

UTA ENVIRONMENTAL
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Via U.S. Mail and E-mail

Tom Fitzwater, SVRT Environmental Planning Manager
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Re: Apple Inc.'s Comments to VTA's BART Silicon Valley Phase II Extension Project Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Draft Section 4(f) Evaluation

Dear Mr. Fitzwater:

Apple Inc. ("Apple") appreciates this opportunity to comment on the December 2016 VTA's BART Silicon Valley Phase II Extension Project ("Phase II") Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Draft Section 4(f) Evaluation ("Draft SEIS/SEIR"), prepared by the Valley Transportation Authority ("VTA") and the Federal Transit Administration ("FTA").

Introduction

Apple absolutely supports BART expansion. We believe it is an important part of creating transit solutions that are good for the environment, the economy, and our way of life in Silicon Valley. Apple has long supported extending BART, and we've always engaged stakeholders in the spirit of partnership because we believe this will make our community even better.

P85-1

We also believe in growing our presence the right way. This includes reducing the carbon footprint of everything we do, including running every Apple facility across the US on renewable energy. The new Apple Park campus takes this commitment to a whole new level -- creating one of the largest solar installations ever for a corporate headquarters and a stunning greenspace in the heart of the South Bay. In addition, we've invested millions to reduce the number of cars on our roads through our state-of-the-art commute alternatives program, and we spend millions more in taxes every year within the county in support of key infrastructure.

There are major impacts resulting from the potential acquisition of the approximately 157,000 square foot research and development ("R&D") facility that Apple leases and operates at 335 Brokaw Road in Santa Clara ("335 Brokaw") that have not been properly studied or contemplated. Apple has already invested over \$40 million in the first phase of its work at 335 Brokaw and is in the process of implementing the second phase of its work, with an investment similar in value. The facilities at 335 Brokaw are critical to Apple's business. Apple's lease agreement with K.J.L. Associates, predecessor-in-interest to the property owner, does not expire until 2025. Apple intends to maintain its use of the property until, at least, the expiration of its initial lease term. The lease provides Apple with options to extend the lease for another 25 years.

P85-2

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Over the past year, Apple has proactively reached out to and sought to engage in conversations with VTA to seek collaborative solutions to potential issues related to 335 Brokaw. Despite these efforts, the Draft SEIS/SEIR indicates that Phase II will require the demolition of Apple's facility at 335 Brokaw by 2018 so that the property can be used as a temporary construction laydown or staging area. The Draft SEIS/SEIR also indicates that 335 Brokaw will later be occupied by a parking structure for the Santa Clara Station, or other station-related use. While Apple is supportive of this permanent use, Apple believes that the demolition of 335 Brokaw—and its substantial R&D investment—for a temporary staging area is wasteful, and not an appropriate use of public resources. Moreover, from a condemnation perspective, we do not believe that the demolition of 335 Brokaw meets the requirement of being "... planned or located in the manner that will be most compatible with the greatest public good and the least private injury" (Code of Civil Procedure Section 1245.230(b)(2)). For the reasons explained below, Apple urges VTA to conduct further study on this narrow but complicated aspect of Phase II and, in particular, consider the significant changes in the property's use and improvements that have taken place since the Phase II components of the BART extension were last studied in 2007.

P85-2,
cont.

1. The Draft SEIS/SEIR's analysis of the Santa Clara Station does not analyze a reasonable range of feasible alternatives for the laydown area.

As Apple and VTA have discussed, Apple believes there are feasible alternatives to the early demolition of 335 Brokaw for a temporary construction staging area. Apple urges VTA to give meaningful consideration to these possibilities so that it can meet the CEQA requirement to study a reasonable range of feasible alternatives.¹ In identifying alternatives, "[t]he key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location."² Particularly in light of the fact that the laydown use is temporary, VTA should have identified alternatives that are less impactful than displacing and demolishing a state-of-the-art R&D facility well before the end of its useful life. As described further below, demolishing Apple's facility now will cause a number of environmental impacts, none of which are analyzed in the SEIR/SEIS, but all of which can be avoided by utilizing one of several alternative sites for the laydown area.

Specifically, VTA should have analyzed the nearby VTA/BART-owned Newhall Maintenance Facility as an alternative for construction staging. This not only comports with CEQA, but is sound public policy for any large, public transportation project. The Newhall site is proximate to 335 Brokaw and Santa Clara Station, and it would avoid major demolition and its related significant air quality, noise, and traffic impacts, not to mention the significant impacts on Apple's operations.

P85-3

Other feasible options for the temporary laydown site include the BAE site which is adjacent to other VTA/BART owned facilities and free of all structures and existing tenants, and the parcels owned by the City of San Jose between the railroad tracks and the Coleman-Highline development.

These alternative locations would not involve the demolition of any existing buildings or the relocation of employees and facilities. They not only would have fewer environmental impacts, but, as described in more detail below, they would be much more economical for VTA. The fair market value costs to VTA of relocating Apple's R&D facility will be substantial. The Draft SEIS/SEIR's failure to consider *any* alternative to the Santa Clara Station, even just for the construction laydown yard, particularly where there are nearby vacant sites that would not involve the demolition and relocation of significant uses, is inconsistent with CEQA's requirement to provide a reasonable range of alternatives.

¹ 14 Cal. Code Regs. § 15126.6 ("CEQA Guidelines").

² CEQA Guidelines, § 15126.6(f)(2)(A).

2. The Draft SEIS/SEIR's analysis of the Santa Clara Station is inadequate because it does not account for changed circumstances; namely, Apple's R&D uses instead of FedEx warehouse uses at 335 Brokaw.

In 2004 and again in 2007 the Phase II components of the BART extension project were studied under CEQA. The Draft SEIS/SEIR acknowledges that it is being prepared because "several years have passed since the prior documents were approved, background conditions have changed, some regulatory settings have changed, and there are new options to be evaluated."³ While the Draft SEIS/SEIR does evaluate changed circumstances as to other stations, it does not acknowledge the significant change in circumstances at the Santa Clara Station. 335 Brokaw had previously been occupied by a FedEx warehouse and shipping center, but has since been developed with Apple's multiple million-dollar investment in a unique R&D facility. These are very different uses with different environmental (and economic) impacts when removed.

Although the environmental analysis acknowledges that the demolition of 335 Brokaw would cause environmental impacts, it fails to take into account the differences between displacing a standard FedEx warehouse use and an Apple R&D use. This failure to consider the actual, current use of 335 Brokaw materially understates impacts and confuses many aspects of the Santa Clara Station analysis. Generally, it creates a baseline that is not accurate, which leads to an underestimation of the construction and operational impacts triggered by the early demolition of 335 Brokaw.

a. VTA fails to consider the actual costs of displacement.

In 2007, the prior EIR acknowledged that the project would cause displacement of a business in connection with Santa Clara Station, and it specifically acknowledged that the facilities to be demolished were FedEx's facilities at 335 Brokaw. Now, the Draft SEIS/SEIR states vaguely that construction of Santa Clara Station "may cause" displacement of "a business."⁴ No details of the business are disclosed, such as its type or scale. Neither FedEx nor Apple is mentioned in the analysis.

In the absence of any details about what kind of business is being displaced—and in light of the prior, more detailed explanation in 2007—it is unclear whether VTA has considered Apple's more recent R&D uses, or whether 335 Brokaw is still being treated as a FedEx warehouse facility for the analysis. The incomplete disclosure prevents the reader and decision makers from fully understanding the consequences of displacement related to the Santa Clara Station.

The changed circumstances are significant. Apple has already invested millions, with plans to invest millions more in its mission critical R&D facility at 335 Brokaw. This use and investment is a sharp contrast to FedEx's use of the facility as a warehouse and processing center.

The value now housed in 335 Brokaw is important to the analysis of the Santa Clara Station because acquisition of property is a critical aspect of Phase II. And the feasibility of any particular acquisition depends in part on the costs associated with that acquisition. The acquisition of 335 Brokaw will involve, among other things, compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and VTA's own Relocation Program for displaced residents and businesses. Compliance with these laws involves reimbursing the displaced entity for its actual, reasonable and necessary moving costs and related expenses, such as personal property losses. Due to the unique nature of the facilities now at 335 Brokaw, relocating elsewhere will require entirely replicating the current facility at another location before the operations at 335 Brokaw can be shut down. Apple is also entitled

³ Draft SEIS/SEIR, at ES-3.

⁴ Draft SEIS/SEIR, 4.14-15.

to be justly compensated by VTA for the fair market value of the its property interests being acquired by VTA. Apple's claim for compensation under California Eminent Domain Law (Code of Civil Procedure Section 1230.010 et seq.) would include a claim for the value of the improvements pertaining to realty and fixtures and equipment taken or damaged, loss of business goodwill, extinguishment of its option to purchase and perhaps a claim for precondemnation damages. VTA fails to acknowledge that Apple's custom designed uses of 335 Brokaw means that the fair market value acquisition costs to VTA may be extraordinarily higher than previously considered in 2007.

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cont.

In fact, these higher costs of displacement mean that the preferred alternative itself may not even be feasible, threatening the Phase II project generally. Further, as to feasibility, it is noted that federal funding is speculative, which means that Apple cannot reasonably start relocating until that becomes certain. Even if federal funding is obtained, the acquisition costs of the facilities will be extraordinarily high because of Apple's substantial investment in 335 Brokaw.

b. VTA does not consider the environmental impacts of displacement.

The Draft EIR should have considered the reasonably foreseeable indirect impacts of displacement and relocation of the business at 335 Brokaw. Not considering the secondary impacts of displacement and relocation results in an overestimation of the benefits of Phase II as to Santa Clara Station. For example, the Draft SEIS/SEIR claims that Phase II will not result in a CO or PM2.5 hot spot; neither the VTA buses nor the new maintenance facility would represent a significant source of new mobile source air toxics; and long-term operation of the project would reduce criteria pollutant emissions relative to the No Build Alternative.⁵ This analysis may change when considering the additional construction and operation-related impacts of a displaced and relocated Apple facility.

P85-5

3. The Draft SEIS/SEIR provides a cursory analysis of the Santa Clara Station, with only a programmatically-level analysis, which is insufficient to serve as the required project-level analysis.

The analysis of the Santa Clara Station is too general and thus insufficient to serve as the project-level analysis, particularly when compared to the more detailed treatment of other stations. While two project-level alternatives each were studied for San Jose and Diridon stations, none were studied on this level for Santa Clara Station.⁶ Over ten pages discuss the transportation impacts of construction related to the Downtown San Jose and Diridon Stations, while barely two pages of discussion is devoted to the Santa Clara Station.⁷

This imbalance in detail is particularly striking in the discussion of displacements/acquisition. The Santa Clara Station receives just two sentences: "Construction of Santa Clara Station may cause the displacement of a business. No residences would be affected."⁸

P85-6

In contrast, the description for displacements related to the other stations identifies the types of businesses that will be displaced, such as "light industrial," industrial warehouse types," "discount grocery store," "check cashing store," "gas station," or "hair salon."⁹ In the description of Diridon Station impacts, the Draft SEIS/SEIR notes that certain "industrial businesses" "may be an employment source for the local

⁵ Draft SEIS/SEIR, at 4.2-1-4.2-17.

⁶ Draft SEIS/SEIR, at ES-9.

⁷ Draft SEIS/SEIR, at 5-65-5-80.

⁸ Draft SEIS/SEIR, at 4.14-15.

⁹ Draft SEIS/SEIR, at 4.14-12-15.

and regional community; thus relocation could have a temporary effect on employees during the transition.”¹⁰ No comparable elaboration exists for the displacement of the “business” at 335 Brokaw.

The Draft SEIS/SEIR acknowledges that its purpose (and the purpose of previous programmatic environmental documents) is “to disclose the potential environmental impacts of acquisitions known at the time the environmental document is prepared, while recognizing that some adjustments may be necessary based on final design and/or working with individual property owners during the acquisition process or during construction. Should additional modifications beyond the scope of this environmental document trigger the need for additional environmental review, the necessary additional environmental analyses will be prepared.”¹¹

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cont.

Indeed, as to the Santa Clara station, instead of building on the programmatic analysis and disclosing additional details about the demolition of 335 Brokaw, the Draft SEIS/SEIR actually provides less information. Whereas it was studied as a FedEx site before, there is no indication of the actual current R&D uses by Apple.

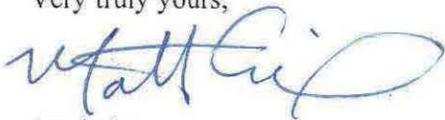
Conclusion

For the reasons discussed above, Apple respectfully requests that VTA consider alternatives that do not require demolition of 335 Brokaw, at least not prior to 2025, the expiration of Apple’s initial lease term. Not only would avoiding 335 Brokaw save VTA the significant expense associated with relocating Apple’s ongoing operations and providing just compensation to Apple for the condemnation of its premises and business, but it would also minimize environmental impacts. There are feasible alternative locations and those should be given greater consideration.

P85-7

Apple is absolutely supportive of extending BART to Silicon Valley. But we request that VTA work with Apple to find a way to build out the Santa Clara Station without demolishing 335 Brokaw prior to 2025. The current proposal has significant environmental impacts, will be extremely costly and is unnecessary given the alternative locations in the area available for the proposed construction laydown area.

Very truly yours,



Apple Inc.
Matthew I. Currie
Director, Real Estate Law

¹⁰ Draft SEIS/SEIR, at 4.14.

¹¹ Draft SEIS/SEIR, at 4.14-16.

Response to Comment Letter P85

Apple Inc.

P85-1 Thank you for your comment in support of the BART Phase II project and the information on Apple's business.

P85-2 The potential environmental impacts of the proposed acquisition of this site at 335 Brokaw Road has been evaluated in all prior environmental documents for this project since 2004, as described in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn, Santa Clara Station Location Options*. This site was initially identified as needed to support the BART Santa Clara Station in the March 2004 Draft EIS/EIR and Draft 4(f) Evaluation. Since then, the site has been continually documented as necessary for Santa Clara Station, for example, in the November 2004 Final EIR, January 2007 Draft Supplemental EIR, May 2007 Final Supplemental EIR, March 2009 Draft EIS, and March 2010 Final EIS. The Notice of Preparation (NOP) for the current SEIS/SEIR was released in January 2015, and a scoping meeting (one of three) was held at the City of Santa Clara Council Chambers on February 12, 2015. The scoping meeting presentation showed the conceptual plan for Santa Clara Station with proposed parking in this location. The City of Santa Clara has been aware of VTA's plans to build a BART station at this location since at least 2000 and has been supportive of the extension of BART service to Santa Clara.

This site initially would be used as a construction staging area (CSA) as depicted on Figure 5-10, *Proposed Santa Clara Station Construction Staging Area*, to construct the long-term station facilities. The full acquisition of the property and any demolition on the property are required to accommodate the station and supporting facilities that provide a direct connection between the station platform and access modes to the station such as the parking garage, kiss-and-ride facilities, and the bus transit center. The use of the property as a construction staging area is secondary to the primary purpose as part of a permanent project facility. Therefore, the existing business and associated structures would be demolished for the permanent Santa Clara BART Station footprint; the business would not be demolished only to provide a temporary construction staging area. The potential acquisition and the impacts of the acquisition are described in Section 4.14, *Socioeconomics*. All displacement and relocation activities would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policy Act, which ensures the fair and equitable treatment of persons and businesses whose real property is acquired or who are displaced as a result of a federal or federally assisted project. A new subsection has been added to Section 4.14 titled, *California Code of Civil Procedure – Part 3 – Of Special*

Proceedings of a Civil Nature, Title 7 Eminent Domain Law, which explains California eminent domain law.

The question of condemnation is not an issue subject to CEQA consideration. The VTA Board will duly consider condemnation and make the required findings after approval of the project.

P85-3 Refer to response to comment P85-2 regarding the purpose of the potential acquisition at 335 and 337 Brokaw Road.

Alternative locations for the Santa Clara BART Station that were considered are described in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn Santa Clara Station Location Options*. That section has been expanded to describe a number of alternatives that have been previously considered for the Santa Clara BART Station, but which have since been withdrawn. Discussions under the *2004 Parking Structure South Option* and the *2016 South Option* describe an alternative to the station footprint that would avoid the acquisition of the private property north of Brokaw Road and displacement of the existing Apple R&D business. These options would locate all Santa Clara Station elements, such as the station platform and 500-space parking garage, the Newhall Maintenance Facility, and systems facilities, south of Brokaw Road within a site formerly occupied by United Defense and BAE Systems and which is currently vacant and owned by Hunter Storm, with the exception of a single tail track that would extend north of Brokaw Road and some system facilities south of De La Cruz Boulevard.

The Newhall Maintenance Facility is an essential element of the project, and its required elements are tightly compressed into the 40-acre site owned by VTA, as currently designed. The design of the Newhall Maintenance Facility utilizes all existing area within the 40-acre former Newhall Yard. As a result, its size is insufficient to contain all of the elements necessary for the maintenance facility *in addition to* the elements of the Santa Clara Station campus. In order to construct a 500-space parking garage, kiss-and-ride facility, bus transfer facility, and pedestrian plaza for Santa Clara Station, additional ROW is needed outside of the VTA-owned maintenance facility area. The station facilities, such as the parking garage, kiss-and-ride, bus transfer, and pedestrian plaza, must be located near the station platform to provide direct and efficient access. The 2016 South Option was rejected for the following reasons, as described in Section 2.4. The 2016 South Option would result in long-term operational inefficiencies for connections between the station facilities and station platform and, therefore, would not feasibly attain most of the project objectives for Santa Clara Station, along with not avoiding or substantially lessening adverse environmental impacts. The 2016 South Option would also interfere with the high-density, mixed-use development currently being proposed within the Hunter Storm property south of Brokaw Road

and have a high potential for encountering hazardous materials in the former military vehicle manufacturing site.

As the comment suggests, the Newhall Maintenance Facility site is identified as a construction staging site, as shown on Figure 5-11, *Proposed Newhall Maintenance Facility Construction Staging Area*. However, use of the Newhall Maintenance Facility as a staging area would not eliminate the need to use the 335 Brokaw Road site for construction of the permanent station facilities, including the parking garage. Likewise, use of the BAE Systems site as a CSA would not eliminate the need to construct a permanent station facility on the 335 Brokaw Road site. Therefore, the alternate sites suggested in this comment would not provide feasible alternatives to the use of 335 Brokaw Road because these would not provide a permanent replacement location for the permanent station facilities including the parking garage.

The BAE Systems site has been evaluated since 2004. In 2004, the *Parking Structure South Option* was not selected as the preferred alternative and another option was selected for reasons described in detail in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn Santa Clara Station Location Options*. The BAE site was then reevaluated in 2016, and again not selected as an alternative for reasons described above and further in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn Santa Clara Station Location Options*. Instead the current project described in the project description was selected.

As described in Section 2.4, additional right-of-way near Brokaw Road is required to construct a fully functional maintenance facility and the Santa Clara Station. Right-of-way in this area is very limited, and only two options were potentially viable: the North Option and the South Option. Both options have been evaluated as discussed in Section 2.4, and VTA has determined that the North Option (335 Brokaw Road) is superior in operational efficiencies, travel time savings, and passenger experience; it avoids safety concerns associated with the South Option. Therefore, the South Option as a station location was eliminated from further consideration. The City Soccer field Site mentioned in the comment as the “site located on City of San Jose property located between the railroad tracks and the Coleman-Highline development” has been added as the Near Avaya Stadium Option in Section 2.4. This option, farther to the south near Avaya Stadium, would locate the station at a much greater distance from the existing Santa Clara Caltrain Station and existing transit connections and would be less operationally efficient than the preferred station location. This alternative location, the Near Avaya Stadium Option, located farther to the south, was eliminated from further consideration because it would be less operationally efficient and would not avoid or substantially lessen any of the significant effects when compared to the preferred location.

Also refer to Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn* for a discussion of Brokaw Road alternatives.

P85-4 VTA did consider the existing use of Apple's Research and Development (R&D) facility at the former FedEx site in both the baseline conditions and the environmental analysis of the SEIS/SEIR. During initial preparation of the Draft SEIS/SEIR, the FedEx site was vacated and remained vacant for some time. The new Apple tenant moved mid-way during the production of the SEIS/SEIR. VTA was aware of the new tenant during preparation of the draft environmental document and revised the document accordingly; however, a few references to the vacant site were inadvertently left in the draft environmental document. The current use of the former FedEx shipping and receiving facility site was correctly identified in the Draft SEIS/SEIR in several places but was inadvertently not updated in only a few locations. The site was described as "now being leased by another tenant" or identified as an active business in the following places in the Draft SEIS/SEIR: Section 4.11, *Land Use*, Section 4.11.2.1, *Environmental Setting, Santa Clara Station*; Section 4.14, *Socioeconomics*, Table 4.14.11, *BART Extension Alternative – Summary of Displacements*; Section 4.14.4.2, *Santa Clara Station*; among others.

The text has been corrected in the Final SEIS/SEIR.

- In Section 4.11, *Land Use*, Section 4.11.4.2, *BART Extension Alternative*, under the *Santa Clara Station* subheading, the first paragraph has been revised as follows:

The station would be at grade, centered at the west end of Brokaw Road, and would contain an at-grade boarding platform with a ~~mezzanine~~ concourse-one level below....The station area was formerly a FedEx shipping and receiving facility but is now ~~vacant~~ occupied by Apple Inc. on lease, and commercial/retail uses are located immediately adjacent to the north and northwest....The existing uses within the station footprint do not provide access to the adjacent users. Santa Clara Station would be constructed on ~~the vacant site and~~ a site that is currently occupied by Apple Inc. on lease. Because the adjacent land uses consist mostly of industrial, infrastructure, and commercial uses, the station is not located in an area that would cause adverse impacts on an existing community. The station and parking structure would not take any streets out of the existing roadway network, remove any residential neighborhoods, or put up barriers between any neighborhoods.

- In Section 4.16, *Visual Quality and Aesthetics*, Section 4.16.4.2, *BART Extension Alternative*, under the *City of Santa Clara Visual Study Area/Santa Clara Station* subheading, the second paragraph, second sentence has been revised as:

A parking structure with up to five levels would be located north of Brokaw Road and east of the Caltrain tracks and would accommodate approximately 500 BART park-and-ride parking spaces. The area was formerly occupied by a FedEx shipping and receiving facility but is currently ~~vacant~~ leased to a research and development tenant, and a large retail center is immediately adjacent to the northwest.

- In Section 6.14, *Visual Quality and Aesthetics*, Section 6.14.4.2, *BART Extension Alternative, Impact BART Extension AES-3*, under the *Operations/Station Locations/Santa Clara Station* subheading, the second paragraph, first sentence has been revised as:

The parking garage site was previously occupied by a FedEx shipping and receiving facility and is currently ~~vacant~~ leased to a research and development tenant; retail uses are located immediately adjacent to the northwest.

These edits, which have been made to ensure the environmental document is consistent in its description of the new Apple tenant at the former FedEx facility site, do not change the previous conclusions regarding environmental impacts. All environmental impacts on the Apple R&D facility were analyzed in the Draft SEIS/SEIR, and no new analysis is required as explained below.

As described in Section 4.14, *Socioeconomics*, all displacement and relocation activities would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policy Act, which ensures the fair and equitable treatment of persons and businesses whose real property is acquired or who are displaced as a result of a federal or federally assisted project as described in response to comment P85-2. VTA will conduct surveys of business owners whose businesses may be affected by the BART Extension. This information will be used to develop final design plans and to coordinate with the business owner to determine just compensation as appropriate. The acquisition of property that Apple currently leases is feasible and is included in the cost estimates described in Chapter 9, *Financial Considerations*.

The change of tenant from FedEx to Apple and the nature of Apple's work does not result in any new significant impacts or new physical impacts from a CEQA perspective. Table 4.14-11, *BART Extension Alternative – Summary of Displacements*, accurately identifies the number of businesses to be displaced and the supporting text accurately states that the construction of Santa Clara Station may cause displacement of a business.

- P85-5 The SEIS/SEIR identified that one business would be displaced for the construction of the Santa Clara Station. Refer to response to comment P85-4 regarding the clarification that this business is Apple's R&D facility.

At present, no site has been identified for the relocated Apple R&D facility. Actual impacts of the relocation cannot be reasonably foreseen with specificity. Therefore, the following is a general and qualitative discussion of potential impacts. Assuming that the facility would be relocated in the area of the South Bay, a reasonable conclusion is that it would have largely the same operational impacts as the existing 335 Brokaw Road facility. Therefore, air quality impacts would likely remain the same as existing conditions. It is reasonable to foresee that traffic congestion on streets feeding the relocation site would worsen from existing conditions on those streets. The extent to which congestion would increase would depend on the streets that would be affected.

Construction impacts would depend, in part, on the extent to which new facilities would be necessary to accommodate the relocation. Impacts from remodeling or expanding an existing facility for use by Apple R&D would be less than if a completely new facility were to be built. Typically, construction impacts are temporary and consist of noise from construction machinery and activities, traffic congestion (depending on the necessary street improvements, number of trips for delivery/removal of materials during construction, number of worker trips, etc.), and air pollutant emissions from construction equipment and activities. The level of these impacts depends on the characteristics of the relocation site, character of construction dictated by the design of the facility, the existing conditions at the site and its surroundings, and the proximity of sensitive receptors. Construction can be reasonably foreseen to have impacts; however, the level of significance of such impacts cannot be determined without speculating over the future site location and the character of its surroundings, facility design, and construction activities related to the relocation.

P85-6 The Santa Clara Station was evaluated at an equal level of detail as the other stations, all of which are evaluated at a project level. Volume I, Chapter 2, *Alternatives*, provides similar detail in terms of station location, access, entrances, parking, and transit-oriented joint development (TOJD) potential for all stations including Santa Clara Station. While Downtown San Jose Station and Diridon Station identified station options, Alum Rock/28th Street Station and Santa Clara Station did not. There are no elements of Santa Clara Station that are undetermined at this point. Each resource area topic under NEPA and CEQA addresses project-level impacts of building a Santa Clara Station.

The Downtown San Jose and Diridon Stations require more complex construction activities, and therefore their impact discussions are commensurately longer than the discussions of the Santa Clara Station. The Santa Clara Station would be an at-grade station, which involves far less construction activities and ground disturbance compared to the cut-and-cover and excavation required for the underground stations at Alum Rock/28th Street, Downtown San Jose and Diridon Stations. Also, Alum Rock/28th Street, Downtown San Jose, and Diridon Stations

are underground tunnel stations and have two tunnel construction methodology options that require more explanation than an at-grade station such as Santa Clara Station. Compared to one business that would be displaced due to construction at Santa Clara Station, construction of the Alum Rock/28th Street station would displace four businesses, construction of Downtown San Jose Station would displace up to ten businesses, and construction of Diridon Station would displace three.

The description in the SEIS/SEIR is commensurate with the level of construction activities anticipated, and the analysis is sufficient for project-level approval. Nonetheless, Chapter 4, Section 4.11, *Land Use*, and Section 4.14, *Socioeconomics*, have been updated to describe this site as an Apple Inc. R&D facility, and reiterate that this site would be subject to the same displacement/relocation process as other existing businesses within the BART Extension footprint. Additional information has been added, as shown below, to Section 4.11.2.1, *Environmental Setting*, under the *Santa Clara Station* subheading, and to Section 4.14.4.2, *BART Extension Alternative*, under the *Santa Clara Station* subheading, to better articulate the Santa Clara Station area. However, this additional information does not change the number of businesses to be displaced presented in Table 4.14-11, *BART Extension Alternative – Summary of Displacements*, nor does it change the conclusions regarding socioeconomics presented in the SEIS/SEIR.

Section 4.11.2.1, *Environmental Setting*, under the *Santa Clara Station* subheading, has been revised as follows:

The station site was formerly a FedEx shipping and receiving facility but is now leased to another tenant, Apple Inc. Apple Inc. operates a research and development facility at this site. Retail uses are located immediately adjacent to the northwest. Industrial buildings and Mineta San Jose International Airport are located to the north and northeast. The existing Caltrain tracks and Santa Clara Depot are located southwest of the station.

Section 4.14.4.2, *Environmental Setting*, subsection, *Displacements and Acquisitions*, under the *Santa Clara Station* subheading, has been revised as follows:

Construction of Santa Clara Station ~~may~~ would cause the displacement of a currently occupied business site. Apple Inc. operates a research and development facility on site, which represents –an employment source for the local and regional community. Thus, relocation would have a temporary effect on employees during the transition. VTA would work with the tenant to relocate businesses with no anticipated long-term impacts on employees or owners. No residences would be affected.

Refer to response to comment P85-4 regarding potential displacement of the business on this property.

- P85-7 The BART extension to Santa Clara is scheduled to be opened by 2025/2026. Voters in Santa Clara County have supported the extension through approval of two ballot measures. As the region continues to see increased traffic congestion, providing additional transit opportunities is a key purpose of the BART Extension. Refer to responses to comments P85-1 through P85-6.