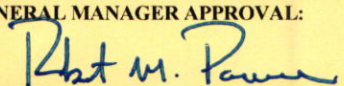
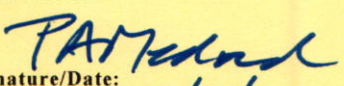
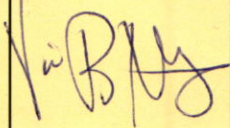
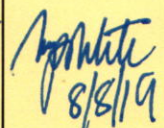
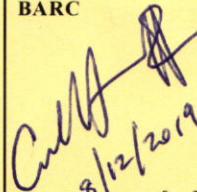




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  14 Aug 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Medved Dept: Planning, Development & Construction  Signature/Date: 8/8/19	General Counsel  8/8/19 []	Controller/Treasurer  8/8/19 []	District Secretary []	BARC  8/12/2019 []

IRVINGTON STATION MODIFICATIONS AND ADDENDUM 2 TO THE WARM SPRINGS BART EXTENSION FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

PURPOSE:

To consider Addendum 2 to the Final Supplemental Environmental Impact Report (FSEIR) pursuant to the California Environmental Quality Act (CEQA) for the Warm Springs BART Extension (WSX Project), evaluating the potential environmental effects of modifications to the optional Irvington Station in the WSX Project (Irvington Station Modifications); adopt the attached Resolution finding that a subsequent or supplemental environmental impact report is not necessary and adopting the Irvington Station Modifications as considered in Addendum 2.

DISCUSSION:

The potential environmental effects of the WSX Project were first evaluated in a Final Environmental Impact Report (FEIR) that was certified by the BART Board of Directors on September 15, 1992 for the purposes of evaluating environmental impacts under the California Environmental Quality Act (Public Resources Code Section 21000, et seq.). The WSX Project, which at that time included two stations to be located in the Irvington and Warm Springs districts of Fremont, was adopted but did not go forward because of financial and other constraints.

Following the passage of Measure B by Alameda County voters in 2000, the WSX Project's scope was substantially modified. Among the modifications, the Irvington Station became an optional station subject to the City of Fremont identifying funding. The modified WSX Project, including the optional Irvington Station, was studied in the Final Supplemental

Environmental Impact Report (FSEIR), which was certified on June 26, 2003 when the modified WSX Project and a Mitigation Monitoring and Reporting Plan (MMRP) were adopted by the BART Board of Directors. On or about the same time the Board of Directors also authorized the General Manager to enter into agreements with affected public agencies, utilities and property owners and acquire property in support of the WSX Project.

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 on October 24, 2006. The MMRP was revised in September 2006 following publication of the FEIS.

On December 6, 2012, the Board of Directors considered the first Addendum to the FSEIR and adopted modifications to the WSX Project related to the addition of photovoltaic (PV) panels to several structures at the Warm Springs/South Fremont Station and elsewhere within the WSX Project.

As described in the 2003 FSEIR and 2006 FEIS, the optional Irvington Station would be a two-story, side-platform station located just south of Washington Blvd approximately mid-way along the WSX alignment between the Fremont and Warm Springs/South Fremont Stations. The platforms would be located on either side of the at-grade BART trackway, and the concourse, located directly overhead, would be connected to three entry plazas offering multi-modal access to the station from both east and west sides. Pedestrian overpasses of a UPRR freight track to the west and of Osgood Road to the east were also included. Along with a full suite of station access provisions, a total of 960 parking spaces would be provided. The 2003 modified WSX Project also included mitigation measures associated with the preservation and interpretation of the remnants of the historic Gallegos Winery site located just to the east of Osgood Road and the documentation, rehabilitation and adaptive re-use of the Ford House located on Osgood Road south of Washington Blvd.

Beginning in 2001 with an exchange of letters between the City of Fremont and BART, and thereafter in two Letters of Intent and four separate formal agreements, including the 2009 Comprehensive Agreement between BART and the City of Fremont Relating to the WSX Project, the City and BART have committed to prepare for and pursue the construction of the Irvington Station as part of the WSX Project if and when funding is identified by the City. In 2011 the City revised its General Plan to include a Transit Oriented Development (TOD) "Overlay" in the vicinity of the station site and attempted to fund the station using Redevelopment (RDA) funds. However, plans to utilize RDA funding had to be abandoned when the State of California subsequently revoked the RDA authority from cities statewide. The City then worked closely with BART and the Alameda County Transportation Commission (Alameda CTC) to identify the necessary funding. In 2014 Alameda County voters passed Measure BB which included \$120 million specifically designated for the Irvington Station. By virtue of these sustained coordination efforts, as well as other

funding from the City of Fremont, when the Warm Springs Extension opened for passenger service on March 25, 2017, it did so with elements of infrastructure (steel sleeves positioned beneath the trackway so as to accommodate foundation tie-beams and personnel access) already in place to help facilitate construction of the future Irvington Station on an "infill" basis.

In 2017, BART and the City began to take a fresh look at the 2003 Irvington Station concept plan with the intent of making the Irvington Station more responsive to current policy objectives and project requirements. These include improved adherence to the BART Station Access Policy as adopted by the BART Board in 2016, input received from BART Operations staff, consultations with the BART Accessibility Task Force, and feedback received from the BART Board of Directors following staff presentations given on May 10, 2018 and June 13, 2019. Important public feedback was received via three community meetings, two on-line surveys and multiple stakeholder meetings, including with the Irvington Business Association and the City of Fremont Bicycle and Pedestrian Technical Committee. Chief among the public concerns were traffic safety and congestion as well as parking impacts, particularly on residential streets.

As a result, the Irvington Station Modifications include a number of important modifications: improved pedestrian and bicycle access and safety, more efficient passenger pick-up and drop-off arrangements, a reduction in automobile parking from 960 spaces to 225-275 spaces, the addition of a new aerial walkway directly connecting the concourse to the sidewalk running along the west side of Osgood Rd, and creating a single paid area within the concourse to better control fare collection activities. Eliminating the remote parking lot to the east also eliminated the need for a pedestrian overpass over Osgood Rd, both of which will improve the cost effectiveness of the Irvington Station while still meeting ridership objectives. The City is in the process of developing an overall parking management plan to prevent spillover station parking in nearby areas. This plan will include a Residential Parking Permit Program for use in surrounding neighborhoods as well as other tools such as meters, short term parking spaces, and signage appropriate to non-residential areas. The Irvington Station Modifications will also require acquisition of substantially less private property than the 2003 Irvington Station design (3 parcels vs. 17), thus eliminating the impact to the historic Ford House, lessening impacts to the historic Gallegos Winery site and providing more opportunity for transit oriented development (TOD) adjacent to the station site. In addition, the City also prepared and, on July 16, 2019, the City Council approved a Station Area Plan with the goal of improving overall connectivity to the Irvington Station and guiding development consistent with its General Plan update of 2011.

In drafting Addendum 2, BART environmental consultants and BART staff revisited the analyses conducted in the 1992 FEIR, 2003 FSEIR, 2006 FEIS, and first Addendum and evaluated the Irvington Station Modifications for all the required categories of impact (aesthetics, air quality, greenhouse gas emissions, biological and cultural resources, energy, seismicity, hydrology and water quality, land use and planning, transportation, etc.). The

analysis did not identify any substantial changes to the affected environment; any new significant or substantially increased environmental effects not already identified in the previous environmental documents, or any change in the feasibility or effectiveness of previously identified mitigation measures. Based on the evaluation presented in Addendum 2, there is no substantial evidence, in light of the whole record, that the conditions outlined in Section 15162 of the CEQA Guidelines requiring a subsequent EIR are met. Therefore, an EIR addendum is appropriate.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

Per the 2009 WSX Comprehensive Agreement between BART and the City of Fremont (the "Comprehensive Agreement") and the 2017 Irvington Station Letter of Intent between BART and the City of Fremont, the City of Fremont remains responsible for identifying and securing all capital funding necessary to design and construct the Irvington Station. The Comprehensive Agreement further confirms that "BART and the City also acknowledge and agree that, following completion of construction of the WSX Project, BART will assume all operation and maintenance responsibilities for all BART-owned facilities", including the Irvington Station.

ALTERNATIVES:

The alternative is not to adopt the Irvington Station Modifications. In that case, design of the Irvington Station would proceed based upon the station concept plan included in the WSX Project as previously approved by the Board of Directors in 2003.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion:

MOTION:

Having reviewed and considered the information contained in Addendum 2, the 1992 FEIR, 2003 FSEIR, 2006 FEIS and First Addendum, the BART Board of Directors hereby:

Adopts the attached Resolution in the matter of making CEQA findings and adopting modifications to the Irvington Station, Warm Springs Extension Project (WSX Project).

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the Matter of Adopting the Irvington Station Modifications to the Warm Springs Extension Project (WSX Project)

Resolution No. _____

WHEREAS, BART constructed a 5.4-mile extension of the BART system from the existing Fremont Station to the new Warm Springs/South Fremont Station (WSX Project or Project), which opened for passenger service on March 25, 2017; and

WHEREAS, since its initial adoption by the Board of Directors in 1992, the WSX Project has included plans for a second station to be located midway along the Project alignment in the Irvington district of Fremont (Irvington Station); and

WHEREAS, in 2002 the Board of Directors authorized the General Manager to enter into agreements with affected public agencies, utilities and property owners in support of the WSX Project; and

WHEREAS, in 2003 the Board of Directors adopted a revised WSX Project, which included the Irvington Station as an unfunded optional station, and authorized the General Manager to acquire the property necessary to construct the WSX Project; and

WHEREAS, on numerous occasions beginning in 2001, BART and the City of Fremont (City) have documented their mutual interest in letters, Letters of Intent and in formal Agreements, including the 2009 Comprehensive Agreement Between BART and the City Relating to the WSX Project, for BART to construct the Irvington Station should funding be identified by the City; and

WHEREAS, as a result of this sustained interagency cooperation and coordination, certain activities were performed, and physical elements constructed, which were paid for by the City and performed by BART, so as to enable the future addition of the Irvington Station in a cost-effective manner; and

WHEREAS, the City has since worked with BART and Alameda County Transportation Commission (Alameda CTC) to secure \$120 million in funding for the Irvington Station, a named project in Measure BB which was passed by Alameda County voters in November of 2014; and

WHEREAS, the City, as the Sponsoring Agency, with cooperation and assistance from BART, the Implementing Agency, has assumed responsibility for identifying and securing any

additional funding necessary for the Irvington Station's complete buildout, which may be phased until such additional funding becomes available; and

WHEREAS, Alameda CTC has, to date, entered into project funding agreements with the City for scoping, planning and environmental analyses, and with BART for design of the Irvington Station and preparation of property appraisals; and

WHEREAS, on July 16, 2019 the Fremont City Council approved a Station Area Plan for the Irvington Station to guide nearby development based upon the General Plan update of 2011 and committed to closing sidewalk gaps, implementing its planned pedestrian and bicycle improvement projects in the station area and aggressively seeking funding for the East Bay Greenway and Sabercat Trail projects, two extensive Class 1 trails that will connect the Irvington Station to locations north, south and east of the station, including Ohlone College; and

WHEREAS, BART and the City intend to enter into a further Comprehensive Agreement pursuant to which the Irvington Station and surrounding access infrastructure will be built or completed; and

WHEREAS, the potential environmental effects of the WSX Project were first evaluated in a Final Environmental Impact Report (FEIR) that was certified by the Board of Directors on September 15, 1992 for the purposes of evaluating environmental impacts under the California Environmental Quality Act (CEQA); and

WHEREAS, the Project was not constructed at that time and the Project was revisited and reevaluated in a Final Supplemental Environmental Impact Report (FSEIR), which was certified on June 26, 2003, when the WSX Project, including the optional Irvington Station, and a Mitigation Monitoring and Reporting Plan (MMRP) were adopted; and

WHEREAS, 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) Evaluation (FEIS) for the WSX Project in June 2006 and issued a Record of Decision on October 24, 2006; and

WHEREAS, Section 15164 of the CEQA Guidelines allows a lead agency to prepare an addendum to a previously certified EIR, rather than a subsequent EIR (SEIR), if some changes or additions to a project are necessary, as long as none of the conditions described in Section 15162 requiring the preparation of a SEIR have occurred. Section 15162 states that, when an EIR has been certified, no SEIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that 1) there are substantial changes proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the in the severity of previously identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken

which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the in the severity of previously identified significant effects; or 3) there is new information of substantial importance, which was not known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that shows any of the following: a) the project will have one or more significant effects not discussed in the previous EIR; b) significant effects previously examined will be substantially more severe than shown in the previous EIR; c) mitigations measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponents decline to adopt the mitigation measure or alterative; and

WHEREAS, no federal funds are being contributed toward the WSX Project, no additional federal environmental evaluation is necessary at this time; and

WHEREAS, BART staff has revisited the analysis conducted in the 1992 FEIR, 2003 FSEIR and the first Addendum and evaluated the potential effects of the Irvington Station Modifications as described in Addendum 2, surrounding circumstances, and new information; and

WHEREAS, based upon the evaluation, none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a SEIR have occurred; and therefore, an addendum is appropriate: and

WHEREAS, CEQA Guidelines Section 15164(d) provides that the lead agency's decision-making body shall consider Addendum 2, together with the FSEIR, FEIR and first Addendum prior to making a decision on the Irvington Station Modifications.

THEREFORE, BE IT RESOLVED that the BART Board of Directors, having reviewed and considered the information contained in Addendum 2 and the FSEIR, FEIR and first Addendum for the WSX Extension Project:

1) Finds that, on the basis of substantial evidence contained in Addendum 2, the FSEIR, FEIR and First Addendum and in light of the whole record, that:

- a) there are no substantial changes proposed in the Irvington Station Modifications that will require major revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b) there are no substantial changes with respect to the circumstances under which the Irvington Station Modifications are undertaken which will require major revisions of the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

c) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FSEIR was certified, showing that:

- i) the Irvington Station Modifications will have one or more significant effects not discussed in the FSEIR;
- ii) significant effects previously examined will be substantially more severe than shown in the FSEIR;
- iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce significant effects of the Irvington Station Modifications but the project proponent declines to adopt the mitigation measure or alternative; or
- iv) mitigation measures or alternatives considerably different from those analyzed in the FSEIR would substantially reduce significant effects on the environment but the project proponent declines to adopt the mitigation measure or alternative; and

2) Adopts the Irvington Station Modifications as considered in Addendum 2; and

3) Authorizes staff to implement the Irvington Station Modifications, subject to funding availability as identified and secured by the City of Fremont.

Attachment: Addendum 2

FSEIR, FEIR and First Addendum are located here:

<https://www.bart.gov/about/projects/wsx/environmental>