaping plan to the extent feasible:

- 85 percent of the species composition of open space areas shall reflect species that are native to the Plan Area and California. The species list should include trees, shrubs, and an herbaceous understory of varying heights, as well as evergreen and deciduous types. Plant variety will increase diversity by providing multiple layers, seasonality, more diverse habitat, and reduced susceptibility to disease.

- 75 percent of the plant composition for landscaping in parks and public/quasi public and commercial areas shall be comprised of species that are native to the Plan Area and California. Use of native species promotes a visual character of California that is being lost through development and reliance on non-native ornamental plant species. Native plant species can be used to create attractive spaces, high in aesthetic quality, that are not only drought-tolerant but attract more wildlife than traditional landscape palettes.

- Under no circumstances will any invasive plant species be used at any location.

- Vegetation shall be planted within the first year following project completion.

- An irrigation and maintenance program shall be implemented during the plant establishment period and carried on an as needed basis, such as in a drought, as supplemental irrigation.

- Irrigation in public and commercial areas shall utilize a smart watering system that evaluates the existing site conditions and plant material against weather conditions to avoid overwatering of such areas. The irrigation system will be managed in such a manner that any broken spray head, pipes, or other components of the system are fixed within 1 to 2 days, or the zone or system will be shut down until it can be fixed to avoid unusually high water flows.

Inclusion of these mitigation measures would reduce this impact to "Less than Significant."

Construction. None required. This impact is "Less than Significant."

Less-than-significant operational and construction impacts with mitigation.

Source: Callander Associates 2018.

Graphics ... 00011.18 (6/21/18)

Figure 3.16-1
Existing View and Simulation – Eastridge Station Looking North

Source: Callander Associates 2018.

Graphics ... 00011118 (6/21/18)

Figure 3.16-2
Existing View and Simulation – Ocala Avenue Intersection Looking Southeast

Source: Callander Associates 2018.

Graphics ... 0001118 (6/21/18)

Figure 3.16-3
Existing View and Simulation – Ocala Avenue Looking Northwest

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3.17 Environmental Justice

Potential environmental justice impacts associated with the proposed changes to the approved project are evaluated in the SEIR-2.

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3.18 Construction

Potential construction impacts associated with the proposed changes to the approved project are evaluated in the SEIR-2.

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