

Section 3.5

Land Use and Planning

3.5.1 Introduction

This section describes existing land uses in the Proposed Project area, evaluates the Proposed Project's consistency with relevant land use and planning documents and policies, and analyzes its potential impacts on land use. Because land uses in the project area and the policies guiding them have changed substantially since preparation of the 1992 EIR, this section incorporates information and analysis presented in the 1992 EIR, includes relevant policy excerpts, and addresses changes in area land uses since 1992. Changes in land use in the project area over the past 10 years are the result of amendments to the *Fremont General Plan* and zoning regulations, reflecting an overall increase in development intensity associated with *General Plan* buildout.

3.5.2 Environmental Setting

Methodology for Assessment of Existing Conditions

The land use study area includes the Proposed Project corridor and adjacent areas. The SEIR consultant team coordinated with staff from Fremont's Departments of Planning, Economic Development, and Parks and Recreation, and conducted a series of reconnaissance surveys of existing land uses in the land use study area in May 2002. The following sources were used to compile information on current *Fremont General Plan* policies, and zoning and existing land uses, plans, and policies in the land use study area. Other relevant plans and policies were also consulted.

- The current *Fremont General Plan* (City of Fremont 1991, as amended).
- The *Fremont General Plan Atlas* (City of Fremont 2002).
- The *Fremont Zoning Atlas* (City of Fremont 2002).
- The *Fremont Housing Element 2001–2006* (City of Fremont 2001).
- The *Fremont Redevelopment Plan* (City of Fremont 1998, as amended).
- *BART Warm Springs Extension Final Environmental Impact Report* (San Francisco Bay Area Rapid Transit District 1991).
- The *BART Strategic Plan* (San Francisco Bay Area Rapid Transit District 1999).
- The *BART System Expansion Policy* (San Francisco Bay Area Rapid Transit District 2002).

- The *Metropolitan Transportation Commission 2001 Regional Transportation Plan* for the San Francisco Bay Area (Metropolitan Transportation Commission 2001).
- The *Countywide Transportation Plan* (Alameda County Congestion Management Agency/Alameda County Management Agency Steering Committee for the I-880 Corridor Study 2001).

Existing Conditions

Fremont is the fourth largest city in the Bay Area, encompassing several communities that originated as separate and distinct towns in the 19th century, as well as newer residential, commercial, and industrial development. In order to address the unique resources and concerns associated with each part of Fremont, the city is divided into 10 planning areas: Baylands, Centerville, Central Area, Industrial, Irvington, Mission San Jose, Nilas, Northern Plain, and Warm Springs (City of Fremont 1991, as amended) (Figure 3.5-1). Each planning area has a distinctive set of land use goals and policies outlined in the *General Plan*. Overlaid on top of these planning areas are redevelopment plan areas, historic overlay areas, and specific plan study areas.

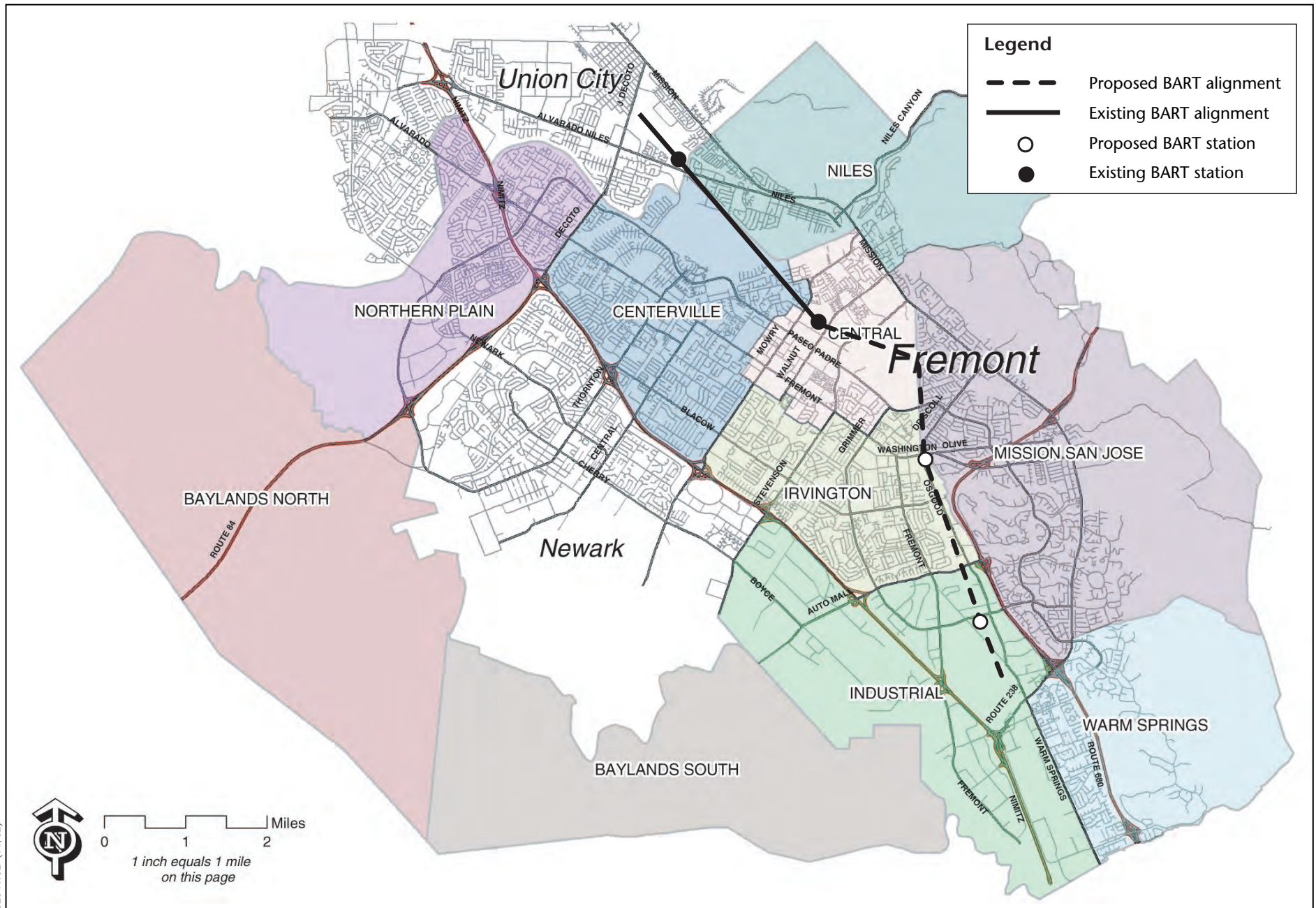
The Proposed Project alignment largely follows the existing Union Pacific (UP) freight train corridor through the center of Fremont, bisecting the Central Planning area and skirting the eastern edges of the Irvington and Industrial Planning Areas before reaching its southern terminus at the proposed Warm Springs Station site. The portion of the Proposed Project alignment that traverses the Industrial Planning Area is within several thousand feet of the western edge of the Mission San Jose Planning Area, and the alignment's southern terminus is similarly near the Warm Springs Planning Area. Consequently, the Proposed Project has the potential to affect five of Fremont's planning areas directly (Figure 3.5-2).

Land uses adjacent to the Proposed Project alignment range from open space to industrial development (Figure 3.5-3). The Proposed Project would run along the city's currently designated BART corridor. The following sections provide additional information on the range of existing land uses along and near the Proposed Project alignment in each of these five planning areas that could be affected by the Proposed Project, proceeding from north to south.

Central Planning Area

The Central Planning Area comprises three sub-areas: the Central Business District (CBD), Central Area Residential, and Industrial Area. As of the most recent (2000 Amendment) revision of the *Fremont General Plan*, the Central Planning Area supported an estimated 2.2 million square feet of office and medical space and 1.4 million square feet of retail space (City of Fremont 1991, as amended). Residential uses in the Central Planning Area include both single-family enclaves and higher density residential development ranging from 11 to 70 dwelling units per acre (City of Fremont 1991, as amended). A number of multi-family apartment complexes and condominiums are located near the Proposed Project alignment, including the Fremont Villas, Red Hawk Ranch, and The Benton. The area also encompasses a few undeveloped parcels, including one located east of Stevenson Boulevard at Paseo Padre Parkway.¹ The Fremont Civic Center, located on Stevenson

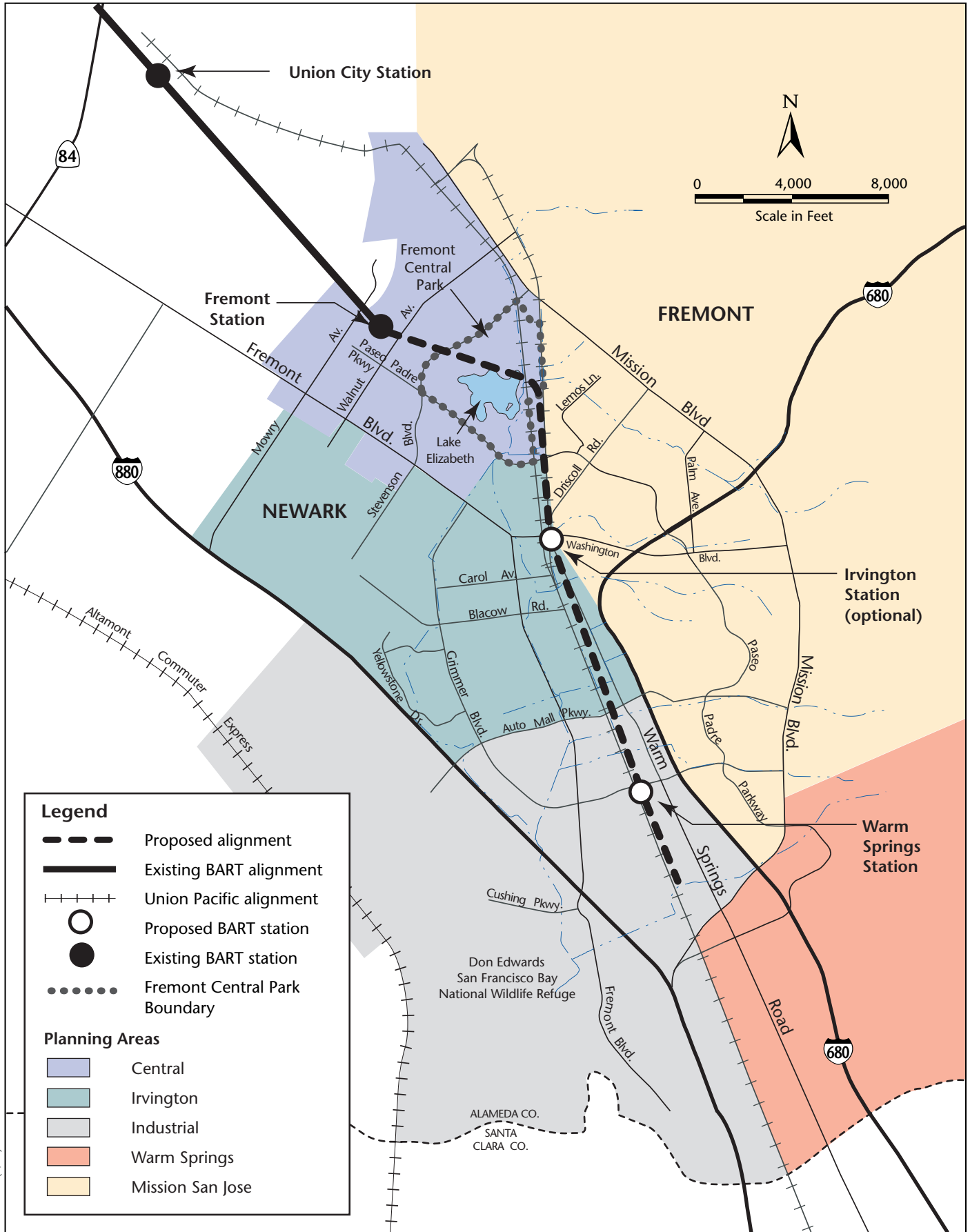
¹ Natural and semi-natural habitats such as ruderal habitat on undeveloped parcels, wetlands, and riparian corridors are discussed in detail in Section 3.4 (*Biological Resources*); these resources are not addressed further in this chapter.



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Source: City of Fremont 2002.

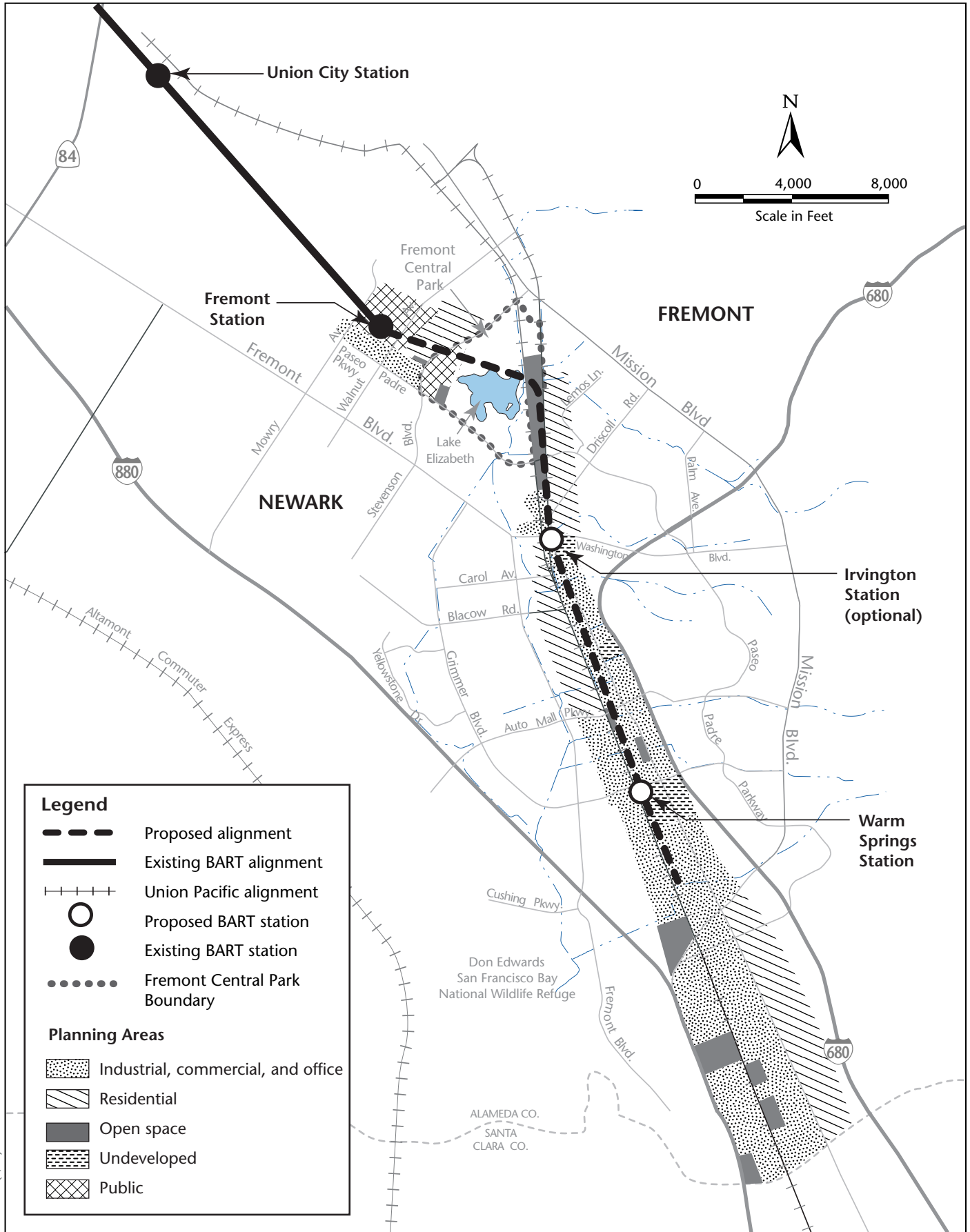
Figure 3.5-1
City of Fremont Planning Areas



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Source: Fremont General Plan.

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



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

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

Boulevard at Civic Center Drive, includes City Hall, the main library, and the police department headquarters.

Within the Central Planning Area, from the existing Fremont BART Station south to Stevenson Boulevard, the Proposed Project alignment is bordered primarily by residential land uses. Tule Pond, a natural sag² modified to serve as a flood detention basin, straddles Walnut Avenue adjacent to residential uses within the Proposed Project alignment (see Section 3.3 [*Hydrology and Water Quality*]). South of Stevenson Boulevard, the Proposed Project alignment runs beneath Fremont Central Park, including the northeastern arm of Lake Elizabeth (Figure 3.5-3).

Fremont Central Park is located in the southeast portion of the Central Planning Area (Figure 3.5-2). According to the 1992 EIR, Central Park has an area of 440 acres and is jointly owned by the city and the Alameda County Flood Control and Water Conservation District (ACFCD) (San Francisco Bay Area Rapid Transit District 1991). The park's amenities have been expanded since preparation of the 1992 EIR and now include Lake Elizabeth, a natural sag pond modified for recreational and flood detention use (see Section 3.3 [*Hydrology and Water Quality*]); a swim lagoon; a skate park; passive recreation areas; a golf course; a dog park; and ball fields and courts. Proposed future amenities include a cultural arts center and gymnasium (Rakley pers. comm.).

The San Francisco Public Utilities Commission's Hetch Hetchy aqueduct system runs east-west across the Central Planning Area, crossing the Proposed Project alignment in the subsurface southeast of Lake Elizabeth to pass under Paseo Padre Parkway at Grimmer Boulevard (San Francisco Public Utilities Commission 2002). Additional information on the Hetch Hetchy pipelines is presented in Section 3.8 (*Cultural Resources*).

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. A proposal for a *General Plan* amendment with a rezoning request was recently submitted to the city by landowners of a 19-acre parcel situated between the former SP and WP alignments and north of Paseo Padre Parkway. The parcel is currently zoned open space with 0.25 dwelling units per acre. The amendment for this property proposed by the landowners seeks a residential designation of 6.5 to 10 dwelling units per acre. The city issued a Notice of Preparation (NOP) for this proposal in January 2002 and followed with a draft EIR in October 2002.

Mission San Jose Planning Area

The Mission San Jose Planning Area encompasses a historic district centered around the old Spanish Mission, neighborhood retail development along arterial streets, and residential development dominated by single-family homes. The portion of the Mission San Jose Planning Area bordering the Proposed Project alignment consists of single-family residential development ranging from 4 to 10 dwelling units per acre (City of Fremont 1991, as amended). An affordable housing development of 100 units—60 affordable family housing units and 40 very low income senior units—is located in the area. Oroysom Village, the affordable housing development, is located at 43280 Bryant Terrace, and

² *Sag* refers to a depression formed by surface deformation along an active fault trace. A *sag pond* forms when a sag is filled by runoff and/or groundwater to form a body of standing water.

Avelina, the senior very low income development, is located at 221 Bryant Common. (See Figures 3.5-2 and 3.5-3.)

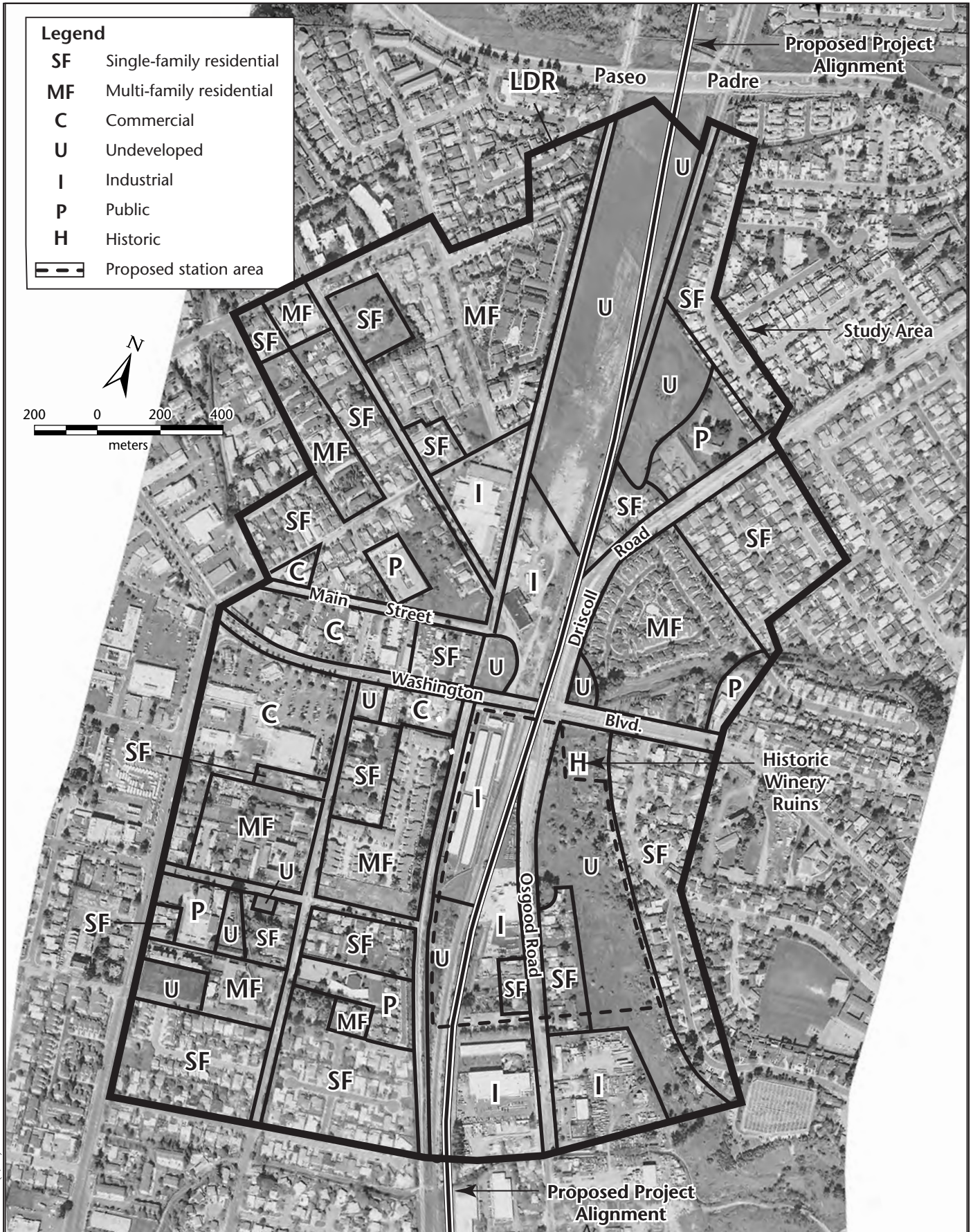
Irvington Planning Area

The Irvington Planning Area centers on a historic commercial core that includes a number of pre-1900 buildings interspersed with newer structures. The historic core area is surrounded by areas of primarily single-family residential development punctuated by multi-family development and retail uses. Older industrial uses are present along the historic railroad transportation corridor (City of Fremont 1991, as amended). As described in the 1992 EIR, isolated residences are present among these industrial uses, primarily along Osgood Road between Washington Boulevard and Auto Mall Parkway.

A majority of the Irvington Planning Area lies within the Irvington Redevelopment Project Area, one of four redevelopment project areas in Fremont. As part of the 1998 amended and restated redevelopment plans for Fremont's four redevelopment project areas (1998 Amended Plans), construction of an Irvington BART Station was identified as one of the redevelopment program activities eligible for use of Redevelopment Agency funds to stimulate revitalization of the Irvington Redevelopment Project Area. The primary source of funding for the redevelopment programs identified in the 1998 Amended Plans is the tax increment generated from the Industrial Project Area. It is now estimated that the current cap on that tax increment will not be sufficient to provide the needed funding for the redevelopment program activities identified in the 1998 Amended Plans, including the optional Irvington Station. In 2002, the Fremont City Council directed the Redevelopment Agency to begin a process to amend the *Redevelopment Plan* to extend the agency's ability to collect tax revenue from the Industrial Redevelopment Project Area. A primary purpose of this amendment would be to provide funding for an Irvington BART Station.

In the Irvington Planning Area, the Proposed Project alignment is primarily located within the existing UP corridor, which incorporates a mixture of light industrial and open space designations along the length of the corridor. Designated land uses at the optional Irvington Station site include primarily light industrial, public facility, and a historic district overlay. (See Figure 3.5-7 below.) The historic Gallegos Winery ruins are located in the northern portion of the optional Irvington Station site. Adjacent land uses also include residential, predominantly single-family residences consisting of 5 to 7 dwelling units per acre. An area of multi-family residential uses, consisting of 11 to 18 dwelling units per acre, exists directly adjacent to the alignment on the west between Tivoli Garden Terrace and Blacow Road. Light industrial uses border the west side of the alignment at Washington Boulevard. Further south, largely single-family residential uses border the west side of the alignment, with industrial and commercial lands to the east from Washington Boulevard southward (Figure 3.5-3). Figure 3.5-4 shows existing land uses in the vicinity of the optional Irvington Station site.

Several changes have taken place in the Irvington Planning Area since preparation of the 1992 EIR. Specifically, several parcels previously occupied by commercial or residential uses during preparation of the 1992 EIR are now vacant or have been redeveloped in keeping with the *Redevelopment Plan*. Vacant fields, bordered by fencing and a short cinder-block wall, are now present on either side of the UP alignment near the site of the optional Irvington BART Station. The parcel southeast of Washington Boulevard and Roberts Avenue is also currently vacant. The single residence at the northeast corner of Fremont Boulevard and Carol Avenue has been replaced by a



Source: Aerial base: Parsons Brinkerhoff 2002; zoning: City of Fremont 2002.

Figure 3.5-4
Existing Land Uses - Optional
Irvington Station Site and Vicinity

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narrow multi-family residential development that occupies a portion of the parcel. In addition, since the preparation of the 1992 EIR, a row of single-family homes has been constructed on Adams Avenue east of Roberts Avenue.

Industrial Planning Area

As the name implies, the Industrial Planning Area is dominated by industrial uses, including warehouses and high technology (City of Fremont 1991, as amended). Some parcels remain undeveloped, and residential uses are also locally present, including a residential complex north of Mission Boulevard and isolated single-family residences associated with prior agricultural uses.

The Proposed Project alignment is primarily bordered by industrial and commercial uses from Auto Mall Parkway southward (Figure 3.5-3). The site of the proposed Warm Springs BART Station at the intersection of Grimmer Boulevard and Osgood Road/Warm Springs Boulevard is located within this planning area. A Warm Springs BART Station Specific Plan Study Area overlay designation also exists within the Industrial Planning Area. This *General Plan* overlay designation identifies the general location of the proposed Warm Springs Station but does not set specific boundaries; specific boundaries would be defined as part of the planning process.

The 34-acre Warm Springs BART Station site, which is owned by BART, is zoned general industrial and is currently leased for use as a model plane recreational facility. The site is bounded by warehouses, office and commercial uses, equipment yards, and a single-family residence (Figure 3.5-5). The New United Motors Manufacturing, Inc. (NUMMI) plant is located across the train tracks on the west side of the proposed Warm Springs BART Station site, south of the intersection between Lopes Court and the former Southern Pacific (SP) right-of-way.

The Industrial Planning Area has experienced a number of changes since preparation of the 1992 EIR. Development that has occurred or is under way in the Industrial Planning Area since preparation of the 1992 EIR includes the following.

- Osgood Road–Auto Mall Parkway intersection: Fry’s Electronics store (north side of Auto Mall Parkway); and Shell gas station (south side of Auto Mall Parkway).
- Farther south along Osgood Road: Skyway Business Center.
- Southeast corner of Fremont Boulevard–Auto Mall Parkway intersection: Recently constructed large-scale retail center (Home Depot store, REI store, City Beach recreational facility, and other commercial uses; Wal-Mart also under review for this area).
- North of Lopes Court (Old Warm Springs Boulevard)–Tavis Place intersection: Sunnyvale Lumber.
- South of Lopes Court (Old Warm Springs Boulevard) –Tavis Place intersection: Large-lot single-family residential development. (As of May 2002, several residences had been constructed and additional single-family residential lots ranging from 30,000 square feet to 125,000 square feet were advertised for sale or lease.)

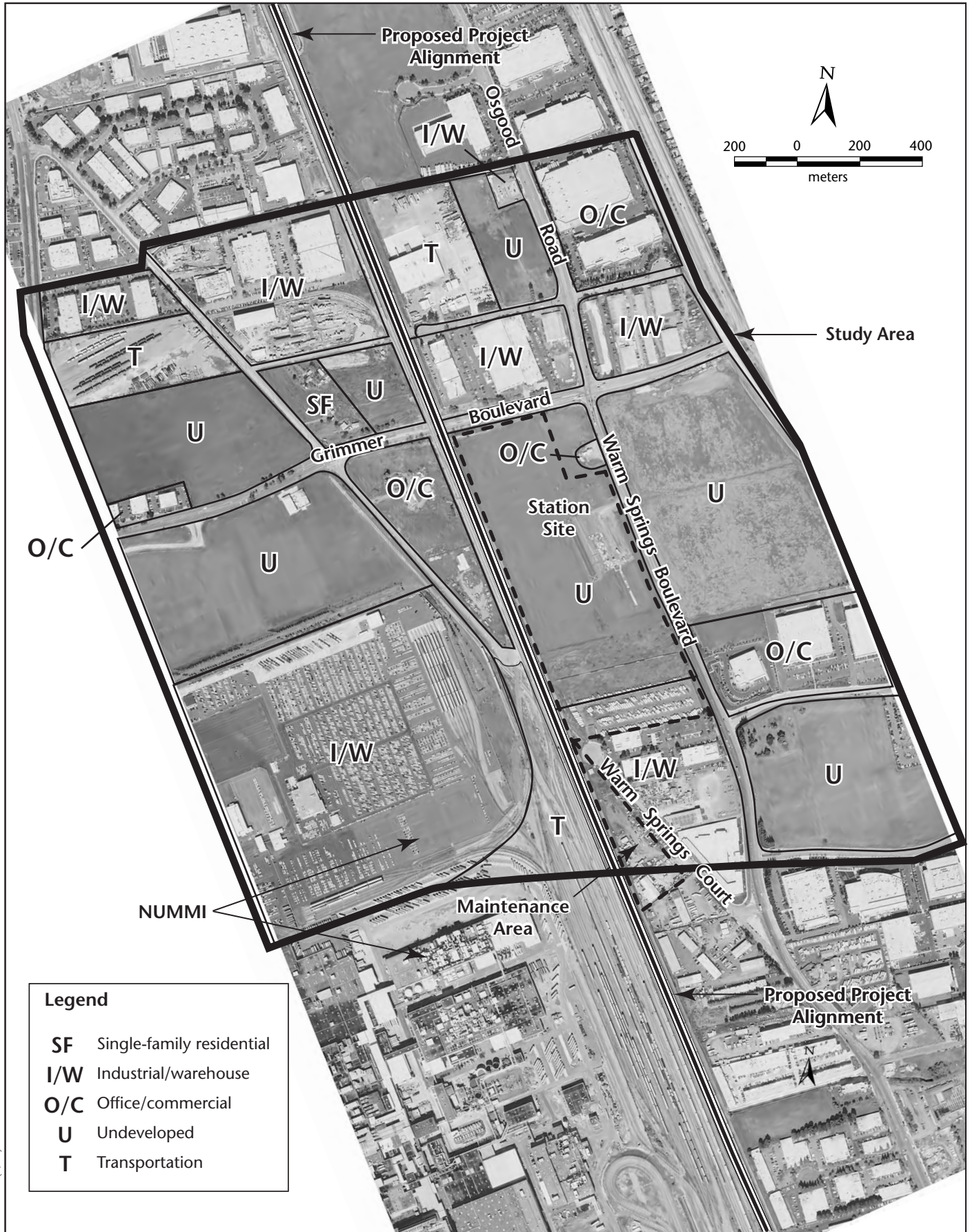


Figure 3.5-5
Existing Land Uses - Warm Springs Station Site and Vicinity

- Northwest of South Grimmer Boulevard–Osgood Road intersection: Industrial development.
- Parcels bounded by South Grimmer Boulevard, I-680, Brown Road, Warm Springs Court, and the UP right-of-way: Industrial and office development (southern half of the area).

Warm Springs Planning Area

The Warm Springs Planning Area includes commercial and primarily single-family residential uses. Its commercial center is located at the intersection of Mission Boulevard and Warm Springs Boulevard, with additional commercial uses scattered in surrounding residential neighborhoods. Residential portions of the Warm Springs Planning Area are dominated by single-family housing located near the commercial center and to the south of the district on Warm Springs Boulevard. Housing density ranges from 3 to 7 dwelling units per acre, with some apartment and condominium development of up to 18 to 27 dwelling units per acre. Along Warm Springs Boulevard, residential uses within the Warm Springs Planning Area abut industrial uses in the adjacent Industrial Planning Area.

3.5.3 Regulatory Setting

The Proposed Project falls within the regulatory and/or planning jurisdiction of several governmental agencies. The City of Fremont has primary responsibility for local land use and local transportation planning within the Proposed Project area. The Metropolitan Transportation Commission (MTC), and Alameda County Congestion Management Agency (ACCMA) have regional planning responsibilities that include the Proposed Project area.

The following sections discuss relevant plans and policies of the City of Fremont, BART, MTC, and ACCMA.

City of Fremont General Plan

Pursuant to Sections 65300–65403 of the California Government Code, the *Fremont General Plan* (City of Fremont 1991, as amended) provides the foundation for land use decisions within Fremont city limits. It represents Fremont’s official policy defining growth patterns, regulating future character and quality of development, articulating goals for the city’s housing and economic development, and identifying implementation measures that will move Fremont toward achievement of those goals. It also defines a vision for future land use and development reflecting upon the unique character and history of each of Fremont’s 10 planning areas to meet the needs of future residents while preserving the historical and other unique qualities of each distinct community.

The following sections describe the *Fremont General Plan* goals, objectives, and policies relevant to the BART extension land use study area; discuss current Fremont policies regarding future land use and development in the five planning areas potentially affected by the Proposed Project alignment; and summarize existing *General Plan* land use designations and zoning of parcels relevant to the Proposed Project alignment.

General Plan Fundamental Goals

The Fundamental Goals section of the *Fremont General Plan* represents the overall vision for Fremont's future and is the foundation upon which the *General Plan* (City of Fremont 1991, as amended) was developed. With respect to the Proposed Project, the most directly relevant Fundamental Goals reflecting the land use-transit nexus are Goals F-11 (Increased Transportation Alternatives and Reduced Dependency on the Automobile) and F-14 (Prominent Leadership Role in Regional Forums in Addressing the Regional Issues That Affect Fremont), presented below. The city's partnership with regional agencies on the Proposed Project is directly related to the following Fundamental Goals from the *Fremont General Plan*.

- **Goal F-11:** While the automobile will continue to be the dominant transportation mode for the foreseeable future, it is clear that over-dependence on the auto is not in the city's best interest. The high environmental and monetary cost of maintaining this dependency is indisputable. Fossil fuels are a finite resource that should not be squandered. The City of Fremont should promote strategies to encourage less dependence on the auto.
- **Goal F-14:** It is clear that all Bay Area cities are part of a highly integrated region. Decisions made by our immediate neighbors, as well as decisions made in San Francisco and San Jose, have significant impacts on Fremont's future. Certain issues, such as regional transportation and air quality, can only be addressed in a cooperative manner. Today, more than ever, it is important for people to consider the regional impacts of local decisions. Fremont must play a prominent role in the region.... We should continue to think regionally and act locally.

General Plan Land Use Policies

Listed below are the *Fremont General Plan* land use policies most directly relevant to the Proposed Project.

- **Policy LU 1.9:** To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high-density residential uses.
- **Policy LU 2.6:** Development of the Central Business District should be guided by a design and development plan, which identifies a limited core area for very high intensity development, and other sub-areas as necessary or appropriate. Projects within one-half mile of the BART Station should be high intensity, or be phased and designed so as to not preclude the long-term achievement of a high intensity core area.
- **Policy LU 2.8:** Central Business District development shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks, crossings, and linking building entrances, activity centers and transit as illustrated in the *Central Business District Central Area Conceptual Pedestrian Connection Plan*. Esplanades shall be provided where designated on the Plan. Elements of the system shall be provided in new projects or in existing projects when significant modifications are made in an existing development.

- **Policy LU 7.8:** The Warm Springs BART Specific Plan Study Area, the Fremont Shores Study Area, the East and West Vargas Plateau/Sheridan Road Sub-Areas and the Centerville Specific Plan Study Area are also identified as “Study Areas.” For these areas, all proposed uses shall be reviewed for their potential to further or hinder the achievement of the goals of the study process. Uses which have no potential for significant conflict with any potential recommended land use recommendations of the study will be allowed under existing land use regulations until such time as the proposed study or specific plan is completed and new land use designations are adopted.

Transportation Element

The Transportation Element of the *Fremont General Plan* (City of Fremont 1991, as amended) describes the city’s existing transportation system and addresses the city’s transportation needs. It acknowledges that automobile use, while providing unmatched mobility, comfort, and convenience, results in significant environmental and monetary costs. It also acknowledges BART’s plans to increase service to Fremont by adding two new stations, one in Irvington and one in Warm Springs.

Transportation Goal T 2 and T3, listed below, are directly relevant to the Proposed Project.

- **Goal T 2:** Convenient alternatives to the automobile to conserve energy, reduce congestion, improve air quality and provide a variety of transportation choices to meet a variety of needs.
 - **Objective T2.2:** Convenient and attractive rail service to serve Fremont residents, workers and businesses as a viable alternative to the automobile.
 - **Policy T2.2.1:** Encourage the development of rail systems to serve Fremont residents, workers and businesses.
 - **Implementation 1:** Actively support BART extension to the southern part of Fremont with stations in Irvington, Warm Springs and South Fremont.
- **Goal T-3:** Transportation Facilities and corridors that enhance the City’s historic, visual and natural resources.
 - **Objective T 3.1:** Transportation corridors that enhance community and City identity.
 - **Policy T 3.1.2:** Require transportation facilities that aesthetically complement their built and natural environment.
 - **Implementation 1:** Work with transportation providers like BART to develop station designs which complement the areas in which they are located.
 - **Implementation 2:** The BART extension shall be trenched, covered, and sound insulated under Central Park and shall be grade separated along with the existing railroad.
 - **Implementation 3:** Review proposed transportation facilities in relation to identified wetlands. Identify alternative alignments that would avoid disruption of wetlands and/or mitigations for wetlands disruption.

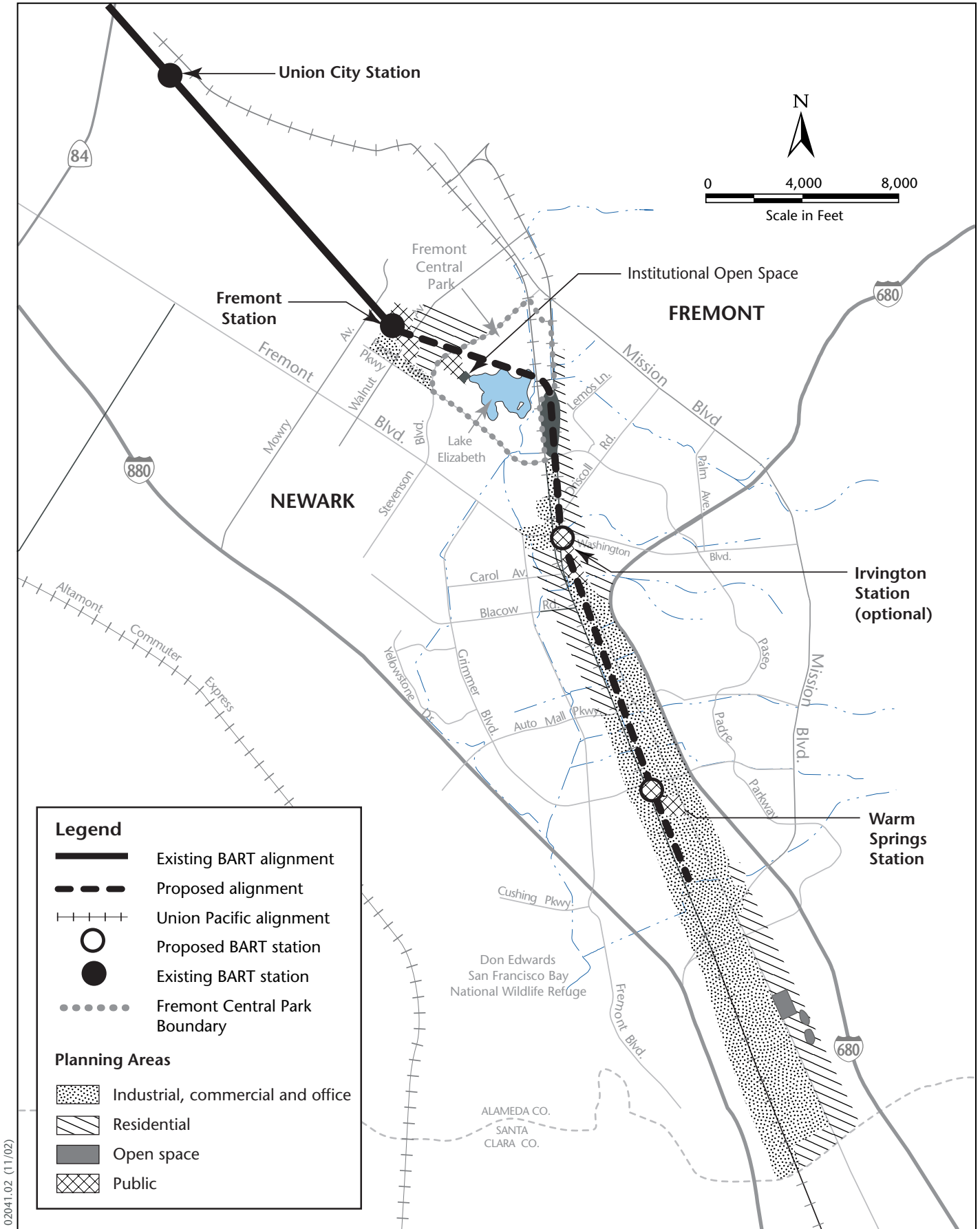
Policies Relevant to City of Fremont Planning Areas

Table 3.5-1 and Figure 3.5-6 show current land use designations applicable to the Proposed Project alignment. The following sections describe *Fremont General Plan* policies and trends regarding development in the five planning areas that encompass the Proposed Project alignment.

Table 3.5-1. Current Land Use Designations and Zoning Adjacent to Proposed Project Alignment

Location or Segment adjacent to Alignment	General Plan Designation	Zoning
Fremont BART Station	Public Facility	P-F (Public Facility)
Walnut Avenue to Stevenson Boulevard	Medium to High Density Residential, Historic Resource	R-G-9, R-G-12 (Garden Apartment Residential)
Stevenson Boulevard to Hetch Hetchy Pump Station	Open Space, Institutional/Open Space, Historic Resource	O-S (Open Space and Institutional Open Space)
Hetch Hetchy Pump Station	Public Facility	P-F (Public Facility)
Paseo Padre Parkway to Union Street		
West side of track	Light Industrial	I-L (Light Industrial)
East side of track	Light Industrial, various residential	I-L (Light Industrial), P-84-12, P-79-1 (various residential)
Union Street to Main Street	Light Industrial, Historic Resource	I-L (Light Industrial)
Main Street to Washington Boulevard	Commercial	C-G (General Commercial)
Washington Boulevard to Auto Mall Parkway		
West side of track	Low Density Residential, Commercial	R-G-29, R-1-6 (Garden Apartment Residential, Single Family Residential), C-C (Community Commercial)
East side of track	Light Industrial	I-L (Light Industrial)
Auto Mall Parkway to Grimmer Boulevard	General Industrial	G-I (General Industrial)
Grimmer Boulevard to North of Mission Boulevard	Restricted Industrial, General Industrial, Public Facility	I-R (Restricted Industrial), G-I (General Industrial), P-F (Public Facility)

Sources: City of Fremont 1991, as amended; City of Fremont 2000; City of Fremont 2002a



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

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

Central Planning Area

The Central Planning Area comprises three distinct sub-areas: the Central Business District (CBD), Central Area Residential, and Industrial Area. Fremont Central Park is also located within the Central Planning Area.

Central Business District

The Proposed Project alignment skirts the perimeter of the CBD. The CBD is bounded by Mission Boulevard and the existing BART alignment on the northeast, Mowry Avenue on the north, Fremont Boulevard on the west (extending to Argonaut Way at The Hub shopping center), and Stevenson Boulevard on the south. A wide variety of uses are currently allowed in the CBD, consistent with the city's intention that it serve as a high-intensity, pedestrian-oriented office, medical, civic, entertainment, and business nucleus, with the highest intensity uses focused near BART's existing Fremont Station. The CBD is also intended to provide a healthy retail center serving nearby offices and residences. The *Fremont General Plan* anticipates that some areas around the CBD's core may be converted to high-intensity residential or mixed-use (commercial/residential) land uses (City of Fremont 1991, as amended).

Central Area Residential

Residential land uses of varying densities surround the CBD on all sides. Within the Central Area Residential sub-area, the *General Plan* calls for the highest density residential areas to be located west of the existing Fremont BART Station and adjacent to the CBD. Lower density development is discouraged in areas proposed for high-density development (City of Fremont 1991, as amended).

Industrial Area

The Industrial Area portion of the Central Planning Area is located between the Proposed Project alignment and Alameda Creek. Although the *General Plan* states that the Industrial Area should be retained, it stipulates a light industrial character because of the area's proximity to residential development and to groundwater recharge facilities serving Fremont. No new major industrial development is expected (City of Fremont 1991, as amended). The existing BART alignment from the Fremont Station north toward the Union City Station and the Proposed Project alignment from the Fremont Station south to the optional Irvington Station are located within the Niles Cone Groundwater Basin, which extends from Mission Boulevard west through Newark.

Alameda Creek watershed, which accounts for 15% of Alameda County's water supply, recharges the aquifers of the Niles Cone Groundwater Basin. Sixteen wells are used to extract water from the groundwater basin. Together these wells are capable of producing up to 47.5 million gallons of water per day. This water is blended with Hetch Hetchy water before being delivered to customers. A dense pocket of aquifer recharge facilities is located in the Niles District of Fremont between Alvarado-Niles Road and Peralta Boulevard. This area is located east of the existing BART alignment, midway between the Union City and Fremont Stations. The aquifer recharge area would not be impacted by the extension of the BART alignment south toward Warm Springs.

The *Fremont General Plan* recommends development of a master plan for Fremont Central Park, but no such plan currently exists (City of Fremont 1991, as amended).

Mission San Jose Planning Area

The *General Plan* proposes development of a more detailed design and development plan for the Mission San Jose Planning Area's historic Community Commercial Center. In the interim, the *General Plan* recommends that development proposals be reviewed for consistency with the area's historic character. The existing land use plan for the Mission San Jose Planning Area provides for no significant changes, and seeks to maintain the area's historic character (City of Fremont 1991, as amended).

Irvington Planning Area

Fremont intends to foster economic vitality and pedestrian-oriented commercial use within the Irvington Planning Area. A large portion of Irvington's commercial center is designated as a redevelopment area, and the *General Plan* calls for maintaining the boundaries of the Irvington Community Commercial Center in order to limit the spread of commercial uses and encourage revitalization of existing areas within the center (City of Fremont 1991, as amended).

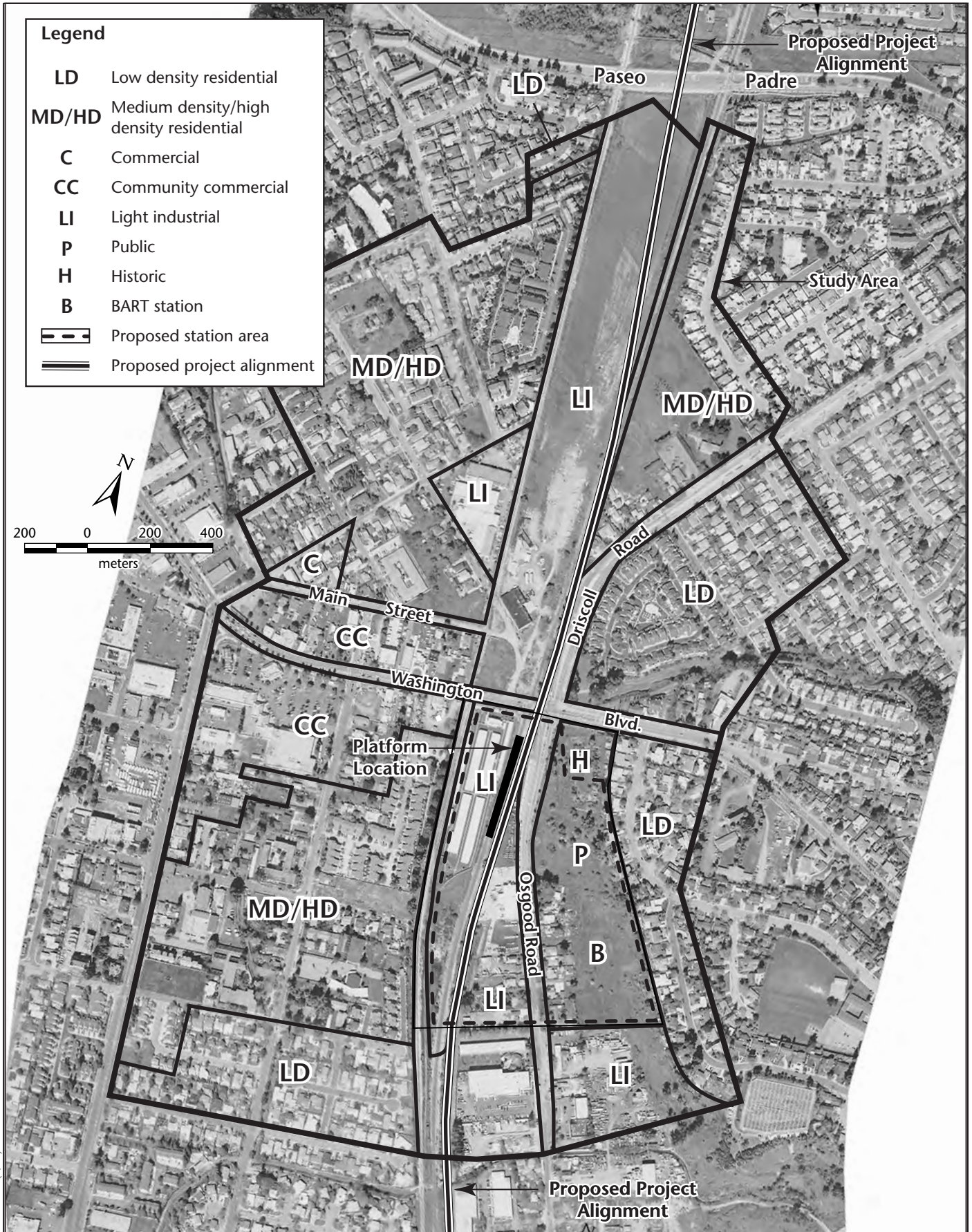
Figure 3.5-7 shows current land use designations for the vicinity of the optional Irvington Station. The *General Plan* acknowledges the potential for significant change in the Irvington Planning Area if a BART station is developed at Washington Boulevard and Osgood Road. The *General Plan* also recommends that the land use plan for areas near the Irvington Station site be reviewed for compatibility with the station, and identifies the city as responsible for taking an active role in ensuring that the station is compatible with the character of the Irvington community (City of Fremont 1991, as amended). In keeping with *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.

The Concept Plan was released for public review in late October 2002, and will be refined after city staff review and public comment. The Concept Plan outlines a long-range plan that contains the vision and goals for Irvington and provides steps that should be taken in order to accomplish those goals. Conceptual designs and illustrative site plans contained within the Concept Plan provide examples of how specific areas may be developed (Figure 3.5-8).

As shown in Figure 3.5-7, the primary land use designation in the Concept Plan Area is community commercial. *General Plan* policies for the community commercial land use designation that are relevant to development of the Concept Plan include the following.

- The existing scale and character of community commercial parcel should be preserved with revitalization and development plans.
- Buildings within a community commercial designated property are encouraged to be oriented towards sidewalks or public plazas and walkways, with retail encouraged at the ground level.
- Local Economy Element Policy 3.5.2 encourages medium density commercial and office areas around the potential future Irvington BART Station.

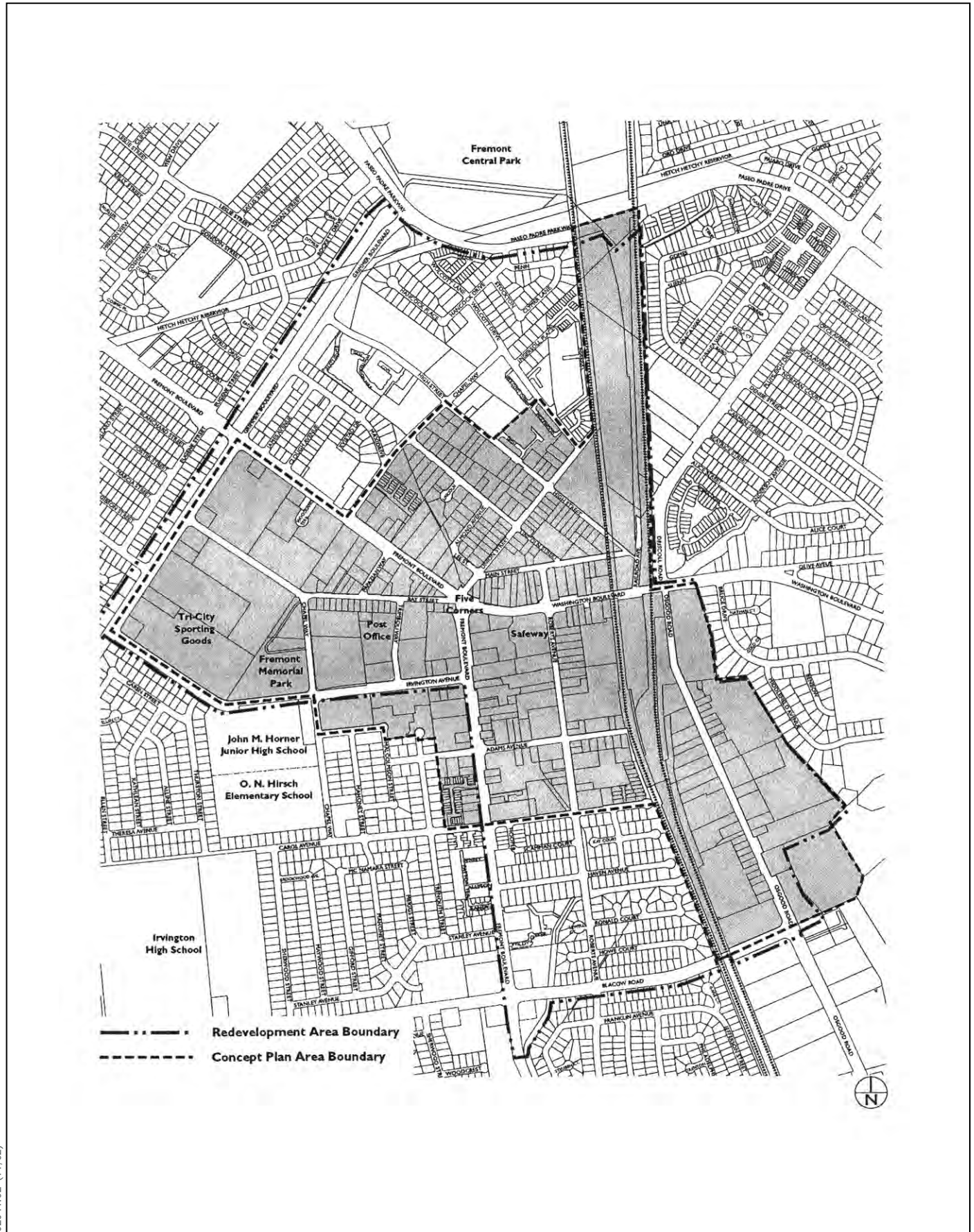
The Concept Plan seeks to support all of these policies by creating a more vibrant commercial core in Irvington and an intensification of land uses adjacent to the potential future BART station site. The Concept Plan outlines as its overall development concept that the district's center at Five Corners be



Source: Aerial base: Parsons Brinkerhoff 2002; zoning: Jones & Stokes 2002.

Figure 3.5-7
General Plan Land Use Designations -
Optional Irvington Station Site
and Vicinity
 March 2003

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Source: City of Fremont 2002.

Figure 3.5-8
Irvington Concept Plan Area

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strengthened by building upon the historic character, commercial and residential opportunities and potential for pedestrian-scale development.

According to the Concept Plan, Bay Street and Main Street, linked by Five Corners and a short segment of Union Street, would become the primary pedestrian-oriented corridor in the district. The plan describes this corridor as becoming a distinctive commercial pedestrian amenity for the Irvington district, that simultaneously emphasizes the potential BART station role as a neighborhood station augmented by regional patrons arriving by automobile, bus, shuttle, or other vehicular means via Osgood Road. The Concept Plan identifies the new BART station as an integrated, positive influence on new commercial and housing development consistent with the overall vision for Irvington. Goal 10 of the Concept Plan is particularly relevant to the Proposed Project: Integrate the potential future BART station and accompanying residential and commercial development into Irvington.

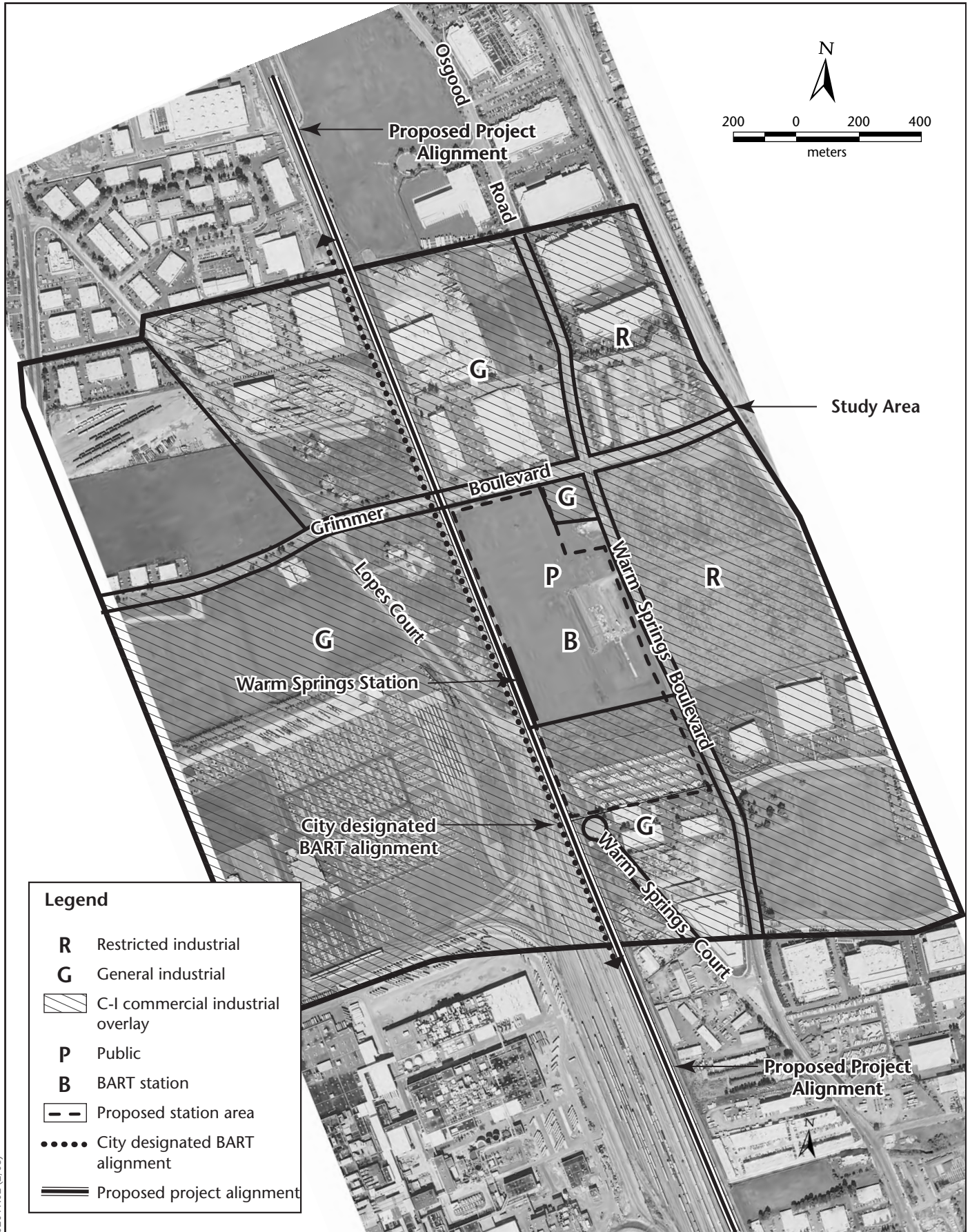
As discussed below, it is BART's policy to encourage transit-oriented development at and near station sites, which increases ridership and is compatible with local development plans. However, such projects must be developed through the City of Fremont's planning process, with BART's cooperation consistent with its policy. The Irvington Concept Plan has not yet been completed and is currently undergoing public review. It will undergo environmental review as part of an amendment for the Irvington Redevelopment Plan.

Industrial Planning Area

The Industrial Planning Area is intended to conserve industrial-designated land for future industrial development, and to provide for various types of industrial development without conflicts between different types of industries. The land use plan for the Industrial Planning Area encourages the development of employment-generating uses in a "park" environment, and protects them from industries less concerned with amenities of this type. Additionally, the Industrial Planning Area provides for smaller-scale light industrial uses serving the local area near residential and commercial areas.

The land use plan for the Industrial Planning Area discusses establishing a Warm Springs BART Specific Plan Study Area for consideration of more dense, compact mixed-use development to make optimal use of the access provided by a future BART station in this area. According to the *General Plan*, conversion to residential uses is one possible option (City of Fremont 1991, as amended). Specifically, Policy LU 3.9 allows for the city to consider *General Plan* amendments to convert industrial-designated land to alternative uses such as residential; the policy sets forth conformance criteria in considering potential *General Plan* amendments. Figure 3.5-9 shows current land use designations for the proposed Warm Springs Station site and vicinity.

In May 2002, the Fremont City Council directed city staff to include preparation of a Warm Springs BART Specific Plan in the Planning Division's 2002–2003 Work Program. Preparation of a Specific Plan for transit-oriented development around the Warm Springs BART station is in keeping with *Fremont General Plan* Land Use Policy 7.8, which states:



02041.02 (2/03)

Source: Aerial base: Parsons Brinkerhoff 2002; zoning: City of Fremont 2002.

Figure 3.5-9
General Plan Land Use Designations -
Warm Springs Station Site and Vicinity

The Warm Springs BART Specific Plan Study Area [is] ... identified as [one of several] "Study Areas." For these areas, all proposed uses shall be reviewed for their potential to further or hinder the achievement of the goals of the study process. Uses which have no potential for significant conflict with any potential recommended land use recommendations of the study will be allowed under existing land use regulations until such time as the proposed study or specific plan is completed and new land use designations are adopted.

Like the Irvington Concept Plan, the Warm Springs BART Specific Plan has not yet been developed, and there are currently no specific proposals for transit-oriented development at the proposed station site. Therefore, any analysis of potential environmental impacts would be highly speculative. The Specific Plan will be subject to appropriate environmental review by the city, as will any future development projects proposed for the area covered by the Specific Plan.

Warm Springs Planning Area

Land uses in the Warm Springs Planning Area consist of residential and neighborhood-serving commercial. The commercial center consists of a shopping center complex and other commercial buildings at the intersection of Mission Boulevard and Warm Springs Boulevard. The land use plan for the Warm Springs Planning Area does not anticipate significant changes from those planned in the past. The most significant changes likely to affect the Warm Springs Planning Area would likely occur adjacent to it in other planning areas (City of Fremont 1991, as amended).

According to the *General Plan*, changes likely to occur adjacent to the planning area include those associated with the development of the Warm Springs BART Station at South Grimmer and Warm Springs Boulevards, and with the changes likely to occur in land use near the station. Because the BART station is located outside of the Warm Springs Planning Area, the *General Plan* refers to it in the discussion of the Industrial Planning Area. As noted above in the discussion of the Industrial Planning Area, such potential impacts would be assessed during the specific planning process for the station area when more specific information is known about opportunities for new planned uses.

City of Fremont Zoning

Zoning adjacent to the Proposed Project alignment is dominated by open space and industrial. Table 3.5-1 shows current zoning for areas adjacent to the Proposed Project alignment. From the existing Fremont Station south to Paseo Padre Parkway, areas adjacent to the Proposed Project alignment are primarily zoned R-G-9 and R-G-12 (garden apartment residential), O-S (open space/institutional open space), and P-F (public facility). Between Paseo Padre Parkway and Washington Boulevard, adjacent zoning is dominated by various industrial designations, although P-84-12 and P-79-1 residential zoning is present east of the Proposed Project alignment as far south as Union Street. South of Washington Boulevard, the area west of the Proposed Project alignment is zoned R-G-29 (garden apartment residential), R-1-6 (single family residential), and C-C (community commercial) as far south as Auto Mall Parkway. East of the Proposed Project alignment, and west of the Proposed Project alignment from Auto Mall Parkway to the alignment's southern terminus, zoning is industrial.

Summary of Changes in Relevant Land Use Designations and Zoning since 1992

The decade since preparation of the 1992 EIR has seen the following changes in zoning and land use designations relevant to the Proposed Project.

- Conversion of commercial uses to public uses directly adjacent to the east side of the existing Fremont Station.
- New high-density residential uses south of the existing Fremont Station.
- Redesignation of restricted industrial and public uses on and adjacent to the site of the optional Irvington Station site as light industrial.
- Addition of a community commercial designation to the areas designated as commercial along the Washington Boulevard and Fremont Boulevard corridors, and expansion of these areas toward the site of the optional Irvington Station.
- Addition of a medium/high-density residential designation to areas south of Irvington Avenue previously designated as commercial.
- Addition of a residential designation to several parcels immediately north of Mission Boulevard in the eastern portion of the land use study area.

BART Strategic Plan

BART's mission is to provide transit services that increase mobility and accessibility and help to preserve the Bay Area's environment and quality of life (San Francisco Bay Area Rapid Transit District 1999). The *BART Strategic Plan* charts a course to successfully fulfilling this mission. To address land use and quality of life issues associated with the successful operation and expansion of BART, the *Strategic Plan* commits to working in partnerships with communities to integrate transit service with appropriate community development and efforts to improve transit access in surrounding areas to generate BART ridership. BART's vision for enhancing transit ridership calls for development of transit-oriented communities to realize the full value of regional transit investments, while maximizing the livability of those communities.

The following goals, objectives, and strategies in the *BART Strategic Plan* are directly relevant to the Proposed Project (San Francisco Bay Area Rapid Transit District 1999). These goals, objectives, and strategies have been expanded by BART's Board of Directors since the *Strategic Plan* was adopted in 1999, including directives for comprehensive ridership plans that address transit-oriented land use and development, multi-modal access, and station capacity and functionality (San Francisco Bay Area Rapid Transit District 2000, 2002).

Building Partnerships for Support

- **Goal 3:** Residents of the Bay Area will value and take pride in BART as an integral part of their communities.

Strategy: Create area and facilities in or immediately adjacent to our stations that serve as community gathering or exhibit places.

Transit Travel Demand

- **Goal 1:** BART will work to understand changing transit demand patterns and be prepared to respond to them, and BART will work proactively to influence travel demand trends in the region that support transit ridership.

- Objective: Increase transit ridership.

Strategy: Track regional growth and activity patterns to identify existing and emerging markets.

Strategy: Advocate those infrastructure investments that best support transit ridership.

- **Goal 3:** BART will encourage and facilitate improved access to and from BART stations by all modes.

- Objective: Reduce percentages of single-occupied vehicles relative to access of all other modes.

Strategy: Improve access via taxis, shuttles, buses, walking, bicycles, and other transit.

Strategy: Work with local communities to promote transit oriented development, enhanced destinations, and multiple purpose stops.

- **Goal 4:** BART will work to close gaps in regional rail services between major populations and employment centers and/or corridors.

- Objective: In conjunction with the development of MTC's Regional Transportation Plan, identify key corridors such as Fremont-South Bay and establish partnerships among the respective key agencies and decision-makers to achieve consensus regarding rail service enhancement strategies.

Strategy: Promote development by appropriate agencies of updated transit travel demand forecasts based on reasonable land use projections and network assumptions.

Strategy: Work with other public agencies to close the gaps in regional transit service.

Strategy: Identify transit-oriented nodes and corridors of future expansion, and outline a package of incremental future development: transit centers and transit-oriented development, busways, automated guideway transit and rail extensions.

Land Use and Quality of Life

- **Goal 1:** In partnership with the communities it serves, BART's properties will be used in ways that first maximize transit ridership and then balance transit-oriented development goals with community desires.

- Objective: Coordinate comprehensive planning and assessment of transit-oriented development at BART stations in concert with local communities. Develop and implement a support structure to ensure that all new development around BART stations be transit-oriented. Develop and implement a support structure to enable BART to advocate and educate for transit-oriented development near BART stations.

- ❑ **Objective:** Develop and implement a support structure to ensure that all new development around BART stations be transit-oriented.
- **Goal 2:** In partnership with the communities BART serves, BART will promote transit ridership and enhance the quality of life by encouraging and supporting transit-oriented development within walking distance of BART stations.
 - ❑ **Objective:** Coordinate comprehensive planning and assessment of transit-oriented development around BART stations in concert with local communities. Establish an approach for BART station area planning to connect with planning efforts in local communities adjacent to BART.

Strategy: Establish coalitions with other transit providers to promote intermodal improvements at BART stations.

Strategy: Improve communication regarding station area land use issues between BART and the communities through which BART runs.

BART System Expansion Policy and Criteria

On December 5, 2002, with BART's *Strategic Plan* policies as a foundation, the BART Board adopted System Expansion Criteria with a defined process and criteria for project advancement. The criteria consider ridership in the context of project cost, surrounding land use, good pedestrian and bicycle access, connections with other transit systems, effects on the existing BART system, and the degree of partnering and community support.

The Expansion Criteria are designed to contend with the pressures of growth in the Bay Area and to address the dispersal of jobs and housing while reinvesting in BART and other transit systems to maximize service. BART, as a steward of public funding for transportation investments that enhance the Bay Area's environment and quality of life, will utilize the adopted criteria to meet the following goals.

- Enhance regional mobility, especially access to jobs.
- Generate new ridership on a cost-effective basis.
- Demonstrate a commitment to transit-supportive development.
- Enhance multi-modal access to the BART system.
- Develop projects in partnership with the communities that will be served.
- Implement and operate technology-appropriate service.
- Ensure that all projects address the needs of the District's residents.

Metropolitan Transportation Commission 2001 Regional Transportation Plan for the San Francisco Bay Area

The Metropolitan Transportation Commission (MTC) is the agency responsible for planning, coordinating, and financing transportation in the nine-county San Francisco Bay Area. Established

by the State Legislature in 1970 under California Government Code Section 66500 *et seq.*, MTC functions as both the regional transportation planning agency (a state designation) and as the region's metropolitan planning organization (MPO) (a federal designation). In both of these capacities, MTC is responsible for developing a program of projects for the Regional Transit Expansion Policy (RTEP), and its companion investment program, the *Regional Transportation Plan* (RTP), a master strategy for rail and bus transit expansion in the San Francisco Bay Region.

It is the responsibility of MTC to review requests from local agencies for state and federal grants for transportation projects to evaluate their compatibility with the RTP (Metropolitan Transportation Commission 2001). Per MTC's 2001 evaluation of proposed transit projects, BART to Warm Springs has been identified as a "Tier 1" project. According to RTEP criteria for financial feasibility, priority is to be assigned to those projects of the original seven Tier 1 Resolution No.1876 projects that do not yet have a defined and secured financial agreement (MTC Resolution 3357, Attachment A, Criteria: Definitions and Measurements, December, 2001). RTEP Resolution 3357 also contains a number of performance criteria. Performance criteria relevant to the Proposed Project include the following.

- **Land Use:** Evaluate potential system benefits accrued as a result of adjacent land uses along rail/bus corridors, based on year 2025 projected net residential and employment land use densities around planned stations or transit corridors.
- **Cost effectiveness:** Evaluate "cost per new rider," measured as dollars per new rider (shifting from auto to transit, not transit to auto).
- **System Connectivity:** Assess the interconnected relationship of the transit expansion and the existing transit network, through measures of connections, service frequency, and gap closures.
- **System Access:** Determine the ability of users to easily access the new extensions, based on number of modal access options.
- **Project Readiness:** Prioritize projects that are able to proceed expeditiously to implementation, based on pre-construction activities completed or in progress as of December 2001.

Each of the above performance criteria assign ratings of high, medium, or low to projects according to their relative perceived benefit. In addition to the evaluation criteria used to evaluate proposed projects, the RTP (Metropolitan Transportation Commission 2001) also contains the following goal and associated objectives directly relevant to the land use implications of the Proposed Project.

- **Goal:** Community Vitality -Promote vital and livable communities.
 - **Objective:** Foster new ideas for improving communities through transportation investments.
 - **Objective:** Assist with efforts to plan and implement transit-oriented development projects.

Alameda County Congestion Management Agency Countywide Transportation Plan 2001-2026

ACCMA is charged with bringing together Alameda County's multiple transportation systems and choices, including BART, in a shared vision. ACCMA's *Countywide Transportation Plan* (Alameda County Congestion Management Agency 2001) captures this shared vision for the county's long-

term transportation needs and is intended to provide a blueprint for transportation improvement through the year 2026.

The following “Guiding Principle” has been set forth by the ACCMA Steering Committee: “Transportation investments must be made in conjunction with appropriate land use planning....” (Alameda County Congestion Management Agency 1995). Additionally, the following goal and associated objective of ACCMA’s *Countywide Transportation Plan* (Alameda County Congestion Management Agency 2001) are directly relevant to the Proposed Project.

- **Goal:** Transit access and transit use.
 - **Objective:** a service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of the county’s major transportation corridors.

3.3.4 Impact Assessment and Mitigation Measures

Methodology for Impact Analysis

This analysis focuses on potential project effects on adjacent land uses, including long-term (operational) effects and effects related to construction traffic, noise, and dust, as well as consistency with relevant planning documents and goals. Future transit-oriented development impacts are not part of this analysis. The Warm Springs Specific Plan and Irvington Concept Plan have their own environmental review processes that will provide opportunities for public review and comment once impacts are assessed. Impacts on open space and natural habitats are addressed in Section 3.4 (*Biological Resources*). Impacts related to the displacement of residents and to acquisition of property are addressed in Section 3.6 (*Population, Economics, and Housing*). Impacts on archaeological and historical resources, including historic properties, are addressed in Section 3.8 (*Cultural Resources*).

Because existing and approved land uses vary along the Proposed Project corridor, impacts were addressed segment by segment, using the segments of the Proposed Project alignment described in Chapter 2 (*Project Description*).

Under state law (Government Code section 53090 et seq.), BART is not required to comply with local land use plans, policies and zoning ordinances. Therefore, were the Proposed Project inconsistent with such local requirements, such inconsistency would not be determined to be a significant impact and mitigation would not be required. BART nevertheless wishes to emphasize to the public and to local jurisdictions the extent to which the project is consistent with local plans, policies and zoning ordinances.

Criteria for Determining Significance of Impacts

This analysis relied on standards of significance developed by BART on the basis of accepted professional practice for land use planning. Based on these criteria, impacts related to land use were considered significant if the Proposed Project was judged likely to result in either of the following.

- A significant adverse effect on the efficiency, effectiveness, or productivity of adjacent land uses.
- A conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect.

Impacts and Mitigation Measures

Impacts Related to Warm Springs Extension

Operational Impacts

Impact LU1 – Potential adverse effect on the efficiency, effectiveness, or productivity of adjacent land uses. In addressing the Proposed Project's impact on the efficiency, effectiveness, and productivity of adjacent uses, this analysis considered such factors as impacts on auto or pedestrian circulation patterns and access to properties; the ability to continue use of adjacent lands for their designated purpose; and overall compatibility of uses. Analysis of this impact is organized geographically, based on the Proposed Project alignment segments identified in Chapter 2 (*Project Description*).

Fremont BART Station to Stevenson Boulevard (Central Planning Area). This northernmost segment of the Proposed Project alignment, extending southward from the existing Fremont Station (BART's current southern terminus), contains some sensitive land uses, including Tule Pond and adjacent residential uses.³ Within the Tule Pond segment, the Proposed Project would include an approximately 20-foot-high and 150-foot-wide embankment as the tracks extend south from the existing elevated BART station, as well as a grade-separated extension over Walnut Avenue.

Alignment. The Proposed Project would lower the street grade of Walnut Avenue by approximately 1 foot to provide sufficient clearance under the proposed BART bridges. The extension over Walnut Avenue would be grade-separated to reduce rail/vehicle conflicts and increase the efficiency of area circulation patterns. Because of these features, the Proposed Project would not result in any significant changes in site access or circulation along the Fremont BART Station–Stevenson Boulevard segment of the alignment, and would therefore have no significant operational impacts on land uses in this vicinity.

South of Tule Pond, the Proposed Project alignment extends through an area bordered by multi-family residential uses along both sides. The Proposed Project alignment would traverse the area via a raised embankment that would gradually descend southward to grade before entering first a retained-cut segment, and then a subway structure north of Stevenson Boulevard. This section of the Proposed Project alignment was studied for impacts associated with noise, vibration, and aesthetic impacts on adjacent residential land uses. Noise and vibration impacts are discussed in Section 3.10, and aesthetic impacts are discussed in Section 3.7.

The Proposed Project would be located on currently undeveloped land that has been retained for the extension of the BART corridor, and it is consistent with approved plans for the

³ See Sections 3.3 (*Hydrology and Water Quality*) and 3.4 (*Biological Resources*).

BART extension in this area. The Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the Fremont BART Station–Stevenson Boulevard segment of the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with land uses adjacent to the Fremont BART Station–Stevenson Boulevard segment of the Proposed Project alignment, and would not result in significant adverse impacts on land use or planning in this area.

Stevenson Boulevard to SP Railroad Right-of-Way (Fremont Central Park) (Central Planning Area). From the north subway portal, the Proposed Project would extend through a subway structure beneath Stevenson Boulevard and Fremont Central Park, including the northeastern arm of Lake Elizabeth. Operational impacts related to land use in this segment of the alignment would be minimal, because Stevenson Boulevard, Fremont Central Park, and Lake Elizabeth would be returned to their existing contours and all existing uses would be reinstated following construction. The only operational impacts within this segment would involve the permanent location of ventilation structures for the subway.

Two options are being considered for ventilating the subway: a single ventilation structure (Option 1), or two slightly smaller structures (Option 2). If Option 1 is implemented the structure would be placed in Fremont Central Park, approximately 125 feet south of the existing parking area (see Figure 2.-7e). If Option 2 is implemented, one structure would be placed in the Fremont Central Park parking lot and the second structure would be placed east of Lake Elizabeth near Mission Creek (Figure 2.7f). The ventilation structures would be primarily subterranean, but would include above-ground features consisting of a 10-foot-high wall and a paved parking area. The single-structure option would encompass an approximate area of 205 feet by 88 feet (18,040 sf), and the two-structure option would comprise two areas of 150 feet by 70 feet (10,500 sf) each. The structure(s) would not conflict with existing or planned recreational use in the area. Aesthetic impacts are discussed in Chapter 3.7. Existing recreational facilities would not be displaced, and given the size of Fremont Central Park (440 acres), the proposed ventilation structures would occupy a negligible percentage (approximately 0.001%) of the park's total area. Visual impacts of the ventilation structures are discussed in Section 3.7 (*Aesthetics*).

The Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the Fremont Central Park segment of the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with land uses adjacent to the Fremont Central Park segment of the Proposed Project alignment, and would not result in significant adverse impacts on land use or planning in this area.

SP Railroad Right-of-Way to Paseo Padre Parkway (Central Planning Area). South of Lake Elizabeth, the subway alignment would pass under the former SP tracks and emerge into an expansive open space area consisting of the former WP and SP rail corridors, immediately south of the Fremont Golf Course. The southern subway portal would be located approximately 100 feet east of the former SP alignment in an undeveloped parcel. The Proposed Project alignment would be located midway between the former SP and WP

alignments within this open space portion of the corridor. The alignment would follow a retained cut for approximately 800 feet and then transition to grade. Paseo Padre Parkway will be lowered as part of the City of Fremont's grade separations project, planned for completion prior to the Proposed Project, permitting the Proposed Project alignment to cross over Paseo Padre Parkway on a bridge structure. This would improve access across the Proposed Project corridor and reduce potential rail/vehicle conflicts. Additionally, as part of the Proposed Project, a traction power substation would be constructed within the open space parcel near the south subway portal, and a gap breaker station and train control bungalow would be co-located approximately 200 feet north of Paseo Padre Parkway. An access road would also be constructed to these facilities from Paseo Padre Parkway.

North of Paseo Padre Parkway, single-family residential land uses are located to the east of the Proposed Project corridor beyond the former WP alignment, and Fremont Central Park is located to the west of the corridor beyond the former SP alignment. The new traction power substation would consist of a 12-foot-high structure, surrounded by a concrete block wall (approximately 188 feet by 65 feet or 12,220 sf), and would be situated in an open field area south of the Fremont Golf Course. The combined gap breaker station and train control bungalow would consist of two approximately 12-foot-high structures surrounded by a fence (approximately 156 feet by 54 feet or 8,424 sf), situated in an open field. These structures would be noticeable by users of the Fremont Golf Course and from nearby residential uses. Aesthetic impacts are discussed in Chapter 3.7. The structure(s) would not conflict with existing or planned use in the area. The SP Railroad–Paseo Padre Parkway segment of the Proposed Project alignment is occupied by two railroad easements, and has been planned for the extension of the BART system. The Proposed Project would not affect operations of the rail lines, as these lines will be reconfigured as part of the City of Fremont's grade separations project.

The Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the SP Railroad–Paseo Padre Parkway segment of the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with land uses adjacent to the SP Railroad–Paseo Padre Parkway segment of the Proposed Project alignment, and would not result in significant adverse impacts on land use or planning in this area.

Paseo Padre Parkway to Washington Boulevard (Irvington Planning Area). Between Paseo Padre Parkway and Washington Boulevard, the Proposed Project alignment would shift to the east to follow the former WP alignment at grade within the linear open space corridor designated as light industrial. The majority of surrounding land uses east and west of this segment of the Proposed Project alignment consist of medium-density residential uses, with a light industrial complex located to the west, and low-density single-family residential uses located to the east as the Proposed Project corridor approaches Washington Boulevard. Washington Boulevard will be modified as part of the city's grade separations project planned for completion before the Proposed Project, and will extend over the Proposed Project corridor. The Proposed Project alignment extends through this area at grade.

The Paseo Padre Parkway–Washington Boulevard segment of the Proposed Project alignment would likely be associated with noise, vibration, and aesthetic impacts on adjacent

residential land uses, discussed in Sections 3.10 (*Noise and Vibration*) and 3.7 (*Aesthetics*). However, the Proposed Project would extend through the area that has been planned for the extension of the BART corridor, and it is consistent with approved plans for the BART extension in this area. The Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the Paseo Padre Parkway–Washington Boulevard segment of the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with land uses adjacent to the Paseo Padre Parkway–Washington Boulevard segment of the Proposed Project alignment, and would not result in significant adverse impacts on land use or planning in this area.

Washington Boulevard to Southern Terminus (Irvington and Industrial Planning Areas). From Washington Boulevard to the terminus of the Proposed Project alignment south of the proposed Warm Springs Station, the Proposed Project alignment would continue at grade along the former WP alignment. Immediately south of Washington Boulevard, public-designated uses are located on both the east and west side of the Proposed Project corridor.

The public-use designated parcel on the east is designated for a future BART station (optional Irvington Station, discussed in greater detail below).

Intensification of land uses surrounding BART facilities is being addressed through the City of Fremont’s Irvington Concept Plan. While not part of this Proposed Project, the access plan and station layout reflect and coordinate with Fremont’s land use planning efforts.

The west side of the corridor primarily comprises residential land uses as the alignment extends further south toward Auto Mall Parkway, and industrial and open space uses from Auto Mall Parkway to the terminus of the Proposed Project alignment. Industrial, commercial, and open space lands are located to the east of the proposed alignment from Washington Boulevard to the southern terminus.

Industrial and commercial land uses would not be impacted by these aspects of the Proposed Project. The Proposed Project would require the displacement of businesses as discussed in Section 3.6 (*Population, Economics, and Housing*). Per the impact assessment in Section 3.6, impacts associated with displacements would be addressed by Mitigation Measure POP3 (Acquire property and relocate residences and businesses) (see Section 3.6 [*Population, Economics, and Housing*]). Although individual parcels would be affected by the Proposed Project, business displacements would not result in a change to the surrounding pattern of land use. The Proposed Project would extend through existing rail easements and an area that has been planned for the extension of the BART corridor. The Proposed Project is consistent with approved plans for the BART extension in this area, and the proposed Warm Springs Station would be located on vacant land that is designated for public use as a future BART station.

Grade-separated access would be maintained at Grimmer Boulevard, via a new bridge to accommodate the Proposed Project’s northbound and southbound tracks. South of the Grimmer Boulevard bridge, the Proposed Project alignment would continue at grade into the

Warm Springs Station site and through a maintenance facility, and would end approximately 2,000 feet north of Mission Boulevard. Grimmer Boulevard would provide east-west vehicular access to the station site. Osgood Road and Warm Springs Boulevard would provide the principal north-south access. The primary access to the station itself would be from two new signalized intersections on Warm Springs Boulevard and a two-lane road extension from Warm Springs Court (currently a cul-de-sac). As discussed in Section 3.9 (*Transportation*), Warm Springs Boulevard is proposed for widening from South Grimmer Boulevard to the southern end of the proposed Warm Springs Station parking lot to accommodate the additional traffic and turning movements. A signalized intersection at Warm Springs Boulevard and Warm Springs Court has been suggested to facilitate the proposed Warm Springs Court access.

Three optional locations are proposed for a traction power substation in the Washington Boulevard–Southern Terminus segment of the Proposed Project alignment. Two of these locations are adjacent to the optional Irvington Station site within the Proposed Project corridor, and one is within the unimproved Blacow Road right-of-way immediately east of the Proposed Project alignment and within the landscaped area of the City of Fremont Corporation Yard. Additionally, a traction power substation and train control bungalow would be located on the east side of the Proposed Project alignment, immediately north of Auto Mall Parkway. The traction power substation would consist of a 12-foot-high structure, and would be surrounded by a concrete block wall on approximately 12,220 sf of land. A gap breaker station would be installed south of Auto Mall Parkway, east of the Proposed Project alignment. The gap breaker station would consist of a 12-foot-high structure surrounded by a fence on approximately 3,200 sf of land. A combined traction power substation and train control bungalow would be constructed north of Auto Mall Parkway and would consist of two 12-foot-high structures on approximately 16,324 sf of land. Aesthetic impacts are discussed in Section 3.7. These facilities would either be located within the Proposed Project alignment, or within industrial/commercial areas. Consequently, these structures would not conflict with existing or planned use in the area.

The Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the Washington Boulevard–Southern Terminus segment of the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with land uses adjacent to the Washington Boulevard–Southern Terminus segment of the Proposed Project alignment, and would not result in significant adverse impacts on land use or planning in this area.

Summary (All Segments). Implementation of the Proposed Project may result in noise, vibration, and visual impacts on surrounding land uses (discussed further in Sections 3.10 [*Noise and Vibration*], 3.7 [*Aesthetics*], and 3.6 [*Population, Economics, and Housing*]). However, residential uses are encouraged near public transit nodes as part of transit-oriented developments in order to support more efficient use of valuable land and provide more efficient transportation networks. The Proposed Project alignment would be developed within an existing open space corridor that has been retained and designated for extension of the BART corridor. Intensification of land uses surrounding the Proposed Project alignment is encouraged to enhance use of transit opportunities provided by a BART station. Use of

adjacent lands would likely continue to intensify in response to growth and transit-oriented development proposals in the vicinity of the Proposed Project alignment and the Warm Springs Station. Fremont's *General Plan* and zoning provide mechanisms to support growth and land use intensification associated with the Proposed Project.

All Proposed Project facilities would be located on land planned for the extension of the BART system, and the Proposed Project is consistent with approved plans for the BART extension in Fremont. Therefore, the Proposed Project would not adversely affect the efficiency, effectiveness, or productivity of land use surrounding the Proposed Project alignment, nor would it significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with adjacent land uses and would not result in significant adverse impacts on land use or planning. (*Less than significant.*)

Mitigation – None required.

Impact LU2 – Potential inconsistency with applicable plans and policies.

BART System Expansion Policies

As discussed above in Section 3.5.3 (*Regulatory Setting*), BART has adopted policies related to system expansion, station planning, access, and recommended land uses surrounding BART stations. The proposed site plan for the Warm Springs Station (Figure 2-6a) illustrates the proposed station concept. The station structure, with stairs, escalators, station agent, concourse, and train platform, would be adjacent to the track alignment on the west side of the station site. The mid-day parking and transit multimodal access facilities would be located immediately to east of the station structure. The remainder of the site would be devoted to station parking, with the exception of the northwest corner of the station site, which would be reserved for potential future station facilities.

The station concept plan is based on BART's policies for flexibility and access enhancements. The access facilities, all of which are located east of the platform area, include a primary entry plaza linked to a multimodal circulation plan, with pedestrian walkways and bicycle lanes; a dedicated transit center with bus and shuttle drop off; and dedicated areas for auto pick up and/drop off, taxis, paratransit⁴, and parking facilities for the disabled.

While onsite development other than BART commuter facilities is not part of the Proposed Project, the station is designed to have the flexibility to accommodate transit-oriented development at a future date. Principal site access is proposed via three east-west roadways that run from Warm Springs Boulevard toward the entry plaza. This internal roadway network is designed to divide the site into a series of land use units, each approximately the size of a city block, that could later be developed with ridership-generating uses as part of a phased development. Street frontage could be provided for future retail/commercial uses along both South Grimmer Boulevard and Warm Springs Boulevard.

⁴ *Paratransit services* are services provided to people with disabilities who are unable to use fixed-route transit service. These services often require the patron to call ahead of time and will result in the patron being picked up at the door (for example at home) and then dropped off at the door at the other end of the trip (for example the doctor).

Through its *Strategic Plan* and System Expansion Criteria, BART supports the intensification of surrounding land uses, which could enhance the increased transit opportunities and ridership provided by a BART station. Typically, station area planning extends approximately 0.5 mile from the station site. In May 2002, the Fremont City Council authorized city staff to begin preparation of a Warm Springs Specific Plan, as identified by the *Fremont General Plan*. BART staff has initiated discussions with the city regarding cooperation in the Warm Springs Specific Plan process. A specific plan would guide the land uses surrounding the BART station and ensure appropriate development near the Warm Springs Station to help enhance the benefits of this major regional transit investment. The proposed Warm Springs BART Station is perhaps unique in the South Bay in the degree to which there is vacant land around it. On the east side of the station site is a vacant parcel of more than 35 acres. On the immediate west side of the station across the BART alignment, there are several vacant parcels on either side of Lopes Court, including a 107-acre largely vacant parcel.⁵ Mixed-use development incorporating both higher density residential and office uses would be considered on these and other parcels during the specific plan process.

The specific plan to be developed for the Warm Springs area is expected to include a transit-oriented land use and infrastructure plan accompanied by urban design guidelines that will become adopted into the *Fremont General Plan*, with the zoning changes necessary for implementation. The major land use focus will be on developing currently vacant parcels within walking distance of the BART station, including integration with existing development. BART will assist the city to develop a multimodal access plan in the context of the specific planning process. Included in the analyses will be pedestrian, bicycle, bus, shuttle and other modes of access to BART and from BART to neighborhoods, civic institutions, and job centers in southern Fremont.

In sum, it is BART's policy to encourage transit-oriented development at and near station sites, which increases ridership and is compatible with local development plans. However, such projects must be developed through the City of Fremont's planning process, with BART's cooperation consistent with its policies. The city's planning efforts for the areas surrounding the Warm Springs Station have not yet been completed, and there are no specific proposals for transit-oriented development at the Warm Springs Station site. Any analysis of potential environmental impacts would be highly speculative. The specific plan will be subject to appropriate environmental review by the city as will any future development project proposed within the specific plan area. Transit-oriented development and access planning will be addressed through a comprehensive community-based process to be undertaken by the city in coordination with BART and other stakeholders in 2003.

Regional Transportation Plan

As discussed above in Section 3.5.3 (*Regulatory Setting*), the Proposed Project was evaluated as part of MTC's performance evaluation of regional transportation projects and was included in the Regional Transportation Expansion Program as a Tier 1 project, indicating that it met the criteria for project advancement and is consistent with MTC's policies.

ACCMA Countywide Transportation Plan

The guiding principle of ACCMA is: "Transportation investments must be made in conjunction with appropriate land use planning..." As discussed above, it is BART's policy to encourage land use intensification and transit-oriented development around its stations. BART is assisting the city to

⁵ City of Fremont; staff report to the City Council; Warm Springs Area Specific Plan, Scope, Cost, and Process; March 26, 2002.

develop the Warm Springs Specific Plan. Completion of the city's specific plan would encourage higher density development around the proposed station site, consistent with the goals of the ACCMA. Therefore, the Proposed Project is consistent with applicable plans and policies, and this impact is less than significant. (*Less than significant.*)

Mitigation – None required.

As discussed above, although under state law BART is not required to comply with the *Fremont General Plan* or zoning ordinances, BART wishes to disclose to the public and to local jurisdictions the extent to which its projects are consistent with local land use planning. The *Fremont General Plan* (City of Fremont 1991, as amended) indicates a future BART alignment from the existing Fremont Station, through Fremont Central Park, and along the existing railroad corridor, and designates the proposed Warm Springs Station site for public use with a BART station overlay.

Construction-Related Impacts

Impact LU3 – Creation of construction impacts, such as traffic and circulation obstructions; noise, dust, and other pollutants; and safety issues. Construction of the Proposed Project would result in temporary traffic and circulation obstructions; the generation of noise, dust, and other pollutants; and potential safety issues. The following paragraphs address these impacts on a segment by segment basis, using the segment designations presented in Chapter 2 (*Project Description*).

Fremont BART Station to Stevenson Boulevard (Central Planning Area). Construction of the Fremont BART Station–Stevenson Boulevard segment of the Proposed Project alignment would result in temporary impacts on the existing Fremont BART Station, Walnut Avenue, Tule Pond (the project would also have permanent impacts by filling a portion of Tule Pond), and residential land uses adjacent to the alignment. A temporary contractor laydown area would be created on a vacant parcel adjacent to the Proposed Project alignment, north of Stevenson Boulevard. No significant land use impacts on the vacant parcel would occur as a result of use for contractor laydown. Local circulation patterns would be temporarily disrupted during implementation of proposed improvements to Walnut Avenue, and parking areas would be displaced within the existing confines of the Fremont BART Station; these impacts are addressed in detail in Sections 3.6 (*Population, Economics, and Housing*) and 3.9 (*Transportation*) and through Mitigation Measure POP7 (Maintain access, traffic control, and parking supply during construction). Following Proposed Project construction, adequate circulation would be restored and maintained across the new tracks via an underpass. The Proposed Project would require construction of an approximately 20-foot-high and 150-foot-wide embankment in the Fremont BART Station–Stevenson Boulevard area, which could generate temporary noise and dust pollution with the potential to adversely affect residential land uses within the proposed embankment construction area; these impacts are addressed in detail in Sections 3.10 (*Noise and Vibration*) and 3.11 (*Air Quality*).

Stevenson Boulevard to SP Railroad Right-of-Way (Fremont Central Park) (Central Planning Area). Construction of the Fremont Central Park segment of the Proposed Project alignment would result in temporary impacts on Stevenson Boulevard, Fremont Central Park, and Lake Elizabeth. Temporary contractor laydown areas would be established within the Proposed Project alignment adjacent to Stevenson Boulevard, and within Fremont Central

Park at the northern end of Lake Elizabeth. Temporary impacts (e.g. noise, dust, circulation obstructions) on the park and park users would occur during construction (see Sections 3.9 [*Transportation*], 3.10 [*Noise and Vibration*], and 3.11 [*Air Quality*]). However, existing recreational facilities would not be displaced, and park facilities and any damaged landscaping would be reestablished following construction.

Construction of the cut-and-cover subway structure would involve trenching through existing facilities within the Proposed Project right-of-way. This would temporarily affect circulation on Stevenson Boulevard; traffic would be rerouted through Fremont Central Park during subway construction. In addition, a cofferdam would be installed and the eastern portion of Lake Elizabeth would be drained during subway construction. The cofferdam and associated laydown areas would likely remain in the park for most of the subway construction period, which is expected to be approximately 2 years. Noise, visual disruption, and the presence of laydown areas associated with construction of the ventilation structures would also impact park users. However, the effects of subway construction would ultimately be temporary, and would be designed to minimize conflicts with the needs of park users during operation. Because the construction zone would divide recreational areas such as ball fields and a dog-run facility, a relocated ball field parking area and a temporary dog-run facility would be provided and use of the facilities would not be disrupted. A temporary pedestrian bridge would also be constructed over the cut-and-cover subway construction just north of Lake Elizabeth. (See Chapter 2.0 [*Project Description*] for a detailed description of the Construction Scenario for the Proposed Project. See also Sections 3.3 [*Hydrology and Water Quality*], 3.4 [*Biological Resources*], and 3.7 [*Aesthetics*] for additional discussion of the effects of cut-and-cover construction on resources in the park.) Park lands would be returned to their existing contours and all existing uses would be reinstated following construction.

SP Railroad Right-of-Way to Paseo Padre Parkway (Central Planning Area).

Construction within the SP Railroad–Paseo Padre Parkway segment of the Proposed Project alignment would result in potential impacts on railroad facilities, pipelines, and adjacent residential land uses. A temporary contractor laydown area would be created within the open space area in the UP railroad corridor, immediately south of the Fremont Golf Course. This portion of the alignment would cross over two Hetch Hetchy pipelines north of Paseo Padre Parkway. Construction efforts would be coordinated with utility companies to avoid significant disruption to these pipelines and related facilities as discussed in Chapter 2 (*Project Description*). Paseo Padre Parkway will be grade-separated as part of the City of Fremont’s grade separations project planned for completion prior to the Proposed Project, and consequently would not be disrupted during construction of the Proposed Project. Circulation would be maintained across the corridor at Paseo Padre Parkway during all construction phases. Construction of the traction power substation, gap breaker station, and train control bungalow would occur within the open space parcel north of Paseo Padre Parkway. Construction within this portion of the Proposed Project alignment could result in temporary noise and air quality impacts on adjacent residential uses, and possibly also on park users to the west. Air and noise impacts are addressed in detail in Sections 3.10 (*Noise and Vibration*) and 3.11 (*Air Quality*).

Paseo Padre Parkway to Washington Boulevard (Irvington Planning Area).

Construction of the Paseo Padre Parkway–Washington Boulevard segment of the Proposed Project alignment could affect adjacent residential receptors; residential land uses on both

sides of the Proposed Project alignment could be subject to construction noise, dust, and circulation constraints. However, Washington Boulevard will be modified as part of the city's grade separations project planned for completion prior to the Proposed Project, and will extend over the Proposed Project alignment. Therefore, traffic circulation at Washington Boulevard would not be disrupted by construction of the Proposed Project.

Washington Boulevard to Southern Terminus (Irvington and Industrial Planning Areas). Construction of the Washington Boulevard–Southern Terminus segment of the Proposed Project alignment would affect the ACFCD drainage channel located on the east side of the Proposed Project corridor, Grimmer Boulevard, and adjacent residential land uses. A temporary contractor laydown area would be established immediately north of Auto Mall Parkway. Construction of the traction power substations and train control bungalow would result in temporary impacts on nearby receptors. The Proposed Project would require modification of the ACFCD drainage channel, which would likely be undergrounded in a concrete box culvert. Impacts associated with modification of the channel are addressed in Section 3.3 (*Hydrology and Water Quality*). At Grimmer Boulevard, the existing bridge containing the former WP track would be removed and replaced by two new bridges to accommodate the Proposed Project's northbound and southbound tracks. Temporary circulation impacts would occur at Grimmer Boulevard; it might be necessary to reroute traffic during construction (see Section 3.9 [*Transportation*]). Two new signals would be installed on Warm Springs Boulevard along the approach to the Warm Springs Station, and Warm Springs Court (currently a cul-de-sac) would be extended. Additionally, Warm Springs Boulevard would be widened from South Grimmer Boulevard to the southern end of the Warm Springs Station parking lot to accommodate the additional traffic and turning movements. Construction would result in impacts on adjacent residential land uses on both sides of the proposed alignment. Industrial and commercial land uses would not be impacted by construction of the Proposed Project because they are not typically sensitive to construction noise or dust effects.

Summary (All Segments). Construction of the proposed project may result in temporary noise, dust, visual, and circulation impacts on sensitive receptors surrounding the Proposed Project alignment and ancillary facilities. As described in Sections 3.6 (*Population, Economics, and Housing*), 3.7 (*Aesthetics*), 3.9 (*Transportation*), 3.10 (*Noise and Vibration*), and 3.11 (*Air Quality*), mitigation measures implemented during construction would reduce these impacts to a less-than-significant level. Construction-related land use impacts in Fremont Central Park are considered potentially significant even with implementation of the above referenced mitigation measures, but would be reduced to a less-than-significant level by implementation of the following mitigation measure. (*Less than significant with mitigation incorporated.*)

Mitigation Measure LU3 – Limit construction-related impacts on land uses adjacent to the project alignment in Fremont Central Park. The following measures will be implemented to limit short-term construction impacts related to the loss of parking associated with the softball/baseball fields at Fremont Central Park and the temporary disruption of walking paths around Lake Elizabeth.

- A dog-run facility will be provided.
- A temporary pedestrian bridge will be constructed over the cut-and-cover subway construction just north of Lake Elizabeth.
- Access across the BART construction zone between the parking lots for the softball fields will be provided whenever games are scheduled.
- A public pathway across the construction zone from the neighborhood to the east will be maintained during construction whenever feasible.
- Mitigation measures applicable to Fremont Central Park are noted in other sections of the SEIR (e.g., Section 3.3 [*Hydrology and Water Quality*] and Section 3.4 [*Biological Resources*]) to reduce impacts on the park.
- Temporary walking paths around Lake Elizabeth will be created and maintained throughout the construction period. The walking paths will be well signed, and any paths closed for public safety and security will be well marked. At least one public pathway across the construction zone near Lake Elizabeth will be maintained at all times to accommodate people who walk or ride bicycles to the park from the residential areas immediately east of the railroad corridor.
- BART and the construction contractor will work with ACFCD to develop and implement a program to maintain Lake Elizabeth's flood control function or provide alternative temporary storage, if necessary, during the construction period.
- BART and the construction contractor will work with the City of Fremont to find the most suitable locations and durations for construction storage.

Impacts Related to Optional Irvington Station

Operational Impacts

Impact LU4 – Potential adverse effect on the efficiency, effectiveness, or productivity of adjacent land uses at optional Irvington Station site. Impacts related to the displacement of land uses for the Irvington Station are discussed in Section 3.6 (*Population, Economics, and Housing*). The optional Irvington Station would not adversely affect the efficiency, effectiveness, or productivity of remaining adjacent land uses. As part of the city's grade separations project planned for completion prior to the Proposed Project, Osgood Road will be widened, and Washington Boulevard will be widened and raised to cross the realigned rail corridor. Vehicular access to the Irvington Station area would be via Washington Boulevard, Fremont Boulevard, and Olive Avenue from the east and west. Driscoll Road and Osgood Road would provide the principal north-south access. Vehicular access to the optional Irvington Station and to parking lots on the station's east side would be provided by one new signalized intersection on Osgood Road.

Operation of the optional Irvington Station could result in visual, traffic, and noise impacts on adjacent residential land uses to the east and west of the site. Less-sensitive industrial and commercial land uses would not be impacted. Additional discussion of these issues is provided in Sections 3.7 (*Aesthetics*), 3.9 (*Transportation*), and 3.10 (*Noise and Vibration*).

The optional Irvington Station facilities would be located within existing rail easements, and in an area that has been planned for a future BART station. The Proposed Project and optional Irvington Station are consistent with approved plans for the BART extension in this area, and a majority of the optional Irvington Station would be located on vacant land that is designated for public use as a future BART station.

The optional Irvington Station would not significantly impact circulation patterns, preclude access to adjacent properties, or affect continued use of adjacent lands for their designated purpose over the long term. The Proposed Project would be compatible with adjacent land uses and would not result in significant adverse impacts on land use or planning. (*Less than significant.*)

Mitigation – None required.

Impact LU5 – Potential inconsistency with applicable plans, policies, and environmental goals applicable to optional Irvington Station.

BART System Expansion Policies

The optional Irvington Station is also consistent with BART policies, goals and objectives, policies identified above. As discussed above in Section 3.5.3 (*Regulatory Setting*), BART encourages intensification of land uses surrounding BART facilities in order to enhance increased transit opportunities provided by a BART station. The Irvington Station site is geographically constrained due to the railroad alignment and existing development to the west, the planned Washington Boulevard grade separation project to the north, and a steep slope to the east. In addition, the Hayward fault is located along the east side of station site, presenting seismic constraints. The conceptual Irvington site plan is designed to accommodate these conditions based on BART's criteria and principles for site flexibility and access enhancements. The facilities include a circulation plan that addresses areas on either side of Osgood Road, with pedestrian pathways and bicycle lanes; a dedicated transit center, with bus and shuttle drop off; and dedicated areas for auto pick up/drop off, taxis, paratransit, and daily parking facilities. In addition, each of the three station access points (Osgood Road-east, Osgood Road-west, and the Washington Boulevard frontage road-west) is anchored by a public plaza.

Although there are some opportunities for transit-oriented development at the Irvington Station site, the larger development opportunity is in the Irvington community itself. As discussed previously in this section, Fremont is currently developing a concept plan for the entire Irvington area that supports the intensification of land uses in Irvington and promotes transit-oriented land uses. Accordingly, construction of the optional Irvington Station is consistent with BART's goals and policies encouraging transit-oriented and use around stations. However, projects in the concept plan area must be developed through the city's planning process, with BART's cooperation consistent with its policy. The Irvington Concept Plan has not been completed, and currently there are no specific proposals for transit-oriented development related to the proposed station site. Therefore, any analysis of potential environmental impacts would be highly speculative. The concept plan will be subject to appropriate environmental review by the city, as will any future development projects proposed for the concept plan area.

Regional Transportation Plan

As discussed above in Section 3.5.3 (*Regulatory Setting*), the Proposed Project was evaluated as part of MTC's performance evaluation of regional transportation projects and was included in the Regional Transportation Expansion Program as a Tier 1 project, indicating that it met the criteria for project advancement and is consistent with MTC's policies. The optional Irvington Station would enhance the Warm Springs Extension's overall system connectivity, system access, and land use benefits, consistent with the goals of MTC.

ACCMA Countywide Transportation Plan

As discussed above, it is BART's policy to encourage land use intensification and transit-oriented development around its stations. BART is cooperating with the city's Irvington Concept Plan. Completion of the city's concept plan would encourage higher density development around the proposed Irvington Station site, consistent with the goals of the ACCMA. Therefore, the Proposed Project is consistent with applicable plans and policies, and this impact is less than significant. (*Less than significant.*)

Mitigation – None required.

As discussed above, although under state law BART is not required to comply with the *Fremont General Plan* or zoning ordinances, BART wishes to emphasize to the public and to local jurisdictions the extent to which its projects are consistent with local land use planning. The *Fremont General Plan* (City of Fremont 1991, as amended) designates the Irvington Station site for public use with a BART Station overlay. Therefore, the optional Irvington Station is consistent with local land use planning efforts.

Construction-Related Impacts

Impact LU6 – Creation of impacts during construction of optional Irvington Station.

Implementation of the Irvington Station option would involve site grading, construction of the station and associated facilities, and minor street improvements. Construction-related circulation impacts along Washington Boulevard and Osgood Road would be limited because improvements would already be in place as a result of the city's grade separations project, which will widen Osgood Road and Washington Boulevard and raise Washington Boulevard to cross the rail corridor. Construction of the optional Irvington Station could result in additional temporary impacts as a result of construction-related noise, dust, and aesthetic effects. As described in Sections 3.7 (*Aesthetics*), 3.9 (*Transportation*), 3.10 (*Noise and Vibration*), and 3.11 (*Air Quality*), mitigation measures implemented during construction would reduce these impacts to a less-than-significant level. Consequently, construction of the optional Irvington Station is not expected to result in significant adverse impacts related to land use in the vicinity of the station site. (*Less than significant.*)

Mitigation – None required.

Contribution to Cumulative Impacts

The cumulative impacts assessment for land use considers the potential for the Proposed Project, in combination with the projects described in Table 3.1-1, including two transportation projects (the city's grade separations project and the SVRTC project to the south of the Warm Springs Station) as described in Section 3.1-6 of Section 3.1 (*Introduction to Environmental Analysis*), to have impacts

on the physical environment. Potential physical impacts assessed are the potential to adversely effect the efficiency, effectiveness, or productivity of adjacent land uses or to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect.

The Proposed Project would generally use a vacant linear corridor reserved for BART and an existing railroad right-of-way. It would not introduce barriers to movement along the alignment nor reduce the effectiveness or productivity of adjacent land uses.

The proposed development projects and those currently under review listed in Table 3.1-1 would provide additional residential, regional, and neighborhood-serving commercial services, as well as employment opportunities through development of housing, shopping centers, and light industrial developments. When combined, these projects would provide improved connections to neighborhoods east and west of the railroad right-of-way and increase housing, commercial, and employment resources within the City of Fremont.

The city's grade separations project is intended to enhance interaction among communities to the east and west of the railroad right-of-way by providing new grade-separated crossings. SVRTC's consistency with local plans and policies in its area of service will be evaluated separately when it undergoes the environmental review process, but no substantial adverse effects on land use are anticipated.

Contribution of Warm Springs Extension to Cumulative Impacts

Operational Contribution

Impact LU-Cume1 – Potential cumulative contribution by the Proposed Project to beneficial effects on land use regionally. All of the projects listed in Section 3.1 would be served by the Proposed Project, as they would likely result in increased transit demand associated with the influx of new employees at the industrial development and new residents in residential communities. Similarly, the Proposed Project and SVRTC would work in concert to create a rail linkage between the South Bay and the rest of the Bay Area.

As noted above, the city is considering a proposed General Plan Amendment for a 19-acre parcel situated north of Paseo Padre Parkway between the former SP and WP alignments. The amendment would redesignate the parcel from open space to residential. The proposal (referred to as the Paseo Padre Estates Project) is for a land use designation change, not for a specific development project. The *Fremont General Plan* identifies the BART alignment as an overlay traversing this parcel, and the proposed General Plan Amendment would not alter that overlay. However, for purposes of discussing the reasonably foreseeable environmental impacts of potential development, the city's October 2002 draft EIR for the Paseo Padre Estates redesignation identifies a hypothetical development proposal for the parcel that could result following the redesignation.

To the extent that the redesignation of this parcel for residential use as contemplated in the October 2002 draft EIR may preclude construction of the Proposed Project, the environmental benefits of the Proposed Project (reduced traffic congestion, air pollution, and energy consumption, as discussed in the relevant sections of this document) would not be realized. To the extent that development of portions of the parcel following land use redesignation may occur together with the Proposed Project,

if the Proposed Project is adopted by BART, the cumulative result would be that the portion of the parcel used for the Proposed Project would be unavailable for residential development. In the absence of a reduced development proposal that would be consistent with the BART alignment identified in the *Fremont General Plan*, potential cumulative effects are too speculative for analysis in this document. However, it is likely that reduced development on the parcel may reduce the quantitative extent of certain environmental impacts identified therein (such as hydrology impacts due to impervious surfaces) but may increase others (such as traffic and circulation impacts) compared to the proposal identified in the October 2002 draft EIR.

Proposed development associated with a new BART station at Warm Springs would likely result in changes in land use and increased land use densities in the vicinity of the station. The incremental change in land use (i.e., improved efficiency of land uses) brought about by the Proposed Project in concert with future transit-oriented development in the Warm Springs Station area would contribute to cumulative beneficial land use impacts in the project area. The Proposed Project's incremental contributions to cumulative aesthetic, noise-related, and air quality impacts are addressed in Sections 3.7 (*Aesthetics*), 3.10 (*Noise and Vibration*), and 3.11 (*Air Quality*). Overall, the incremental effects of the Proposed Project on land use are expected to be beneficial with respect to improved efficiency of land uses, and the Proposed Project would not make a cumulatively considerable contribution to any adverse effect on land use regionally. (*Beneficial.*)

Mitigation –None required.

Construction-Related Contribution

Impact LU-Cume2 – Potential cumulative contribution by the Proposed Project to construction-related effects on regional or localized land use. If two or more large projects are constructed during the same time frame, they may result in cumulative regional or localized land use impacts related to construction activities. Given the duration of construction expected for the Proposed Project (approximately 4 years), its construction window would likely overlap with those of other projects listed in Section 3.1. It could also overlap with construction of SVRTC. The construction-related effects of greatest concern with regard to land use typically include traffic congestion, increased noise and dust generation, and aesthetic effects. The Proposed Project's incremental contribution to cumulative impacts in these areas would be less than significant as addressed in Sections 3.6 (*Population, Economics, and Housing*), 3.7 (*Aesthetics*), 3.9 (*Transportation*), 3.10 (*Noise and Vibration*), and 3.11 (*Air Quality*). (*Less than significant.*)

Mitigation – No additional mitigation required.

Contribution of Optional Irvington Station to Cumulative Impacts

Operational Contribution

Impact LU-Cume3 – Potential cumulative contribution by the optional Irvington Station to beneficial effects on land use regionally. Similar to the Warm Springs extension and station, the projects listed in Section 3.1 would be served by the optional Irvington Station, as they would likely result in increased transit demand associated with the influx of new employees at the industrial development and new residents in residential communities. The Irvington Station would provide an additional access point to riders in the rail link created by the Proposed Project and SVRTC between

the South Bay and the rest of the Bay Area. Proposed development associated with a new BART station at Irvington would likely result in changes in land use and increased land use densities in the vicinity of the station. The incremental change in land use (i.e. improved efficiency of land uses) of the optional Irvington Station in concert with future transit-oriented development in the Warm Springs Station area would contribute to cumulative beneficial land use impacts in the project area. The Irvington Station's incremental contributions to cumulative aesthetic and noise-related impacts are addressed in Section 3.7 (*Aesthetics*) and 3.10 (*Noise and Vibration*). (*Beneficial.*)

Mitigation – None required.

Construction-Related Contribution

Impact LU-Cume4 – Potential cumulative contribution by the optional Irvington Station to construction-related effects on regional or localized land use. Construction of the optional Irvington Station could overlap with that of other projects discussed in Section 3.1, including SVRTC, so the Irvington Station has the potential to contribute to cumulative regional or localized land use effects related to construction activities. The construction-related effects of greatest concern with regard to land use typically include traffic congestion, increased noise and dust generation, and aesthetic effects. The Irvington Station's incremental contribution to cumulative impacts in these areas would be less than significant as addressed in Sections 3.6 (*Population, Economics, and Housing*), 3.7 (*Aesthetics*), 3.9 (*Transportation*), 3.10 (*Noise and Vibration*), and 3.11 (*Air Quality*). (*Less than significant*)

Mitigation – No additional mitigation required.

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