

## 4.12 LAND USE

### 4.12.1 INTRODUCTION

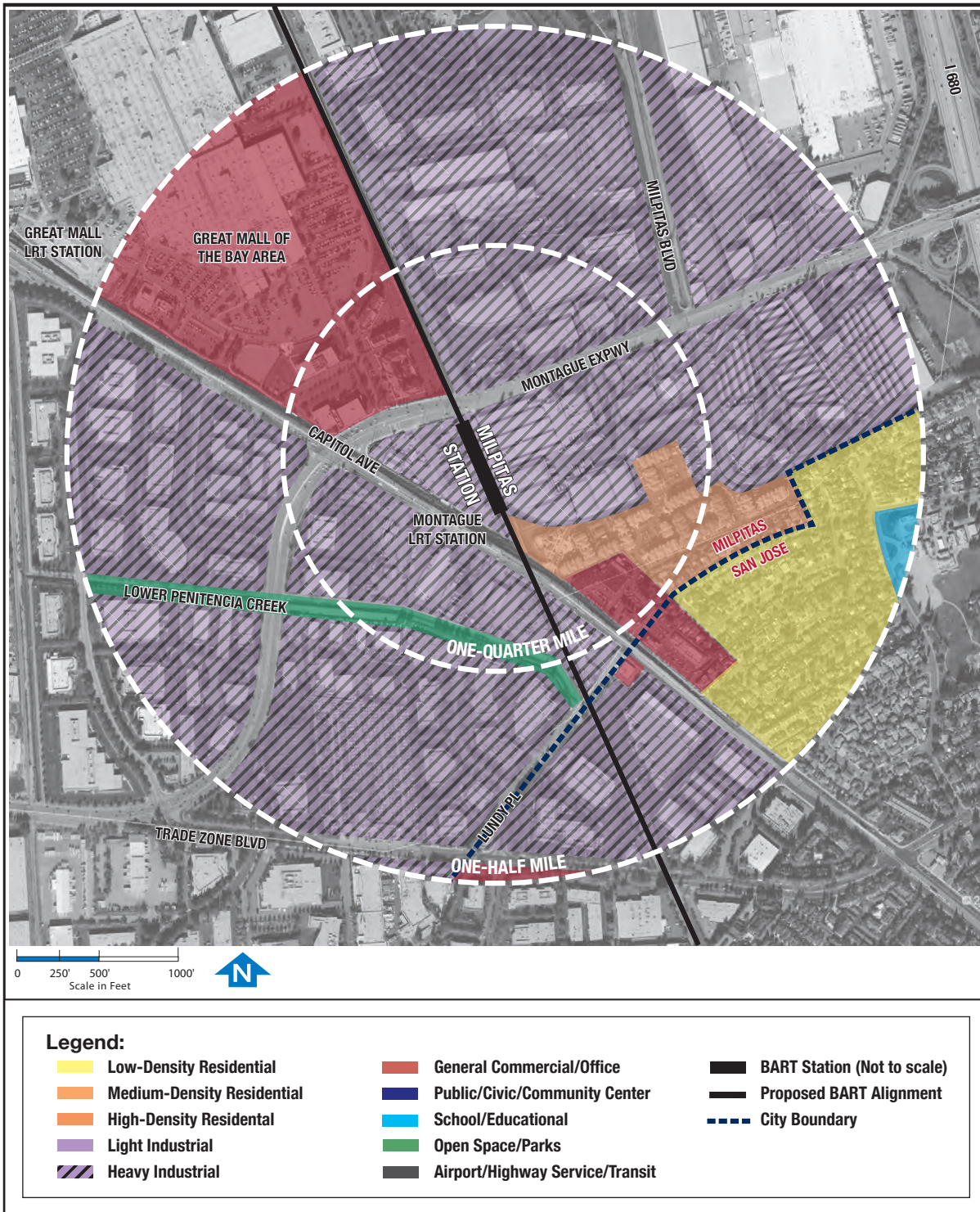
This section provides relevant updates to information presented in the FEIR and SEIR-1 related to land use and the consistency of Phase 1 with local and regional planning policies. A discussion of changes to the environmental setting, as well as new plans and policies that have been adopted since certification of the SEIR-1 is also included.

### 4.12.2 ENVIRONMENTAL SETTING

New land uses or changes to existing land uses in the Phase 1 area since certification of the FEIR and SEIR-1 are discussed below for each city.

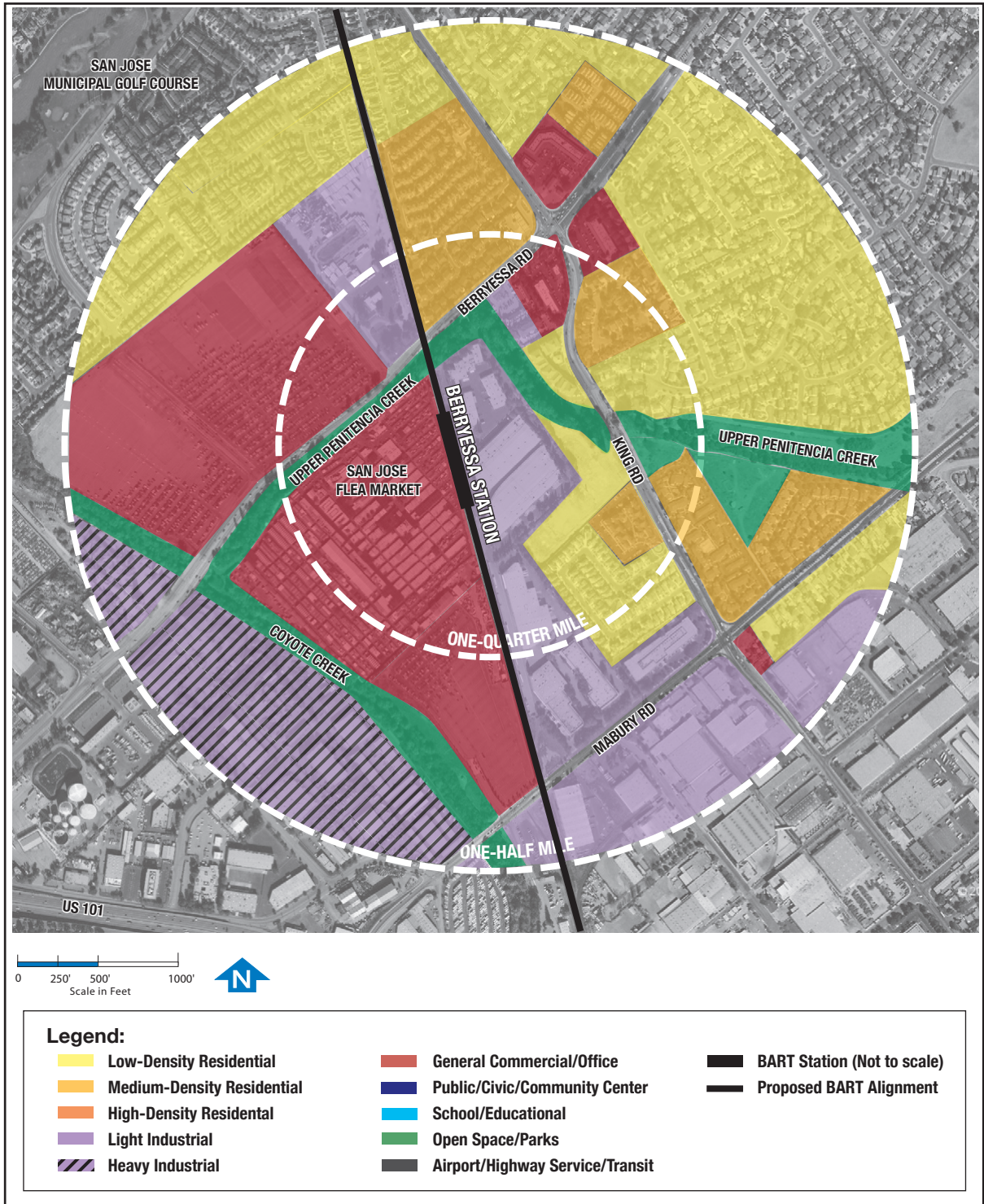
**Figures 4.12-1** and **4.12-2** show existing land uses at the station sites. Current land uses along the corridor are also evident on the plan and profile drawings in **Appendices B** and **C**. Existing land uses are described using the following standard categories:

- Low-density residential: Single-family and one- or two-story housing units.
- Medium-density residential: Apartments, condominiums, and duplex buildings.
- High-density residential: Residential buildings over three stories in height.
- Light industrial: Industrial parks, research and development, and automotive repairs.
- Heavy industrial: Manufacturing warehouses, industrial plants, and freight facilities.
- General commercial/office: Offices, business parks, small businesses, restaurants, clothing stores, and other vendors of general consumer goods.
- Public/civic/community center: Public venues and government-related buildings.
- School/educational: Colleges, universities, and other schools.
- Open space/parks: Public parks, waterway corridors, and other undeveloped areas.



Source: City of San Jose, 2006.

Figure 4.12-1: Milpitas Station Existing Land Uses



Source: City of San Jose, 2006.

Figure 4.12-2: Berryessa Station Existing Land Uses

- Airport/highway service/transit: Transit-related buildings and areas.

#### **4.12.2.1 City of Fremont**

##### **Alignment**

The Phase 1 portion of the alignment in Fremont extends from the approved BART Warm Springs Station to just north of Dixon Landing Road. The land uses along this area are primarily light industrial and office. Residential uses are located east of the alignment, south of Kato Road.

#### **4.12.2.2 City of Milpitas**

##### **Alignment**

The description presented in the FEIR and SEIR-1 of land uses adjacent to the Phase 1 portion of the alignment in Milpitas has not changed.

##### **Station Locations**

###### ***Milpitas Station Area***

In the FEIR, the Milpitas Station was referred to as the Montague/Capitol Station. The existing land uses surrounding the Milpitas Station site have changed since certification of the FEIR and SEIR-1; the updated environmental setting is described below.

The Milpitas Station site is to the south of the Great Mall in Milpitas. **Figure 4.12-1** shows the location of the Milpitas Station site and the surrounding land uses. Land uses surrounding the station site are primarily light industrial and are dominated by a number of trucking companies and related facilities. There are commercial and educational uses to the northwest and southeast of the Milpitas Station, and light industrial uses to the northeast just south of Montague Expressway. Two Marriott hotels are located north of the station site adjacent to Montague Expressway at the Great Mall. The VTA light rail line passes to the west along Capitol Avenue, with light industrial uses beyond to the southwest. A vacant lot is situated approximately ¼ mile south of the Milpitas Station along Capitol Avenue. There is medium-density residential development immediately east of the proposed station and low-density residential development directly east of the medium-density residential area.

#### **4.12.2.3 City of San Jose**

##### **Alignment**

In the FEIR, the San Jose alignment was referred to as Segment 2. The description of land uses adjacent to the Phase 1 portion of the alignment in San

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Jose has been updated since certification of the FEIR and SEIR-1. The following description of land uses within San Jose appends the discussion provided in the FEIR and SEIR-1.

Industrial uses dominate the landscape on both sides of the alignment from Berryessa Road to US 101. The land use south of Las Plumas Avenue and east of North Kind Road is primarily residential; south of Lower Silver Creek the land uses are a mix of both industrial and residential.

### **Station Locations**

#### ***Berryessa Station Area***

The description of land uses adjacent to the Berryessa Station area has not changed since certification of FEIR and SEIR-1. **Figure 4.12-2** shows the existing land uses surrounding the Berryessa Station site.

### **4.12.3 REGULATORY SETTING**

Section 4.12 of the FEIR, and as updated by Section 4.11 of the SEIR-1, provided a description of local and regional plans and policies applicable to Phase 1. These local and regional plans and policies include:

- City of Fremont General Plan
- Fremont’s 2025 Bicycle and Pedestrian Master Plan
- City of Milpitas General Plan
- Milpitas Midtown Specific Plan
- Milpitas Transit Area Specific Plan
- Focus on the Future San Jose – 2020 General Plan
- City of San Jose Riparian Corridor Policy Study
- Strategy 2000 – The Greater Downtown San Jose Strategy for Development (February 2001)
- Santa Clara County General Plan – Charting a Course for Santa Clara County’s Future: 1995 – 2010
- The East County Area: A Portion of the Alameda County General Plan (Volume 1 – Goals, Policies, and Programs 2002)
- VTA Community Design and Transportation Program

- Metropolitan Transportation Commission (MTC) – 2001 Regional Transportation Plan for the San Francisco Bay Area
- MTC – Transportation for Livable Communities and Housing Incentive Program
- MTC – Supportive Land Use Policies from the Transportation and Land Use Platform
- Association of Bay Area Governments (ABAG) – Focusing Our Vision: Smart Growth and Sustainable Development
- BART Strategic Plan; A New Era of Partnership
- BART System Expansion Policy Criteria

#### **4.12.3.1 Local Development Plans and Policies**

Local development plans and policies that have been updated since certification of the SEIR-1 are described below.

##### **Warm Springs BART Area Specific Plan**

The Warm Springs BART Area Specific Plan is a comprehensive planning effort to determine the future development of this portion of Fremont. Since certification of the SEIR-1, the City of Fremont has prepared an *Existing Conditions/Analysis Report*, which is the first stage in preparing the Specific Plan for the area around the approved BART Warm Springs Station. The report also provides baseline information on existing conditions within and adjacent to the proposed study area and discusses preliminary planning issues relevant to preparing a specific plan. Subsequent stages will include the preparation and evaluation of alternative development scenarios for the area, and a final description of a preferred plan, guidelines and implementation approach. An EIR will be prepared on the Specific Plan to identify any impacts of the plan and required mitigations. The entire process associated with preparation of the Specific Plan and associated EIR is anticipated to take approximately two years.

#### **4.12.3.2 Regional Development Plans and Policies**

Updates to regional development plans and policies since certification of the SEIR-1 are discussed below.

##### **Valley Transportation Plan (VTP 2035)**

Since the certification of the SEIR-1, VTA developed VTP 2035, a countywide transportation plan that includes policies and programs for roadways, transit, Intelligent Transportation Systems, bicycle and pedestrian facilities, and land

use. The goal of the VTP 2035 is to provide “sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our [Santa Clara Valley] region.”

### **2009 Regional Transportation Plan for the San Francisco Bay Area (T-2035)**

As stated in the FEIR and SEIR-1, the MTC is responsible for developing a program of projects for the Regional Transportation Plan (RTP), a master strategy for rail and bus transit expansion in the Bay Area. It is the responsibility of MTC to review requests from local agencies for state and federal grants for transportation projects to evaluate their compatibility with the RTP. Since the certification of the SEIR-1, MTC has published a 2009 update of the RTP for proposed transit projects. According to MTC’s 2009 update of the RTP of proposed transit projects, the BART extension to San Jose, which includes Phase 1, has been identified as a priority project, which is a level of funding priority. The criteria used to evaluate proposed for the RTP include the following goal, which is directly relevant to the land use implications of Phase 1:

- Community Vitality – Promote vital and livable communities.

### **Resolution No. 3434**

Resolution No. 3434 was not discussed in the FEIR or SEIR-1. On November 9, 2001, the MTC’s Planning and Operations Committee released for public comment an updated criteria evaluation and a recommended program of rail and transit projects. Resolution No. 3434, detailing a list of priority projects and funding agreements, was adopted on December 19, 2001.

Resolution No. 3434 identifies nine new rail extensions, significant service expansions to existing rail lines, a comprehensive regional express bus program, new ferry service, and eight enhancement programs to existing rail and bus corridors. The BART extension to San Jose is identified in Resolution No. 3434 as a priority project.

Resolution No. 3434’s transit-oriented development (TOD) policy addresses multiple goals: improving the cost-effectiveness of regional investments in new transit expansions, easing the Bay Area’s chronic housing shortage, creating vibrant new communities, and helping preserve regional open space. The policy ensures that transportation agencies, local jurisdictions, members of the public, and the private sector work together to create development patterns that are more supportive of transit.

There are three key elements of the regional TOD policy:

- Corridor-level thresholds to quantify appropriate minimum levels of development around transit stations along new corridors;

- Local station area plans that address future land use changes, station access needs, circulation improvements, pedestrian-friendly design, and other key features in a TOD; and
- Corridor working groups that bring together congestion management agencies, city and county planning staff, transit agencies, and other key stakeholders to define expectations, timelines, roles, and responsibilities for key stages of the transit project development process.

#### **4.12.4 PROJECT IMPACTS AND MITIGATION MEASURES**

This subsection evaluates the compatibility of the design changes with existing land uses, describes the consistency of Phase 1 with relevant local and regional planning policies, and discusses the impacts of the design changes on community cohesiveness. Residential and nonresidential relocations associated with the design changes are discussed in **Section 4.15, Socioeconomics**, of this SEIR-2.

##### **4.12.4.1 Compatibility with Existing Land Uses**

Five of the 23 design changes relate to compatibility with existing land uses. Information regarding the compatibility of Phase 1 with respect to noise/vibration and visual quality/aesthetics is provided in **Section 4.13, Noise and Vibration**, and **Section 4.17, Visual Quality and Aesthetics**, of this SEIR-2, respectively.

##### **Design Change 3. Systems Facilities Alternate Location A (STA 28+00)**

The Systems Facilities Alternate Location A for the High Voltage Substation SRC and Switching Station SRR would be located on a vacant lot in an area surrounded by industrial land uses. Alternate Location A would be compatible with the existing land uses due to the similar types of use. Alternate Location A would have a less-than-significant impact with respect to compatibility with surrounding land uses, and no mitigation is required.

##### **Design Change 11. Eliminate South Calaveras Future Station (STA 292+00)**

The FEIR and SEIR-1 concluded that the South Calaveras Future Station site would be compatible with surrounding uses because the proximity to residential, commercial, and office uses would be beneficial and allow for access to mass transit. While no significant impacts were identified in the FEIR and SEIR-1, the elimination of the South Calaveras Future Station would eliminate any potential for impacts to surrounding land uses at this location.

##### **Design Change 13. Milpitas Wye (STA 355+00)**

The three alternative locations for the redesigned Milpitas Wye—the Wye with Spur Connection Option, the Wye and Industrial Lead Option, and the No



Wye/Industrial Lead Only Option—would be adjacent to the rail corridor ROW and within areas of existing commercial and industrial land uses. The realignment of the Milpitas Wye under any of the three options would not introduce a new type of use to the area due to the proximity of the existing UPRR tracks and existing wye just north of Montague Expressway. Thus, the three alternative locations for the redesigned Milpitas Wye would not be incompatible with the surrounding land uses, and no significant impact would occur. No mitigation is required.

#### **Design Change 15. Milpitas Station (STA 372+00)**

The campus layout of Milpitas Station (formerly the Montague/Capitol Station in the FEIR and SEIR-1) was slightly modified; however, the footprint and campus facilities have remained the same. Therefore, Milpitas Station would have a less-than-significant impact with respect to compatibility with adjacent land uses, and no mitigation is required.

#### **Design Change 20. Berryessa Station (STA 533+00)**

The Berryessa Station campus layout was slightly modified; however, the campus facilities and footprint have remained the same. Therefore, Berryessa Station would not be incompatible with the surrounding land uses, and no significant impact would occur. No mitigation is required.

#### **4.12.4.2 Consistency with Local and Regional Plans and Policies**

Phase 1 would be consistent with the land use and development objectives of Alameda County, Santa Clara County, VTA, MTC, ABAG, BART, and the cities of Fremont, Milpitas, and San Jose. **Table 4.12-1** summarizes the consistency of Phase 1 with the updated plans and policies identified in **subsection 4.12.3** in this SEIR-2.

#### **4.12.4.3 Community Cohesion**

The potential for Phase 1 to impact community cohesiveness was addressed in the FEIR and SEIR-1. The proposed design changes would not result in any additional impacts to community cohesiveness.

Implementing Phase 1 would construct two BART stations along the alignment that would establish community cohesion throughout the greater Bay Area, as the availability of transit options would allow for enhanced mobility. The BART stations would also support increased density at these locations, consistent with the existing commercial, population and household characteristics of these areas.

**Table 4.12-1: Consistency of Phase 1 with Applicable Land Use Goals and Policies**

City/County/Regulatory Agency	Plan/Policy	Phase 1 Consistency
Santa Clara Valley Transportation Authority; Valley Transportation Plan (2035)	Provide transportation facilities and services that support and enhance the county's continued success by fostering a high quality of life for Santa Clara County's residents and continued health of Santa Clara County's economy.	Consistent
Metropolitan Transportation Commission; 2009 Regional Transportation Plan for the San Francisco Bay Area (T-2035)	Promote vital and livable communities.	Consistent
Metropolitan Transportation Commission; Resolution No. 3434	Establish thresholds along new corridors to determine appropriate minimum levels of development around transit station.	Consistent

Source: CirclePoint, 2010.

Additionally, surrounding commercial and office areas would become more easily accessible to residents, customers, and employees, thereby establishing community cohesion. Thus, the stations would promote, rather than detract from, the surrounding communities within the area.

The proposed Milpitas and Berryessa Stations would be located in commercial, office, low density residential, and industrial areas. Locating the BART stations in these areas achieves compatibility with existing surrounding uses for the following reasons:

- Proximate residential uses, especially for lower-income and fixed-income residents, would benefit by increased access to mass transit. The presence of BART would broaden the availability of transit options and make people more mobile within the greater Bay Area (see **Section 4.2, Transportation**, for analysis of traffic circulation effects).
- Nearby commercial uses would benefit because stores would become more easily accessible to a broader base of customers and more attractive destinations for shoppers.
- Proximate office uses would benefit by being more easily accessible to employees. Commuting options would make those offices more attractive to current as well as future employees.

Thus, the proposed Milpitas and Berryessa Stations would support the existing land uses within the area and promote connectivity among the different types of land uses within the station areas and would not significantly impact or divide an existing community.

VTA will develop adjacent building design criteria and guidelines to address considerations associated with the modification of existing structures, or the construction of new structures adjacent to BART stations and facilities, and the creation of direct connections between BART stations and facilities and adjacent structures. Considerations will include urban design, pedestrian/transit integration, cost/value capture, safety and security, engineering requirements, operating requirements, maintenance, and BART design criteria and standards. These criteria will be developed in coordination with BART, the cities, and the community.

#### **4.12.5 CONCLUSION**

The design changes made since certification of the SEIR-1 would not result in new impacts related to land use. Therefore, no new mitigation measures are necessary.

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