

## 3.12 Land Use and Planning

### 3.12.1 Introduction

This section describes the regulatory setting and affected environment for land use designations and planning characteristics in the land use and planning RSA, and describes the potential impacts on land use and planning during construction and operation of the proposed Project. This section also identifies the potential for cumulative impacts of the proposed Project on land use and planning resources when considered in combination with other relevant projects.

### 3.12.2 Regulatory Setting

This section identifies the applicable federal, state, regional, and local laws, regulations, and orders that are relevant to the analysis of land use and planning. This section also addresses the proposed Project's consistency with the regulations described herein.

Federal, state, regional, and local regulations provide guidance for conducting land use impact analyses. Specific federal land use regulations apply to federally owned, federally controlled, or federally protected lands, areas, or parcels. Because there are minimal federal lands, areas, or parcels within the immediate vicinity of the proposed Project, the following discussion focuses primarily on state, regional, and local laws, regulations, and orders that are relevant to the proposed Project.

Land use is regulated primarily at regional and local levels in accordance with state planning and zoning laws, Government Code Section 65000 et seq. For the proposed Project, the Alameda County Transportation Commission (Alameda CTC) defines the regional vision and planning principles (such as integrating land use and transportation) but does not have land use approval authority. Alameda County and the cities within the RSA define and regulate local land uses through their general plans, community plans, and zoning. These agencies' plans and policies regulate the types of uses allowed and the intensity of development permitted on public and private property.

Corridor projects, such as the proposed Project, can influence the timing, layout, demographics, and intensity of local land uses in communities and neighborhoods over time, although these changes must be approved by the local land use authority. These changes often occur near stations and result in beneficial or adverse physical and indirect impacts. Such projects, however, rarely cause substantial changes in land use character of the region.

#### 3.12.2.1 Federal

##### **Americans with Disabilities Act of 1990**

The ADA prohibits the discrimination of people with disabilities in several areas, which includes transportation and public accommodations. While the ADA is not directly within the scope of land use and planning regulations, the proposed Project would include at-grade crossing improvements to comply with the ADA.

### 3.12.2.2 State

#### 2018 California State Rail Plan

The 2018 California State Rail Plan is a plan to strategize the state's operational and capital investments toward its statewide travel system. The 2018 California State Rail Plan is considered an important element in the comprehensive planning and analysis of statewide transportation investment strategies illustrated in the California Transportation Plan 2040. Specifically, the 2018 California State Rail Plan calls for rerouting passenger rail service from the Niles Subdivision to the Coast Subdivision and rerouting freight operations from the Coast Subdivision to the Niles Subdivision to facilitate faster travel times. Although considered in the 2018 California State Rail Plan, the proposed Project does not reroute freight services, but does reroute Capitol Corridor passenger rail service to the Coast Subdivision.

#### California Transportation Plan 2040

The California Transportation Plan 2040 is a plan that outlines the goals and recommendations to achieve a vision for a safe, sustainable, universally assessable, and globally competitive transportation system in order to provide reliable and efficient mobility for people, goods, and services. The California Transportation Plan 2040 will also concurrently help the state to meet its greenhouse gas emission reduction goals and preserve the unique character of communities within the state. The California Department of Transportation recently completed the updated California Transportation Plan 2050; however, the California Transportation Plan 2040 is utilized in order to be analyzed in parallel with the 2018 California State Rail Plan.

#### California State Planning and Zoning Law (Gov. Code 65000 to 66037)

The California State Planning and Zoning Law delegates most of the state's local land use and development decisions to the respective city or county and describes the laws that pertain to the land use regulations set by the local government's general plan requirements, specific plans, and zoning.

#### California Sustainable Communities and Climate Protection Act (Senate Bill [SB] 375, Chapter 728)

The California Sustainable Communities and Climate Protection Act, or SB 375, requires regional planning agencies to develop sustainable communities strategies and/or relevant regional land use plans in order to meet the greenhouse gas emissions reduction goals set by the California Global Warming Solutions Act, or AB 32. These strategies address the reduction of VMT by the development of shortened and more efficient travel.

#### San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) is a state planning and regulatory agency, with regional authority over the San Francisco Bay, the Bay's shoreline band, and the Suisun March. The BCDC's authority derives from the following statute:

- **McAteer-Petris Act (Gov. Code 66600-66694):** Under the McAteer-Petris Act, the jurisdiction of the BCDC of the San Francisco Bay includes the San Francisco Bay itself (including all areas that are subject to tidal actions), a shoreline band of land extending inland for 100 feet from the

shoreline of the San Francisco Bay, salt ponds, managed wetlands, and certain waterways consisting of all areas that are subject to tidal action on named tributaries that flow into the Bay.

### **3.12.2.3 Regional**

#### **Plan Bay Area 2050**

The Plan Bay Area 2050 is a 30-year plan that connects the elements of housing, economy, transportation, and environment through 35 strategies that will make the Bay Area more equitable for residents and resilient toward unexpected challenges. It provides action items for the MTC, ABAG, and several partner organizations to follow in order to meet the goals outlined in the Plan Bay Area 2050. The proposed Project is a key element toward the Plan Bay Area 2050's goals and objectives (MTC 2021).

#### **2020 Alameda Countywide Transportation Plan**

The 2020 Alameda Countywide Transportation Plan (2020 CTP) establishes near-term priorities, projects, programs, and strategic priorities and guides long-term decision-making for the Alameda CTC. The 2020 CTP establishes a vision for Alameda County's residents, businesses, and visitors through a connected and integrated multimodal transportation system that supports vibrant and livable communities. The CTP is updated every four years to accommodate changing conditions and demands on existing transportation systems with the current 2020 CTP covering transportation projects, policies, and programs out to 2050.

The 2020 CTP includes two companion documents: the Community-Based Transportation Plan and the New Mobility Roadmap. The Community-Based Transportation Plan is an assessment of transportation needs in Alameda County's low-income communities and communities of color with a focus on input collected via community engagement activities. The New Mobility Roadmap provides a foundation for agency policy, advocacy, and funding decisions to advance new mobility technologies and services for the Alameda CTC and partner agencies, as well as the private sector. The New Mobility Roadmap contains seven initiatives, each of which has a list of potential actions that could be taken to address and implement new mobility technologies and services in Alameda County. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2.

#### **Alameda Countywide Transit Plan**

In 2016, the Alameda CTC developed the Alameda Countywide Transit Plan (2016 Alameda CTP) in close coordination with local transit providers and local jurisdictions to better align transit needs with land use characteristics, commuting patterns, population density, population growth, and economic conditions. The 2016 Alameda CTP identifies near-term and long-term transit capital and operating priorities aimed at creating a transit system that is dependable, easy to use, safe, affordable, and competitive with travel by other modes. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2.

#### **County of Alameda Eden Area General Plan**

Chapter 3, Land Use Element, of the County of Alameda Eden Area General Plan (County of Alameda 2010) includes the following policies that are relevant to the proposed Project:

- **Goal LU-7.** Create attractive Corridors with a mix of uses throughout the Eden Area.
  - **Policy P7.** Public transit amenities shall be included, where appropriate, with the approval of new development project.
  - **Policy P8.** New projects should maintain and strengthen pedestrian connections to major transit facilities such as ABRT, Amtrak, and bus stops.
- **Goal LU-12.** Improve the visual quality of the Eden Area.
  - **Policy P1.** The County should not approve projects that have a substantial adverse effect on scenic vistas, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the Eden Area.
- **Goal LU-17.** Preserve and improve air quality in the Eden Area.
  - **Policy P1.** New development projects shall be analyzed in accordance with the BAAQMD CEQA Guidelines. Appropriate mitigation measures to reduce vehicle trips and vehicle miles traveled should be applied to projects.
  - **Policy P2.** New development that would emit air toxic contaminants or odors shall provide adequate buffers and screening to protect sensitive land uses from unhealthy levels of air pollution or objectionable odors.

#### 3.12.2.4 Local

##### City of Fremont General Plan

The City of Fremont General Plan establishes a 25-year vision for the city and sets the foundation for how the auto-oriented suburb can evolve into a sustainable, strategically urban modern city. The goals and priorities identified in the City of Fremont General Plan are aimed at encouraging a flourishing downtown, increasing jobs to match an increasing resident workforce, developing pedestrian-oriented commercial districts and transit-oriented development, and meeting climate change objectives for the future. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2 (City of Fremont 2011).

##### City of Hayward General Plan

The City of Hayward 2040 General Plan establishes a community-based vision for the future of the City and establishes goals, policies, and programs to help the city and its community achieve the vision. To accommodate future population and employment growth, the City of Hayward 2040 General Plan contains goals and policies aimed at smart growth and sustainability in improving, revitalizing, and developing land uses that create a healthy balance between a manufacturing-based economy and an information- and technology-based economy. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2 (City of Hayward 2021).

##### City of Newark General Plan

The City of Newark General Plan provides the City's official goals, policies, and actions on land use, transportation, housing, natural resources, parks, environmental hazards, economic development, public health, and community services. The City of Newark General Plan establishes a 20- to 25-year

vision for the City of Newark that will guide future growth and conservation. The City of Newark General Plan is intended to help respond to changes in technology, transportation, demographics, the environment, and the economy during the coming decades. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2 (City of Newark 2013).

### **City of Oakland General Plan**

The City of Oakland General Plan focuses on community priorities, values, and includes supporting goals, policies, and implementation measures to achieve the City of Oakland's vision for housing, jobs, and public facilities. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2 (City of Oakland 1998).

### **City of San Leandro General Plan**

The City of San Leandro General Plan contains and establishes the vision for the City's future over the next 20 years. The City of San Leandro General Plan identifies those areas of the city where change will be encouraged and those areas where the existing land use pattern will be maintained and enhanced. These policies and strategies include meeting the transportation challenges of the future via an efficient multimodal transportation system. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2.

Union City 2040 General Plan (City of Union City 2019) provides the long-term vision for the physical, economic, and social evolution in Union City and outlines the policies, standards, and programs to guide city development decisions. Specific goals and policies as applicable to the proposed Project are identified in Table 3.12-3 in Section 3.12.6.2.

### **San Lorenzo Village Center Specific Plan**

The San Lorenzo Village Center Specific Plan provides guidance for future public and private actions within the San Lorenzo Census Designated Place (CDP) area. The Specific Plan describes the County's development policies and regulations but does not include pertinent land use goals and policies as they relate to the proposed Project (San Lorenzo CDP 2004).

### **California Nursery Historical Park Master Plan**

The primary purpose of the California Nursery Historical Park Master Plan is to tell the story of the California Nursery Company to current and future generations through the sharing of the site's remaining historic buildings and arboricultural resources. The Master Plan aims to provide a tangible, long-term planning tool to increase activity at the site and to generate income to support ongoing maintenance and operations for future generations (City of Fremont 2017).

## **3.12.2.5 Other Guidance**

### **2016 Capitol Corridor Vision Implementation Plan**

The 2016 Capitol Corridor Vision Implementation Plan is a plan for the implementation of capital improvements that are needed in order to accommodate future trends such as population increase, business demands, and climate change trends. The Plan also calls for relocating the Capitol Corridor service between Oakland and Newark to the Coast Subdivision to provide a shorter and more direct

route from Oakland to San Jose. The proposed Project is a key element toward the Plan's goals and objectives.

### **2014 Capitol Corridor Vision Plan Update**

The 2014 Capitol Corridor Vision Plan Update outlines the long-term investment strategies and options for improving the speed and reliability of Capitol Corridor. It also addresses the effects of climate change and sea-level rise. The proposed Project is a key element toward the Plan's goals and objectives.

### **3.12.2.6 Consistency with Plans, Policies, and Regulations**

Section 15125(d) of the CEQA Guidelines requires an EIR to discuss "any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans." Applicable plans, policies, and regulations were considered during the preparation of this analysis and were reviewed to assess whether the proposed Project would be consistent with the plans of relevant jurisdictions. A detailed evaluation of consistency with applicable plans, policies, and regulations is provided in Table 3.12-3 in Section 3.12.6.2.

### **3.12.3 Methods for Evaluating Environmental Impacts**

This section defines the RSA for land use and planning and describes the methods used to analyze land use and planning impacts within the RSA. A desktop analysis was completed to collect and analyze data related to land use and planning characteristics in the RSA, including land use designations and zoning data. Geographic information system (GIS) data and aerial imagery were utilized in order to identify the land uses that encompass the RSA. The following methods were utilized to evaluate the potential impacts from construction and operation of the proposed Project on land use designations:

- The GIS data, aerial imagery, and static and interactive maps were utilized in order to pinpoint the land use designations and zoning within the RSA.
- Analysis of construction methods, rights-of-way, and staging areas and their potential to divide established communities.
- Analysis of the proposed Project's consistency with the requirements of plans, policies, and regulations listed in the regulatory setting of the technical memorandum.

The analysis of environmental effects focuses on foreseeable changes to the existing land use and planning characteristics in the context of effects listed in Section 3.12.3, *Methods for Evaluating Environmental Impacts*. The analysis of land use and planning characteristics considers the potential for the proposed Project to affect any land use designation by physically dividing a community and/or causing conflict with any relevant land use plans, policies, and regulations.

#### **3.12.3.1 Resource Study Area**

As defined in Section 3.1, Introduction, RSAs are the geographic boundaries within which the environmental analyses specific to each resource topic were conducted.

The RSA for land use and planning encompasses the areas directly and indirectly affected by the construction and operation of the proposed Project, which is defined as the Project footprint plus a

quarter-mile buffer to account for potential indirect impacts on land use. See Figure 3.12-1 and Figure 3.12-2.

The land use and planning RSA includes the cities of San Leandro, Oakland, Hayward, Union City, Fremont, and Newark, and the CDP of San Lorenzo. The land use and planning RSA also includes the area surrounding the Ardenwood Station improvements, areas that would have the installation of siding tracks, all areas with at-grade crossing improvements, and new grade separation structures.

### 3.12.3.2 Data Sources

Data were collected using GIS maps, which provide land use designation and zoning information for each respective jurisdiction. If a jurisdiction did not have a GIS map available, a static land use designation or zoning map was utilized and found via the respective general plan. In addition to the GIS maps, aerial imagery and project construction methods were utilized in order to analyze land use impacts from the proposed Project. The following GIS resources were utilized for data collection:

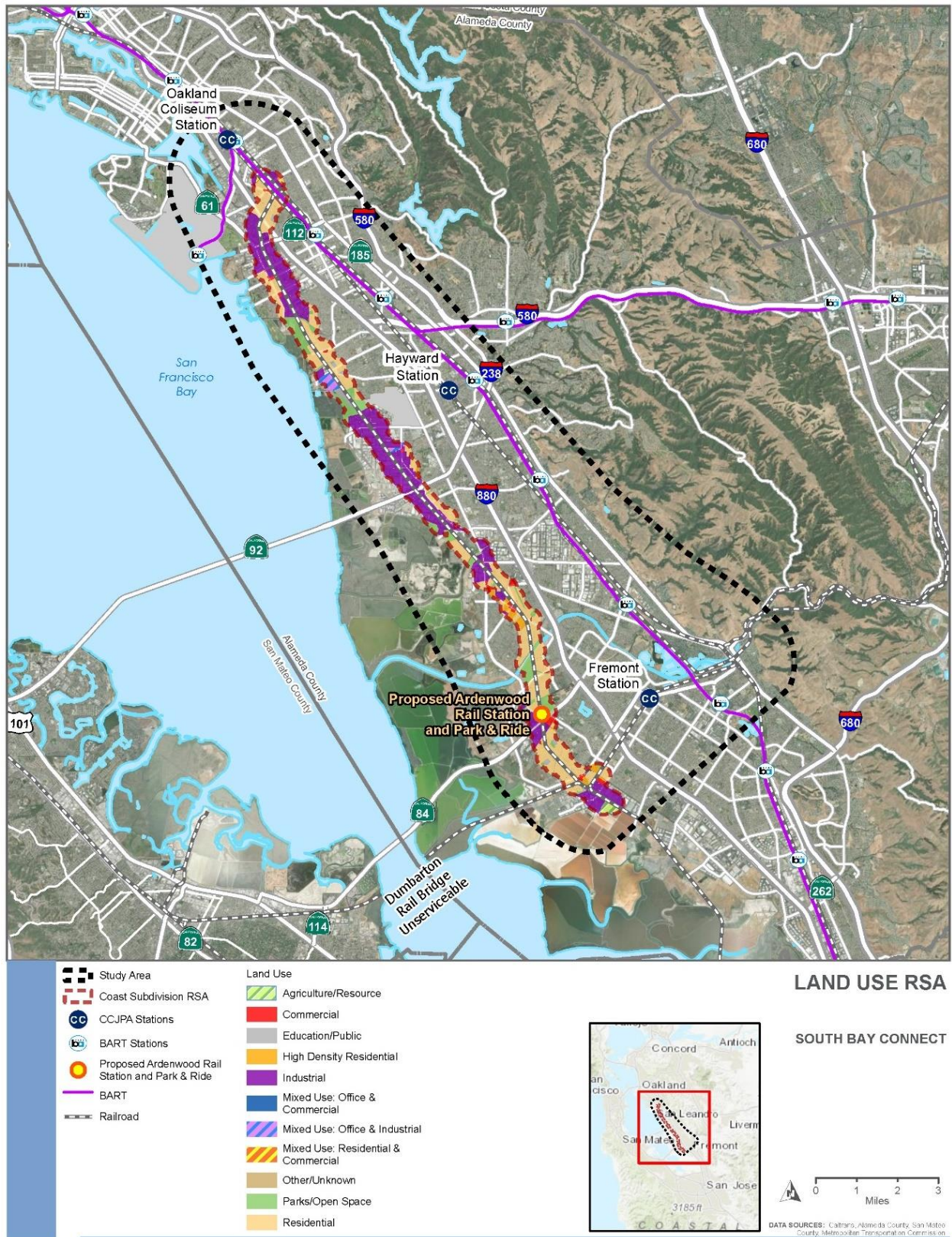
- City of Fremont eGIS Public Map (City of Fremont 2021).
- City of Hayward Web Map (City of Hayward 2021).
- City of Oakland Planning and Zoning Map (City of Oakland 2021).
- City of San Leandro Interactive Zoning Map (City of San Leandro 2021).
- City of Union City Community View GIS Map (City of Union City 2021).

Additionally, the following key resources were utilized for data collection and for determining significance associated with the potential for conflict with applicable land use plans, policies, or regulations:

- City of Fremont General Plan (which includes the community of Ardenwood).
- City of Hayward General Plan.
- City of Oakland General Plan.
- City of Newark General Plan and Land Use Designation Map.
- City of San Leandro General Plan.
- City of Union City General Plan.
- San Lorenzo CDP Specific Plan.
- Alameda County Housing Element.
- California Nursery Historical Park Master Plan.

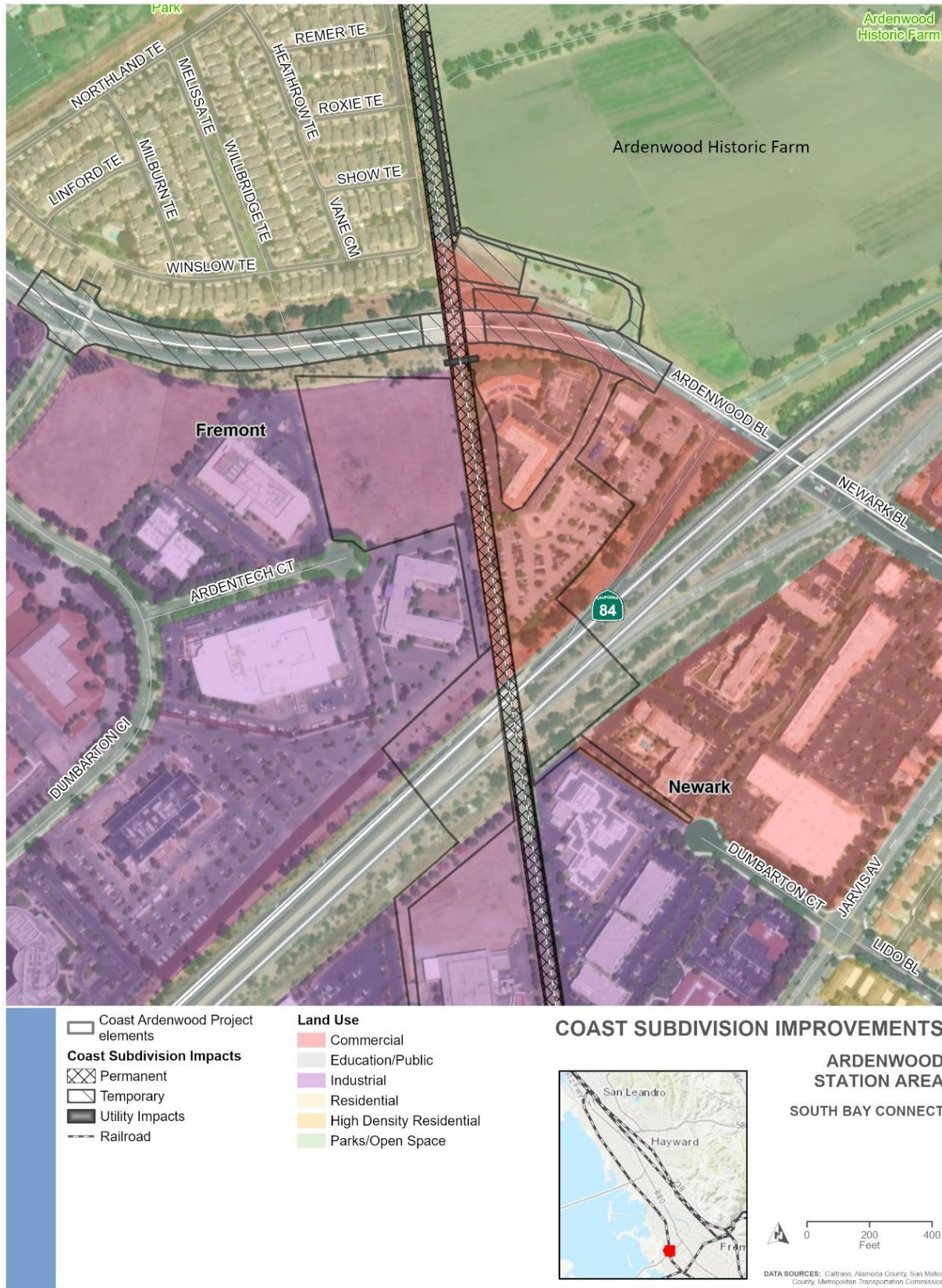


Figure 3.12-1. Land Use and Planning Resource Study Area





**Figure 3.12-2: Land Uses Adjacent to Proposed Ardenwood Station**



### 3.12.3.3 CEQA Thresholds

To satisfy CEQA requirements, land use and planning impacts were analyzed in accordance with Appendix G of the CEQA Guidelines. According to the CEQA Guidelines, CCR, Title 14, Section 15002(g), “a significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. “As stated in CEQA Guidelines Section 15064(b)(1), the significance of an activity may vary with the setting. The impact analysis identifies and analyzes construction (short-term) and operation (long-term) impacts, as well as direct and indirect impacts (see PRC Section 21065). The proposed Project would have significant land use and planning impacts under CEQA if it would:

- a. Physically divide an established community; or
- b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Potential land use effects during construction and operation of the proposed Project were evaluated by identifying Project elements that have the potential to introduce new physical barriers that would physically divide existing communities. The land use analysis also examined the proposed Project compatibility with existing land uses within the RSA and the proposed Project’s consistency with applicable goals, objectives, and policies of adopted plans of the regional and local jurisdictions in which the proposed Project is located, as identified in Table 3.12-3 in Section 3.12.6.2. Land use impacts were qualitatively analyzed based on land use and planning information gathered and presented for existing conditions.

## 3.12.4 Affected Environment

### 3.12.4.1 Environmental Setting

#### Regional Setting

The proposed Project is located in Alameda County. Within the RSA, the jurisdictions are the cities of Fremont, Hayward, Oakland, Newark, San Leandro, and Union City as well as the CDP of San Lorenzo. These respective jurisdictions and their land use designations within the Project Study Area are discussed in the Local Setting below. At the regional level, existing land uses within the RSA vary widely in character and density with the Coast Subdivision and Niles Subdivision tracks highly constrained by the existing built environment. The rail corridors travel through heavy and light industrial uses, factories and storage areas, commercial uses, low-, medium-, and high-density residential uses, recreational uses, and areas of designated open space.

#### Local Setting

The discussion below provides an overview of the general plan land use designations for the proposed Project by jurisdiction.

#### City of Fremont

Within the City of Fremont’s jurisdiction, the proposed Project falls within commercial, industrial, residential, public facility, open space, and railroad/right-of-way (ROW) land use designations.

### **City of Newark**

Within the City of Newark's jurisdiction, the proposed Project falls within resource production, industrial (limited, special, and general), open space conservation, parks and recreational facilities, residential (low density, low-medium density, medium density, and high density), public institutional, and commercial (neighborhood, community, commercial mixed, office, and regional) land use designations.

### **City of Union City**

Within the City of Union City's jurisdiction, the proposed Project falls within single-family residential, multifamily residential, public, public utilities, parks and recreation, open space agriculture, mixed-use, industrial, and commercial land use designations.

### **City of Hayward**

Within the City of Hayward's jurisdiction, the proposed Project falls within industrial technology and innovation corridor, mixed industrial, residential (rural estate density, suburban density, low density, mobile home park, limited medium density, medium density, and high density), retail and office commercial, general commercial, mixed-use, public, parks and recreation, baylands, and limited open space land use designations.

### **City of San Leandro**

Within the City of San Leandro's jurisdiction, the proposed Project falls within commercial, mixed-use, industrial, open space, professional office, public and semipublic, and residential (multifamily, single-family, outer) land use designations.

### **City of Oakland**

Within the City of Oakland's jurisdiction, the proposed Project falls within general industry and transportation, light industry, resource conservation, regional commercial, business mix, urban park and open space, mixed housing residential, detached unit residential, hillside residential, urban residential, community commercial, and institutional land use designations.

## **3.12.5 Best Management Practices**

As noted in Chapter 2, Project Alternatives, CCJPA would incorporate a range of BMPs to avoid and minimize adverse effects on the environment that could result from implementation of the Proposed Project. BMPs are included in the Proposed Project description, and the impact analyses were conducted assuming application of these practices. The BMPs relevant to land use and planning are listed below. Full descriptions of the BMPs are provided in Chapter 2, Project Alternatives.

### **BMP TR-1 Transportation Management Plan (TMP).**

## **3.12.6 Environmental Impacts**

This section describes the potential environmental impacts on land use and planning as a result of implementation of the proposed Project. Lettering shown within title for each environmental factor below correlates with CEQA Statute and Guidelines, Appendix G table lettering and numbering.

### 3.12.6.1 (a) Would the project physically divide an established community?

#### No Project Alternative

**No Impact.** Under the No Project Alternative, the Capitol Corridor passenger rail service between Oakland and San Jose would not be relocated from the Niles Subdivision to the Coast Subdivision. Capitol Corridor passenger trains and UPRR freight trains would continue to operate based on current routes with no changes to connectivity or rail efficiency. Therefore, the No Project Alternative would not result in direct impacts or changes to existing land uses. Areas within the RSA would experience a continuation of current development patterns and trends, but with more limited transit options. In turn, the transportation system may not fully support planned transit-oriented land uses. With the No Project Alternative, development and redevelopment within the RSA would be anticipated to occur pursuant to local land use plans and programs with less focus on proposed station areas and at a much slower rate. Therefore, the No Project Alternative would not result in impacts associated with incompatible local land use and development within the Project Corridor and would not result in the physical division of an established community.

#### Proposed Project

##### Construction and Operations

**Less Than Significant Impact.** The proposed Project would not result in direct permanent and temporary impacts to current land uses. Direct permanent impacts to land uses would result from the conversion of existing non-transportation land uses to a transportation or public institutional land use. As such, where changes in land use occur, the applicable city’s general plan would require an amendment to reflect the new land use designations. Direct temporary impacts to land uses would occur as a result of staging areas and TCEs needed during the construction phase; however, these temporary impacts would not affect the existing uses located on the impacted properties and the land would be restored to original conditions once construction is complete. Table 3.12-1 provides a summary of permanent ROW acquisitions and TCEs for the proposed Project.

**Table 3.12-1. Proposed Project Acquisitions and Easements Summary**

Acquisition Type	Proposed Project
<i>Niles Subdivision</i>	
<b>Full Permanent Acquisitions</b>	0
<b>Partial Permanent Acquisitions</b>	0
<b>Temporary Construction Easement</b>	0
<b>Permanent Easement</b>	0

**Table 3.12-1. Proposed Project Acquisitions and Easements Summary**

Acquisition Type	Proposed Project
<i>Coast Subdivision</i>	
<b>Full Permanent Acquisitions</b>	2
<b>Partial Permanent Acquisitions</b>	79
<b>Temporary Construction Easement</b>	131
<b>Permanent Easement</b>	0

The majority of the proposed improvements would occur within or adjacent to the existing UPRR ROW. The Project proposes track improvements, grade-separated crossing improvements, bridge and structure improvements, and new or extended sidings. In addition, the proposed Project would have at-grade crossing work that would include safety improvements for pedestrians, bicyclists, and motorists as well as ADA compliance improvements. Outside of the UPRR ROW, the proposed Project would construct a new passenger rail station adjacent to the existing Ardenwood Park & Ride facility, along the Coast Subdivision. A pedestrian overcrossing is proposed to allow access from the existing Ardenwood Park & Ride on the east side of Coast Subdivision and from the west side of the Coast Subdivision (where a proposed station parking facility is located) to the passenger train platforms. A second pedestrian overcrossing is proposed south of SR-84 to allow access to the new Ardenwood Station from adjacent business and commercial areas. The proposed parking facility supports the anticipated increase in rail service as a result of the new station and would accommodate overflow parking at the existing Ardenwood Park & Ride facility. The proposed parking facility would be constructed within an industrial area and adjacent to industrial and commercial land uses. Table 3.12-2 provides a summary of the permanent ROW acquisitions for the proposed Project.

**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

Assessor Parcel Number (APN)	Existing Land Use	Jurisdiction	Permanent Right-of-Way Acquisition (Full or Partial)
<i>Niles Subdivision</i>			

No partial or full permanent right-of-way acquisitions would be required on the Niles Subdivision.

**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

<b>Assessor Parcel Number (APN)</b>	<b>Existing Land Use</b>	<b>Jurisdiction</b>	<b>Permanent Right-of-Way Acquisition (Full or Partial)</b>
<i>Coast Subdivision</i>			
439-10-11-1	Industrial Light/Manufacturing	Hayward	Partial
439-10-12-1	Warehouse	Hayward	Partial
439-10-13-2	Warehouse	Hayward	Partial
439-10-14	Industrial Light/Manufacturing	Hayward	Partial
439-10-31-1	Warehouse	Hayward	Partial
439-10-44-3	Warehouse	Hayward	Partial
439-10-6-4	Industrial Light/Manufacturing	Hayward	Partial
439-10-9-3	Industrial Light/Manufacturing	Hayward	Partial
439-13-1	Industrial Light/Manufacturing	Hayward	Partial
439-13-2	Warehouse	Hayward	Partial
439-13-26	Exempt Public Agency	Hayward	Partial
439-13-27	Exempt Public Agency	Hayward	Partial
439-20-11-3	Exempt Public Agency	Hayward	Partial
439-20-17	Warehouse	Hayward	Partial
439-20-2-3	Warehouse	Hayward	Partial
439-20-2-4	Heavy industrial	Hayward	Partial
439-20-3-2	Heavy industrial	Hayward	Partial



**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

<b>Assessor Parcel Number (APN)</b>	<b>Existing Land Use</b>	<b>Jurisdiction</b>	<b>Permanent Right-of-Way Acquisition (Full or Partial)</b>
439-20-4-8	Misc. industrial	Hayward	Partial
456-95-10-7	Exempt Public Agency	Union City	Partial
456-95-16	Property owned by a public utility	Union City	Full
456-95-17-9	Medical - Dental building	Union City	Partial
456-95-7	Property owned by a public utility	Union City	Full
461-35-5-2	Exempt Public Agency	Hayward	Partial
463-91-118	Property owned by a public utility	Union City	Partial
463-91-92	Property owned by a public utility	Union City	Partial
463-91-93	Vacant residential land, zoned 4 units or less	Union City	Partial
463-94-44	Property owned by a public utility	Union City	Partial
482-96-16-1	Vacant industrial land	Union City	Partial
483-102-163-5	Townhouse - Planned Development, Common Area or use	Union City	Partial
483-103-213-2	One-story store	Union City	Partial
483-5-1	Exempt Public Agency	Union City	Full
537-460-14	Heavy industrial	Newark	Partial

**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

<b>Assessor Parcel Number (APN)</b>	<b>Existing Land Use</b>	<b>Jurisdiction</b>	<b>Permanent Right-of-Way Acquisition (Full or Partial)</b>
537-460-15	Heavy industrial	Newark	Partial
537-460-26	Industrial Light/Manufacturing	Newark	Partial
537-460-27	Warehouse	Newark	Partial
537-460-6-11	Exempt Public Agency	Newark	Partial
537-460-6-8	Exempt Public Agency	Fremont	Partial
537-460-6-9	Exempt Public Agency	Fremont	Partial
537-521-14	Industrial Light/Manufacturing	Newark	Partial
537-521-15	Industrial Light/Manufacturing	Newark	Partial
537-521-1-8	Exempt Public Agency	Newark	Partial
537-521-2-30	Exempt Public Agency	Newark	Partial
537-521-31	Exempt Public Agency	Fremont	Partial
537-521-32	Exempt Public Agency	Fremont	Partial
537-521-33-1	One-story store	Fremont	Partial
537-521-34	School	Fremont	Partial
537-521-45	Hotel	Newark	Partial
537-521-46	Hotel	Newark	Partial
537-751-7-1	Heavy industrial	Newark	Partial
537-751-8	Heavy industrial	Newark	Partial

**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

<b>Assessor Parcel Number (APN)</b>	<b>Existing Land Use</b>	<b>Jurisdiction</b>	<b>Permanent Right-of-Way Acquisition (Full or Partial)</b>
543-201-4-1	Property owned by a public utility	Union City	Partial
543-211-10	Property owned by a public utility	Union City	Partial
543-226-1-3	Exempt Public Agency	Fremont	Partial
543-226-1-9	Property owned by a public utility	Fremont	Partial
543-236-1-1	Exempt Public Agency	Fremont	Partial
543-236-1-10	Exempt Public Agency	Fremont	Partial
543-236-1-3	Property owned by a public utility	Fremont	Partial
543-406-117	Church	Fremont	Partial
543-408-138	Single family residential (tract) common area or use	Fremont	Partial
543-409-15	Single-family residential (tract) common area or use	Fremont	Partial
543-439-143	Industrial Flex/R&D use	Fremont	Partial
543-439-144	Vacant industrial land	Fremont	Partial
543-439-145	Other institutional property	Fremont	Partial
543-450-233	SFR - Planned Development Tract, Common Area or use	Fremont	Partial
543-476-7	SFR - Planned Development Tract, Common Area or use	Fremont	Partial

**Table 3.12-2. Proposed Project Permanent Right-of-Way Acquisitions**

Assessor Parcel Number (APN)	Existing Land Use	Jurisdiction	Permanent Right-of-Way Acquisition (Full or Partial)
77A-644-10	Property owned by a public utility	San Leandro	Partial
77A-644-2-3	Heavy industrial	San Leandro	Partial
77A-646-34	Warehouse	San Leandro	Partial
77B-851-65	Industrial Light/Manufacturing	San Leandro	Partial
77B-851-72	Vacant industrial land	San Leandro	Partial
79A-395-2-28	Warehouse	San Leandro	Partial
79A-395-3	Property owned by a public utility	San Leandro	Partial
92-155-6	Exempt Public Agency	Newark	Partial
92-64-11	Exempt Public Agency	Newark	Partial
92A-621-55	Exempt Public Agency	Newark	Partial
92A-621-56	Exempt Public Agency	Newark	Partial

*Source: HDR Right-of-way Impact Tables (December 2023), HNTB Right-of-way Impact Tables (December 2023)*

Construction activities associated with the proposed Project would also result in temporary impacts to circulation within the RSA due to temporary lane closures, road detours, and access restrictions. These construction activities would cause temporary traffic delays for local residents, businesses, and commuters. Construction staging areas would be located primarily within UPRR ROW and within identified construction limits throughout the RSA to provide work areas and construction access, as well as locations to store equipment and materials. Both temporary staging and TCE areas would be returned and restored to pre-construction conditions once the Project construction is completed.

The preparation and adoption of a construction road traffic control plan (**BMP TR-1: Transportation Management Plan**) would include strategies to reduce potential impacts from street or lane closures and detours during construction activities. It would also include strategies that would maintain local circulation and traffic flow and limit any pedestrian and bicycle transit

access closures. Construction activities would be temporary and would cease after construction is complete, and alternative routes for any existing sidewalks would be provided during construction to maintain connectivity. Therefore, with the implementation of **BMP TR-1**, the proposed Project would not result in permanent or temporary impacts to public access that would create a barrier or permanent disruption in connectivity within the RSA. Impacts would be considered less than significant and no mitigation is required.

As previously stated, the majority of the proposed improvements would occur within or adjacent to the existing UPRR ROW. The proposed Project would not require any full parcel acquisitions of residential-zoned property. However, the proposed Project would require a partial parcel acquisition of industrial zoned land adjacent to the Coast Subdivision, which may impact an existing building on site.

As shown in Table 3.12-2, APN 439-10-13-2 is identified as a partial acquisition parcel. This parcel currently contains one business specializing in welding services. While the proposed Project would permanently convert a portion of this existing land use from non-transportation uses to transportation uses, these changes would not physically divide an established community and are not likely to require the relocation of the business elsewhere. If during the course of Project development, it is determined that the partial acquisition of the property would require the relocation of the business, the proposed Project would follow the necessary regulations and would incorporate BMPs during construction work and acquisition as part of the acquisition process. .

With implementation of **BMP TR-1**, these impacts would be less than significant.

### **3.12.6.2 (b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Table 3.12-3 provides a detailed evaluation of the proposed Project's consistency with applicable plans, policies, and regulations. CEQA requires that an EIR consider whether the proposed Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. It is important to note that an inconsistency with regional and local plans and policies is not necessarily considered a significant impact under CEQA, unless it is related to a physical impact on the environment that is significant in its own right.

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>2018 California State Rail Plan</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing. Additionally, the Plan specifically calls for the rerouting of passenger rail service from the Niles Subdivision to the Coast Subdivision to facilitate faster travel times.
<b>California Sustainable Communities and Climate Protection Act</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project would support the State’s climate goals by helping reduce greenhouse gas emissions through coordinated transportation, housing, and land use planning.
<b>California Transportation Plan 2040</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project intends to improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time and would promote environmental sustainability by reducing greenhouse gas emissions.
<b>Plan Bay Area 2050</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing	<b>Consistent.</b> The proposed Project intends to increase ridership on transit, which would



**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	<p>conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p>ease congestion on roadways. It also intends to improve connections between high-demand destinations.</p>
<p><b>2014 Capitol Corridor Vision Plan Update</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2014 Capitol Corridor Vision Plan Update.</p>	<p><b>Consistent.</b> The proposed Project is a key element toward the Plan’s policies and objectives to improve the speed and reliability of Capitol Corridor.</p>
<p><b>2016 Alameda Countywide Transit Plan</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2016 Alameda CTP.</p>	<p><b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>2020 Alameda Countywide Transportation Plan</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2020 Alameda CTP.	<b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.
<b>San Francisco Bay Conservation and Development Commission</b>	<b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, changes to lands protected under the McAtteer-Petris Act would not be applicable.	<b>Consistent.</b> The proposed Project would not encroach on lands that are protected under the McAtteer-Petris Act.
<b><i>City of Fremont General Plan</i></b>		
<b>Goal 2-1. A city transformed from an auto-oriented suburb into a distinctive community known for its walkable neighborhoods, dynamic city center, transit-oriented development at focused locations, attractive shopping and entertainment areas, thriving work places, and harmonious blending of the natural and built environments.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> The proposed Project would encourage an increase in transit mode sharing, a more efficient system for inter-regional transit travel, and improvements to access to work, education, services, and recreation along the Project Corridor.

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>Policy 2-1.7. Plan for Fremont’s transition to a community that includes a mix of established lower-density neighborhoods and new higher-density mixed-use neighborhoods with access to high-quality transit.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not improve access to work, education, services, and recreation along the Project Corridor.</p>	<p><b>Consistent.</b> The proposed Project would improve transit services by creating a more direct passenger rail route and allow for greater access to work, education, services, and recreation along the Project Corridor.</p>
<p><b>Policy 2-2.2. Ensure that land use decisions consider the characteristics of the transportation network, including road capacity, the quality of the streetscape, and the availability of public transportation and other modes of travel.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.</p>	<p><b>Consistent.</b> The proposed Project considers the existing transportation network and how proposed improvements would be made to that existing transportation network along the Project Corridor.</p>
<p><b>Policy 2-2.3. Incorporate sustainability into land use planning decisions and procedures to the greatest extent feasible.</b></p>	<p><b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.</p>	<p><b>Consistent.</b> The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through an increase in transit mode sharing along the Project Corridor.</p>
<p><b>Policy 2-2.4. Ensure that future land use decisions are fully consistent with the General Plan Land Use Map.</b></p>	<p><b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.</p>	<p><b>Consistent.</b> The proposed Project would result in converting existing non-transportation land uses (e.g., residential, commercial, industrial) to transportation land uses. However, it is anticipated that any required General Plan amendments would be implemented to ensure that future land use</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
		decisions are fully consistent with the General Plan Land Use Map.
<p><b>Policy 1.02. Identify and program the construction of basic neighborhood improvements (sidewalks, street trees, etc.) and public facilities (roads, lighting, etc.) in areas where they are lacking or substandard.</b></p>	<p><b>Not Applicable.</b> The No Project Alternative would maintain existing conditions within the Project Corridor. Any improvements and public facilities identified and programmed would occur as a separate process at the City level.</p>	<p><b>Consistent.</b> The proposed Project would incorporate safety improvements and infrastructure at all at-grade crossings along the Niles and Coast Subdivisions within the Project Corridor. These improvements include but are not limited to ADA sidewalk improvements.</p>
<p><b>Policy 1.05. Preserve the existing supply of affordable housing, rental apartments, and mobile homes.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of affordable housing, rental apartments, and mobile homes would not change.</p>	<p><b>Consistent.</b> The proposed Project would not require any full parcel acquisitions of residential zoned properties. The majority of proposed improvements would occur within or adjacent to the existing UPRR right-of-way.</p>
<p><i>City of Newark General Plan</i></p>		
<p><b>Policy LU-1.4. Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Build Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p><b>Consistent.</b> Infrastructure improvements associated with the proposed Project would be required to consider applicable development and design criteria of the local jurisdiction.</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>Policy LU-2.1. Protect single-family neighborhoods from substantial increases in density and new land uses which would adversely affect the character of the neighborhood.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to existing neighborhoods would occur.</p>	<p><b>Consistent.</b> The proposed Project would not require the acquisition of residential housing or residential zoned land within the City of Newark. Therefore, the proposed Project would not adversely affect the character of neighborhoods within the City of Newark.</p>
<p><b>Policy LU-2.2. Require that new structures, additions, and major renovations are aesthetically compatible with existing structures and the surrounding context, and contribute positively to the visual quality of neighborhoods.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no visual changes to existing neighborhoods would occur.</p>	<p><b>Consistent.</b> Infrastructure improvements associated with the proposed Project would be required to consider applicable development and design criteria of the local jurisdiction as identified in Section 3.2, Aesthetics.</p>
<p><b>Policy ED-4.5. Continue to support transportation improvements between Newark and major regional job centers, including better access to Caltrain and BART.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p><b>Consistent.</b> The proposed Project would enhance efficiency and effectiveness of transit within the Project Corridor through improving connections between high-demand destinations, increasing ridership on transit, and easing congestion on roadways.</p>
<p><b>Housing Priority 1. Preserve, rehabilitate, and enhance existing housing and neighborhoods.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to existing housing or neighborhoods would occur.</p>	<p><b>Consistent.</b> The proposed Project would not require residential acquisitions resulting in the removal of existing housing within the City of Newark.</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<i>City of Oakland General Plan</i>		
<b>Policy C 3.4. The vitality of existing neighborhood mixed use and community areas should be strengthened and preserved.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions.	<b>Consistent.</b> The proposed Project would not require additional property acquisition within the City of Oakland. Any identified improvements would occur within the existing UPRR right-of-way. Therefore, no changes to existing neighborhoods within the City of Oakland would occur.
<b>Policy T 2.1. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.</b>	<b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.	<b>Consistent.</b> The proposed Project intends to improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time.
<b>Policy T 2.4. Encourage transportation improvements that facilitate economic development.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> The proposed Project would improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing along the Project Corridor.
<b>Policy T 2.5. Link transportation facilities and infrastructure improvements to</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing	<b>Consistent.</b> The proposed Project would improve service by enhancing connections



**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>recreational uses, job centers, commercial nodes, and social services.</b></p>	<p>conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.</p>	<p>between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.</p>
<p><b>Goal 4. Conserve and improve older housing and neighborhoods.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to older housing or neighborhoods would occur.</p>	<p><b>Consistent.</b> The proposed Project would not require residential acquisitions resulting in the removal of existing housing within the City of Oakland.</p>
<p><i>City of San Leandro General Plan</i></p>		
<p><b>Policy LU-1.12 Encroachment of Incompatible Uses. Protect residential neighborhoods from the impacts of incompatible non-residential uses and disruptive traffic to the extent possible. Zoning and design review should ensure that compatibility issues are fully addressed when non-residential development is proposed near or within residential areas.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and no encroachment of incompatible uses would occur.</p>	<p><b>Consistent.</b> The proposed Project would not require acquisitions that would result in incompatible non-residential uses to residential neighborhoods within the City of San Leandro.</p>
<p><b>Policy LU-1.14 Construction Impacts. Ensure that construction activities are regulated and monitored in a manner that minimizes the potential for adverse off-site impacts such as noise, dust, erosion,</b></p>	<p><b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions and no construction activities would occur. Therefore, this policy would not be applicable.</p>	<p><b>Consistent.</b> the proposed Project would be required to implement mitigation measures and BMPs during construction activities to minimize impacts to adjacent land uses. These include but are not limited to</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>exposure to hazardous materials, and truck traffic.</b></p>		<p>mitigation measures and BMPs associated with noise, air quality, hazardous materials, and traffic.</p>
<p><b>Policy LU-2.1 Complete Neighborhoods. Strive for “complete neighborhoods” that provide an array of housing choices; easy access to retail stores, commercial services, and medical care; quality public schools; great parks and open spaces; affordable transportation options; and civic amenities.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.</p>	<p><b>Consistent.</b> The proposed Project would enhance connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.</p>
<p><b>Goal 56. Encourage the preservation and rehabilitation of the existing affordable housing stock.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of affordable housing stock within the City of San Leandro would not change.</p>	<p><b>Consistent.</b> The proposed Project would not reduce the existing supply of housing stock within the City of San Leandro.</p>
<p><b>Goal 57. Create a healthy environment in all San Leandro homes and sustainable development which reduced greenhouse gas emissions and household utility and transportation costs.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p><b>Consistent.</b> The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through increased effectiveness of inter-regional transit travel and improved access to work, education, and services along the Project Corridor.</p>
<p><b>Goal ED-6. Increase access to quality jobs, stable employment, and career advancement for all San Leandro residents.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project</p>	<p><b>Consistent.</b> The proposed Project would improve transit service by enhancing connections between high-demand</p>

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	destinations and overcoming existing geographic service gaps between job centers and affordable housing.
<i>City of Union City General Plan</i>		
<b>Goal LU-4. To preserve and enhance residential neighborhoods so they remain desirable places to live, maintain a variety of housing types, and contribute to the quality of life for Union City residents.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing within the City of Union City would not change.	<b>Consistent.</b> The proposed Project would not require residential housing acquisitions within the City of Union City.
<b>Goal D. To maintain healthy neighborhoods by improving the condition of the existing housing stock and by ensuring new development is compatible with the existing character and integrity of residential neighborhoods.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing within the City of Union City would not change.	<b>Consistent.</b> The proposed Project would not require residential housing acquisitions within the City of Union City.
<b>Policy LU-2.2. The City shall ensure that future land use and development decisions are in balance with the capacity of the City’s transportation system and consistent with the City’s goal of reducing greenhouse gas emissions.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase the effectiveness of inter-regional transit travel or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project would improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time. The increase of effectiveness to the existing transit system would improve access to work, education, services, and recreation along the Project Corridor, while reducing reliance on

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
automobile use and a decrease in greenhouse gas emissions generated.		
<i>City of Hayward General Plan</i>		
<p><b>Policy LU-1.1. The City shall support efforts to improve the jobs and housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p><b>Consistent.</b> The proposed Project would encourage an increase in ridership on transit and increase the effectiveness of inter-regional transit travel, which would ease congestion on roadways.</p>
<p><b>Goal H-1-1. Maintain and enhance the existing viable housing stock and neighborhoods within Hayward.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing stock in the City of Hayward would not change.</p>	<p><b>Consistent.</b> The proposed Project would not reduce the existing supply of housing stock within the City of Hayward.</p>

## No Project Alternative

**Significant Impact.** Many of the transportation land use goals and policies identified for the areas that would be traversed by the proposed Project would not be realized under the No Project Alternative. The goals of these policies, which aim to reduce automobile usage, increase intensity of development along transit corridors, seek cooperation and joint-development opportunities, enhance regional connectivity, minimize environmental Impacts, and maximize transit ridership, would not be achieved under the No Project Alternative. As identified in Table 3.12-3 in Section 3.12.6.2, the No Project Alternative would conflict with State and regional goals and some policies identified at the local level. In this specific context, the No Project Alternative would be inconsistent with regional transportation plans, and this inconsistency would be considered a significant impact.

## Proposed Project

### Construction and Operations

**Less Than Significant Impact.** As previously stated, Section 15125(d) of the CEQA Guidelines requires an EIR to discuss “any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans...” As detailed in Table 3.12-3, the proposed Project would be generally consistent with the applicable goals, policies, and objectives related to land use and planning. This includes compliance with state, regional, and local goals and policies set forth by Alameda County and all respective cities within the RSA (that is, Fremont, Hayward, Oakland, Newark, San Leandro, and Union City).

Implementation of the proposed Project would create a more efficient and reliable passenger rail route and significantly reduce rail travel time, which would facilitate a more auto-competitive travel time for intercity rail trips. The proposed Project would also create new connections to Transbay transit services and destinations. The following goals and objectives would be accomplished with implementation of the proposed Project and are relevant for the land use and planning analysis:

- Reduce passenger rail time between Oakland and San Jose and throughout the area to increase ridership on transit, ease congestion on the Bay Area’s stressed roadways, and reduce lengthy auto commutes.
- Improve service between Northern California markets by enhancing connections between high demand destinations, overcoming existing geographic service gaps between job centers and affordable housing projects on the San Francisco Peninsula and along the Capitol Corridor route.
- Promote environmental sustainability by reducing greenhouse gas emissions through a reduction in auto traffic.

The proposed Project would increase connectivity and transportation options for the cities and jurisdictions within the RSA. This would support the plans and policies of complete neighborhoods and transit-oriented development. Additionally, the proposed Project would encourage fewer VMT. This would comply with SB 375 by supporting the reduction of greenhouse gas emissions, one of the proposed Project’s identified needs. This would also follow CCJPA’s 2014 Vision Plan Update and 2016 Vision Implementation Plan, and the State’s 2018 California State Rail Plan. As stated in Section 3.12.2, Regulatory Setting, these plans all call for the relocation of the Capitol Corridor service to provide more efficient and direct passenger and freight routes, and significantly reduce rail travel time.

Therefore, impacts would be less than significant.

### **3.12.7 Mitigation Measures**

No mitigation measures for land use and planning are required for the proposed Project.

### **3.12.8 Cumulative Impact Analysis**

#### **Resource Study Area**

The cumulative RSA for land use and planning is defined as the area within two miles of the Project footprint. The cumulative RSA would capture impacts generated from the proposed Project's construction and potential regional impacts on land use and planning. A cumulatively considerable impact to land use would occur if the proposed Project when combined with past, present, and reasonably foreseeable projects, results in cumulatively considerable impact to the land use in the Project area.

#### **Cumulative Condition and Contribution of the Proposed Project**

As identified in Table 3.1 in Section 3.1, multiple past, present, and reasonably foreseeable projects were considered for the purpose of this cumulative impact analysis. These cumulative projects include infrastructure projects, transportation and transit projects, recreational and community facility projects, and other private development projects within the proposed Project's RSA. Based on a review of environmental documents available for these cumulative projects, none of the projects identifies a cumulative land use impact.

The proposed Project, in combination with planned projects under the cumulative condition, would result in temporary changes in the pattern and density of land uses during construction if construction of the proposed Project occurs at the same time as construction of other planned projects. This could result in a cumulative effect on various land uses if they become part of, or are near, a temporary construction easement, such as a staging area. These types of impacts, which could include visual changes, lighting and glare, increased air pollutant emissions, noise and vibration, and increased traffic, would be limited to the construction activities and would be temporary. Generally, affected parcels would be returned to previous/existing land use functions in the same or better condition as before their use.

Operation of the proposed Project could result in an increase in rail activity at new station facilities. These effects could result in a cumulative impact if combined with additional operational impacts from other projects. However, growth is projected in the cities and communities along the proposed Project alignment. Under the cumulative condition, local land use plans and projects are planned to accommodate that growth. Generally, development would occur in the framework of existing general or specific plans of the municipality in which it occurs. Planning documents relevant to the municipalities (including land use elements of general plans, community plans, and other planning documents) generally encourage infill and higher-density development near transit corridors to provide more travel choices. Local jurisdictions are implementing these policies regardless of whether a project is constructed.

As identified in Table 3.12-3 in Section 3.12.6.2, the proposed Project is consistent with applicable land use and planning goals and policies identified in regional and local planning documents that

promote transit ridership, reduced automobile dependence, and enhance connections between job centers and affordable housing within the RSA. All development projects, including the identified cumulative projects, would be required to comply with applicable regulations and planning standards and would be subject to the local jurisdiction planning process and environmental review as applicable. Therefore, the cumulative projects would also be subject to compliance with relevant land use plans, policies, or regulations and would otherwise require the approval of Alameda County and the respective local jurisdictions. In addition, growth and development would continue to occur within the RSA consistent with existing zoning regulations that would not be changed by the proposed Project.

The proposed Project, including the identified cumulative projects, would not result in a physical division of an established community. The proposed Project would follow the necessary regulations and would incorporate BMPs during construction work and acquisition as part of the acquisition process. Additionally, the cumulative projects consist of railroad crossing and safety improvements, complete street improvements, site remediation, and park improvements. All of these projects would be within the existing land and infrastructure. Many projects on the project list are park improvement and development projects; however, none of the park development projects would physically divide any community. Conversely, such projects would create more community cohesion. As a result, there would be no conflicts to the existing land use and there would be no physical division of an established community.

**Conclusion**

Implementation of the proposed Project, combined with other foreseeable projects in the surrounding area, is not expected to result in significant cumulative impacts on land use and planning resources.

**3.12.9 CEQA Significance Findings Summary Table**

Table 3.12-4 summarizes the land use and planning impacts of the proposed Project.

**Table 3.12-4. Land Use and Planning Impacts Summary**

Impact	Level of Significance Before Mitigation	Incremental Project Contribution to Cumulative Impacts	Mitigation	Level of Significance with Mitigation Incorporated	Incremental Project Cumulative Impact after Mitigation
<b>(a) Would the project physically divide an established community?</b>	LTS	NCC	N/A	LTS	NCC
<b>(b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</b>	LTS	NCC	N/A	LTS	NCC

Notes: LTS = Less than Significant Impact, NI = No Impact, N/A = Not Applicable, SI = Significant Impact, S/M = Significant Impact but Mitigable to a Less than Significant Level, CC = Cumulatively Considerable, NCC = Not Cumulatively Considerable.



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