BART WARM SPRINGS EXTENSION
FINAL SUPPLEMENTAL EIR – ADDENDUM 2
Modifications to Irvington Station and Gallegos Winery Components

San Francisco Bay Area Rapid Transit District

July 2019

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I. INTRODUCTION

The San Francisco Bay Area Rapid Transit District (BART) is proposing modifications to the Irvington Station and Gallegos Winery components of the Warm Springs BART Extension (WSX) project. These modifications are collectively referred to as the "2019 Modifications". For the Irvington Station component, the most substantial modifications include a substantial reduction in the Station footprint and amount of automobile parking and increased pedestrian and bicycle access. For the Gallegos Winery component, minimal modifications are proposed although more information is available about BART's plans to preserve and stabilize the Winery ruins. The City of Fremont subsequently may designate the Winery site as a City park. This Addendum describes the 2019 Modifications and provides an analysis of whether such modifications would require additional environmental analysis beyond the previous WSX EIRs. This introduction provides a brief overview of the WSX project and related environmental review documents, the proposed modifications, the purpose of this Addendum, and the CEQA determination for the 2019 Modifications.

A. BACKGROUND / PREVIOUS ENVIRONMENTAL REVIEW

The potential environmental effects of the WSX project, including the Irvington Station and the Gallegos Winery components, were first evaluated in the 1991 BART WSX Draft EIR and the Final EIR certified by the BART Board in 1992 (WSX EIR or EIR) and subsequently in the 2003 BART WSX Draft Supplemental EIR and Final Supplemental EIR certified by the Board in 2003 (WSX SEIR or SEIR).[1] These EIRs are collectively referred to as the WSX EIRs.

The WSX project was not constructed between 1993 and 1998 as anticipated in the 1992 WSX EIR because sufficient funding was not available. As new information and new funding became available, the WSX project was revisited and expanded, and a modified project was evaluated in the WSX SEIR: the 2003 WSX SEIR considered a project that replaced the 1992 adopted project's proposed aerial structure through Fremont Central Park with a subway and modified the Irvington Station component to be optional due to insufficient funding for the Station at that time. The WSX project, including the optional Irvington Station and Gallegos Winery components, and a Mitigation Monitoring and Reporting Plan (MMRP) were approved by the BART Board in 2003.

The MMRP was revised in October 2006 following publication of a Final Environmental Impact Statement. The Federal Transit Administration (FTA), acting as the lead agency pursuant to the National Environmental Policy Act (NEPA), published a Final Environmental Impact Statement and Section 4(f)/6(f) Evaluation (FEIS) for the WSX project in June 2006 and issued a Record of Decision

[1] A 2012 Addendum to the SEIR evaluated the potential effects of photovoltaic units at the Warm Springs Station and ventilation structures in Fremont Central Park. This analysis did not pertain to the Irvington Station and as a result, it is not further discussed in this document.

on October 24, 2006. Ultimately, no federal funding was used for the WSX project. However, it is assumed that the majority of the EIS mitigation measures included in the MMRP remain applicable to the WSX project and its components, and BART will implement or has implemented them.

B. 2019 MODIFICATIONS

The 2019 Modifications include modifications to (1) the Irvington Station site plan and design, and (2) the Gallegos Winery site improvements.

1. Irvington Station

The most significant differences between the 2003 and 2019 Irvington Station design are (1) a substantial reduction in the Station footprint and amount of automobile parking, (as no surface parking is proposed east of Osgood Road); (2) removal of the pedestrian bridge from the Station concourse across Osgood Road and a new pedestrian access point via a bridge directly connecting the western sidewalk of Osgood Road and the Station concourse; and (3) extension of the EBGW through the Station. Like the 2003 design, the 2019 Irvington Station design is a two-story at-grade side-platform station. The 2019 Station design includes six access points for pedestrians and bicyclists, compared to five proposed in the 2003 design. Of the six access points in the 2019 design, three are also accessible by vehicle (versus six vehicle access points proposed in the 2003 design). The 2019 Station would include between 225 and 275 parking spaces (versus a maximum of 960 spaces in the 2003 design).

2. Gallegos Winery Site

No substantial modifications to the Gallegos Winery component are proposed. Rather, additional detail is now available. Upon Station construction completion, the City of Fremont will take ownership of the Gallegos Winery site and may designate the Winery site as a City park. The proposed improvements to the Winery site are consistent with Mitigation Measures A-7(b) and CR-5 of the adopted MMRP[2], which require preservation of the Gallegos Winery ruins and their incorporation into the Station design. This Addendum considers the additional detail to determine whether new or substantially more severe significant impacts would occur.

The 2019 Modifications are described in greater detail in Section II, Revisions to the WSX Project/2019 Modifications.

[2] San Francisco Bay Area Rapid Transit District, 2006. Mitigation Monitoring and Reporting Plan for the BART Warm Springs Extension.

C. PURPOSE OF ADDENDUM

This document, prepared pursuant to CEQA, constitutes an Addendum to the 1992 WSX EIR (State Clearinghouse No. 1989030065) and 2003 WSX SEIR (State Clearinghouse No. 2002032041). The WSX EIRs and this Addendum together serve as the environmental review of the 2019 Modifications, as required pursuant to the provisions of CEQA.

In accordance with Section 15164 of the CEQA Guidelines, BART may prepare an Addendum to the WSX EIRs if some changes[3] or additions to the previously approved WSX project are necessary, as long as none of the conditions described in Section 15162 requiring the preparation of a subsequent EIR or Negative Declaration have occurred. In brief, Section 15162 states that when an EIR has been certified or Negative Declaration adopted, no subsequent EIR or Negative Declaration needs to be prepared for the project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, that there are:

- Substantial changes proposed in the project which require major revisions of the previous EIR or Negative Declaration due to new or substantially more severe effects,
- Substantial changes occur with respect to the circumstances under which the project is undertaken which require major revisions of the previous EIR or Negative Declaration due to new or substantially more severe effects, or
- There is new information of substantial importance regarding new significant effects, substantially more severe effects, or the feasibility or effectiveness of mitigation measures.

D. DETERMINATION

This Addendum revisits the analysis conducted in the WSX EIRs and evaluates the proposed modifications to the previously approved Irvington Station and Gallegos Winery components of the WSX project in the context of current information and circumstances in the project area. The proposed modifications are evaluated for all categories of impact.

As described below, the analysis does not identify any substantial changes/modifications to the affected environment, any new or substantially more severe impacts not already identified in the previous environmental documents, or any change in the feasibility or effectiveness of mitigation measures. Relevant mitigation measures included in those documents and the MMRP will continue to apply to the 2019 Modifications. Based on the evaluation presented in this Addendum, there is no substantial evidence in the light of the whole record that the conditions outlined in Section 15162 of the CEQA Guidelines requiring a subsequent IS/MND or EIR are met. Therefore, an Addendum to the 1992 EIR and 2003 SEIR is appropriate.

[3] Note that in this Addendum "modifications" is used interchangeably with "changes".

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II. REVISIONS TO THE WSX PROJECT/2019 MODIFICATIONS

This section describes the 2019 Modifications proposed by BART for the Irvington Station and, in consultation with the City of Fremont for the Gallegos Winery. The 2019 Modifications are described based on a comparison of the current designs to those considered in the WSX SEIR. The Irvington Station design is described first, followed by the Gallegos Winery site improvements. Given that the Gallegos Winery site would be owned, operated, and maintained by the City of Fremont independently of the Irvington Station, it is discussed independently of the Irvington Station.

A. 2019 IRVINGTON STATION DESIGN AND MODIFICATIONS

The Station alignment is along the existing BART railway extending from Fremont BART Station underground below Central Park and parallel to the active Union Pacific Railroad (UPRR) track to the Warm Springs/South Fremont Station. The most significant difference between the 2003 and 2019 Station designs is the 2019 design's reduced Station footprint since no BART customer automobile parking is proposed east of the Station – neither east of Osgood Road nor west of Osgood Road (east of the BART tracks). The reduced Station footprint eliminates the need to acquire five parcels (nearly 3 acres) west of Osgood Road. Additionally, approximately 9.5 acres of land east of Osgood Road would no longer be needed for the Station. Figure 1 shows the location and the Station site boundaries for both the 2019 site plan and the 2003 concept plan. The 2019 design for the Irvington Station component and the modifications to the 2003 concept plan considered in the WSX SEIR are described below.

1. Station Site Location and Conditions

Consistent with the WSX EIRs, the site for the Irvington BART Station remains in Fremont, California in the vicinity of the intersection of Osgood Road and Washington Boulevard; although the total site area and number of affected parcels has been reduced. The Irvington Station would be approximately 2.5 miles from both existing BART stations in Fremont and would be served by both the San Francisco- and Richmond-bound lines. A future connection to the Berryessa/North San Jose BART Station would also serve Irvington Station (scheduled to open in late 2019). Opening of the Irvington Station is scheduled for approximately the same time as completion of Phase II of the Silicon Valley extension (which includes four more stations in San Jose). The 2019 Irvington Station site is generally bounded to the:

- North by Main Street and Washington Boulevard;
- East by Osgood Road;
- West by the residential development east of Roberts Avenue; and

- South by the southern boundary of the property at 41655 Osgood Road, which is currently used as surface parking and storage space for a safety equipment supplier.

Figures 2a-2d show the 2019 Station Site Plan and Figure 3 shows the 2003 Conceptual Site Plan from the WSX SEIR. The Station site evaluated in the WSX SEIR, as shown in Figure 3, extended east beyond Osgood Road to the residences on Bruce Drive and further south along Osgood Road (up to and including 41875 Osgood Road).

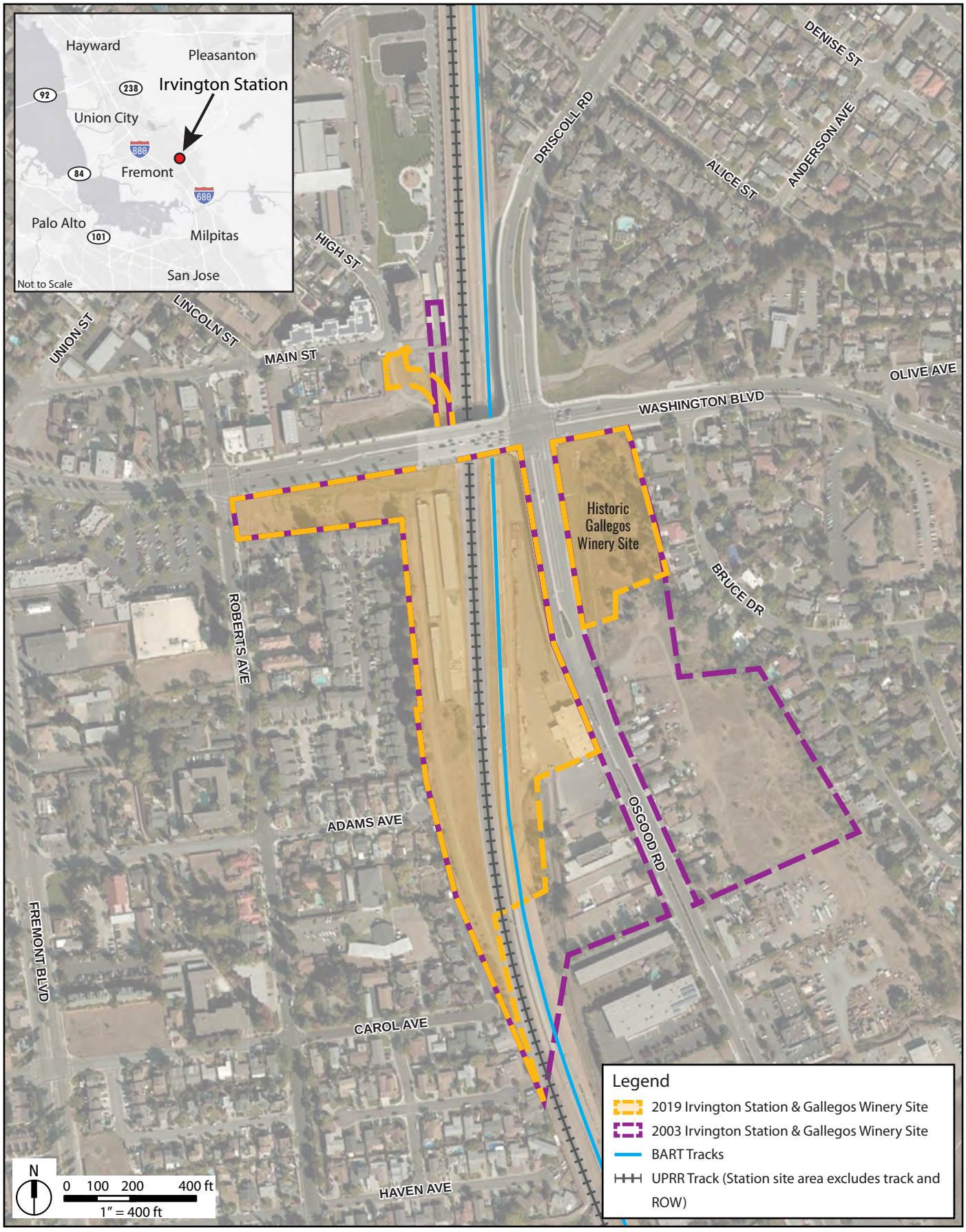
The WSX SEIR states that the 2003 Irvington Station and Gallegos Winery sites would occupy approximately 18 acres, in error. When re-calculating the area of the 37 parcels comprising the 2003 Station site concept plan (excluding the Gallegos Winery site), the total area is approximately 25.9 acres. The 2019 Irvington Station site is now comprised of 20 parcels (compared to 37) and approximately 13.1 acres, (compared to 25.9 acres), as shown in Table 1. Ownership for the parcels included in the 2003 and 2019 Irvington Station sites is shown in Table 1 and in Figure 4. The Gallegos Winery site is not included in these acreage calculations as it is not related to the Station and will become City property.

TABLE 1 PARCEL OWNERSHIP OF STATION SITE PLAN

Ownership Type	2003 Station Site No. of Parcels	2003 Station Site Acreage	2019 Station Site No. of Parcels	2019 Station Site Acreage
City of Fremont	14	7.8	14	7.8
BART	5	10.2	3	2.5
Alameda County Flood Control	1	0.6	--	--
Private	17	7.3	3	2.8
Total	**37**	**25.9**	**20**	**13.1**

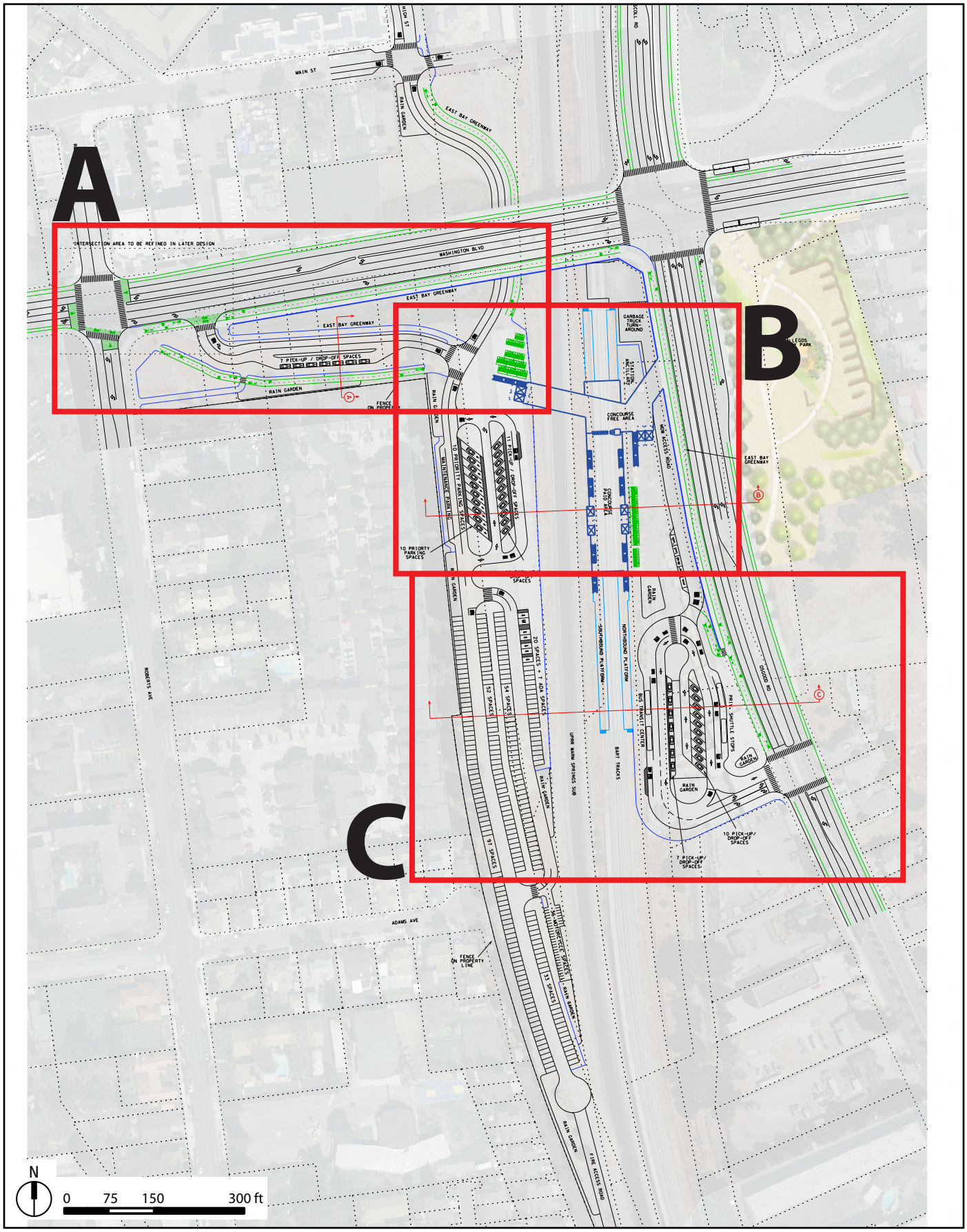
Note: City parcels north of Washington Boulevard that would be partially used for a station entrance road are included in the parcel count, but the acreage captures only the approximate area that would be used, not the entirety of the parcel.
The UPRR track and Osgood Road and Washington Boulevard rights-of-way are not included in the acreage calculations.
Source: Irvington Station Site Plan, February 2019.

The current site conditions remain generally consistent with conditions described in the WSX SEIR. The land uses (industrial and undeveloped) on the 2019 Irvington Station site parcels have not changed since 2003. However, a storage facility (Hyrail Mini Storage) located west of the tracks just south of Washington Boulevard was removed. Active UPRR and BART tracks run west of Osgood Road parallel to each other from north to south, bifurcating the Station site. The BART tracks lie west of Osgood Road and east of the UPRR track. West of the UPRR and BART tracks, the Station site is primarily vacant and undeveloped with the exception of a number of concrete slabs. On the east side of the tracks, there are active industrial uses. National Trench Safety, a trench and traffic safety supplier, operates between the BART tracks and Osgood Road.



Source: Alameda County, 2014; Microsoft, 2018; Urban Planning Partners, 2019.
Note: On-street improvements not included in the 2019 Station Site boundary.

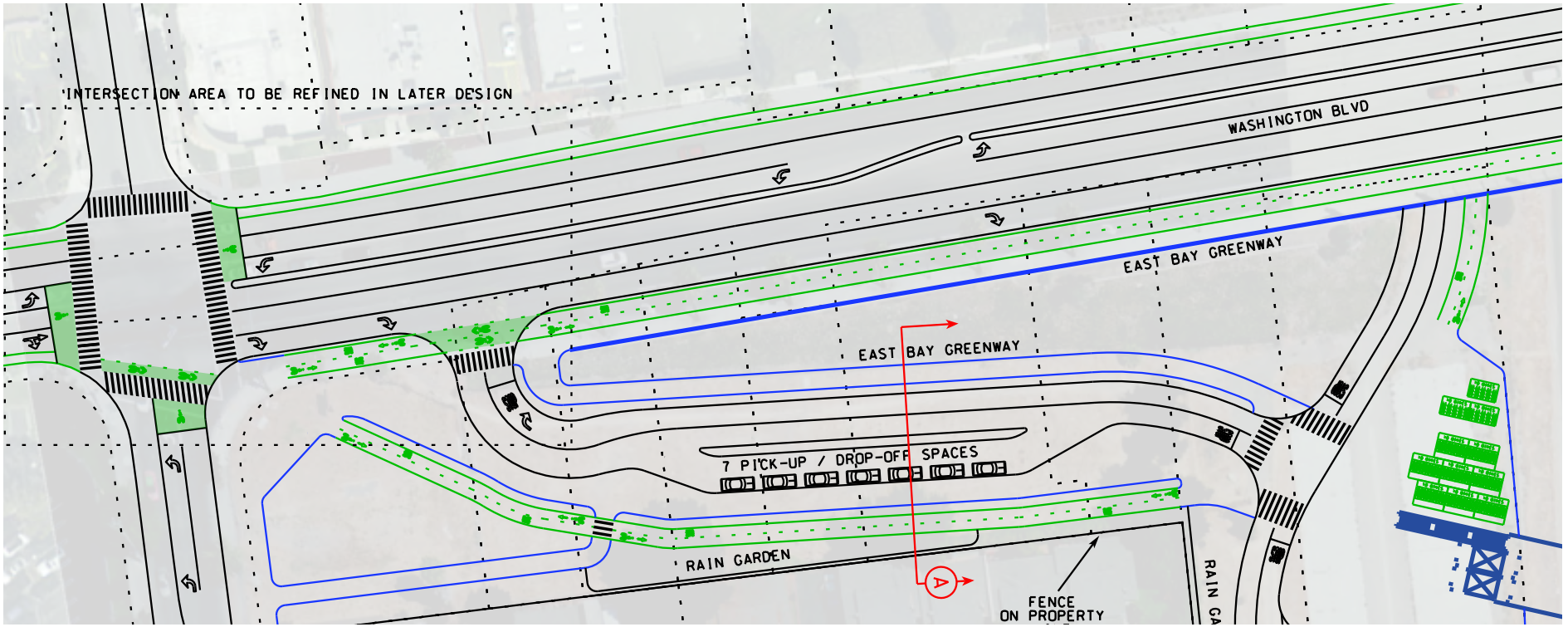
Figure 1
Irvington Station Location and Vicinity Map



Source: Arup, 2019.

Figure 2a
2019 Irvington Station Site Plan - Overview

A

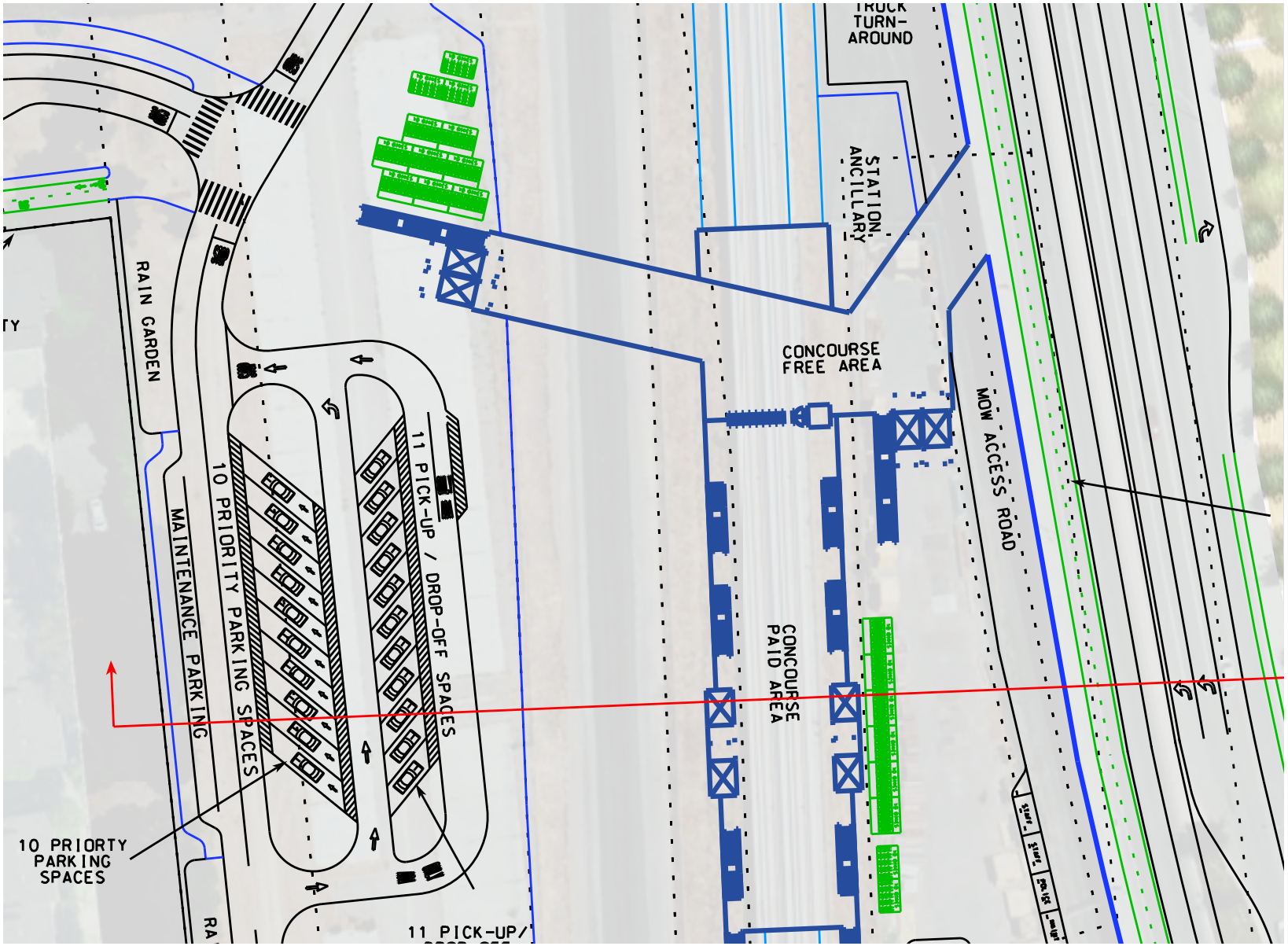


Source: Arup, 2018.

Note: Refer to Figure 2a for locations of callouts.

Figure 2b
2019 Irvington Station Site Plan - Callout A

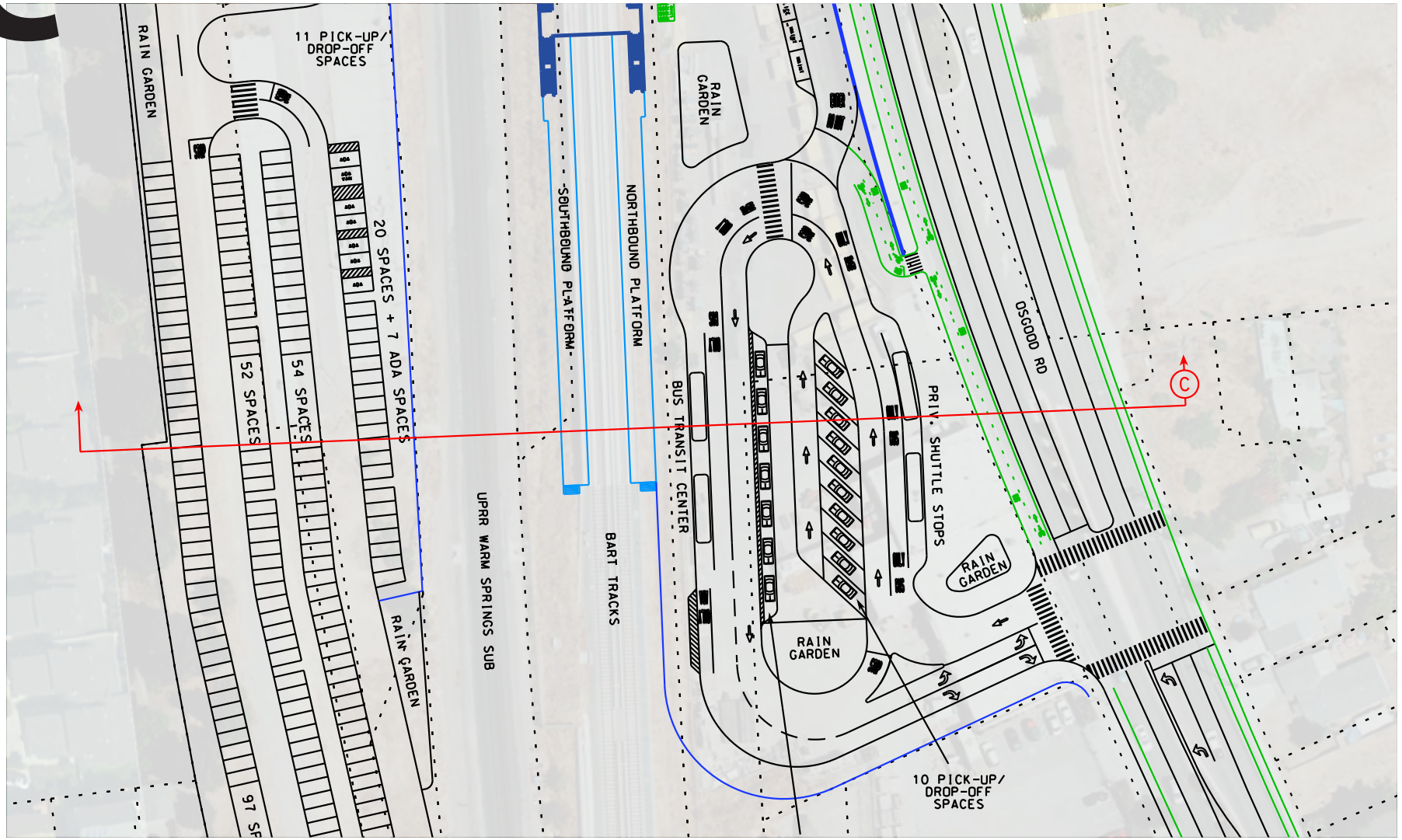
B



Source: Arup, 2018.

Note: Refer to Figure 2a for locations of callouts.

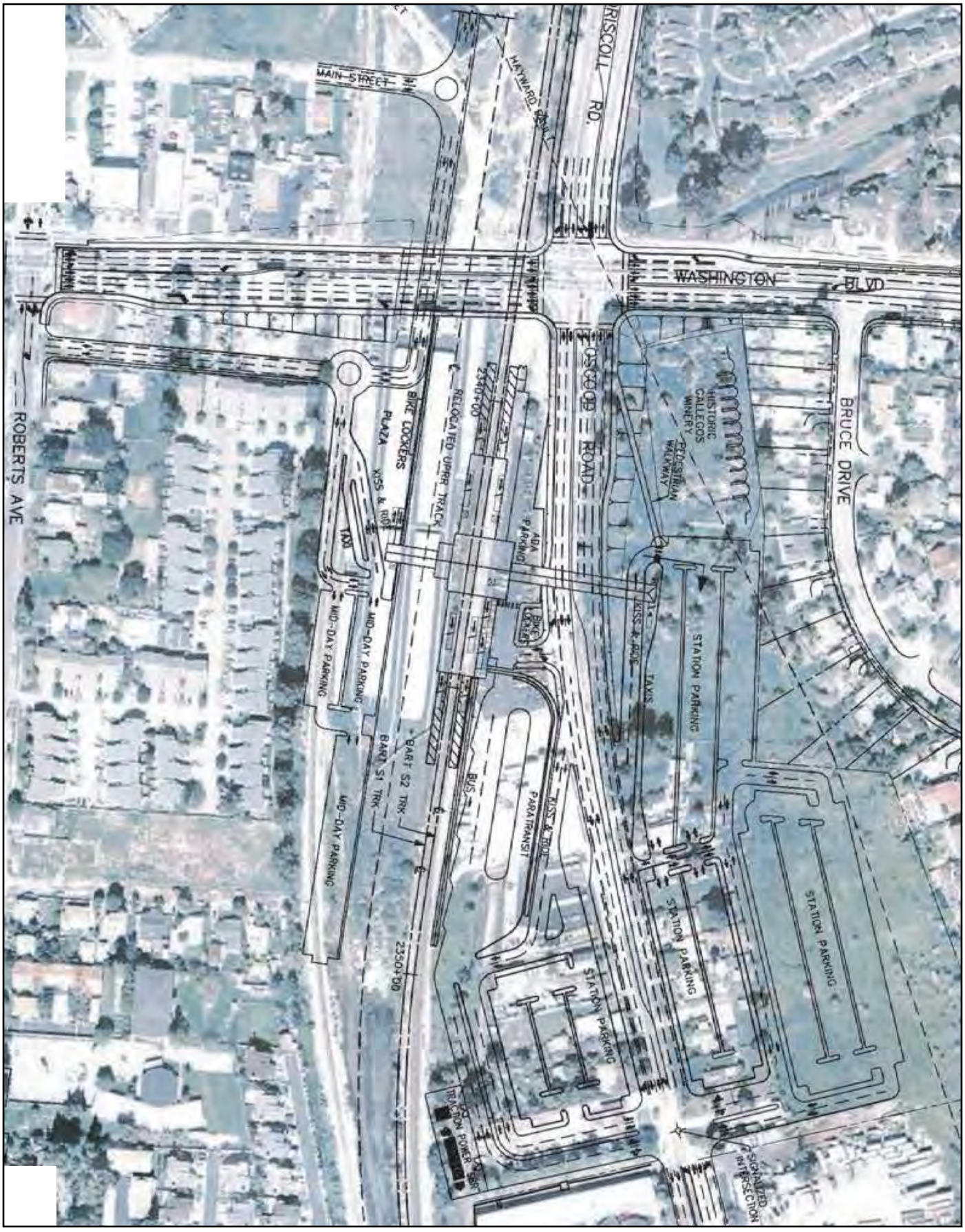
Figure 2c
2019 Irvington Station Site Plan - Callout B



Source: Arup, 2018.

Note: Refer to Figure 2a for locations of callouts.

Figure 2d
2019 Irvington Station Site Plan - Callout C



Source: BART Warm Springs Extension Draft SEIR, Parsons Brinckerhoff, 2003.

Figure 3
2003 Irvington Station Conceptual Site Plan

The 2003 SEIR refers to the Station site as being located in the Irvington district of the city. The 2011 General Plan Update now refers to geographic areas of the city as "Community Plan Areas" instead of districts. The Station site and the areas to the west of the Station site are within the Irvington Community Plan Area, and the areas to the east are within the Mission San Jose Community Plan Area. Existing land uses in the vicinity of the Station site are primarily residential, but there are also local-serving commercial areas and light industrial areas. Within the Irvington Community Plan Area, the Irvington Business District is west of the Station site around the "Five Corners," the intersection of Fremont Boulevard, Washington Boulevard, Bay Street, and Union Street. This commercial area includes shopping centers, banks, local businesses, and restaurants. Since the WSX SEIR, previously undeveloped and industrial land west of the UPRR track north of the Station site has been converted to multi-family development.

The allowable density of housing near the Irvington Station site has increased since certification of the 2003 SEIR. In 2005, properties south of Station site along Osgood Road were re-designated from Light Industrial to High Density Residential (23-27 dwelling units/acre). In 2012, the City of Fremont adopted a Transit-Oriented Development (TOD) Ordinance and corresponding Zoning Map amendments to implement the TOD Overlay established in the General Plan update. The TOD Overlay District applies to parcels within ½ mile of the Station that are designated commercial, industrial, or urban residential in the General Plan. The TOD Overlay increased the minimum density of future development to 30 dwelling units per net acre in Commercial - Town Center designations and to 50 units per net acre in the Urban Residential designations. Near the Station, the TOD Overlay District is applicable to parcels zoned Town Center-Pedestrian (TC-P), Town Center-Transitional (TC-T), Service Industrial (I-S), or Multifamily Residential (R-3), but excludes Planned Districts.

Over the last decade (since the WSX SEIR), roadway improvement projects have been completed on Washington Boulevard, Fremont Boulevard, and Osgood Road to improve traffic flow, safety, and bicycle and pedestrian conditions in the vicinity of the Station site. As part of a 2006-2009 Washington Boulevard and Paseo Padre Parkway Grade Separation Project, the City relocated 1.8 miles of Union Pacific's track between south of Washington Boulevard and north of Paseo Padre Parkway to align them with the then future BART tracks. Washington Boulevard was widened and elevated to cross above the realigned rail corridor and Osgood and Driscoll Roads were raised to meet at the elevated Washington intersection. Osgood Road was then widened and improved between Washington Boulevard and Auto Mall Parkway.

The Hayward fault is in close proximity to the eastern edge of the Station site. As shown in Figure 5, the fault line runs from the north through the intersection of Washington Boulevard and Osgood Road, continues east of Osgood Road under the historic Gallegos Winery site, and then follows along the eastern border of the Irvington Community Plan Area.

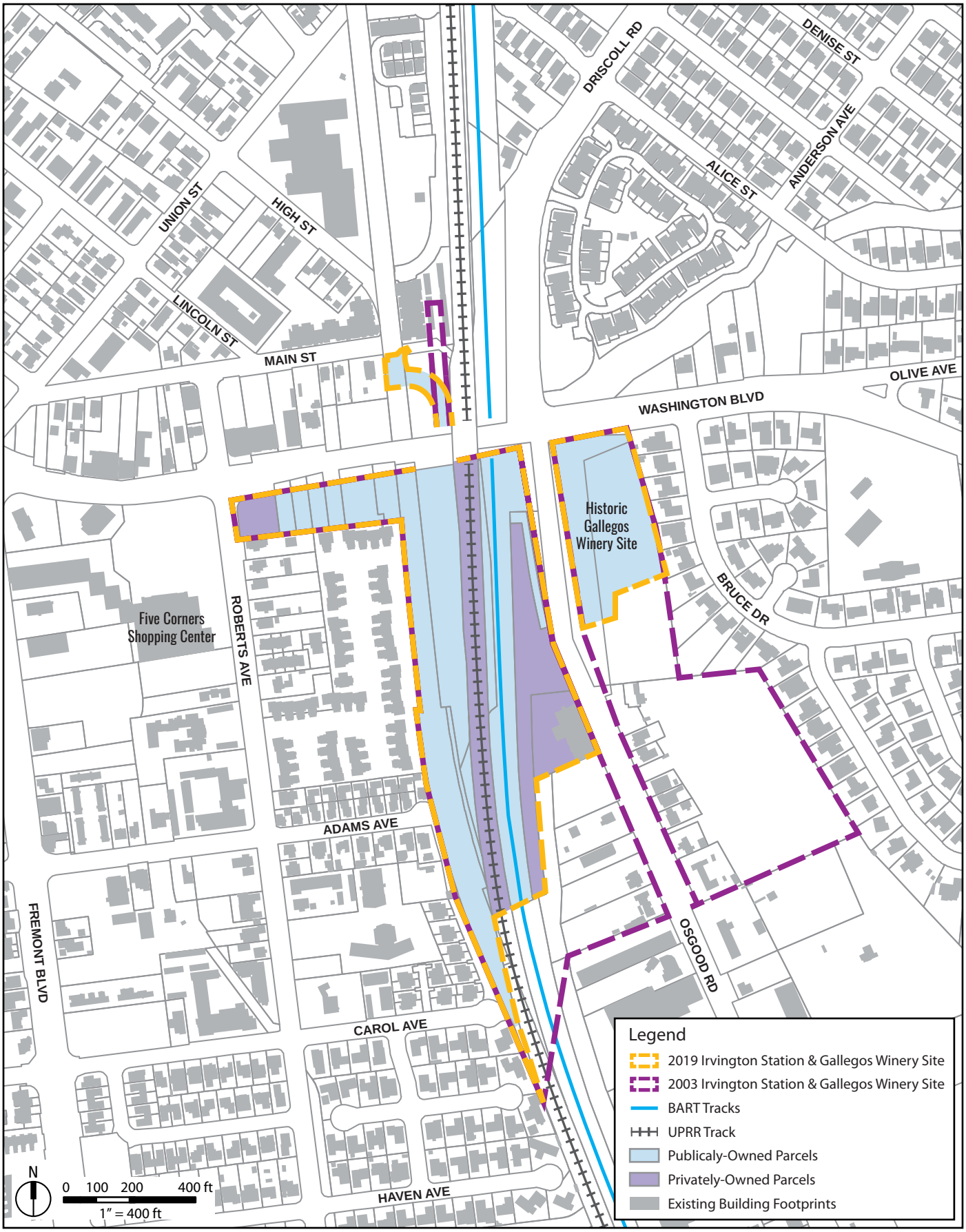
The Station site is located within the Laguna Creek Watershed, which starts in the foothills of the Diablo Range and flows across the flatlands and into Mud Slough and Coyote Creek and eventually

into South San Francisco Bay. Washington Creek runs parallel to the BART tracks underneath the east side of the Station site in an underground culvert/storm drain and flows into an engineered channel of Sabercat Creek to the south of the Station site. See Figure 5 for existing environmental conditions of the site.

2. Station Design

Similar to the 2003 design, the 2019 Irvington Station design includes a two-story station, with at-grade side-platforms and concourse above. Plazas at the east and west entrances would provide access to the overhead concourse.

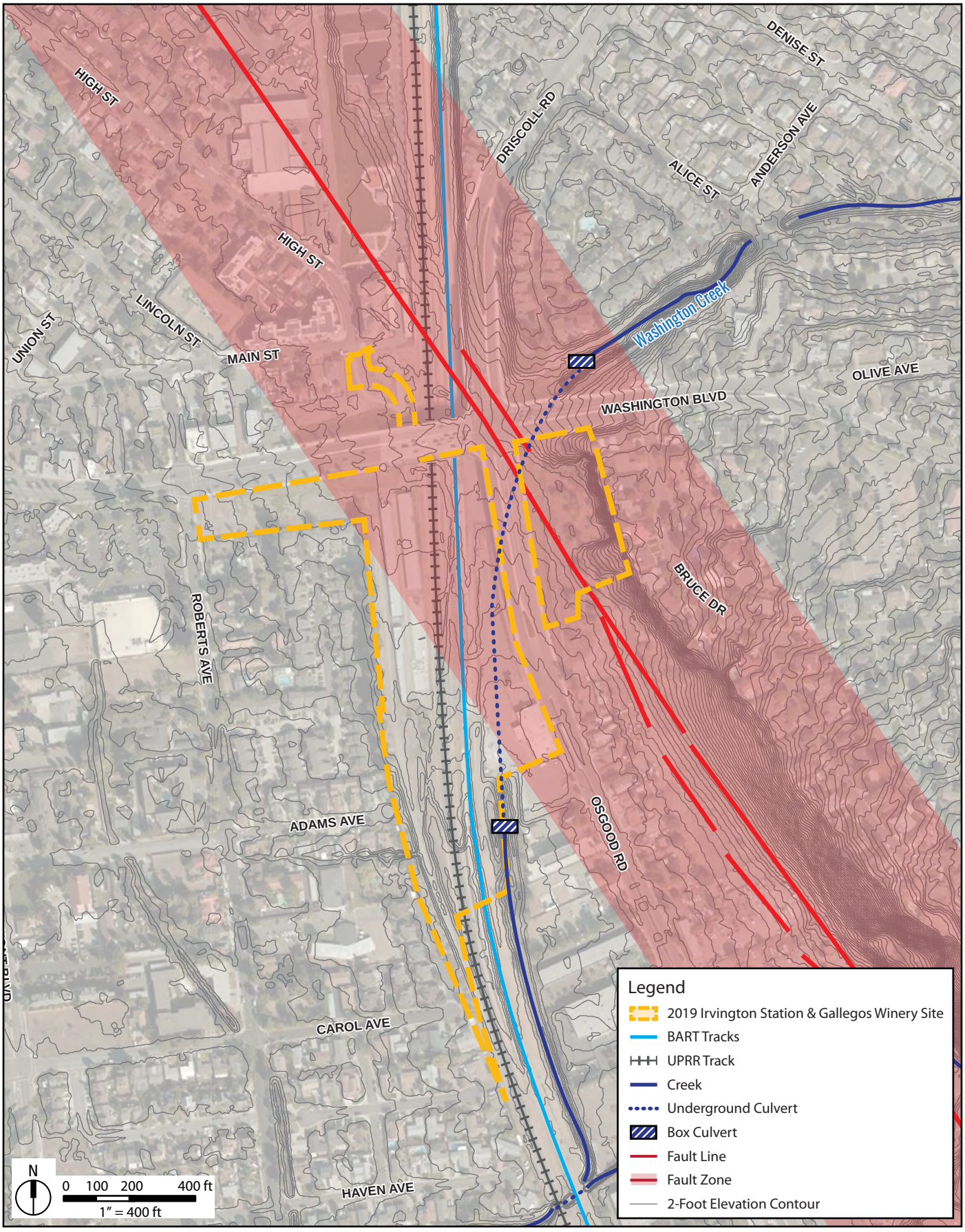
The 2019 Station site includes six access points for pedestrian and bicyclists (of which three are accessible by automobiles, and one by transit vehicles), 225-275 automobile parking spaces, 30-40 motorcycle spaces, pick-up and drop-off (PU/DO) facilities, including Americans with Disabilities Act (ADA) accessible PU/DO, and on-site flexible curbside loading space to accommodate at least four 40-foot buses. Subsection (b), Station Access, Circulation, and Parking, of this section describes the Station's proposed access facilities. Table 2 provides a comparison between the 2003 and 2019 Irvington Station designs.



Source: Alameda County, 2014; City of Fremont, 2017; Urban Planning Partners, 2019.

Note: On-street improvements not included in the 2019 Station Site boundary.

Figure 4
Property Ownership



Source: CGS, 2015 ; Microsoft, 2018; Urban Planning Partners, 2019.

Note: On-street improvements not included in the 2019 Station Site boundary.

Figure 5
Irvington Station Environmental Conditions

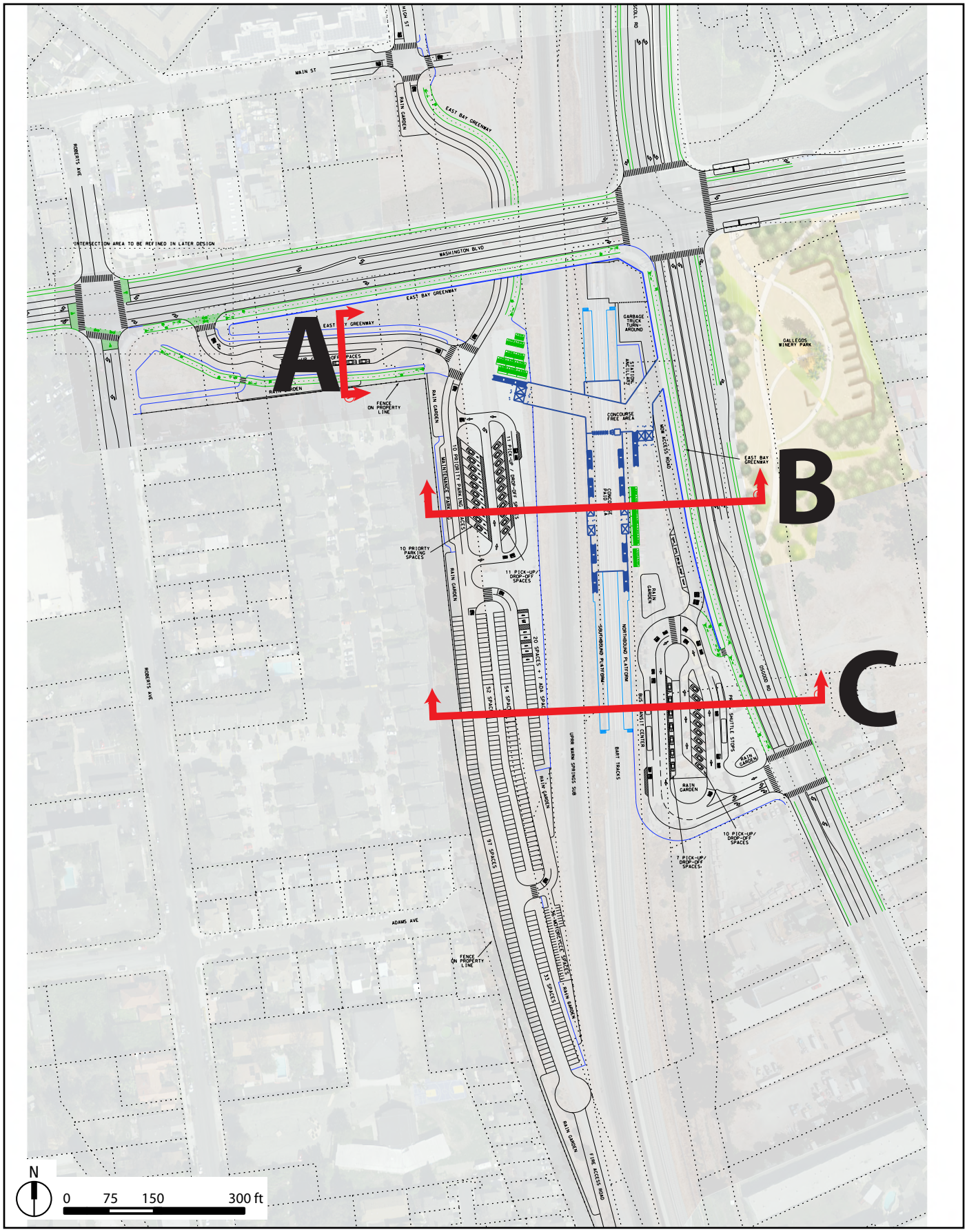
TABLE 2 COMPARISON OF THE 2003 AND 2019 IRVINGTON STATION DESIGNS

	2003 Irvington Station	2019 Irvington Station
Total Parcels	37	20
Total Site	25.9 acres;[a] 1,128,204 square feet	13.1 acres; 570,636 square feet
Proposed Parking		
Automobile Parking Spaces (maximum)	960 spaces	225-275
Bicycle Parking Spaces	--[b]	180 min.
On-Site Transit		
Bus loading spaces	5	4[c]
Circulation and Access		
Automobile Station Access	6 total: Roberts Ave/Washington Blvd; Main St/High St; 2 points west of Osgood Rd; and 2 points east of Osgood Rd	3 total: Washington Blvd/Roberts Ave; Main St/High St; and west of Osgood Rd
Bicycle/Pedestrian Station Access	5 total: Pedestrian bridge across Osgood Rd to Station concourse; Roberts Ave/Washington Blvd; Main St/High St; and 2 points west of Osgood Rd	6 total: Pedestrian bridge from the west side of Osgood Rd sidewalk to the Station concourse; 2 points at Roberts Ave/Washington Blvd; Main St/High St; 2 points west of Osgood Rd
Potential Displacement		
Residences	11	0
Businesses	3	1

[a] The WSX SEIR incorrectly reported that the Gallegos Winery site and Station site totaled 18 acres. The total has been corrected to reflect the actual land area occupied by the 2003 Station site concept plan (excluding the Gallegos Winery site), which is closer to 25 acres.
[b] The WSX SEIR did not provide a specific number of bicycle parking spaces at the Irvington Station but specified that bicycle parking is included on both sides of the station. The 2019 design also includes bike parking on both sides.
[C] The 2019 design includes flexible curbside loading space that could accommodate at least four 40-foot buses. Depending on the type of vehicle used (e.g., paratransit vehicles, private shuttles, Flex-service buses) more than four buses might be accommodated at one time.
Source: WSX SEIR; Arup, 2019.

a. Station Platform and Concourse

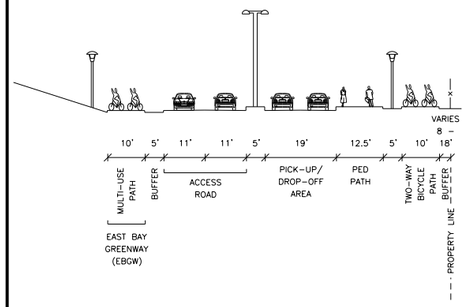
Consistent with the 2003 design, the 2019 Station is designed as a two-story, side-platform station with an elevated concourse that spans across the BART and UPRR tracks, as shown in Figures 2a-2d. Cross sections of the 2019 design are found in Figure 6a and 6b. The Station platforms would extend approximately 780 feet south of Washington Boulevard to accommodate 10-car trains and would be approximately 16 feet wide to meet minimum passenger density requirements. The second story, located directly overhead, would be an overhead concourse approximately 20 feet above the BART tracks. The overhead concourse would provide passenger access to the platforms, as shown in Figure 6b. Pedestrian bridges on the east and west side of the BART and UPRR tracks connect the concourse to pedestrian plazas and are accessed from stairs and elevators and/or



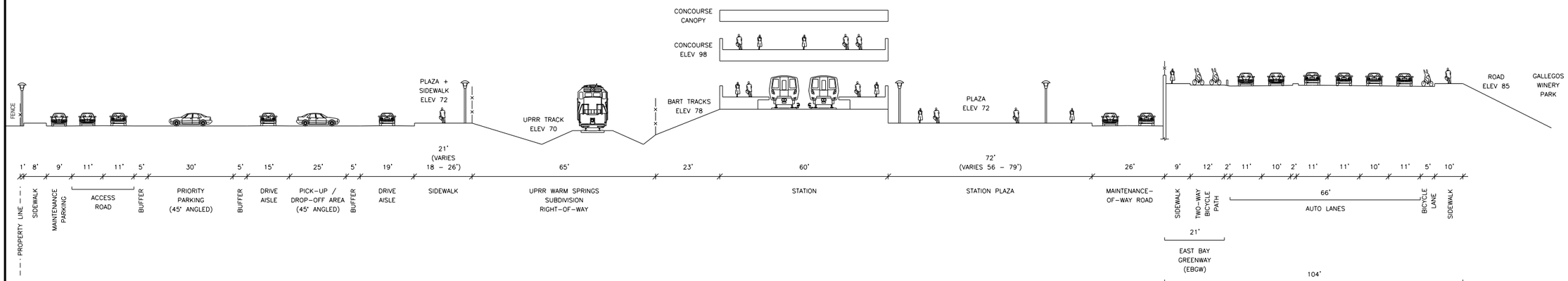
Source: Arup, 2019.

Figure 6a
2019 Irvington Station Site Plan - Cross Sections Key Map

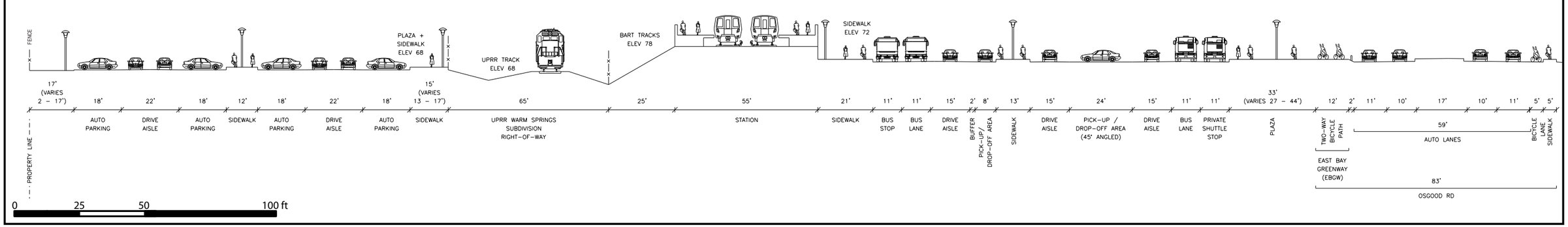
Cross Section A: Station Access Road from Washington Ave & Roberts Ave Looking East Toward Station



Cross Section B: Station Site, Mid-Concourse Paid Area Looking North



Cross Section C: Station Site, South of Concourse Looking North



Source: Arup, 2018.

Note: Refer to Figure 6a for locations of cross sections.

Figure 6b
2019 Irvington Station Cross Sections

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escalators to allow safe passage over the rail corridor. As evaluated in the WSX SEIR, the central fare collection area is located on the elevated concourse level, as well as one station agent booth, maps and transit schedules, and fare and BART parking fee collection equipment. Fare collection equipment is planned to be identical to what is used in the existing BART system. Additionally, there is the possibility that solar panels will be added to Station site, including on the Station roof.

b. Station Access, Circulation, and Parking

The 2019 Irvington Station is planned as an "Urban with Parking" BART Station Access Type in which walking and bicycling are considered primary investment modes, transit and shuttles are considered secondary investments, taxi and Transportation Network Companies (TNCs) are accommodated, and automobile parking is not encouraged.

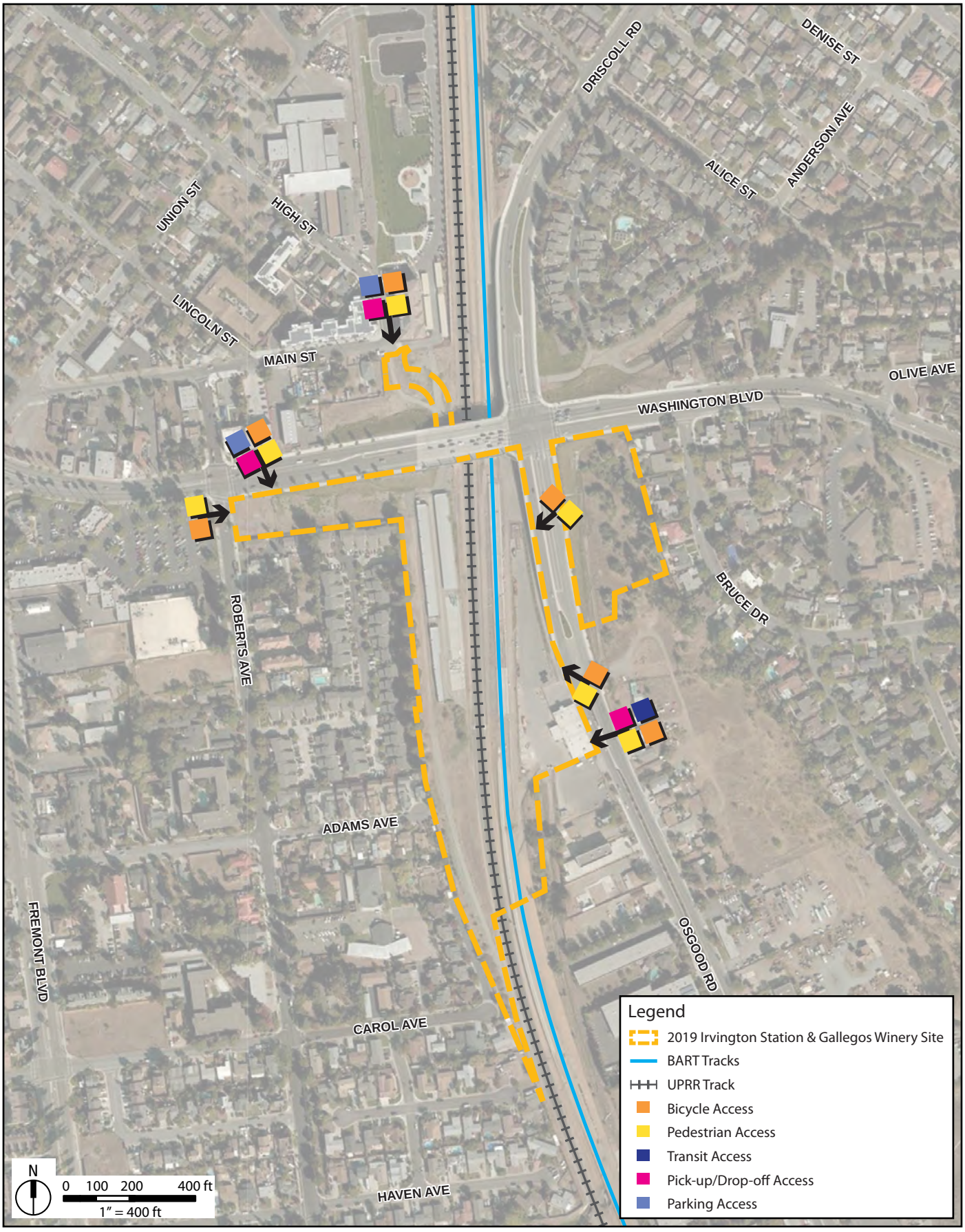
Station access facilities for the 2019 Irvington Station are planned for both sides of the station. Given the Station site area does not extend to the east side of Osgood Road, there are only three automobile access points instead of six as proposed in the 2003 concept plan and six access points for pedestrians and bicyclists instead of five as proposed in the 2003 design, as shown in Figure 7. The 2019 Station site includes two ground-level BART customer access points to the elevated concourse free area (instead of three in the 2003 design, which also included access to a pedestrian bridge over Osgood Road) via stairs and elevators/escalators on either side of the BART tracks, and one entry point via the Osgood pedestrian bridge that connects directly to the elevated concourse free area. Additionally, the 2019 Station design includes two elevators on each side of the concourse paid area, and potentially escalators.

(1) Pedestrian and Bicycle Access and Circulation

The six access points available to pedestrians and bicyclists (see Figure 7) include one entry from the north on Main Street, two from the northwest on Washington Boulevard and Roberts Avenue, and three different points along the west side of Osgood Road. Consistent with the 2003 design, the 2019 Station design includes a pedestrian bridge over the UPRR track to the west side of the Station site. However, the pedestrian bridge to the east of the Station site would connect to the west sidewalk along Osgood Road instead of extending over and across Osgood Road to the east (where surface parking was previously proposed).

Bicycle parking, including racks and lockers, are provided on both the east and west sides of the Station site, consistent with the 2003 design. If and when a bicycle sharing program is available to service this Station, related bicycle parking can be accommodated on either or both sides of the Station.

Just north of the High Street/Main Street access point is the existing EBGW terminus. The EBGW is a planned 37-mile regional pedestrian and bicycle trail through Alameda County that is planned to connect Albany and Berkeley in the north with Fremont in the south. The 2019 Irvington Station design includes extending the existing EBGW from its terminus at the intersection of High and Main



Source: Alameda County, 2014; Arup, 2018; Urban Planning Partners, 2019.

Note: On-street improvements not included in the 2019 Station Site boundary.

Figure 7
2019 Irvington Station Access and Entry Points

Streets, west of the BART and UPRR tracks, to the southeast limits of the Station site on Osgood Road (as shown in Figure 2a). BART must reserve any portions of the EBGW/Pedestrian Class 1 Trail that run through the Irvington Station site for future use for mass transit corridor purposes. While the EBGW Trail that may be located on BART property will be used for a bicycle and pedestrian pathway, BART must have access to its Station, and, for purposes of Section 4(f) of the Department of Transportation Act, codified at 49 U.S.C. Section 303(c) ("DOT Act Section 4(f)"), the pathway must be designated by the City as not significant for recreational purposes, but instead as an integral part of the local transportation system. The route for this segment of the EBGW would:

- extend south as a multi-use path under the Washington Boulevard overpass west of the tracks;
- continue west at-grade along the north side of the Station's access road parallel and just south of Washington Boulevard to the Station's vehicular access road off Washington Boulevard;
- curve around the inside of the Station site access road to meet Washington Boulevard,
- become a two-way on-street Class IV separated bikeway (also known as a cycle track), utilizing the south side of the existing Washington Boulevard overpass eastbound to cross above the UPRR and BART tracks to Osgood Road; and
- continue along the west side of Osgood Road to the new signalized intersection at the southern end of the Station site (as shown in Figure 6b, Cross Sections B and C).

Independent of Irvington Station, the separated bikeway is planned to continue south of the Station site on Osgood Road until Auto Mall Parkway or possibly farther.

(2) Bus Transit and Shuttles

The 2019 Irvington Station design provides flexible curbside loading space to accommodate at least four 40-foot buses (compared to five bus loading spaces in the 2003 design). Similar to the 2003 design, these facilities would be on the east side of the Station site at a bus transit center, between the BART tracks and Osgood Road. The bus transit center would be accessible via the new signalized intersection on Osgood Road and would consist of a bus-only loop that would serve public transit buses and private shuttles. Rather than individual loading bays, flexible curbside space is proposed to serve transit buses (including on-demand Flex service), paratransit shuttles, and private shuttles. Loading spaces would be used dynamically, with BART policies, transit demand, and service schedules driving their operation. Depending on the type of vehicle used, more than four buses might be accommodated at one time.

The closest bus stops for regularly scheduled bus service are currently located on Washington Boulevard at Bruce Drive (and will likely move west, closer to Osgood Road, as shown in Figure 2a), on Osgood Road to the east of the Station (the bus stops on Osgood Road will be eliminated and any buses using Osgood Road would utilize the Station's bus transit center) , and on Washington Boulevard between Fremont Boulevard and Roberts Avenue.

(3) Automobile Traffic Access and Control

As shown in Figure 7, a total of three automobile access points to the 2019 Irvington Station are proposed, including (1) north of the Station site at the High Street/Main Street intersection, (2) west of the Station site from Washington Boulevard just east of Roberts Avenue, and (3) east of the Station site at a new signalized three-legged intersection on Osgood Road south of Washington Boulevard at the southern end of the Station site. These three automobile entrances are similar to those proposed in the 2003 design, with the following three exceptions: (1) the access point on Roberts Avenue has been moved to the access point on Washington Boulevard; (2) there is only one access point west of Osgood Road instead of two; and (3) there are no access points located east of Osgood Road as there is no longer a Station component east of Osgood Road.

To improve automobile circulation around the Station site, the intersection improvements listed below would also be implemented as part of the 2019 Station design. These on-street improvements are not included in the Station site plan boundary.

- Roberts Avenue/Washington Boulevard: A left-turn lane would be provided on the southbound Roberts Avenue approach (which would require eliminating on-street parking) and the signal would be upgraded to provide protected north/south left-turn phasing, and no right turn on red for Roberts Avenue northbound traffic.
- Osgood Road/Driscoll Road/Washington Boulevard[4]: One of the eastbound through lanes on Washington Boulevard would be eliminated to accommodate the EBGW, an overlap phase would be provided for the northbound Osgood Road right-turn, and signal timing parameters would be adjusted to coordinate signal timing with adjacent intersections.
- Osgood Road/Blacow Road: Eliminate the slip lanes on the west side of the intersection.

Although not required, BART and the City have agreed to add mitigation measures (discussed under the Transportation Section N. of this Addendum) to the 2019 Modifications, including:

- Fremont Boulevard-Union Street/Washington Boulevard/Bay Street: Adjust signal timing parameters (i.e., adjust the allocation of green time for each intersection approach) and coordinate the signal timing changes with adjacent intersections that are in the same signal coordination group.
- Fremont Boulevard/Blacow Road: Adjust signal timing parameters (i.e., adjust the allocation of green time for each intersection approach) and coordinate the signal timing changes with adjacent intersections that are in the same signal coordination group.

[4] North of Washington Boulevard, Osgood Road turns into Driscoll Road, hence the use of both names to refer to the intersection.

(4) Pick-Up/Drop-Off (PU/DO) - Taxi and Automobile

PU/DO facilities in the 2019 Irvington Station are planned on both sides of the Station site and are accessible via any of the three automobile access points (see Figures 2 and 7). Each PU/DO area would include spaces designated for ADA-accessible PU/DO. The 2003 Station design similarly provided PU/DO areas (kiss-and-ride and taxi/loading areas) between Osgood Road and the Station site and west of the Station site via Main Street. A third area was also proposed east of Osgood Road and south of the Gallegos Winery site but this is no longer within the 2019 Station site boundary.

(5) Automobile Parking

A shown in Figure 2, daily automobile parking would only be located on the west side of the Station site. BART customer automobile parking would no longer be located on the east and west sides of Osgood Road as studied in the WSX SEIR. As such, the number of automobile spaces has substantially decreased from the 960 automobile spaces previously analyzed. The 2019 Irvington Station design only includes parking areas west of the UPRR track, which would accommodate 225-275 daily fee/permit parking spaces (including 5-10 accessible spaces) and 30-40 motorcycle spaces, not including PU/DO areas. BART would pursue opportunities to install EV chargers and/or provisions for future EV chargers for up to all customer parking spaces, though the Station could open before any EV chargers are installed.

3. Landscaping, Lighting and Public Art

The 2019 Irvington Station would include landscaping and plazas at the ground level. Landscaping is proposed along the Station site perimeter and in some areas of the parking lot and the bus transit center. Rain gardens would be placed throughout the surface parking areas for stormwater management and treatment. Landscaping was not detailed in the 2003 concept.

The final landscaping and open space plans would be subject to BART approval, facilities standards, and design guidelines. LED lighting would be used throughout surface parking areas and the Station site. Public art would also be integrated within the Station site in accordance with BART policy guidelines.

4. Construction Operations and Schedule

It is expected that construction of the Station would start as early as 2022 and last approximately 4 years to 2025 and possibly into 2026, when testing and commissioning is anticipated. Irvington Station is anticipated to open with revenue service in late 2026. Construction equipment would include excavators; graders; rubber-tired dozers; tractors; loaders; backhoes; cranes; forklifts; drill rigs; delivery, hauling and concrete trucks; and pumps. Consistent with the WSX SEIR, construction access would be from Osgood Road for construction on the east side of the BART alignment and from the new frontage road parallel to Washington Boulevard for the west side of the Station site.

Weekend and night-time construction are anticipated for much of the concourse and platform work to minimize conflicts with BART operations.

As a BART contract requirement and as described in the WSX SEIR, contractor work plans outlining specific personnel, equipment, materials, and timeframes required to conduct discrete tasks would be submitted to BART Operations in advance for coordination and approval. BART Operations staff would monitor all such work to ensure a safe working and operating environment. It is likely that at key times train movements would be single-tracked through the construction zone on a temporary basis so as to provide available work areas and safety buffer zones. The side platform configuration of this Station as well as the location of track crossovers to the north and south would both serve to ease the logistical challenges of a phased construction scenario.

BART would also prepare and implement a traffic management plan that defines how traffic operations, including construction equipment & worker traffic, and safe pedestrian and bicycle access are managed and maintained during each phase of construction. As described in the SEIR, the traffic management plan would be developed in consultation with stakeholders and would maintain access and parking for nearby businesses and residences. The plan would specify predetermined haul routes from staging areas to construction sites and disposal areas, as agreed upon with the City of Fremont. The routes would follow streets and highways that provide the safest route and have the least feasible impact on traffic.

Scope, market conditions, and project funding availability will be among the factors considered when determining how project construction contracts are formulated and executed. It is thus possible that the Station may be completed and opened in discrete phases over time. This condition could exist for months or even years until sufficient funding is identified to complete the project's buildout.

B. 2019 GALLEGOS WINERY SITE MODIFICATIONS

In the 2003 design, the Winery site was located adjacent to the Station site and integrated into Station parking proposed on the east side of Osgood Road. In the 2019 Modifications, the Winery site improvements are now separate from the 2019 Station since there are no longer any Station functions proposed east of Osgood Road.

The 2019 Modifications include BART's plans to preserve and stabilize the Gallegos Winery ruins and provide new pathways and a site overlook for visitor access to the site's historic features. Upon construction completion, the City of Fremont will take ownership of the Gallegos Winery ruins site, and subsequently may designate the Winery site as a City park. The WSX SEIR project description states the Gallegos Winery site would be incorporated into the Station concept without disruption to the winery ruins. The 2003 Gallegos Winery site improvements were not described in the WSX SEIR project description beyond it being included within the Station site boundary; however, Mitigation Measures A-7(b) and CR-5 included in the adopted MMRP require BART to preserve the

Winery structural remains, install fencing and signage, and develop detailed architectural and landscape plans to ensure preservation of the ruins and incorporation of the Winery site into the Station design.

> **Mitigation Measure A-7(b)** – Incorporate Gallegos Winery site into design of optional Irvington Station. In developing detailed architectural and landscape plans for the optional Irvington Station, BART will take the following mitigation measures.
>
> BART will work with the City of Fremont to ensure that the final designs are consistent with the city's goals for preserving the Gallegos Winery ruins.
>
> - The design and layout of the parking lot area east of Osgood Road will be designed so as to avoid physical encroachment on the Gallegos Winery ruins.
> - BART will work with the City of Fremont to develop design guidelines to ensure the final landscaping/plantings design of the parking lot and near the Gallegos Winery ruins are consistent with the visual resources of the immediate project vicinity.
> - Artificial lighting will be installed in a manner that minimizes spillover light, using such design features as capping, shielding, and ground-level bollards.
>
> **Mitigation Measure CR-5** – Preserve and interpret structural remains of Gallegos Winery and associated features. BART will not disturb the structural remains of the winery and retain as many of the historic palm trees as feasible. This way the site can be incorporated into the proposed optional Irvington Station walkway and parking lot. An appropriate barrier or fencing will be placed between the proposed walkway/parking lot and the structural remains so that the site is protected and also visible to the public. BART will also display an interpretive plaque or signage explaining the history and significance of the site nearby the winery ruins. The objective of this interpretive tool would be to increase local and regional public awareness of this historic site, as well as an awareness of BART's efforts to maintain the structural remains while preserving its essential historic character.

The proposed improvements to the Gallegos Winery site are consistent with this mitigation and no substantial modifications to the Gallegos Winery component are proposed. Rather, additional detail is now available. This Addendum considers the additional detail to determine whether new or substantially greater significant impacts would occur.

An overview of the Gallegos Winery site and relevant site conditions is provided below, followed by more details about the proposed improvements based on the details included in the Gallegos Winery Schematic Site Plan and Site Analysis Memorandum, dated November 13, 2018.

1. Gallegos Winery Site

The Gallegos Winery site is a large expanse of land located at the southeast corner of the intersection of Washington Boulevard and Osgood Road in Fremont, California, as described in the WSX EIRs. As shown in Figure 8, the Hayward Fault traverses the site from the southeast corner to the northwest corner. Since the WSX SEIR, the City of Fremont's Washington Boulevard and Paseo Padre Parkway Grade Separation Project was completed in 2010. Osgood Road and Washington Boulevard were widened and both roads were raised considerably to create a vehicular and pedestrian overpass over the UPRR and BART tracks. The Winery site remained at its original

Source: PGA Design , 2019.

Figure 8
Gallegos Winery Environmental Site Constraints

elevation, and the ground slopes up considerably to the north and west of the site to meet the roads. To accommodate the widening of Osgood Road for the Washington Boulevard and Paseo Padre Parkway Grade Separation Project, the City of Fremont moved a semi-circular grouping of palm trees approximately 50 feet east to their current location. These palm trees once formed the edge of a reflecting pool in front of the winery.

The total site area specific to the Gallegos Winery (and not the Station site area) has increased slightly from approximately 2.2 acres to 2.8 acres. The additional site area results from the 2019 Station design not including parking east of Osgood Road and south of the winery ruins as was proposed in the 2003 design. This modification allows more of the area to remain as part of the Winery site. The southern limit of the Gallegos Winery site is the approximate southern toe of the slope where a driveway ramp once served the Winery. Closer to Osgood Road, the site's proposed property line has been extended farther south to provide an ADA-accessible path and maintenance vehicle-only access from Osgood Road.

The site is a City-listed historic resource and is eligible for listing in the National Register of Historic Places (NRHP).[5] It is eligible for its association with persons of importance to local history (the Gallegos Family) and with events of importance, including the development of local agriculture in the Fremont-Irvington region. The remains of the Gallegos structure also retain sufficient integrity of design, workmanship, setting, and feeling to warrant listing. The remaining relocated palm trees as well as the remnants of the access road to the south of the winery are significant to the site and should be maintained. The site would be extensively photographed before, during, and after project implementation for historical record purposes.

The Gallegos Winery site is currently enclosed with BART-installed protective fencing. In a Memorandum of Agreement (MOA) between the Federal Transit Administration (FTA) and the California State Historic Preservation Officer (SHPO) for the WSX project, BART agreed to preserve the structural remains of the winery and historic palm trees, if feasible, pursuant to the Secretary of the Interior's Standards.[6] A Final Historic Properties Treatment Plan (HPTP) was prepared in 2007 as part of the MOA for the WSX project, but no specific plans for the Gallegos Winery were included. A subsequent HPTP for the Gallegos Winery is not required because no federal funding will be used for the 2019 Modifications. SHPO is aware that the 2019 Modifications would not use federal funding or permits and that the MOA has expired.[7] Furthermore, in a Letter of Intent to BART, the City of Fremont has agreed to own, manage, and maintain the Gallegos Winery site subject to City Council approval.[8]

[5] Bay Area Rapid Transit District, 2018. The Transbay Corridor Core Capacity Program: California State Transportation Agency Transit and intercity Rail Capital Program, 2018, January.

[6] Memorandum of Agreement for the BART WSX Project.

[7] BART, 2019. Written communication to Kathleen Forrest, Office of Historic Preservation. March 15.

[8] City of Fremont, 2017. Written communication to Val Menotti, Bay Area Rapid Transit District. November 21.

2. Design of Winery Improvements

The proposed schematic design is shown in Figure 9. It includes the preservation and enhancement of the winery walls, the remaining original grades of the road to the south of the winery ruins, and the semi-circle of historic palm trees. Curving pathways would allow visitors access to the site's important historic features from entrances on Washington Boulevard and Osgood Road. Interpretive panels and paving plaques along the pathways would describe the history of the site, specifically the winery and existing walls, graded drive, relocated palm trees, and the Hayward Fault. An observation area near the historic winery wall would allow visitors to observe the architecture of the rear and counterfort walls of the winery building from a safe distance of at least 15 feet and an overlook at the corner of Washington Boulevard and Osgood Road would provide expansive views of the site. Accessible spaces would be provided for sitting, picnicking, and other activities, and new trees and vegetation would be planted to interpret the Hayward Fault line and boundaries of the historic winery property. The median planting shown in the plan emulates the planting shown in "Photo 5" below.

Photo 5. Gallegos Winery and grounds (Von Buskuh (?) pre-1906).

Source: PGA Design, 2019.

Figure 9
Gallegos Winery Schematic Site Plan

In addition to Mitigation Measure A-7(b), improvements would comply with the design parameters and recommendations listed below to preserve the rich history of the Gallegos Winery and ensure safe and accessible views of the site. These design parameters and recommendations are further described in the Gallegos Winery Schematic Site Plan and Analysis Memorandum dated November 13, 2018 and compiled from the following documents: the Warm Springs BART Extension MMRP (2006), the City of Fremont's 2011 General Plan Community Plans Element, the 2017 Geotech Report (Arup), and the Alquist-Priolo Earthquake Fault Zoning Act. The final design must also conform to the regional stormwater requirements. In addition, BART intends to develop the final design to be consistent with the most current City Park Standards and Guidelines.

- 2006 Warm Springs BART Extension MMRP
  - Mitigation Measure CR-5—Preserve and interpret structural remains of Gallegos Winery and associated features
- 2011 City of Fremont General Plan, Community Plans Element
  - Implementation 11-6.9.B: Gallegos Winery Site
- 2017 Geotech Report
  - Preliminary design recommendations, GEO-1 thru GEO-6
- 2018 Gallegos Winery Schematic Site Plan and Site Analysis Memorandum design recommendations:
  - Design-1: Wall Preservation and Stabilization
  - Design-2: Semi-Circle of Palms
  - Design-3: Accentuation of Original Grades
  - Design-4: Historic Features
  - Design-5: Site Overlook
  - Design-6: New Plantings
  - Design-7: Lighting

3. Site Preparation

Site preparation would include erosion controls, vegetation control, and potential wall stabilization strategies. The preservation and stabilization of the historic winery walls would require geotechnical and structural engineering and future geotechnical exploration would be performed to inform the final strategies to stabilize and preserve the wall ruins.

The primary objective of the Winery wall stabilization is to safely retain and preserve the character of this historic resource consistent with the Secretary of the Interior's Standards for the Treatment (Preservation) of Historic Resources. A range of preservation and stabilization strategy options may be employed. For purposes of this Addendum, the potential consequences of options currently under consideration are evaluated. Final selection among the options will be considered during design and construction.

At a minimum, volunteer vegetation that is growing on or near the walls and whose presence threatens to further degrade the ruins would be strategically controlled and/or removed. Doing so

would offer a secondary benefit of enhancing the visibility of the ruins to visitors. Any cleaning of features, including graffiti removal, would be conducted with care using gentle solvents. Some loose or displaced bricks may be replaced and brickwork reconstructed where necessary for safety reasons. However, in general, no attempt would be made to repair or replace missing or damaged original brickwork or mortar.

Beyond vegetation removal, the walls themselves would be assessed for evidence of significant cracking and potential failure in response to passive earth pressures. If deemed appropriate, a variety of unobtrusive reinforcement options may be utilized to counter significant threats to the remaining structural integrity of the ruins. These options include epoxying of cracks and deteriorated mortar joints, introducing vertical or horizontal reinforcing elements via coring and epoxying or grouting, and installing steel reinforcement bars and anchors at critical locations where bending may occur or stress is concentrated. Due to the immediate proximity of the Hayward Fault, it is infeasible to fully protect the ruins from further seismic activity (either fault creep or fault rupture) while still preserving the historic integrity and authentic character of the site. To address risk of subsidence behind and above the walls, non-destructive techniques (e.g., ground penetrating radar) may be used to identify any voids which should then be filled with a suitable material. Unobtrusive erosion control features may be constructed both upslope and downslope to redirect surface runoff away from the ruins and prevent infiltration. The site will be extensively photographed before, during and after project implementation for historical record purposes.

C. APPROVAL OF MODIFICATIONS

The following discretionary approvals may be considered in association with the 2019 Modifications.

1. BART

- Consider Addendum 2 of the WSX SEIR and adopt the findings
- Adoption of the 2019 Irvington Station Site Plan Modifications to the WSX SEIR (2003).

2. City of Fremont

The 2019 Modifications do not trigger any required discretionary actions by the City of Fremont. The City of Fremont may rely on the WSX EIR, SEIR and this Addendum for CEQA compliance purposes if it elects to subsequently designate the Winery site as a City park.

Although not specific to the 2019 Modifications, it is noted that the City's General Plan Land Use Designation and Zoning for a portion of the Station site area are not Public Facility, which was also the case when the SEIR was certified. BART facilities are not subject to the City's land use and development standards for BART-owned property. However, the City may, at some point in the

future, modify the Station area's Land Use Designation and Zoning, so the entire Station area is designated and zoned for Public Facilities.

The Winery site's current Land Use Designation and Zoning is Public Facility, as it was when the SEIR was certified. Although the Public Facilities zoning standards do not specifically preclude a park, a more appropriate land use designation and zoning for this site would be Open Space - Park and Open Space, respectively. The City may also, at some point in the future, modify the Winery site's Land Use Designation and Zoning.

III. ENVIRONMENTAL ANALYSIS

This section provides an assessment pursuant to CEQA Guidelines Sections 15162 and 15164 of whether the proposed 2019 Modifications require any subsequent or supplemental environmental review and finds that no additional review is required. The findings of the assessment support that no subsequent environmental review is necessary.

The discussion for each topic begins with a summary of relevant impacts and mitigation measures from the WSX EIRs. The analysis considers whether new significant or substantially greater impacts, compared to those identified in the WSX EIRs would result from:

(1) the 2019 Modifications;
(2) new information that was not known and could have not been reasonably known at the time the prior EIRs were certified; or
(3) changes in the circumstances under which the 2019 Irvington Station and Winery components would be undertaken.

This Addendum relies on the 2006 MMRP (Appendix A) for the mitigation measures, but the impact discussions in each of the WSX EIRs were also carefully considered to inform conclusions. All mitigation measures listed conform to the numbering listed in the MMRP unless noted otherwise. The cross-reference to impact statements primarily utilize the numbering included in the SEIR as not all impacts are included in the MMRP given it focuses on mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

A. AESTHETICS

The WSX EIRs evaluated potential impacts to aesthetic resources and concluded that these impacts would be less than significant after implementing appropriate mitigation measures. The impacts potentially applicable to the Irvington Station and Winery components relate to temporary visual impacts caused by construction (SEIR Impact A6) and introduction of new elements, or demolition of existing structures, in the vicinity of the Gallegos Winery (SEIR Impact A7). The WSX EIRs did not find any significant cumulative aesthetic impacts related to the Irvington Station.

Implementation of MMRP Mitigation Measure A-6, which requires measures to conceal temporary construction, if feasible, and Mitigation Measure A-7, which requires the Gallegos Winery site to be planned for in the design of the Irvington Station, would reduce these potential impacts to a less-than-significant level. These mitigation measures would be applicable to the Irvington Station and Winery components, although most of Mitigation Measure A-7 has already been implemented. The

City and BART have worked together to ensure the Station design is compatible with the Winery ruins and the surrounding environment and have developed a schematic design for the Winery site.

Since preparation of the WSX EIRs, there have been no substantial adverse changes related to aesthetics that would substantially increase the severity of impacts identified in the WSX EIRs.

Compared to the 2003 design, the scope of the 2019 design remains a two-story at-grade, side-platform station, and a pedestrian bridge across the UPRR track to the west side of the Station site. The 2019 design is reduced in area as there are no improvements (i.e., surface parking) located east of Osgood Road. As such, the pedestrian bridge that extended to the east side of the Station site across Osgood Road in the 2003 design is no longer included. Instead, the pedestrian bridge to the east of the Station site would connect to the sidewalk along Osgood Road, near Washington Boulevard. The bridge would be substantially less noticeable than a bridge across Osgood Road. Further, similar to the 2003 design it would not block public views of any scenic vistas and would not generate substantial light or glare.

The Irvington Station could also include Photovoltaic (PV) solar panels on the Station roof. The PV panels themselves would be dark colored and non-reflective. The mounting frames for the panels are typically aluminum or a similar unpainted metal, which tends to oxidize and lose any sheen and reflectivity over time. The design and positioning of the panels has not been finalized, but the panel frames could either lay flat or stand approximately 3 feet high and would be angled anywhere from 0 to 40 degrees horizontally (depending on the final design). These PV panels would be a negligible visual addition to the structures and would not be incompatible with the Station structure or the surrounding area. The panels are not tall enough to block views of the surrounding hills and would not generate light. The projected low angles of the panels and the generally non-reflective material would minimize the potential for glare.

Electric vehicle (EV) charging stations would be located at all or some of the parking space in the Irvington Station parking areas. While the final design of these EV charging stations has yet to be determined, they would be typical of most parking structures and areas which feature such amenities.

The inclusion of solar or EV charging stations would result in a negligible visual addition to the Irvington Station parking areas. Neither would substantially impact scenic vistas, scenic resources, or the visual character of the area.

The proposed Gallegos Winery site improvements and modifications would ensure the preservation and enhancement of the site and its historic landscape features. Pursuant to Mitigation Measure CR-5 of the 2006 MMRP, the Gallegos Winery walls would be preserved, and a security fence would protect the structural remains. The WSX SEIR studied the aesthetic impacts of preserving the Winery site and ruins. The 2019 Modifications for the Gallegos Winery component are also consistent with the possibility that the City of Fremont subsequently may designate the Winery site as a City park. As mandated by Mitigation Measure A-7(b) of the MMRP, the landscaping would be

consistent with the visual resources of the immediate vicinity. The addition of amenities and landscaping to the Winery site is a small change compared to the 2003 design. Additionally, the proposed changes would enhance the visual quality of the area by clearing debris and implementing a professional landscape design.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to aesthetics would result from the 2019 Modifications and no new significant impacts or substantially more severe aesthetics impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe aesthetics impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

B. AIR QUALITY

The WSX EIRs evaluated potential impacts of the Irvington Station and Gallegos Winery components on air quality and developed mitigation measures to reduce the associated impacts to a less-than-significant level. The WSX EIRs did not find any significant cumulative air quality impacts related to the Irvington Station.

The WSX EIRs determined that potential operational impacts of the Irvington Station and Winery components would be less than significant, and no mitigation measures were required. Since the SEIR was certified, air quality has improved and there have been no other substantial adverse changes that would substantially increase the severity of impacts of the less-than-significant impacts identified in the WSX EIRs. Additionally, with a reduced site area and substantially less parking, the 2019 Station design would not increase the severity of any impacts. Rather, it would further minimize adverse impacts. The installation of PV solar panels would result in the conversion of solar energy to electricity, which would reduce the Irvington Station's dependency on fossil fuels for electricity generation. This would result in reduced overall pollutants from entering the atmosphere. The installation of EV charging stations at all or some of the parking spaces at the Irvington Station would not directly improve air quality but could indirectly, as drivers could be more encouraged to drive electric vehicles without having to worry about limited accessibility to a charging station for their vehicle. As a result, the scope of the 2019 Modifications are adequately addressed in the WSX EIRs and no new significant or substantially more severe impacts are anticipated.

Related to construction, the WSX EIRs identified one potentially significant impact related to the temporary increase in construction-related emissions during grading and construction activities for the Irvington Station (SEIR Impact AIR 12). However, with implementation of MMRP Mitigation Measure AQ1, which requires the implementation of dust and vehicle emissions control measures, this impact would be reduced to a less-than-significant level. This mitigation would apply to the 2019 Modifications.

Since preparation of the SEIR, the Bay Area Air Quality Management District (BAAQMD) adopted new CEQA Guidelines in 2017 that require impacts related to construction emissions of criteria pollutants and toxic air contaminants (TACs) to be analyzed quantitatively at the project-level. The quantification of construction impacts was not previously required and thus are not quantified in the SEIR. BART has committed to using Tier 4 engines for all off-road diesel construction equipment to further reduce pollutant emissions to the maximum extent possible. Tier 4 engines have incorporated best available control technologies into their design to reduce emissions. BAAQMD has stated that use of Tier 4 equipment is adequate mitigation to support a less-than-significant impact finding for TACs and cancer health risks related to construction. The 2019 Modifications' construction emissions would be substantially lower than the emissions previously analyzed for the Irvington Station and, therefore, impacts related to emissions of criteria air pollutants and TACs would be less than significant.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to air quality would result from the 2019 Modifications and no new significant impacts or substantially more severe air quality impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe air quality impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

C. GREENHOUSE GAS EMISSIONS

Greenhouse gas (GHG) emissions were not analyzed in a standalone chapter in either the WSX EIRs. Instead, GHG impacts were analyzed in Impact AIR-11 in the Air Quality chapter of the SEIR and found to have a beneficial impact in reducing GHG emissions. The SEIR found an overall reduction in vehicle miles traveled (VMT) and GHG emissions with the implementation of the Irvington Station.

The current standard practice for GHG emissions analysis is to quantify GHG emissions from a proposed project. However, because the traffic analysis demonstrates that the Irvington Station would result in an overall reduction in VMT compared to the no-project scenario, which is consistent with the WSX EIRs, updated analysis is not warranted. The Irvington Station would facilitate the transport of more people in electric trains rather than gasoline- and diesel-powered personal vehicles and is therefore beneficial to reducing GHG emissions. In addition, and as noted in Section B. Air Quality, the installation of PV solar panels would result in reduced overall pollutants entering the atmosphere and the installation of EV charging stations at all or some of the parking spaces at the Irvington Station would encourage drivers to drive electric vehicles. These measures would further prove to be beneficial to reducing GHG emissions.

The BAAQMD has updated the CEQA Guidelines regarding project-level GHG analysis since the certification of the WSX SEIR. In addition, the significance criteria for GHG emissions have also been updated by the Governor's Office of Planning and Research to require the 2019 Modifications'

consistency with the applicable GHG emissions reduction planning documents. The WSX EIRs did not evaluate the Irvington Station's consistency with an adopted GHG Reduction Strategy.

In 2006, State legislation passed the California Global Warming Solutions Act (AB 32), which requires the California Air Resources Board (CARB) to develop and implement regulatory and market mechanisms that will reduce GHG emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. In November 2012, the City of Fremont adopted a Climate Action Plan (Climate Action Plan) that sets a goal of 25 percent reduction in the City's GHG emissions by 2020, from a 2005 baseline. This is more ambitious than the State's goal. The Fremont City Council has not adopted a longer-term emission reductions goal, such as the 2050 target in AB 32.[9] However, the 2019 Modifications would be consistent with overall goals of Fremont's Climate Action Plan by facilitating public transit via access to BART thereby reducing overall VMT by personal vehicles compared to the no-project scenario. Therefore, impacts related to conflicting with AB 32 or the Fremont Climate Action Plan would be less than significant.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to GHG emissions would result from the 2019 Modifications and no new significant impacts or substantially more severe GHG emissions impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe GHG emissions impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

D. BIOLOGICAL RESOURCES

The WSX EIRs determined that potential impacts to biological resources could occur during construction and operation of the Irvington Station. Biological impacts potentially applicable to the Irvington Station and Winery components relate to the loss of ruderal forb-grassland habitat (SEIR Impact BIO21), removal of protected trees (SEIR Impact BIO22), noise disturbance of nesting raptors at the Station site (SEIR Impact BIO23), and the potential loss of ruderal forb-grassland habitat (SEIR Impact BIO-Cume6).

Implementation of mitigation measures specified in the 2006 MMRP would reduce operational and construction-related impacts to less-than-significant levels. Mitigations Measures BIO-4(a) and 4(b), which require development of a tree survey to identify protected trees that could be removed or damaged, and if applicable, replacement trees to be planted, would be required for the 2019 Modifications. Noise disturbance of nesting raptors would be reduced by MMRP Mitigation Measure BIO-9, which requires a preconstruction survey for nesting raptors and establishment of measures to avoid or minimize impacts if special-status raptors are present. The WSX SEIR identified the loss of ruderal forb-grassland habitat as a considerable contribution to the ongoing

[9] City of Fremont, 2012. City of Fremont Climate Action Plan. November.

regional loss of habitat and was considered a significant and unavoidable cumulative impact (Impact BIO-Cume6). Given that there is no longer any surface parking proposed east of Osgood Road, the loss of ruderal forb-grassland would almost be eliminated. As a result, the Irvington Station would no longer result in a considerable contribution to this impact.

A biological field survey was conducted on February 28, 2019 to confirm that site conditions have not substantially changed and that development of the 2019 Modifications would not impact any new special status species that were not identified in the SEIR or have been federally listed since 2003. The results of the survey are summarized below and provided in full in Appendix B.

The Irvington Station and Gallegos Winery sites include two habitat types: (1) non-native grassland or ruderal habitats comprised of primarily non-native and weedy herbaceous plants and grasses, and (2) urban or developed habitats including developed areas for commercial uses, track areas within the railroad right-of-way or concrete slabs and associated areas of landscaping vegetation.

Grasses and herbaceous plants provide minimal nesting and roosting sites for birds, and cover and foraging habitat for species of birds, mammals, reptiles and amphibians. A number of wildlife species were documented at the site during the field survey; however, all species documented are common in the region and would be expected in the habitats present at the site.

No raptors were observed during the survey. The only special status species of animal noted in the CNDDB near the subject property with a potential for occurrence at the site are the Burrowing Owl and California tiger salamander (CTS).

Construction of the 2019 Modifications is scheduled for 2022, which would be 15 years after the City of Fremont Grade Separation Project's filling of the CTS breeding pond and 18 years after trapping and relocation of both larval and adult CTS from the pond. No CTS are expected to be present in the area during the construction period, and CTS would not be encountered during construction of the Station facilities. However, with implementation of MMRP Mitigation Measures BIO-12(a) and 12(b), which require implementing measures to avoid, minimize, and compensate for disturbance of California red-legged frog and CTS habitat at the South Tule Pond and New Marsh and compensating for permanent and temporary impacts to California red-legged frog and CTS habitat at the South Tule Pond and Fremont Central Park, this would ensure no CTS are harmed by the 2019 Modifications.

Although the 2019 Modifications' site is less than optimal for supporting burrowing owl, the presence of burrowing owl during construction is possible, especially since the species has nested in the general area. However, with implementation of MMRP Mitigation Measures BIO-3 and BIO-8, which require implementing on- and offsite replacement of Western Burrowing Owl habitat, and preconstruction surveys for nesting and wintering Burrowing Owls, this would ensure no Burrowing Owls are harmed by the 2019 Modifications.

Additionally, the reduced footprint of the Station site, the preservation of a larger portion of the Gallegos Winery site, and the elimination of any surface parking east of Osgood Road would reduce the extent of disruption to potential wildlife habitat. The PV solar panels and EV charging stations installed at the Irvington Station would be placed on planned structures or within paved areas. All related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater Station construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe biological impacts not already identified.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to biological resources would result from the 2019 Modifications and no new significant impacts or substantially more severe biological resources impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe biological resources impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

E. CULTURAL RESOURCES

The WSX EIRs evaluated potential impacts to cultural resources for the Irvington Station and Winery components and concluded that impacts could be mitigated to less-than-significant levels. The SEIR identified Impact CR6 related to adverse effects to the Gallegos Winery site, a historical resource under CEQA, during operation of the Irvington Station. The SEIR found that this impact would be mitigated to a less-than-significant level with implementation of Mitigation Measure CR-6(a),[10] which requires subsurface archeological testing, and, if warranted by the testing, implementation of Mitigation Measure CR-6(b), which requires data recovery in the area around the Winery. The WSX EIRs did not find any significant cumulative cultural resource impacts related to the Irvington Station.

In compliance with Mitigation Measure CR-6(a), a qualified archaeologist conducted a focused subsurface testing program for the Irvington Station study area (including the parking facility and a 15-foot surrounding buffer zone). The study, Archaeological Testing at The Gallegos Winery, Washington Boulevard and Osgood Road Fremont Grade Separation Project Fremont, California, was prepared by William Self Associates, a consultant to the City of Fremont, in July 2003 (see Appendix C). The results of both the shovel probes and the auger bores proved negative and the study concluded that neither the Irvington Station or the Winery improvements should impact any subsurface cultural materials or historic features. Because subsurface testing did not find subsurface cultural materials or historic features, Mitigation Measure CR-6(b) of the SEIR would not apply to the 2019 Modifications.

[10] This mitigation measure is not included in the 2006 MMRP.

Related to historic resources, the EIS also identified Impact CR-6 the potential impact on a significant architectural resource, the Ford House (41753 Osgood Road) that was previously included in the 2003 Station footprint. Given the reduced Station footprint included in the 2019 Modifications, the Ford House is no longer within the Station site. As a result, this impact is no longer applicable.

The EIS also identified an impact related to potential impact on structural remains of Gallegos Winery and associated features (EIS Impact CR5). The adopted MMRP includes Mitigation Measure CR-5, preserve and interpret structural remains of Gallegos Winery and associated features. The 2019 Gallegos Winery design includes preservation of the ruins. Interpretive panels and paving plaques would describe the history of the site, specifically, the winery and existing walls, graded drive, relocated palm trees, and the Hayward Fault which runs through the site.

The PV solar panels and EV charging stations installed at the Irvington Station would be placed on planned structures or within paved areas. Installation of PV solar panels would take place after construction of the supporting structures, and therefore would not require any subsurface ground disturbance. All other related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater project construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe cultural resources impacts not already identified.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to cultural resources would result from the 2019 Modifications and no new significant impacts or substantially more severe cultural resources impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe cultural resources impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

F. ENERGY

The WSX EIRs considered the energy required for both operation and the construction of the Irvington Station and the Gallegos Winery site improvements as summarized below. Since the SEIR was prepared, the California Title 24 Building Energy Efficiency Standards have been modified to require additional efficiency measures. The 2019 Modifications would be required to comply with these more advanced efficiency measures (under Title 24) and, therefore they would not result in any substantial increase in the severity of impacts identified in the SEIR. There have been no other substantial adverse changes related to energy required to operate the Station that would substantially increase the severity of impacts identified in the WSX EIRs.

For operations, the WSX EIRs found that the Irvington Station would beneficially provide an alternative means of transportation to individuals along the project corridor and result in a net reduction in automobile and bus VMT and energy necessary to meet the regional energy demand. The SEIR identified two beneficial operational impacts of the Irvington Station related to overall energy usage (SEIR Impact E5) and regional energy supply and capacity (SEIR Impact E6).

The 2019 Modifications could require less energy compared to what was assumed in the SEIR. This is because the California Title 24 Building Energy Efficiency Standards have improved since the SEIR was prepared. Furthermore, with the reduced Station footprint, less lighting would be needed for parking areas with the 2019 Modifications, and LED lighting would be used. Similar to the Irvington Station analyzed in the SEIR, the 2019 Modifications would provide an alternative means of transportation to driving (i.e., public transit) to individuals and result in a net reduction in VMT. BART would also pursue the installation of solar panels on the Station site, including on the Station roof, and EV charging stations in the parking areas, which would further reduce the use of nonrenewable energy sources. Therefore, impacts related to overall energy usage and regional energy supply and capacity would remain beneficial.

The SEIR also identified the effects of operation on peak- and base-period electricity demand for the station and the greater WSX project and found that impacts to peak-demand on the electricity generating system were anticipated to be less than significant but impacts to peak-demand on the transmission system was potentially significant and unavoidable (SEIR Impact E7). This is mainly because the transmission capabilities of some portions of the State's electrical grid have occasionally not been adequate to transmit electricity at a rate that satisfies the quantities of electricity demanded. This could also occur during operation of the 2019 Modifications and would be a potentially significant impact. Because no mitigation is available to reduce this impact to a less-than-significant level, it is considered significant and unavoidable, which is consistent with the findings of the SEIR.

For construction, the WSX EIRs conservatively identified Impact E8 related to effects of the Irvington Station (and the Winery) on the consumption of nonrenewable energy resources and recommended Mitigation Measure E-4 (see MMRP Mitigation Measure E-8 refers to E-4), which requires a construction energy conservation plan. The scope of the construction activity for the 2019 Station, compared to the SEIR assumptions, would be substantially reduced given the significant reduction in the Station site area and vehicle parking spaces. The scope of construction for the Winery component improvements is similar to what was assumed in the SEIR (see MMRP Mitigation Measures A-7(b) and CR-5). Construction activities under the 2019 Modifications would also be required to comply with Mitigation Measure E-4, construction energy conservation plan, which consistent with the WSX findings would reduce impacts associated with construction to a less-than-significant level.

The WSX EIRs did not find any significant cumulative energy impacts related to the Irvington Station.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to energy would result from the 2019 Modifications and no new significant impacts or substantially more severe energy impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe energy impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

G. SOILS, GEOLOGY, AND SEISMICITY

The WSX EIRs evaluated the WSX project including the Irvington Station and Winery components and found significant impacts related to: 1) earthquake-induced ground shaking and ground rupture (EIR Impact 1A); 2) fault creep within the Hayward fault zone (EIR Impact 1B); 3) expansive soils (EIR Impact 1C); 4) compressible soils (EIR Impact 1D); 5) slope instability in excavations and during construction (EIR Impact 1E); and 6) increased exposure of people to seismic hazards due to increased or higher density population near the Hayward Fault Zone (EIR Impact 1F, a cumulative impact). Mitigation measures are identified to reduce each of these impacts to a less-than-significant level. Since preparation of the SEIR, there have been no substantial adverse changes related to soils, geology or seismicity that would substantially increase the severity of impacts identified in the WSX EIRs. In addition, the WSX EIRs did not find any significant cumulative soils, geology, and seismicity impacts related to the Irvington Station.

With a smaller footprint for the 2019 Station and the minimal improvements proposed for the Winery site, no new significant impacts are anticipated as a result of the 2019 Modifications, and previously identified impacts are not anticipated to become more severe. MMRP Mitigation Measure G-7, related to expansive soils and G-11 and G-12, related to paleontological resources would be applicable to the Irvington Station and Winery components.

The PV solar panels and EV charging stations installed at the Irvington Station would be placed on planned structures or within paved areas. Installation of PV solar panels would take place after construction of the supporting structures, and therefore no local geological and soil conditions would affect panel installation. All related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater Station construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe geological resources impacts not already identified.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to soils, geology, and seismicity would result from the 2019 Modifications and no new significant impacts or substantially more severe soils, geology, and seismicity impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe soils, geology,

and seismicity impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

H. HAZARDS AND HAZARDOUS MATERIALS

The WSX EIRs evaluated potential impacts to hazards and hazardous materials and concluded that there would be no significant impacts related to project construction and operation specific to the Irvington Station that were not already addressed as part of the extension of the BART to the Warm Springs Station.

Related to construction of the Irvington Station and the Winery, the WSX EIRs found that previous uses of the Irvington Station site may have resulted in the release of hazardous materials into the soil or groundwater and that construction may result in exposure of workers or the public to these materials resulting in adverse health effects (SEIR Impact HazMat 4). To mitigate significant impacts associated with exposure to hazardous materials during construction, BART would develop a soil management plan for approval by the appropriate regulatory agencies (MMRP Mitigation Measure HazMat-3).

There are several hazardous materials release sites within or directly adjacent to the Irvington Station site. There are two closed leaking underground storage tank (LUST) cases within the Station site boundary (the former Tri-City Rock site and the Beacon 12673 site), and one just south of the Station site boundary (Mission Valley Equipment site). There is also an open LUST case (at the former Fremont Lumber Company site), and an active voluntary cleanup case (BART Warm Springs Extension) within the Irvington Station site.

Soils contaminated with metals (including arsenic which was commonly used as an herbicide along railroad corridors) and organic compounds including polycyclic aromatic hydrocarbons (PAHs), diesel, and motor oil was identified during the Washington Boulevard and Paseo Padre Parkway Grade Separation project adjacent to and within the Irvington Station site area, and soil contaminated with metals, pesticides, and PAHs is present within the BART corridor within the Irvington Station site. Soil excavation and grading could expose workers and the public to contaminated soil if excavation encounters contaminants historically released on-site or from nearby known or suspected hazardous materials release sites. Implementation of MMRP Mitigation Measure HazMat-3 would reduce this impact to a less-than-significant level.

The proposed PV panels do not contain any hazardous materials, and conventional construction methods would be used for installation of the panels. The PV solar panels and EV charging stations installed at the Irvington Station would be placed on planned structures or within paved areas. All related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater Station construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any

new significant or more severe impacts related to hazards or hazardous materials not already identified.

The WSX EIRs did not find any hazards or hazardous materials significant impacts specifically related to operation of the Irvington Station or Gallegos Winery improvements. Additionally, no significant cumulative impacts were identified.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to hazards and hazardous materials would result from the 2019 Modifications and no new significant impacts or substantially more severe hazards and hazardous materials impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe hazards and hazardous materials impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

I. HYDROLOGY AND WATER QUALITY

The WSX EIRs considered the hydrology and water quality impacts related to both operation and the construction of the Irvington Station and the Winery as summarized below.

For operation, the WSX EIRs found the increase in impervious surface associated with the Irvington Station would decrease the amount of rainfall expected to infiltrate into the ground and cause higher peak flows from drainage areas resulting in a potentially significant impact (SEIR Impact H12) that could be mitigated to a less-than-significant level with implementation of MMRP Mitigation Measure H-1, design and implement a storm water management system convey storm water that does not exacerbate upstream or downstream flooding conditions.

The scope of the 2019 Station, compared to the SEIR assumptions, is substantially reduced given the significant reduction in the Station site area and vehicle parking spaces significantly decreasing the impervious area of the 2003 design. Consistent with Mitigation Measure H-1, BART would prepare a storm water management plan for the Irvington Station.

As stated in the Mitigation Measure H-1, approval of the storm water management system by the Alameda County Flood Control District (ACFCD) is required to ensure that station operation would not exacerbate either upstream or downstream flooding. In addition, the 2019 Modifications would comply with the following drainage design requirements:

- Onsite drainage system will meet BART Facilities Standards (BFS) design requirements;
- Hydraulic discharge will comply with ACFCD and City of Fremont requirements;
- Treatment and hydromodification will meet the Phase II Small MS4 Permit requirements for stormwater treatment facilities and hydromodification.

Since the WSX EIRs were prepared, the State's regulations related to storm water have been modified. The SWRCB permits all regulated construction activities under Order No. 2009-0009-DWQ (effective July 1, 2010), which requires, prior to beginning any construction activities, that the permit applicant obtain coverage under the Construction General Permit (CGP) by preparing and submitting a Notice of Intent to the SWRCB, and preparing and implementing a Storm water Pollution Prevention Plan (SWPPP) in accordance with the CGP requirements for all construction activities disturbing one or more acres of land surface.

BART is a Permittee under the SWRCB NPDES General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Phase II Small MS4 Permit) (Order No. 2013-0001-DWQ), which went into effect July 2013. Phase II of the Municipal Separate Storm Sewer Systems (MS4) Permit—referred to as the Small MS4 Permit (SWRCB Order Number 2013-0001-DWQ, NPDES General Permit Number S000004)—contains specific actions necessary to reduce discharge of pollutants into storm water to the maximum extent practicable, in a manner designed to achieve compliance with specific water quality standards and objectives under the Clean Water Act (CWA) and the California Water Code. Phase II differs from Phase I in that it applies to special districts and other non-traditional entities, such as parks departments, universities, and the military. BART is a non-traditional permittee under the Small MS4 Permit.

The Irvington Station would create over 10,000 square feet of impervious surface and would therefore be considered a Regulated Project. Regulated Projects are required to implement low impact development (LID) source control, site design, and to treat stormwater onsite or at a joint stormwater treatment facility. Hydromodification management (required for projects that create and/or replace one acre or more of impervious surface) would also be required for implementation by keeping post-project peak runoff rates at pre-project rates. In addition, since the Station construction would involve more than one acre of earth-disturbing activities, coverage under the SWRCB Construction General Permit to Discharge Storm Water Associated with Construction Activity, would be required. Compliance with Mitigation Measure H-1 and these standards would ensure that the impacts of the Irvington Station and the Winery components would be less than significant.

Installation of PV solar panels and EV charging stations would not increase the amount of impervious surface or add any materials that would affect water quality. All related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater Station construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe hydrological impacts not already identified.

For construction, the WSX EIRs, did not identify any significant impacts specific to the Irvington Station or Winery components. Additionally, the WSX EIRs did not find any significant cumulative hydrology and water quality impacts.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to hydrology and water quality would result from the 2019 Modifications and no new significant impacts or substantially more severe hydrology and water quality impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe hydrology and water quality impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

J. LAND USE AND PLANNING

The WSX EIRs evaluated potential impacts to land use and planning and concluded that these impacts would be less than significant, and that no mitigation measures would be needed.

The WSX SEIR found the Irvington Station and the Gallegos Winery components to be consistent with approved City of Fremont and BART plans and policies.

The allowable density of housing near the Irvington Station has increased since the certification of the SEIR in association with the City of Fremont's 2011 General Plan update. The development of the Station or Gallegos Winery improvements under these changed conditions would not lead to any new significant land use or planning impacts (i.e., physical division of an existing community, a conflict with an applicable land use plan or policy adopted to mitigate a physical environmental effect), as described in the City's General Plan Update EIR.[11]

The PV solar panels and EV charging stations are passive structures that are ancillary to the Station. All related facilities would be installed within the existing Station footprint, and thus would not require use of any ground not already paved or disturbed as part of the greater Station construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe land use and planning impacts not already identified.

As described in Section II, the preservation of the Gallegos Winery site and associated improvements were considered in the SEIR at a general level. The 2019 Modifications provide more detail regarding the improvements, in compliance with Mitigation Measure A-7(b). The improvements would not result in any significant land use or planning impacts (i.e., physical division of an existing community, a conflict with an applicable land use plan or policy adopted to mitigate a physical environmental effect).

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to land use would result from the 2019 Modifications and no new significant impacts or substantially more severe land use or planning impacts would result from changed

[11] City of Fremont, 2011. Fremont Draft General Plan Update Draft Environmental Impact Report, Chapter 4: Environmental Analysis, Section A: Land Use, pp. 4-20–4-21.

circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe land use or planning impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

K. NOISE AND VIBRATION

The WSX EIRs evaluated potential impacts to noise and vibration for both operation and construction. Since the SEIR was prepared, there have been no substantial adverse changes related to noise or vibration that would substantially increase the severity of impacts identified in the WSX EIRs. In fact, technology advancements have enabled BART to change the surface of train wheels to reduce noise from BART trains.[12]

The WSX EIRs identified three significant impacts related to operation of the Irvington Station including: 1) exposure of noise-sensitive uses to noise levels in excess of BART operational noise criteria from train passby (Table 3.10-3 of the SEIR) (SEIR Impact N1); 2) exposure of vibration-sensitive uses to vibration levels in excess of BART operational vibration criteria from train passby (Table 3.10-6 of the SEIR) (SEIR Impact N2); and 3) exposure of noise-sensitive uses to noise levels in excess of BART operational noise criteria from ancillary facilities (Table 3.10-4 of the SEIR) (SEIR Impact N3). MMRP Mitigation Measures N-1 and N-2, which require noise- and vibration-reducing measures at sensitive land uses along the WSX corridor, were implemented when BART service was extended to the Warm Springs/South Fremont Station. The SEIR required a noise barrier on the west side of the Station site, and a soundwall was built there as part of BART's Line, Track, Station and Systems (LTSS) Contract. In order to implement the 2019 Modifications, the soundwall would be removed and functionally replaced by the southbound platform itself. Mitigation Measure N-3, which requires any ancillary facilities to be designed so that noise generated by these facilities does not exceed BART operational noise limits for ancillary facilities specified in Table 3.10-4 of the SEIR, is applicable to the Irvington Station and would mitigate the noise impact from ancillary facilities to a less-than-significant level.

During operation of the 2019 Irvington Station and Winery components, operational noise would also come from the train dwelling at the Station and from public address (PA) systems. BART PA announcements are low-usage noise effects designed to alert passengers of a train coming into the Station or of other information related to train schedules. Rail transit dwelling would generate approximately 70 dBA Lmax at 50 feet.[13] In addition, BART requires the PA system to achieve an average of 20 dBA plus or minus 3 dB (i.e., 17 to 23 dBA) above background ambient noise level at

[12] BART, 2019. New Train Car Project: FAQ. Accessed March 7. https://www.bart.gov/about/projects/cars/faq

[13] Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123, Table 4-24. September.

five feet above floor level.[14] Based on the noise contours for the year 2030 in the City of Fremont General Plan, traffic noise levels are approximately 60 dBA Ldn at the 2019 Irvington Station and Winery component sites.[15] Therefore, the PA system would be required to generate approximately 77 to 83 dBA Lmax at five feet above floor level. It is conservatively assumed that the PA system would generate up to 83 dBA Lmax near the train track within the 2019 Irvington Station and Winery components boundary. The SEIR analyzed train passby noise levels of 84 dBA Lmax and concluded that Mitigation Measure N-1 (which requires placement of noise-reducing measures such as noise barriers and strategically-placed sound insulation), would mitigate the noise impacts caused from train passby to a less-than-significant level. Because rail transit dwelling noise and noise from the highest PA system would be below 84 dBA Lmax, the noise-reducing measures in Mitigation Measure N-1 would also mitigate the noise impacts from rail transit dwelling and PA system to less-than-significant levels (this determination is consistent with the SEIR). The Station's side platforms and associated walls would also function as noise barriers. The WSX EIRs did not find any significant impacts related to cumulative operational noise or vibration.

Related to construction, the WSX EIRs identified two potentially significant impacts including: 1) exposure of noise-sensitive uses to noise levels in excess of BART construction noise criteria (Table 3.10-5 of the SEIR) (SEIR Impact N4) and 2) exposure of vibration-sensitive uses to vibration levels in excess of BART construction vibration criteria (80 VdB for more than 1 hour per day, 90 VdB for less than 1 hour per day, or 100 VdB for less than 10 minutes per day, or the peak particle velocity damage threshold of 0.2 inches per second for fragile buildings or structures) (SEIR Impact N5).

MMRP Mitigation Measure N-4 would mitigate the potential noise impacts related to construction to a less-than-significant level. Mitigation Measure N-4(a) and (b) requires:

- the employment of noise-reducing construction practices such that construction noise does not exceeds BART construction noise criteria specified in Table 3.10-5 of the SEIR;
- disseminating essential information to residences; and
- implementation of a complaint response/tracking program.

MMRP Mitigation Measure N-5, which requires the employment of vibration-reducing construction practices such that construction vibration does not exceed BART construction vibration criteria described above, would reduce the construction-related noise and vibration impacts to a less-than-significant level.

The PV solar panels and EV charging stations do not move and do not generate any noise or vibration. Some construction would be required to install the solar panels and charging stations, but the amount of additional work required to construction these components would be minor

[14] BART, 2017. Facilities Standards, Standard Specifications, Section 27 31 17, Public Address System. Issued January.

[15] City of Fremont, 2011. A Vision for Fremont's Future General Plan 2030. Chapter 10 Safety. December.

compared to the major construction required to build the Irvington Station. Therefore, the installation and operation of the PV solar panels and EV charging stations would not create any new significant or more severe impacts related to noise and vibration not already identified.

The WSX EIRs did not find any significant impacts related to cumulative construction noise or vibration.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to noise and vibration would result from the 2019 Modifications and no new significant impacts or substantially more severe noise and vibration impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe noise and vibration impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

L. POPULATION, ECONOMICS, AND HOUSING

The WSX EIRs evaluated potential impacts to population, economics, and housing and concluded that implementation of the Irvington Station component would result in potentially significant impacts related to permanent displacement of existing businesses or housing located within the footprint of the station design (SEIR Impact POP10), temporary disruption of the physical arrangement of existing communities in the vicinity of the Station site (SEIR Impact POP12) and restricted access/egress to/from and reduced parking for existing businesses (SEIR Impact POP14 and POP Cume4). Mitigation measures were recommended and then adopted to reduce these impacts to a less-than-significant level.

The 2019 Modifications include a significantly smaller Station footprint and as a result zero residences will be displaced and one only one business (National Trench Safety, listed as United Rentals in the SEIR), compared to four businesses and eleven residences that would have resulted from implementation of the 2003 Station design. BART would comply with applicable state acquisition and relocation laws and MMRP Mitigation Measure POP-3 to ensure that the business displaced by the Station is compensated for its property and provided relocation assistance, reducing this impact to a less-than-significant level.

Mitigation Measure POP-7 would ensure that BART develops and implements a traffic and access control plan in consultation with the City of Fremont, local business associations, and local neighborhood and homeowners' associations. In adherence to Mitigation Measure POP-Cume 2, BART would work with the City of Fremont and entities constructing nearby projects to adjust its Traffic Management Plan if there is overlapping construction traffic from other projects in the area. Implementation of these mitigation measures would reduce impacts related to disrupting the existing community and restricting access to existing businesses to a less-than-significant level.

Additionally, the smaller footprint and reduced scope of the Station design would incrementally reduce the level of significance of this impact.

Operation of the PV solar panels and EV charging stations would not require any human operators, and therefore would not result in permanent employment. Construction employment to install the PV solar panels and EV charging stations would be minimal and short-term. Therefore, the installation of these facilities would not create any new significant or more severe population, economics, and housing impacts not already identified.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to population, economics, and housing would result from the 2019 Modifications and no new significant impacts or substantially more severe population, economics, and housing impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe population, economics, and housing impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

M. PUBLIC SERVICES AND UTILITIES

The WSX EIRs analyzed potential impacts of the WSX project on public services and utility systems and found that all impacts, could be mitigated to a less-than-significant level and that no significant cumulative impacts would occur. The Irvington Station was not evaluated independent of the Warm Springs Station.

The impacts that are applicable to the Irvington Station and Winery components include: (1) potential disruptions of utilities related to the operation of the Station (MMRP Impact UPS-2); (2) construction-related service interruptions to communication utilities, sewer lines, and petroleum pipelines (MMRP Impact UPS-4) and (3) impacts on local community safety services (MMRP Impact SS-1). The SEIR did not include any supplementation to the Utilities and Public Services analysis of the EIR.

The EIR identified points of conflict with Hetch Hetchy water pipelines, electrical transmission lines, natural gas lines, sewer feeder lines, petroleum pipelines, communications conduits, and Alameda County Water District (ACWD) water lines due to construction and operation of the WSX project. There are conflict points on or near the Station or Winery sites, including a minor sewer feeder line and Kinder Morgan petroleum pipeline that follows Driscoll Road from Mission Boulevard to just north of Washington Boulevard, where it crosses the UPRR track and runs parallel to the east side of the former Southern Pacific railroad tracks. Compliance with California Government Code Sections 4216-4216.9 and implementation of MMRP Mitigation Measures UPS-1, UPS-3, UPS-4, and UPS-5, which require coordination with utility and service providers and maintenance of appropriate clearances between BART facilities and utility equipment. Additionally, BART would comply with Mitigation Measure UPS-2, associated with Impact 9A of the EIR, which protects metal

utility pipes from stray electrical currents related to BART operation, and this would ensure that any disturbance to utilities during construction activities and operation would be less than significant. Furthermore, numerous public and private utilities were protected and/or relocated for the WSX project, consistent with MMRP Mitigation Measures.

Although there would be increasing demands on utility services, the EIR stated that utility services were expected to meet demands with planned improvements, and conservation efforts. The water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy needs associated with the 2019 Modifications are consistent with the project analyzed in the EIR. The 2019 Modifications would not involve construction of new structures requiring water or wastewater service and would not change water demand or wastewater generation associated with the Irvington Station or Winery components analyzed in the EIR. The 2019 Modifications would not create an expansion of population that would require the need for, or provision of, expanded utilities or services. In fact, the 2019 Modifications would reduce the footprint of the Irvington Station substantially, which would decrease the demand for utilities. The demand for utility service that would be created by the Gallegos Winery improvements is no more than what would have been required to serve the Station parking, pedestrian walkway, and taxi/kiss-and-ride space east of Osgood Road proposed in the 2003 design and analyzed in the SEIR. Furthermore, all on-site utilities would be designed in accordance with applicable codes and current engineering practices.

The PV solar panels and EV charging stations would be installed on BART property. PV solar panels generate DC power that would be converted to AC power on the BART side of a metered connection to PG&E. The energy generated by the PV systems would provide much of the daytime electrical power needed for the station. At times the generation will exceed the Station load and the excess would be fed back into the local grid as it is generated. Installation of the PV solar panels and EV charging stations would not require use of any ground not already paved or disturbed as part of the greater project construction effort. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe public services and utilities impacts not already identified.

Specific to services, the EIR found impacts to emergency response systems (MMRP Impact SS-1) to be less than significant with mitigation. The mitigation measures include increased BART staffing in the safety and police departments (Mitigation Measure SS-2b), giving the Fremont Fire Department and BART safety engineers the opportunity to review engineering plans (Mitigation Measure SS-1), and training the Fremont Fire Department on the new stations and extended alignment (Mitigation Measure SS-1).

As described in the EIR, BART would assume responsibility for law enforcement at Irvington Station, but the WSX project would also increase calls for back-up support from the Fremont Police Department and would increase calls for service at traffic accidents on streets providing access to the new Station site. Similarly, the EIR found that operation of the WSX project would increase the demand for paramedic emergency services. The final Gallegos Winery site would conform to the

most current City Park Standards and Guidelines, Fire Code, and other applicable regulations to ensure first responders and law enforcement can serve the site Consistent with the EIR, the 2019 Modifications would not interfere with emergency response.

Consistent with the findings of the WSX EIRs, no new significant impacts or substantially more severe impacts related to public services and utilities would result from the 2019 Modifications and no new significant impacts or substantially more severe public services and utilities impacts would result from changed circumstances under which the 2019 Modifications would be implemented. Furthermore, no new significant impacts or substantially more severe public services and utilities impacts would result from new information that could have not been reasonably known at the time the WSX EIRs were certified.

N. TRANSPORTATION

The WSX EIRs evaluated potential ridership of the WSX project and impacts to freeways, local streets, intersections, local transit operations, parking availability and spillover, pedestrian and bicycle circulation, and construction impacts. Impacts relevant to the 2019 Modifications that were identified in the WSX SEIR included deterioration of level of service (LOS) and volume-to-capacity (V/C) ratios for local roadway segments under 2010 and 2025 conditions (Impacts TRN11, TRN12, TRN13, TRN14, TRN15 TRN16, TRN17, TRN18, and TRN19), deterioration of LOS and V/C ratios for Metropolitan Transportation System roadways under 2010 and 2025 conditions (Impact TRN21), spillover parking in residential or commercial areas (Impacts TRN24 and TRN-Cume9), construction-period traffic impacts (Impact TRN26), and cumulative V/C and LOS impacts to intersections and roadways (Impacts TRN-Cume4, TRN-Cume5, TRN-Cume6, and TRN-Cume7). Implementation of mitigation measures identified in the SEIR would reduce impacts to less-than-significant levels, with the exception of V/C and LOS 2010 conditions at Osgood/Durham Road/Auto Mall Parkway; 2010, 2025, and cumulative conditions at Mission Boulevard/Warm Springs Boulevard; and 2025 conditions at northbound I-880 south of Mission Boulevard, which were found to be significant and unavoidable. The SEIR also concluded that Irvington Station would reduce overall traffic congestion on State highways, which the SEIR identified as a beneficial impact (Impact TRN22).

A Traffic Impact Study (TIS)[16] was conducted for the 2019 Modifications and can be found in Appendix D. Based on the TIS, the Station would result in 3,700 weekday BART boardings in 2040 with the Silicon Valley Extension Project (SVRTC). The forecasts also indicate that the Station would result in a net daily reduction of 65,700 vehicle miles travelled (VMT). The calculations of the net reduction in VMT account for the following: VMT would decrease from users traveling on BART instead of driving to and from their destination; VMT would increase from users driving to BART for park-and-ride trips; VMT would increase from users driving to BART for passenger pick-up/drop-off

[16] Fehr and Peers, 2019. Irvington BART Station: Transportation Impact Study. July.

trips, including TNCs; and VMT would decrease from users that were already traveling on BART shifting to the Irvington Station.

The CEQA Guidelines addressing transportation impacts were recently revised and certified by the Natural Resources Agency in December 2018. CEQA Section 21099(b)(1) provides that "[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay… shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." New CEQA Guidelines Section 15064.3 provides that, except for roadway capacity improvements, "a project's effect on automobile delay shall not constitute a significant environmental impact" and does not identify any locations where automobile delay should continue to be considered significant. Moreover, Guidelines Section 15064.3(b) provides that "Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact."

In general, CEQA Guidelines 15007(b) provides that: "New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." CEQA Guidelines Section 15064.3(c) provides that the changes to treatment of transportation impacts apply "as described in section 15007" and a "lead agency may elect to be governed by the provisions of this section immediately." Since adoption of the 2019 Modifications constitutes a further step in the CEQA process for the Project, CEQA Guidelines Section 15064.3 applies to this Addendum. The Project qualifies as a transportation project that reduces VMT, as documented by the TIS, which found that the proposed Irvington Station would result in a net daily VMT reduction of 65,700 miles. Therefore, the Project is presumed to cause a less-than-significant transportation impact.

For comparison to the SEIR data, the TIS also analyzed the 2019 Modifications using LOS methodology. The TIS evaluated traffic congestion impacts at 16 intersections and found that 8 of the intersections would operate at LOS levels E or F under 2040 conditions regardless of the Station. Based on changed conditions, implementation of the 2019 Modifications would reduce the delay at two intersections which are projected to operate at LOS E or F in 2040 regardless of the Irvington Station or the Winery site improvements:

- Fremont Boulevard-Union Street/Washington Boulevard/Bay Street
- Fremont Boulevard/Blacow Road

At the Fremont Boulevard-Union Street/Washington Boulevard/Bay Street intersection, traffic associated with the Irvington Station would cause an increase in the average intersection delay by more than four seconds during the AM peak hour. The TIS determined that this impact would be mitigated to a less-than-significant level by adjusting signal timing parameters and coordinating the signal timing changes with adjacent intersections that are in the same signal coordination group. This mitigation measure is identified as Mitigation Measure 1 in the TIS.

At the Fremont Boulevard/Blacow Road intersection, traffic associated with the Irvington Station would cause an increase in the average intersection delay by more than four seconds during the AM peak hour. The TIS determined that this impact would be mitigated to a less-than-significant level by adjusting signal timing parameters and coordinating the signal timing changes with adjacent intersections that are in the same signal coordination group. This mitigation measure is identified as Mitigation Measure 2 in the TIS.

While the two Mitigation Measures identified in the TIS are not required since a VMT analysis is now applied to transportation projects which results in a less-than-significant transportation impact for this Project. BART will work with the City to implement the signal timing changes at the two intersections to assist with traffic flow.

The PV solar panels and EV charging stations installed at the Irvington Station would not affect any aspects of the ridership or access to or from the station. They would be placed on planned structures or within paved areas. No parking spaces would be lost as a result of installation of either of these components. Delivery of these components and on-site construction would be a very small portion of the overall construction effort for the station and construction within the project corridor. Therefore, the installation of the PV solar panels and EV charging stations would not create any new significant or more severe transportation impacts not already identified.

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