

## Section 3

# Revisions to the DSEIR

This section shows the revisions that have been made to the March 2003 DSEIR for the BART WSX project to provide further clarification or in response to comments received on the DSEIR. The revisions are presented in the consecutive order in which they appear in the DSEIR. Text in standard print is original text from the draft EIR. Underscored (underscored) text indicates additions to the original text, and strikethrough (~~strikethrough~~) text indicates deletions to the original text.

### **Executive Summary**

Figure ES-2 in the DSEIR incorrectly labeled the Capitol Corridor intercity rail service alignment as the Altamont Commuter Express (ACE) alignment. The incorrect label is hereby changed to Capitol Corridor in this FSEIR.

Several mitigation measures that are listed in Table ES-2 in the Executive Summary of the DSEIR have been revised. These measures include the following: BIO3, BIO4, BIO9(b), LU3, A4, A7(a), CR6(b), and N1. Specific text revisions for each of these mitigation measures are shown below under the appropriate section headings.

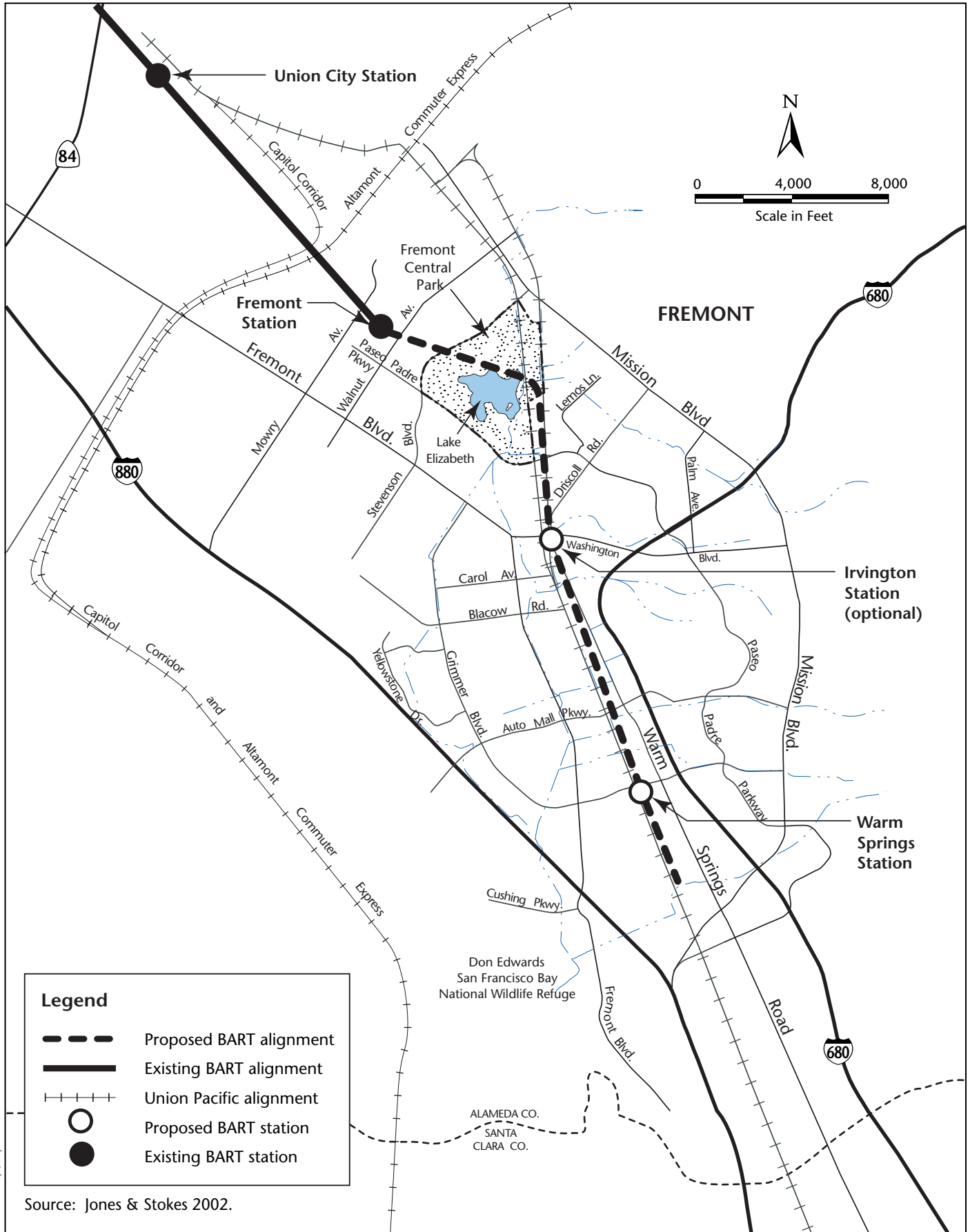
### **Chapter 1 (Introduction)**

The following paragraph is hereby added following the second paragraph of Section 1.1 on page 1-1 of the DSEIR:

City of Fremont staff have advised BART that this SEIR may be used by the city and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR; and (2) a base environmental information document for preparation of a separate EIR for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in Section 2.3.4).

To clarify that Alameda County Measure B funds provide partial funding for the Proposed Project, pages 1-6 and 1-14 in Chapter 1 (Introduction) of the DSEIR have been revised. The fourth sentence in the second paragraph on page 1-6 is hereby revised as follows:

In 2000, Alameda County voters reauthorized the transportation sales tax (Measure B), which ~~has made sufficient funds available~~ provided partial funding for a one-station BART extension project.



**Figure ES-2  
2003 Proposed Project**

In addition, the second bullet item on page 1-14 is hereby revised as follows:

This sales tax measure, approved by the Alameda County voters in 2000, provides transportation sales tax revenues to partially fund a BART extension to southern Fremont.

The following text is hereby added to Table 1-5 on page 1-23 of the DSEIR:

<b>Agency</b>	<b>Permit/Approval</b>	<b>Reason for Permit/Approval</b>
<u>City of Fremont and Fremont Redevelopment Agency</u>	<u>Cooperation Agreement and Redevelopment Plan Amendment</u>	<u>Funding for Optional Irvington Station</u>

### **Chapter 2 (Project Description)**

The last sentence of the first paragraph of Section 2.3.4 on page 2-39 of the DSEIR is hereby revised as follows:

The Redevelopment Agency is preparing a project-specific EIR on the Amended Redevelopment Plan. City of Fremont staff have advised BART that the city and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the state budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, city staff anticipate that the city and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.

The following text is hereby added following the third sentence in Section 2.6.3 on page 2-43 of the DSEIR:

This Measure B funding may not be used for construction of a BART rail extension to Warm Springs until full funding for a rail connection to Santa Clara County is assured. Project development, right-of-way, design, and station site development costs are eligible for Measure B funding prior to securing full funding for the rail construction.

### **Section 3.1 (Introduction to Environmental Analysis)**

For completeness, the Rosewalk Court development is hereby added to the list of projects in Table 3.1-1 of the DSEIR:

<b>Development</b>	<b>Location</b>	<b>Size</b>	<b>Description</b>
<u>Rosewalk Court</u>	<u>adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard.</u>	<u>13 single-family units</u>	<u>Redevelopment of an existing detached single-family parcel into 13 single-family detached planned units.</u>

**Section 3.2 (Hazards and Hazardous Materials)**

The following sentence is hereby added at the end of the paragraph under “Alameda County Water District” on page 3.2-11 of the DSEIR:

Under cooperative agreements with RWQCB and the City of Fremont, ACWD provides technical oversight of investigation and remediation of groundwater cleanup sites, and submits closure recommendations to RWQCB when cleanups are completed.

**Section 3.3 (Hydrology and Water Quality)**

To accurately reflect the current status of the dredge ponds, the end of the last paragraph on page 3.3-5 of the DSEIR, beginning with the last sentence on page 3.3-5, is hereby revised as follows:

The lake is periodically dredged to maintain floodwater storage capacity, and dredge spoils are retained in a bermed area north of the lake and two dredge ponds with an aggregate area of approximately 20 acres west of the lake. ~~The ponds are maintained by Fremont Central Park staff.~~ The two dredge ponds west of the lake were maintained by the City of Fremont as temporary dredge ponds; the ponds no longer exist.

Regarding groundwater quality in the immediate project area per the commenter’s request, the following text is hereby added following the last paragraph under “Water Quality” on page 3.3-6 of the DSEIR:

The portion of the Proposed Project alignment that will be constructed below ground surface is located east of the Hayward fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Information received from the Alameda County Water District (pers. comm. Paul Piraino, General Manager, ACWD, May 2003) indicates that, unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD’s recharge and extraction occur in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.

Although the Department of Water Resources reported in 1968 that excessive amounts (greater than 44 ppm) of nitrates were found in groundwater in the region, the nitrates were found southwest of Union City and the Niles district in Fremont, and not in the project area. In addition, testing for nitrates is routinely conducted from ACWD’s groundwater production wells, and the results are significantly below the Maximum Containment Level of 45 ppm (pers. comm. Paul Piraino, General Manager, ACWD, May 2003).

In 1960, a DWR report indicated that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cones aquifers. In addition, ACWD

collected samples from two AHF monitoring wells (one adjacent to the Hayward fault) in 1998, and boron concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm is considered suitable for agricultural use. (Pers. comm. Paul Piraino, General Manager, ACWD, May 2003).

To more accurately reflect current regulatory requirements under state authority and per the commenter's request, the following text is hereby added to the Hydrology and Water Quality section, following the first paragraph under "Porter-Cologne Water Quality Control Act" on page 3.3-9 of the DSEIR:

Activities in areas defined as "waters of the state" that are outside the jurisdiction of the U.S. Army Corps of Engineers (e.g., isolated wetlands) are regulated by RWQCB under the authority of the Porter-Cologne Water Quality Control Act. Such activities may require the issuance, or waiver, of waste discharge requirements from RWQCB. See page 3.4-32 for additional discussion of agency jurisdiction over wetlands.

To more accurately reflect the Proposed Project's impact on local groundwater supplies and per the commenter's request, the following revisions are hereby made following the first paragraph under Impact H10 on page 3.3-17 of the DSEIR:

Dewatering measures have the potential to result in localized lowering of shallow groundwater levels. This groundwater supports wetland and riparian habitats in the area ~~but is not the drinking water supply, which is obtained from deeper aquifers.~~ Because the effects of dewatering on shallow groundwater would be temporary and localized, they are accordingly expected to be less than significant. ~~Locally, there is no demand upon groundwater supplies.~~

The ACWD withdraws groundwater from eight production wells in the Peralta-Tyson Wellfield. However, construction dewatering is not anticipated to affect these wells, because there is a minimum distance of approximately 1 mile between the nearest wellfield and the cut-and-cover subway excavation area.

### **Section 3.4 (Biological Resources)**

Page 3.4-32 of the DSEIR is hereby revised to reflect the amended City of Fremont tree policies. The second sentence in the last paragraph on page 3.4-32 is hereby revised as follows:

The ordinance ~~currently~~ requires that a permit be obtained for the removal of any tree with a trunk diameter of 4 ~~6~~ inches or more, measured at 4 ~~4.5~~ feet above the ground.

Mitigation Measure BIO3 on page 3.4-36 incorrectly refers to Impact BIO11 rather than Impact BIO12. The second to last sentence in the first paragraph of Mitigation Measure BIO3 is hereby revised as follows:

Subject to approval by the Corps, the wetland mitigation plan will address temporary and permanent impacts (temporary impacts are addressed under Impact ~~BIO11~~12).

This revision to Mitigation Measure BIO3 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

The first bullet point in Mitigation Measure BIO4 on page 3.4-37 of the DSEIR is hereby revised as follows:

The restored site is composed of a mix of species similar to that removed during the construction activity; native species are planted where appropriate.

The above revision to Mitigation Measure BIO4 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

In addition, the following footnoted text (footnote 8) on page 3.4-32 is hereby deleted:

~~A proposed amendment to the Tree Preservation Ordinance would increase the specified diameter from 4 inches to 6 inches, measured at 4 feet above the ground.~~

Per the commenter's request, Mitigation Measure BIO9(b) on page 3.4-41 of the DSEIR is hereby revised as follows:

Replacement trees will belong to a native species such as coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), California bay laurel (*Umbellularia californica*), or other appropriate species native to the Fremont area or similar to the mix of species removed during construction activity.

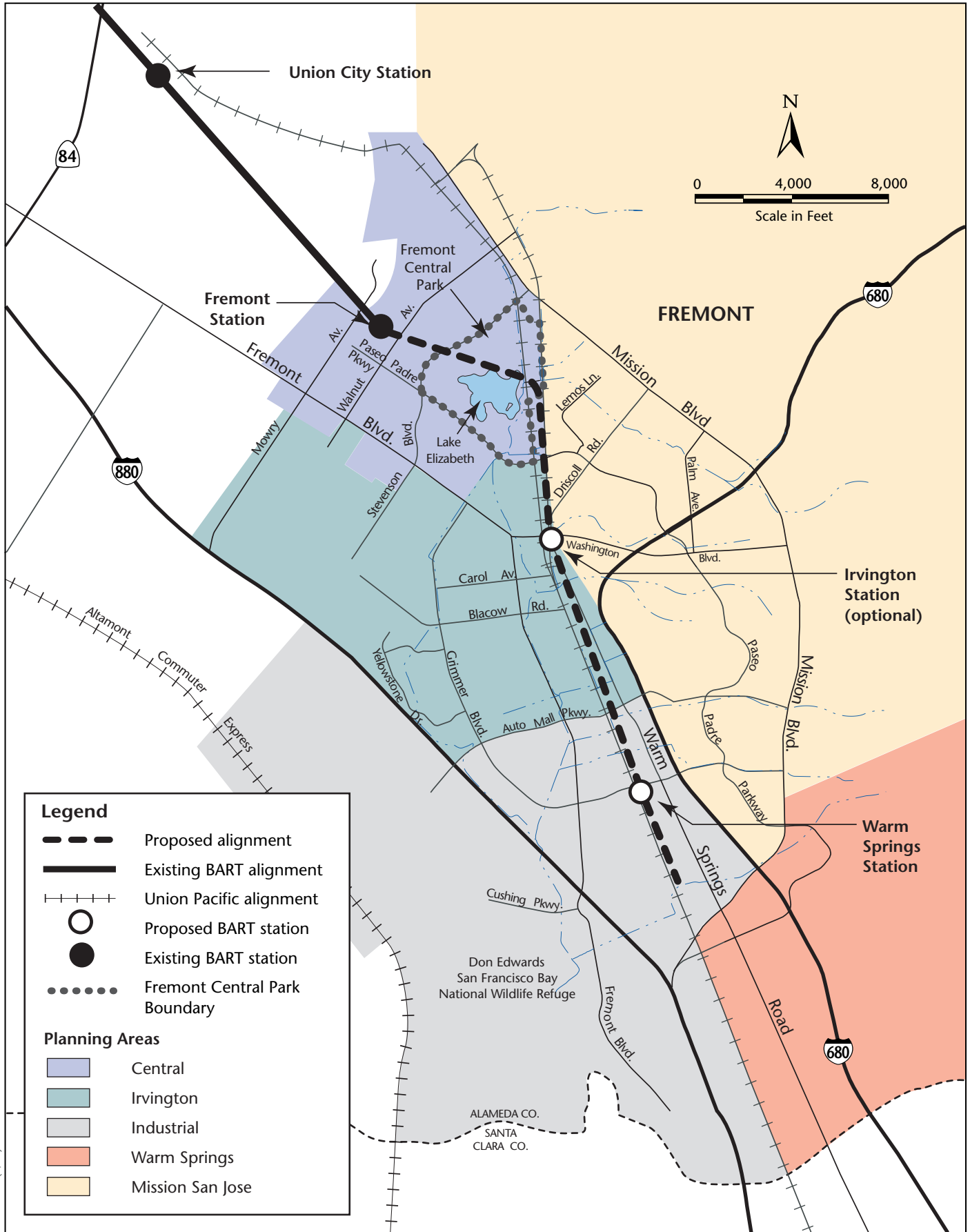
The above revision to Mitigation Measure BIO9(b) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

### **Section 3.5 (Land Use)**

Text beginning on page 3.5-2 of the DSEIR is hereby revised as follows to reflect the new location of the Fremont City Hall:

The Fremont City Hall is located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building are located at Civic Center Drive and Stevenson Boulevard, immediately adjacent to Fremont Central Park. Civic Center, located on Stevenson Boulevard at Civic Center Drive, includes the City Hall, the main library, and the police department headquarters.

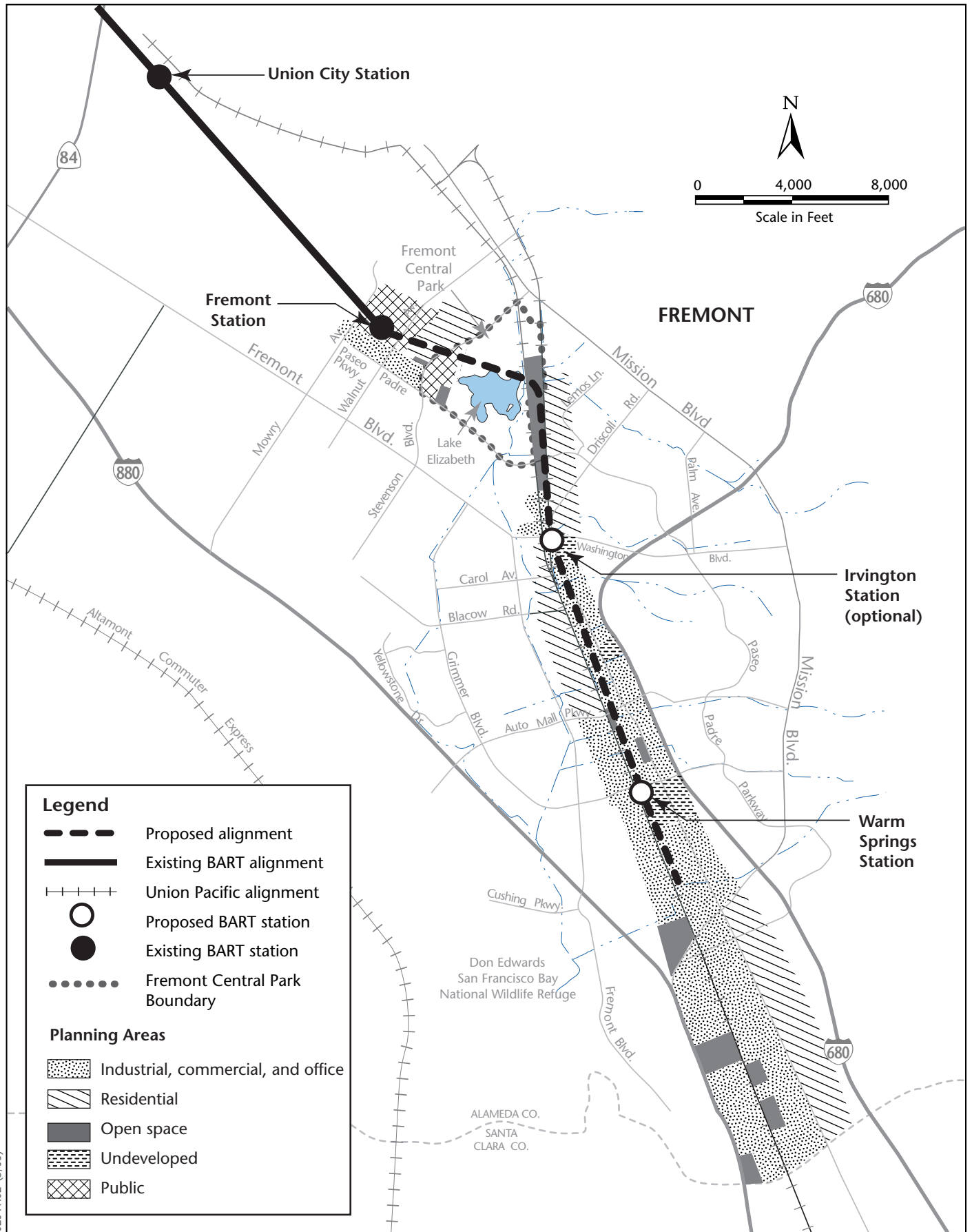
The Newark label in Figure 3.5-2 of the DSEIR was placed in the wrong location. The figure is hereby revised accordingly. The same comment applies to Figures 3.5-3 and 3.5-6, which are also hereby revised accordingly. The same comment also applies to the following figures: 1-2, 1-5, 2-2, 2-3, 3.1-1, 3.10-3, 3.10-4, 3.2-1, 3.3-1, 3.4-2, 3.5-6, and ES-2. The Newark label is hereby removed from each of these figures, but the revised figures are not included here in this FSEIR.



020411.02 (6/03)

Source: Fremont General Plan.

**Figure 3.5-2**  
**Planning Areas Affected by**  
**Proposed Project Alignment**

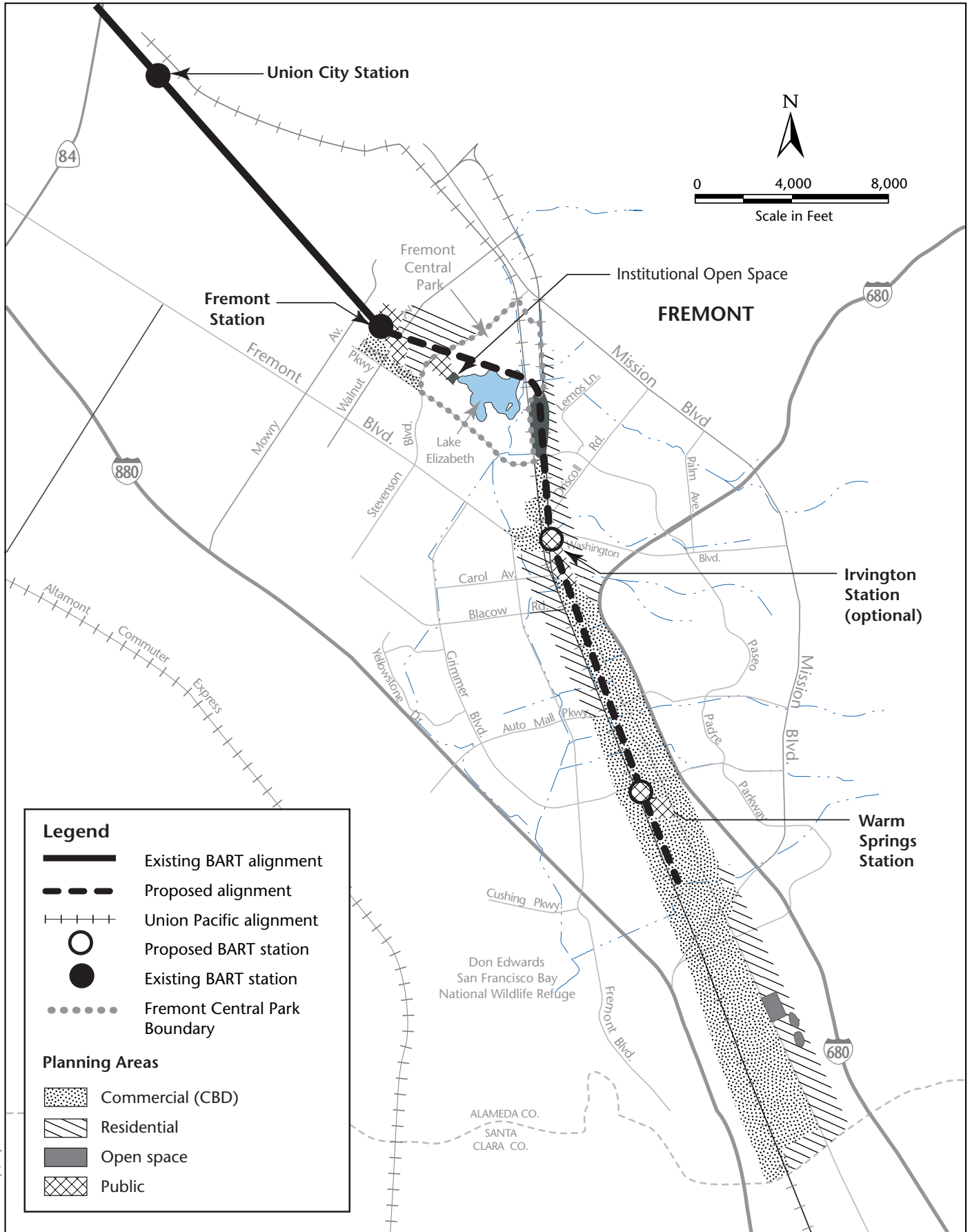


Source: Jones & Stokes 2002; City of Fremont 2002.

**Figure 3.5-3**  
Existing Land Uses Adjacent to  
Proposed Project Alignment

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Source: Jones & Stokes 2002; City of Fremont 2002.

**Figure 3.5-6**  
**General Plan Land Use Designations**  
**Adjacent to Proposed Project Alignment**

The following language is hereby deleted from the fourth full paragraph of page 3.5-6 of the DSEIR:

~~Since preparation of the 1992 EIR, the city has approved several rezoning requests of formerly industrial land for single family residential development east of Civic Center Drive and north of Stevenson Boulevard adjacent to the reserved Proposed Project corridor.~~

Per the commenter's request, the last sentence of the second paragraph under "Irvington Planning Area" on page 3.5-17 of the DSEIR is hereby amended as follows:

In keeping with the *General Plan* recommendations, the city is in the process of working with the community to create the Irvington Concept Plan, currently in draft form, which seeks to set forth a vision for revitalization of the Irvington District. City of Fremont staff have advised BART that the city and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the state budget impacts on the Redevelopment Agency and other affected property taxing entities becomes known later this year.

The following heading text is hereby added on page 3.5-22 of the DSEIR, preceding the heading "City of Fremont Zoning":

**Redevelopment Plan for the Irvington Redevelopment Project**

The following paragraph is hereby added after the last paragraph on page 3.5-33 of the DSEIR:

In addition, BART's conceptual design of the Warm Springs Station is designed to accommodate construction of a future pedestrian bridge to the west, over the adjacent UP tracks, as illustrated in Figure 2-6b. This access to the area west of the railroad corridor would allow future access to a large amount of vacant and underutilized land and an existing major employment generator, which would enhance future development and ridership opportunities.

The following bullet is hereby added to Mitigation Measure LU3 following the last bullet on page 3.5-38 of the DSEIR:

Please see also Mitigation Measure TRN25.

The above revision to Mitigation Measure LU3 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

**Section 3.6 (Population, Economics, and Housing)**

The following text in the first paragraph of Impact POP2 on page 3.6-12 of the DSEIR is hereby deleted:

~~Changes in land use designations implemented by the City of Fremont since 1992 in the area surrounding the proposed Warm Springs Station would allow for more mixed use development and could indirectly encourage growth.~~

**Section 3.7 (Aesthetics)**

Figure 3.7-4 on page 3.7-14 of the DSEIR has been revised to show a simulation of how a noise barrier would look if placed on the BART embankment.

To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A4 on page 3.7-28 of the DSEIR:

Consult with the City of Fremont regarding the design of the Warm Springs Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

The above revision to Mitigation Measure A4 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Per the commenter's request, the following text is hereby added to Mitigation Measure A7(a) on page 3.7-34 of the DSEIR:

Consult with the City of Fremont regarding the design of the optional Irvington Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans.

The above revision to Mitigation Measure A7(a) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

**Section 3.8 (Cultural Resources)**

The text of Mitigation Measure CR6(b) on page 3.8-26 of the DSEIR is hereby amended as follows:

The results of the study will be identified, catalogued, and deposited with the California Historical Resources Regional Information Center.

The above revision to Mitigation Measure CR6(b) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

**Section 3.9 (Transportation)**

Footnotes (d), (e), and (f) are hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

(d) The SEIR text and tables refer to intersection 1 as Osgood Road/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is Osgood Road/Auto Mall Parkway.

(e) The SEIR text and tables refer to intersection 2 as I-680 SB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 SB Ramps/Durham Road.

(f) The SEIR text and tables refer to intersection 3 as I-680 NB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 NB Ramps/Durham Road.



Existing view looking east from parking lot behind the Benton Development



Visual simulation of proposed project trackway on embankment. Vegetation is shown at 5 years after planting.

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Source: Environmental Vision 2003

**Figure 3.7-4 - Viewpoint 2**

The following sentence is hereby added at the end of the first paragraph under “Parking” on page 3.9-15 of the DSEIR:

There are currently 92 spaces set aside for monthly permits at the Fremont BART Station, at a price of \$63.00 per space per month.

The first sentence in the first paragraph under “Parking” on page 3.9-15 of the DSEIR is hereby amended as follows:

There are currently ~~2,330~~ 2,030 spaces at the Fremont BART station for BART patrons.

The following text is hereby added on page 3.9-16 of the DSEIR, at the end of the section on bicycle Facilities:

The Alameda Countywide Bicycle Plan (Plan) illustrates existing and proposed bicycle routes in Alameda County.

The following text is hereby deleted from the text on pages 3.9-28 and 3.9-29 of the DSEIR and in Appendix N:

~~... unless LOS F was measured when the Congestion Management Plan was established in 1991.~~

The last sentence in the second bullet on page 3.9-36 of the DSEIR regarding the walk access at Irvington Station is incorrect and is hereby deleted from the text:

~~There would be more people walking to the optional Irvington Station than to the proposed Warm Springs Station.~~

### **Section 3.10 (Noise and Vibration)**

The number of significant impacts on the fifth row, last column of Table 3.10-16 of the DSEIR is hereby revised from 44 to 46.

The number of residences exposed to significant impacts on the fifth row, last column of Table 3.10-10 of the DSEIR is hereby revised from ~~8~~ to 18.

For clarification, the following text is hereby added to the end of the first bullet in Mitigation Measure N1 on 3.10-31 of the DSEIR:

Where implementation of all feasible exterior noise mitigation does not reduce noise below the thresholds identified in Tables 3.10-3 and 3.10-4 in the DSEIR, implementation of interior noise-mitigation measures to reduce interior noise to less than 45 dB-Ldn is considered adequate to mitigate noise impacts to a less than significant level.

The above revision to Mitigation Measure N1 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

## Chapter 5 (Alternatives Analysis)

Figure 5-1 has been revised to clarify the alignment for the Bus Alternative and to be consistent with the description of the alternative in the text. Figure 5-1 has been revised in the following ways:

- The title of the Figure 5-1 has been changed from “Proposed Bus Routes” to “Proposed Bus Alternative Alignment.”
- The proposed bus guideway alignment between Paseo Padre Parkway and Washington Boulevard has been clarified to show the bus guideway located between the former SP and former WP alignments in the vicinity of Paseo Padre Parkway and within the former WP alignment further to the south.
- The areas on the figure labeled “Irvington Station” and “Warm Springs Station” have been relabeled as “Irvington Transit Center” and “Warm Springs Transit Center,” respectively.
- The footprint for the Irvington Transit Center has been clarified to show that it also would occupy area on the east side of Osgood Road.

The illustration of the Warm Springs Transit Center has been clarified to indicate that the bus guideway would extend only along a portion of the Warm Springs Transit Center and not along the entire western perimeter. In addition, buses from VTA and AC Transit would access the Warm Springs Transit Center at an entrance midway along the site’s Warm Springs Boulevard frontage, and there would be no bus routes along the southern perimeter of the site.

## Chapter 6 (Other CEQA Considerations)

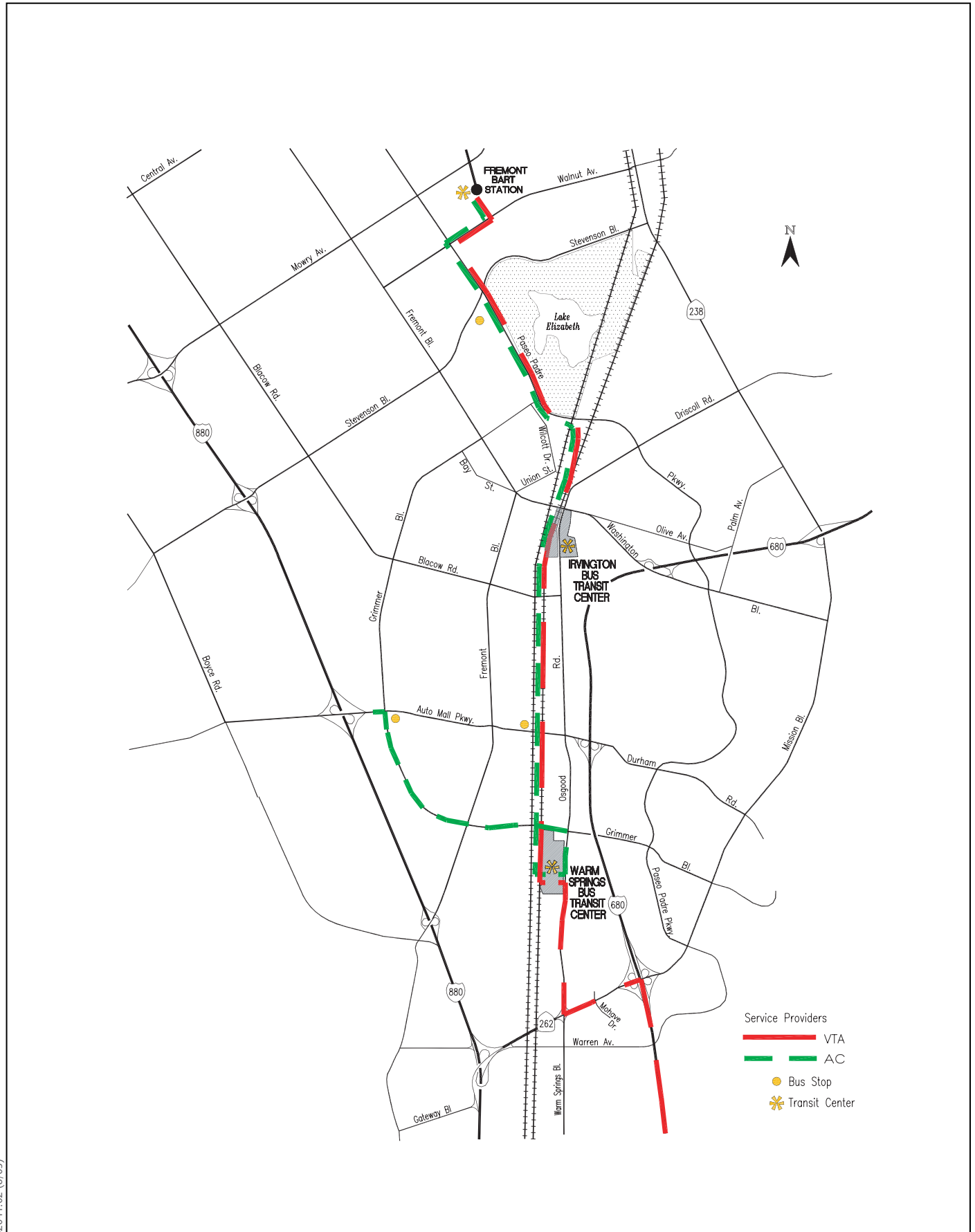
The paragraph under “Land Use” on page 6-6 of the DSEIR is hereby revised as follows:

Rather, land use intensification through transit-oriented development (TOD) and access planning surrounding future station sites is being ~~will be~~ addressed through a comprehensive community-based process. For the area surrounding the optional Irvington Station site, this process has already resulted in the Irvington Concept Plan, which the City Council is expected to act on in the near-term. A similar process will be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003 for the Warm Springs Station Area Specific Plan.

## Appendix N (Transportation Technical Report)

The second bullet point on page 3-1 of Appendix N of the DSEIR is hereby modified as follows:

The Alameda Countywide Model did not include the 2010 forecast year or a recent base year validation (the last base year validation was based on ~~1995~~ 1990 conditions). The Countywide model was updated in 1995.



02041.02 (6/03)

Source: DKS Associates 2003.

**Figure 5-1  
Proposed Bus Alternative Alignment**