

Chapter 6

Other CEQA Considerations

6.1 Introduction

This chapter presents a summary of the significant unavoidable impacts, cumulative impacts, and project benefits identified in Chapter 3 (*Environmental Setting, Impacts, and Mitigation Measures*).

6.2 Significant Unavoidable Impacts

The impact analysis in Chapter 3 has identified impacts associated with the Proposed Project that are considered significant and the mitigation measures required to reduce those impacts to a less-than-significant level. The analysis has identified the following significant impacts and cumulatively significant impacts that cannot be mitigated to a less-than-significant level

- **Impacts BIO-Cume2 and BIO-Cume6 – Potential for loss of ruderal forb-grassland habitat (Proposed Project, and with optional Irvington Station).** Cumulative loss of ruderal forb-grassland habitat in the region is expected to continue in the foreseeable future as a result of the reasonably foreseeable development in the project area. Additional habitat loss is expected as a result of SVRTC and the City of Fremont's grade separations project. Development of the optional Irvington Station would result in the permanent loss of 7.8 acres of ruderal forb-grassland in addition to the acreage lost as a result of the Proposed Project. This represents a cumulatively considerable contribution to the ongoing regional loss of habitat for a wide range of common and special-status species.
- **Impact BIO-Cume4 – Potential to contribute to cumulative regional impacts on the Western Burrowing Owl.** Implementation procedures described in Mitigation Measure BIO15 and the habitat replacement described in Mitigation Measure BIO6 would minimize the Proposed Project's impacts on Western Burrowing Owl. However, cumulative regional loss of suitable habitat for the Western Burrowing Owl in the region is considered significant and unavoidable.
- **Impact A5 – Potential visual impacts due to soundwalls.** Significant visual impacts may result for residential viewers if no intervening landscaping or privacy fencing screens views of sound walls. Specific sound wall requirements, such as location and height, would be determined during final design. Proposed mitigation would reduce the impacts of the views of soundwalls to the extent feasible. However, if alternative mitigation is required, impacts may not be reduced to a less-than-significant level.
- **Impact A6 – Temporary visual disturbances caused by construction.** Construction of the proposed subway structure under Stevenson Boulevard and Fremont Central Park would result in

temporary substantial adverse effects on the streetscape views, Stevenson Boulevard (a scenic roadway), and the park. While mitigation has been proposed to minimize temporary construction-related impacts, the mitigation would not reduce the potential impact to a less-than-significant level.

- **Impacts TRN4, TRN8, and TRN11 – Change in V/C and LOS at the intersection of Osgood Road/Durham Road/Auto Mall Parkway (Proposed Project, and with optional Irvington Station).** Under certain scenarios, the intersection of Osgood Road/Durham Road/Auto Mall Parkway would operate at a V/C ratio and/or level of service that is worse than allowed under the significance criterion utilized in the Transportation analysis, in both the a.m. and/or p.m. peak hours. Such impacts would occur under projected conditions for the Proposed Project in 2010 (TRN4), the Proposed Project in 2025 (TRN8), and the Proposed Project with optional Irvington Station in 2010 (TRN11). No feasible mitigation measure is available for mitigation at this intersection.
- **Impacts TRN7, TRN14, TRN19, and TRN-Cume6 – Change in V/C and LOS at the intersection of Mission Boulevard/Warm Springs Boulevard (Proposed Project, and with optional Irvington Station).** Under certain scenarios, the intersection of Mission Boulevard/Warm Springs Boulevard would operate at a V/C ratio and/or level of service that is worse than allowed under the significance criterion utilized in the Transportation analysis, in both the a.m. and/or p.m. peak hours. Such impacts would occur under projected conditions for the Proposed Project in 2010 (TRN7), the Proposed Project with optional Irvington Station in 2010 (TRN14), the Proposed Project with optional Irvington Station in 2025 (TRN19), and the Proposed Project with the optional Irvington Station together with the SVRTC in 2025 (TRN-Cume6). The existing and projected congestion is related largely to regional traffic traveling between I-680 and I-880. No feasible mitigation measure is available for mitigation at this intersection. This intersection is built out along each approach; there are commercial properties on each of the four corners at this intersection. Widening or adding turn lanes is not feasible.
- **Impacts TRN20 and TRN21 – Change in LOS on northbound I-880 just south of Mission Boulevard (Proposed Project, and with optional Irvington Station).** Northbound I-880 just south of Mission Boulevard would operate at LOS F under Proposed Project conditions in 2025 (TRN20) and with the Irvington Station (TRN21), compared to LOS E under 2025 no project conditions. All freeway projects affecting I-880 that are currently programmed (projects in progress, planned, or anticipated) were included in this analysis. Adding further capacity to the freeway system is not considered feasible.
- **Impact N2 – Exposure of vibration-sensitive land uses to groundborne vibration from BART trains.** There may be some situations where implementation of all feasible mitigation measures for vibration would not reduce the impact to less than significant. The situations where this could occur cannot be determined until the detailed vibration mitigation design is developed. Because there may be some situations where significant vibration impacts cannot be mitigated to less than significant, this impact is considered significant and unavoidable.
- **Impact E3 – Effects of Proposed Project on peak- and base-period electricity demand (Proposed Project, and with optional Irvington Station).** The increased demand to the Cal-ISO electrical transmission grid could have a potentially significant impact. It is uncertain when improvements to the transmission system will be implemented. Because no mitigation is

available to reduce this impact to less than significant, it is considered significant and unavoidable.

- **Impact E-Cume2 – Contributions of the Proposed Project (without and with the optional Irvington Station) to peak- and base-period electricity demand.** The increased demand the Proposed Project (without and with the optional Irvington Station) puts on the Cal-ISO electrical transmission grid could have a potentially significant impact. It is uncertain when improvements to the transmission system will be implemented. Because no mitigation is available to reduce this impact to a less-than-significant level, it is considered significant and unavoidable. In addition, this project in conjunction with other projects in the area, including those listed in Section 3.1, would have the potential to exceed projected electricity supply. Therefore, the Proposed Project could contribute to cumulative effects on electricity demand, and could, in conjunction with other growth in the area, potentially exceed energy supply, which would be a significant and unavoidable impact.
- **1992 EIR Impact 1A– Ground rupture during a major earthquake.** The 1992 EIR found a significant and unavoidable risk of harm to people and property in the event of a ground rupture where the alignment crosses fault traces in the Hayward Fault Zone. The analysis in the 1992 EIR determined that the risk could be reduced by implementing BART's seismic design criteria and emergency procedures, complying with Uniform Building Code and Alquist-Priolo Special Studies Zones Act requirements, and performing an investigation to identify the precise location of the Hayward fault and secondary faults near the Irvington Station prior to final design. (See mitigation measures for Project Impacts 1A and 1F, 1992 MMP, Appendix B). However, the 1992 EIR concluded that these measures would not reduce potential impacts from ground rupture in the event of a major earthquake to a less-than-significant level. This potential impact is not affected by any changes in the 2003 Proposed Project or surrounding circumstances and remains significant and unavoidable.

6.3 Cumulative Impacts

This section provides a summary of the cumulative impacts assessment conducted for each resource area in Sections 3.2 through 3.12. The cumulative assessment 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) to have impacts on the physical environment.

The contribution of the Proposed Project to cumulative effects would be less than significant for the following areas.

- Hazards and Hazardous Materials.
- Hydrology and Water Quality.
- Land Use and Planning.
- Population, Economics, and Housing.

- Aesthetics.
- Air Quality.

As a result, there would be no significant cumulative impact in these areas. Cumulative impacts from the areas of biology, cultural resources, transportation, noise, and energy are summarized below.

Biological Resources

The historic extent of biological resources, including upland, riparian, and freshwater wetland habitats, has been substantially reduced and fragmented by development, and remaining areas of open space are primarily ruderal in character. However, despite the level of disturbance already present in the project area, the Proposed Project, along with other reasonably foreseeable projects within the project vicinity, is expected to impact biological resources to the extent that cumulative losses may occur. Potential cumulative impacts to biological resources include the following impacts. Unless otherwise stated, the impacts are less than significant or would be reduced to a less-than-significant level with mitigation incorporated

- Potential disturbance of common and special-status wildlife species in the region.
- Potential loss of ruderal forb-grassland habitat. (Proposed Project and optional Irvington Station) (*Significant and unavoidable.*)
- Potential loss of wetland and riparian habitat.
- Potential contribution to cumulative regional impacts on the Western Burrowing Owl. (*Significant and unavoidable.*)
- Potential construction-related cumulative impacts, including temporary disturbance of habitats, (including ruderal forb-grassland, emergent seasonal wetland and creek habitat, riparian forest habitat, Western Burrowing Owl habitat), and temporary disturbance of birds, including swallows and raptors, and their habitat.

Cultural Resources

As described in Section 3.8 (*Cultural Resources*), there is the potential for the Proposed Project, together with other projects, to have a cumulative impact on important archaeological resources. However, this contribution would be less than significant with implementation of site-specific mitigation measures.

- Potential for damage to archaeological resources.

Transportation

As described in Section 3.9 (*Transportation*), the transportation model used for analyzing the impacts of the Proposed Project incorporates local and regional government projections of future background

growth, land use, and employment intensities and locations, along with programmed highway, street, and transit improvements and the transportation consequences of other anticipated development projects for 2010 and 2025. Accordingly, the impact analyses based on this model already account for cumulative impacts of the Proposed Project together with other projects. Potential cumulative effects of the Proposed Project (with the optional Irvington Station) are listed below. Unless otherwise stated, these impacts would be reduced to a less-than-significant level with mitigation incorporated.

- 2010 change in V/C and LOS at the intersection of Osgood Road/Durham Road/Auto Mall Parkway. (*Significant and unavoidable.*)
- 2010 and 2025 change in V/C and LOS at the intersection of I-680 southbound ramps/Durham Road/Auto Mall Parkway.
- 2010 and 2025 change in V/C and LOS at the intersection of Osgood Road/Warm Springs Boulevard/South Grimmer Boulevard.
- 2010 and 2025 change in V/C and LOS at the intersection of Mission Boulevard/Warm Springs Boulevard. (*Significant and unavoidable.*)
- 2010 change in V/C and LOS at the intersection of Osgood Road/Driscoll Road/Washington Boulevard.
- 2025 change in LOS on northbound I-880 just south of Mission Boulevard. (*Significant and unavoidable.*)
- Reduced parking supply at proposed stations resulting in spillover into residential or commercial areas.
- Addition of construction equipment and worker traffic to roadway traffic.

The projections of general regional growth and anticipated projects that are incorporated into the modeling analyses for the Proposed Project do not include the proposed SVRTC project. Additional potential cumulative effects of the Proposed Project (with the optional Irvington Station) in combination with SVRTC, if it is adopted, are listed below.

- 2025 change in V/C and LOS at the intersection of I-680 southbound ramps/Durham Road/Auto Mall Parkway.
- 2025 change in V/C and LOS at the intersection of Osgood Road/Warm Springs Boulevard/South Grimmer Boulevard.
- 2025 change in V/C and LOS at the intersection of Osgood Road/Driscoll Road/Washington Boulevard.

Noise and Vibration

The Proposed Project, with other noise sources, would contribute to significant cumulative noise impacts at residential receptors. Noise mitigation is available to reduce this impact to a less-than-significant level. (*Less than significant.*)

- Operational contribution to significant cumulative noise impacts.

Energy

Significant cumulative energy-related impacts would occur if the Proposed Project, in combination with other reasonably foreseeable projects, would result in a cumulatively considerable increase in energy demand, or if together with regional growth, the Proposed Project would contribute substantially to a collectively significant shortage of regional energy supply. As discussed in Section 3.12, the Proposed Project would result in the following potential cumulative energy impact.

- Contributions of the Proposed Project (without and with Irvington Station) on peak- and base-period electricity demand and the affect on the transmission grid. (*Significant and unavoidable.*)

6.4 Project Benefits

Based on the analysis and conclusions set forth in this SEIR, project-related benefits would occur in the areas of land use, transportation, air quality, and energy. Following is a summary of project benefits.

Land Use

As discussed in Section 3.5 (*Land Use*), through its *Strategic Plan* and System Expansion Criteria, BART encourages intensification of land uses surrounding BART facilities to enhance increased transit opportunities and ridership. Land Use intensification surrounding the proposed Warm Springs Station and optional Irvington Station sites is not part of the Proposed Project. Rather, land use intensification through transit-oriented development (TOD) and access planning surrounding future station sites will be addressed through a comprehensive community-based process to be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003. However, to the extent that the Proposed Project does successfully encourage such development, a beneficial effect would result. BART hopes to realize project benefits by maximizing opportunities to foster smart growth in the vicinity of the proposed future station sites, through its commitment to coordinating with the City of Fremont throughout the station area planning process.

Transportation

As discussed in Section 3.9 (*Transportation*), the Proposed Project would have beneficial impacts on transportation by enhancing transit opportunities within the project area, which would relieve overall traffic congestion to some degree. Project-related transportation benefits would also occur from an increase of new transit trips and roadway segment volume decreases.

The Proposed Project would result in an increase in new transit trips, particularly for trips destined for, originating in, or passing through southern Alameda County. Transit person trips would increase with the Proposed Project in comparison to the No Project Alternative in both 2010 and 2025. The Proposed Project would increase transit ridership by 4,800 daily trips in 2010 and 7,200 daily trips in 2025. The optional Irvington Station would augment the increase in transit trips by an additional 800

and 2,000 daily trips in 2010 and 2025 respectively. This increase in transit trips indicates a shift in use from automobile to transit.

Air Quality

As discussed in Section 3.11 (*Air Quality*), a reduction in the emission of reactive organic gases, oxides of nitrogen, and particulate matter ≤ 10 microns in diameter from mobile sources during project operation would result in regional air quality benefits (both Proposed Project and optional Irvington Station). Such benefits would result from decreases in auto and bus vehicle miles traveled (VMTs) as compared to No-Project conditions. Implementation of the Proposed Project (and optional Irvington Station) also would reduce greenhouse gas emissions. In addition, the Proposed Project (and optional Irvington Station) would reduce toxic air contaminants because such emissions are directly correlated with VMT.

Energy

As discussed in Section 3.12 (*Energy*), the Proposed Project (and with optional Irvington Station) would result in an overall decrease in Bay Area transportation energy consumption in 2010 and in 2025 as compared to No-Project conditions. The decrease in energy consumption would result from a project-related decrease in annual automobile and bus VMT. This decrease in VMT would translate into gains in energy efficiency, which would be a net benefit.

As a result of the overall decrease in Bay Area transportation energy consumption associated with implementation of the Proposed Project (and optional Irvington Station), there would also be a decrease in the amount of overall energy necessary to meet the regional energy demands. This would be a net benefit.