5. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS

The preceding impact analysis has identified those impacts considered to be significant and the mitigations required to reduce those impacts to a less than significant level. The analysis in the report has identified the following significant impacts and cumulatively significant impacts associated with the BART Warm Springs Extension Proposed Project and alternatives which cannot be mitigated to a less than significant level:

- Risks of harm to people and property in the event of ground rupture during a major earthquake. These risks can be reduced but not eliminated.

- The fragmentation of ruderal forb-grassland along the project corridor would be a significant adverse effect of the Proposed Project and all alternatives.

- The temporary removal of the riparian forest area east of Lake Elizabeth would be an unavoidable adverse effect of the Proposed Project and Design Option 1.

- The effect of construction activities in deterring wildlife use in the open water habitats during construction cannot be mitigated.

- Displacement of people from familiar settings due to relocation activities (up to 39 residences and 121 businesses) would be an unavoidable adverse effect.

- The aerial structure passing through Fremont Central Park (Proposed Project, Design Options 2A and 3) would not conform with the specific, applicable policies for undergrounding the BART extension in the Fremont General Plan. This is considered a significant unavoidable adverse land use effect.

- The aerial structure and embankments with the Proposed Project and Design Options 2A and 3 would have unavoidable adverse visual effects on the Fremont Villas condominium complex and adjacent parcels, and near Paseo Padre Parkway.

- The aerial structure with the Proposed Project would have unavoidable adverse visual effects at the crossing of Lake Elizabeth and in the riparian forest area east of the lake.

- Design Option 3 would have unavoidable adverse visual impacts along portions of Valdez Way, Vaca Drive and Valero Way.

- The aerial structure in Alternative 8 would have unavoidable adverse visual impacts in the Mission Boulevard/Warm Springs Boulevard area and along Warm Springs Boulevard.

- Alternative 4 would have additional visual impacts near Driscoll Road.

- Alternative 7 and Washington Boulevard Design Option (which applies to Alternatives 6, 9 and 10) would have additional visual impacts at Washington Boulevard, in comparison to the Proposed Project.

- The Warren Avenue Design Option would have a significant visual effect at Mission Boulevard and Warren, in comparison to the Proposed Project (or Alternatives 6, 7 and 10) at that location.

- The Fremont Boulevard/Bay Street/Washington Boulevard intersection would operate at LOS F with or without the BART Extension (the Proposed Project or alternatives 4 and 5), although the extension would contribute to traffic congestion at the intersection. No mitigation is feasible, therefore this would be an unavoidable adverse effect.

- With the Proposed Project significant noise impacts would remain after mitigation in Central Park affecting approximately 33 acres or 7.5 percent of the park. With Design Options 2A and 3 residual noise impacts would affect approximately 3 acres or 0.7 percent of the Park.

- Residual vibration impacts would affect several residences near the crossover switches lose to Blacow Road (Proposed Project and all alternatives except Alternatives 7 and 8).

- Residual noise impacts would remain at several residences and Warm Springs Elementary School along Warm Springs Boulevard with Alternative 8.

- Consumption of non-renewable energy resources for project construction and operations.