



CALL AND NOTICE

REVISED

CALL AND NOTICE OF SPECIAL MEETING OF THE ADMINISTRATIVE COMMITTEE OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Chair of the Administrative Committee of the Association of Bay Area Governments (ABAG), I am calling a special meeting of the ABAG Administrative Committee as follows:

ADMINISTRATIVE COMMITTEE

Special Joint Meeting with the MTC Planning Committee

Friday, July 12, 2013, 9:30 AM

Location:

Lawrence D. Dahms Auditorium
Joseph P. Bort MetroCenter
101 8th Street
Oakland, California

Agenda and attachments available at abag.ca.gov

For information, contact Fred Castro, ABAG Clerk of the Board, at (510) 464 7913.

The business to be transacted will include:

- 1. Call to Order / Confirm Quorum / Compensation Announcement**
- 2. Consent Calendar**
 - A. Approval of Minutes of June 14, 2013**
ABAG Administrative Committee ACTION/MTC Planning Committee APPROVAL
 - B. Prop 1C—Infill Infrastructure Grants**
MTC Planning Committee APPROVAL
 - C. 2013 Congestion Management Plan Guidance (MTC Resolution No. 3000, Revised)**
MTC Planning Committee APPROVAL
- 3. Final Plan Bay Area**
 - A. Final Air Quality Conformity Analysis (MTC Resolution NO. 4076)**
MTC Commission APPROVAL

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- B. **Final Environmental Impact Report (MTC and ABAG Joint Resolution: MTC Resolution No. 4110 and ABAG Executive Board Resolution No. 05-13)**
ABAG Administrative Committee ACTION/MTC Commission APPROVAL
- C. **Final Plan Bay Area (MTC Resolution No. 4111 and ABAG Resolution No. 06-13)**
ABAG Administrative Committee ACTION/MTC Commission APPROVAL
- D. **2013 Transportation Improvement Program (TIP) (MTC Resolution No. 4075)**
MTC Commission APPROVAL

4. Public Comment / Other Business / Next Meeting / Adjournment

The ABAG Administrative Committee may act on any item on the agenda.

Members of the public shall be provided an opportunity to directly address the ABAG Administrative Committee concerning any item described in this notice before consideration of that item.

Agendas and materials will be posted and distributed for this meeting by ABAG staff in the normal course of business.



Mark Luce
Chair, Administrative Committee

July 8, 2013

Date



AGENDA

REVISED

ADMINISTRATIVE COMMITTEE

Special Joint Meeting with the MTC Planning Committee

Friday, July 12, 2013, 9:30 AM

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101 8th Street
Oakland, California

The ABAG Administrative Committee may act on any item on this agenda.

Members of the public shall be provided an opportunity to directly address the ABAG Administrative Committee concerning any item described in this notice before consideration of that item.

This meeting is scheduled to be audiocast live on the Metropolitan Transportation Commission website at mtc.ca.gov

Agenda and attachments available at abag.ca.gov

For information, contact Fred Castro, ABAG Clerk of the Board, at (510) 464 7913.

1. Call to Order / Confirm Quorum / Compensation Announcement

2. Consent Calendar

A. Approval of Minutes of June 14, 2013

ABAG Administrative Committee ACTION/MTC Planning Committee APPROVAL

Attachment: Minutes of June 14, 2013

B. Prop 1C—Infill Infrastructure Grants

Ken Kirkey, MTC Planning Director, will report on Prop 1C—Infill Infrastructure Grants. MTC staff seeks the MTC Planning Committee's concurrence with ABAG's criteria for recommending Bay Area projects for the state's Infill Infrastructure grant program.

MTC Planning Committee APPROVAL

Attachment: State Funding Programs—Regional Plan Consistency

C. 2013 Congestion Management Plan Guidance (MTC Resolution No. 3000, Revised)

Sean Co, MTC, will report on 2013 Congestion Management Plan Guidance. MTC staff recommends revisions to the CMP guidance to the county Congestion Management Agencies to reflect relevant provisions of the draft Plan Bay Area.

MTC Planning Committee APPROVAL

Attachment: CMP Guidance

3. Final Plan Bay Area

A. Final Air Quality Conformity Analysis (MTC Resolution NO. 4076)

MTC Commission APPROVAL

Carolyn Clevenger, MTC, will report on the Final Air Quality Conformity Analysis. MTC staff will request the MTC Planning Committee to forward the Air Quality Conformity Determination for Plan Bay Area/Regional Transportation Plan to the MTC Commission for approval.

Attachment: Air Quality Conformity Analysis

B. Final Environmental Impact Report (MTC and ABAG Joint Resolution: MTC Resolution No. 4110 and ABAG Executive Board Resolution No. 05-13)

ABAG Administrative Committee ACTION/MTC Commission APPROVAL

Miriam Chion, ABAG, Planning and Research Director, and Carolyn Clevenger, MTC, will report on the Final Environmental Impact Report. Staff will present a recommendation that the MTC Planning Committee and the ABAG Administrative Committee refer the certification of the final EIR for Plan Bay Area to the MTC Commission and ABAG Executive Board, respectively, for approval.

Attachment: Plan Bay Area Final Environmental Impact Report Final Certification

C. Final Plan Bay Area (MTC Resolution No. 4111 and ABAG Resolution No. 06-13)

ABAG Administrative Committee ACTION/MTC Commission APPROVAL

Ken Kirkey, MTC Planning Director, and Miriam Chion, ABAG Planning and Research Director, will report on the Final Plan Bay Area. Staff will present revisions to the Draft Plan and request referral of the Final Plan for adoption by the MTC Commission and ABAG Executive Board, respectively.

Attachment: Final Plan Bay Area

D. 2013 Transportation Improvement Program (TIP) (MTC Resolution No. 4075)

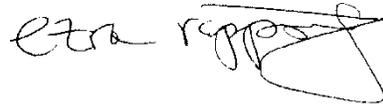
MTC Commission APPROVAL

Ross McKeown, MTC, will report on the 2013 Transportation Improvement Program. MTC staff will request the MTC Planning Committee to refer the 2013 TIP to the MTC Commission for approval, consistent with the adoption of the Final Plan Bay Area.

Attachment: 2013 TIP

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4. Public Comment / Other Business / Next Meeting / Adjournment



Ezra Rapport
Secretary-Treasurer

July 8, 2013

Date

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METROPOLITAN
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Dave Cortese, Vice Chair
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U.S. Department of Housing
and Urban Development

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San Mateo County

Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

MTC PLANNING COMMITTEE

June 14, 2013

MINUTES

ATTENDANCE

Chair Sperring called the MTC Planning Committee meeting to order at 9:40 a.m. Planning Committee members in attendance were: Commissioners Aguirre, Giacopini, Haggerty, Halsted, Liccardo, Luce, and Mackenzie. Commission Vice-Chair Cortese was present in his ex-officio capacity. Commissioners' Bates, Campos, Quan, Tissier, and Weiner were also in attendance.

ABAG Administrative Committee members in attendance were: Cortese, Eklund, Gioia, Haggerty, Liccardo, Luce, Mar, Pierce, Quan, and Sperring.

CONSENT CALENDAR: a) Minutes of May 10, 2013

Commissioner Halsted moved approval of the Consent Calendar, ABAG Administrative Committee member Pierce seconded. Motion passed unanimously.

DRAFT PLAN BAY AREA: a) Summary of Public Input

Ms. Ellen Griffin, MTC, summarized the various ways that ABAG and MTC reached out to Bay Area residents to seek comments on the Draft Plan and Draft Environmental Impact Report (DEIR). She highlighted the key themes heard through public comments, and noted that staff continuously updated the "Frequently Asked Questions" on the OneBayArea.org website to answer basic questions and to address misperceptions and inaccuracies stated by some commenters. Ms. Miriam Chion, ABAG, added that in response to jurisdiction comments, the Housing and Employment Distribution was modified to make minor corrections to the datasets used and, in some cases to adjust local jurisdiction growth based on corrections to how the distribution methodology was applied.

Mr. Jon Canapary, Corey, Canapary & Galanis, summarized the results of the Plan Bay Area telephone poll. He noted that the survey was conducted in English, Spanish and Chinese during March through May, 2013, and included over 2500 respondents from all nine Bay Area counties.

Committee comments:

- Commissioner Haggerty requested a copy of the final telephone survey report when it is available. He stated his objection to the terminology used to describe different geographic areas of the region, and asked where the 2500 calls went – primarily urban areas/suburban areas? Mr. Canapary stated that he would revise the language, and noted that the survey used telephone prefixes throughout every Bay Area county, as well as cell phone samples and listed numbers.

- ABAG Administrative Committee member Gioia asked if the survey sample reflects the demographics, the diverse population and geography of the Bay Area. Mr. Canapary confirmed that it does.
- ABAG Administrative Committee member Eklund asked for clarification on the number of respondents from Marin County. She also requested some discussion on the age breakdown of respondents. Mr. Canapary clarified that the survey responses are weighted by population, and with over 250 interviews conducted in Marin County, one can have a high level of confidence in the data because they did a higher sample size. In terms of age representation, there were some differences in responses from different age groups. For example, older individuals rated upkeep of roads as more important than expanding rail.
- Commissioner Quan asked if there were multi-lingual interviewers. Mr. Canapary confirmed that there were.
- Commissioner Campos asked how many surveys were conducted in the different languages and how that compares to the overall Bay Area population. Mr. Canapary stated that responses are not balanced necessarily by ethnicity or language, because many of the interviews were with bilingual individuals, and were conducted in English if possible. If that was not possible, then a Spanish- or Chinese-language speaker called them back.
- Commissioner Cortese requested more information by county and noted that he hoped the survey did not exclude significant segments of the population.

b) Response to Key Issues and Preliminary Recommendations

Mr. Ken Kirkey, MTC, and Ms. Miriam Chion, ABAG, presented key issues and offered preliminary recommendations for possible revisions to the Draft Plan Bay Area in response to public comments.

Public comment:

- Dolly Sandoval, MTC Policy Advisory Council, stated that proximity of housing and jobs is vital, and that the Council agrees with the comments that the Plan should do more to improve social equity, prevent displacement and establish an off-plan study of establishing a fee on vehicle-miles traveled.
- Arthur Dao, Alameda County Transportation Commission, expressed support on the process and the Draft Plan. It represents a significant achievement in meeting greenhouse gas targets while respecting local land use control.
- Catherine Lyons, Bay Area Council, expressed support for the HOT Lane Network. She expressed concern that the housing unit numbers are not high enough to house the population workforce and stimulate job growth, and expressed support for including a Statement of Assurances, submitted by the Building Industry, in the Plan.
- Tim Frank, Center for Sustainable Neighborhoods, stated that he is impressed with the results of the EEJ scenario. He suggested moving some of the housing from the current PDAs into places that have lots of jobs and transportation but didn't volunteer to be designated as a PDA.
- John Datnymple, consultant for Sheet Metal Workers International, expressed concern that comments made by his clients were not reflected in the staff report. He expressed support for the Draft Plan, but Plan Bay Area will result in millions of dollars leaving the region, unless it includes job opportunities with local hire and other provisions for at-risk youth, veterans, and others.

- Peter Singleton stated that staff ignored about 85% of the commenters who expressed their opposition to the Plan. He stated that the Plan's model for greenhouse gas emissions in California shows that GHGs are 25-35% higher today than they were in 1990, which is false. He also stated that advances in clean-car standards will cut Bay Area gasoline consumption in half, yet the Plan assumes that gas tax revenues will increase.
- Rusty Snow, Orinda Watch, stated that the 45-day comment period on the DEIR should have been extended due to the length and complexities of the documents. She described comment letters from Orinda Watch and from the cities of Lafayette, Larkspur, Orinda, San Rafael, Sausalito, and Corte Madera that requested an extension of the comment period. They also requested that staff review and investigate the comments from Bay Area citizens and to adjust and modify the Plan accordingly.
- Sam Tepperman-Gelfant, Public Advocates/6 Wins, noted the Plan needs to address the issue of displacement. He supported strengthening future rounds of the One Bay Area Grant (OBAG) Program to tie together transportation investments and land use. He also requested that future OBAG funds incentivize local affordable housing and anti-displacement policies.
- Steve Woo, Chinatown Community Development Corporation, expressed concern with displacement risks cited in the equity analysis of the Plan. He recommended state-level reform.
- Kirsten Spalding, San Mateo County Union Community Alliance, stated that the Plan should address labor standards, including a focus on standard area wages, and local youth apprenticeships.
- Wendy Alfsen, California Walks/SF Bay Walks, urged continued use of performance measurements and more emphasis on improving air quality, health and safety. She also requested the committee prioritize investment and expansion of public transit operations, including regional transit passes.
- Chris Lepe, TransForm, stated that investing in transportation alternatives is key to quality of life, as well as better air quality. He also stated that there needs to be anti-displacement measures and more scrutiny of the impacts of highway expansion on vulnerable communities.
- Clarrissa Cabansagan, TransForm, urged staff to incorporate the EEJ policies. She also commented on the Express Lane Network and stated that it would cost much less to convert existing general purpose lanes into HOT lanes. She requested that the Plan free up money for transit, and called for a study on conversion of general purpose lanes.
- Larry Tong, EBRPD, stressed the need for meaningful financial incentives and mitigation measures to protect the vital natural resources. He requested a 5% set-aside for natural resource protection.
- Erica Stephan, TransForm, commented on express lanes and stated that much of the money is allocated to new construction, new lanes, and yet many studies have shown this will induce demand. Transportation choices that will reduce driving are a better investment. She requested that 50% of express lane revenues be dedicated to increasing transit funding, especially along those corridors where the express lanes are operating.
- Joshua Hugg, Housing Leadership Council of San Mateo County, stated that the approach provided by the EEJ alternative provides the best chance for the region at large to meet the region's needs.

- Claire Jahns stated that this Plan is an important next step to ensure that existing conservation planning is leveraged to benefit broader planning efforts. She urged staff to factor in early the potential impacts of infrastructure on agricultural and open space lands.
- Tina Hugg, Midpeninsula Regional Open Space District, expressed her support of the recommendation to expand and refine the Priority Conservation Area (PCA) Program and seeking additional funding for PCA conservation and management efforts. She urged that eligibility criteria and the 3-1 match requirement be relaxed to make qualifying for the program easier. The Plan needs to analyze the Bay Area's parks and open space assets to better link the PCAs with PDAs.
- Clayton Smith, Save Tam Valley, stated that the poll survey is designed to deceive.
- Marilynne Mellander, Save El Sobrante.com, expressed her opposition to Plan Bay Area. She also stated that express lanes will force traffic into fewer traffic lanes, which means they will be idling, which generates even more particulates so anyone living along those corridors will have more pollution to deal with.
- Carmen Angelandretti, ACCE, stated that there needs to be more buses and less highways and a free regional youth bus pass. She urged addition of \$3.3 million more to transit operating funds and prioritization of transit operations as new funds become available.
- Bob Allen, Urban Habitat, commented on the EEJ alternative and proposed shifting cap and trade revenue into affordable housing near transit and into transit and operations, with the goal of targeting a greater percentage of revenue for local service and related capital for increasing transit operations. He also noted that having a long-term policy that targets new sources of revenue for transit operations would be a good structural improvement. He commented on the express lane network and urged conversion of general-purpose lanes.
- Aubrey Freedman, Libertarian Party of San Francisco, expressed his opposition to the Plan and noted that the government needs to stay out of the housing area.
- Melissa Hippard, Greenbelt Alliance, stated that the Plan should have a more explicit policy suggestions, language, or goals to protect natural resources. She supports staff's recommendation to continue to work on the PCA Program, and the grant program that is in place now. She echoed concerns staff raised around redistributing housing to green-fill suburban locations because that will likely increase pressure on open spaces and agricultural lands. She recommended that the Plan include language addressing mitigation for biological carbon dioxide emissions and impacts on public lands.
- Robert Macaulay, Solano Transportation Authority, expressed support for the Plan as proposed, including the Express Lane Network. He noted that displacement is an important issue and is one best addressed at the local level. He also commented on the Cap and Trade funds and noted, from the CMAs perspective, that it appears to be too early to commit who will make the decision on how those funds will be spent.
- Judy Galletti, Citizens Alliance for Property Rights, expressed her opposition of the Plan.
- Pat Ferguson submitted a graph from the Joint Center for Housing Studies at Harvard University that shows that crime increases with the size of buildings. She stated that the Plan would import failed urban planning policies into the suburbs. Suburbs don't need transit; the plan should fund more transit in Oakland instead.
- Steve Lowe, West Oakland Commerce Association and Jack London District Association, stated that if West Oakland is going to be among the PDAs, then they need to be among the first of the PDAs to take into consideration the negative impacts of transportation.

- Glenn stated that the people should have the right to vote on Plan Bay Area. He also stated that the notice for the public comment period was seriously flawed – the greater proportion of the population of the Bay Area is totally unaware of this Plan. He stated that the people wanted local planning and local control – not regional.
- Gloria Bruce, East Bay Housing Organizations/6 Wins, agreed with the proposal for affordable housing funding from Cap and Trade revenue, but there needs to be more. She agrees with the consideration made on the OBAG criteria and possibly some consideration made on anti-displacement policies.
- Wafaa Aborashed, Bay Area Healthy 880 Communities/6 Wins, requested more funding towards public transit to help the youth get to school, etc.
- Mike Bulea expressed his opposition to the Plan, and requested that the Plan go to the voters.
- Jamie Studley, 6 Wins, expressed her support of the EEJ recommendations, and noted that valuing equity adds to the greenhouse gas goals.
- Charles Cagnon, SF Republican Party Central Committee, expressed his opposition to the Plan.
- Chris Pareja expressed his opposition to the Plan and objected to language in the plan stating that Latinos and Asians have a historical preference for multifamily homes, that many do not have cars, that there will be a lot more lower paying jobs for communities of color/communities of concern or minority groups. He stated this is not correct.
- Nina Pellegrini, Californians for Property Rights, expressed her concern about property rights and properly values diminishing in rural areas. She expressed her opposition of the Plan.
- Janet Marorana expressed her concern about the future for the Bay Area. She stated that the main problem is that only a few people are aware of Plan Bay Area, and if Plan Bay Area had merit, communities who do not want to comply would not be punished financially.
- Gini David, Bay Area Patriots, expressed her concern with the poll and noted that 53% were in favor of local control versus 44% for regional control.
- Shelley expressed opposition to the Plan and disagreed with population projections. She stated people are moving out of the state, and there is no proof the sea is going to rise 3 feet.
- Victor Aguila, Republican Party, expressed his opposition to the Plan and urged the committee stop the relocation of people in the Bay Area.
- Fernando Marti, Council of Community Housing Organizations, expressed support for regional planning, but stated the Plan needs funding to meet its goals; the displacement risk is not acceptable, less so with the EEJ alternative. He stated all funds should be conditioned on strong anti-displacement policies, tailored to each jurisdiction's conditions.
- Peter Cohen, Council of Community Housing Organizations, stated the plan should not result in more people being vulnerable to being displaced. He said policies need to be in place to protect tenants, stabilize communities, ensure funding for the affordable housing.
- Paul Campos, Business Industry Association, submitted a letter asking the Committee to add language in the final Plan clarifying their intent in adopting the Plan.
- Bill Bowen commented on the demographics and displacement impact, he asked what Plan Bay Area is if no money arrives from Cap & Trade. He also stated the Plan should go before the voters.
- Stephanie Reyes, Greenbelt Alliance, supported staff's recommendation for Cap and Trade funds for affordable housing near transit, and urged the committee to commit that the next round of the One Bay Area grant funds include affordable housing and anti-displacement funds with a menu of options to implement.

- Zoe Levitt, Alameda County Public Health Dept., urged the committee to increase the investment in local transit service as a critical public health resource.
- Gloria Rotunno Strong stated that if younger people understood the plan they would not be in favor of it. She expressed her opposition to the Plan.
- Sara Lowell stated the Plan should do more to incentivize local governments to create policies that mitigate for development and expand the conservation and lands network; and increase investments in PCAs.
- Shilpi Chultray stated the Plan should identify ways to increase access to open spaces, including more public transportation and bicycle access.
- Vince expressed his concern about greenhouse gases; he challenged members to leave their cars and use the public transportation system; and may find it is impractical in some places.
- Jim Bitter, for Fred Volking, stated this is a nationwide plan that should go to the voters.

Committee discussion:

- ABAG Administrative Committee member Eklund identified the following topics for further discussion: population – do we keep the population and job projections or consider lowering them; local control – the name of the Plan should be changed to something that does not give the impression it's a one size fits all document; ensuring the local labor market is given preference for jobs in the nine county Bay Area; 5% set aside for parks and open space; CEQA streamlining and other specifics; and the DEIR responses to comments. She also noted the 99% of the comments from Marin were against Plan Bay Area. She supports the Plan going to the voters, and also recommended that ABAG hold a General Assembly and have each city and county vote on the Plan before July 18, 2013.
- Commissioner Quan would like more response from staff on the EEJ recommendations, such as what percentage of the Cap and Trade projected funds would be used; more discussion on the HOV lanes and what HOV funds could be reallocated. She asked how much the Plan spends on highways versus public transportation, in particular in areas where transit is heavily used. She asked what the Plan does to get people to the three regional centers of San Francisco, Oakland and San Jose. She also expressed concern that immigrants were underrepresented in the poll, and in future polls would like more analysis of responses by age of respondents, as she believes many seniors are returning to the urban core.
- Commissioner Haggerty asked if the Cap and Trade revenues had been vetted with all of the CMAs. Mr. Steve Heminger stated that when staff started the Plan, there was no framework to estimate Cap and Trade revenues, so staff did not include any at all. Staff is now asking the Committee to consider including staff's estimate for this revenue source in the Plan so that a certain amount can be reserved for affordable housing and the remaining be reserved for future discussion. He also noted that staff did not consult with the CMAs with regard to this revenue source. Commissioner Haggerty asked that CMAs be consulted on future policy development, project selection and funding allocation with respect to Cap and Trade funds.
- Commissioner Haggerty noted there is a great need for affordable housing in rural areas of the region, not just urban areas. Mr. Heminger stated that staff's proposal was to include the revenue stream in the Plan and establish a broad policy. He agreed there needs to be discussion about how and where the money will be spent, and who will make the decisions. He noted this discussion would be best served with a revenue estimate that can provide a parameter to the discussion.

- Commissioner Haggerty stated the Plan should mention goods movement, including interregional coordination of truck traffic on I-580. Mr. Ken Kirkey noted this is highlighted in the staff memo because it is a high priority item for additional work upon adoption of the Plan. Commissioner Haggerty asked why we don't put the Plan before the voters.
- ABAG Administrative Committee member Julie Pierce stated the Plan needs a statement of intent that clearly explains that the Plan is a regional strategy for local and interregional cooperation among counties and cities; it is up to local jurisdictions to implement; and that all land use decisions will remain with individual cities and counties, not the region. The Plan is a strategy for how to grow, with incentives for development in PDAs. She noted that while 70% of growth will be in PDAs, all jurisdictions will be responsible for their fair share of housing, even outside of PDAs, and thus we expect growth across the region partly as the market dictates.
- Commissioner Luce expressed his support of the Plan as recommended, and agreed there needs to be more discussion on potential revenue from Cap and Trade.

In anticipation of losing a quorum of the ABAG Administrative Committee, Commissioner Luce moved approval of staff's recommendation. Commissioner Spring expressed his concern about the way the potential Cap and Trade funds are being allocated and stated it needs more discussion. He supported the motion with the understanding of the need for more discussion on Cap and Trade. Commissioner Liccardo seconded. Commissioner Haggerty opposed. Motion passed.

- Commissioner Bates stated that Cap and Trade has not yet been decided. The legislature may decide to spend it in a totally different way, so it's important for ABAG and MTC to get a uniform position and advocate for the money. He agreed with Committee member Pierce's comments on the PDAs. He supports the 5% set aside for natural resources. He also stated that displacement issue is a real problem and staff needs to address it, and when the two-year review comes up, he would like to see the demographics. Lastly, he commented on the HOT lanes and noted that he supports the concept, but it's important to recognize that money can't just be taken from HOT lanes and invested in more HOT lanes without some tangible benefit to go with it for the people who are paying the price. A certain percentage of the net revenue should go to help provide additional public transportation.
- Commissioner Mackenzie agreed that the Cap and Trade allocation requires further discussion, as well as the recommendations on the affordable housing and transportation investments. He stated that the Priority Conservation Program has pilot programs in all nine counties, and is very sympathetic towards a 5% set-aside, but he believes it needs to be done in the context of the next iteration of Plan Bay Area. He also expressed interest in the idea of including a letter of intent into the Plan.
- Commissioner Halsted agrees that there needs to be more discussion on Cap and Trade.
- Commissioner Spring commented on affordable housing and noted that the redevelopment agencies still have millions of dollars for affordable housing and there should be some obligation to how the money is spent in those communities that have to a part of that commitment.
- Commissioner Haggerty requested that staff work with the CMAs regarding policy development, project selection and funding allocation for the \$3.1b Cap and Trade

revenues. He also commented on goods movement, and asked staff to move the additional incentives and priorities for the Bay Area planning implementation and give it more credence in the Plan. Mr. Heminger stated that both he and Mr. Ezra Rapport will work on something to include in the Plan in relationship to goods movement. Ms. Miriam Chion stated that staff will prepare a one-page White Paper on Goods Movement as well as on PCAs for the ABAG meeting on June 20, 2013.

Mr. Heminger clarified that staff is not recommending the committee include the 5% set-aside because taking 5% of the money from the Plan means taking it away from somewhere else. He agrees that they should do pilot programs, learn from it, and have a discussion about the kind of set-aside when the Plan is updated.

Commissioner Spring commented on the Building Industry Association letter and requested staff to convene the working group that did the analysis on the PDAs and get input from them on that letter to see if there is something that can be done to mitigate those concerns.

Commissioner Spring motioned approval of staff's recommendations with the noted modifications made by the committee, and with the understanding of more discussion on the comments made on the Cap and Trade, Affordable Housing, and Priority Conservation Area. Commissioner Mackenzie moved approval, Commissioner Halsted seconded. Motion passed unanimously.

OTHER BUSINESS/PUBLIC COMMENT

There being no other business, the meeting adjourned at 1:26 p.m. The Committee's next meeting is scheduled for Friday, July 12, 2013 at 9:30 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.

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**METROPOLITAN
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Memorandum

TO: Planning Committee

DATE: July 12, 2013

FR: Executive Director

W. I.

RE: State Funding Programs - Regional Plan Consistency

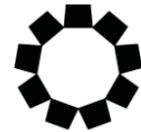
State funding related to a number of programs, including bond-related funds to support the development of transit-oriented affordable housing is conditioned in part on a determination that a project is consistent with a Regional Plan. One such program is the Infill Infrastructure Grant (IIG) Program, funded through Proposition 1C and conducted by the California Department of Housing and Community Development (HCD). Applications for the current round of IIG funding are due on August 14, 2013.

The ABAG Executive Board took action on June 20th, 2013 to endorse with minor modifications regional plan consistency criteria jointly developed by MTC and ABAG staff (Attachment 1).

Staff recommends that the Planning Committee endorse the criteria for Regional Plan Consistency with State Funding Programs as modified and endorsed by the ABAG Executive Board on June 20, 2013.

A handwritten signature in blue ink, appearing to read 'Steve Heminger', is written over a horizontal line.

Steve Heminger



Attachment 1

Consistency with Plan Bay Area for affordable housing projects

The memo included in Item 8, “Consistency of Local Projects with Regional Plan,” notes that some State resources and programs require, or favorably consider, a determination that a proposed local project or investment is consistent with a regional plan.

A number of planned affordable housing projects in the Bay Area are pursuing an immediate opportunity for funds from the \$70 million Infill Infrastructure Grant Program and the \$60 million TOD Housing Program. Both of these grant programs are funded by Proposition 1C (passed in 2006) and administered by the California Department of Housing and Community Development (HCD). The deadline for applications is August 14, 2013. Applications received in advance of the deadline receive favorable consideration.

In the scoring criteria for both grant programs, applicants are eligible to receive points for consistency with an adopted regional plan, as demonstrated by a letter from the region’s Council of Governments (e.g. ABAG). Given the volume of applications for this program, a letter indicating regional plan consistency is often critical to a project’s competitiveness. ABAG can take action to support pending and future grant applications for Bay Area projects by establishing criteria for affordable housing project consistency with the Sustainable Community Strategy and providing letters for projects that meet these criteria immediately after adoption of these criteria by the Executive Board. *Consistency of local development projects with Plan Bay Area for the purposes of entitlement efficiency under CEQA will be addressed separately following plan adoption.*

Infill affordable housing production is central to implementation of Plan Bay Area. Defining consistency of selected affordable housing proposals with Plan Bay Area would support much needed housing for low and very low income households, and increase access to local services for families and seniors with limited transportation options. It will also support implementation of locally adopted Housing Elements.

Recommendations:

Define consistency criteria with Plan Bay Area for affordable housing projects based on one of the following options:

- 1) All affordable housing projects within Priority Development Areas (PDAs); or
- 2) All projects within PDAs, as well as projects outside of PDAs that meet specific all of the following criteria: ~~These criteria could include some or all of the following:~~
 - o ~~On a site consistent~~ Conforms with the local General Plan and Housing Element for the 2007-2014 Regional Housing Need Allocation (RHNA) period which has been found by HCD to be in substantial compliance with Housing Element law.
 - o Within ½ mile of a rail station or ferry terminal or an area served by bus with minimum headways of 20 minutes during peak weekday commute periods

Addenda to Items 7C and 8

June 20, 2013

2

- 100% affordable to low and very low-income households for 55 years
- Within ½ mile of at least ~~ten~~ six neighborhood amenities (such as educational or child care facilities, retail services, health care facilities, financial services, and cultural, recreational and entertainment facilities, etc.)

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METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Planning Committee

DATE: July 5, 2013

FR: Executive Director

RE: 2013 Congestion Management Program Guidance: MTC Res. No. 3000, Revised

Background

The state law establishing the Congestion Management Programs (CMPs) includes specific requirements for the content and development process, the relationship between the CMPs and the metropolitan planning process, and requirements for system monitoring. MTC's responsibilities include review of the consistency of the CMPs with the Regional Transportation Plan (RTP), evaluation of the consistency and compatibility of the CMPs in the region, and inclusion of the CMP projects in the Regional Transportation Improvement Program (RTIP) in order to compete for state funding.

CMP Review Process and Schedule

MTC is required to evaluate consistency of the CMPs every two years with the RTP that is in effect when the CMP is submitted. In anticipation of the upcoming CMP review this fall (see Table 1, attached) staff is recommending an update to the CMP guidelines to reflect the policies in Plan Bay Area that are relevant to the CMPs. This will allow the CMAs time to incorporate the new guidance into their draft CMPs that are due to MTC in October.

Proposed Changes in CMP Guidance for 2013

The changes to the CMP Guidance include references to regional goals and policies established in the draft Plan Bay Area. Staff will update the guidelines, as necessary, to reflect any final revisions to the Plan that have relevance to the CMPs. Projects proposed for the Regional Transportation Improvement Program (RTIP) will be reviewed for consistency with MTC's Plan Bay Area.

Recommendation

MTC Res. 3000 delegates to this Committee the responsibility for approving amendments to the CMP Guidance (MTC Res. No 3000). Staff recommends that the committee approve the revisions to Attachments A and B of Res. No. 3000, for the purpose of providing guidance for the development of the 2013 CMPs consistent with Plan Bay Area.


Steve Heminger

Table 1

MTC's 2013 CMP Review Process and Draft Schedule

Date	Event	Responsible Party
July 12	Approval of updates to CMP Guidance	MTC's Planning Committee
October 16	Final 2013 CMPs due to MTC Proposed RTIP project listings to MTC	CMAs
October 21- November 14	Review of consistency of CMPs with the Regional Transportation Plan (RTP)	MTC staff
November 14 (tentative)	MTC's Consistency Findings on 2013 CMPs	Planning Comm. Recommendation
December 11	MTC's approval of the 2014 RTIP	PAC recommendation
December 18 (tentative)	MTC's Consistency Findings on 2013 CMPs MTC's approval of the 2014 RTIP	MTC
December 24	2014 RTIP due to the California Transportation Commission (CTC)	MTC

Date: June 25, 1997
W.I.: 30.5.10
Referred By: WPC
Revised: 06/11/99-W 05/11/01-POC
06/13/03-POC 06/10/05-POC
05/11/07-PC 05/08/09-PC
06/10/11-PC 07/12/13-PC

ABSTRACT

Resolution No. 3000, Revised

This resolution revises MTC's Guidance for Consistency of Congestion Management Programs with the Regional Transportation Plan (RTP).

This resolution supersedes Resolution No. 2537

Attachments A and B of this resolution were revised on June 11, 1999 to reflect federal and state legislative changes established through the passage of the Transportation Equity Act of the 21st Century and SB 45, respectively. In addition, the Modeling Checklist has been updated.

Attachments A and B of this resolution were revised on May 11, 2001 to reflect state legislative changes and to reference updated demographic and forecast data.

Attachments A and B of this resolution were revised on June 13, 2003 to reflect state legislative changes, 2001 RTP goals and policies, and to reference updated demographic and forecast data.

Attachments A and B of this resolution were revised on June 10, 2005 to reflect the updated RTP goals, as per Transportation 2030, and to reference updated demographic and forecast data.

Attachments A and B of this resolution were revised on May 11, 2007 to reflect federal legislative changes established through the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA), and to reference new State Transportation Control Measures and updated demographic and forecast data.

Attachments A and B of this resolution were revised on May 8, 2009 to reflect MTC's new RTP (Transportation 2035 Plan), an updated Travel Demand Modeling Checklist, and revised Resolution 3434 and TOD policy.

ABSTRACT

MTC Resolution No. 3000, Revised

Page 2

Attachments A and B of this resolution were revised on June 10, 2011 to reflect the new regional coordinated land use and transportation planning process as directed through SB 375, an updated Travel Demand Modeling Checklist, the newly released Highway Capacity Manual 2010, the Bay Area 2010 Ozone Strategy, and updates to the table noting achievement of the Transit Oriented Development requirements by Resolution No. 3434 transit extension project.

Attachments A and B of this resolution were revised on July 12, 2013 to reflect the new RTP (Plan Bay Area) and the statutory requirements in MAP-21 for RTP and air quality conformity requirements.

Date: June 25, 1997
W.I.: 30.5.10
Referred By: WPC

Re: Congestion Management Program Policy.

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3000

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 et seq; and

WHEREAS, Government Code § 65080 requires each transportation planning agency to prepare a regional transportation plan and a regional transportation improvement program directed at the achievement of a coordinated and balanced regional transportation system; and

WHEREAS, Government Code § 65089 requires a designated local agency in each urbanized county to develop, adopt, and periodically update a congestion management program for the county and its included cities unless a majority of local governments in a county and the county board of supervisors elect to be exempt; and requires that this congestion management program be developed in consultation, among others, with the regional transportation planning agency; and

WHEREAS, Government Code § 65089.2 requires that, for each congestion management program prepared, the regional transportation planning agency must make a finding that each congestion management program is consistent with the regional transportation plan, and upon making that finding shall incorporate the congestion management program into the regional transportation improvement program; and

WHEREAS, Government Code § 65082 requires that adopted congestion management programs be incorporated into the regional transportation improvement program approved by MTC; and

WHEREAS, MTC has adopted a Congestion Management Program Policy (MTC Resolution 2537, Revised) to provide guidance for all the counties and cities within the region in preparing their congestion management programs; and,

WHEREAS, MTC's Congestion Management Program Policy needs to be updated from time to time to provide further guidance, now, therefore, be it

RESOLVED, that MTC adopts the Congestion Management Program Policy, as set forth in Attachments A and B to this resolution, which are incorporated herein by reference; and, be it further

RESOLVED, that the MTC Work Program Committee is delegated the responsibility for approving amendments to Attachments A and B; and, be it further

RESOLVED, that this resolution shall be transmitted to the nine Bay Area Congestion Management Agencies for use in preparing their congestion management programs; and, be it further

RESOLVED, that MTC Resolution No. 2537, Revised is hereby superceded.

METROPOLITAN TRANSPORTATION COMMISSION

Jane Baker, Chairwoman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 25, 1997.

Date: June 25, 1997
W.I.: 30.5.10
Referred By: WPC
Revised: 06/11/99-W 05/11/01-POC
06/13/03-POC 06/10/05-POC
05/11/07-PC 05/08/09-PC
06/10/11-PC 07/12/13-PC

Attachment A
Resolution No. 3000
Page 1 of 11

**GUIDANCE FOR CONSISTENCY OF
CONGESTION MANAGEMENT PROGRAMS
WITH THE REGIONAL TRANSPORTATION PLAN**

Metropolitan Transportation Commission

July 2013

GUIDANCE FOR CONSISTENCY OF CONGESTION MANAGEMENT PROGRAMS WITH THE REGIONAL TRANSPORTATION PLAN

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I. INTRODUCTION

A. Purpose of This Guidance

The Congestion Management Program (CMP) statutes establish specific requirements for the content and development process for CMPs, for the relationship between CMPs and the metropolitan planning process, for CMA monitoring and other responsibilities, and for the responsibilities of MTC as the regional transportation agency. CMPs are not required in a county if a majority of local governments and the Board of Supervisors adopt resolutions electing to be exempt from this requirement (AB 2419 (Bowler) Chapter 293, Statutes of 1996). This Guidance is for those counties that prepare a CMP in accordance with state statutes. For counties that opt out of preparing a CMP, MTC will directly work with the appropriate county agencies to establish project priorities for funding.

CMP statutes also specify particular responsibilities involving CMPs for the regional transportation agency, in the Bay Area, MTC. These responsibilities include review of the consistency of the CMPs with the RTP, evaluation of the consistency and compatibility of the CMPs in the Bay Area, and inclusion of the CMP projects in the Regional Transportation Improvement Program (RTIP).

The purpose of this guidance is to focus on the relationship of the CMPs to the regional planning process and MTC's role in determining consistency of CMPs with the Regional Transportation Plan (RTP).

B. Legislative Requirement for Congestion Management Programs

Congestion Management Programs were established as part of a bi-partisan legislative package in 1989, and approved by the voters in 1990. This legislation also increased transportation revenues and changed state transportation planning and programming processes. The specific CMP provisions were originally chartered by the Katz-Kopp-Baker-Campbell Transportation Blueprint for the Twenty-First Century by AB 471 (Katz); (Chapter 106, Statutes 1989). They were revised by AB 1791 (Katz) (Chapter 16, Statutes of 1990), AB 3093 (Katz) (Chapter 2.6, Statutes of 1992), AB 1963 (Katz) (Chapter 1146, Statutes of 1994), AB 2419 (Bowler) (Chapter 293, Statutes of 1996), AB 1706 (Chapter 597, Statutes of 2001), and SB 1636 (Figueroa)(Chapter 505, Section 4, Statutes of 2002), which defines and incorporates "infill opportunity zones." The provisions regarding establishing new "infill opportunity zones" have now expired, but established infill opportunities zones are still subject to the statutes.

CMP statutes establish requirements for local jurisdictions to receive certain gas tax subvention funds. Additionally, CMPs play a role in the development of specific project proposals for the Regional Transportation Improvement Program.

C. The Role of CMPs in the Metropolitan Planning Process

CMPs play a role in the countywide and regional transportation planning processes:

- CMPs can identify specific near term projects to implement the longer-range vision established in a countywide plan.
- Through CMPs, the transportation investment priorities of the multiple jurisdictions in each county can be addressed in a countywide context.
- CMPs establish a link between local land use decision making and the transportation planning process.
- CMPs are a building block for the federally required Congestion Management Program.

II. MTC's ROLE and RESPONSIBILITIES

A. MTC's Responsibilities regarding CMPs

MTC's direct responsibilities under CMP statutes are concentrated in the following provisions:

“The regional agency shall evaluate the consistency between the program (i.e., the CMP) and the regional transportation plans required pursuant to Section 65080. In the case of a multicounty regional transportation planning agency, that agency shall evaluate the consistency and compatibility of the programs within the region. (Section 65089.2 (a))

The regional agency, upon finding that the program is consistent, shall incorporate the program into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the congestion management program from inclusion in the regional transportation improvement program. (Section 65089.2(b))

It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes which arise between agencies related to congestion management programs adopted for those areas.” Section 65089.2.(d)(1))

B. The Regional Transportation Plan (RTP) Regulatory Setting and Goals

Federal Requirements

The primary federal requirements regarding RTPs are addressed in the metropolitan transportation planning rules in Title 23 of the Code of Federal Regulations (CFR) Part 450 and 500 and Title 49 CFR Part 613. These federal regulations have been updated to reflect the metropolitan transportation planning regulations called out in MAP-21. Under MAP-21, the U.S. Department of Transportation requires that metropolitan planning organizations, such as MTC, prepare long-range transportation plans and update them

every four years if they are in areas designated as “nonattainment” or “maintenance” for federal air quality standards. Plan Bay Area fulfills this requirement.

State Requirements

California Government Code Section 65080 sets forth the State’s requirements for RTPs. Section 65080 requires MPOs located in air quality nonattainment regions update their RTPs at least every four years.

The regional agencies, particularly MTC, the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission, will also address new requirements flowing from California’s 2008 Senate Bill 375 (Steinberg), which calls on each of the state’s 18 metropolitan areas to reduce greenhouse gas (GHG) emissions from cars and light trucks. The mechanism for achieving these reductions will be a Sustainable Communities Strategy (SCS). Plan Bay Area is the region’s SCS and RTP and has been developed in an integrative process with the Bay Area’s regional and local partners.

State Regional Transportation Plan (RTP) Guidelines

The RTP Guidelines adopted by the California Transportation Commission (CTC) state that the CTC cannot program projects that are not identified in the RTP.

Section 65080 of the Government Code, as amended by SB 375, states that the RTP shall contain four distinct elements:

- A Policy Element that reflects the mobility goals, policies and objectives of the region;
- A Sustainable Communities Strategy, as established through SB 375;
- An Action Element that identifies programs and actions to implement the RTP; and
- A Financial Element that summarizes the cost of implementing the projects in the RTP in a financially constrained environment.

Plan Bay Area serves all the specific planning purposes outlined in the CTC RTP Guidelines

C. Consistency Findings

MTC’s findings for the consistency of CMPs focus on five areas:

- Goals and objectives established in the RTP,
- Consistency of the system definition with adjoining counties,
- Consistency with federal and state air quality plans,
- Consistency with the MTC travel demand modeling database and methodologies; and
- RTP financial assumptions.

1) Goals and objectives established in the RTP

Plan Bay Area represents the adopted transportation policy and action statement of how the Bay Area will approach the region’s transportation needs to the year 2040. It was prepared by MTC in partnership with the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) and in collaboration with Caltrans, the nine county-level Congestion Management Agencies (CMAs) or substitute agencies, over two dozen Bay Area transit operators, and numerous transportation stakeholders and the public.

Plan Bay Area incorporates a set of performance targets for as quantifiable measures against which progress may be evaluated, as shown below:

PLAN BAY AREA PERFORMANCE TARGETS

Goal/Outcome	#	Target
CLIMATE PROTECTION	1	Reduce per-capita CO ₂ emissions from cars and light-duty trucks by 15% <i>Statutory - Source: California Air Resources Board, as required by SB 375</i>
ADEQUATE HOUSING	2	House 100% of the region’s projected growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents <i>Statutory - Source: ABAG, as required by SB 375</i>
HEALTHY & SAFE COMMUNITIES	3	Reduce premature deaths from exposure to particulate emissions: <ul style="list-style-type: none"> • Reduce premature deaths from exposure to fine particulates (PM2.5) by 10% • Reduce coarse particulate emissions (PM10) by 30% • Achieve greater reductions in highly impacted areas <i>Source: Adapted from federal and state air quality standards by BAAQMD</i>
	4	Reduce by 50% the number of injuries and fatalities from all collisions (including bike and pedestrian) <i>Source: Adapted from California State Highway Strategic Safety Plan</i>
	5	Increase the average daily time walking or biking per person for transportation by 70% (for an average of 15 minutes per person per day) <i>Source: Adapted from U.S. Surgeon General’s guidelines</i>
OPEN SPACE AND AGRICULTURAL PRESERVATION	6	Direct all non-agricultural development within the urban footprint (existing urban development and urban growth boundaries) <i>Source: Adapted from SB 375</i>
EQUITABLE ACCESS	7	Decrease by 10% the share of low-income and lower-middle income residents’ household income consumed by transportation and housing

<i>Source: Adapted from Center for Housing Policy</i>	
ECONOMIC VITALITY	<p>8 Increase gross regional product (GRP) by an average annual growth rate of approximately 2%</p> <p><i>Source: Bay Area Business Community</i></p>
TRANSPORTATION SYSTEM EFFECTIVENESS	<p>9</p> <ul style="list-style-type: none"> • Increase non-auto mode share by 10% • Decrease automobile vehicle miles traveled per capita by 10% <p><i>Source: Adapted from Caltrans Smart Mobility 2010</i></p> <hr style="border-top: 1px dashed black;"/> <p>10</p> <p>Maintain the transportation system in a state of good repair:</p> <ul style="list-style-type: none"> • Increase local road pavement condition index (PCI) to 75 or better • Decrease distressed lane-miles of state highways to less than 10% of total lane-miles • Reduce share of transit assets past their useful life to 0% <p><i>Source: Regional and state plans</i></p>

Regional Transit Expansion Program

The Regional Transit Expansion Program – adopted by the Commission as Resolution 3434 –calls for a nearly \$12 billion investment in new rail and bus projects that will improve mobility and enhance connectivity for residents throughout the Bay Area. MTC has adopted a Transportation and Land Use Platform that calls for supportive land use plans and policies to support transit extensions in Res. 3434. Further, MTC has adopted a Transit Oriented Development Policy, as part of Res. 3434, that establishes specific housing thresholds for these extensions, requires station area plans and establishes corridor working groups. These regional policies and specific projects within the county should be recognized in the CMP (attached as Appendix C).

2) Consistency of the system definition with adjoining counties

The CMP statutes require that the CMA designate a system of highways and roadways which shall be subject to the CMP requirements. Consistency requires the regional continuity of the CMP designated system for facilities that cross county borders.

3) Consistency with pertinent Air Quality Plans

Transportation Control Measures (TCMs) are identified in the federal and state air quality plans to achieve and maintain the respective standards for ozone and carbon monoxide. The statutes require that the Capital Improvement Program (CIP) of the CMP conform to transportation related vehicle emission air quality mitigation measures. CMPs should promote the region's adopted transportation control measures (TCMs) for the Federal and State Clean Air Plans. In addition, CMPs are encouraged to consider the benefits of greenhouse gas (GHG) reductions in developing the CIP, although GHG emission reductions are not currently required in either Federal or State Clean Air Plans.

A reference to the lists of federal and state TCMs is provided in Attachment B. The lists may be updated from time to time to reflect changes in the federal and state air quality plans..

In particular, TCMs that require local implementation should be identified in the CMP, specifically in the CIP.

CMPs are also required to contain provisions pertaining to parking cash-out.

(1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development. (2) At the request of an existing commercial development that has implemented a parking cashout program, the city of county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes. (Section 65089 (d)

It should also be noted that starting on January 1, 2010, cities, counties and air districts have the option of enforcing the State Parking Cash-Out statutes (Section 43845 of the Health and Safety Code), as per SB 728 (Lowenthal). This provides local jurisdictions with another tool to craft their own approaches to support multi-modal transportation systems, address congestion and green house gasses.

4) Consistency with the MTC Travel Demand Modeling Databases and Methodologies

MTC's statutory requirements regarding consistent databases are as follows:

The agency, (i.e., the CMA) in consultation with the regional agency, cities, and the county, shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model . . . The computer models shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the data bases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the data bases used by the agency shall be consistent with the data bases used by the regional agency. (Section 65089 (c))

MTC desires the development and implementation of consistent travel demand models, with shared input databases, to provide a common foundation for transportation policy and investment analysis.

The Regional Model Working Group of the Bay Area Partnership serves as a forum for sharing data and expertise, and providing peer review for issues involving the models developed by or for the CMAs, MTC, and other parties. The MTC Checklist for

Modeling will be used to guide the consistency assessment of CMA models with the MTC model.

The Checklist is included in Attachment B, and addresses:

- Demographic/econometric forecasts
- Pricing assumptions
- Network assumptions
- Travel demand methodologies; and,
- Traffic assignment methodologies

5) **Level of Service Methodology**

CMP statutory requirements regarding level of service are as follows

“Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual.” (Section 65089 (b))

The most recently adopted version of the Highway Capacity Manual is HCM2010, which significantly enhances how engineers and planners assess the traffic and environmental effects of highway projects by:

- Providing an integrated multimodal approach to the analysis and evaluation of urban streets from the points of view of automobile drivers, transit passengers, bicyclists, and pedestrians;
- Addressing the proper application of micro-simulation analysis and the evaluation of those results; and
- Examining active traffic management in relation to both demand and capacity.

Use of HCM2010 is encouraged, especially for the integrated multimodal approach to analysis of streets for various users.

6) **RTP Financial Requirements and Projections**

Under the federal transportation authorization (MAP-21), the actions, programs and projects in the RTP must be financially deliverable within reasonable estimates of public and private resources. While CMPs are not required by legislation to be financially constrained, recognition of financial constraints, including the costs for maintaining, rehabilitating, and operating the existing multi-modal system and the status of specific major projects, will strengthen the consistency and linkage between the regional planning process and the CMP. The CMA may submit project proposals for consideration by MTC in developing future financially constrained RTPs.

D. Consistency and Compatibility of the Programs within the Region

The CMP statutes require that, in the case of a multi-county regional transportation agency, that agency shall evaluate the consistency and compatibility of the congestion management programs within the region. Further, it is the Legislature's stated intention that the regional agency (i.e., MTC in the San Francisco Bay Area) resolve inconsistencies and mediate disputes between congestion management programs within a region.

To the extent useful and necessary, MTC will identify differences in methodologies and approaches between the CMPs on such issues as performance measures and land use impacts.

E. Incorporation of the CMP Projects into the RTIP

State transportation statutes require that the MTC, in partnership with the State and local agencies, develop the Regional Transportation Improvement Program (RTIP) on a biennial cycle. The RTIP is the regional proposal for State and federal funding, adopted by MTC and provided to the California Transportation Commission (CTC) for the development of the State Transportation Improvement Program (STIP). In 1997, SB 45 (Statutes 1997, Chapter 622) significantly revised State transportation funding policies, delegating project selection and delivery responsibilities for a major portion of funding to regions and counties. Subsequent changes to state law (AB 2928 – Statutes 2000, Chapter 91) made the RTIP a five-year proposal of specific projects, developed for specific fund sources and programs. The RTIP is required to be consistent with the RTP that is currently in effect. The RTP is revised periodically.

The CMP statutes establish a direct linkage between CMPs that have been found to be consistent with the RTP, and the RTIP. MTC will review the projects in the Capital Improvement Program (CIP) of the CMP for consistency with the RTP. MTC's consistency findings for projects in the CMPs will be limited to those projects that are included in the RTP, and do not extend to other projects that may be included in the CMP. Some projects may be found consistent with a program category in the RTP. MTC, upon finding that the CMP is consistent with the RTP, shall incorporate the program into the RTIP, subject to specific programming and funding requirements. If MTC finds the program inconsistent, it may exclude any project in the program from inclusion in the RTIP. Since the RTIP must be consistent with the RTP, projects that are not consistent with the RTP will not be included in the RTIP. MTC may include certain projects or programs in the RTIP which are not in a CIP, but which are in the RTP. In addition, SB 45 requires projects included in the Interregional Transportation Improvement Program (ITIP) to be consistent with the RTP.

MTC will establish funding bid targets for specific funds, based upon the fund estimate as adopted by the California Transportation Commission (CTC). Project proposals can only be included in the RTIP within these funding bid targets. MTC will also provide information on other relevant RTIP processes and requirements, including coordination

between city, county, and transit districts for project applications, schedule, evaluations and recommendations of project submittals, as appropriate for the RTIP.

As per CTC's Guidelines, MTC will evaluate the projects in the RTIP based on specific performance indicators and measures as established in the RTP, and provide this evaluation to the CTC along with the RTIP. CMAs are encouraged to consider the performance measures in Plan Bay Area when developing specific project proposals for the RTIP; more details will be provided in the RTIP Policies and Procedures document, adopted by MTC for the development of the RTIP.

III. CMP PREPARATION AND SUBMITTAL TO MTC

A. CMP Preparation

If prepared, the CMP shall be developed by the CMA in consultation with, and with the cooperation of, MTC, transportation providers, local governments, Caltrans, and the BAAQMD, and adopted at a noticed public hearing of the CMA. As established in SB 45, the RTIP is scheduled to be adopted by December 15 of each odd numbered year. If circumstances arise that change this schedule, MTC will work with the CMAs and substitute agencies in determining an appropriate schedule and mechanism to provide input to the RTIP.

B. Regional Coordination

In addition to program development and coordination at the county level, and consistency with the RTP, the compatibility of the CMPs with other Bay Area CMPs would be enhanced through identification of cross county issues in an appropriate forum, such as Partnership and other appropriate policy and technical committees. Discussions would be most beneficial if done prior to final CMA actions on the CMP.

C. Submittal to MTC

To provide adequate review time, draft CMPs should be submitted to MTC in accordance to a schedule MTC will develop to allow sufficient time for incorporation into the RTIP for submittal to the California Transportation Commission. Final CMPs must be adopted prior to final MTC consistency findings.

D. MTC Consistency Findings for CMPs

MTC will evaluate consistency of the CMP every two years with the RTP that is in effect when the CMP is submitted; for the 2013 CMP the RTP in effect will be Plan Bay Area. MTC will evaluate the consistency of draft CMPs when received, based upon the areas specified in this guidance, and will provide staff comments of any significant concerns. MTC can only make final consistency findings on CMPs that have been officially adopted.

Date: June 25, 1997
W.I.: 30.5.10
Referred By: WPC
Revised: 06/11/99-W 05/11/01-POC
06/13/03-POC 06/10/05-POC
05/11/07-PC 05/08/09-PC
06/10/11-PC 07/12/13-PC

Attachment B
Resolution No. 3000
Page 1 of 18

Attachment B to MTC Resolution No. 3000 consists of:

- Appendix A Federal and State Transportation Control Measures
- Appendix B Checklist for Modeling Consistency for CMPs
- Appendix C MTC's Regional Transit Expansion Program of Projects
(MTC Resolution No. 3434, revised 09/24/08)
- Appendix D MTC's Resolution No. 3434 Transit Oriented Development
(TOD) Policy, revised 10/24/07

Appendix A: Federal and State Transportation Control Measures (TCMs)

Federal TCMs:

For a list and description of current Federal TCMs, see the “Federal Ozone Attainment Plan for the 1-Hour National Ozone Standard” adopted Oct. 24, 2001, and “2004 Revision to the California State Implementation Plan for Carbon Monoxide, Updated Maintenance Plan for Ten Federal Planning Areas,” approved January 30, 2006.

The current Federal TCMs have been fully implemented. Refer to the "Final Transportation-Air Quality Conformity Analysis Transportation 2035 Plan and 2011 Transportation Improvement Program" at http://www.mtc.ca.gov/funding/tip/Final_AQ_conformity_Analysis.pdf (page 15) for the specific implementation steps in the advancement of these Federal TCMs.

State TCMs:

For a list and description of current State TCMs, see “Bay Area 2010 Ozone Strategy,” or subsequent revisions as adopted by the Bay Area Air Quality Management.

CMAQ Evaluation and Assessment Report:

MTC participated in a federal evaluation and assessment of the direct and indirect impacts of a representative sample of Congestion Mitigation and Air Quality (CMAQ) – funded projects on air quality and congestion levels. The study estimated the impact of these projects on emissions of transportation related pollutants, including carbon monoxide (CO), ozone precursors – oxides of nitrogen (NO_x), volatile organic compounds (VOCs), particulate matter (PM₁₀ and PM_{2.5}), and carbon dioxide (CO₂) for information purposes, as well as on traffic congestion and mobility. There is also additional analysis of the selected set of CMAQ-funded projects to estimate of the cost effectiveness at reducing emissions of each pollutant. This report may be of interest to CMAs; it is available on line at:

<http://www.fhwa.dot.gov/environment/cmaqpgs/safetealu1808/index.htm>

or from the MTC/ABAG Library.

Appendix B: MTC Checklist for Modeling Consistency for CMPs

Overall approach

MTC's goal is to establish regionally consistent model "sets" for application by MTC and the CMAs. In the winter of 2010/2011, MTC replaced the modeling tool – named *BAYCAST-90* – that had been in place, with relatively minor modifications, for the past two decades with a more sophisticated, so-called "activity-based" model – named *Travel Model One*. This change required a broad re-thinking of these guidelines as they now require a framework in which trip-based and activity-based models can be aligned. The approach remains the same: a checklist is used to adjust consistency across model components.

Checklist

This checklist guides the CMAs through their model development and consistency review process by providing an inventory of specific products to be developed and submitted to MTC, and by describing standard practices and assumptions.

Because of the complexity of the topic, the checklist may need additional detailed information to explain differences in methodologies or data. Significant differences will be resolved between MTC and the CMA, taking advantage of the Regional Model Working Group. Standard formats for model comparisons will be developed by MTC for use in future guidelines.

Incremental updates

The CMA forecasts must be updated every two years to be consistent with MTC's forecasts. Alternative approaches to fully re-running the entire model are available, including incremental approaches through the application of factors to demographic inputs and/or trip tables. Similarly, the horizon year must be the same as the TIP horizon year. However, interpolation and extrapolation approaches are acceptable, with appropriate attention to network changes. These alternatives to re-running the entire model should be discussed with MTC before the CMP is adopted by the CMA.

Defining the MTC model sets

The MTC model sets referred to below are defined as those in use on December 31st of the year preceding the CMP update.

Key Assumptions

Please report the following information.

A. General approach:

Discuss the general approach to travel demand modeling by the CMA and the CMA model's relationship to either *BAYCAST-90* or *Travel Model One*.

PRODUCT 1: Description of the above.

B. Demographic/economic/land use forecasts:

Both base and forecast year demographic/economic/land use ("land use") inputs must be consistent – though not identical – to the census tract-level data provided by ABAG. Specifically, if CMAs wish to reallocate land use within their own county (or counties),

they must consult with the affected city (or cities) as well as with ABAG and MTC. Further, the resulting deviation in the subject county (or counties) should be no greater than plus or minus one percent from the county-level totals provided by ABAG for the following variables: population, households, jobs, and employed residents. Outside the subject county (or counties), the land use variables in the travel analysis zones used by the county must match either ABAG's estimates exactly when aggregated/disaggregated to census tracts or the county-in-question's estimates per the revision process noted above (e.g. Santa Clara county could use the revised estimates San Mateo developed through consultation with local cities, ABAG, and MTC). Forecast year demand estimates should use either the *Plan Bay Area* or Draft Proposed Plan (used in the *Plan Bay Area* DEIR) land use data, both generated by ABAG. CMAs may also analyze additional, alternative land use scenarios that will not be subject to consistency review.

PRODUCTS: 2) A statement establishing that the differences between key ABAG land use variables and those of the CMA do not differ by more than one percent at the county level for the subject county. A statement establishing that no differences exist at the census-tract-level outside the county between the ABAG forecast or the ABAG/CMA revised forecast.

3) A table comparing the ABAG land use estimates with the CMA land use estimates by county for population, households, jobs, and employed residents for both the base year and the horizon year.

4) If land use estimates within the CMA's county are modified from ABAG's projections, agendas, discussion summaries, and action items from each meeting held with cities, MTC, and/or ABAG at which the redistribution was discussed, as well as before/after census-tract-level data summaries and maps.

C. Pricing Assumptions:

Use MTC's automobile operating costs, transit fares, and bridge tolls or provide an explanation for the reason such values are not used.

PRODUCT 5: Table comparing the assumed automobile operating cost, key transit fares, and bridge tolls to MTC's values for the horizon year.

D. Network Assumptions:

Use MTC's regional highway and transit network assumptions for the other Bay Area counties. CMAs should include more detailed network definition relevant to their own county in addition to the regional highway and transit networks. For the CMP horizon year, to be compared with the TIP interim year, regionally significant network changes in the base case scenario shall be limited to the current Transportation Improvement Program (TIP) for projects subject to inclusion in the TIP.

PRODUCT 6: Statement establishing satisfaction of the above.

E. Automobile ownership:

Use *Travel Model One* automobile ownership models or forecasts, *BAYCAST-90* automobile ownership models, or submit alternative models to MTC for review and comment.

PRODUCT 7: County-level table comparing estimates of households by automobile ownership level (zero, one, two or more automobiles) to MTC's estimates for the horizon year.

F. Tour/trip generation:

Use *Travel Model One* tour generation models or forecasts, *BAYCAST-90* trip generation models, or submit alternative models to MTC for review and comment.

PRODUCT 8: Region-level tables comparing estimates of trip and/or tour frequency by purpose to MTC's estimates for the horizon year.

G. Activity/trip location:

Use *Travel Model One* activity location models or forecasts, *BAYCAST-90* trip distribution models, or submit alternative models to MTC for review and comment.

PRODUCTS: 9) Region-level tables comparing estimates of average trip distance by tour/trip purpose to MTC's estimates for the horizon year.

10) County-to-county comparison of journey-to-work or home-based work flow estimates to MTC's estimates for the horizon year.

H. Travel mode choice:

Use *Travel Model One* models or forecasts, *BAYCAST-90* models, or submit alternative models to MTC for review and comment.

PRODUCT 11: Region-level tables comparing travel mode share estimates by tour/trip purpose to MTC's estimates for the horizon year.

I. Traffic Assignment

Use *Travel Model One* or *BAYCAST-90* models, or submit alternative models to MTC for review and comment.

PRODUCTS: 12) Region-level, time-period-specific comparison of vehicle miles traveled and vehicle hours traveled estimates by facility type to MTC's estimates for the horizon year.

13) Region-level, time-period-specific comparison of estimated average speed on freeways and all other facilities, separately, to MTC's estimates for the horizon year.

Alternatively, CMAs may elect to utilize MTC zone-to-zone vehicle trip tables, adding network and zonal details within the county as appropriate, and then re-run the assignment. In this case, only Products 12 and 13 are applicable.

**Appendix C: MTC's Regional Transit Expansion Program of Projects
(MTC Resolution 3434)**

Note that Resolution No. 3434, Revised, is reproduced below with the TOD Policy attached as Appendix D to Resolution No. 3000; other associated appendices are not attached here – the other appendices are available upon request from the MTC library.

Date: December 19, 2001
W.I.: 12110
Referred by: POC
Revised: 01/30/02-C 07/27/05-C
04/26/06-C 10/24/07-C
09/24/08-C

ABSTRACT

Resolution No. 3434, Revised

This resolution sets forth MTC's Regional Transit Expansion Program of Projects.

This resolution was amended on January 30, 2002 to include the San Francisco Geary Corridor Major Investment Study to Attachment B, as requested by the Planning and Operations Committee on December 14, 2001.

This resolution was amended on July 27, 2005 to include a Transit-Oriented Development (TOD) Policy to condition transit expansion projects funded under Resolution 3434 on supportive land use policies, as detailed in Attachment D-2.

This resolution was amended on April 26, 2006 to reflect changes in project cost, funding, and scope since the 2001 adoption.

This resolution was amended on October 24, 2007 to reflect changes in the Transit-Oriented Development (TOD) Policy in Attachment D-2.

This resolution was amended on September 24, 2008 to reflect changes associated with the 2008 Strategic Plan effort (Attachments B, C and D).

Further discussion of these actions are contained in the MTC Executive Director's Memorandum dated December 14, 2001, July 8, 2005, April 14, 2006, October 12, 2007 and September 10, 2008.

Date: December 19, 2001
W.I.: 12110
Referred by: POC

RE: Regional Transit Expansion Program of Projects

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3434, Revised

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC adopted Resolution No. 1876 in 1988 which set forth a new rail transit starts and extension program for the region; and

WHEREAS, significant progress has been made in implementing Resolution No. 1876, with new light rail service in operation in San Francisco and Silicon Valley, new BART service extended to Bay Point and Dublin/Pleasanton in the East Bay, and the BART extension to San Francisco International Airport scheduled to open in 2002; and

WHEREAS, MTC's long range planning process, including the Regional Transportation Plan and its *Transportation Blueprint for the 21st Century*, provides a framework for comprehensively evaluating the next generation of major regional transit expansion projects to meet the challenge of congestion in major corridors throughout the nine-county Bay Area; and

WHEREAS, the Commission adopted Resolution No. 3357 as the basis for assisting in the evaluations of rail and express/rapid bus projects to serve as the companion follow-up program to Resolution No. 1876; and

WHEREAS, local, regional, state and federal discretionary funds will continue to be required to finance an integrated program of new rail transit starts and extensions including those funds which are reasonably expected to be available under current conditions, and new funds which need to be secured in the future through advocacy with state and federal legislatures and the electorate; and

WHEREAS, the Regional Transit Expansion program of projects will enhance the Bay Area's transit network with an additional 140 miles of rail, 600 miles of new express bus routes,

and a 58% increase in service levels in several existing corridors, primarily funded with regional and local sources of funds; and

WHEREAS, MTC recognizes that coordinated regional priorities for transit investment will best position the Bay Area to compete for limited discretionary funding sources now and in the future; now, therefore, be it

RESOLVED, that MTC adopts a Regional Transit Expansion Program of Projects, consistent with the Policy and Criteria established in Resolution No. 3357, as outlined in Attachment A, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED, that this program of projects, as set forth in Attachment B is accompanied by a comprehensive funding strategy of local, regional, state and federal funding sources as outlined in Attachment C, attached hereto and incorporated herein as though set forth at length; and, be it further

RESOLVED, that the regional discretionary funding commitments included in this financial strategy are subject to the terms and conditions outlined in Attachment D, attached hereto and incorporated herein as though set forth at length; and, be it further

METROPOLITAN TRANSPORTATION COMMISSION

Sharon J. Brown, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on December 19, 2001.

**Appendix D: MTC's Regional Transit Expansion Program of Projects (MTC
Resolution 3434) TOD Policy**

*Res. No. 3434, TOD Policy (Attachment D-2), revised October 24, 2007, is shown below;
other associated Res. 3434 appendices are available upon request from the MTC library.*

Date: July 27, 2005
W.I: 12110
Referred by: POC
Revised: 10/24/07-C

Attachment D-2
Resolution No. 3434
Page 10 of 7

**MTC RESOLUTION 3434 TOD POLICY
FOR REGIONAL TRANSIT EXPANSION PROJECTS**

1. Purpose

The San Francisco Bay Area—widely recognized for its beauty and innovation—is projected to grow by almost two million people and one and a half million jobs by 2030. This presents a daunting challenge to the sustainability and the quality of life in the region. Where and how we accommodate this future growth, in particular where people live and work, will help determine how effectively the transportation system can handle this growth.

The more people who live, work and study in close proximity to public transit stations and corridors, the more likely they are to use the transit systems, and more transit riders means fewer vehicles competing for valuable road space. The policy also provides support for a growing market demand for more vibrant, walkable and transit convenient lifestyles by stimulating the construction of at least 42,000 new housing units along the region's major new transit corridors and will help to contribute to a forecasted 59% increase in transit ridership by the year 2030.

This 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:

- (a) Corridor-level thresholds to quantify appropriate minimum levels of development around transit stations along new corridors;
- (b) Local station area plans that address future land use changes, station access needs, circulation improvements, pedestrian-friendly design, and other key features in a transit-oriented development; and
- (c) Corridor working groups that bring together CMAs, 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.

2. TOD Policy Application

The TOD policy only applies to physical transit extensions funded in Resolution 3434 (see Table 1). The policy applies to any physical transit extension project with regional discretionary funds, regardless of level of funding. Resolution 3434 investments that only entail level of service improvements or other enhancements without physically extending the system are not subject to the TOD policy requirements. Single station extensions to international airports are not subject to the TOD policy due to the infeasibility of housing development.

**TABLE 1
 RESOLUTION 3434 TRANSIT EXTENSION PROJECTS SUBJECT TO CORRIDOR THRESHOLDS**

Project	Sponsor	Type	Threshold met with current development?	Meets TOD Policy (with current + new development as planned)?
BART East Contra Costa Rail Extension (eBART) (a) Phase 1 Pittsburg to Antioch (b) Future phases	BART/CCTA	Commuter Rail	No No	Yes No
BART – Downtown Fremont to San Jose / Santa Clara (a) Fremont to Berryessa (b) Berryessa to San Jose/Santa Clara	(a) BART (b) VTA	BART extension	No No	Not yet determined; planning is underway Not yet determined
AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit: Phase 1	AC Transit	Bus Rapid Transit	Yes	Yes
Caltrain Downtown Extension/Rebuilt Transbay Terminal	TJPA	Commuter Rail	Yes	Yes
MUNI Third Street LRT Project Phase 2 – New Central Subway	MUNI	Light Rail	Yes	Yes
Sonoma-Marin Rail (a) Phase 1 downtown San Rafael to downtown Santa Rosa (b) Future phases tbd	SMART	Commuter Rail	No	Not yet determined; planning is underway Not yet being planned

Project	Sponsor	Type	Threshold met with current development?	Meets TOD Policy (with current + new development as planned)?
Dumbarton Rail	SMTA, ACCMA, VTA, ACTIA, Capitol Corridor	Commuter Rail	No	Not yet determined; planning is underway
Expanded Ferry Service to Berkeley, Alameda/Oakland/Harbor Bay, Hercules, Richmond, and South San Francisco; and other improvements.*	WTA	Ferry	No	Line specific

* Ferry terminals where development is feasible shall meet a housing threshold of 2500 units. MTC staff will make the determination of development feasibility on a case by case basis.

3. Definitions and Conditions of Funding

For purposes of this policy “regional discretionary funding” consists of the following sources identified in the Resolution 3434 funding plan:

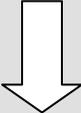
FTA Section 5309- New Starts
FTA Section 5309- Bus and Bus Facilities Discretionary
FTA Section 5309- Rail Modernization
Regional Measure 1- Rail (bridge tolls)
Regional Measure 2 (bridge tolls)
Interregional Transportation Improvement Program
Interregional Transportation Improvement Program-Intercity rail
Federal Ferryboat Discretionary
AB 1171 (bridge tolls)
CARB-Carl Moyer/AB434 (Bay Area Air Quality Management District) ¹

These regional funds may be programmed and allocated for environmental and design related work, in preparation for addressing the requirements of the TOD policy. Regional funds may be programmed and allocated for right-of-way acquisition in advance of meeting all requirements in the policy, if land preservation for TOD or project delivery purposes is essential. No regional funds will be programmed and allocated for construction until the requirements of this policy have been satisfied. See Table 2 for a more detailed overview of the planning process.

4. Corridor-Level Thresholds

Each transit extension project funded in Resolution 3434 must plan for a minimum number of housing units along the corridor. These corridor-level thresholds vary by mode of transit, with more capital-intensive modes requiring higher numbers of housing units (see Table 3). The corridor thresholds have been developed based on potential for increased transit ridership, exemplary existing station sites in the Bay Area, local general plan data, predicted market demand for TOD-oriented housing in each county, and an independent analysis of feasible development potential in each transit corridor.

¹ The Carl Moyer funds and AB 434 funds are controlled directly by the California Air Resources Board and Bay Area Air Management District. Res. 3434 identifies these funds for the Caltrain electrification project, which is not subject to the TOD policy.

TABLE 2 REGIONAL TOD POLICY IMPLEMENTATION PROCESS FOR TRANSIT EXTENSION PROJECTS		
Transit Agency Action	City Action	MTC/CMA/ABAG Action
All parties in corridors that do not currently meet thresholds (see Table 1) establish Corridor Working Group to address corridor threshold. Conduct initial corridor performance evaluation, initiate station area planning. 		
Environmental Review/ Preliminary Engineering /Right-of-Way	Conduct Station Area Plans	Coordination of corridor working group, funding of station area plans
<i>Step 1 Threshold Check: the combination of new Station Area Plans and existing development patterns exceeds corridor housing thresholds .</i>		
Final Design	Adopt Station Area Plans. Revise general plan policies and zoning, environmental reviews	Regional and county agencies assist local jurisdictions in implementing station area plans
<i>Step 2 Threshold Check: (a) local policies adopted for station areas; (b) implementation mechanisms in place per adopted Station Area Plan by the time Final Design is completed.</i> 		
Construction	Implementation (financing, MOUs) Solicit development	TLC planning and capital funding, HIP funding

**TABLE 3: CORRIDOR THRESHOLDS
 HOUSING UNITS – AVERAGE PER STATION AREA**

Project Type / Threshold	BART	Light Rail	Bus Rapid Transit	Commuter Rail	Ferry
Housing Threshold	3,850	3,300	2,750	2,200	2,500*

Each corridor is evaluated for the Housing Threshold. For example, a four station commuter rail extension (including the existing end-of-the-line station) would be required to meet a corridor-level threshold of 8,800 housing units.

Threshold figures above are an average per station area for all modes except ferries based on both existing land uses and planned development within a half mile of all stations. New below market rate housing is provided a 50% bonus towards meeting housing unit threshold.

** Ferry terminals where development is feasible shall meet a housing threshold of 2500 units. MTC staff will make the determination of development feasibility on a case by case basis.*

Meeting the corridor level thresholds requires that within a half mile of all stations, a combination of existing land uses and planned land uses meets or exceeds the overall corridor threshold for housing (listed in Table 3);

Physical transit extension projects that do not currently meet the corridor thresholds with development that is already built will receive the highest priority for the award of MTC’s Station Area Planning Grants.

To be counted toward the threshold, planned land uses must be adopted through general plans, and the appropriate implementation processes must be put in place, such as zoning codes. General plan language alone without supportive implementation policies, such as zoning, is not sufficient for the purposes of this policy. Ideally, planned land uses will be formally adopted through a specific plan (or equivalent), zoning codes and general plan amendments along with an accompanying programmatic Environmental Impact Report (EIR) as part of the overall station area planning process. Minimum densities will be used in the calculations to assess achievement of the thresholds.

An existing end station is included as part of the transit corridor for the purposes of calculating the corridor thresholds; optional stations will not be included in calculating the corridor thresholds.

New below-market housing units will receive a 50 percent bonus toward meeting the corridor threshold (i.e. one planned below-market housing unit counts for 1.5 housing units for the purposes of meeting the corridor threshold. Below market for the purposes of the Resolution 3434 TOD policy is affordable to 60% of area median income for rental units and 100% of area median income for owner-occupied units);

The local jurisdictions in each corridor will determine job and housing placement, type, density, and design.

The Corridor Working Groups are encouraged to plan for a level of housing that will significantly exceed the housing unit thresholds stated here during the planning process. This will ensure that the Housing Unit Threshold is exceeded corridor-wide and that the ridership potential from TOD is maximized.

5. Station Area Plans

Each proposed physical transit extension project seeking funding through Resolution 3434 must demonstrate that the thresholds for the corridor are met through existing development and adopted station area plans that commit local jurisdictions to a level of housing that meets the threshold. This requirement may be met by existing station area plans accompanied by appropriate zoning and implementation mechanisms. If new station area plans are needed to meet the corridor threshold, MTC will assist in funding the plans. The Station Area Plans shall be conducted by local governments in coordination with transit agencies, Association of Bay Area Governments (ABAG), MTC and the Congestion Management Agencies (CMAs).

Station Area Plans are opportunities to define vibrant mixed use, accessible transit villages and quality transit-oriented development – places where people will want to live, work, shop and spend time. These plans should incorporate mixed-use developments, including new housing, neighborhood serving retail, employment, schools, day care centers, parks and other amenities to serve the local community.

At a minimum, Station Area Plans will define both the land use plan for the area as well as the policies—zoning, design standards, parking policies, etc.—for implementation. The plans shall at a minimum include the following elements:

- Current and proposed land use by type of use and density within the ½ mile radius, with a clear identification of the number of existing and planned housing units and jobs;
- Station access and circulation plans for motorized, non-motorized and transit access. The station area plan should clearly identify any barriers for pedestrian, bicycle and wheelchair access to the station from surrounding neighborhoods (e.g., freeways,

railroad tracks, arterials with inadequate pedestrian crossings), and should propose strategies that will remove these barriers and maximize the number of residents and employees that can access the station by these means. The station area and transit village public spaces shall be made accessible to persons with disabilities.

- Estimates of transit riders walking from the half mile station area to the transit station to use transit;
- Transit village design policies and standards, including mixed use developments and pedestrian-scaled block size, to promote the livability and walkability of the station area;
- TOD-oriented parking demand and parking requirements for station area land uses, including consideration of pricing and provisions for shared parking;
- Implementation plan for the station area plan, including local policies required for development per the plan, market demand for the proposed development, potential phasing of development and demand analysis for proposed development.
- The Station Area Plans shall be conducted according to the guidelines established in MTC's Station Area Planning Manual.

6. Corridor Working Groups

The goal of the Corridor Working Groups is to create a more coordinated approach to planning for transit-oriented development along Resolution 3434 transit corridors. Each of the transit extensions subject to the corridor threshold process, as identified in Table 1, will need a Corridor Working Group, unless the current level of development already meets the corridor threshold. Many of the corridors already have a transit project working group that may be adjusted to take on this role. The Corridor Working Group shall be coordinated by the relevant CMAs, and will include the sponsoring transit agency, the local jurisdictions in the corridor, and representatives from ABAG, MTC, and other parties as appropriate.

The Corridor Working Group will assess whether the planned level of development satisfies the corridor threshold as defined for the mode, and assist in addressing any deficit in meeting the threshold by working to identify opportunities and strategies at the local level. This will include the key task of distributing the required housing units to each of the affected station sites within the defined corridor. The Corridor Working Group will continue with corridor evaluation, station area planning, and any necessary refinements to station locations until the corridor threshold is met and supporting Station Area Plans are adopted by the local jurisdictions.

MTC will confirm that each corridor meets the housing threshold prior to the release of regional discretionary funds for construction of the transit project.

7. Review of the TOD Policy

MTC staff will conduct a review of the TOD policy and its application to each of the affected Resolution 3434 corridors, and present findings to the Commission, within 12 months of the adoption of the TOD policy.

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Memorandum

TO: Planning Committee

DATE: July 5, 2013

FR: Executive Director

W. I. 1412

RE: Final Transportation Air Quality Conformity Analysis for Plan Bay Area and 2013 Transportation Improvement Program, MTC Resolution No. 4076

MTC has prepared the *Final Transportation Air Quality Conformity Analysis for Plan Bay Area and 2013 Transportation Improvement Program (2013 TIP)* in accordance with the latest U.S. Environmental Protection Agency (US EPA) transportation conformity regulations and the Bay Area Air Quality Conformity Protocol (MTC Resolution No. 3757). The conformity analysis addresses only those projects identified in the financially constrained Plan Bay Area (Plan) and 2013 TIP.

The *Draft Transportation Air Quality Conformity Analysis* was released for public review and comment on March 29, 2013. MTC held nine public hearings throughout the Bay Area and the comment period closed on May 3, 2013. MTC staff, in consultation with the multiagency Air Quality Conformity Task Force, has responded to public comments received and made technical revisions to the report where appropriate. It should be noted that the approach, methodology, draft conformity analysis and findings have been prepared in consultation with the Air Quality Conformity Task Force as stipulated in MTC Resolution No. 3757. These task force meetings, which were open to the public, took place on January 24, 2013, March 28, 2013, April 25, 2013 and June 27, 2013.

This conformity analysis demonstrates that both the Plan and 2013 TIP are consistent with ("conform to") the federal air quality plan, which is referred to as the State Implementation Plan (SIP), meaning that the transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the federal air quality standards. Based on the proposed final conformity analysis, MTC staff recommends the following positive conformity findings:

1. This conformity assessment was conducted consistent with US EPA's transportation conformity regulations and with the Bay Area Air Quality Conformity Protocol adopted by MTC as Resolution No. 3757.
2. The Plan and 2013 TIP provide for the implementation of transportation control measures (TCMs) pursuant to the applicable federal regulations.
3. For the national carbon monoxide standard, motor vehicle emissions in the Plan and TIP are lower than the transportation conformity budget in the SIP.
4. For the national 8-hour ozone standard, motor vehicle emissions in the Plan and 2013 TIP are lower than the transportation conformity budget in the SIP.

5. For the national PM_{2.5} standard, motor vehicle emissions in the Plan and TIP conform to the interim emissions test for the national fine particulate matter standard.

See Agenda item 3c for more information regarding Plan Bay Area and Agenda item 3d for more information regarding MTC's 2013 Transportation Improvement Program (TIP).

Recommendation

MTC staff recommends that this Committee approve and refer MTC Resolution No. 4076 to the Commission for final action, to find that the Plan Bay Area and 2013 Transportation Improvement Program are in conformance with the federal air quality plan for the national 8-hour ozone standard, national carbon monoxide standard and national PM_{2.5} standard, and provide for the timely implementation of TCMs.



Steve Heninger

Attachment A: Final Transportation Air Quality Conformity Analysis for Plan Bay Area and 2013 Transportation Improvement Program (TIP); Appendices are available at: http://www.mtc.ca.gov/planning/air_quality/.

SH: CC

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**TRANSPORTATION-AIR QUALITY CONFORMITY ANALYSIS
FOR PLAN BAY AREA &
2013 TRANSPORTATION IMPROVEMENT PROGRAM**

Final: July 18, 2013

Final: __



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I. INTRODUCTION

The Metropolitan Transportation Commission (MTC) prepares a transportation air quality conformity analysis when MTC amends or updates its long-range regional transportation plan (RTP), or adds or deletes regionally significant, non-exempt projects into the Transportation Improvement Program (TIP).

The purpose of this conformity analysis is to conform Plan Bay Area and the 2013 TIP in accordance with the latest U.S. Environmental Protection Agency (EPA) transportation conformity regulations and the Bay Area Conformity State Implementation Plan (Conformity SIP), which is also known as the Bay Area Air Quality Conformity Protocol (MTC Resolution No. 3757). This conformity analysis addresses the national 8-hour ozone standard, national carbon monoxide standard, and the national 24-hour fine particulate matter (PM_{2.5}) standard.

This report explains the basis for the conformity analysis and provides the results used by MTC to make a positive conformity finding on Plan Bay Area and the 2013 TIP.

Purpose of Conformity Analysis

The Federal Clean Air Act, as amended in 1990 (CAAA) outlines requirements for ensuring that federal transportation plans, programs and projects are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards. A conformity finding demonstrates that the total emissions projected for a RTP or TIP are within the emissions limits (“budgets”) established by the SIP, and that transportation control measures (TCMs) are implemented in a timely fashion.

Conformity requirements apply in all nonattainment and maintenance areas for transportation-related criteria pollutants and related precursor emissions. For the Bay Area, the criteria pollutants to be addressed are ground-level ozone, carbon monoxide, and PM_{2.5}; and the precursor pollutants to be addressed include volatile organic compounds (VOC) and oxides of nitrogen (NO_x) for ozone and NO_x for PM_{2.5}. EPA’s most recent revisions to its transportation conformity regulations to implement the 1990 Federal Clean Air Act section 175A were published in the Federal Register on March 14, 2012¹.

Metropolitan Planning Organizations such as MTC are required to follow these regulations, and any other procedures and criteria contained in the EPA-approved Conformity SIP (Transportation Air Quality Conformity Protocol) for the Bay Area. In the Bay Area,

¹ The current version of the regulations is available on EPA’s Transportation Conformity website at <http://www.epa.gov/otaq/stateresources/transconf/regs/420b12013.pdf>.

procedures were first adopted in September 1994 to comply with the 1990 CAAA. Four subsequent amendments to the transportation conformity procedures in August 1995, November 1995, August 1997, and July 2006 have been adopted by the three co-lead agencies (MTC, Association of Bay Area Governments (ABAG), and Bay Area Air Quality Management District (BAAQMD)). MTC Resolution 3757 represents the latest San Francisco Bay Area Transportation Air Quality Conformity Protocol adopted by the three agencies in July 2006. Acting on behalf of the three agencies, the BAAQMD submitted this latest Protocol to California Air Resources Board (CARB) as a revision to the Bay Area Conformity SIP. CARB approved this proposed revision to the Bay Area's Conformity SIP in December 2006, and transmitted it to EPA for final action. EPA approved the Bay Area Conformity SIP in December 2007 (40 CFR Part 52).

These regulations and resolutions state in part that, MTC cannot approve any transportation plan, program or project unless these activities conform to the purpose of the federal air quality plan (officially titled the State Implementation Plan, or SIP). "Transportation plan" refers to the RTP. "Program" refers to the TIP, which is a financially realistic set of highway and transit projects to be funded over the next six years. A "transportation project" is any highway or transit improvement, which is included in the RTP and TIP and requires funding or approval from the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). Conformity regulations also affect regionally significant non-federally funded projects which must be included in a conforming transportation plan and program.

Status of Regional Transportation Plan

A Regional Transportation Plan, or RTP, is a long-range plan which includes both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand. By federal law, the RTP covers a minimum planning horizon of 20 years and is updated every four years in areas which do not meet federal air quality standards. The RTP is financially constrained to the projected transportation revenues that will be reasonably available to the region over the planning period. Once adopted, the RTP guides the development of the TIP for the region.

The latest updated RTP is called Plan Bay Area. Plan Bay Area represents a strategic investment plan to improve asset condition and system performance for Bay Area travelers over the next 28 years. It includes a set of highway, transit, local roadway, bicycle, and pedestrian projects identified through regional and local transportation planning processes. As required by federal and state planning regulations, the long-range plan is financially constrained, identifying investments that are funded within the \$289 billion 28-year revenue estimate.

The Commission adopted the Transportation 2035 Plan in April 2009 (MTC Resolution 3893). The FHWA and FTA approved MTC's conformity determination for the Transportation 2035 Plan and 2009 Transportation Improvement Program/Amendment #09-

06 on May 29, 2009. The Transportation 2035 Plan was subsequently amended on May 25, 2010 via an administrative modification. This administrative modification did not trigger a new conformity determination because there are no changes to project scopes for projects previously identified in the plan and no additions of regionally significant, non-exempt projects to the plan.

This conformity analysis serves to conform Plan Bay Area. Refer to **Appendix A** for detailed project listing of projects/programs included in the proposed Plan Bay Area. See MTC’s Draft Plan Bay Area for full details about the plan².

Status of Transportation Improvement Program

The federally required Transportation Improvement Program, or TIP, is a comprehensive listing of Bay Area surface transportation projects that receive federal funds or are subject to a federally required action, or are considered regionally significant for air quality conformity purposes. MTC and the other Metropolitan Planning Organizations (MPOs) in California have historically followed a Caltrans directed update schedule (that is consistent statewide) to update the TIP every two years. The TIP must cover at least a four-year period and contain a priority list of projects grouped by year. The TIP is also financially constrained – meaning that the amount of funding programmed does not exceed the amount of funding reasonably expected to be available. Adoption of the TIP must be accompanied by an air quality conformity analysis and finding, and all projects included in the TIP must be derived from and/or be consistent with the RTP. Whenever a new RTP is adopted, a new air quality conformity analysis must be prepared for the TIP, to ensure consistency between the current Plan (RTP) and Program (TIP).

The Draft 2013 TIP includes projects “programmed” in six fiscal years: FY 2012-13, FY 2013-14, FY 2014-15, FY 2015-16, FY 2016-17 and FY 2017-18. This conformity analysis serves to conform the draft 2013 TIP and Plan Bay Area.

Refer to **Appendix B** for detailed project listing of projects/programs in the 2013 TIP. Note that specific funding sources are identified in the TIP itself. See MTC’s draft 2013 TIP for full details about the TIP.

II. BAY AREA AIR POLLUTANT DESIGNATIONS

National 1-Hour Ozone Standard

On November 6, 1991, the U.S. Environmental Protection Agency (EPA) designated the Bay Area as a moderate ozone non-attainment area. Based on “clean” air monitoring data from 1990 to 1993, the co-lead agencies—BAAQMD, MTC, and ABAG— determined that no

² See MTC’s *Draft Plan Bay Area* at: <http://onebayarea.org/>

ozone violations had occurred and requested the California Air Resources Board (ARB) to forward a redesignation request and an ozone maintenance plan to U.S. EPA.

On May 25, 1995, the Bay Area was classified as an ozone maintenance area, having attained the 1-hour national ozone standard for five years (1990-1994). However, on July 10, 1998 the U.S. EPA published a Notice of Final Rulemaking redesignating the Bay Area back to an ozone non-attainment (unclassified) area. This action was due to violations of the 1-hour standard that occurred during the summers of 1995 and 1996, and became final on August 10, 1998.

On October 31, 2003, U.S. EPA proposed a finding of attainment of the national 1-hour ozone standard for the Bay Area. The proposed finding was based on air quality monitoring data from the 2001, 2002, and 2003 ozone seasons. In April 2004, U.S. EPA made a final finding that the Bay Area had attained the national 1-hour ozone standard. Because of this finding, some of the elements of the 2001 Ozone Attainment Plan, submitted to EPA to demonstrate attainment of the 1-hour standard, were suspended. The finding of attainment did not mean the Bay Area had been reclassified as an attainment area for the 1-hour standard. To be reclassified, the region would have had to submit a formal redesignation request to EPA, along with a maintenance plan showing how the region would continue to attain the standard for ten years. However, this redesignation request was no longer necessary upon the establishment of the new national 8-hour ozone standard.

National 8-Hour Ozone Standard

On April 15, 2004, EPA issued the first phase of the final implementation rule designating and classifying areas not meeting the federal 8-hour ozone standard. This phase of the implementation rule explained how EPA was classifying areas not meeting the national air quality standard for 8-hour ozone. It also established a process for transitioning from implementing the 1-hour standard for ozone to implementing the more protective 8-hour ozone standard. The rule also established attainment dates for the 8-hour standard and the timing of emissions reductions needed for attainment. The 8-hour designations and classifications took effect on June 15, 2004; and one year following this effective date, EPA revoked the 1-hour standard.

In July 1997, U.S. EPA revised the ozone standard, setting it to 0.08 parts per million in concentration-based form, specifically the 3-year average of the annual 4th highest daily maximum 8-hour ozone concentrations. In April 2004, EPA issued final designations for attainment and non-attainment areas. The Bay Area monitoring stations recorded concentrations that exceeded the national 8-hour ozone standard for 2001, 2002 and 2003. In June 2004, EPA formally designated the Bay Area as a non-attainment area for national 8-hour ozone, and classified the region as “marginal” based on five classes of non-attainment areas for ozone, ranging from marginal to extreme. Marginal, non-attainment areas must attain the national 8-hour ozone standard by June 15, 2007.

On July 1, 2004, EPA published a final rule amending the transportation conformity rule to address the new national 8-hour ozone standard. The amended rule stated that Plans and TIPs in nonattainment areas must be found to conform against the new standard by one year after the effective date of designation – by June 15, 2005 for 8-hour ozone areas. Conformity for the 1-hour ozone standard will no longer apply in existing 1-hour ozone nonattainment and maintenance areas once the 1-hour ozone standard is revoked; this occurred on June 15, 2005. Furthermore, prior to 8-hour budgets being established, all areas with adequate or approved 1-hour motor vehicle emission budgets must use them to demonstrate conformity with the 8-hour ozone standard, unless it is determined through interagency consultation that using the interim emissions tests is more appropriate. The conformity finding in this report is based on the approved 1-hour motor vehicle emissions budget.

In March 2008, EPA lowered the national 8-hour ozone standard from 0.80 parts per million to 0.75 parts per million. On March 12, 2009, ARB submitted its recommendations for area designations for the revised national 8-hour ozone standard. These recommendations were based on ozone air quality data collected during 2006 through 2008. The ARB recommended that the Bay Area be designated as nonattainment for the national 8-hour ozone standard. EPA had one year to review the recommendations and were to notify states by November 12, 2009 if they planned to modify the state-recommended areas. EPA issued final designations by March 12, 2010 based on more up to date monitoring data.

On January 6, 2010, the EPA extended the deadline for designating areas for the March 2008 national ambient air quality standards (NAAQS) for ground-level ozone. This was in light of EPA's decision to reconsider the ground-level ozone standards set in 2008 because the Clean Air Scientific Advisory Committee, EPA's panel of science advisors, found the ozone standards not as protective to the health and welfare of the public as recommended. Based on the scientific studies, EPA proposed to set different primary and secondary 8-hour ozone standards to protect public health.

EPA's final rule designating nonattainment areas for the 2008 ozone NAAQS was published in the Federal Register on May 21, 2012 and was effective July 20, 2012. This rule established initial air quality designations and classifications for the 2008 ozone NAAQS for most areas in the United States, including areas of Indian country.

Concurrent with this designation rule, EPA released an additional final rule that established the approach for classifying nonattainment areas, set attainment deadlines, granted reclassification for selected nonattainment areas in California, and revoked the 1997 ozone standard for transportation conformity purposes. The grace period for showing conformity to the 2008 O₃ standard was started by the May 21, 2012 (77 FR 30088) publication of designations for this standard. The grace period for completing these conformity analysis ends on July 20, 2013 and MTC will need to continue to include conformity to the 1997 ozone standard until the grace period is finished.

National PM_{2.5} Standard

In 1987, The EPA established a standard for particle pollution equal to or smaller than 10 micrometers in diameter. A decade later, the 1997 revision to the standard set the stage for change, when a separate standard was set for fine particulate matter, which are 2.5 micrometers in diameter and smaller. Citing the link between serious health problems and premature death in people with heart or lung disease, the 1997 revision ultimately distinguished and set forth regulation on particle pollutants known as particulate matter 2.5 (PM_{2.5}) and particulate matter 10 (PM₁₀).

In 2006 the EPA revised the air quality standards for particle pollution. Regulations for PM_{2.5} were tightened for the 24-hour fine particle standard, which lowered the level from 65 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 35 $\mu\text{g}/\text{m}^3$. The annual fine particle standard at 15 $\mu\text{g}/\text{m}^3$ remained the same. In that same year, the EPA published a final ruling which established transportation conformity criteria and procedures to determine transportation projects that required analysis for local air quality impacts for PM_{2.5} in non-attainment and maintenance areas. From the 2006 revision, EPA had to complete designations of nonattainment areas by December 2009 for national standard for PM_{2.5}. The newly established criteria and procedures require those area designated as nonattainment areas must undergo a regional conformity analysis for PM_{2.5}. Furthermore, the procedures also mandates areas designated as nonattainment must complete an additional project-level PM_{2.5} hot-spot analysis of localized impacts for transportation projects of air quality concern.

On December 14, 2009, EPA designated the Bay Area as nonattainment for the national 24-hour PM_{2.5} standard based upon violations of the standard over the three-year period from 2007 through 2009. Pursuant to the Clean Air Act, the Bay Area and MTC were subject to the requirement (beginning on December 14, 2010) to demonstrate that the RTP and TIP conformed to the SIP. In addition, beginning on December 14, 2010, certain roadway and transit projects that involve significant levels of diesel vehicle traffic needed to prepare PM_{2.5} hot-spot analyses.

National 8-Hour Carbon Monoxide Standard

In April 1998, the Bay Area was redesignated to a “maintenance area” for the national 8-hour carbon monoxide (CO) standard, having demonstrated attainment of the standards. As a maintenance area, the region must assure continued attainment of the CO standard.

Approved Motor Vehicle Emissions Budgets and Conformity Tests

The Bay Area has conformity requirements for national ozone, CO, and PM_{2.5} standards. Under the ozone and CO standard, the Bay Area has to meet a motor vehicle emission “budget” test. Because the Bay Area does not have motor vehicle emission budgets for PM_{2.5} that have been determined to be adequate by EPA, it has to meet a motor vehicle emission interim test for the PM_{2.5} standard. To make a positive conformity finding for ozone and CO, MTC must demonstrate that the calculated motor vehicle emissions in the region are lower than the approved budgets. To make a positive “interim” conformity finding for PM_{2.5}, MTC must meet “build not greater than no build” or “build not greater than baseline year” tests based on PM_{2.5} exhaust, tire wear, and brake wear, and NO_x as a PM_{2.5} precursor, emissions.

Motor vehicle emissions budgets for Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x), which are ozone precursors, were developed for the 2006 attainment year as part of the 2001 1-hour Ozone Attainment Plan. The VOC and NO_x budgets were found to be adequate by EPA on February 14, 2002 (67 FR 8017) and were subsequently approved by EPA on April 22, 2004 (69 FR 21717). The ozone budgets were approved by the Federal Register on March 27, 2008. Note that under EPA’s conformity rule for the national 8-hour ozone standard, the existing 1-hour motor vehicle emission budgets are to be used for conformity analyses until they are replaced.

For CO, the applicable motor vehicle emissions budget was developed for the 2004 Revisions to the California State Implementation Plan for Carbon Monoxide (herein referred to as the 2004 Carbon Monoxide Maintenance Plan).

The motor vehicle emission budgets are listed below:

VOC:	164 tons per day (2006 and beyond)
NO _x :	270.3 tons per day (2006 and beyond)
CO:	1,850 tons per day (2003 and 2018 and beyond)

For PM_{2.5}, initially the Bay Area was required to prepare a SIP by December 2012 to show how the region would attain the standard by December 2014. In addition, although the Bay Area was designated as non-attainment for the national 24-hour PM_{2.5} standard based on monitoring data for the 2006-2008 period, the region exceeded the standard by only a slight margin. Since then, Bay Area PM_{2.5} levels have continued to decline. Air quality data from the regional monitoring network shows that the Bay Area met the national 24-hour PM_{2.5} standard during the three-year period from 2008 through 2010, as well as the three-year period from 2009 through 2011.

Under US EPA guidelines, a region with monitoring data showing that it currently attains an air quality standard can submit a “redesignation request” and a “maintenance plan” in lieu of a SIP attainment plan. However, the BAAQMD believes that it would be premature to submit a PM_{2.5} redesignation request for the Bay Area at this time. Instead, the BAAQMD has

pursued another option provided by US EPA guidelines for areas with monitoring data showing that they currently meet the PM_{2.5} standard. In December 2011, the Air Resources Board submitted a “clean data finding” request on behalf of the Bay Area. On January 9, 2013, EPA took final action and determined that the Bay Area attained the 2006 24-hour PM_{2.5} standard. EPA’s determination was based on complete, quality-assured, and certified ambient air monitoring data showing that the area monitored attainment based on the 2009-2011 monitoring period³. Based on EPA’s determination, the requirements for the Bay Area to submit an attainment demonstration, together with reasonably available control measures (RACM), a reasonable further progress (RFP) plan, and contingency measures for failure to meet RFP and attainment deadlines are suspended for so long as the region continues to attain the 2006 24-hour PM_{2.5} standard.

Since an approved motor vehicle emissions budget for PM_{2.5} is not available for use in this conformity analysis, MTC must complete one of the two interim emissions tests:

- the build-no-greater-than-no-build test (“build/no-build test”) found at 40 CFR 93.119(e)(1), or
- the no-greater-than-baseline year emissions test (“baseline year test”), described at 40 CFR 93.119(e)(2).

Per the interagency consultation via the Air Quality Conformity Task Force meeting dated March 28, 2013, MTC elects to use the baseline year test. In this test, conformity would be demonstrated if in each analysis year, the transportation emissions reflected the RTP or TIP (the “build” scenario) are less than or equal to emissions from the transportation system in the “baseline year” on-road source emission inventory.

Under a determination of conformity, the following criteria are applied:

1. The latest planning assumptions and emission models are used.
2. The transportation plan and program pass an emissions budget test using a budget that has been found adequate by EPA or an interim emissions test when budgets have not been established.
3. The transportation plan and program provide for the timely implementation of transportation control measures (TCMs).
4. Interagency and public consultation is part of the process.

III. CONFORMITY ANALYSIS & RESULTS

Approach to Conformity Analysis

MTC has used the latest planning assumptions for the purpose of preparing this conformity analysis. Regional on-road motor vehicle emissions for future years are estimated using MTC’s travel demand forecast model *Travel Model One* (version 0.3), released in spring

³ See <http://www.gpo.gov/fdsys/pkg/FR-2013-01-09/pdf/2013-00170.pdf>

2012, calibrated to a 2000 base year, and validated against both year 2000 and year 2005 observed conditions with the most up to date highway and transit networks. In conjunction with *Travel Model One*, MTC will also use the ARB's latest model for determining motor vehicle emissions (EMFAC2011-SG).

The MTC travel demand model requires various inputs – demographic assumptions, pricing assumptions, travel behavior assumptions and highway and transit network assumptions. This conformity analysis uses the latest socio-economic/land use forecast data from the Association of Bay Area Government's (ABAG's) *Jobs/Housing Connection*⁴ and the latest validated version of *Travel Model One*.

A separate process was employed to develop socio-economic/land use data for the PM_{2.5} "baseline year" of 2008 and PM_{2.5} attainment year of 2014. The standard Transportation Analysis Zone (TAZ)-level data set provided to MTC by ABAG includes forecasted data in 5-year increments. The calculation of data for the interim years 2008 and 2014 in the proposed Plan Bay Area requires a multi-stop process. First, regional control totals for each attribute for each of the years 2008 and 2014 are calculated using a straight line extrapolation between the two adjacent 5-year increments. Next each TAZ's share of the regional total is calculated by extrapolation of the two adjacent 5-year increments. Finally, individual TAZ totals are calculated by multiplying the interim year TAZ share of the regional total by the regional control total.

In addition, pricing assumptions applied in the travel demand model include projected parking prices, gasoline and non-gasoline auto operating costs, fuel economy, bridge tolls, transit fares, and express lanes. Travel behavior assumptions include trip peaking factors, vehicle occupancy factors, and estimates of interregional commuters. Highway and transit networks were updated for each analysis year to reflect investments in the proposed Plan Bay Area (see Appendix A) and 2013 TIP (see Appendix B).

Regional VMT and engine starts (which are needed for emission calculations) are forecasted using a combination of output from MTC's travel demand forecasting model and base year (2000) VMT information provided by the ARB. For conformity purposes, MTC agreed to follow ARB's protocol for estimating VMT.

Refer to **Appendix C** for detailed travel modeling assumptions used in this conformity analysis.

Analysis Years

The analysis years for the budget and baseline year tests are to be a year within five years from the date the analysis is done, the last year of the RTP and intermediate years as necessary so that analysis years are not more than 10 years apart. For this conformity analysis,

⁴ <http://onebayarea.org/related-materials/Document-Archive.html>

the analysis years are 2015, 2020, 2030 and 2035 for the 1997 and 2008 ozone and PM_{2.5} standards. The attainment year for the 1997 ozone standard is the year 2007 and the attainment year for the 2008 ozone standard is 2015. The attainment year for the 2006 PM_{2.5} standard is 2014. For CO, the analysis years are 2015, 2018, 2020, 2030 and 2040. Travel forecast data for year 2018 were interpolated between 2015 and 2020. MTC has prepared separate travel forecasts for the Bay Area for each of these years. These travel forecasts are then applied to calculate motor vehicle emissions.

Consultation Process

MTC has consulted on the preparation of this conformity analysis and other conformity related issues with the Bay Area's Air Quality Conformity Task Force. The Conformity Task Force is composed of representatives of U.S. EPA, ARB, FHWA, FTA, Caltrans, MTC, BAAQMD, ABAG, the nine county Congestion Management Agencies, and Bay Area transit operators. The Conformity Task Force reviews the assumptions going into the analysis, consults on TCM implementation issues, and reviews the results of the conformity analysis. The task force meetings are open to the public. Topics covered in past meetings of the Air Quality Conformity Task Force include the following:

December 2012

- PM_{2.5} Project Conformity Interagency Consultations
- Transportation Air Quality Conformity Redetermination

January 2013

- PM_{2.5} Project Conformity Interagency Consultations
- Transportation Air Quality Conformity Analysis for Transportation 2035 and 2011 TIP (Redetermination)
- Plan Bay Area Modeling Tools (with presentations)

February 2013

- PM_{2.5} Project Conformity Interagency Consultations

March 2013

- Draft Transportation Air Quality Conformity Analysis for Plan Bay Area/2013 TIP

April 2013

- PM_{2.5} Project Conformity Interagency Consultations
- Draft Transportation Air Quality Conformity Analysis for Plan Bay Area/2013 TIP

May 2013

- PM_{2.5} Project Conformity Interagency Consultations

Comparison of Motor Vehicle Emissions to Budgets

As explained earlier, motor vehicle emissions budgets are established in the SIP for VOCs, NO_x and carbon monoxide (CO). To make a positive conformity finding, the regional motor vehicle emissions must be equal to or less than these budgets. The results of the vehicle activity forecasts and motor vehicle emission calculations are shown below for each separate analysis year.

Ozone Motor Vehicle Emission Budgets

For VOC and NO_x, the motor vehicle emission budget also reflects anticipated emission reductions from five Transportation Control Measures (TCMs) incorporated in the 2001 Ozone Attainment Plan (Table 1).

**TABLE 1
VOC AND NO_x EMISSIONS BUDGETS FROM 2001 OZONE ATTAINMENT PLAN (TONS/DAY)**

VOC	
2006 On Road Motor Vehicle Emissions	168.5
2006 Mobile Source Control Measure Benefits	(4.0)
2006 TCM Benefits	<u>(0.5)</u>
2006 Emissions Budget	164.0
NO_x	
2006 On Road Motor Vehicle Emissions	271.0
2006 TCM Benefits	<u>(0.7)</u>
2006 Emissions Budget	270.3

**TABLE 2
VEHICLE ACTIVITY FORECASTS**

	2015	2020	2030	2040
VEHICLES IN USE	4,740,063	4,900,323	5,168,834	5,463,106
Daily VMT (1000s)	170,152	176,429	185,830	196,911
Daily Engine Starts	30,140,124	32,631,760	32,631,760	34,443,678

Carbon Monoxide Maintenance Plan Budget

The budget for carbon monoxide is derived from the 2004 Carbon Monoxide Maintenance Plan. The emission budget for the Bay Area is 1,850 tons per day. This budget applies to all subsequent analysis years as required by federal conformity regulation, including: any interim year conformity analyses, the 2018 horizon year, and years beyond 2018.

Comparison of Estimated Regional Motor Vehicle Emissions to the Ozone Precursor and CO Budgets

The motor vehicle activity forecasts for Plan Bay Area and the 2013 TIP for the various horizon years are converted to motor vehicle emission estimates by MTC using EMFAC2011.

Table 3A and 3B compares the results of the various analyses with the applicable budgets. The analyses indicate that the motor vehicle emissions are substantially below the budget, due in large part to the effects of cleaner vehicles in the California fleet and the enhanced Smog Check program now in effect in the Bay Area and reflected in the EMFAC model. With respect to the new Maintenance Plan motor vehicle emission budget for CO, Table 3B shows that calculated motor vehicle emissions will be well below the new budget of 1,850 tons per day in 2018 as well.

The estimated effectiveness of the various Transportation Control Measures, given their current implementation status is shown in Table 4. TCMs A through E are fully implemented. They have achieved the required cumulative total emission reductions of 0.5 tons per day of VOC and 0.7 tons per day of NO_x by 2006.

**TABLE 3A
EMISSIONS BUDGET COMPARISONS FOR OZONE PRECUSORS
(TONS/DAY)***

Year	VOC Budget**	On-Road Motor Vehicles VOC	TCMs***	Net Emissions
2015	164.0	55.56	(0.3)	55.26
2020	164.0	46.87	(0.3)	46.57
2030	164.0	37.56	(0.3)	37.26
2040	164.0	36.53	(0.3)	36.23

Year	NO_x Budget	On-Road Motor Vehicles NO_x	TCMs***	Net Emissions
2015	270.3	110.50	(0.5)	110.00
2020	270.3	74.60	(0.5)	74.10
2030	270.3	49.60	(0.5)	49.10
2040	270.3	48.51	(0.5)	48.01

* Emissions for summertime conditions

**2001 Ozone Attainment Plan

***The transit services for TCM A Regional Express Bus Program were modeled. The emission benefits from TCM A are therefore included in the On-Road Motor Vehicles VOC and NO_x emission inventories for 2006 and beyond.

**TABLE 3B
EMISSIONS BUDGET COMPARISONS FOR CARBON MONOXIDE
(TONS/DAY)***

Year	2004 CO Budget**	Estimated CO
2015	1,850	526.93
2018	1,850	421.99***
2020	1,850	352.02
2030	1,850	248.56
2040	1,850	240.98

*Emissions for wintertime conditions

**2004 Revision to the California State Implementation Plan for Carbon Monoxide, Updated Maintenance Plan for 10 Federal Planning Areas

***Estimated CO emissions for 2018 are extrapolated from the 2015 and 2020 analysis years.

**TABLE 4
EMISSIONS REDUCTIONS FOR TRANSPORTATION CONTROL MEASURES (TCMS) A – E IN
STATE IMPLEMENTATION PLAN THROUGH DECEMBER 2006 (TONS PER DAY)**

TCM	VOC Emission Reductions through December 2006	NOx Emission Reductions through December 2006
TCM A Regional Express Bus Program	0.20	0.20
TCM B Bicycle/Pedestrian Program	0.04	0.03
TCM C Transportation for Livable Communities	0.08	0.12
TCM D Expansion of Freeway Service Patrol	0.10	0.25
TCM E Transit Access to Airports	0.09	0.13
Total Reductions	0.5	0.7

Baseline Year Emissions Test for PM_{2.5}

For the Baseline Year test, emissions for both directly emitted PM_{2.5} and NO_x (as the precursor to PM_{2.5} emissions) were compared to the analysis years of 2015, 2020, 2030 and 2040. The analysis used inputs for the winter season, during which the Bay Area experiences its highest levels of PM_{2.5} concentrations.

The motor vehicle activity forecasts for Plan Bay Area and the 2013 TIP for the planned transportation system scenarios across the various horizon years, the PM_{2.5} baseline year (2008) and the PM_{2.5} attainment year (2014) are shown in Table 5. These forecasts are converted to motor vehicle emission estimates by MTC using EMFAC2011.

Table 6 presents the results of the Baseline Year test for the PM_{2.5} emissions and the NO_x precursor. The analyses indicate that the motor vehicle emissions are lower in the analysis years than in the Baseline Year. This is due in large part to the transportation investments included in the Plan and Program (such as transit services, express lanes, freeway operational

improvements, roadway improvements, etc.) and its responsiveness to growth in population and associated travel demand over the next 28 years.

**TABLE 5
VEHICLE ACTIVITY FORECASTS FOR THE PM_{2.5} BASELINE YEAR TEST**

	2008 Baseline Year	2014 Attainment Year	2015	2020	2030	2040
Vehicles In Use	4,596,718	4,710,130	4,740,063	4,900,323	5,168,834	5,463,106
Daily VMT (1000s)	166,041	168,861	170,152	176,429	185,830	196,911
Engine Starts	29,321,651	29,964,074	30,140,124	31,121,589	32,631,760	34,443,678

**TABLE 6
EMISSIONS COMPARISON FOR THE PM_{2.5} BASELINE YEAR TEST ***

	2008 Baseline Year	2014 Attainment Year	2015	2020	2030	2040
PM_{2.5}	7.63	5.51	5.25	5.03	5.30	5.64
NO_x	217.85	136.04	123.71	82.44	54.38	52.91

*Emissions for wintertime only

IV. TRANSPORTATION CONTROL MEASURES

History of Transportation Control Measures

Transportation control measures (TCMs) are strategies to reduce vehicle emissions. They include such strategies as improved transit service and transit coordination, ridesharing services and new carpool lanes, signal timing, freeway incident management, increased gas taxes and bridge tolls to encourage use of alternative modes, etc. The original set of TCMs plus the five most recent TCMs (A-E) have been fully implemented. The TCMs were added over successive revisions to the SIP (see Table 7). For more information on TCMs 1-28, which are completed, see the *Transportation Air Quality Conformity Analysis for the 2001 Regional Transportation Plan and FY 2001 Transportation Improvement Program Amendment 01-32 (February 2002)*. This report can be found in the MTC/ABAG Library.

- Twelve (12) ozone measures were originally listed in the 1982 Bay Area Air Quality Plan.
- In response to a 1990 lawsuit in the federal District Court, sixteen (16) additional TCMs were subsequently adopted by MTC in February 1990 as contingency measures to bring the region back on the “Reasonable Further Progress” (RFP) line. The Federal District order issued on May 11, 1992, found that these contingency TCMs were sufficient to bring the region back on the RFP track anticipated in the SIP. These measures became part of the SIP when U.S. EPA approved the 1994 Ozone Maintenance Plan.

- Two (2) transportation control measures from the 1982 Bay Area Air Quality Plan apply to Carbon Monoxide control strategies, for which the region is in attainment with the federal standard, and primarily targeted downtown San Jose (which had the most significant CO problem at that time.) MTC also adopted a set of TCM enhancements in November 1991 to eliminate a shortfall in regional carbon monoxide emissions identified in the District Court's April 19, 1991 order. Carbon monoxide standards have been achieved primarily through the use of oxygenated/reformulated fuels in cars and with improvements in the Smog Check program.
- As part of EPA's partial approval/partial disapproval of the 1999 Ozone Attainment Plan, four (4) TCMs were deleted from the ozone plan (but two of these remain in the Carbon Monoxide Maintenance Plan).
- Five (5) new Transportation Control Measures were adopted as part of the new 2001 1-Hour Ozone Attainment Plan and were fully funded in the 2001 TIP and 2001 Regional Transportation Plan.

With respect to TCM 2 from the 1982 SIP, there was a protracted debate, leading to a citizens lawsuit in federal court, about the obligations associated with this TCM. On April 6, 2004 MTC prevailed in the U.S. Court of Appeals for the Ninth Circuit which concluded that TCM 2 does not impose any additional enforceable obligation on MTC to increase ridership on public transit ridership by 15% over 1982-83 levels by November 2006 (Bayview Hunters Point Community Advocates v. Metropolitan Transportation Com'n, (2004 WL 728247, 4 Cal. Daily Op. Serv. 2919, 2004 Daily Journal D.A.R. 4209, 9th Cir.(Cal.), Apr 06, 2004)). Thus TCM 2 has been resolved, and there are no further implementation issues to address in this TCM.

**TABLE 7
Transportation Control Measures (TCMs) in the State Implementation Plan**

<i>TCM</i>	<i>Description</i>
<i>Original TCMs from 1982 Bay Area Air Quality Plan</i>	
TCM 1	Reaffirm Commitment to 28 percent Transit Ridership Increase Between 1978 and 1983
TCM 2	Support Post-1983 Improvements in the Operators' Five-Year Plans and, After Consultation with the Operators, Adopt Ridership Increase Target for the Period 1983 through 1987
TCM 3	Seek to Expand and Improve Public Transit Beyond Committed Levels
TCM 4	High Occupancy Vehicle (HOV) Lanes and Ramp Metering
TCM 5	Support RIDES Efforts
TCM 6*	Continue Efforts to Obtain Funding to Support Long Range Transit Improvements
TCM 7	Preferential Parking
TCM 8	Shared Use Park and Ride Lots
TCM 9	Expand Commute Alternatives Program
TCM 10	Information Program for Local Governments
TCM 11**	Gasoline Conservation Awareness Program (GasCAP)
TCM 12**	Santa Clara County Commuter Transportation Program
<i>Contingency Plan TCMs Adopted by MTC in February 1990 (MTC Resolution 2131)</i>	
TCM 13	Increase Bridge Tolls to \$1.00 on All Bridges
TCM 14	Bay Bridge Surcharge of \$1.00
TCM 15	Increase State Gas Tax by 9 Cents
TCM 16*	Implement MTC Resolution 1876, Revised — New Rail Starts
TCM 17	Continue Post-Earthquake Transit Services
TCM 18	Sacramento-Bay Area Amtrak Service
TCM 19	Upgrade Caltrain Service
TCM 20	Regional HOV System Plan
TCM 21	Regional Transit Coordination
TCM 22	Expand Regional Transit Connection Ticket Distribution
TCM 23	Employer Audits
TCM 24	Expand Signal Timing Program to New Cities
TCM 25	Maintain Existing Signal Timing Programs
TCM 26	Incident Management on Bay Area Freeways
TCM 27	Update MTC Guidance on Development of Local TSM Programs
TCM 28	Local Transportation Systems Management (TSM) Initiatives
<i>New TCMs in 2001 Ozone Attainment Plan</i>	
TCM A	Regional Express Bus Program
TCM B	Bicycle/Pedestrian Program
TCM C	Transportation for Livable Communities
TCM D	Expansion of Freeway Service Patrol
TCM E	Transit Access to Airports

*Deleted by EPA action from ozone plan

**Deleted by EPA action from ozone plan, but retained in Carbon Monoxide Maintenance Plan.

Source: Bay Area Air Quality Management District, Metropolitan Transportation Commission, 2001.

Status of Transportation Control Measures

TCMs A-E were approved into the SIP as part of EPA's Finding of Attainment for the San Francisco Bay Area (April 2004). The conformity analysis must demonstrate that TCMs are being implemented on schedule (40 CFR 93.113). TCMs A-E have specific implementation steps which are used to determine progress in advancing these TCMs (see Table 8). TCMs A-E are now fully implemented.

**TABLE 8
 IMPLEMENTATION STATUS OF FEDERAL TRANSPORTATION CONTROL MEASURES FOR OZONE (TCMS A – E)**

#	TCM	Description	Ozone Attainment Plan Implementation Schedule	Implementation Status
A	Regional Express Bus Program	Program includes purchase of approximately 90 low emission buses to operate new or enhanced express bus services. Buses will meet all applicable ARB standards, and will include particulate traps or filters. MTC will approve \$40 million in funding to various transit operators for bus acquisition. Program assumes transit operators can sustain service for a five year period. Actual emission reductions will be determined based on routes selected by MTC.	FY 2003. Complete once \$40 million in funding pursuant to Government Code Section 14556.40 is approved by the California Transportation Commission and obligated by bus operators	\$40 million for this program was allocated by the CTC in August 2001. The participating transit operators have ordered and received a total of 94 buses. All buses are currently in operations. TCM A is fully implemented.
B	Bicycle / Pedestrian Program	Fund high priority projects in countywide plans consistent with TDA funding availability. MTC would fund only projects that are exempt from CEQA, have no significant environmental impacts, or adequately mitigate any adverse environmental impacts. Actual emission reductions will be determined based on the projects funded.	FY 2004 – 2006. Complete once \$15 million in TDA Article 3 is allocated by MTC.	MTC allocated over \$20 million in TDA Article 3 funds during FY2004, FY2005, and FY2006. TCM B is fully implemented.

*Final Transportation-Air Quality Conformity Analysis
Plan Bay Area and 2013 Transportation Improvement Program*

#	TCM	Description	Ozone Attainment Plan Implementation Schedule	Implementation Status
C	Transportation for Livable Communities (TLC)	<p>Program provides planning grants, technical assistance, and capital grants to help cities and nonprofit agencies link transportation projects with community plans. MTC would fund only projects that are exempt from CEQA, have no significant environmental impacts, or adequately mitigate any adverse environmental impacts. Actual emission reductions will be based on the projects funded.</p>	<p>FY 2004 – 2006. Complete once \$27 million in TLC grant funding is approved by MTC</p>	<p>In December 2003, the Commission reaffirmed its commitment of \$27 million annually over 25 years for the TLC program as part of Phase 1 of the Transportation 2030 Plan.</p> <p>MTC and the county Congestion Management Agencies (CMAs) have approved over \$27 million in TLC grant funding by FY 2006. In November 2004, MTC approved \$500,000 for regional TLC Community Design Planning Program, and in December 2004, MTC approved \$18.4 million in TLC funding for the regional TLC Capital program. As of December 2006, CMAs in Alameda, Marin and Sonoma counties approved an additional \$12.4 million in their county-level TLC Capital programs for a regional total of \$31.2 million.</p>
D	Additional Freeway Service Patrol	<p>Operation of 55 lane miles of new roving tow truck patrols beyond routes which existed in 2000. TCM commitment would be satisfied by any combination for routes adding 55 miles. Tow trucks used in service are new vehicles meeting all applicable ARB standards.</p>	<p>FY 2001. Complete by maintaining increase in FSP mileage through December 2006</p>	<p>FSP continues to maintain the operation of the 55 lane miles of new roving tow truck coverage. This level of service was maintained through 2006. FSP continues to expand its service areas.</p> <p>TCM D is fully implemented.</p>
E	Transit Access to Airports	<p>Take credit for emission reductions from air passengers who use BART to SFO, as these reductions are not included in the Baseline.</p>	<p>BART – SFO service to start in FY 2003. Complete by maintaining service through December 2006</p>	<p>Service began June 2003. Service adjustments have been made since start of revenue service. The BART to SFO service has been maintained through 2006 and is continued.</p> <p>TCM E is fully implemented.</p>

V. RESPONSE TO PUBLIC COMMENTS

Based on the two-year update schedule mandated by Caltrans, the Draft 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 22, 2012, with a public hearing held on July 11, 2012.

Several commenters noted the timing mismatch between the scheduled adoption of the 2013 TIP and the region's RTP, and Sustainable Communities Strategy (SCS) Plan Bay Area. In September 2012, MTC postponed the final adoption of the new TIP to more closely align with development and adoption of Plan Bay Area. Plan Bay Area is currently slated for adoption in July 2013. Therefore, MTC is currently developing the six-year 2013 TIP (FY2012-13 through FY2017-18), which includes both a financial constraint analysis and an air quality conformity analysis.

MTC's Programming and Allocations Committee released the Draft Conformity Analysis for a 30-day public review period from March 29, 2013 to May 3, 2013. Nine public hearings were held throughout the region on Plan Bay Area, including the Draft Conformity Analysis of the Plan and the 2013 TIP between April 8, 2013 and May 2, 2013.

MTC received one comment on the Draft Conformity Analysis during the comment period. However, upon review, this comment was not related to the Draft Conformity Analysis and will be addressed as part of the Draft Plan Bay Area Environmental Impact Report comment process (Appendix E).

Several changes were made since the Draft Conformity Analysis was released on March 29, 2013; a description of these changes is indicated in the memo addressed to the Air Quality Conformity Task Force Memo dated June 25, 2013 (Appendix G). These changes do not result in any changes to the conformity findings.

VI. Conformity Findings

Based on the analysis, the following conformity findings are made:

- This conformity assessment was conducted consistent with U.S. EPA's transportation conformity regulations and with the Bay Area Air Quality Conformity Protocol adopted by MTC as Resolution No. 4076.
- Plan Bay Area and the 2013 Transportation Improvement Program provide for implementation of TCMs pursuant to the following federal regulation:
 - (1) *An examination of the specific steps and funding source(s) needed to fully implement each TCM indicates that TCMs which are eligible for funding under title 23 U.S.C. or the Federal Transit Laws are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and DOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all State and local agencies with influence over approvals or funding for TCMs are given maximum priority to approval or funding to TCMs over other projects within their control, including projects in locations outside the non-attainment or maintenance area.*
 - (2) *If TCMs in the applicable implementation plan have previously been programmed for Federal funding but the funds have not been obligated and the TCMs are behind the schedule in the implementation plan, then the TIP cannot be found to conform if the funds intended for those TCMs are reallocated to projects in the TIP other than TCMs, or if there are no other TCMs in the TIP, if the funds are reallocated to projects in the TIP other than projects which are eligible for Federal funding intended for air quality improvements projects, e.g., the Congestion Mitigation and Air Quality Improvement Program.*
 - (3) *Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan. (40 CFR Part 93.113(c)).*
- For the two ground-level ozone precursors (VOC and NO_x), motor vehicle emissions in Plan Bay Area and the 2013 Transportation Improvement Program are lower than the applicable motor vehicle emission budgets for the 1997 and the 2008 national 8-hour ozone standards.
- For carbon monoxide, motor vehicle emissions in Plan Bay Area and the 2013 Transportation Improvement Program are lower than the transportation conformity budget in the SIP.

- For PM_{2.5} and NO_x, the Baseline Year test shows that the motor vehicle emissions are lower under the Build scenario for the various analysis years when compared to the baseline year emissions scenario.

Date: July 18, 2013
W.I.: 1412
Referred by: Planning

ABSTRACT

Resolution No. 4076

This resolution finds that the Plan Bay Area and 2013 Transportation Improvement Program is in conformance with the State Implementation Plan (SIP) to achieve National Ambient Air Quality Standards.

Further discussion of this subject is contained in the Executive Director's memorandum to the Planning Committee dated July 5, 2013.

Date: July 18, 2013
W.I.: 1412
Referred by: Planning

Re: Approval of the Transportation-Air Quality Conformity of Plan Bay Area and 2013 Transportation Improvement Program to the State Implementation Plan for Achieving and Maintaining National Ambient Air Quality Standards

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4076

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Part 450 of Title 23 of the Code of Federal Regulations (CFR), require MTC as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, California Government Code § 65080 *et seq.* requires MTC to prepare and update a long-range RTP, including a Sustainable Communities Strategy (SCS) prepared in conjunction with the Association of Bay Area Governments (ABAG), every four years; and

WHEREAS, beginning in 2010 MTC commenced a comprehensive and coordinated transportation planning process to develop its 2013 RTP with a 2040 horizon year known as Plan Bay Area (Plan), in conformance with all applicable federal and state requirements including Senate Bill 375; and

WHEREAS, the Plan is to be adopted (MTC Resolution 4111) on the same day as this Resolution; and

WHEREAS, MTC has prepared the 2013 Transportation Improvement Program (TIP) (MTC Resolution 4075), to be approved the same day as this Resolution; and

WHEREAS, the Plan and the 2013 TIP must conform to the federal air quality plan, which is also referred to as the State Implementation Plan (SIP); and

WHEREAS, the San Francisco Bay Area air basin was designated by U.S. Environmental Protection Agency (U.S. EPA) as nonattainment for the fine particulate matter (PM_{2.5}) standard in December 2009, and so MTC must demonstrate conformance to this standard through an interim emission test until a PM_{2.5} SIP is approved by U.S. EPA:

WHEREAS, MTC has conducted a transportation air quality conformity analysis for the Plan and 2013 TIP in accordance with U.S. EPA conformity regulations and the Bay Area Air Quality Conformity Protocol (MTC Resolution No. 3757); and

WHEREAS, said conformity analysis is included as Attachment A of this resolution, and is incorporated herein as though set forth at length; and

WHEREAS, the conformity analysis has been circulated for 30-day public review period from March 29, 2013 through May 3, 2013; now, therefore be it

RESOLVED, that MTC makes the following conformity findings for Plan Bay Area and 2013 Transportation Improvement Program:

- (A) Conforms to the applicable provisions of the State Implementation Plan and the applicable transportation conformity budgets in the State Implementation Plan approved for the national 8-hour ozone standard and carbon monoxide standard, and to the interim emissions test for the national fine particulate matter standard; and

- (B) Provides for the timely implementation of transportation control measures (TCMs) pursuant to the applicable State Implementation Plan;

RESOLVED, that Executive Director shall forward a copy of this Resolution to the U.S. Department of Transportation for its approval of MTC's conformity findings, along with a copy of Plan Bay Area and the 2013 Transportation Improvement Program and to such other agencies as appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in Oakland, California on July 18, 2013.

Date: July 18, 2013
W.I.: 1412
Referred by: Planning

Attachment A
Resolution No. 4076
Page 1 of 1

**Final Transportation-Air Quality Conformity Analysis for Plan Bay Area and 2013
Transportation Improvement Program**

The Final Transportation-Air Quality Conformity Analysis for Plan Bay Area and 2013
Transportation Improvement Program is on file in the offices
of the Metropolitan Transportation Commission, MetroCenter,
101 Eighth Street, Oakland, CA 94607.

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TO: MTC Planning Committee, ABAG Administrative Committee Date: July 5, 2013

FR: Executive Director, MTC; Executive Director, ABAG W.I.: 1121

RE: Plan Bay Area Final Environmental Impact Report – Final Certification (MTC Resolution No. 4110; ABAG Resolution No. 05-13)

MTC and ABAG staff have prepared the Proposed *Final Environmental Impact Report for Plan Bay Area* (Final EIR) in accordance with the California Environmental Quality Act (CEQA). In general, the purpose of this FEIR is to disclose the significant environmental effects of implementing the proposed Plan Bay Area, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan Bay Area. Projects that secure funding and move into project development will also be subject to individual CEQA analysis.

This Final EIR responds to comments addressing the Draft Environmental Impact Report (DEIR), which was released for a 45-day public review period starting on April 2, 2013 and ending on May 16, 2013. Three public hearings specifically on the Draft EIR as well as nine public hearings on Plan Bay Area and Draft EIR were held during the public comment period. To respond to some comments, revisions and refinements have been made to the Draft EIR. It is important to note that information provided in the responses to comments and in the revisions to the Draft EIR is intended to clarify and amplify the analysis in the Draft EIR. However, no significant new information was added that would trigger recirculation of the Draft EIR under CEQA. Furthermore, there were no new significant environmental impacts, or a substantial increase in the severity of any impact, identified in the comments or responses that were not already identified in the Draft EIR.

The components of the Final EIR are as follows:

1. **Revisions to the Draft EIR** lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.
2. **Comments on the Draft EIR** lists all agencies, organizations and individuals who submitted either written or oral comments on the Draft EIR.
3. **Responses to Comments** provides responses to written and oral comments, including “Master Responses” which respond to frequently raised issues referenced by multiple commenters.

Additional documents attached to this staff report in support of the Final EIR, which are to be adopted with the approval of the Final Plan Bay Area include:

1. **Findings and Facts in Support of Findings** (Findings) states MTC and ABAG’s conclusions regarding the significance of the potential environmental effects of Plan Bay Area after all feasible mitigation measures have been adopted.
2. **Rejection of Alternatives and the Statement of Overriding Considerations** included in the Findings sets forth the specific reasons supporting MTC and ABAG’s

action in approving Plan Bay Area, based on this EIR and other information in the record.

3. **Mitigation Monitoring Program** establishes a mitigation monitoring program for Plan Bay Area.

The full Final EIR can be found on: <http://onebayarea.org/regional-initiatives/plan-bay-area.html>.

Comments on the Draft EIR

A significant number of comments were received during the 45-day comment period. Although several comments were received late, all letters received through June 13, 2013 are included in the Final EIR. Comments included:

- 352 letters
 - 53 from agencies (Federal, State, Regional and Local)
 - 47 from organizations
 - 252 from individuals
- 120 oral comments given at public hearings
- 36 written comments submitted at public hearings

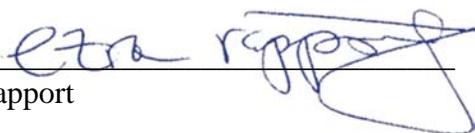
Where appropriate, the information and revisions suggested in these comment letters have been incorporated into the Final EIR. As noted above, no information or revisions warrant changing the findings or conclusions of the environmental assessment.

MTC and ABAG staff will provide proposed written responses to comments submitted by public agencies 10-days prior to MTC's and ABAG's certification of the Final EIR scheduled for July 18.

Recommendation

Staff recommends that these Committees approve and refer MTC Resolution No. 4110/ABAG Resolution 05-13 to the Commission and ABAG Executive Board, respectively, for final action to certify that (1) the Final EIR for Plan Bay Area has been completed in compliance with CEQA; (2) the Commission and ABAG Executive Board reviewed and considered the information in the Final EIR prior to considering the proposed Plan Bay Area; and (3) the Final EIR reflects the independent judgment and analysis of the Commission and ABAG Executive Board.



Steve Heminger

Ezra Rapport

Attachment A: Findings and Facts in Support of the Findings, including the Rejection of Alternatives and the Statement of Overriding Considerations

Attachment B: Mitigation Monitoring Program

Attachment A

CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations

Section 1a: Introduction

ROLE OF THE FINDINGS

The following findings are hereby adopted by the Metropolitan Transportation Commission (MTC)¹ pursuant to the requirements of the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. (CEQA), and the Guidelines for California Environmental Quality Act, Title 14, California Code of Regulations Section 15000 et seq. (CEQA Guidelines).

These Findings and Facts in Support of Findings relate to the approval of Plan Bay Area, the 2040 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) for the San Francisco Bay Area (the “Plan”). MTC and the Association of Bay Area Governments (ABAG) are the joint Lead Agencies for the Plan.

The Findings state the Commission’s conclusions regarding the significance of the potential environmental impacts of Plan Bay Area after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA Guidelines and are based on information in the Draft and Final Environmental Impact Report (EIR) for the Plan and on all other relevant information contained in the administrative record for the Plan.

CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project’s significant impacts or potential significant impacts if such measures are feasible. The mitigation measures identified in the Final EIR mitigate the potential significant impacts of the Plan, to the extent feasible, as described in the Final EIR. All mitigation measures identified in the Final EIR (as listed in Table ES-2 of the Draft EIR and as amended in Section 2.2 of the Final EIR) that are within MTC’s authority to impose are hereby adopted by the Commission. For future second-tier individual projects envisioned under Plan Bay Area, project sponsors will be required to comply with CEQA. For transportation projects, MTC will ensure implementation of these measures by coordinating with project sponsors, and monitoring of these mitigation measures will occur as described in the Mitigation Monitoring and Reporting Program. For land use projects, MTC cannot require local implementing agencies to adopt mitigation measures and it is ultimately the responsibility of lead agencies to determine applicability of mitigation measures included in the EIR for the Plan and to adopt applicable mitigation measures where feasible.

The ability of MTC and ABAG to enforce mitigation measures identified within the EIR is expressly limited by statute. SB 375 provides that Plan Bay Area cannot “regulat[e] the use of land... [and does not] su-

¹ “MTC” refers to the agency as a whole, while the “Commission” refers to MTC’s legislative body (i.e., the MTC Commissioners).

Findings and Facts in Support of Findings

persed[e] the exercise of the land use authority of cities and counties within the region.” (Gov. Code, § 65080, subd. (b)(2)(K).) For this reason, unless MTC or ABAG have regulatory or approval authority over a future transportation project (including bike and pedestrian facilities) implemented pursuant to the Plan, MTC and ABAG must rely on incentives to encourage implementing agencies to commit to the mitigation measures set forth in the program EIR for the Plan. Similarly, an implementing agency that elects to take advantage of the CEQA Streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must commit to the mitigation measures set forth in the program EIR, as applicable and feasible, to address site-specific conditions. Therefore, as set forth in these Findings and more fully in the EIR, where it cannot be ensured that a mitigation measure would be implemented in all cases due to the statutory limitations on the authority of MTC and ABAG pursuant to SB 375, MTC and ABAG have concluded the impacts remain potentially significant. However, where existing regulatory requirements or permitting requirements exist, it is assumed that since these regulations are law and binding on all implementing agencies and project sponsors, it is reasonable to determine that they would be implemented, thereby reducing certain impacts to less than significant notwithstanding the limitations on MTC and ABAG’s authority. (See *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906 [“a condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance”].)

By adopting the mitigation measures listed in the EIR and establishing a Mitigation Monitoring and Reporting Program to ensure implementation of these mitigation measures, MTC will ensure the corresponding significant impacts are avoided or reduced to the maximum extent feasible. Future projects must comply with CEQA, including implementation of project-specific mitigation measures where applicable and feasible.

Subsequent environmental review for specific projects identified in the Plan may tier off the programmatic analysis or incorporate information from this analysis by reference (CEQA Guidelines, Sections 15150, 15152, and 15168). A project-specific EIR that tiers off the program EIR for the Plan may incorporate the mitigation measures set forth in the program EIR where applicable and feasible (See, e.g., CEQA Guidelines, Section 15168, subd. (c)(3)). The potential streamlining benefits included in SB 375 provide local agencies and project proponents with an incentive to propose projects that are consistent with the Plan and that incorporate applicable and feasible mitigation measures from the Program EIR.

The Statement of Overriding Considerations explains MTC’s reasons for approving Plan Bay Area, despite the fact that Plan Bay Area will have significant and unavoidable impacts on the environment.

CEQA REQUIREMENTS

The EIR identifies significant effects on the environment, which may occur as a result of the projects in Plan Bay Area.

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]” (Emphasis added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects.” (Emphasis added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (Pub. Resources Code, Section 21002.)

The mandate and principles set forth in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are re-

quired. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) Specifically, Section 15091, subdivision (a) of the CEQA Guidelines establishes the following requirements for findings:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, Section 15091(a)(1).)

This finding shall be referred to as “Finding (1).”

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Guidelines, Section 15091(a)(2).)

This finding shall be referred to as “Finding (2).”

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, Section 15091(a)(3).)

This finding shall be referred to as “Finding (3).”

Thus, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of the three permissible conclusions described above.

As stated in Finding (2), some of the significant effects can be fully avoided or substantially lessened through another agency’s adoption of the mitigation measures identified in this EIR. SB 375² makes clear that the legislation shall not be interpreted as superseding the land use authority of cities and counties. SB 375 does not require “a city’s or county’s land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy.” (Government Code, Section 65080(b)(2)(K).) Such a consistency analysis is not required because the goals and purposes of the RTP/SCS and local governmental land use plans are intentionally and fundamentally distinct. This mandate prohibits MTC from compelling future lead agencies to adopt specific mitigation measures in approving land use projects. It is, therefore, the responsibility of each subsequent lead agency to independently review the identified mitigation measures and make a determination of the applicability and feasibility of each measure for a specific project.

Pursuant to Public Resources Code Sections 21155.2(a) and (b)(2) and Section 21159.28(a), in order to take advantage of CEQA streamlining benefits allowed under SB 375, projects that seek to tier from the Plan Bay Area EIR must incorporate the mitigation measures identified in the Mitigation Monitoring and Reporting Program or, if the identified mitigation is found to be infeasible based on substantial evidence, the project must incorporate equivalent measures that avoid or mitigate potential impacts to a less than significant level.

² Senate Bill 375, also known as “The Sustainable Communities and Climate Protection Act of 2008.”

Findings and Facts in Support of Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, Section 15091, subd. (a), (b).) Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 574-75 (concluding whether project applicant owned alternative site for project was an appropriate legal and economic factor to consider).) Moreover, judicial decisions have held “desirability” is also an appropriate consideration. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998 [same.]”).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, Section 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. MTC must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, Section 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures in reducing an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures in substantially reducing the severity of a significant effect, but not to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains potentially significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR.

These findings constitute the Commission’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Plan in a manner consistent with the requirements of CEQA. To the extent these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible, within its responsibility and jurisdiction, and have not been modified, superseded or withdrawn, the Commission hereby binds MTC to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations.

The Facts in Support of Findings, as set forth in the following sections, state the Commission’s reasons for making each finding and the rationale connecting the evidence to its conclusions. All records and materials constituting the record of the proceedings upon which these Findings are made are located at the offices of the Metropolitan Transportation Commission, 101 Eighth Street, Oakland, California, 94607.

SCOPE OF THE ENVIRONMENTAL ANALYSIS

The program EIR analyzes the potential significant adverse effects of the adoption and implementation of Plan Bay Area. The EIR, in compliance with CEQA, is designed to inform decision-makers, other responsible agencies and the general public of the environmental consequences of the proposed Plan. CEQA provides that a program EIR should focus on the secondary effects that can be expected to follow its adoption, but need not be as detailed as an EIR on the specific construction projects that might follow. In accordance with CEQA, the Plan Bay Area EIR identifies regional effects of the implementation of projects that could follow adoption of Plan Bay Area. As stated in Chapter 2.0 of the Draft EIR, “As a program-level EIR, individual transportation and development project impacts are not addressed in detail; rather the focus of this EIR is to address the impacts of a program of projects, which, individually or in the aggregate, may be regionally significant.”

Plan Bay Area serves as the 2040 Regional Transportation Plan (RTP) for the San Francisco Bay Area region as well as the region’s Sustainable Communities Strategy (SCS) as required under SB 375. The SCS is by definition the combined land use and transportation plan. The Plan represents a transportation and land use blueprint of how the Bay Area addresses its transportation mobility and accessibility needs, land development, and greenhouse gas emissions reduction requirements through the year 2040. Plan Bay Area’s assessment of future travel activity, use of the transportation system, housing demand, and job growth are based on the most recent land use assumptions and growth projections of ABAG and published in its *Forecast of Jobs Population and Housing*

ORGANIZATION

This document identifies the Findings and Facts in Support of Findings for each potentially significant impact identified in the Draft EIR. Next, it summarizes the alternatives discussed in the EIR and makes Findings with respect to their feasibility and whether the alternatives would lessen the significant environmental effects of the project. This document concludes with a Finding on the independent review and analysis of the EIR.

Section 1b: Findings and Facts in Support of Findings

The following subsections list each significant or potentially significant environmental impact by issue area in the order it appears in the Draft EIR, the mitigation measures identified for each impact in the EIR, the CEQA Finding or Findings applied by the Commission as described above, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the record of proceedings for this project (described herein), which are incorporated by reference.

Findings and Facts in Support of Findings

The Commission has determined the adoption of feasible mitigation measures, alternatives, and proposals incorporated into Plan Bay Area will reduce all of the following impacts to some extent, but in some instances the impact will not be reduced to a level that is deemed “less than significant,” thus some impacts remain Significant and Unavoidable. The Statement of Overriding Considerations contains additional information explaining the reasons for the Commission’s decision to approve the Plan despite potentially significant environmental effects that MTC cannot mitigate to less-than-significant levels, and is hereby incorporated by reference.

TRANSPORTATION

Impact

2.1-3 Implementation of the proposed Plan could result in a substantial increase in per capita VMT on facilities experiencing level of service (LOS) F compared to existing conditions during AM peak periods, PM peak periods, or during the day as a whole (LOS F defines a condition on roads where traffic substantially exceeds capacity, resulting in stop-and-go conditions for extended periods of time). A substantial increase in LOS F-impacted per capita VMT is defined as greater than 5 percent. (Draft EIR, p. 2.1-32)

Mitigation Measures

2.1(a) MTC, in its role as the Bay Area Toll Authority (BATA), shall pursue an additional peak period bridge toll on the San Francisco Oakland Bay Bridge to discourage vehicle travel during weekday peak periods, shifting travelers to other times of day or other modes

2.1(b) MTC and the BAAQMD shall proceed with implementation of the region’s commute benefit ordinance authorized by Senate Bill 1339, which affects all major employers (with more than 50 employees), and discourages auto-based commute travel.

2.1(c) MTC shall implement MTC Resolution No. 4104, a policy that requires all major, new freeway projects included in the Transportation 2030 Plan and subsequent regional transportation plans include the installation and activation of freeway traffic operations system (TOS) to effectively operate the region’s freeway system and enables the Commission to consider suspending fund programming actions for discretionary funds to any jurisdiction until MTC deems the requirements of MTC Resolution No. 4104 are met.

Significance After Mitigation

The increase in per capita VMT on facilities experiencing LOS F represents a significant impact compared to existing conditions. In order to assess whether implementation of these specific mitigation strategies would result in measureable traffic congestion reductions, implementing actions would need to be refined and matched to local conditions in any subsequent project-level environmental analysis.

While the mitigation measures described above commit MTC to advance bridge toll and commuter benefit policies to reduce levels of severe traffic congestion, it is not known at this time if these strategies would reduce the impact to a less-than-significant level. Furthermore, MTC cannot guarantee that local jurisdictions or employers would implement such policies in the most effective manner possible, given political or financial limitations. For purposes of a conservative analysis, therefore, this impact is determined to remain significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact to the extent feasible. Additionally, changes or alterations

within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. This impact reflects per capita congested VMT (per-capita vehicle miles traveled at level of service F) in order to better indicate the individual impacts of traffic congestion on a typical Bay Area traveler, rather than primarily being a reflection of the population growth that generally correlates with total VMT metrics (Draft EIR, p. 2.1-24). Nonetheless, as a result of the population and employment growth expected in the Bay Area regardless of the proposed Plan (Draft EIR, pp. 2.1-25, 3.2-17), average per-trip travel times are expected to increase and the number of per capita vehicle miles traveled in extremely congested conditions would increase as well. (Draft EIR, p. 2.1-29). That said, the land use and transportation components of the proposed Plan reduce impacts of regional growth compared to future conditions without the Plan. Under the proposed Plan, congested per capita VMT would increase by 38 percent during the AM peak hours, by 69 percent during the PM peak hours, and by 57 percent for the day as a whole (Draft EIR, p. 2.1-32). In comparison, the No Project alternative leads to per-capita congested VMT levels that are 150 percent higher than the proposed Plan during the AM peak, 95 percent higher during the PM peak, and 115 percent higher over the course of a typical weekday (Draft EIR, p. 3.1-20 and Table 3.1-11, p. 3.1-28). This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Plan's contribution to the issue of regional traffic congestion is thus beneficial, rather than detrimental.
- B. The proposed mitigation measures are expected to reduce the overall cumulative effect, as well as the Plan's contribution to the overall cumulative effect, by providing incentives to travel by modes other than automobile and managing automobile traffic entering the region's highways.
- C. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. The proposed mitigation measures capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- D. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that help to reduce the identified cumulative environmental impact.
- E. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

AIR QUALITY

Impact

2.2-2 Implementation of the proposed Plan could result in a substantial net increase in construction-related emissions. (Draft EIR, p. 2.2-33)

Mitigation Measures

2.2(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:³

Construction Best Practices for Exhaust

- The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 hp that will be operating for more than 20 hours over the entire duration of the construction activities at the site, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all of the information necessary to ensure the equipment meets the following requirement:
 - All off-road equipment shall have: 1) engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards; and 2) engines are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used.⁴
- Idling time of diesel powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
- Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

Construction Best Practices for Dust

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. For projects over five acres of size, soil moisture should be maintained at 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping should be done in conjunction with thorough watering of the subject roads.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading.

³ Adapted from BAAQMD, CEQA Air Quality Guidelines (May 2011).

⁴ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

- All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the Lead Agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800 334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a six- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. The measure described above is intended to keep dust from becoming airborne and to keep diesel PM emissions as low as possible through the use of readily available, lower-emitting diesel equip-

Findings and Facts in Support of Findings

ment, and/or equipment using alternative cleaner fuels, such as propane, natural gas, and electricity, as well as on-road trucks using diesel PM filters.

- B. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of these measures, the impact will be reduced to a level that is less than significant.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.2-3(b) Implementation of the proposed Plan could cause a net increase in emissions of PM₁₀ from on-road mobile sources compared to existing conditions. (Draft EIR, p. 2.2-36)

Mitigation Measures

2.2(b) MTC and ABAG, in partnership with BAAQMD, and other partners who would like to participate, shall work to leverage existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and ARB programs aimed at retrofits and replacements of trucks and locomotives.

2.2(c) MTC and ABAG, in partnership with BAAQMD and the Port of Oakland, and other partners who would like to participate, shall work together to secure incentive funding that may be available through the Carl Moyer Memorial Air Quality Standards Attainment Program to reduce port-related emissions.

2.2(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:

- Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribu-

tion center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

- Limiting ground floor uses in residential or mixed-use buildings that are located within the set distance of 500 feet to a non-elevated highway or roadway. Sensitive land uses, such as residential units or day cares, shall be prohibited on the ground floor.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Within developments, sensitive receptors shall be separated as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Loading docks shall be required to be electrified and all idling of heavy duty diesel trucks at these locations shall be prohibited.
- If within the project site, diesel generators that are not equipped to meet ARB's Tier 4 emission standards shall be replaced or retrofitted.
- If within the project site, emissions from diesel trucks shall be reduced through the following measures:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes as feasible.
 - Establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations. A truck route program, along with truck calming, parking and delivery restrictions, shall be implemented to direct traffic activity at non permitted sources and large construction projects.
- For transportation projects that would result in a higher pollutant load in close proximity to existing sensitive receptors, project sponsors shall consider, as appropriate:
 - Adjusting project design to avoid sensitive receptors.
 - Including vegetation and other barriers between sensitive receptors and the project.
 - Providing air filtration devices for residential and other sensitive receptor uses.
- To help determine the appropriateness of project and site-specific mitigation, MTC/ABAG recommends that implementing agencies and/or project sponsors utilize the BAAQMD's most recent *Recommended Methods for Screening and Modeling Local Risks and Hazards* guidance and BAAQMD's Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

2.2(e) MTC/ABAG shall partner with BAAQMD to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM_{2.5}.

In addition, Mitigation Measures 2.1(a), 2.1(b), and 2.1(c) could help reduce the increase in PM₁₀.

Significance After Mitigation

The increase in PM₁₀ represents a significant impact compared to existing conditions. The mitigation measures identified above are anticipated to reduce this potentially significant impact. However, the exact reductions are not known at this time. Therefore, the impact is determined to remain significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact to the extent feasible. Additionally, changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan future emissions of PM₁₀ decrease (see Table 3.1-15 of the Draft EIR, p. 3.1-39). The increase in particulate matter emissions from existing to future conditions is a result of expected growth in vehicle miles traveled associated with overall regional population and employment growth, which would occur with or without the Plan (Draft EIR, p. 2.2-36). The proposed Plan decreases PM₁₀ relative to the No Project future scenario as a result of lower vehicle use and VMT and fewer engine starts due to a less dispersed land use pattern and higher levels of transit infrastructure investment (Draft EIR, p. 2.1-34).
- B. Existing regulatory efforts at the State level have proven effective in reducing emissions per vehicle mile (Draft EIR, p. 2.2-37 cites stringent emissions controls for new diesel engines). The proposed mitigation measures will be effective because they are designed to enhance the effectiveness of existing regulations, and to facilitate the swifter adoption of better technologies for reducing emissions.
- C. These proposed mitigation measures, along with conformity with existing federal, State, and local regulations, are expected to reduce the overall cumulative effect, as well as the Plan's contribution to the overall cumulative effect.
- D. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.1(a), 2.1(b), 2.1(c), 2.2(b), 2.2(c), and 2.2(e) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- E. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that are within its responsibility and jurisdiction and will encourage project sponsors to implement the recommended mitigation measure (2.2(d)) to reduce the identified environmental impact.

- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

- 2.2-5(a) **Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³. (Draft EIR, p. 2.2-38)**

Mitigation Measures

Implement Mitigation Measure 2.2(d) under Impact 2.2-3(b) above.

Significance After Mitigation

Implementation of Mitigation Measure 2.2(d) would reduce the severity of the impacts identified for projects that would locate sensitive receptors in TPP areas where the increased cancer risk is greater than 100 in a million or PM_{2.5} concentrations are greater than 0.8 µg/m³. However, the mitigation measure may not be sufficient to reduce all impacts to less than significant in all areas above the thresholds. Additional site-specific analysis would be needed when a project is proposed in these areas to determine the actual level of impact and if feasible mitigation measures exist for the project to implement to get them below the thresholds.

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Sensitive receptors are currently being located within existing areas with unhealthy levels of TACs and PM_{2.5} without any measures to lessen their exposure, and would continue to be located in urbanized areas regardless of the proposed Plan. As a result, development consistent with the proposed Plan that implements the identified mitigation measure would result in fewer sensitive receptors be-

Findings and Facts in Support of Findings

ing exposed to unhealthy levels of TACs when compared to the No Project alternative. In addition, any new stationary sources of emissions subject to a BAAQMD permit will be required to analyze TAC and PM_{2.5} emissions which will ensure that they do not adversely impact existing or new sensitive receptors above MTC thresholds; these existing regulations will therefore prevent future new emissions sources, wherever sited, from further increasing this impact.

- B. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. Implementation of this measure may result in reductions of 40 to 90 percent in cancer risk and PM_{2.5} concentrations, depending on their applicability to a proposed project (Draft EIR, p. 2.2-82). See Appendix E of the Draft EIR for more information on the effectiveness of this mitigation measure.
- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.2-5(b) Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors within set distances (Table 2.2-10) to mobile or stationary sources of TAC or PM_{2.5} emissions. (Draft EIR, p. 2.2-79)

Mitigation Measures

Mitigation Measure 2.2(d), listed under Impact 2.2-3(b) above.

Significance After Mitigation

The mitigation measure described above may result in reductions of 40 to 90 percent in cancer risk and PM_{2.5} concentrations, depending on its applicability to a proposed project. See Appendix E of the Draft EIR for more information on the effectiveness of this mitigation measure.

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project located within a set distance to a freeway or roadway, diesel generator, distribution center, rail line or railyard as defined above adopts and implements the mitigation measure described above, the impact would be less than significant with mitigation (LS-M) (so long as the proposed project is not located in an area above the 100/million cancer risk or PM_{2.5}

concentration of 0.8 $\mu\text{g}/\text{m}^3$, as outlined in Impact 2.2-5(a)). However, for future development with sensitive land uses within set distances of gas stations, dry cleaners, airports, sea ports, chrome plating facilities, and oil refineries, implementation of Mitigation Measure 2.2(d) may not be sufficient to reduce the impact in all cases. Additional site-specific analysis would be needed when a project is proposed in these areas to determine the actual level of impact and if feasible mitigation measures exist for the project to implement to get them below the thresholds. The impact for these projects would therefore remain significant and unavoidable (SU).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. Further, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels (as described above). For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Sensitive receptors are currently being located within existing areas with unhealthy levels of TACs and $\text{PM}_{2.5}$ without any measures to lessen their exposure, and would continue to be located in urbanized areas regardless of the proposed Plan. As a result, development consistent with the proposed Plan that implements the mitigation measures identified would result in fewer sensitive receptors being exposed to unhealthy levels of TACs when compared to the No Project alternative. In addition, any new stationary sources of emissions subject to a BAAQMD permit will be required to analyze TAC and $\text{PM}_{2.5}$ emissions which will ensure that they do not adversely impact existing or new sensitive receptors above MTC thresholds; these existing regulations will therefore prevent future new emissions sources, wherever sited, from further increasing this impact.
- B. Any future land use proposals for areas that include sensitive receptors should evaluate potential project-level TAC and $\text{PM}_{2.5}$ impacts. ARB recommends using local air pollution source data, where appropriate and if available, to better determine specific health risk near local TAC and $\text{PM}_{2.5}$ sources.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. The mitigation measure may result in reductions of 40 to 90 percent in cancer risk and $\text{PM}_{2.5}$ concentrations, depending on its applicability to a proposed project (Draft EIR, p. 2.2-82). See Appendix E of the Draft EIR for more information on the effectiveness of the mitigation measure. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the mitigation measure set forth in the Plan EIR, as applicable and feasible. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.

Findings and Facts in Support of Findings

- E. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

- 2.2-6 Implementation of the proposed Plan could result in a localized larger increase or smaller decrease of TACs and or PM_{2.5} emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. (Draft EIR, p. 2.2-83)**

Mitigation Measures

Mitigation measures to reduce TAC and PM_{2.5} emissions from on-road trucks and locomotives that shall be implemented by MTC/ABAG and BAAQMD include, but are not limited to the following:

- 2.2(f)** MTC/ABAG shall partner with BAAQMD to develop a program to provide incentives to replace older locomotives and trucks in the region to reduce TACs and PM_{2.5}.

In addition, Mitigation Measures 2.1(a), 2.1(b), 2.1(c), 2.2(d), and 2.2(e) could help reduce TAC and PM_{2.5} emissions.

Significance After Mitigation

The proposed Plan could result in a larger increase or smaller decrease of TACs and PM_{2.5} emissions in disproportionately impacted communities. These impacts vary across counties. The mitigation measures identified above are anticipated to reduce this potentially significant impact. However, the exact reductions are not known at this time. Therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact to the extent feasible. Additionally, changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Overall TAC and PM_{2.5} exhaust emissions from diesel and gasoline vehicles decrease significantly throughout the Bay Area between existing conditions in 2010 and the proposed Plan's horizon year 2040, largely due to the implementation of ARB's On-Road Heavy-Duty Diesel Vehicle Regulations (Draft EIR, p. 2.2-83). Between CARE (Community Air Risk Evaluation) communities (which are disproportionately impacted communities) and non-CARE communities there are slight differences in the percent reductions expected in 2040 under the proposed Plan. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact, however, as it would result in

the same levels of TAC and PM_{2.5} emissions in CARE communities as expected under the No Project alternative (Tables 3.1-17, 18, 19, 20, 21, and 22, Draft EIR, pp. 3.1-41 to 46).

- B. While the percent difference in estimated PM_{2.5} and TAC emissions is not substantial between CARE and non-CARE communities, it does suggest that these disproportionately impacted communities may not realize the same level of PM_{2.5} and TAC emission reductions expected throughout the remainder of the region (Table 2.2-12 in Draft EIR, p. 2.2-85).
- C. These proposed mitigation measures, along with conformity with existing federal, State, and local regulations, are expected to reduce the Plan's contribution to the overall cumulative effect.
- D. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.1(a), 2.1(b), 2.1(c), 2.2(e), and 2.2(f) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- E. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that are within its responsibility and jurisdiction and will encourage project sponsors to implement the recommended mitigation measure (2.2(d)) to reduce the identified environmental impact.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

LAND USE, HOUSING, AGRICULTURE, AND PHYSICAL DISPLACEMENT

Impact

- 2.3-1 Implementation of the proposed Plan could result in residential or business disruption or displacement of substantial numbers of existing population and housing. (Draft EIR, p. 2.3-35)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, those identified below.

2.3(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Regulating construction operations on existing facilities to minimize traffic disruptions and detours, and to maintain safe traffic operations.
- Ensuring construction operations are limited to regular business hours where feasible.

Findings and Facts in Support of Findings

- Controlling construction dust and noise. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a).
- Controlling erosion and sediment transport in stormwater runoff from construction sites. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a).
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce short-term disruption and displacement.

Mitigation Measure 2.2(a) includes additional applicable measures related to this impact, which are incorporated here by reference.

2.3(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Developing pedestrian and bike connectors across widened sections of roadway;
- Using sidewalk, signal, and signage treatments to improve the pedestrian connectivity across widened sections of roadway;
- Using site redesign or corridor realignment, where feasible, to avoid land use disruption; and
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce long-term disruption and displacement.

2.3(c) Through regional programs, such as MTC/ABAG’s Priority Development Area (PDA) Planning Program, MTC/ABAG shall continue to support the adoption of local zoning and design guidelines that encourage pedestrian and transit access, infill development, and vibrant neighborhoods.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.3(a) and 2.3(b), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency to avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, includ-

ing provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. The Plan's distribution is significantly focused in 170 Priority Development Areas (PDAs), but also allots over 130,000 housing units across the region including every suburban and rural community. PDAs are locally nominated areas, well served by transit. They offer existing and future residents including economically disadvantaged households with easy access to transit, services and the region's existing and future job base. PDAs offer several key advantages relative to the production of affordable housing. Most have existing neighborhood plans and zoning to accommodate multi-family housing at a variety of densities. Many PDAs have existing neighborhood or specific plans that are accompanied by programmatic environmental documents that ease project delivery and entitlement as well as local policies that require the inclusion of affordable housing.
- B. Affordable Housing is typically multi-family housing, to provide for shared services for future residents, economies of scale needed for project feasibility, and efficient and cost effective site management. Plan Bay Area's housing distribution pattern recognizes the need for appropriate zoning and densities to accommodate the development of affordable housing. The Plan's housing distribution is linked to existing jurisdiction-level general and neighborhood plans and provides a strong nexus to the Plan's investments and advocacy platform. This connectivity provides a basis to significantly increase the supply of affordable housing in the region. In the wake of the recent housing crisis and economic downturn and the related impacts on low and moderate income households in the region, as well as the loss of redevelopment-related affordable housing funding the Plan sets the stage for expanded housing opportunities for all economic segments.
- C. Plan Bay Area aligns funding from the new One Bay Area Grant (OBAG) with PDAs, links funding from an expanded Transit Oriented Affordable Housing (TOAH) loan fund to PDAs, and is slated to include affordable housing as an eligible category for future Cap and Trade funding. The OBAG fund requires that 50/70% of funding, depending on the county, be invested in PDAs; all local jurisdictions must have certified housing elements to be eligible for any OBAG funding; and, Congestion Management Agencies are required to develop PDA Investment and Growth Strategies that include a consideration of housing affordability and affordable housing policies. The OBAG fund will distribute \$320 million in the first cycle, (\$14.6 billion over the life of the plan) for infrastructure to support the development of PDAs as well as additional funds for PDA planning including planning for the development of affordable housing.
- D. In Plan Bay Area, MTC is expanding upon its initial investment in the TOAH fund. The first investment of \$10 million is being doubled to \$20 million and is expected to result in a \$100 million revolving loan fund when leveraged with other investments in the fund in the next 2-3 years. Cap and Trade funds (\$3 billion over the life of the plan) serve as another opportunity to support the development of housing for all economic segments. The inclusion of affordable housing as an eligible funding category by MTC further strengthens the link between the Plan's housing distribution and investment strategies.
- E. In 2012, through a partnership with the Great Communities Collaborative, MTC and ABAG received a \$5 million Housing and Urban Development (HUD) Sustainable Communities Grant, known as the Regional Prosperity Plan. The Prosperity Plan which serves as a key Implementation tool of Plan Bay Area is focused on providing expanded economic opportunities related to affordable housing, developing policies to reduce displacement risk, and workforce opportunities for low and moderate income residents. The Prosperity Plan provides substantial funding to sub-grantees from the academic, affordable housing, economic development and environmental justice communities to identify and develop strategies to expand the supply of affordable housing and reduce the risk

Findings and Facts in Support of Findings

of potential displacement. This work will serve as a key consideration relative to the update of the plan in 2017. The HUD Prosperity Grant related to affordable housing and displacement is linked to efforts by the University of California and the CA Air Resources Board to address displacement concerns. The linkage between the long-term Plan Bay Area housing distribution and the short-term Regional Housing Needs Allocation (RHNA) helps ensure that affordable housing sites are made identified in the short-term, advancing a strategic focus on PDAs while also providing for affordable housing needs in communities across the region.

- F. The Plan's advocacy platform identifies the provision of affordable housing as a top priority. The advocacy platform recognizes that to make steady progress toward Plan Bay Area's performance targets. The restoration of some type of redevelopment authority and financing mechanism, CEQA modernization for infill housing in part to reduce the burden on affordable housing providers, and increasing federal funding for HUD affordable housing is recognized as critical. Plan Bay Area's approach to distributing housing to support the development of housing for low and moderate income households linked to transit and jobs is arguably the most progressive SCS-related housing distribution that California has seen to date. The link between the housing distribution and investments, such as OBAG and TOAH is seen as a national model.
- G. The Plan's land use plan will provide sufficient housing within the region for all income groups. In February 2012, the Department of Housing and Community Development (HCD) issued the Regional Housing Need Determination (RHND) for the San Francisco Bay Area. As set forth in the RHND, HCD projects that from January 1, 2014 through October 31, 2022, as a percentage of the total housing need within the region 24.8 percent need to be affordable to very low income households, 15.4 percent to low income households, 17.8 percent to moderate income households, and 42 percent to above moderate income households. The Plan sets the region on the path to meet the regions need through 2022 and beyond. Specifically, of the 660,000 new units accommodated by the Plan through 2040, ABAG and MTC staff and consultants forecast that, with foreseeable and necessary planning support, coordination of regulations, and increases in public funding as discussed further in paragraphs A through F above, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households.
- H. The Plan's housing distribution strategically identifies locations to house the region's entire population including all economic segments. Forecasted employment growth by industry is translated into occupations and wages to assess expected income levels by 2040. All four income categories (very low, low, moderate, above moderate) will increase in numeric terms by 2040 with small changes in the distribution across these categories. The Bay Area is projected to have a slightly higher share of very low and low income households and slightly lower shares of moderate and above moderate income households in 2040. The Plan's housing distribution is directly informed by projected household income and related housing need through 2040.
- I. The Plan provides for the development of affordable housing in locations served by transit and proximate to employment and an increased demand for multi-family housing at a variety of densities as well as attached townhouses. The locations for new housing growth including Priority Development Areas provide for the range of densities and housing types needed to meet the region's housing need across all economic segments. The housing distribution also recognizes major demographic changes through 2040 including a significant increase in the senior population. Plan Bay Area's investments that support the development of affordable housing and related infrastructure, policy framework to address potential displacement, and its advocacy platform for expanded affordable housing opportunities serve to ensure that the Plan exceeds the planning requirements of SB375, resulting in a Plan that is successfully implemented to the benefit of all of the Bay Area's residents.
- J. Because overall population and job growth in the region is the same regardless of the Plan, regional impacts as a result of land use changes related to residential or business disruption, displacement of

existing population and housing, or permanent alterations to an existing neighborhood or permanent separation of communities would be similar under the proposed Plan and all the alternatives. Since the proposed Plan seeks to accommodate the projected population and employment growth in the region, any displacement or disruption would most likely occur locally, although regionally more units and jobs would be created to replace any lost jobs and housing overall. Displacement impacts as a result of the proposed Plan could therefore be significant locally but not regionally.

- K. Mitigation Measures 2.3(a) and 2.3(b) address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- L. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

- 2.3-2 Implementation of the proposed Plan could result in permanent alterations to an existing neighborhood or community by separating residences from community facilities and services, restricting access to commercial or residential areas, or eliminating community amenities. (Draft EIR, p. 2.3-40)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below. In addition to the following mitigation measures, measures 2.3(a), 2.3(b), and 2.3(c) under Impact 2.3-1 would reduce temporary construction related to community separation impacts.

2.3(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. All new transportation projects shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

2.3(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. New development projects shall be required to provide connectivity for all modes such that new development does not separate existing uses, and improves access where needed and/or feasible, by incorporating 'complete streets' design features such as pedestrian-oriented streets and sidewalks, improved access to transit, and bike routes where appropriate. 'Complete Streets' describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

Findings and Facts in Support of Findings

2.3(f) Through regional programs such as the One Bay Area Grants (OBAG), MTC/ABAG shall continue to support planning efforts for locally sponsored traffic calming and alternative transportation initiatives, such as paths, trails, overcrossings, bicycle plans, and the like that foster improved neighborhoods and community connections.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.3(a), 2.3(b), 2.3(d), and 2.3(e), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. In some locations, the proposed Plan is expected to have a positive effect as it encourages land development in urban infill sites that may be underutilized or vacant and currently act as physical barriers in individual communities; by developing these sites and designing them as centers of community activity, local jurisdictions could actually remove or decrease divisions and barriers between neighboring communities and amenities. In addition, some transportation projects in the proposed Plan would actually improve or expand interconnections between neighborhoods and communities that are currently separated by major transportation corridors, and many proposed projects are intended to relieve traffic congestion that is expected to increase as a result of regional population growth and may, as a result, improve community connectivity. However, in some locations land use projects could reduce connectivity if they fail to include pedestrian amenities, close off existing roads, or otherwise result in development that restricts access within the community.
- B. Most city and county general plans include policies, such as zoning and/or design guidelines, which ensure new development preserves community connectivity. Further, MTC encourages the inclusion of pedestrian-oriented development standards and guidelines in PDA Plans funded by MTC and ABAG. However, across the region there is an uneven level of stringency in these policies and their implementation, which is why this impact is considered potentially significant.

- C. Mitigation Measures 2.3(a), (b), (d), and (e) address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.3-4 Implementation of the proposed Plan could convert substantial amounts of important agricultural lands and open space or lands under Williamson Act contract to non-agricultural use. (Draft EIR, p. 2.3-44)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, those identified below.

2.3(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland;
- Acquiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity;
- Maintain and expand agricultural land protections such as urban growth boundaries;
- If a Williamson Act contract is terminated, a ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation;
- Instituting new protection of farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.);
- Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.;
- Minimizing isolation, severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access;
- If a project involves acquiring land or easements, it shall be ensured that the remaining non-project area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management;

Findings and Facts in Support of Findings

- Requiring agricultural enhancement investments such as supporting farmer education on organic and sustainable practices, assisting with organic soil amendments for improved production, and upgrading irrigation systems for water conservation;
- Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction;
- Requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted;
- Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land;
- Requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals;
- Requiring berms, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland; and
- Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion

2.3(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid protected open space.
- Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of protected open space.
- Maintain and expand open space protections such as urban growth boundaries.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce open space conversion.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The potential conversion of farmland by transportation projects is a conservative estimate. The EIR land use analysis took a "worst case" approach (Draft EIR, p. 2.3-48), meaning that it assumed that farmland would be converted to transportation uses within a substantial swath along proposed transportation projects. In doing so, the severity of the potential impacts may be overstated.
- B. Given the predominant location of projects under the proposed Plan within developed areas and existing corridors, the conversion of agricultural resource land is likely to be limited. Many municipalities have already planned for the conversion of some open space to urban uses, usually where the land is for grazing (which is not an endangered agricultural activity) rather than agricultural production.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The proposed Plan would have fewer impacts in comparison to the No Project alternative, potentially converting 7,936 acres of agricultural and open space lands compared to 18,872 acres under the No Project alternative, or 58 percent less land (Draft EIR, Tables 3.1-23 and 3.1-25, pp. 3.1-50, 3.1-52). This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- D. Although any conversion is considered significant, the proposed Plan's will potentially convert only 0.3 percent of all agricultural land in the Bay Area, 0.06 percent of all Williamson Act lands in the Bay Area, and 0.6 percent of the open space land in the Bay Area that is not also agricultural, timberland, or forest land (Draft EIR, p. 2.3-51). The overall proportion of these conversions relative to Bay Area resources is negligible.
- E. The mitigation measures address site-specific factors that must be considered for each individual project, rather than for the overall Plan Bay Area. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that proposed mitigation measures are incorporated into the project environmental review documents.
- F. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- G. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible

Findings and Facts in Support of Findings

that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.3-5 Implementation of the proposed Plan could result in the loss of forest land, conversion of forest land to non-forest use, or conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR, p. 2.3-53)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.3(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid timberland or forest land.
- Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of timberland or forest land.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce forest land conversion.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The potential conversion of forest and timberland by transportation projects is a conservative estimate. The EIR land use analysis took a "worst case" approach (Draft EIR, p. 2.3-55), meaning that it assumed that forest and timberland would be converted to transportation uses within a substantial swath along proposed transportation projects. In doing so, the severity of the potential impacts may be overstated.

- B. The majority of new development proposed in the proposed Plan will consist of urban infill in PDAs and other urbanized areas, thereby limiting impacts on forest land or timberland. Many municipalities have already planned for the conversion of some open space to urban uses or have urban growth boundaries which protect forest land and timberland.
- C. Although any conversion is considered significant, the proposed Plan's potential for conversion of forest land to urbanized uses represents a negligible proportion (0.1 percent of 1,233,000 acres regionally) of total forest land and timberland acreage in the Bay Area (Draft EIR, p. 2.3-54).
- D. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The proposed Plan would have less impact in comparison to the No Project alternative, with 45 percent less potential forest and timberland conversion (Draft EIR, Table 3.1-26, p. 3.1-53). This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- E. Mitigation Measure 2.3(i) addresses site-specific factors that must be considered for each individual project, rather than for the overall Plan Bay Area. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help to ensure that the proposed measure is incorporated into the project environmental review documents.
- F. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- G. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

ENERGY

None

GREENHOUSE GASES AND CLIMATE CHANGE (INCLUDING SEA LEVEL RISE)

Impact

- 2.5-5 Implementation of the proposed Plan may result in a net increase in transportation investments within areas regularly inundated by sea level rise by midcentury. (Draft EIR, p. 2.5-61)**

Mitigation Measures

2.5(a) MTC and ABAG shall continue coordinating with BCDC, in partnership with the Joint Policy Committee and regional agencies and other partners who would like to participate, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC's Cal-

Findings and Facts in Support of Findings

trans, and BCDC's Adapting to Rising Tides Transportation Vulnerability and Risk Assessment Pilot Project focused in Alameda County. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted and that are a priority for the region to protect. The Adaptation Strategy sub-section found at the end of this section includes a list of potential adaptation strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project or land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC, BCDC, and ABAG conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategy sub-section should serve as a guide for selecting adaptation strategies, but the list should not be considered all inclusive of all potential adaptation strategies as additional strategies not included in this list may also have the potential to reduce significant impacts.

2.5(b) MTC and ABAG shall work with the Joint Policy Committee to create a regional sea level rise adaptation strategy for the Bay Area.

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, those identified below.

2.5(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. The project sponsors and implementing agencies shall coordinate with BCDC, Caltrans, local jurisdictions (cities and counties), and other transportation agencies to develop Transportation Asset Management Plans (TAMPs) that consider the potential impacts of sea level rise over the asset's life cycle.

2.5(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation Strategies sub-section found at the end of this section.⁵

Significance After Mitigation

Any increase in transportation investments within the area projected to be inundated by sea level rise is considered significant. Selection and implementation of appropriate mitigation measures and adaptation strategies may reduce the impact associated with sea level rise to less than significant on a project-by-project basis. The appropriate adaptation strategies will be selected as part of the future project-level analysis and planning. At this time, sufficient detail is not available to identify which adaptation strategy or strategies would be the most effective for each individual transportation project. In addition, successful implementation of the mitigation measures and adaptation strategies requires participation by other agencies and stakeholders.

The EIR includes a range of adaptation strategies to guide local jurisdictions, regional agencies, and transportation agencies in identifying strategies that are appropriate for transportation and development projects that

⁵ *Id.*

may be subjected to regular future inundation by sea level rise. However, the EIR does not include guidance on how to select an adaptation strategy from the range of options presented, as local jurisdictions and transportation agencies will consider feasibility during subsequent project-level planning.

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.5(c) and 2.5(d), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Although the proposed Plan would increase transportation investments within areas regularly inundated by sea level rise by midcentury compared to the No Project alternative, this is due in part to the proposed Plan having a higher overall level of projected investments in transportation improvements, enhancements, and expansions of existing levels of service. However, the impacts can be mitigated through careful project-level planning and design that considers long-term sea level rise and includes adaptive strategies that are appropriate to the project type, surrounding land use, and the adjacent Bay shoreline type.
- B. A recently published CEQA decision demonstrates that sea level rise impacts “do not relate to environmental impacts under CEQA” and are not required to “be analyzed in an EIR.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 474 (*Ballona*)). Sea level rise constitutes an impact of the environment on the proposed Plan (as opposed to impacts of a project or plan on the environment). In *Ballona*, the court explicitly concluded that an EIR was not required to consider sea level rise impacts. (*Ibid.*) The court reached this conclusion because “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Id.* at p. 473.) Notwithstanding that a sea level rise analysis is not required by CEQA, MTC included a detailed discussion of sea level rise within the EIR for informational purposes in an effort to foster a robust public discourse regarding the proposed Plan.

Findings and Facts in Support of Findings

- C. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.5(a) and 2.5(b) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- D. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that are within its responsibility and jurisdiction and will encourage project sponsors to implement the recommended mitigation measures (Measures 2.5(c) and (d)) that help to reduce the identified environmental impact.
- E. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.5-6 Implementation of the proposed Plan could result in a net increase in the number of people residing within areas regularly inundated by sea level rise by midcentury. (Draft EIR, p. 2.5-68)

Mitigation Measures

Implement Mitigation Measures 2.5(b) and 2.5(d) under Impact 2.5-5.

Significance After Mitigation

Any increase in the number of residents within the areas projected to be inundated by sea level rise is considered significant. Selection and implementation of the appropriate mitigation measures and adaptation strategies may reduce the impact associated with sea level rise to less than significant. However, the appropriate adaptation strategies will be selected as part of future project-level analysis and planning. At this time, sufficient detail is not available to identify which adaptation strategy or strategies would be the most effective at protecting the population within the sea level rise inundation zone. In most cases, regional strategies that aim to protect large developed areas will be the most effective at protecting the impacted population, but successful implementation of regional adaptation strategies requires participation by other agencies and stakeholders.

The EIR includes a range of adaptation strategies to guide local jurisdictions, regional agencies, and transportation agencies in identifying strategies that are appropriate for transportation and development projects that may be subjected to regular future inundation by sea level rise. However, the EIR does not include guidance on how to select an adaptation strategy from the range of options presented, as local jurisdictions and transportation agencies will consider feasibility during subsequent project-level planning.

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agen-

cies to adopt Mitigation Measure 2.5(d), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact to the extent feasible. Additionally, changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. All of the project alternatives include new land use projects in areas that are projected to be inundated by mid-century sea level rise, with all scenarios resulting in significant impacts.
- B. A recently published CEQA decision demonstrates that sea level rise impacts “do not relate to environmental impacts under CEQA” and are not required to “be analyzed in an EIR.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 474 (*Ballona*)). Sea level rise constitutes an impact of the environment on the proposed Plan (as opposed to impacts of a project or plan on the environment). In *Ballona*, the court explicitly concluded that an EIR was not required to consider sea level rise impacts. (*Ibid.*) The court reached this conclusion because “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Id.* at p. 473.) Notwithstanding that a sea level rise analysis is not required by CEQA, MTC included a detailed discussion of sea level rise within the EIR for informational purposes in an effort to foster a robust public discourse regarding the proposed Plan.
- C. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measure 2.5(b) capitalizes on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- D. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that are within its responsibility and jurisdiction and will encourage project sponsors to implement recommended Mitigation Measure 2.5(d) to reduce the identified environmental impact.
- E. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for

Findings and Facts in Support of Findings

specific projects will help ensure that in many instances project-specific mitigation measures will be implemented.

- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.5-7 Implementation of the proposed Plan could result in an increase in land use development within areas regularly inundated by sea level rise by midcentury. (Draft EIR, p. 2.5-71)

Mitigation Measures

Implement Mitigation Measures 2.5(b) and 2.5(d) under Impact 2.5-5.

Significance After Mitigation

Any increase in land use development within areas projected to be regularly inundated by sea level rise is considered a significant impact. Selection and implementation of the appropriate mitigation measures and adaptation strategies may reduce the impact associated with sea level rise to a less-than-significant level. However, the appropriate adaptation strategies will be selected as part of future project-level analysis and planning. At this time, sufficient detail is not available to identify which adaptation strategy or strategies would be the most effective at protecting the projected land use development within the sea level rise inundation zone. In most cases, regional strategies that aim to protect large developed areas will be the most effective at protecting the impacted development, but successful implementation of regional adaptation strategies requires participation by other agencies and stakeholders.

The EIR includes a range of adaptation strategies to guide local jurisdictions, regional agencies, and transportation agencies in identifying strategies that are appropriate for transportation and development projects that may be subjected to regular future inundation by sea level rise. However, the EIR does not include guidance on how to select an adaptation strategy from the range of options presented, as local jurisdictions and transportation agencies will consider feasibility during subsequent project-level planning.

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt Mitigation Measure 2.5(d), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact to the extent feasible. Additionally, changes or alterations

within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. All of the project alternatives include new land use projects in areas that are projected to be inundated by mid-century sea level rise, with all scenarios resulting in significant impacts.
- B. A recently published CEQA decision demonstrates that sea level rise impacts “do not relate to environmental impacts under CEQA” and are not required to “be analyzed in an EIR.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 474 (*Ballona*)). Sea level rise constitutes an impact of the environment on the proposed Plan (as opposed to impacts of a project or plan on the environment). In *Ballona* the court explicitly concluded that an EIR was not required to consider sea level rise impacts. (*Ibid.*) The court reached this conclusion because “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Id.* at p. 473.) Notwithstanding that a sea level rise analysis is not required by CEQA, MTC included a detailed discussion of sea level rise within the EIR for informational purposes in an effort to foster a robust public discourse regarding the proposed Plan.
- C. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measure 2.5(b) capitalizes on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- D. In accordance with the Mitigation Monitoring and Reporting Program, MTC will ensure implementation of program-level mitigation measures that are within its responsibility and jurisdiction and will encourage project sponsors to implement recommended Mitigation Measure 2.5(d) to reduce the identified environmental impact.
- E. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

NOISE

Impact

2.6-1 Implementation of the proposed Plan could result in exposure of persons to or generation of temporary construction noise levels and/or groundborne vibration levels in excess of standards established by local jurisdictions or transportation agencies. (Draft EIR, p. 2.6-21)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.6(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies shall require one or more of the following set of noise attenuation measures under the supervision of a qualified acoustical consultant:

- Restricting construction activities to permitted hours as defined under local jurisdiction regulations (e.g.; Alameda County Code restricts construction noise to between 7:00 am and 7:00 pm on weekdays and between 8:00 am and 5:00 pm on weekend);
- Properly maintaining construction equipment and outfitting construction equipment with the best available noise suppression devices (e.g. mufflers, silencers, wraps);
- Prohibiting idling of construction equipment for extended periods of time in the vicinity of sensitive receptors;
- Locating stationary equipment such as generators, compressors, rock crushers, and cement mixers as far from sensitive receptors as possible;
- Erecting temporary plywood noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet;
- Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Using noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and
- Using cushion blocks to dampen impact noise from pile driving.

2.6(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following vibration attenuation measures under the supervision of a qualified acoustical consultant if pile-driving and/or other potential vibration-generating construction activities are to occur within 60 feet of a historic structure.

- The project sponsors shall engage a qualified geotechnical engineer and qualified historic preservation professional and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (within 60 feet) historic structures subject to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 60 feet of pile-driving activities, the project sponsors shall require groundborne vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of

potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary.

- The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure.

2.6(c) To mitigate pile-driving vibration impacts related to human annoyance, the implementing agency shall require project sponsors to implement Mitigation Measure 2.6(a) above where feasible based on project- and site-specific considerations.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan more of the temporary construction noise and vibration caused by the same amount of development would be concentrated within Priority Development Areas (PDAs). Ambient noise and vibration levels are often already affected by roadway traffic and transit sources in PDAs, and would therefore be less noticeable to receivers than if these activities were to occur on the edges of existing development areas or near Priority Conservation Areas (PCAs). In addition, in comparison to construction under the proposed Plan, the No Project alternative would result in new development occurring in a more dispersed pattern, resulting in construction noise from development projects affecting a larger number of people. Such noise would also likely occur in more quiet,

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semi-rural areas, where construction noise would be more noticeable. As a result, development consistent with the proposed Plan that implements the mitigation measures identified would result in less exposure of persons to or generation of temporary construction noise levels and/or groundborne vibration levels in excess of standards when compared to the No Project alternative.

- B. Under the proposed Plan, land use construction activities with the potential for resulting in significant construction-related noise or vibration impacts would be those for which pile driving or other similar invasive foundation work would be required, generally high-rise development. Under the proposed Plan, this type of construction is expected to be limited to downtown San Francisco, Oakland, and San José (Draft EIR, pp. 2.6-22, 23). Therefore this impact is expected to be localized to specific areas and not prevalent across the region. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because high-rise development would be expected in these locations under the No Project alternative as well.
- C. Construction noise from transportation projects will generally be mitigated by Caltrans' Standard Specifications and Standard Special Provisions as well as local city and county ordinances (Draft EIR, p. 2.6-24). Additional mitigation, as listed in Measures 2.6(a), 2.6(b) and 2.6(c), would further reduce impacts in locations where the impact may be potentially significant.
- D. These mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- E. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.6-2 Implementation of the proposed Plan could result in increased traffic volumes that could result in roadside noise levels that approach or exceed the FHWA⁶ Noise Abatement Criteria. (Draft EIR, p. 2.6-26)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.6(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Adjustments to proposed roadway or transit alignments to reduce noise levels in noise sensitive areas. For example, below-grade roadway alignments can effectively reduce noise levels in nearby areas.
- Techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic calming measures in the design of their transportation improvements.

⁶ Federal Highway Administration.

- Contributing to the insulation of buildings or construction of noise barriers around sensitive receptor properties adjacent to the transportation improvement;
- Use land use planning measures, such as zoning, restrictions on development, site design, and buffers to ensure that future development is noise compatible with adjacent transportation facilities and land uses;
- Construct roadways so that they are depressed below-grade of the existing sensitive land uses to create an effective barrier between new roadway lanes, roadways, rail lines, transit centers, park-n-ride lots, and other new noise generating facilities; and
- Maximize the distance between noise-sensitive land uses and new noise-generating facilities and transportation systems.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact since land use development projects generate new vehicle trips. As a result, impacts related to increased noise exposure from roadway noise are considered potentially significant under all of the project alternatives.
- B. The proposed Plan is designed to limit the increase in future vehicle trips through its land development pattern that concentrates growth in PDAs near existing and planned transit corridors rather than on the periphery of existing developed areas as under the No Project alternative.
- C. Local governments are responsible for long-term land use planning related to noise issues and considering the appropriate location of sensitive receptors in relation to existing transportation corridors. Further, the State of California has Noise Insulation Standards in place to regulate new residential development.

Findings and Facts in Support of Findings

- D. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. Per the U.S. Department of Housing and Urban Development's *The Noise Guidebook*, updated August 20, 2004, berms or other solid, continuous barriers that block the line of sight between the receptor and the source—including below-grade alignments—will attenuate noise levels by at least 3 dBA. Traffic calming will reduce vehicle speeds which will reduce noise levels commensurate with the equations of the traffic noise prediction speeds model of the FHWA. Reduced noise paving materials reduce noise levels by 4 dBA per Sacramento County Department of Environmental Review and Assessment, *Report of the Status of Rubberized Asphalt on Traffic Noise Reduction in Sacramento County*, December 1999.
- E. Mitigation Measure 2.6(d) addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- F. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.6-3 Implementation of the proposed Plan could result in increased noise exposure from transit sources that exceed FTA⁷ exposure thresholds. (Draft EIR, p. 2.6-31)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.6(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a development project's site plan, the implementing agency shall require that project sponsors locate noise-sensitive outdoor use areas away from adjacent noise sources and shield noise-sensitive spaces with buildings or noise barriers whenever possible to reduce the potential significant impacts with regard to exterior noise exposure for new sensitive receptors.

2.6(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a land use development's site plan or a transportation project's design, the implementing agency shall ensure that sufficient setback between occupied structures and the railroad tracks is provided.

2.6(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures to achieve a site-specific exterior noise performance standard as indicated in **Figure 2.6-6** at sensitive land uses, as applicable for rail extension projects:

⁷ Federal Transit Administration.

- Using sound reduction barriers such as landscaped berms and dense plantings;
- Locating rail extension below grade;
- Using damped or resilient wheels;
- Using vehicle skirts;
- Using under car acoustically absorptive material; and
- Installing sound insulation treatments for impacted structures

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels, such as where a new rail line or rail extension passes through a heavily developed residential neighborhood. MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Local governments are responsible for long-term land use planning related to noise issues and considering the appropriate location of sensitive receptors in relation to existing transportation corridors. Conventional construction, with the addition of closed windows and fresh air supply systems or air conditioning, will normally suffice for reducing impacts to an acceptable level. In addition, development adjacent to transit lines would be most likely multi-family residential and therefore subject to the noise insulation standards of Title 24 of the California Code of Regulations, which would ensure an acceptable interior noise level.
- B. Some of the transit extension projects in the proposed Plan that could result in exposure of existing sensitive land uses to noise levels in excess of standards developed by the FTA have already undergone CEQA review for noise impacts, with some found to have less-than-significant impacts (Draft EIR, p. 2.6-32, 33).
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact as land use development occurs near existing transit lines. As a result, impacts related to increased noise exposure from transit sources are considered potentially significant under all of the project alternatives.
- D. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. Per the U.S. Department of Housing and Urban Development's *The Noise Guidebook*,

Findings and Facts in Support of Findings

updated August 20, 2004, berms or other solid, continuous barriers that block the line of sight between the receptor and the source—including below-grade alignments—will attenuate noise levels by at least 3 dBA. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.

- E. These mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.6-4 Implementation of the proposed Plan could result in increased vibration exposure from transit sources that exceed FTA exposure thresholds. (Draft EIR, p. 2.6-34)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.6(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a development or transportation project's site plan, the implementing agency shall ensure that sufficient setback between occupied structures and the railroad tracks is provided. To meet the 72 VdB limit for the maximum measured train vibration level, residential buildings should be setback a minimum of 65 feet from the center of the nearest track. Alternatively, a reduced setback may be attainable if the project sponsor can demonstrate a project-specific vibration exposure meeting a performance standard of 72 VdB. Depending on specific project conditions, this standard may be attainable without additional mitigation measures or may require applied mitigation such as use of elastomeric pads in the building foundation.

2.6(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval the implementing agency shall ensure that project sponsors apply the following mitigation measures to achieve a vibration performance standard of 72 VdB at residential land uses, as feasible, for rail extension projects:

- Using high resilience (soft) direct fixation fasteners for embedded track; and
- Installing Ballast mat for ballast and tie track.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels, such as where a new rail line or rail extension passes through a heavily developed residential neighborhood. MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact as land use development occurs near existing transit lines. As a result, impacts related to increased vibration exposure from transit sources are considered potentially significant under all of the project alternatives.
- B. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of these measures, the impact will be reduced to a level that is less than significant in most instances.
- C. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- D. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

GEOLOGY AND SEISMICITY

Impact

2.7-1: Implementation of the proposed Plan could expose people or structures to substantial risk of property loss, injury or death related to fault rupture. (Draft EIR, p. 2.7-22)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.7(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce impacts related to fault rupture, implementing agencies shall require project sponsors to comply with provisions of the Alquist-Priolo Act (Act) for project sites located within or across an Alquist-Priolo Hazard Zone. Project sponsors shall prepare site-specific fault identification investigations conducted by licensed geotechnical professionals in accordance with the requirements of the Act as well as any existing local or Caltrans regulations and policies that exceed or reasonably replace any of the Act requirements. Structures intended for human occupancy (defined as a structure that might be occupied a minimum of 2,000 hours per year) shall be located a minimum distance of 50 feet from any identified active fault traces. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development in an Alquist-Priolo Hazard Zone.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The Alquist-Priolo Act strictly regulates where development and road projects can occur in relation to faults by requiring detailed fault identification studies and stipulating minimum setback requirements in addition to any local or Caltrans requirements. Fault identification studies as required by the Alquist-Priolo Act involve onsite trenching and excavation for site-specific identification and location of fault rupture planes where any future rupture would be anticipated. Structures intended for human occupancy (defined as a structure that might be occupied a minimum of 2,000 hours per year) are then required to be setback a minimum distance of 50 feet; local agencies may have further restrictions
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.

- C. Conformity with existing State law is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. This measure helps to ensure that these existing standards and regulations are met.
- D. Mitigation Measure 2.7(a) addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.7-2: Implementation of the proposed Plan could expose people or structures to substantial risk related to ground shaking. (Draft EIR, p. 2.7-24)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.7(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce impacts related to ground shaking, implementing agencies shall require project sponsors to comply with the most recent version of the California Building Code (CBC). Proposed improvements shall comply with Chapter 16, Section 1613 of the CBC which provides earthquake loading specifications for every structure and associated attachments that must also meet the seismic criteria of Associated Society of Civil Engineers (ASCE) Standard 07-05. In order to determine seismic criteria for proposed improvements, geotechnical investigations shall be prepared by state licensed engineers and engineering geologists to provide recommendations for site preparation and foundation design as required by Chapter 18, Section 1803 of the CBC. Geotechnical investigations shall also evaluate hazards such as liquefaction, lateral spreading, landslides, and expansive soils in accordance with CBC requirements and Special Publication 117A, where applicable. Recommended corrective measures, such as structural reinforcement and replacing native soils with engineered fill, shall be incorporated into project designs. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to building construction.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(b), the impact is found to be less than significant with mitigation (LS-M).

Findings and Facts in Support of Findings

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Development associated with the proposed land uses would be required under existing law to conform to the current seismic design provisions of the most current version of the CBC, to provide for the latest in earthquake safety and mitigate losses from an earthquake. Proposed developments would also adhere to the local building code requirements that contain seismic safety requirements to resist ground shaking through modern construction techniques. In addition, seismic design criteria is required of all construction and would also apply to transportation projects where adverse effects from ground shaking could occur if the improvements are not designed and constructed in accordance with CBC and local building code requirements. The implementation of roadway improvements would be required to follow design provisions through the most current version of the CBC and local building standards, to employ design standards that consider seismically active areas in order to safeguard against major structural failures or loss of life. Similarly, bridge and overpass design would be required to comply with Caltrans design criteria. Caltrans provides seismic design criteria for new bridges in California, specifying minimum levels of structural system performance, component performance, analysis, and design practices for bridges
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- C. Conformity with existing State and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that the proposed mitigation measure is incorporated into the project environmental review documents.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.7-3: Implementation of the proposed Plan could expose people or structures to substantial risk from seismic-related ground failure, including liquefaction. (Draft EIR, p. 2.7-26)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Re-

sources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(b), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The impacts from ground failure, including liquefaction, from development of land uses associated with the proposed Plan would be addressed through site-specific geotechnical studies prepared in accordance with CBC requirements and standard industry practices, as well as State-provided guidance, such as the California Geological Survey's *Special Publication 117A*, which would specifically address liquefaction, especially in areas that have been mapped as seismic hazard zones by the California Geological Survey (CGS). Subsequent development would be required to conform to the current seismic design provisions of the CBC to mitigate losses from ground failure as a result of an earthquake. These future projects would also be required to adhere to the local general plans and local building code requirements that contain seismic safety requirements to resist ground failure through modern construction techniques. The implementation of roadway improvements would also be required to identify potential liquefaction hazards and design improvements to meet the most current version of the CBC and local building standards, by employing geotechnical practices such as ground treatment, replacement of existing soils with engineered fill, or use of deep foundation systems to anchor improvements into more competent materials. Similarly, bridge and overpass design would be required to comply with Caltrans design criteria. As stated previously, Caltrans provides seismic design criteria for new bridges in California, specifying minimum levels of structural system performance, component performance, analysis, and design practices for bridges that would include minimizing damage that could be expected from potential liquefaction hazards
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- C. Conformity with existing State and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.7-4: Implementation of the proposed Plan could expose people or structures to substantial risk related to landslides. (Draft EIR, p. 2.7-28)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(b), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Similar to liquefaction hazard areas, the CGS has defined areas that are considered to be highly susceptible to earthquake induced landslide hazards. Development in these areas is required to adhere to geotechnical investigation requirements as detailed in *Special Publication 117A*. The impacts from landslides on development of future land uses associated with the proposed Plan would be addressed through site-specific geotechnical studies prepared in accordance with CBC requirements and standard industry practices as well as State provided guidance, such as CGS *Special Publication 117A*, which would specifically address landslide hazards located in landslide hazard zones. Development would conform to the current design provisions of the CBC to mitigate losses from landslides. Proposed developments would also adhere to the local general plans, and local building code requirements that can contain hillside development requirements to resist landslides through modern construction design and slope stabilization techniques.
- B. The implementation of roadway improvements would be required to identify potential slope stability hazards and provide slope stabilization measures to meet the most current version of the CBC, and local building standards, by employing geotechnical practices such as use of retaining walls, setback requirements, and deep foundation systems. Incorporation of slope stability measures such as these, in accordance with CBC requirements, would be effective in minimizing landslide hazards to proposed transportation improvements.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- D. Conformity with existing State and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review,

and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.

- E. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- F. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.7-5: Implementation of the proposed Plan could result in substantial soil erosion or the loss of topsoil. (Draft EIR, p. 2.7-30)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.7(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the risk of soil erosion, implementing agencies shall require project sponsors to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. Implementing agencies shall require project sponsors, as part of contract specifications with contractors, to prepare and implement best management practices (BMPs) as part of a Stormwater Pollution Prevention Plan that include erosion control BMPs consistent with California Stormwater Quality Association Handbook for Construction. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to construction practices.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(c), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Development that disturbs more than one acre is subject to compliance with a National Pollutant Discharge Elimination System (NPDES) permit, including the implementation of best management practices (BMPs), some of which are specifically implemented to reduce soil erosion or loss of top-

Findings and Facts in Support of Findings

soil, and the implementation of a stormwater pollution prevention plan (SWPPP) through the local jurisdiction. BMPs that are required under a SWPPP would include erosion prevention measures that have proven effective in limiting soil erosion and loss of topsoil. Generally, once construction is complete and exposed areas are revegetated or covered by buildings, asphalt, or concrete, the erosion hazard is substantially eliminated or reduced. As with land use development, earthwork activities for transportation projects would be required to adhere to NPDES permit requirements for construction, as well as any local grading ordinance requirements that may include erosion prevention measures. Incorporation of erosion control BMP measures such as use of straw bales, inlet protective measures, silt fences, and construction scheduling, in accordance with grading code and any revegetation requirements, would be effective in minimizing erosion hazards and loss of topsoil associated with transportation improvements.

- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- C. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.7-6: Implementation of the proposed Plan could locate a subsequent development project on a geologic unit or soil that is unstable, contains expansive properties, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Draft EIR, p. 2.7-32)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.7(b), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The potential hazards of unstable soil or geologic units would be addressed largely through the integration of geotechnical information in the planning and design process for projects to determine the local soil suitability for specific projects in accordance with standard industry practices and state-provided requirements, such as CBC requirements, CGS *Special Publication 117A* for liquefaction and landslide hazards in seismic hazard zones, used to minimize the risk associated with these hazards. These measures generally are enforced through compliance with local building codes and ordinances, to avoid or reduce hazards relating to unstable soils and slope failure. Geotechnical investigations as required by grading ordinances, *Special Publication 117A*, and current CBC requirements would also address the identification, evaluation, and recommended measures for addressing potential hazards that may be present at proposed transportation improvement project sites. With implementation of grading permit and building code requirements including seismic design criteria as required by the CBC, Caltrans, *Special Publication 117A*, and local building code requirements, all improvements and development associated with both the land use development and transportation projects would be designed to minimize potential risks related to unstable soils and geologic units.
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- C. Conformity with existing State and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

WATER RESOURCES

Impact

2.8-1: Implementation of the proposed Plan could violate water quality standards or waste or stormwater discharge requirements. (Draft EIR, p. 2.8-22)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

Findings and Facts in Support of Findings

2.8(a) To reduce the impact associated with potential water quality standards violations or waste or storm-water discharge requirement violations, implementing agencies shall require project sponsors to comply with the State, and federal water quality regulations for all projects that would alter existing drainage patterns in accordance with the relevant regulatory criteria including but not limited to the National Pollutant Discharge Elimination System (NPDES) program, Provision C.3, and any applicable Stormwater Management Plans. Erosion control measures shall be consistent with NPDES General Construction Permit requirements including preparation and implementation of a Stormwater Pollution Prevention Plan, and final drainage plans shall be consistent with the San Francisco Regional MS4 NPDES permit or any applicable local drainage control requirements that exceed or reasonably replace any of these measures to protect receiving waters from pollutants.

Implementing agencies shall require project sponsors to commit to best management practices (BMPs) that would minimize or eliminate existing sources of polluted runoff during both construction and operational phases of the project. Implementing agencies shall require projects to comply with design guidelines established in the Bay Area Stormwater Management Agencies Association's *Using Start at the Source to Comply with Design Development Standards* and the California Stormwater Quality Association's *California Stormwater Best Management Practice Handbook for New Development and Redevelopment* to minimize both increases in the volume and rate of stormwater runoff, and the amount of pollutants entering the storm drain system. For the purposes of this mitigation, "less than significant" means consistent with federal, State, and local regulations and laws related to water quality or stormwater management.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

Construction

- Limiting excavation and grading activities to the dry season (April 15 to October 15) to the extent possible in order to reduce the chance of severe erosion from intense rainfall and surface runoff, as well as the potential for soil saturation in swale areas.
- Regulating stormwater runoff from the construction area through a stormwater management/erosion control plan that may include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters if excavation occurs during the rainy season. This control plan should include requirements to cover stockpiles of loose material, divert runoff away from exposed soil material, locate and operate sediment basin/traps to minimize the amount of offsite sediment transport, and removing any trapped sediment from the basin/ trap for placement at a suitable location on-site, away from concentrated flows, or removal to an approved disposal site.
- Providing temporary erosion control measures until perennial revegetation or landscaping is established and can minimize discharge of sediment into receiving waterways.
- Providing erosion protection on all exposed soils either by revegetation or placement of impervious surfaces after completion of grading. Revegetation shall be facilitated by mulching, hydroseeding, or other methods and initiated as soon as possible after completion of grading and prior to the onset of the rainy season (by October 15).
- Using permanent revegetation/landscaping, emphasizing drought-tolerant perennial ground coverings, shrubs, and trees.
- Ensuring BMPs are in place and operational prior to the onset of major earthwork on the site. The construction phase facilities shall be maintained regularly and cleared of accumulated sediment as necessary.

- Storing hazardous materials such as fuels and solvents used on the construction sites in covered containers and protected from rainfall, runoff, and vandalism. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals should be designated as responsible for prevention and cleanup activities.

Operation

- Designing drainage of roadway and parking lot runoff, wherever possible to run through grass median strips which are contoured to provide adequate storage capacity and to provide overland flow, detention, and infiltration before runoff reaches culverts, or into detention basins. Facilities such as oil and sediment separators or absorbent filter systems should be designed and installed within the storm drainage system to provide filtration of stormwater prior to discharge and reduce water quality impacts whenever feasible.
- Implementing an erosion control and revegetation program designed to allow re-establishment of native vegetation on slopes in undeveloped areas as part of the long-term sediment control plan.
- Using alternate discharge options to protect sensitive fish and wildlife populations in areas where habitat for fish and other wildlife would be threatened by transportation facility discharge. Maintenance activities over the life of the project shall include use of heavy-duty sweepers, with disposal of collected debris in sanitary landfills to effectively reduce annual pollutant loads where appropriate. Catch basins and storm drains shall be cleaned and maintained on a regular basis.
- Using Integrated Pest Management techniques (methods that minimize the use of potentially hazardous chemicals for landscape pest control and vineyard operations) in landscaped areas. The handling, storage, and application of potentially hazardous chemicals shall take place in accordance with all applicable laws and regulations.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. As required by Provision C.3 of the Municipal Regional Stormwater NPDES Permit for the San Francisco Bay Region (Provision C.3), new development in the region that would introduce 10,000 or more square feet of new impervious surfaces must incorporate low impact development (LID) strategies—such as stormwater reuse, onsite infiltration, and evapotranspiration—as initial stormwater management strategies. Secondary methods that could be incorporated include the use of natural, landscape based stormwater treatment measures, as identified by Provision C.3. Stormwater treatment measures may also be required in the final design plans in accordance with local stormwater management plans. The treatment measures may vary from “local” improvements at individual

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building sites to “area wide” concepts such as stormwater treatment wetlands with large open space areas. Treatment control measures may include use of vegetated swales and buffers, grass median strips, detention basins, wet ponds, or constructed wetlands, infiltration basins, and other measures. Filtration systems may be either mechanical (e.g., oil/water separators) or natural (e.g., bioswales and settlement ponds).

- B. Redevelopment projects may result in improved water quality compared to existing conditions where existing development was constructed under older, less stringent stormwater requirements. Selection and implementation of LID measures (such as those required by Provision C.3) would occur on a project-by-project basis depending on project size and stormwater treatment needs as required to meet NPDES or any other local permitting requirements.
- C. Such stormwater quality measures are also required for Regulated Projects-Special Land Use Category (uncovered parking structures, restaurants, auto service, and auto gasoline facilities) that would construct 5,000 or more square feet of uncovered parking lots that are stand-alone or part of any other development project. In addition, Provision C.3 requires that projects with more than one acre of impervious surface submit a hydromodification plan to demonstrate that development would not increase long-term runoff rates on a property beyond existing conditions.
- D. Transportation projects that fall under Caltrans jurisdiction would be covered by the Caltrans NPDES Stormwater Program. As described in the Regulatory Setting section (Draft EIR, p. 2.8-18), this NPDES permit regulates all stormwater discharges from Caltrans-owned conveyances, maintenance facilities and construction activities. Caltrans also has a Stormwater Management Plan that describes the procedures and practices used to reduce or eliminate the discharge of pollutants to storm drainage systems and receiving waters. Guidance documents have also been developed by Caltrans to implement stormwater BMPs in the design, construction and maintenance of highway facilities.
- E. Transportation projects where local agencies are the lead agency are subject to local and State regulations for post-construction runoff management requirements. The NPDES permit requirements described above also apply to transportation impacts (project design including general site design control measures, LID features, treatment control measures, ordinances and regulations to reduce the discharge of sediments and other pollutants).
- F. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth will be concentrated in a smaller area, thereby reducing the potential for increasing impervious surfaces that could potentially affect stormwater quality or increase pollution in stormwater runoff. The proposed Plan’s contribution to the issue is thus beneficial, rather than detrimental.
- G. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- H. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

- I. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.8-3: Implementation of the proposed Plan could increase erosion by altering the existing drainage patterns of a site, contributing to sediment loads of streams and drainage facilities, and thereby affecting water quality. (Draft EIR, p. 2.8-27)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan new development will be more concentrated in already-urbanized areas, where drainage patterns have been largely altered and organized. It is unlikely that there would be substantial exposed soil subject to erosion: as such, infill development and redevelopment are unlikely to substantially alter the existing drainage pattern. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

Findings and Facts in Support of Findings

- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.8-4: Implementation of the proposed Plan could increase non-point-source pollution of stormwater runoff due to litter, fallout from airborne particulate emissions, or discharges of vehicle residues, including petroleum hydrocarbons and metals that would impact the quality of receiving waters. (Draft EIR, p. 2.8-29)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth will be concentrated in a smaller area thereby reducing the potential for increasing impervious surfaces that could potentially increase pollution in stormwater runoff. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.8-5: Implementation of the proposed Plan could increase non-point-source pollution of stormwater runoff from construction sites due to discharges of sediment, chemicals, and wastes to nearby storm drains and creeks. (Draft EIR, p. 2.8-31)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth will be concentrated in a smaller area thereby reducing the potential for increasing impervious surfaces that could potentially increase pollution in stormwater runoff. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.8-6: Implementation of the proposed Plan could increase rates and amounts of runoff due to additional impervious surfaces, higher runoff values for cut-and-fill slopes, or alterations to drainage systems that could cause potential flood hazards and effects on water quality. (Draft EIR, p. 2.8-32)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan construction will be concentrated in a smaller area thereby reducing the potential for impacts related to erosion during construction. The proposed Plan's contribution to the issue is thus beneficial, rather than detrimental.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.8-7: Implementation of the proposed Plan could place within a 100-year flood hazard area structures which would impede or redirect flows. (Draft EIR, p. 2.8-34)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.8(b) To reduce the impact of flood hazards, implementing agencies shall conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with Executive Order 11988, the National Flood Insurance Program, National Flood Insurance Act, Caltrans Highway Design Manual, Cobey-Alquist Floodplain Management Act, the Delta Stewardship Council's Delta Plan, as well as any further Federal Emergency Management Agency (FEMA) or State requirements that are adopted at the local level. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows to a less than significant level such as requiring minimum elevations for finished first floors, typically at least one foot above the 100-year base flood elevation, where feasible based on project- and site-specific considerations. For the purposes of this mitigation, less than significant means consistent with these federal, State, and local regulations and laws related to development in the floodplain. Local jurisdictions shall, to the extent feasible, appropriate, and consistent with local policies, prevent development in flood hazard areas that do not have demonstrable protections.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.8(b), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact.
- B. Under the proposed Plan, construction will be concentrated in a smaller area, thereby reducing the potential for land use projects to be built within a 100-year floodplain. For most of these PDAs within flood zones, the amount of area that is considered part of the 100-year flood zone is relatively small (Draft EIR, Appendix G, Table G-1a). As a result, most of the land development associated with the proposed Plan would likely be located outside of the 100-year flood zone.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will

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be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

BIOLOGICAL RESOURCES

Impact

2.9-1a Implementation of the proposed Plan could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Draft EIR, p. 2.9-56)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.9(a) Implementing agencies shall require project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines. Where the biological resources assessment establishes that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, mitigation shall be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- In support of CEQA, NEPA, CDFW and USFWS permitting processes for individual Plan Bay Area projects, biological surveys shall be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be undertaken at times when the subject species is most likely to be identified. In cases where impacts to State- or federal-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Consultation with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or State candidate, threatened, or endangered species to determine the need for further consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required prior to project implementation.
- Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and construction footprints near sensitive areas to the extent practicable.
- Where habitat avoidance is infeasible, compensatory mitigation shall be implemented through preservation, restoration, or creation of special-status wildlife habitat. Loss of habitat shall be mitigated at an agency approved mitigation bank or through individual mitigation sites as approved by USFWS and/or CDFW. Compensatory mitigation ratios shall be negotiated with the permitting agencies. Mitigation sites shall be monitored for a minimum of five consecutive years after mitigation implementation or until the mitigation is considered to be successful. All mitigation areas shall be

preserved in perpetuity through either fee ownership or a conservation easement held by a qualified conservation organization or agency, establishment of a preserve management plan, and guaranteed long-term funding for site preservation through the establishment of a management endowment.

- Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present (e.g., May 15 to October 15 near salmonid habitat and vernal pools) to the extent feasible.
- Individual projects shall minimize the use of in-water construction methods in areas that support sensitive aquatic species, especially when listed species could be present.
- In the event that equipment needs to operate in any watercourse with flowing or standing water, a qualified biological resource monitor shall be present at all times to alert construction crews to the possible presence of California red-legged frog, nesting birds, salmonids, or other aquatic species at risk during construction operations.
- If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for fish shall be adopted as set forth by the Interagency Fisheries Hydroacoustic Working Group, as well as other avoidance methods to reduce the adverse effects of construction to sensitive fish, piscivorous birds, and marine mammal species.
- Construction shall not occur during the breeding season near riparian habitat, freshwater marshlands, and salt marsh habitats that support nesting bird species protected under the Endangered Species Act, Migratory Bird Treaty Act, or California Fish and Game Code (e.g., yellow warbler, tricolored blackbird, California clapper rail, etc.).
- A qualified biologist shall locate and fence off sensitive resources before construction activities begin and, where required, shall inspect areas to ensure that barrier fencing, stakes, and setback buffers are maintained during construction.
- For work sites located adjacent to special-status plant or wildlife populations, a biological resource education program shall be provided for construction crews and contractors (primarily crew and construction foremen) before construction activities begin.
- Biological monitoring shall be particularly targeted for areas near identified habitat for federal- and state-listed species, and a “no take” approach shall be taken whenever feasible during construction near special-status plant and wildlife species.
- Efforts shall be made to minimize the negative effects of light and noise on listed and sensitive wildlife.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of special-status species.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the mitigation measure described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all

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cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The EIR analysis took a conservative approach by overestimating the acreage likely to be affected by considering the intersection of all locations where qualifying species are or have been present and where development is likely to occur and assuming that special-status species would be present (Draft EIR, p. 2.9-57). In addition, it is known that the CNDDDB includes historical occurrences for species that may no longer be extant at a given location and this also likely leads to an overestimation of development impacts on special-status species in this EIR
- B. The proposed Plan calls for Priority Conservation Areas (PCAs) which, if implemented, would protect regionally significant open space areas facing near-term development pressures and thereby could protect agricultural interests and wildlands that support special-status plants and wildlife.
- C. The proposed Plan's transportation improvements are mainly concentrated along existing transportation corridors, where existing conditions in adjacent habitat areas typically represent the result of past and ongoing disturbance. As a result, regional habitat loss and fragmentation is expected to be lower under the proposed Plan than if projects were entirely new construction or sited in previously undeveloped areas.
- D. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The potential for project-specific impacts on biological resources will be greater in lightly developed and rural areas, since sensitive biological resources are less abundant in highly urbanized portions of the Bay Area. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less development would occur outside of already heavily urbanized areas. In addition, in comparison to the No Project alternative, under the proposed Plan proportionally more multifamily dwellings would be built, which have a smaller footprint and therefore disturb less land, and less development would occur in the North Bay counties, which are more rural and have more biological resources than the rest of the Bay Area. The potential for urban growth boundaries to expand, leading to conversion of previously undeveloped lands and greater impacts on biological resources, would also be less under the proposed Plan than under the No Project alternative.
- E. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- F. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. In order for project-level environmental review to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation

measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.

- G. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.9-1b Implementation of the proposed Plan could have substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species. (Draft EIR, p. 2.9-61)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Informal consultation with the USFWS and/or NMFS shall be conducted early in the environmental review process to determine the need for further mitigation, consultation, or permitting actions. Formal consultation is required for any project with a federal nexus.
- Project designs shall be reconfigured to avoid or minimize adverse effects on the primary constituent elements of designated critical habitats when they are present in a project vicinity.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of critical habitat.

Additionally, implementation of Mitigation Measure 2.9(a), above, which includes an initial biological resource assessment and, if necessary, compensatory mitigation for loss of habitat, is expected to reduce impacts on critical habitat.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

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Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The EIR analysis took a conservative approach by overestimating the acreage likely to be affected by considering the intersection of all locations where qualifying species are or have been present and where development is likely to occur and assuming that special-status species would be present (Draft EIR, p. 2.9-62).
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The potential for project-specific impacts on designated critical habitat will be greater in lightly developed and rural areas, since designated critical habitat is less prevalent in highly urbanized portions of the Bay Area. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less development would occur outside of already heavily urbanized areas. In addition, in comparison to the No Project alternative, under the proposed Plan proportionally more multifamily dwellings would be built, which have a smaller footprint and therefore disturb less land. The potential for urban growth boundaries to expand, leading to conversion of previously undeveloped lands and greater impacts on biological resources, would also be less under the proposed Plan than under the No Project alternative.
- C. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- D. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. In order for project-level environmental review to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- E. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.9-1c Implementation of the proposed Plan could result in construction activities that could adversely affect non-listed nesting raptor species considered special-status by CDFW under

California Fish & Game Code 3503.5 and non-listed nesting bird species considered special-status by the USFWS under the federal Migratory Bird Treaty Act, and by CDFW under California Fish & Game Code 3503 and 3513. (Draft EIR, p. 2.9-64)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure below.

2.9(c) Implementing agencies shall require project sponsors to conduct a pre-construction breeding bird surveys for specific projects proposed in areas containing, or likely to contain, habitat for nesting birds. The survey shall be conducted by appropriately trained professionals pursuant to adopted protocols and agency guidelines. Where a breeding bird survey establishes that mitigation is required to avoid direct and indirect adverse effects on nesting raptors and other protected birds, mitigation will be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Perform preconstruction surveys not more than two weeks prior to initiating vegetation removal and/or construction activities during the breeding season (i.e., February 1 through August 31).
- Establish a no-disturbance buffer zone around active nests during the breeding season until the young have fledged and are self-sufficient, when no further mitigation would be required. Typically, the size of individual buffers ranges from a minimum of 250 feet for raptors to a minimum of 50 feet for other birds but can be adjusted based on an evaluation of the site by a qualified biologist in cooperation with the USFWS and/or CDFW.
- Provide buffers around nests that are established by birds after construction starts. These birds are assumed to be habituated to and tolerant of construction disturbance. However, direct take of nests, eggs, and nestlings is still prohibited and a buffer must be established to avoid nest destruction. If construction ceases for a period of more than two weeks, or vegetation removal is required after a period of more than two weeks has elapsed from the preconstruction surveys, then new nesting bird surveys must be conducted.
- Comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of nesting birds.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the mitigation measure described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. The EIR analysis took a conservative approach by assuming that nearly all proposed projects have the potential to affect nesting birds (Draft EIR, p. 2.9-57).
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Protected nesting habitat occurs in both undisturbed and urban habitats of all kinds (Draft EIR, p. 2.9-64), and as a result all of the project alternatives result in significant impacts.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.9-2 Implementation of the proposed Plan could have a substantial adverse effect on riparian habitat, federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, through direct removal, filling, hydrological interruption, or other means. (Draft EIR, p. 2.9-66)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.9(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters and/or other sensitive or special-status communities. The assessment shall be conducted by qualified professionals in accordance with agency guidelines and standards. The assessment shall identify specific mitigation measures for any impact that exceeds significant impact thresholds and said measures shall be implemented. Mitigation measures shall be consistent with the requirements of CEQA and wetland permitting agencies, and/or follow an adopted HCP/NCCP or other applicable plans promulgated to protect jurisdictional waters or other sensitive habitats.
- In keeping with the “no net loss” policy for wetlands and other waters, project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors in order to preserve both the habitat and the overall ecological functions of these areas. Projects shall minimize ground disturbances and construction footprints near such areas to the extent practicable.
- Where avoidance of jurisdictional waters is not feasible, project sponsors shall minimize fill and the use of in-water construction methods, and only place fill with express permit approval from the appropriate resources agencies (e.g., Corps, RWQCB, CDFW, BCDC, and CCC) and in accordance with applicable existing regulations, such as the Clean Water Act or local stream protection ordinances.
- Project sponsors shall arrange for compensatory mitigation in the form of mitigation bank credits, on-site or off-site enhancement of existing waters or wetland creation in accordance with applicable existing regulations and subject to approval by the Corps, RWQCB, CDFW, BCDC, and CCC. If compensatory mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any wetland compensatory mitigation:
 - Compensation shall be provided at a *minimum* 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.), or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement, offsite restoration, preservation and/or enhancement, or purchase of mitigation credits. Compensatory mitigation may also be achieved through Regional Advance Mitigation Planning (RAMP) banking, as deemed appropriate by the permitting agencies.
 - In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established.
- In accordance with CDFW guidelines and other instruments protective of sensitive or special-status natural communities, project sponsors shall avoid and minimize impacts on sensitive natural communities when designing and permitting projects. Where applicable, projects shall conform to the provisions of special area management or restoration plans, such as the Suisun Marsh Protection Plan or the East Contra Costa County HCP, which outline specific measures to protect sensitive vegetation communities.
- If any portion of a special-status natural community is permanently removed or temporarily disturbed, the project sponsor shall compensate for the loss. If such mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that de-

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scribes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any compensatory mitigation for special-status natural communities:

- Compensation shall be provided at a *minimum* 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.) or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement, offsite restoration, preservation and/or enhancement, or purchase of mitigation credits. Compensatory mitigation may also be achieved through Regional Advance Mitigation Planning (RAMP) banking, as deemed appropriate by the permitting agencies.
- In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the measure described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The EIR analysis took a conservative approach, overestimating the acreage likely to be affected by considering the intersection of locations where jurisdictional waters are present and areas where development is likely to occur (Draft EIR, p. 2.9-67).
- B. The regional magnitude of development impacts on special-status communities is expected to be relatively minor since the majority of regional development under the proposed Plan would occur in already urbanized areas and most special-status communities are relatively rare and occur primarily in wildland areas.

- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Localized impacts on special-status plant communities are generally expected to occur only when projects are developed in previously undeveloped areas in the more rural or wildland portions of the Bay Area, and the proposed Plan would result in less of this type of development than the No Project alternative. However, since many special-status communities occur on unique soil types (e.g., serpentinite derived soils), which are known to occur in urban as well as non-urban areas throughout the region, all of the project alternatives result in potentially significant impacts.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. In order for project-level environmental review to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

- 2.9-3 Implementation of the proposed Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. (Draft EIR, p. 2.9-73)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.9(e) Mitigation measures to reduce impacts on wildlife corridors that shall be required by implementing agencies where feasible based on project- and site- specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting Essential Connectivity Area (ECA) lands within their sphere of influence to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not significant wildlife corridors are present, what wildlife species may use them, and what habitat those species require. The assessment shall be conducted by qualified professionals and according to any applicable agency standards. Mitigation shall be consistent with the requirements of CEQA and/or follow an adopted

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HCP/NCCP or other relevant plans developed to protect species and their habitat, including migratory linkages.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Constructing wildlife friendly overpasses and culverts;
- Fencing major transportation corridors in the vicinity of identified wildlife corridors;
- Using wildlife friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under;
- Locating structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity;
- Elevating structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding;
- Limiting wildland conversions in identified wildlife corridors;
- Retaining wildlife friendly vegetation in and around developments; and
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

Compliance with existing local regulations and policies, including applicable HCP/NCCPs. that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the mitigation measure described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. The proposed Plan calls for Priority Conservation Areas (PCAs) which, if implemented, could help preserve Essential Connectivity Areas.

- B. The proposed Plan's transportation improvements are mainly concentrated along existing transportation corridors, where migratory corridors have already been fragmented and degraded to the point that their function as linkages is either limited or has been lost altogether. As a result, impacts are expected to be lower under the proposed Plan than if projects were entirely new construction or sited in previously undeveloped areas.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less development would occur outside of already heavily urbanized areas. The potential for urban growth boundaries to expand, leading to conversion of previously undeveloped lands and greater impacts on biological resources, would also be less under the proposed Plan than under the No Project alternative.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation measure would be effective in reducing the impacts identified at the program level. Future In order for project-level environmental review to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.9-4 Implementation of the proposed Plan could conflict with adopted local conservation policies, such as a tree protection ordinance, or resource protection and conservation plans, such as a Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional, or state habitat conservation plan. (Draft EIR, p. 2.9-75)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.9(f) Implementing agencies shall require project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, protected trees or other locally protected biological resources. The assessment shall be conducted by qualified professionals in accordance with adopted protocols, and standards in the industry. Mitigation shall be consistent with the requirements of CEQA

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and/or follow applicable ordinances or plans developed to protect trees or other locally significant biological resources. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Mitigation shall be implemented when significance thresholds are exceeded. Mitigation shall be consistent with the requirements of CEQA and/or follow applicable ordinances or plans developed to protect trees or other locally significant biological resources.
- Implementing agencies shall design projects such that they avoid and minimize direct and indirect impacts to protected trees and other locally protected resources where feasible.
- At a minimum, qualifying protected trees (or other resources) shall be replaced at 1:1, or as otherwise required by the local ordinance or plan, in locally approved mitigation sites.
- As part of project-level environmental review, implementing agencies shall ensure that projects comply with the most recent general plans, policies, and ordinances, and conservation plans. Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation.

2.9(g) During the design and CEQA review of individual projects under Plan Bay Area, implementing agencies and project sponsors shall modify project designs to ensure the maximum feasible level of consistency with the policies in adopted HCPs, NCCPs, or other approved local, regional, or state conservation plans, in areas where such plans are applicable. These measures apply to projects covered by the plans in question (i.e., projects assessed during plan environmental review), as well as non-covered projects within the Plan area. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- If the project results in impacts on covered species habitat, or other habitat protected under the plan, the project sponsor shall coordinate with USFWS, CDFW, and the appropriate local agency to provide full compensation of acreage and preserve function. Projects shall follow adopted procedures to process an amendment to the conservation plan(s) if necessary. In addition, all habitat based mitigation required by the conservation plans shall be provided at ratios or quantities specified in the plans.
- Project design and implementation shall minimize impacts on covered species through implementation of Mitigation Measures 2.9(a), 2.9(b), 2.9(c), 2.9(d), and 2.9(e).
- Avoidance, minimization, and mitigation measures for covered species, consistent with adopted HCP and/or NCCPs, shall also be implemented as specified during project-specific environmental review and permitting. Avoidance and minimization measures to covered species and their habitats shall include adherence to land use adjacency guidelines as outlined in adopted HCP and/or NCCPs.

2.9(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies and project sponsors whose projects are located within the Coastal Zone or within BCDC jurisdiction shall carefully review the applicable local coastal program or San Francisco Bay Plan for potential conflicts, as well as the Delta Plan, and involve the California Coastal Commission, BCDC, or the Delta Stewardship Council as early as possible in the project-level EIR process.

Significance After Mitigation

To the extent that an individual project adopts all feasible mitigation measures described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures de-

scribed above, as applicable and feasible, to address site-specific conditions. Further, because the measures are tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that they would be implemented. Therefore, with the incorporation of Mitigation Measures 2.9(f), 2.9(g), and 2.9(h), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measures are particularly reliable because they are already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measures help to ensure that these existing standards and regulations are met.
- C. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.
- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

VISUAL RESOURCES

Impact

2.10-1 Implementation of the proposed Plan could affect visual resources by blocking panoramic views or views of significant landscape features or landforms (mountains, oceans, rivers, or significant man-made structures) as seen from a transportation facility or from public viewing areas.⁸ (Draft EIR, p. 2.10-16)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.10(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

⁸ Per CEQA case law, blocking a private view is not generally seen as a significant environmental impact. (*See, e.g., Mira Mar Mobile Community v. City of Oceanside*, 119 Cal. App. 4th 477, 492-494 (2004).)

Findings and Facts in Support of Findings

- Reduce the visibility of construction staging areas by fencing and screening these areas with low contrast materials consistent with the surrounding environment, and by revegetating graded slopes and exposed earth surfaces at the earliest opportunity.
- Site or design projects to minimize their intrusion into important viewsheds.
- Use see-through safety barrier designs (e.g. railings rather than walls) when feasible.
- Develop interchanges and transit lines at the grade of the surrounding land to limit view blockage wherever possible.
- Design landscaping along highway corridors in rural and open space areas to add significant natural elements and visual interest to soften the hard edged, linear travel experience that would otherwise occur.
- Identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources.
- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the measure described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Although the construction of proposed projects could result in short-term visual impacts, such impacts would be temporary in nature.
- B. Many Bay Area communities have established general plan policies and ordinances to protect view sheds and to ensure new development is visually compatible with the natural and built environments.
- C. MTC encourages the inclusion of pedestrian-oriented and human-scaled development standards and guidelines in PDA Plans funded by MTC and ABAG.

- D. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Impacts on scenic views will be greatest where existing low-rise, rural, or undeveloped areas with visual sensitivity are converted to higher density or urbanized land as a result of new development. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth will be less dispersed with more development inside the existing urbanized footprint. Plan Bay Area is anticipated to result in a negligible increase in the Bay Area's urban footprint, from 17.8 to 17.9 percent (Draft EIR, p. 2.10-17). The Plan prioritizes infill development, which is typically less likely to have substantial impacts on scenic vistas and resources.
- E. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- F. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.10-2 Implementation of the proposed Plan could affect visual resources by substantially damaging scenic resources (such as trees, rock outcroppings, and historic buildings) that would alter the appearance of or from state- or county-designated or eligible scenic highways. (Draft EIR, p. 2.10-22)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.10(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Project sponsors and implementing agencies shall complete design studies for projects in designated or eligible State Scenic Highway corridors. Implementing agencies shall consider the “complete” highway system and design projects to minimize impacts on the quality of the views or visual experience that originally qualified the highway for scenic designation.
- Contouring the edges of major cut and fill slopes to provide a more natural looking finished profile that is appropriate to the surrounding context, using natural shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources where feasible based on project- and site-specific considerations.

Implementation of Mitigation Measure 2.10(a) shall also be considered to reduce impacts on scenic highways.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would normally be less than significant with mitigation (LS-M). However, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less-than-significant levels. MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG can and should be adopted by such other agency. However, feasible changes or alterations are not available to avoid or substantially lessen the project's contribution to this cumulative impact. Therefore, this cumulatively considerable impact remains significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible further mitigation (Finding (3)).

Facts in Support of Findings

- A. Although the construction of proposed projects could result in short-term visual impacts, such impacts would be temporary in nature.
- B. Many Bay Area communities have established general plan policies and ordinances to protect view sheds and to ensure new development is visually compatible with the natural and built environments.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The greatest potential for long-term visual impacts on scenic highways will result from high density housing and high intensity commercial projects located adjacent to scenic highways that damage scenic resources or create visual contrast between the project and existing conditions. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth will be less dispersed with more development inside the existing urbanized footprint.
- D. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that the proposed mitigation measures are incorporated into the project environmental review documents.
- E. The recommended mitigation measures would be effective in reducing the impacts identified at the program level. In order for project-level environmental review to take advantage of the CEQA streamlining provisions of SB 375, it must incorporate the applicable and feasible mitigation measures set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented.
- F. Social, economic, legal, and technological conditions related to the ultimate design of individual projects will be factors in the feasibility of proposed mitigation at the project level. In particular, these

impacts are highly localized and related to the unique interaction between physical environmental conditions at the project location, other undetermined impact sources in the vicinity, and the specific locations and characteristics of sensitive receptors. Thus, while the mitigations proposed are reasonably suited to maximally reduce impacts attributable to the proposed Plan projects, it is still possible that these outside factors could create a situation in which mitigation is either infeasible or ineffective.

Impact

2.10-3 Implementation of the proposed Plan could affect visual resources by creating significant contrasts with the scale, form, line, color, and/or overall visual character of the existing community. (Draft EIR, p. 2.10-25)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.10(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Designing projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development.
- Requiring that the scale, massing, and design of new development provide appropriate transitions in building height, bulk, and architectural style that are sensitive to the physical and visual character of surrounding areas.
- Contouring the edges of major cut and fill slopes to provide a finished profile that is appropriate to the surrounding context, using shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Ensuring that new development in or adjacent to existing communities is compatible in scale and character with the surrounding area by:
 - Promoting a transition in scale and architecture character between new buildings and established neighborhoods; and
 - Requiring pedestrian circulation and vehicular routes to be well integrated.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce visual contrasts.

Implementation of Mitigation Measure 2.10(a) shall also be considered to reduce impacts on visual resources created by significant contrasts in community visual character.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that

Findings and Facts in Support of Findings

these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. MTC has the ability to provide input into local designs through the PDA/Station Area planning process. For example, MTC has developed a *Station Area Planning Manual* that includes principles—such as street-level improvements and pedestrian connectivity—meant to inform the development of station areas and PDAs and minimize community interruption. The *Manual* provides character profiles of place types that consider numerous physical factors—including, but not limited to, predominant transit mode, land use, population density, employment intensity, housing type, height, and bulk—in an effort to effect neighborhood change that is compatible with existing community fabric. While local jurisdictions are not required to utilize the *Manual*, many will receive MTC funds for their PDA and Station Area planning efforts, and as a result, MTC will be able to offer guidance to ensure compatibility with appropriate design principles described in the *Manual*.
- B. Many Bay Area communities have established general plan policies and ordinances to ensure new development is visually compatible with the natural and built environments. Local jurisdictions maintain land use and design control over all development projects and will be responsible for approving development plans. These agencies are accountable to their communities to apply development standards and guidelines to maintain compatibility with existing communities in visually sensitive areas.
- C. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that proposed mitigation measures are incorporated into the project environmental review documents.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.10-4 Implementation of the proposed Plan could affect visual resources by adding a visual element of urban character to an existing rural or open space area or adding a modern element to a historic area. (Draft EIR, p. 2.10-28)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

In addition to Mitigation Measure 2.10(c), the following measure would apply to impacts on visual resources in rural or historic areas.

2.10(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that new development in or adjacent to rural or historic areas is compatible in scale and character with the surrounding area by:
 - Promoting a transition in scale and architecture character between new buildings and established neighborhoods; and
 - Requiring pedestrian circulation and vehicular routes to be well integrated.
- Using soundwall construction and design methods that account for visual impacts as follows:
 - Use transparent panels to preserve views where soundwalls would block views from residences.
 - Use landscaped earth berm or a combination wall and berm to minimize the apparent soundwall height.
 - Construct soundwalls of materials whose color and texture complements the surrounding landscape and development.
 - Design soundwalls to increase visual interest, reduce apparent height, and be visually compatible with the surrounding area.
 - Landscape the soundwalls with plants that screen the soundwall, preferably with either native vegetation or landscaping that complements the dominant landscaping of surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce visual impacts on rural and historic areas.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that

Findings and Facts in Support of Findings

these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The greatest impacts will result from high density housing and high intensity commercial projects located in low density, rural, or historic areas, where the visual contrast between the project and existing conditions will be the most apparent. In comparison to the No Project alternative, under the proposed Plan growth will be more focused in existing urban communities on infill sites where there would be less visual contrast with the immediate surroundings as compared to rural areas. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- B. Many Bay Area communities have established ordinances to protect historic resources, although these ordinances would not in all cases reduce potential impacts from adding a modern element to a historic area.
- C. In general, impacts from transportation projects would not be expected to have a substantial adverse impact in urbanized areas due to the nature of the projects in the proposed Plan, including that most proposed projects will take place in existing rights-of-way. Furthermore, many local projects seek to improve streetscape quality and usability at the local level and would not generate impacts.
- D. In general, architectural relief, landscaping, and visual screening, which are now customary requirements for new soundwall programs, would soften the contrasts associated with soundwalls.
- E. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help to ensure that proposed mitigation measures are incorporated into the project environmental review documents.
- F. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.10-5 Implementation of the proposed Plan could adversely affect visual resources by creating new substantial sources of light and glare. (Draft EIR, p. 2.10-30)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.10(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Designing projects to minimize light and glare from lights, buildings, and roadways facilities.
- Minimizing and controlling glare from transportation projects through the adoption of project design features that reduce glare. These features include:
 - Planting trees along transportation corridors to reduce glare from the sun;
 - Landscaping off-street parking areas, loading areas, and service areas; and
 - Shielding transportation lighting fixtures to minimize off-site light trespass.
- Minimizing and controlling glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include:
 - Limiting the use of reflective materials, such as metal;
 - Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry;
 - Screening parking areas by using vegetation or trees; and
 - Using low-reflective glass.
- Imposing lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following:
 - Minimizing incidental spillover of light onto adjacent private properties and undeveloped open space;
 - Directing luminaries away from habitat and open space areas adjacent to the project site;
 - Installing luminaries that provide good color rendering and natural light qualities; and
 - Minimizing the potential for back scatter into the nighttime sky.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce light and glare impacts.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the measure described above, the impact would be less than significant with mitigation (LS-M).

Findings and Facts in Support of Findings

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. In portions of the region with significant existing development, increases would not cause a new public hazard or substantially degrade the visual character or quality of the area because existing sources of glare and light are already a dominant feature of the landscape. In comparison to the No Project alternative, under the proposed Plan growth will be more focused in existing urban communities and thus generate less light and glare from new development in rural and less developed areas. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- B. Many Bay Area communities have established ordinances that set standards for outside lighting.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that the proposed mitigation measure is incorporated into the project environmental review documents.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.10-6 Implementation of the proposed Plan could cast a substantial shadow in such a way as to cause a public hazard or substantially degrade the existing visual/aesthetic character or quality of a public place for a sustained period of time. (Draft EIR, p. 2.10-33)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.10(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to conduct shadow studies for buildings and roadway facilities to identify and implement development strategies for reducing the impact of shadows on public open space. Study considerations shall include, but are not limited to, the placement, massing, and height of structures, surrounding land uses, time of day and seasonal variation, and reflectivity of materials. Study recommendations for reducing shadow impacts shall be incorporated into the project design as feasible based on project-and site-specific considerations. Further, implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace the above measure that reduces shadow impacts where feasible based on project- and site-specific considerations.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements the mitigation measure described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact.
- B. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. MTC will use the Mitigation Monitoring and Reporting Program to help ensure that the proposed mitigation measure is incorporated into the project environmental review documents.

Findings and Facts in Support of Findings

- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

CULTURAL RESOURCES

Impact

- 2.11-1 The proposed Plan could have the potential to cause a substantial adverse change in the significance of a historic resource such that the significance of the resource would be materially impaired. (Draft EIR, p. 2.11-11)**

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.11(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- Requiring an assessment by a qualified professional of structures greater than 45 years in age within the area of potential effect to determine their eligibility for recognition under State, federal, or local historic preservation criteria.
- When a project has been identified as potentially affecting a historic resource, a historical resources inventory should be conducted by a qualified architectural historian. The study should comply with CEQA Guidelines section 15064.5(b), and, if federal funding or permits are required, with section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.). Study recommendations shall be implemented.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings*.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact.
- B. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.11-2 The proposed Plan could have the potential to cause a substantial adverse change in the significance of a unique archaeological resource. (Draft EIR, p. 2.11-13)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.11(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Pursuant to Government Code Sections 65351 and 65352, in-person consultation shall be conducted with Native American tribes and individuals with cultural affiliations where the project is proposed to determine the potential for, or existence of, cultural resources, including cemeteries and sacred places, prior to project design and implementation stages.
- Prior to construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to construction activities.

Findings and Facts in Support of Findings

- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of cultural sites throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with archaeological resources, project sponsors should retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Written assessments should be prepared by a qualified tribal representative of sites or corridors with no identified cultural resources but which still have a moderate to high potential for containing tribal cultural resources.
- Upon “late discovery” of prehistoric archaeological resources during construction, project sponsors shall consult with the Native American tribe as well as with the “Most-Likely-Descendant” as designated by the Native American Heritage Commission pursuant to Public Resources Code 5097, 98(a).
- Preservation in place is the preferred manner of mitigating impacts on archeological sites because it maintains the relationship between artifacts and the archeological context, and it may also avoid conflict with religious or cultural values of groups associated with the site. This may be achieved through incorporation within parks, green-space, or other open space by re-designing project using open space or undeveloped lands. This may also be achieved by following procedures for capping the site underneath a paved area. When avoiding and preserving in place are infeasible based on project- and site-specific considerations, a data recovery plan may be prepared according to CEQA Guidelines Section 15126.4(b)(3)(C). A data recovery plan consists of: the documentation and removal of the archeological deposit from a project site in a manner consistent with professional (and regulatory) standards; the subsequent inventorying, cataloguing, analysis, identification, dating, and interpretation of the artifacts; and the production of a report of findings.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. All counties in the Bay Area have the potential to yield undiscovered cultural resources and, since most of the Bay Area has not been systematically surveyed for cultural resources, it is not possible to determine impacts at a project level in advance. In general, projects that include ground-disturbing activities, such as grading, road widening, and excavation, have the greatest potential to impact archaeological, paleontological, and geological resources and human remains. Impacts on these resources are generally more likely in undeveloped areas. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less undeveloped land will be disturbed as a result of the more compact nature of the land use pattern and its emphasis on redevelopment of existing urbanized areas. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- B. All projects undertaken by Caltrans must abide by extensive procedures and policies, outlined in the *Caltrans Environmental Handbook, Volume 2*, which dictate the nature and extent of cultural resource protections consistent with federal law.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.11-3 The proposed Plan could have the potential to destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature. (Draft EIR, p. 2.11-16)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.11(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Prior to construction activities, project sponsors should retain a qualified paleontologist to conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether re-

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sources were identified. As warranted, project sponsors should retain a qualified paleontologist to conduct paleontological surveys prior to construction activities.

- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of paleontological resources and sites and unique geologic features throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with paleontological, and/or geological resources, project sponsors should retain a qualified paleontologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. All counties in the Bay Area have the potential to yield undiscovered paleontological resources and unique geologic features and, since most of the Bay Area has not been systematically surveyed for these resources, it is not possible to determine impacts at a project level in advance. In general, projects that include ground-disturbing activities, such as grading, road widening, and excavation, have the greatest potential to impact paleontological and geological resources. Impacts on these resources are generally more likely in undeveloped areas. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less undeveloped land will be disturbed as a result of the more compact nature of the land use pattern and its emphasis on redevelopment of existing urbanized areas. This suggests that in the fu-

ture, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.

- B. All projects undertaken by Caltrans must abide by extensive procedures and policies, outlined in the *Caltrans Environmental Handbook, Volume 2*, which dictate the nature and extent of cultural resource protections consistent with federal law.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.11-4 The proposed Plan could have the potential to disturb human remains, including those interred outside formal cemeteries. (Draft EIR, p. 2.11-17)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.11(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Under Section 7050.5 of the California Health and Safety Code, as part of project oversight of individual projects, project sponsors can and should, in the event of discovery or recognition of any human remains during construction or excavation activities associated with the project, in any location other than a dedicated cemetery, cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required.
- Under California Public Resources Code 5097.98, if any discovered remains are of Native American origin:
 - The coroner shall contact the Native American Heritage Commission, which shall notify the most likely descendant(s) of the deceased. The descendant(s) should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. This may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains; or
 - The landowner or their authorized representative shall obtain a –Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where any of the following conditions occurs:

Findings and Facts in Support of Findings

- The Native American Heritage Commission is unable to identify a descendant; or
- The descendant identified fails to make a recommendation; or
- The landowner or their authorized representative rejects the recommendation of the descendant, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

For the purposes of this mitigation, less than significant means consistent with federal, State, and local regulations and laws related to human remains.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.11(d), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. All counties in the Bay Area have the potential to yield undiscovered cultural resources and, since most of the Bay Area has not been systematically surveyed for cultural resources, it is not possible to determine impacts at a project level in advance. In general, projects that include ground-disturbing activities, such as grading, road widening, and excavation, have the greatest potential to impact archaeological resources and human remains. Impacts on these resources are generally more likely in undeveloped areas. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan less undeveloped land will be disturbed as a result of the more compact nature of the land use pattern and its emphasis on redevelopment of existing urbanized areas. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- B. Conformity with existing State regulations is expected to reduce the impact to a less than significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

PUBLIC UTILITIES

Impact

2.12-1 The proposed Plan could result in insufficient water supplies from existing entitlements and resources to serve expected development. (Draft EIR, p. 2.12-47)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Implementing water conservation measures which result in reduced demand for potable water. This could include reducing the use of potable water for landscape irrigation (such as through drought-tolerant plantings, water-efficient irrigation systems, the capture and use of rainwater) and the use of water-conserving fixtures (such as dual-flush toilets, waterless urinals, reduced flow faucets).
- Coordinating with the water provider to identify an appropriate water consumption budget for the size and type of project, and designing and operating the project accordingly.
- Using reclaimed water for non-potable uses, especially landscape irrigation. This strategy may require a project to be located in an area with existing reclaimed water conveyance infrastructure and excess reclaimed water capacity. If a location is planned for future reclaimed water service, projects should install dual plumbing systems in anticipation of future use. Large developments could treat wastewater onsite to tertiary standards and use it for non-potable uses onsite.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce demand for potable water.

2.12(b) MTC shall require the construction phase of transportation projects to connect to reclaimed water distribution systems for non-potable water needs, when feasible based on project- and site-specific considerations.

2.12(c) MTC shall require transportation projects with landscaping to use drought-resistant plantings or connect to reclaimed water distribution systems for irrigation and other non-potable water needs when available and feasible based on project- and site-specific considerations.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measure 2.12(a), and it is ultimately the responsibility of a lead agency to determine and adopt this measure. Therefore it cannot be ensured that Measure 2.12(a) would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings and Facts in Support of Findings

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. The latest Urban Water Management Plans of the major water suppliers of the region indicate that, except for Solano County, adequate water supplies exist during normal years through 2035 for an aggregate population greater than that accommodated by Plan Bay Area in 2040 (Draft EIR, pp. 2.12-19 to 23). At a regional level, therefore, adequate water supplies exist to accommodate projected growth.
- B. All water suppliers are required to pursue the water conservation targets of SB X7-7 (2009) and regularly update their Urban Water Management Plans. These measures will help ensure that these agencies enact policies and take actions to ensure that long-range water supplies meet demand.
- C. The enforcement of SB 610 (2001) and SB 221 (2001) by local jurisdictions should ensure that an adequate water supply is available for large residential developments prior to their approval.
- D. Water shortages during dry years would occur regardless of the proposed Plan, as the levels of projected growth and development would be the same under any scenario. During droughts, water supply agencies can increase supplies and lower demand temporarily by importing water and through enhanced water conservation measures. Impacts in the case of a prolonged dry period, per the *Ballona* decision that “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project,” are beyond the scope of this project to mitigate. See *Ballona, supra*, 201 Cal.App.4th at p. 473.
- E. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.12(b) and 2.12(c) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- F. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of Mitigation Measure 2.12(a) relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation

Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure (2.12(a)) to reduce the identified environmental impact.

- G. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.12-2 The proposed Plan could result in inadequate wastewater treatment capacity to serve new development. (Draft EIR, p. 2.12-50)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.12(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Undertaking environmental assessments of land use plans and developments to determine whether sufficient wastewater treatment capacity exists for a proposed project. These environmental assessments must ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in a manner that reduces impacts on wastewater treatment capacity.

Implementing agencies shall also require compliance with Mitigation Measure 2.12(a), and MTC shall require implementation of Mitigation Measures 2.12(b), and/or 2.12(c) listed under Impact 2.12-1, as feasible based on project- and site-specific considerations, which will help reduce water usage and, subsequently, wastewater flows.

Transportation projects could only cause impacts on wastewater treatment capacity in the case of excess stormwater runoff into a combined wastewater/stormwater conveyance system. Therefore, mitigation of stormwater drainage system capacity impacts will also mitigate wastewater treatment capacity impacts. Mitigation for stormwater runoff into wastewater systems from transportation projects is discussed under Impact 2.12-3; mitigation measures 2.12(f) and 2.12(g) will mitigate these impacts.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.12(a), 2.12(d), or 2.12(f), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot

Findings and Facts in Support of Findings

be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. At a regional level there is ample existing wastewater treatment capacity to meet future growth projections (Draft EIR, p. 2.12-51).
- B. Wastewater supply agencies must provide adequate capacity to meet projected growth and peak demands under the NPDES permit for each wastewater treatment facility. Therefore, during their next NPDES permit renewal these agencies should target long-range capacity needs in line with the growth projections of Plan Bay Area as well as local land use plans.
- C. All water suppliers are required to pursue the water conservation targets of SB X7-7 (2009), which will reduce future per capita wastewater flows.
- D. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth would be more directed toward areas that have excess wastewater treatment capacity. The No Project alternative is expected to exceed treatment capacity in Napa, Solano, and Sonoma counties while the proposed Plan would not (Draft EIR, p. 3.1-108). This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- E. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.12(b), 2.12(c), and 2.12(g) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- F. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of Mitigation Measures 2.12(a), 2.12(d), and 2.12(f) relies on the efforts of other agencies, namely the project sponsor(s) (lead

agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures (2.12(a), 2.12(d), and 2.12(f)) that help to reduce the identified environmental impact.

- G. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.12-3 Development under the proposed Plan could require and result in the construction of new or expanded stormwater drainage facilities, which could cause significant environmental impacts. (Draft EIR, p. 2.12-53)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.12(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Complying with all existing applicable federal and State regulations, including Provision C.3 of the EPA's Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems, NPDES permit requirements, the submission of and adherence to a Storm Water Pollution Prevention Plan, Water Quality Control Policy for Siting, Design, Operation, and Maintenance of onsite Wastewater Treatment Systems, and/or other relevant current State Water Resource Control Board policy adopted for the purpose of reducing stormwater drainage impacts.
- For projects less than one acre in size, reducing stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a Storm Water Pollution Prevention Plan.
- To the extent possible, siting or orienting the project to use existing stormwater drainage capacity.
- Constructing permeable surfaces, such as stormwater detention facilities, playing fields, landscaping, or alternative surfaces (vegetated roofs, pervious paving).
- Modeling and implementing a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates.
- Capturing rainwater for on-site re-use, such as for landscape irrigation or inside non-potable uses such as toilet flushing.
- Capturing and infiltrating stormwater runoff on site with rain gardens, vegetated swales, constructed wetlands, etc.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures in reducing impacts on stormwater drainage facilities.

2.12(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention

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basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce stormwater drainage impacts.

2.12(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to the following. All transportation projects constructed, operated, or funded by MTC shall adhere to Caltrans' Stormwater Management Plan, which includes best practices to reduce the volume of stormwater runoff and pollutants in the design, construction and maintenance of highway facilities.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.12(e) and (f), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. The successful implementation of Provision C.3 requirements, Storm Water Pollution Prevention Plans (SWPPPs), and the Caltrans NPDES Stormwater Program would mitigate many impacts by reducing runoff flows into existing systems and thereby reducing the need for system expansion. However, these measures are not required of all development under existing regulations. The mitigation measures expand these effective programs by calling on implementing agencies and/or project sponsors to consider SWPPPs for developments less than one acre in size and requiring all transportation projects constructed, operated, or funded by MTC to adhere to Caltrans' Stormwater Management Plan.
- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in compari-

son to the No Project alternative, under the proposed Plan growth would be more directed toward urbanized locations that have existing stormwater drainage systems and stormwater mitigation measures would be expected of developments under one acre in size, thereby reducing the need for new facilities and system expansion. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.

- C. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measure 2.12(g) capitalizes on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- D. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures (2.12(e) and 2.12(f)) that help to reduce the identified environmental impact.
- E. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.12-4 Development under the proposed Plan could require and result in the construction of new or expanded water and wastewater treatment facilities, which could cause significant environmental impacts. (Draft EIR, p. 2.12-56)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, those identified below.

2.12(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to, the following. For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could be able to handle the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.

Further, Mitigation Measures 2.12(2), (b), (c), and (d) will help reduce water demand and wastewater generation, and subsequently help reduce the need for new or expanded water and wastewater treat-

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ment facilities. Mitigation Measures 2.12(e), (f) and (g) will also help mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt Mitigation Measures 2.12(a), (d), (e), (f), or (h), and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that these mitigation measures would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the project to address this impact. These changes or alterations coupled with changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG are legally required to be implemented by such other agency avoid or substantially lessen the significant environmental effect as identified in the final EIR (Findings (1) and (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- B. As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency—a state designation—and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Proposed Mitigation Measures 2.12(b), (c), and (g) capitalize on the coordination already underway through the Joint Policy Committee (which is comprised of commissioners and board members from MTC, ABAG, Bay Area Air Quality Management District, and Bay Conservation and Development Commission).
- C. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recom-

mended mitigation measures (2.12(a), (d), (e), (f), and (h)) that help to reduce the identified environmental impact.

- D. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.12-6 The proposed Plan could result in insufficient landfill capacity to serve new development while complying with applicable regulations. (Draft EIR, p. 2.12-58)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.12(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Countywide Integrated Waste Management Plans and Source Reduction and Recycling Elements shall take the growth patterns projected by the proposed Plan into account in their evaluation of landfill disposal capacity and determination of strategies to implement to enhance capacity.

2.12(j) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Providing an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials, where feasible.
- Maintaining or re-using existing building structures and materials during building renovations and re-development, where feasible.
- Using salvaged, refurbished or reused materials, to help divert such items from landfills, where feasible.
- Diverting construction waste from landfills, where feasible, through means such as:
 - The submission and implementation of a construction waste management plan that identifies materials to be diverted from disposal.
 - Establishing diversion targets, possibly with different targets for different types and scales of development.
 - Helping developments share information on available materials with one another, to aid in the transfer and use of salvaged materials.
- Applying the specifications developed by the Construction Materials Recycling Association (CMRA) to assist contractors and developers in diverting materials from construction and demolition projects, where feasible.⁹

⁹ The CMRA specifications are available on the CalRecycle website at: www.calrecycle.ca.gov/conDemo/specs/CMRA.htm

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- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures in reducing impacts on landfills.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

In addition, while individual land development and transportation projects can mitigate their impacts on landfill capacity, the combined and cumulative impacts of the proposed Plan will still be significant and unavoidable (SU) given the expected closure of most of the landfills in the Bay Area during the project horizon. While there are potential mitigations to this impact, such as the expansion of existing landfills, opening of new landfills, use of landfills in other regions, and mandated rates of diversion, such actions will require regional cooperation by multiple agencies unrelated to MTC.

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact. As a response to this projected growth, local land use authorities and waste collection agencies will need to work together on measures to expand regional landfill capacity. However, both the cause of this insufficient landfill capacity and its solutions are beyond the scope of Plan Bay Area.
- B. The mitigation measures address site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measures that help to reduce the identified environmental impact.

- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

HAZARDS

Impact

- 2.13-1: Implementation of the proposed Plan could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft EIR, p. 2.13-27)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with the routine transit, use, or disposal of hazardous materials, implementing agencies shall require project sponsors to comply with the Resource Conservation and Recovery Act, Title 22 of the California Code of Regulations, California Hazardous Waste Control Law, Cal/EPA requirements, HAZMAT training requirements, and any local regulations such as city or county Hazardous Materials Management Plans regulating the generation, transportation, treatment, storage, and disposal of hazardous materials and waste. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to the transport, use, or disposal of hazardous materials.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(a), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The Resource Conservation and Recovery Act (RCRA), Title 22 of the CCR, and the Hazardous Waste Control Law regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. These laws impose regulatory systems for handling hazardous waste in a manner that protects human health and the environment, including requirements for the classification of materials, packaging, hazard communication, transportation, handling, HAZMAT employee training, and incident reporting. Transport of hazardous materials is regulated by the U.S. Department of Transportation (USDOT), through Caltrans and the California Highway Patrol (CHP). The California

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Health Services Department regulates the haulers of hazardous waste. A valid registration issued by the Department of Toxic Substances Control (DTSC) is required, unless specifically exempted, to transport hazardous wastes. The CHP also publishes a list of restricted or prohibited highways. Cal/EPA oversees the regulation and management of hazardous materials on a statewide level through DTSC. Use of hazardous materials on-site requires permits and monitoring through the local Certified Unified Program Agency (CUPA) to avoid hazardous waste release. DTSC is responsible for the enforcement and implementation of hazardous waste laws and regulations, codified in Title 22 of the CCR. Additionally, businesses that generate hazardous waste are required to have an EPA identification number to monitor and track hazardous waste activities.

- B. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- C. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less than significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.13-2: Implementation of the proposed Plan could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR, p. 2.13-29)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with the release of hazardous materials into the environment, implementing agencies shall require project sponsors to comply with Senate Bill 1889, Accidental Release Prevention Law/California Accidental Release Prevention Program (CalARP) regulating the generation, transportation, treatment, storage, and disposal of hazardous materials and waste. In addition, project sponsors shall comply with United States Department of Transportation regulations regarding the transport of hazardous materials and wastes such that accidental upset conditions are minimized. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to upset and accident conditions involving the release of hazardous materials into the environment.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(b), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Local government jurisdictions are required to adopt emergency plans, which are considered to be extensions of the State Emergency Plan, established in accordance with the California Emergency Services Act. The California Emergency Management Agency (Cal EMA) administers the State Emergency Plan to respond to hazardous materials incidents that may occur. CalARP, established by the EPA, applies to a wide variety of facilities that contain regulated substances and aims to prevent accidental releases of hazardous materials into the environment through adoption of proper storing, containing, and handling procedures. CalARP also manages risks associated with accidental release through development of its programs and requirements. The USDOT enforces the Hazardous Materials Transportation Act (HMTA) by regulating transportation of hazardous materials by truck and rail. The HMTA governs every aspect of the movement of hazardous materials from packaging, to labeling and shipping.
- B. Roadway improvements in the proposed Plan would generally improve road safety, thereby reducing the potential for accidents related to hazardous materials. Implementation of federal, State, and local requirements, such as CalARP, the Regional Emergency Coordination Plan (RECP), and USDOT and Caltrans regulations, would minimize potential exposure to the public and the environment from accidental releases.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- D. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less than significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- E. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

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- F. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.13-3: Implementation of the proposed Plan could result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Draft EIR, p. 2.13-31)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools, implementing agencies shall require project sponsors to comply with DTSC School Property Evaluation and Cleanup Division regulations regarding the cleanup of existing contamination at school sites and requirements for the location of new schools that would minimize potential exposure of hazardous emissions to students, staff, and visitors to existing and planned school sites. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to hazardous materials near schools.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(c), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The Department of Toxic Substances Control (DTSC) has created the School Property Evaluation and Cleanup Division that is responsible for assessing, investigating, and cleaning up proposed school sites. This Division ensures that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who will occupy a new school. All proposed school sites that will receive State funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight.
- B. School districts also conduct environmental assessments to provide basic information for determining if there has been a release of hazardous material at the sites, or if a naturally occurring hazardous material that presents a risk to human health or the environment may be present. Impacts 2.13-1 and

2.13-2 document an extensive set of existing federal and state regulations controlling emissions and the handling of hazardous materials. Through the environmental review process, DTSC ensures protection of children, staff and the environment from the potential effects of exposure to hazardous materials. Additionally, a lead agency may not certify an EIR for a project within one quarter mile of a school that might produce hazardous air emissions or handle extremely hazardous substances posing a risk to people at the school until the lead agency first consults with the school about potential project impacts and provides written notification prior to EIR certification (Public Resources Code, Section 21151.4).

- C. Transportation impacts are addressed through CalARP, which manages risks associated with accidental release. To prevent or minimize the accidental release of hazardous materials into the environment, precautions such as proper securing of the materials and container design are required by CalARP. The California Vehicle Code and CHP outline general routing and parking restrictions for hazardous material and hazardous waste shipments; the CHP also publishes a list of restricted or prohibited highways. Additionally, roadway improvements in the proposed Plan would improve road safety, thereby reducing the potential for accidents involving hazardous materials in proximity to schools.
- D. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- E. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less than significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- F. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- G. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.13-4: Implementation of the proposed Plan could result in projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. (Draft EIR, p. 2.13-33)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

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- Determining whether specific land use and transportation project sites are listed as a hazardous materials and/or waste site pursuant to Government Code Section 65962.5.
- Requiring preparation of a Phase I ESA in accordance with the American Society for Testing and Materials' ASTM E-1527-05 standards for any listed sites or sites with the potential of residual hazardous materials and/or waste as a result of location and/or prior uses.
- Implementing recommendations included in a Phase I ESA prepared for a site.
- If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.
- For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.
- Requiring construction contractors to prepare and implement soil management contingency plans which provide procedural guidance on the handling, notification, and protective measures to be taken in the event of encountering suspected contamination or naturally occurring asbestos.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact.
- B. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation

measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.

- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.13-5: Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. (Draft EIR, p. 2.13-36)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, implementing agencies shall require project sponsors to comply with any applicable Airport Land Use Compatibility Plan requirements as well as any Federal Aviation Administration (14 CFR Part 77) requirements. Projects shall not be approved by local agencies until project design plans have been reviewed and approved by the Airport Land Use Commission such that proposed projects would not adversely affect subject airport operations. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development near a public airport.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(e), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. The proposed land uses that fall within ALUCP zones and boundaries could potentially result in adverse safety hazard impacts, as discussed above. Implementing agencies are responsible for analyzing

Findings and Facts in Support of Findings

compliance with ALUCPs as a part of their land use approval authority. Public Resources Code Section 21096(a) requires that when preparing an environmental impact report for any project situated within an airport influence area as defined in an ALUCP (or, if a compatibility plan has not been adopted, within two nautical miles of a public-use airport), lead agencies shall utilize the *California Airport Land Use Planning Handbook* as a technical resource with respect to airport noise and safety compatibility issues.

- B. Military airfields, such as Travis Air Force Base and Moffett Airfield, are required to adopt Air Installation Compatible Use Zone (AICUZ) studies to evaluate compatible land uses in the vicinity of military airfields. Public Resources Code Section 21098, which requires a lead agency to notify the applicable military service of certain projects proposed within specified zones, should also reduce hazards associated with development in proximity to military airports. The FAA also requires notice of proposed construction for projects located within 20,000 feet (less for runways under 3,200 feet in length) of a public use airport, and other projects that may pose a potential hazard for people residing or working in the project area, due to height, visual hazard, or the attraction of wildlife.
- C. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.13-6: Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects within the vicinity of a private airstrip. (Draft EIR, p. 2.13-38)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.13(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce impacts associated with people residing or working in the planning area for projects within the vicinity of a private airstrip implementing agencies shall require project sponsors to comply with any applicable local land use regulations and federal aviation guidelines as well as any Federal Aviation Administration (14 CFR Part 77) requirements applicable to projects located within two miles of a private airstrip. Projects shall not be approved by local agencies until project design plans can demonstrate compliance with subject airstrip, local and federal aviation requirements. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development near a private airstrip.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(f), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. Implementing agencies are responsible for analyzing safety and compatibility issues associated with approval of land use and transportation project development proximate to private airstrips for which operation is to continue. Furthermore, Caltrans requires operators to obtain a permit from the Division of Aeronautics prior to air operations, and FAA regulation (14 C.F.R. Section 77) includes provisions that apply to public as well as private airstrips. Although the regulatory environment for private airstrips is not as explicit as for public airstrips, adherence to state and local permits, existing regulations, and FAA requirements would reduce the potential for a safety hazard for people residing or working in the vicinity of private airstrips.
- B. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, review, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.
- C. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- D. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

Impact

2.13-8: Implementation of the proposed Plan could expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Draft EIR, p. 2.13-41)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

Findings and Facts in Support of Findings

2.13(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce wildland fire impacts, implementing agencies shall require project sponsors to comply with safety measures that minimize the threat of fire as stated in the California Fire Code as well as compliance with Title 14 of the California Code of Regulations, Division 1.5 to minimize exposing people and structures to loss, injury, or death and damage. Projects shall not be approved by local agencies until project design plans can demonstrate compliance with fire safety requirements. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to wildfire hazards.

Significance After Mitigation

To the extent that an individual project adopts the mitigation measure described above, the impact would be less than significant (LS). Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. Further, because the measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that it would be implemented. Therefore, with the incorporation of Mitigation Measure 2.13(g), the impact is found to be less than significant with mitigation (LS-M).

Findings

Changes or alterations within the responsibility and jurisdiction of another public agency and not MTC or ABAG which avoid or substantially lessen the significant environmental effect as identified in the final EIR are legally required to be implemented by such other agency (Finding (2)).

Facts in Support of Findings

- A. New construction is subject to the California Fire Code, which includes safety measures to minimize the threat of fire. The threat of wildfires from development of areas or transportation improvements within CAL FIRE's responsibility, which include non-federal lands in unincorporated areas with watershed value, is addressed through compliance with Title 14 of the CCR, Division 1.5 to minimize exposing people and structures to loss, injury, or death and damage. Title 14 sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent damage to structures or people by reducing wildfire hazards.
- B. In addition, wildfire prevention is a shared responsibility between federal, State, and local agencies, including local city and county fire departments. Federal lands fall under Federal Responsibility Areas; most of the unincorporated areas of the Bay Area are State Responsibility Areas. Generally, all incorporated areas and some unincorporated lands are classified as Local Responsibility Areas, which are typically addressed by city and county fire departments. The National Fire Plan does provide the necessary coordination among agencies in areas of federal lands. However, the majority of the Planning Area is covered by CAL FIRE and local fire agencies.
- C. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan itself will not result in a considerable contribution to this impact because, in comparison to the No Project alternative, under the proposed Plan growth would be more concentrated in already-urbanized areas with less development in and adjacent to rural areas prone to wildland fires. This suggests that in the future, the impact would be worse if the proposed Plan were not implemented. The Project's contribution to the issue is thus beneficial, rather than detrimental.
- D. Conformity with existing federal, State, and local regulations is expected to reduce the impact to a less-than-significant level. The mitigation measure is particularly reliable because it is already enforced by existing agencies and regulatory standards which are integral parts of the project development, re-

view, and permitting processes. The mitigation measure helps to ensure that these existing standards and regulations are met.

- E. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- F. The recommended mitigation would be effective in reducing the impacts identified at the program level. With implementation of the mitigation, the impact will be reduced to a level that is less than significant.

PUBLIC SERVICES AND RECREATION

Impact

2.14-1 Implementation of the proposed Plan could result in the need for expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services. (Draft EIR, p. 2.14-11)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.14(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that adequate public services, and related infrastructure and utilities, will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development projects.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in reducing public service impacts.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For im-

Findings and Facts in Support of Findings

plementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Cumulative population growth and development, regardless of the proposed Plan, will occur in the region and will result in a substantial contribution to the identified impact. Implementation of the proposed Plan will not result in a considerable contribution to this cumulative impact, as all of the alternatives will require the construction of new or expanded facilities to accommodate the same level of new residents and workers at a regional level.
- B. At the regional scale, the impacts related to the additional jobs required to maintain service levels at public service facilities and any associated construction of and land needed for new facilities are assumed in the analysis conducted throughout this EIR, thereby addressing the potential construction related impacts of new public service facilities.
- C. The proposed Plan includes transportation projects that have the potential to improve access to schools, libraries, and parks and recreation facilities, which is a beneficial contribution to the issue.
- D. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- E. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Impact

2.14-2 Implementation of the proposed Plan could result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Draft EIR, p. 2.14-14)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including, but not limited to, the measure identified below.

2.14(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Ensuring that adequate parks and recreational facilities will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development.

- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in reducing impacts on recreational facilities.

Significance After Mitigation

Projects taking advantage of CEQA streamlining provisions of SB 375 (Public Resources Code, Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above, as applicable and feasible, to address site-specific conditions. To the extent that an individual project adopts and implements this measure, the impact would be less than significant with mitigation (LS-M).

MTC cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU).

Findings

Changes or alterations within the responsibility and jurisdiction of the implementing agency for future second-tier projects and not MTC or ABAG can and should be adopted by such other agency, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). For implementing agencies taking advantage of the CEQA streamlining provisions of SB 375, these changes or alterations are required to be implemented. Therefore, for projects taking advantage of the CEQA streamlining provisions of SB 375, the impact is less than significant.

However, for all other projects MTC and ABAG cannot ensure such changes or alterations will be adopted by the other agency. Therefore, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make implementation of the mitigation infeasible (Finding (3)).

Facts in Support of Findings

- A. Most open space resources serve residents from throughout the region. As a result the cumulative population growth and development, regardless of the proposed Plan, that will occur in the region will result in a substantial contribution to the identified impact.
- B. The mitigation measure addresses site-specific factors that must be considered for each individual project, rather than the overall proposed Plan. Therefore, implementation of the identified mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA for individual projects. In accordance with the Mitigation Monitoring and Reporting Program, MTC will encourage project sponsors to implement the recommended mitigation measure to reduce the identified environmental impact.
- C. In order for an implementing agency to take advantage of the CEQA streamlining provisions of SB 375 it must incorporate the applicable and feasible mitigation set forth in the Plan EIR. The use of this EIR by project sponsors in preparing environmental documents for specific projects will help ensure that project-specific mitigation measures will be implemented. With implementation of the mitigation identified in the Plan EIR, the impact will be reduced to a level that is less than significant.

Section 2: Findings Regarding Alternatives

INTRODUCTION

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” CEQA requires an EIR to consider a reasonable range of alternatives to a proposed project or to the location of the proposed project which would “feasibly attain most of the basic objectives of the project” (CEQA Guidelines, Section 15126.6(a)). Section 15126.6, subdivision (f) of the CEQA Guidelines limits the alternatives that must be considered in the EIR to those “that would avoid or substantially lessen any of the significant effects of the project.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more potentially significant adverse environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any Project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

This Section describes how MTC and ABAG developed the range of alternatives analyzed in the EIR, summarizes the proposed Plan’s potentially significant and unavoidable impacts, discusses the project objectives including the statutory objective to achieve the CO₂ emission targets established pursuant to SB 375, and considers the merits and feasibility of each of the alternatives.

RANGE OF ALTERNATIVES

MTC and ABAG conducted an extensive screening process to identify potential Plan alternatives and to ultimately identify a reasonable range of alternatives for full evaluation in the EIR.

Multiple rounds of transportation and land use scenario analyses were conducted between 2010 and 2012 by MTC and ABAG to inform Plan Bay Area. The Current Regional Plans, analyzed in February 2011 and the Initial Vision Scenario, released in March 2011, provided a starting point for conversations with local governments and Bay Area residents about where new development should occur, and how new long-term transportation investments can serve this new growth. Input from local jurisdictions was gathered to create a range of alternative land use development scenarios, primarily focused around various levels of projected growth in urban, suburban, and rural areas. Two transportation networks were also developed by MTC in the initial round of scenario analyses: one that continued the investment strategy of the existing Regional Transportation Plan (Transportation 2035), with significant funding for operations and maintenance of the existing system and limited expansions of highway and transit networks; and one that significantly increased transit service frequencies along the core transit network, kept Transportation 2035 investment levels for maintenance and bike/pedestrian projects, and reduced Transportation 2035 roadway expansion investments. These scenarios and networks informed the development of the proposed Plan as well as the alternatives included for evaluation in the EIR.

As part of the final development of Alternatives, stakeholders representing the environment and equity advocacy organizations and the business advocacy organizations requested the ability to propose their own alternatives. These two groups each developed their own alternatives, which were included in the EIR. After the Draft EIR was released, a number of stakeholders suggested additional alternatives be considered by MTC and ABAG. Plan Bay Area is a planning document covering nine counties and 101 cities with a horizon date over twenty-five (25) years into the future. Within this time frame, the San Francisco Bay Area population is projected to increase by approximately thirty (30) percent, an increase of roughly 2.1 million people, requiring

the development of approximately 660,000 new housing units. Given Plan Bay Area’s expansive purpose and its inherently programmatic nature, MTC and ABAG understand that the number of additional potential alternatives that could be formulated is endless. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029 [acknowledging that “there are literally thousands of ‘reasonable alternatives’ to the proposed project... [but stating that] both the California and federal courts have recognized, ‘[the] statutory requirements for consideration of alternatives must be judged against a rule of reason.’ [Citations].”].)

The Commission finds that the alternatives analysis is sufficient to inform the Commission and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible. Comparing the potential impacts of the five alternatives analyzed in the EIR illustrates that impacts of Plan Bay Area are largely a result of the influx of roughly 2.1 million new residents through 2040, its expansive reach (covering 9 counties and 101 cities), and due to the limitations on MTC and ABAG’s ability to enforce mitigation measures identified in the program EIR. Pursuant to SB 375, any alternative proposed would confront these same obstacles because Plan Bay Area, by statute, must “house all the population of the region, including all economic segments of the population, over the course of the planning period” and no version of Plan Bay Area is authorized to “regulate[] the use of land... [or] supresed[e] the exercise of the land use authority of cities and counties within the region.” (Gov. Code, § 65080, subs. (b)(2)(B), (b)(2)(K).) After reviewing all proposed alternatives raised by commenters and in consideration of the above obstacles and limitations, the Commission finds that the range of alternatives studied in the EIR reflects a reasonable analysis of various types of alternatives that would potentially be capable of reducing the environmental effects of the Plan Bay Area. The examination of this broad range of alternatives was an iterative effort with significant community involvement, which informed the Commission in their development and refinement of potential Plan Bay Area project alternatives. The five alternatives analyzed in the EIR (including the proposed Plan) cover a comprehensive range of reasonable possibilities in support of the final action of the Commission.

DISCUSSION OF ALTERNATIVES ANALYZED IN THE EIR

Discussion of Criteria for Considering Adoption of Project Alternatives

The factors that may be considered by a lead agency in evaluating alternatives analyzed in an EIR include (1) the ability to avoid or substantially lessen potentially significant environmental impacts of the proposed project, (2) the ability to achieve project objectives including the statutory objective to achieve the CO₂ emission reduction targets established pursuant to SB 375, and (3) feasibility of the alternatives. Each of these considerations is discussed in more detail below as it relates to Plan Bay Area.

The Ability of an Alternative to Avoid or Substantially Lessen Potentially Significant and Unavoidable Environmental Impacts

CEQA does not require a lead agency to consider adopting project alternatives simply because they perform better than a proposed project in some respects. In considering whether to adopt a specific project alternative, CEQA requires the lead agency to determine whether the alternative has the potential to avoid or substantially lessen the proposed project’s potentially significant and unavoidable impacts. (Pub. Resources Code, § 21002.) Per the EIR analysis, the proposed Plan results in the following potentially significant and unavoidable impacts:

- Impact 2.1-3: Increase in per capita vehicle miles traveled at Level of Service F at AM peak hours, at PM peak hours, and for the day as a whole when compared to existing conditions.
- Impact 2.2-2: Substantial net increase in construction-related emissions.

Findings and Facts in Support of Findings

- Impact 2.2-3(b): Increased emissions of PM₁₀ over existing conditions.
- Impact 2.2-5(a): Net increase in sensitive receptors located within TPP corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³.
- Impact 2.2-5(b): Localized net increase in sensitive receptors located in TPP corridors within set distances to mobile or stationary sources of TAC or PM_{2.5} emissions.
- Impact 2.2-7: Localized larger increase or smaller decrease of TACs and or PM_{2.5} emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities.
- Impact 2.3-1: Residential or business disruption or displacement of substantial numbers of existing population and housing.
- Impact 2.3-2: Permanent alterations to an existing neighborhood or community by separating residences from community facilities and services, restricting access to commercial or residential areas, or eliminating community amenities.
- Impact 2.3-4: Conversion of substantial amounts of important agricultural lands and open space or lands under Williamson Act contract to non-agricultural use.
- Impact 2.3-5: Loss of forest land, conversion of forest land to non-forest use, or conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
- Impact 2.5-5: Net increase in transportation investments within areas that may be regularly inundated by sea level rise by midcentury.
- Impact 2.5-6: Net increase in the number of people residing within areas that may be regularly inundated by sea level rise by midcentury.
- Impact 2.5-7: Increase in land use development within areas that may be regularly inundated by sea level rise by midcentury.
- Impact 2.6-1: Exposure of persons to or generation of temporary construction noise levels and/or groundborne vibration levels in excess of standards established by local jurisdictions or transportation agencies.
- Impact 2.6-2: Increased traffic volumes that could result in roadside noise levels that approach or exceed the FHWA Noise Abatement Criteria.
- Impact 2.6-3: Increased noise exposure from transit sources that exceed FTA exposure thresholds.
- Impact 2.6-4: Increased vibration exposure from transit sources that exceed FTA exposure thresholds.
- Impact 2.9-1(a): Substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- Impact 2.9-1(b): Substantial adverse impact on designated critical habitat for federally listed plant and wildlife species.
- Impact 2.9-1(c): Adversely affect non-listed nesting raptor species considered special-status by CDFW under CDFW Code 3503.5 and non-listed nesting bird species considered special-status by the USFWS under the federal Migratory Bird Treaty Act, and by CDFW under CDFW Code 3503 and 3513.

- Impact 2.9-2: Substantial adverse effect on riparian habitat, federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.), or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, through direct removal, filling, hydrological interruption, or other means.
- Impact 2.9.3: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites.
- Impact 2.10-1: Affect visual resources by blocking panoramic views or views of significant landscape features or landforms (mountains, oceans, rivers, or significant man-made structures) as seen from a transportation facility or from public viewing areas.
- Impact 2.10-2: Affect visual resources by substantially damaging scenic resources (such as trees, rock outcroppings, and historic buildings) that would alter the appearance of or from state- or county-designated or eligible scenic highways.
- Impact 2.10-3: Affect visual resources by creating significant contrasts with the scale, form, line, color, and/or overall visual character of the existing community.
- Impact 2.10-4: Affect visual resources by adding a visual element of urban character to an existing rural or open space area or adding a modern element to a historic area.
- Impact 2.10-5: Adversely affect visual resources by creating new substantial sources of light and glare.
- Impact 2.10-6: Cast a substantial shadow in such a way as to cause a public hazard or substantially degrade the existing visual/aesthetic character or quality of a public place for a sustained period of time.
- Impact 2.11-1: Cause a substantial adverse change in the significance of a historic resource such that the significance of the resource would be materially impaired.
- Impact 2.11-2: Cause a substantial adverse change in the significance of a unique archaeological resource.
- Impact 2.11-3: Destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature.
- Impact 2.12-1: Result in insufficient water supplies from existing entitlements and resources to serve expected development.
- Impact 2.12-2: Result in inadequate wastewater treatment capacity to serve new development.
- Impact 2.12-3: Require and result in the construction of new or expanded stormwater drainage facilities as a result of new development, which could cause significant environmental impacts.
- Impact 2.12-4: Require and result in the construction of new or expanded water and wastewater treatment facilities as a result of new development, which could cause significant environmental impacts.
- Impact 2.12-6: Result in insufficient landfill capacity to serve new development while complying with applicable regulations.
- Impact 2.13-4: Locate projects on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

Findings and Facts in Support of Findings

- Impact 2.14-1: Result in the need for expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services.
- Impact 2.14-2: Result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Of the above 39 potentially significant and unavoidable impacts, 23 can be mitigated to a less than significant level by mitigation measures (which if necessary and feasible are required of projects taking advantage of CEQA Streamlining provisions of SB 375), but are nevertheless considered potentially significant and unavoidable because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures.

Pursuant to CEQA a lead agency may reject a project alternative that is incapable of avoiding or substantially lessening the proposed project’s potentially significant and unavoidable impacts. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521.) Even if a project alternative is capable of avoiding or substantially lessening one or more potentially significant and unavoidable impacts of a proposed project, if the alternative will result in other potentially significant and unavoidable impacts not caused by the proposed project, then the lead agency may determine the alternative is not environmentally superior to the proposed project and reject it on that ground.

The Ability of an Alternative to Achieve Basic Project Objectives

In evaluating the merits of alternatives analyzed in the EIR the lead agency must consider the relationship between each alternative and the project objectives. In developing the proposed Plan, MTC and ABAG seek to develop a plan to balance the location of new development regionally, direct housing towards jobs (and vice versa), locate new development within the existing urbanized areas, link transportation projects with land development goals, target the type and location of transportation investments to more efficiently make use of existing infrastructure, and promote balanced, compact growth in a manner that would put the region on the right path towards achieving the following goals and performance target:

<i>Goal</i>	<i>Recommended Target</i>
(1) Climate Protection	Reduce per-capita CO ₂ emissions from cars and light-duty trucks by 15% from 2005 levels by year 2035 (required by SB 375)
(2) Adequate Housing	House 100% of the region’s projected growth by income level (required by SB 375) without displacing current low-income residents
(3) Healthy and Safe Communities	Reduce premature deaths from exposure to particulate emissions: <ul style="list-style-type: none"> • Reduce premature deaths from exposure to fine particulates (PM2.5) by 10% • Reduce coarse particulate emissions (PM10) by 30% • Achieve greater reductions in highly impacted areas
	Reduce by 50% the number of injuries and fatalities from all collisions (including bike and pedestrian)
	Increase the average daily time walking or biking per person for transportation by 70% (for an average of 15 minutes per person per day)
(4) Open Space and Agricultural Preservation	Direct all non-agricultural development within the Year 2010 urban footprint (existing urban development and urban boundary lines, as defined in the Final EIR)

<i>Goal</i>	<i>Recommended Target</i>
(5) Equitable Access	Decrease by 10% the share of low-income and lower-middle income residents' household income consumed by transportation and housing
(6) Economic Vitality	Increase gross regional product (GRP) by 110% – an average annual growth rate of approximately 2% (in current dollars)
(7) Transportation System Effectiveness	Increase non-auto mode share by 10%* (to 26% of trips) and decrease automobile vehicle miles traveled per capita by 10%
	Maintain the transportation system in a state of good repair: <ul style="list-style-type: none"> • Increase local road pavement condition index (PCI) to 75 or better • Decrease distressed lane-miles of state highways to less than 10% of total lane-miles • Reduce share of transit assets past their useful life to zero percent*

* = Targets updated during the scenario analysis process.

Note: The base year for targets, unless specified otherwise, is 2005. For more information see MTC Resolution 3987.

In determining whether to adopt or reject an environmentally superior alternative, CEQA permits a lead agency to consider the ability of an alternative to fulfill the project objectives. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [decision makers may reject an alternative that does not fully satisfy the objectives associated with a proposed project]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 [upholding findings rejecting reduced density alternative because it met some but not all of the applicant's project objectives]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000–1001 [court found that the lead agency was legally justified in rejecting environmentally superior alternatives because they were undesirable from a policy standpoint because they failed to achieve what the agency regarded as primary objectives of the project].) Although lead agencies commonly consider the ability of an alternative to achieve the project objectives in combination with evaluating its feasibility, these are two separate although overlapping inquiries. (CEQA Guidelines, § 15126.6, subd. (c).)

Feasibility of Alternatives

Under CEQA, “(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) The issue of feasibility of alternatives arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision-makers. When CEQA findings are made as part of the EIR certification process, the lead agency decision-making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (*California Native Plant Society, supra*, 177 Cal.App.4th at pp. 998, 1001; *City of Del Mar, supra*, 133 Cal.App.3d at pp. 416-417.) A lead agency’s determination regarding the feasibility of a project alternative must be supported by substantial evidence in the administrative record.

Section 15126.6(f)(1) through (3) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include but are not limited to:

- Site Suitability;
- Economic Viability;

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- Availability of Infrastructure;
- Consistency with Local and Regional Plans;
- Other Plans or Regulatory Limitations;
- Jurisdictional Boundaries / Regional Context;
- Property Ownership and Control;
- Ability to Ascertain Potential Impacts; and
- Remote or Speculative Nature of the Alternative.

Decision-makers enjoy considerable discretion in determining whether a particular alternative set forth in an EIR, including the environmentally superior alternative, is “infeasible” and thus may be rejected without violating CEQA. As the California Supreme Court has emphasized, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576 (*Goleta II*)). As stated in the concurring opinion in *California Native Plant Society v. City of Santa Cruz* (2007) 177 Cal.App.4th 957, CEQA does not require an agency to choose the environmentally superior alternative. It simply requires the agency to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the proposed project would cause, and make findings that the benefits of those considerations outweighed the harm. (177 Cal.App.4th at pp. 1000-1001 (conc. opn. of Mihara, J.).)

Agency decision-makers are free to reject an alternative that they consider undesirable from a policy standpoint, provided that any such decision reflects “a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) In *City of Del Mar*, the petitioner municipality (Del Mar), in attempting to force the approval of an alternative development project less dense than what its sister city (San Diego) had proposed and approved, asserted that the respondent lead agency “ha[d] misconstrued the scope of CEQA’s infeasibility requirement” by equating “feasibility” with “desirability.” The Court of Appeal disagreed. Emphasizing that San Diego had attempted to accommodate various economic and social factors in reaching its land use decision, the court reasoned as follows: “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.* at p. 417.)

The agency may also reject an environmentally superior alternative based on economic infeasibility. For example, evidence indicating that a proposed alternative would generate less tax revenue than a project as proposed is a legitimate ground for rejecting the alternative as infeasible. (*Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 913 [noting that CEQA “specifically provides for the weighing of economic, social and ‘other’ conditions”]; see also Pub. Resources Code § 21002.1, subd. (c).) In *Foundation for San Francisco’s Architectural Heritage*, which involved a challenge to a proposed retail project requiring the demolition of an existing historical structure, the respondent lead agency’s decision-makers properly rejected project alternatives that called for the rehabilitation of the existing structure. The lead agency’s analysis showed that the alternatives would have generated between 15 and 20 percent less sales tax revenue for the city than would have been created by the project as proposed. This information, combined with other data regarding the economic costs of the alternatives, constituted “substantial evidence” supporting the decision makers’ finding that the alternatives were infeasible. (*Id.* at pp. 913-914.)

As the *Foundation for San Francisco's Architectural Heritage* decision makes clear, the broad definition of feasibility under CEQA does not limit the thought process of agency decision-makers to the question of whether a proposed alternative is infeasible due to purely financial considerations. Rather, the definition impliedly recognizes the inevitable need to allow an agency to consider the policy ramifications of their actions, while requiring them generally to strive to find means to avoid or reduce significant environmental damage where reasonably possible.

Summary of Alternatives Analyzed in the EIR

The Plan Bay Area EIR considers three alternatives (Alternatives 3, 4 and 5) to the proposed Plan Bay Area in addition to the CEQA-required analysis of a No Project alternative (Alternative 1). Alternative 2 is the proposed Plan analyzed in the EIR and discussed throughout these findings. A full description of the alternatives and alternative selection process is in Chapter 3.1 of the Draft EIR. The alternatives are as follows:

Alternative 1: No Project

The No Project Alternative consists of two elements: (a) the existing 2010 land uses plus continuation of existing land use policies as defined in adopted general plans, zoning ordinances, and other applicable policies from all jurisdictions in the region and (b) the existing 2010 transportation network plus highway, transit, local roadway, bicycle and pedestrian projects that have either already received full funding or are scheduled for full funding and received environmental clearance by May 1, 2011.

Alternative 3: Transit Priority Focus

The Transit Priority Focus Alternative includes the potential for more efficient land uses in Transit Priority Project (TPP) areas, as defined by Senate Bill 375 (Public Resources Code section 21155), and would be developed at higher densities than existing conditions to support high quality transit. The transportation investment strategy in this alternative tests a slightly reduced express lane network that focuses on HOV lane conversions and gap closures, as well as increased funding for the implementation of recommendations from the Comprehensive Operations Analysis of BART and AC Transit above what is included in the Preferred Transportation Investment Strategy. This alternative also includes a Regional Development Fee based on development in areas that generate high levels of vehicle miles travelled, and a higher peak period toll on the San Francisco-Oakland Bay Bridge.

Alternative 4: Enhanced Network of Communities

This alternative seeks to provide sufficient housing for all people employed in the Bay Area with no commuters from other regions and allows for more dispersed growth patterns than the proposed Plan, although development is still generally focused around PDAs. The transportation investment strategy is consistent with the Preferred Transportation Investment Strategy, also used in the proposed Plan, and includes a higher peak period toll on the San Francisco-Oakland Bay Bridge used to fund increased maintenance of the state highway system.

Alternative 5: Environment, Equity and Jobs

This alternative seeks to maximize affordable housing in opportunity areas in both urban and suburban areas through incentives and housing subsidies. The suburban growth is supported by increased transit service. In addition, the alternative includes a reduced roadway network. This alternative includes imposing a Vehicle Miles Traveled (VMT) tax and a higher peak period toll on the San Francisco-Oakland Bay Bridge to fund increased transit operations.

Discussion of the Merits and Feasibility of the alternatives analyzed in the EIR

Based on impacts identified in the EIR, and other reasons documented below, the Commission finds that adoption and implementation of Alternative 2, the proposed Plan as revised by the Final EIR and the Final Plan, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein.

Alternative 1: No Project

Ability of the No Project Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

The No Project Alternative would result in a number of potentially significant and unavoidable impacts that are not caused by the proposed Plan. Specifically, the No Project Alternative would result in the following additional potentially significant and unavoidable impacts: (1) inconsistency with air quality plans (Impact 2.2-1), (2) inconsistency with adopted plans or policies related to energy conservation (Impact 2.4-2), (3) failure to reduce passenger vehicle or light duty truck emissions (Impact 2.5-1), (4) conflict with other plans, policies, or regulations for reducing GHGs (Impact 2.5-4), and (5) interfere with emergency response or evacuation plans (Impact 2.13-7).

Additionally, the No Project Alternative may increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including substantially greater per-capita congested VMTs (Impact 2.1-3), increase in emissions of PM₁₀ (Impact 2.2-3(b)), increase in conversion of agricultural land and open space to urbanized land (Impact 2.3-4), increase in conversion of forest land to urbanized land (Impact 2.3-5), increase in number of people impacted by land use development-related construction noise (Impact 2.6-1), increase in impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), increase in impacts to critical habitat (Impact 2.9-1(b)), increase in impacts on non-listed special-status raptor and nesting bird species (Impact 2.9-1(c)), increase in impacts on riparian habitat, federally protected, or other sensitive natural communities (Impact 2.9-2), increase in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), increase in impact to panoramic views or significant landscapes (Impact 2.10-1), increase in potential for land use impacts caused by proximity to scenic highways (Impact 2.10-2), increase in potential to add urban character to rural areas or modern elements to historic areas caused by land use development (Impact 2.10-4), increase in light and glare impacts caused by land use development (Impact 2.10-5), increase in potential to disturb or destroy historical resources caused by land use development (Impact 2.11-1), increase in potential to disturb or destroy archeological resources caused by land use development (Impact 2.11-2), increase in potential to disturb or destroy paleontological and/or geological resources caused by land use development (Impact 2.11-3), increase in potential for inadequate wastewater treatment capacity in several counties (Impact 2.12-2), increase in potential number of projects located on hazardous materials sites (Impact 2.13-4), and increase in potential need for new or expanded facilities (Impact 2.14-1).

As demonstrated in the EIR, the No Project Alternative will not avoid any of the proposed Plan's potentially significant and unavoidable impacts. Similarly, the EIR demonstrates that although the No Project Alternative will lessen some of the proposed Plan's potentially significant and unavoidable impacts, it will not substantially lessen any of those impacts to a less than significant level. In summary, while the No Project Alternative may have some benefits as compared to the proposed Plan, the No Project Alternative is not environmentally superior to the proposed Plan because it (1) does not avoid or substantially lessen any of the proposed Plan's potentially significant and unavoidable impacts, and (2) results in several additional potentially significant and unavoidable impacts not caused by the proposed Plan. (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 921.) Therefore, the Commission finds that the No Project Alternative is not environmentally superior to the proposed Plan and rejects the alternative on this ground.

Ability of the No Project Alternative to Attain Project Objectives

The No Project Alternative is not consistent with SB 375, as modeled CO₂ emissions do not meet the SB 375 targeted reductions for per capita car and light duty truck GHG emissions in either 2020 or 2035. Because complying with SB 375 is one of the fundamental objectives of the project, MTC concludes that the No Project Alternative substantially fails to meet the project objectives for this reason alone. (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1165.) Moreover, SB 375 requires MTC to adopt an RTP that includes an SCS during this planning cycle, and for ABAG to adopt an SCS. (Gov. Code, § 65080, subd. (b)(2).) Therefore, MTC and ABAG may not, without violating its legal obligations, decline to adopt an SCS, nor may MTC adopt an RTP that excludes an SCS.

Additionally, as compared to all other alternatives, the No Project Alternative would (1) lead to the most dispersed growth outside of existing urbanized areas (as well as propose less mixed-use development and more single-family homes), (2) heighten the potential for existing urban growth boundaries or similar local growth restrictions to be weakened and expanded outwards, (3) result in significantly greater vehicle-miles traveled per capita, (4) increase potential agricultural, forest, and biological resource impacts, (5) substantially decrease local road pavement condition index values within the region, (6) substantially increase the share of transit assets within the region that are beyond their useful life, and (7) interfere with emergency response and evacuation plans.

For each of these reasons, the Commission finds that the No Project Alternative is incapable of achieving the Plan's basic objectives. The Commission, therefore, rejects the No Project Alternative as a result of its inconsistency with the project objectives. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992.)

Feasibility of the No Project Alternative

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal and other factors. (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) SB 375 requires the SCS for each region to "set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board." (Gov. Code, § 65080, subd. (b)(2)(B).) SB 375 also requires that the Regional Housing Needs Allocation (RHNA) to be consistent with the development pattern included in an adopted SCS. (Gov. Code, § 65584.04, subd. (i).) Because the Commission finds the proposed Plan constitutes a feasible plan to achieve the greenhouse gas emission reduction targets for the region, adopting an alternative plan that fails to achieve the targets would violate SB 375. (*Ibid.*) Similarly, adopting the No Project would mean MTC and ABAG would not adopt an RTP/SCS this planning cycle, which would prevent MTC and ABAG from complying with a number of statutory requirements including the requirement that the San Francisco Bay Area's RHNA be consistent with an adopted SCS. (See, e.g., Gov. Code, §§ 65584.04, subd. (i), 65080, subd. (b)(2).) While MTC could, adopt the No Project alternative and meet the federal planning requirements, MTC and ABAG may not, without violating its legal obligations pursuant to SB 375, decline to adopt an RTP/SCS nor may MTC adopt an RTP that excludes an SCS capable of achieving the region's GHG emissions reductions targets where feasible to do so.

Therefore, because the No Project Alternative fails to achieve the greenhouse gas emission reduction targets for the region and would otherwise violate MTC's and ABAG's legal obligations, adopting the No Project Alternative is infeasible as a matter of law. (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039-1040.)

Conclusions Regarding the Merits and Feasibility of the No Project Alternative

The Commission finds that each of the reasons articulated above independently demonstrates that the No Project Alternative does not warrant its approval in lieu of the proposed Plan. Therefore, the Commission rejects the No Project Alternative.

Alternative 3: Transit Priority Focus

Ability of the Transit Priority Focus Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

The Transit Priority Focus Alternative will lessen some of the proposed Plan's potentially significant and unavoidable impacts including a decrease in per-capita congested vehicle miles traveled within the region (Impact 2.1-3), decrease in PM₁₀ emissions (Impact 2.2-3(b)), decrease in potential for residential or business disruption or displacement resulting from transportation projects (Impact 2.3-1), decrease in potential for community alteration or separation resulting from transportation projects (Impact 2.3-2), decrease in conversion of open space to urbanized land (Impact 2.3-4), decrease in anticipated populations in areas regularly affected by sea level rise by midcentury (Impact 2.5-6), decrease in commercial and industrial land use development in area regularly affected by sea level rise by midcentury (Impact 2.5-7), decrease in temporary construction noise or vibration in excess of local standards caused by transportation projects (Impact 2.6-1), and decrease in potential highway noise levels that approach or exceed FHWA Noise Abatement Criteria (Impact 2.6-2). The Transit Priority Focus Alternative, however, would not avoid or lessen any of the proposed Plan's potentially significant and unavoidable impacts to a less than significant level.

Moreover, the Transit Priority Focus Alternative may increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including increase in conversion of agricultural land and open space to urbanized land (Impact 2.3-4), increase conversions of forest land to urbanized land (Impact 2.3-5), increase in residential land use development in areas regularly affected by sea level rise by midcentury (Impact 2.5-7), increase in temporary construction noise or vibration in excess of local standards caused by land use development (Impact 2.6-1), increase in potential transit noise to exceed FTA criteria (Impact 2.6-3), increase in potential for transit vibrations to exceed FTA criteria (Impact 2.6-4), and increase in inadequate wastewater treatment capacity in San Francisco (Impact 2.12-2).

In summary, while the Alternative performs similarly to the proposed Plan in many respects and may have some benefits as compared to the proposed Plan, the Transit Priority Focus Alternative is not environmentally superior to the proposed Plan because it does not avoid or reduce any of the proposed Plan's potentially significant and unavoidable impacts to a less than significant level. (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 921.) Therefore, the Commission finds that the Transit Priority Focus Alternative is not environmentally superior to the proposed Plan and rejects the alternative on this ground.

Ability of the Transit Priority Focus Alternative to Attain Project Objectives

The Transit Priority Focus Alternative achieves many of the project objectives. The Alternative, however, has the potential to result in increased impacts to various natural resources within the region. These impacts create additional conflicts with the objective to protect the region's unique natural environment. Specifically, the Alternative would result in approximately a fifteen percent (15%) increase in conversion of agricultural land and a twenty-five percent (25%) increase in forest land to urban uses. Although these increases are partially offset by a reduction in impacts to open space land, the Alternative would nevertheless collectively result in over a five percent (5%) increase in conversion of agricultural, open space, and forest land.

Additionally, although the Transit Priority Focus Alternative would reduce congested vehicle miles traveled per capita, the Alternative would result in greater vehicle miles traveled per capita as compared to all alterna-

tives except the No Project Alternative. Moreover, although the Alternative complies with the SB 375 per capita car and light truck GHG emission reduction targets for 2020 and 2035 and outperforms the proposed Plan with respect to combined land use and vehicle GHG emissions reductions, the rate of per capita car and light truck GHG reduction under this Alternative decreases in the later years of the plan. For example, by 2040 the proposed Plan will reduce per capita CO₂ emissions relative to 2005 by nearly 18% as compared to only 16% for this Alternative.

Therefore, while the Transit Priority Focus Alternative outperforms the proposed Plan with respect to certain project objectives, the Commission finds the Alternative is overall less capable of achieving the full scope of project objectives. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992.)

Feasibility of the Transit Priority Focus Alternative

The Commission finds the Transit Priority Focus Alternative infeasible for financial, social, and associated policy reasons. (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) The Alternative proposes additional investment in BART service in the core of the region (the BART Metro project) and increased AC Transit bus service in the urban core. The service expansions contemplated by the Alternative would require substantial financial investments \$5 billion to implement and operate. The Alternative relies on a number of funding sources and subsidies to support the service expansions including an increase in the San Francisco-Oakland Bay Bridge toll at peak hours and redirecting funds from the One Bay Area Grant program and Freeway Performance Initiative (FPI). Increasing peak period tolls on the San Francisco-Oakland Bay Bridge would likely require legislative and/or voter approval. Given the relatively recent bridge toll increases that were required for seismic safety, securing additional toll increases at this time appears unlikely. In addition, FPI is one of the top performing projects included in the Plan; transferring funds from that program would be difficult to justify given the focus on performance and cost effectiveness throughout the project selection process. The financial feasibility of this Alternative is questionable in consideration of the investment required to implement and operate the expanded transit service.

Furthermore, because SB 375 does not vest land use regulation authority in MTC or ABAG and “the most recent planning assumptions [including] local general plans and other factors” to be utilized, local jurisdictions will necessarily play a key role in the success of Plan Bay Area. (Gov. Code, § 65080, subd. (b)(2)(B), (K).) In recognition of these facts, MTC and ABAG sought input from local jurisdictions in developing the proposed Plan. For example, local jurisdictions nominated existing neighborhoods served by transit and supported by local plans (both existing and to-be-completed) as Priority Development Areas (PDAs) to concentrate future growth. Local jurisdictions also chose a Place Type for each PDA (such as regional center, transit neighborhood, or rural town), which provides a general set of guidelines for the character, scale, and density of future growth. As a part of this process, over 72 local jurisdictions voluntarily designated 198 PDAs; these PDAs are proposed to absorb 78 percent of new housing and 62 percent of new jobs and cover only three percent of all the Bay Area’s land.

The Transit Priority Focus Alternative diverges from the collaborative approach to developing PDAs through extensive coordination with local jurisdictions. Instead, the Alternative reduces the concentration of growth in the PDAs and emphasizes future growth in all areas that qualify as Transit Priority Project areas pursuant to SB 375. With the exception of the Environment, Equity, and Jobs Alternative, the growth pattern proposed in this Alternative deviates more substantially from the existing distribution of households than each of the other alternatives considered. Based on MTC’s and ABAG’s discussions with local jurisdictions during the process of preparing for this RTP/SCS cycle, the Commission finds that the residential growth pattern and levels contemplated by the Alternative are unlikely to be implemented by some local jurisdictions. While SB 375 does not compel an SCS to be fully constrained by existing land use policies, it does require “the most recent planning assumptions [including] local general plans and other factors” to be utilized. (Gov. Code, §

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65080, subd. (b)(2)(B).) The Commission finds the significant difference between existing zoning and general plan land use designations and those that would be required to implement this Alternative render the Alternative infeasible from this additional policy perspective. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416-417.)

Finally, the distribution of jobs anticipated throughout the region is informed by changing trends in the locational preferences of the wide range of industry sectors and business place types in the Bay Area. These trends capture ongoing geographic changes, as well as changes in the labor force composition and workers' preferences. Overall, the changing needs of businesses suggest a transition toward a more focused employment growth pattern for the Bay Area. MTC and ABAG determined that PDAs have a stronger opportunity for knowledge-sector jobs than more remote suburban areas. The Commission finds that from a social and economic policy perspective, focusing job growth within these areas is beneficial. The Transit Priority Focus Alternative would result in a decrease in jobs located within the PDAs as compared to the proposed Plan and would continue the existing imbalance between jobs and housing within these areas. Therefore, the Commission finds the Alternative is infeasible for this additional reason. (*Concerned Citizens of South Central LA v. Los Angeles Unified School Dist.* (1994) 24 Cal. App. 4th 826, 847-849.)

Conclusions Regarding the Merits and Feasibility of the Transit Priority Focus Alternative

The Commission concludes that the Transit Priority Focus Alternative is not environmentally superior to the proposed Plan and is less capable of achieving the full array of project objectives. Additionally, the Commission finds that the Transit Priority Focus Alternative is not feasible and does not warrant approval in lieu of the proposed Plan. Therefore, the Commission rejects the Transit Priority Focus Alternative.

Alternative 4: Enhanced Network of Communities

Ability of the Enhanced Network of Communities Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

Potential environmental impacts caused by the Enhanced Network of Communities Alternative, designed by the business community stakeholders, are similar to those of the proposed Plan in many respects. However, as determined by the EIR, the Alternative may increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including a significant increase in per-capita congested vehicle miles traveled (Impact 2.1-3), increase in construction-related emissions (Impact 2.2-2), increase in PM₁₀ emissions (Impact 2.2-3(b)), increase in disproportionately impacting CARE communities (Impact 2.2-7), increase in residential or business disruption or displacement from land use development (Impact 2.3-1), increase in community alteration or separation impacts from land use development (Impact 2.3-2), increase in temporary construction noise or vibrations in excess of local standards (Impact 2.6-1), increase in highway noise levels that approach or exceed FHWA Noise Abatement Criteria (Impact 2.6-2), increase in impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), increase in impacts to critical habitat (Impact 2.9-1(b)), increase in impacts on non-listed special-status raptor and nesting bird species (Impact 2.9-1(c)), increase in impacts on riparian habitat, federally protected, or other sensitive natural communities (Impact 2.9-2), increase in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), increase in potential impacts to panoramic views or significant landscapes (Impact 2.10-1), increase in potential to alter appearance of scenic highways as a result of land use development (Impact 2.10-2), increase in potential to add urban character to rural areas or modern elements to historic areas (Impact 2.10-4), increase in potential for substantial light and glare impacts (2.10-5), increase in potential to disturb or destroy archeological resources caused by land use development (Impact 2.11-2), increase in potential to disturb or destroy paleontological and/or geological resources caused by land use development (Impact 2.11-3), increase in potential for insufficient water supplies (Impact 2.12-1), increase in potential for insufficient landfill capacity (Impact 2.12-6), increase in potential to develop projects on hazardous materials

sites (Impact 2.13-4), increase in potential need for new or expanded facilities (Impact 2.14-1), and increase in potential for physical deterioration of recreational facilities (Impact 2.14-2).

Unlike the proposed Plan, the Enhanced Network of Communities Alternative would also result in a significant and unavoidable potential to interfere with emergency response or evacuation plans (Impact 2.13-7). Additionally, the modeling projects that the Alternative would result in a 14.5% reduction in CO₂ emissions by 2035, which is 0.5% short of achieving the CO₂ emission target for 2035 established pursuant to SB 375 for the region. Therefore, the EIR concludes the Alternative has the potential to result in significant and unavoidable impacts caused by: (1) failure to meet the CO₂ emission targets in 2035 for the region (Impact 2.5-1), and (2) conflict with SB 375 as well as state goals and mandates regarding reducing GHG emissions (Impact 2.5-4). Given how close the Enhanced Network of Communities Alternative is to achieving the CO₂ emission target and based on the fact that the forecast necessarily includes a margin of error, the Commission believes the Alternative may be capable of meeting the CO₂ emission target for 2035. Notwithstanding this fact, the Alternative (~14.5%) performs worse than the proposed Plan (~16.2%) with respect to achieving the CO₂ emission target for 2035.

As demonstrated in the EIR, the Enhanced Network of Communities Alternative will not avoid any of the proposed Plan's potentially significant and unavoidable impacts. Similarly, the EIR demonstrates that although the Enhanced Network of Communities Alternative will lessen some of the proposed Plan's potentially significant and unavoidable impacts, it will not substantially lessen any of those impacts to a less than significant level. In summary, while the Alternative performs similarly to the proposed Plan in many respects and may have some benefits as compared to the proposed Plan, the Enhanced Network of Communities Alternative is not environmentally superior to the proposed Plan because it (1) does not avoid or substantially lessen any of the proposed Plan's potentially significant and unavoidable impacts, and (2) results in at least one additional potentially significant and unavoidable impact not caused by the proposed Plan. (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 921.) Therefore, the Commission finds that the Enhanced Network of Communities Alternative is not environmentally superior to the proposed Plan and rejects the alternative on this ground.

Ability of the Enhanced Network of Communities Alternative to Attain Project Objectives

As compared to all of the other alternatives, the Enhanced Network of Communities Alternative has the potential to (1) cause the greatest ROG, NO_x, CO, PM_{2.5}, PM₁₀, and toxic air contaminant emissions (including increased toxic air contaminant and PM_{2.5} emissions in CARE communities), (2) develop less diverse housing options including substantially more single family homes (approximately 15.5 percent more single family homes than the proposed Plan), and (3) result in the slowest decrease in overall GHG emissions of any of the alternatives considered in the EIR including the No Project Alternative. Due to its more dispersed growth pattern, the Enhanced Network of Communities Alternative also has the potential to result in biological resource impacts as well as highly congested roadway impacts that exceed those caused by all but the No Project Alternative. Finally, increased congestion caused by the Enhanced Network of Communities Alternative may result in potentially significant health and safety impacts due to interference with emergency response and evacuation plans.

Therefore, while the Enhanced Network of Communities Alternative performs similarly to the proposed Plan with respect to certain project objectives, the Commission finds the Alternative is overall less capable of achieving the full scope of project objectives. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992.)

Feasibility of the Enhanced Network of Communities Alternative

As discussed above, for the purposes of CEQA “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal, social, and other factors. (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) The Alternative proposes to develop single family homes at a rate that far exceeds projected demand in 2040 and, therefore, would result in a less balanced portfolio of housing options in 2040 than any of the other project alternatives. Additionally, when re-entrained road dust is combined with PM_{2.5} from exhaust, the Alternative is estimated to result in more than a seven percent increase in total PM_{2.5} as compared to the proposed Plan. As a result of its lack of a diversity of housing options and increased impacts in CARE Communities, the Commission finds that Enhanced Network of Communities Alternative is infeasible for social policy reasons. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416-417.)

Finally, the distribution of jobs anticipated throughout the region is informed by changing trends in the locational preferences of the wide range of industry sectors and business place types in the Bay Area. These trends capture ongoing geographic changes, as well as changes in the labor force composition and workers’ preferences. Overall, the changing needs of businesses suggest a transition toward a more focused employment growth pattern for the Bay Area. MTC and ABAG determined that PDAs have a stronger opportunity for knowledge-sector jobs than more remote suburban areas. The Commission finds that from social and economic policy perspectives focusing job growth within these areas is beneficial. The Enhanced Network of Communities Alternative would result in a decrease in jobs located within the PDAs as compared to the proposed Plan and would continue the existing imbalance between jobs and housing within these areas. Therefore, the Commission finds the Alternative is infeasible for this additional reason. (*Concerned Citizens of South Central LA v. Los Angeles Unified School Dist.* (1994) 24 Cal. App. 4th 826, 847-849.)

Conclusions Regarding the Merits and Feasibility of the Enhanced Network of Communities Alternative

The Commission finds that each of the reasons discussed above independently demonstrates that the Enhanced Network of Communities Alternative does not warrant approval in lieu of the proposed Plan. Therefore, the Commission rejects the Enhanced Network of Communities Alternative for each of the reasons articulated above.

Alternative 5: Environment, Equity and Jobs

Ability of the Environment, Equity and Jobs Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

Potential environmental impacts caused by the Environment, Equity and Jobs Alternative, designed by the environmental and equity stakeholders, are similar to those of the proposed Plan in many respects. The Environment, Equity and Jobs Alternative would lessen the following potentially significant and unavoidable impacts of the proposed Plan, but would not avoid or lessen these impacts to less than significant, including a decrease in construction-related air emissions (Impact 2.2-2), decrease in PM₁₀ emissions (Impact 2.2-3(b)), decrease in potential localized residential or business disruption or displacement caused by transportation projects (Impact 2.3-1), decrease in potential for community alteration or separation caused by transportation projects (Impact 2.3-2), decrease in potential for conversion of important agricultural lands and open space to urbanized land (Impact 2.3-4), decrease in transportation investments in areas regularly affected by sea level rise by midcentury (Impact 2.5-5), decrease in population in areas regularly affected by sea level rise by midcentury (Impact 2.5-6), decrease in land use development in areas regularly affected by sea level rise by midcentury (Impact 2.5-7), decrease in temporary transportation project construction noise or vibrations in excess of local standards (Impact 2.6-1), decrease in potential highway noise levels that approach or exceed FHWA Noise Abatement Criteria (Impact 2.6-2), decrease in potential adverse effects on species identified as

candidate, sensitive, or special-status (Impact 2.9-1(a)), decrease in potential impacts to critical habitat (Impact 2.9-1(b)), decrease in potential impacts on non-listed special-status raptor and nesting bird species (Impact 2.9-1(c)), decrease in potential impacts on riparian habitat, federally protected, or other sensitive natural communities (Impact 2.9-2), decrease in potential interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), decrease in potential for transportation projects to block panoramic views or significant landscapes (Impact 2.10-1), decrease in potential for transportation projects to alter appearances of scenic highways (Impact 2.10-2), decrease in potential for transportation projects to add urban character to rural areas or modern elements to historic areas (Impact 2.10-4), decrease in potential for substantial light and glare impacts (Impact 2.10-5), decrease in potential for transportation-related shadow impacts (Impact 2.10-6), decrease in potential for transportation projects to disturb or destroy archeological resources (Impact 2.11-2), and decrease in potential for transportation projects to disturb or destroy paleontological and/or geological resources (Impact 2.11-3). The Alternative may also increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including an increase in per-capita congested vehicle miles traveled (Impact 2.1-3), increase in potential for conversion of agricultural land to urbanized land (Impact 2.3-4), increase in potential for conversion of forest land to urbanized land (Impact 2.3-5), increase in temporary land use development construction noise or vibrations in excess of local standards (Impact 2.6-1), increase in potential transit noise exceeding FTA criteria (Impact 2.6-3), increase in potential transit vibration exceeding FTA criteria (Impact 2.6-4), and increase in the number of counties with potentially inadequate wastewater treatment capacity (Impact 2.12-2). The Environment, Equity and Jobs Alternative would also result in one additional potentially significant and unavoidable impact not caused by the proposed Plan. Specifically, the Environment, Equity and Jobs Alternative would potentially result in significant and unavoidable interference with emergency response or evacuation plans (Impact 2.13-7).

In summary, the Environment, Equity and Jobs Alternative would have mixed environmental results similar to those of the proposed Plan. The alternative would cause one potentially significant and unavoidable impact not otherwise caused by the proposed Plan and would increase a number of the proposed Plan's potentially significant and unavoidable impacts. The Environment, Equity and Jobs Alternative would lessen – although not substantially lessen – many of the proposed Plan's significant and unavoidable impacts largely as a result of construction of fewer transportation projects. Overall, the Commission finds that the Environment, Equity and Jobs Alternative is environmentally superior to the proposed Plan albeit only marginally. As discussed further below, the alternative is less capable of achieving the project objectives and is infeasible for economic and policy reasons.

Ability of the Environment, Equity and Jobs Alternative to Attain Project Objectives

The Environment, Equity and Jobs Alternative achieves many of the project objectives. The Environment, Equity and Jobs Alternative, however, would result in more development in areas further removed from currently existing and funded transit projects. The alternative included a significant amount of new transit service in suburban areas which were receiving additional growth in this alternative, as compared to the proposed Plan, and are less well served by today's transit network than the urban core. Therefore, as compared the proposed Plan, the Alternative is less able to meet the project objective of using existing transportation infrastructure in an efficient manner.

Additionally, while the Environment, Equity and Jobs Alternative was determined to be the environmentally superior alternative as a result of its overall GHG emissions reductions and estimated reduction in criteria and TAC emissions, the Alternative has the potential to result in increased impacts to various natural resources within the region. These impacts create additional conflicts with the objective to protect the region's unique natural environment. Specifically, the Alternative would result in approximately a twenty-five percent (25%) increase in conversion of agricultural land and over a forty percent (40%) increase in conversion of forest land to urban uses. Although these increases are partially offset by a reduction in impacts to open space land,

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the Alternative would nevertheless collectively result in roughly a fifteen percent (15%) increase in conversion of agricultural, open space, and forest land.

Finally, when compared to the proposed Plan, the Environment, Equity and Jobs Alternative would increase vehicle miles traveled both on a congested- and overall- vehicle miles traveled per capita basis, and result in a significant and unavoidable potential to interfere with emergency response and evacuation plans. The increased gridlock and costly delays associated with inadequate transportation infrastructure would reduce the Alternative's performance with respect to the economic growth and vitality objective as compared to the proposed Plan. Furthermore, although the Alternative complies with the per capita car and light truck GHG emission reduction targets for 2020 and 2035 and outperforms all the other alternatives with respect to combined land use and vehicle emissions GHG reductions, the rate of per capita car and light truck GHG reduction under this Alternative decreases in the later years of the plan. The proposed Plan outperforms the Alternative in this respect and by 2040 the proposed Plan will reduce per capita CO₂ emissions relative to 2005 by 18% as compared to 17% for this Alternative.

Therefore, while the Environment, Equity and Jobs Alternative outperforms the proposed Plan with respect to certain project objectives, the Commission finds the Alternative is overall less capable of achieving the full scope of project objectives. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992.)

Feasibility of the Environment, Equity and Jobs Alternative

The Commission finds the Environment, Equity and Jobs Alternative infeasible for financial, legal, social, and associated policy reasons. (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) The Alternative would shift new housing units from the region's core to specified suburban locations and to improve transit and job access to those areas. As a result, the Alternative would result in more development in areas further removed from currently existing and funded high frequency transit service. To account for this additional growth, the Alternative proposes to increase transit service, which in turn would increase overall ridership. However, it would also result in a decrease in transit utilization per available passenger seat-mile both during peak and overall daily conditions.

The service expansions contemplated by the Alternative would require substantial financial investment of \$10 billion to implement and operate. The Alternative relies on a number of funding sources and subsidies to support the transit expansion and low income housing contemplated by the Alternative including a VMT tax and an increased peak toll on the Bay Bridge, as well as revenues from roadway and highway projects that are eliminated in this alternative compared to the proposed Plan. Implementing a VMT tax may prove to be infeasible because it would require legislative approval and, in light of Proposition 26 (the "Stop Hidden Taxes" initiative), may require approval by a two-thirds supermajority vote of the Legislature. In a statistically valid telephone survey of 2,500 Bay Area residents conducted during the spring of 2013, their least popular proposed strategy to reduce greenhouse gas emissions was charging drivers a new fee based on the number of miles driven. 64 percent of respondents said they oppose the idea, with nearly half (46 percent) strongly opposing. In analyzing the Alternative, the VMT modeling incorporated projected reductions in total VMT that would result from implementing a VMT tax. The Alternative would not perform as well as determined in the EIR with respect to GHG emission reductions if either the VMT tax or the associated transit investments those revenues fund are removed from the Alternative. Therefore, both the VMT tax and additional transit investments it funds are integral components of the EIR analysis for this Alternative. As a result, the feasibility and desirability of the Alternative as a whole is directly linked to the feasibility of this component of the Alternative.

In addition, the Alternative would use funds anticipated in the proposed Plan to fund roadway and highway projects to instead fund transit. Shifting the funding in this manner would require unlikely changes in past practice at the state level in terms of the uses of highly competitive state transportation programs. These programs (RTIP and ITIP) are extremely competitive and over-subscribed, so redirecting those funds, which have traditionally funded roadway and highway projects, and to a lesser degree transit capital projects, to transit operations would require a significant change in policy and funding decisions at the state level. The financial feasibility and policy desirability of this Alternative is questionable in consideration of the investment required to implement and operate the expanded transit service.

Moreover, the land use analysis for the Environment, Equity and Jobs Alternative identified an annual subsidy of \$2.4 billion in either direct financial subsidy or equivalent policy changes that encourage and support housing, and in particular affordable housing, in the areas identified in the Alternative. While it is reasonable to assume that some additional funds and/or policies in support of affordable housing may occur over the life of the Plan, an annual subsidy of this magnitude substantially exceeds the anticipated subsidy level required for each of the other alternatives and is extremely unlikely.

One negative externality of the Environment, Equity and Jobs Alternative would be to decrease transit utilization per available passenger seat-mile both during peak and overall daily conditions as compared to the proposed Plan; the Alternative would also reduce peak and daily ferry, express bus, and heavy rail utilization as compared to the No Project Alternative. Two key objectives of the Commission's recently completed Transit Sustainability Project were to increase transit productivity and utilization. Thus, the Environment, Equity and Jobs Alternative does not as effectively leverage the region's existing and proposed transit assets as the proposed Plan. This outcome supports the conclusion that the Alternative is infeasible both from a financial and policy perspective. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416-417.)

Because SB 375 does not vest land use regulation authority in MTC or ABAG and "the most recent planning assumptions [including] local general plans and other factors" to be utilized, local jurisdictions will necessarily play a key role in the success of Plan Bay Area. (Gov. Code, § 65080, subd. (b)(2)(B), (K).) In recognition of these facts, MTC and ABAG sought input from local jurisdictions in developing the proposed Plan. For example, local jurisdictions nominated existing neighborhoods served by transit and supported by local plans (both existing and to-be-completed) as Priority Development Areas (PDAs) to concentrate future growth. Local jurisdictions also chose a Place Type for each PDA (such as regional center, transit neighborhood, or rural town), which provides a general set of guidelines for the character, scale, and density of future growth. As a part of this process, over 72 local jurisdictions voluntarily designated 198 PDAs; these PDAs are proposed to absorb 78 percent of new housing and 62 percent of new jobs and cover only three percent of all the Bay Area's land.

The Environment, Equity and Jobs Alternative diverges from the PDA approach developed through extensive coordination with local jurisdictions. Instead, the Alternative proposes a different growth pattern with the intention of reducing residential displacement and support affordable housing. The growth pattern proposed in this Alternative deviates more substantially from the existing distribution of households than all other alternatives considered (with the exception of the Transit Priority Focus Alternative). Based on MTC's and ABAG's discussions with local jurisdictions during the process of preparing for this RTP/SCS cycle, the Commission finds that the residential growth pattern and levels contemplated by the Alternative are unlikely to be implemented by some local jurisdictions. This conclusion is particularly true for growth contemplated by the Alternative in areas where local jurisdictions have not planned for or do not currently anticipate levels of growth commensurate with the Alternative's vision. While SB 375 does not compel an SCS to be fully constrained by existing land use policies, it does require "the most recent planning assumptions [including] local general plans and other factors" to be utilized. (Gov. Code, § 65080, subd. (b)(2)(B).) The Commission finds

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the significant difference between existing zoning and general plan land use designations and those that would be required to implement the Alternative render the Alternative infeasible from this additional policy perspective. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416-417.)

Finally, the distribution of jobs anticipated throughout the region is informed by changing trends in the locational preferences of the wide range of industry sectors and business place types in the Bay Area. These trends capture ongoing geographic changes, as well as changes in the labor force composition and workers' preferences. Overall, the changing needs of businesses suggest a transition toward a more focused employment growth pattern for the Bay Area. MTC and ABAG determined that PDAs have a stronger opportunity for knowledge-sector jobs than more remote suburban areas. The Commission finds that from social and economic policy perspectives focusing job growth within these areas is beneficial. The Environment, Equity and Jobs Alternative would result in a decrease in jobs located within the PDAs as compared to the proposed Plan and would continue the existing imbalance between jobs and housing within these areas. Therefore, the Commission finds the Alternative is infeasible for this additional reason. (*Concerned Citizens of South Central LA v. Los Angeles Unified School Dist.* (1994) 24 Cal. App. 4th 826, 847-849.)

Conclusions Regarding the Merits and Feasibility of the Environment, Equity and Jobs Alternative

CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, legal, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. (CEQA Guidelines, § 15021, subd. (d).) Although the EIR finds that the Environment, Equity and Jobs Alternative is the environmentally superior alternative, the Commission concludes that the alternative is less capable of achieving the project objectives and is infeasible based on a number of financial, legal and policy considerations. For each of these reasons, the Environment, Equity and Jobs Alternative does not warrant approval in lieu of the proposed Plan. Therefore, the Commission rejects the Environment, Equity and Jobs Alternative.

Section 3: Statement of Overriding Considerations

As set forth in the Findings, the Metropolitan Transportation Commission's (MTC) and Association of Bay Area Government's (ABAG) approval of the proposed Plan will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives which would mitigate or substantially lessen the impacts. While the alternatives to the proposed Plan analyzed in the EIR differed from the proposed Plan in important ways that provided for a meaningful comparison, the overall differences in environmental impacts of the proposed Plan and the Alternatives were minimal. Alternative 5 was identified as the Environmentally Superior Alternative because of slightly greater total GHG emissions reductions. However, the proposed Plan performed better than Alternative 5 in other environmental categories, including GHG emissions reductions per capita. In determining whether to approve the Project, CEQA requires MTC and ABAG to balance the benefits of the proposed Plan, including various economic, social, and technological factors, against its significant and unavoidable environmental impacts. (*See City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) "Overriding considerations are intended to show the 'balance' the agency struck in weighing 'the benefits of a proposed project against its unavoidable environmental risks.'" (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 356.)

In this case, each of the alternatives had various environmental advantages and disadvantages, but none of the alternatives performed significantly better than the proposed Plan. Furthermore, as discussed in detail in the findings related to the rejection of alternatives, during the environmental review MTC and ABAG identified key aspects of Alternatives 3, 4, and 5 that render them inferior to the proposed Plan in terms of feasibility. Thus, although the proposed Plan provides similar environmental benefits as compared to the other alternatives, it has a higher probability of successful implementation.

This Statement of Overriding Considerations sets forth the specific reasons supporting MTC's and ABAG's actions in approving the proposed Plan. In making this Statement of Overriding Considerations in support of the findings of fact and the project, MTC and ABAG have considered the information contained in the Findings and in the documents comprising the record of proceedings for the project.

CEQA Guidelines Section 15093(a) provides the following guidance for a statement of overriding considerations:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The results of the environmental analysis on the proposed Plan are discussed in detail in the Draft EIR, the Final EIR, and the Findings. MTC and ABAG reached the conclusions below pursuant to Public Resources Code Section 21081 and State CEQA Guidelines Section 15093. The following statements describe the proposed Plan's benefits considered by decision makers in determining whether to adopt the proposed Plan despite its potentially significant adverse environmental effects. MTC and ABAG conclude that any one of the statements below is independently sufficient to justify approval of the project. The substantial evidence sup-

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porting the various benefits of the project can be found in the preceding Findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

Statement 1: The Proposed Plan exceeds the per capita passenger vehicle and light truck CO₂ emission reduction targets established by the California Air Resources Board for the San Francisco Bay Area pursuant to SB 375.

Implementation of the proposed Plan will reduce per-capita GHG emissions 10 percent by 2020 (surpassing CARB's interim seven percent target) and 16 percent by 2035 (surpassing CARB's 15 percent target). The proposed Plan achieves these GHG reductions by incorporating innovative approaches to the integration of land use and transportation planning as part of the region's first SCS. GHG emissions reductions come from denser land use patterns, increased investments in public transit infrastructure, as well as enhanced funding of climate initiatives such as electric vehicle adoption incentives.

Statement 2: The Proposed Plan houses all the population.

The proposed Plan identifies housing opportunities for all of the region's population. The residential units provided for in the proposed Plan will house all projected population growth with no increase in the proportion of the workforce that commutes to jobs in the Bay Area from outside the region.

Statement 3: The Proposed Plan promotes measures to better serve low income communities.

The Equity Report analyzed the proposed Plan's social equity impacts. Cognizant of the challenges facing low income communities the proposed Plan identifies measures to ensure the proposed Plan's benefits are equitably distributed. Examples of equity initiatives incorporated into the proposed Plan include the OneBayArea Grant Program (OBAG), the Bay Area Transit Oriented Affordable Housing (TOAH) Fund, and the Bay Area Regional Prosperity Plan.

Statement 4: The Proposed Plan promotes the goals of accessibility, affordability, and diversity of housing.

The region's existing neighborhoods encompass a wide variety of housing types, but affordability is a significant existing challenge for low and moderate-income households. In addition, young professionals and young families along with the growing senior population are driving changes in housing preferences and demanding more options closer to services. These trends are addressed in the proposed Plan by identifying strategic investments for the production of affordable housing and the preservation of homes that are affordable to low- and moderate- income households. The proposed Plan encourages housing development — particularly affordable housing — in locations near transit and services. The analysis projects small increases in the future share of low- and moderate- income residents' household income consumed by transportation and housing. However, the increase is five percent lower than the No Project scenario and on par with the other alternatives. While MTC seeks to further decrease the projected future share of low- and moderate- income residents' household income consumed by transportation and housing, the MTC and ABAG find that the proposed Plan represents a significant step in the right direction because it significantly lowers the combined housing and transportation costs for households as compared to the No Project Alternative.

Statement 5: The Proposed Plan promotes development of complete communities.

The proposed Plan recognizes the diversity of the Bay Area's communities and emphasizes investing in existing neighborhoods according to the needs and aspirations of each community. The proposed Plan seeks to provide an array of housing types and transportation choices and envisions a pattern of growth and invest-

ment tailored to each of these communities where transit, jobs, schools, services and recreation are conveniently located near people's homes. It also identifies strategies and policies beyond transportation investments and land use changes that will help foster complete communities — including healthier communities, expanded parks and recreation facilities, and efforts to make neighborhoods safer for all.

Statement 6: The Proposed Plan directs new non-agricultural development within the 2010 urban boundary line¹⁰.

By concentrating new development in existing neighborhoods, the proposed Plan helps protect the region's natural resources, water supply, and open space by reducing development pressure on rural areas. The region's greenbelt of agricultural, natural resource, and open space lands is a treasured asset that both contributes to the region's quality of life and supports regional economic development, and the proposed Plan encourages the retention of these assets by directing non-agricultural development within the existing urban boundary lines and by supporting the continuation of agricultural activities in rural communities. By comparison, 47 percent of growth in the No Project scenario would occur in greenfield development outside of the current urban boundary lines. (Draft Performance Assessment, p. 55.) While a small amount of agricultural land and open space could be converted under the proposed Plan (as shown in the Draft EIR, pp. 2.3-44 through 2.3-56), these lands are located within the 2010 urban boundary lines and were already identified in local land use plans or local or county growth regulations for potential development prior to the development of the proposed Plan.

Statement 7: The Proposed Plan increases the economic vitality of the region.

The proposed Plan is the first RTP to analyze economic impacts and prioritize increasing economic vitality. The proposed Plan measures Gross Regional Product (GRP), the overall economic output of the region's residents and businesses, and forecasts a 119 percent GRP increase over the life of the Plan. The proposed Plan supports economic growth by increasing the efficiency of the land use pattern and transportation network. Prioritizing economic vitality in the development of the proposed Plan results in a Plan that enhances the region's national and international economic competitiveness.

Statement 8: The Proposed Plan increases transit utilization on per available Seat-Mile Travelled basis.

The proposed Plan effectively leverages the region's existing transit system. The proposed Plan results in an increase in daily transit utilization from 21 percent of available seats occupied in 2010 to 33 percent of available seats occupied in 2040. Further, utilization rates increase by 16 percentage points (from 28 percent to 44 percent) during the morning commute period and 14 percentage points (from 25 percent to 39 percent) during the evening commute period. Therefore, MTC and ABAG find that the proposed Plan is beneficial both to help ensure the financial feasibility of transit services and to foster a culture of transit ridership.

Statement 9: The collaborative approach to development provides the best opportunity to create a sustainable future for the Bay Area.

Local jurisdictions play an essential role in the implementation of any RTP/SCS. To achieve an efficient and compact development pattern that local agencies support, the proposed Plan concentrates growth in Priority Development Areas (PDAs) that were recommended by local jurisdictions. Additionally, the proposed Plan

¹⁰ Urban boundary line includes the existing urban footprint, urban growth boundaries/limit lines, and similar local policies. See Plan Bay Area for a more detailed definition.

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was developed through intensive consultation and collaboration with the public, local transportation agencies, cities and counties, and other stakeholders. The result of this multi-year effort is a Plan that puts the Bay Area on a sustainable path and is built on a foundation of local input and support. While it was not possible to meet the demands of all stakeholders or to achieve each of the Plan's ambitious targets, this proposed Plan meets the legal requirements for an RTP/SCS and envisions a more efficient and sustainable Bay Area. The proposed Plan is also consistent with SB 375's requirement to "utilize the most recent planning assumptions considering local general plans and other factors." (Government Code Section 65080(b)(2)(B).) Furthermore, the collaborative approach to developing the proposed Plan through local jurisdiction input and support gives this Plan the greatest likelihood of success as compared to the other alternatives that were considered.

Statement 10: The Proposed Plan places a high priority on moving jobs and households closer to each other and to transit options.

The land use pattern brings travel origins and destinations closer together, reducing the distance required to reach employment, retail, and service hubs, and increases the ratio of households in the San Francisco Bay Area located in close proximity to transit options. By moving jobs and households closer together the proposed Plan will result in fewer cars owned per household on average (1.75 cars) than any of the other alternatives analyzed in the EIR. The proposed Plan also results in a substantial increase in zero car households. Moreover, households that live closer to transit log fewer daily miles on the cars they do own (20 miles per day for households less than a half-mile from transit, versus 39 to 55 miles per day for households living more than one mile from transit). Furthermore, households close to transit report a higher share of daily work and non-work trips on foot or by bike than households farther from transit.

Statement 11: The Proposed Plan decreases average driving commute times.

The proposed Plan brings jobs and housing closer together, which results in shorter, faster automobile commutes. The proposed Plan also provides alternatives to commuting in heavily congested corridors via investments in Express Lanes and public transportation.

Statement 12: The Proposed Plan is consistent with California energy policies and decreases per capita energy use compared to existing conditions.

Under the proposed Plan, multifamily units are projected to increase from 37 percent of all residential units in 2010 to 44 percent in 2040. Due to space efficiency, multifamily units consume less energy than single family homes. According to a study from the Energy Information Administration, multi-family residential units, when compared to single family residential units, are 44 percent more efficient on a per unit basis in terms of consumption of electricity and 35 percent more efficient with natural gas consumption. The proposed Plan is also consistent with the guiding document for California energy policy – the Integrated Energy Policy Report (IEPR) – because the proposed Plan attempts to leverage funding in ways that reduce the need for energy use. In particular the proposed Plan supports the IEPR in efforts to increase energy efficiency in existing and new buildings through increased density and reduce transportation fossil fuel demand by increasing alternative transportation modes. As a result of these and other measures, implementation of the proposed Plan (including transportation projects and land use development) combined with improvements in vehicle technology would result in lower per capita daily energy consumption relative to existing conditions (2010).

Statement 13: The Proposed Plan leads the Bay Area in the right downward trajectory towards the 2050 GHG emissions reduction targets.

Reducing GHG emissions through regional land use and transportation planning requires a long-term vision of a more sustainable Bay Area. The Executive Branch of the State has set GHG reduction goals extending

forward as far as 2050. (Executive Order S-3-05 and Executive Order B-16-2012 [reduce GHG emissions to 80 percent below 1990 levels by 2050].) Plan Bay Area's immediate focus is on meeting, and exceeding, the GHG targets identified in CARB's Scoping Plan for 2020 and 2035. The Scoping Plan targets are derived from the 2006 Global Warming Solutions Act (AB 32). Plan Bay Area's compact and efficient land use and transportation planning will have GHG reduction benefits beyond 2035 and will help put Bay Area and Statewide GHG emissions reductions on a downward trajectory towards the 2050 target. Furthermore, as with any regional plan, Plan Bay Area can be enhanced by local agencies that strive to achieve even greater GHG reductions through project implementation. Thus, the proposed Plan puts the Bay Area on a path toward sustainability and preserves local agencies' ability to achieve even greater GHG reductions than expected.

Conclusion

In summary, MTC and ABAG find that the proposed Plan balances the location of new development regionally, directs housing towards jobs (and vice versa), locates new development within the existing urbanized areas, links transportation projects with land development goals, targets the type and location of transportation investments to more efficiently make use of existing infrastructure, and promotes balanced, compact growth in a manner that exceeds the per capita passenger vehicle and light truck CO₂ emission reduction targets established by the California Air Resources Board for the San Francisco Bay Area pursuant to SB 375. Therefore, based upon the goals and objectives identified in the proposed Plan and the Final EIR, following extensive public participation and testimony, and notwithstanding the impacts that are identified in the Final EIR as being potentially significant and which arguably may not be avoided, lessened, or mitigated to a level of insignificance, MTC and ABAG, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determine that specific economic, legal, social, environmental, technological, and other benefits and overriding considerations of the proposed Plan sufficiently outweigh any remaining unavoidable, adverse environmental impacts of the proposed Plan and that the proposed Plan should be approved.

In reaching this conclusion and approving the proposed Plan:

1. MTC and ABAG have considered the information contained in the Final EIR and fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. MTC and ABAG specifically find and determine that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.
2. MTC and ABAG have carefully weighed the benefits of the proposed Plan against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance. While MTC and ABAG have required all feasible mitigation measures, some impacts remain potentially significant.
3. This Statement of Overriding Considerations applies specifically to those impacts found to be potentially significant and unavoidable as set forth in the Final EIR and the record of these proceedings.

Record of Proceedings

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the Commission's EIR, findings, alternatives analysis, and ultimate decision on the Plan includes but is not limited to the documents identified below.

- The NOP for the preparation of the Draft EIR;
- Public notices issued by MTC and ABAG in conjunction with the Plan;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- MTC/ABAG's *Final Environmental Impact Report for Plan Bay Area*, July 2013 (includes all appendices such as these Findings, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program);
- MTC/ABAG's *Draft Environmental Impact Report for Plan Bay Area*, April 2013 (includes all appendices);
- All Supplemental Reports included in Appendix 1 to *Plan Bay Area*;
- MTC/ABAG's *Equity Analysis Report*, June 2013;
- The *San Francisco Bay Area Regional Prosperity Plan*, June 2012, proposed by MTC, ABAG, the Bay Conservation and Development Commission, and the Bay Area Air Quality Management District;
- MTC/ABAG's *Plan Bay Area Preferred Land Use Scenario/Transportation Investment Strategy*, May 2012;
- The Association of Bay Area Government's *Jobs-Housing Connections Strategy*, May 2012 (includes ABAG's biennial forecast of population, housing, jobs, and income for the nine-county San Francisco Bay Region);
- MTC's *Draft Plan Bay Area Transportation Investment Strategy*, April 2012;
- MTC's *Plan Bay Area Draft Performance Assessment Report*, March 2013;
- MTC's *Plan Bay Area Transportation Project Performance Assessment*, January 2012;
- MTC/ABAG's *Scenario Analysis and Targets Scorecard*, December 2011;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by MTC or ABAG in connection with the Plan;
- Any documentary or other evidence submitted to the MTC at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by MTC regarding the Plan, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to MTC, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public by appointment during normal business hours at the offices of the Metropolitan Transportation Commission, 101 Eighth Street, Oakland, CA 94607. The custodian of these documents is MTC's Public Information Officer.

Independent Review and Analysis

Under Public Resources Code Section 21082.1, subdivision (c), the lead agency must: (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; and (3) as part of the certification of an EIR, find that the EIR reflects the independent judgment of the lead agency.

The Commission hereby certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA and the State CEQA Guidelines.

The Commission has independently reviewed the EIR and has considered the information contained in the EIR. The EIR reflects the Commission's independent judgment and analysis.

Attachment B

Mitigation Monitoring and Reporting Program for Plan Bay Area EIR

Mitigation Monitoring and Reporting Program for Plan Bay Area EIR

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the EIR for the 2040 Plan Bay Area in accordance with the State’s mitigation monitoring statute, Public Resource Code Section 21081.6, and Sections 15091 (d) and 15097 of the California Environmental Quality Act (CEQA) Guidelines. These provisions require public agencies to establish mitigation monitoring or reporting programs for projects where they have identified significant adverse impacts and mitigation measures to reduce or avoid these significant impacts. The public agency must adopt the monitoring and reporting program when approving a project. The intent of these provisions is to ensure that mitigation measures are fully implemented.

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

To ensure that mitigation measures established for significant environmental impacts identified through the CEQA process are fully implemented, the Public Resources Code was amended in 1988 (codified as Section 21081.6) to require a reporting or monitoring program “designed to ensure compliance during project implementation.” Every time Lead Agencies approve a mitigated negative declaration or an EIR that identifies significant impacts and measures to mitigate those impacts, the lead agencies must also prepare a mitigation-monitoring program. CEQA Guidelines Section 15097 was added in 1999 to further clarify agency requirements for mitigation monitoring or reporting.

Plan Bay Area identified significant environmental impacts and mitigation measures that would reduce or avoid those impacts. This MMRP outlines a program for the implementation and monitoring of those mitigation measures. The purpose of this MMRP is to document that the mitigation measures identified in the Plan EIR will be implemented. One of the basic premises of the Mitigation Monitoring and Reporting Program is that agencies responsible for carrying out individual projects identified in Plan Bay Area are also responsible for mitigating their impacts.

Because Plan Bay Area contains projects that would be developed by agencies other than MTC and ABAG, and that would be located within numerous jurisdictions within the region, MTC and ABAG find that the implementation of some mitigation measures is not within their jurisdiction. These measures can and should be implemented and monitored by agencies responsible for implementing and overseeing the implementation of the individual projects contained in Plan Bay Area. These agencies include both project sponsors—local jurisdictions, transit agencies, county congestion management agencies, county transportation authorities, and Caltrans—as well as agencies responsible for the conservation of natural resources. These latter agencies include the Bay Area Air Quality Management District (BAAQMD), the San Francisco Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board (RWQCB), the U.S. and California Environmental Protection Agencies, the Department of Fish and Game, and the U.S. Army Corps of Engineers. When MTC and/or ABAG are the lead agencies on a project they will ensure compliance with the identified mitigation measures by requiring individual projects to undergo CEQA and NEPA (if applicable) review prior to project approval by MTC and ABAG.

This Mitigation Monitoring and Reporting Program includes a discussion of agency roles and responsibilities for implementing and monitoring mitigation measures, and timing for such implementation. To ensure compliance with CEQA, this document summarizes the actions to be taken to implement the mitigation measures prescribed by the Plan EIR. These measures are to be implemented to reduce or avoid adverse environmental impacts of individual projects on the resource areas of Transportation, Air Quality, Land Use, Climate Change, Noise, Geology, Water Resources, Biological Resources, Visual Resources, Cultural Resources, Public Utilities, Hazards, and Public Services.

II. SUMMARY OF PROGRAM

The Mitigation Monitoring and Reporting Program identifies the significant environmental impacts of the projects proposed by Plan Bay Area. The impacts are organized by category and followed by a list of measures necessary for their implementation. Following the description of each mitigation measure are details on the timing of mitigation and the agencies responsible for implementing the mitigation measure. As described in Section B below, MTC and ABAG are the lead agencies responsible for the oversight of mitigation measure implementation within their jurisdiction (such as transportation projects) and will confirm compliance for projects that receive funding from MTC and/or ABAG, as well as for projects that successfully pursue CEQA streamlining. Timing and responsibility for implementation will be project-specific, as outlined in sections A and C below.

A. TIMING

Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects. Project-specific Mitigation Monitoring and Reporting Programs may necessitate onsite environmental monitors during construction activities. Individual projects will progress through development stages at different times throughout the planning period. Nonetheless, project sponsors or their agents will be responsible for successfully implementing and enforcing the mitigation measures.

One of the key components of a monitoring program is to determine whether or not mitigation measures are effective in reducing impacts to levels that are less than significant. Project sponsors will be required to compare residual impacts (after mitigation measures are implemented) to either a) Plan Bay Area EIR significance criteria or b) subsequent site-specific project EIR significance criteria or specific mitigation performance standards in order to determine mitigation measure effectiveness..

B. OVERSIGHT RESPONSIBILITY

MTC and ABAG's Role

Although MTC and ABAG are the lead agencies responsible for developing Plan Bay Area, MTC and ABAG will likely not be the lead agencies or project sponsors for individual projects identified in the Plan. Most mitigation measures listed in the Plan EIR are project-level, rather than program-level measures, and must be implemented through the course of specific project design and engineering, permitting, and construction by the project sponsor. Therefore, for future project-level development, MTC and ABAG's primary role will be as responsible agencies overseeing future project-level CEQA analyses to ensure incorporation of measures identified in the Plan EIR. MTC and ABAG's role thus includes:

- **Requiring** sponsors of transportation projects to comply with CEQA and NEPA, if applicable, prior to project approval by MTC and ABAG;
- **Recommending** to sponsors, as appropriate, mitigation measures identified in this EIR and other site-specific measures that are developed during the course of individual project environmental analysis to ensure that potential impacts outlined in this EIR are adequately addressed and mitigated;
- **Updating** the Regional Transportation Plan at least every four years and the Transportation Improvement Program (TIP) every four years, including preparing a transportation air quality conformity finding pursuant to the Federal Clean Air Act; and
- **Working** with regional agencies and other bodies to implement other actions that would minimize the environmental impacts of Plan Bay Area.

In their role as regional planning agencies, and in cooperation with partner regional agencies BAAQMD and BCDC, MTC, and ABAG are identifying opportunities for region-wide coordination to achieve environmental protection goals, through the Joint Policy Committee's efforts to coordinate implementation of Assembly Bill 32 and Senate Bill 375 and through ongoing interagency consultation with federal/state resource agencies, Tribal governments, and other stakeholders. Key opportunities to enhance coordinated mitigation efforts may include sharing of conservation mapping data to inform easement decisions and project location choices (a process that has already begun in the Plan EIR in the preparation of the regional farmland and sea level rise maps, among others) and enhanced travel and socioeconomic demographic forecast models. Mitigation measures 2.3(e) and 2.5(c) support this effort. MTC and ABAG will continue to support and advance the region's ability to meet SB 375 requirements by pursuing opportunities for regional agency coordination.

C. IMPLEMENTATION RESPONSIBILITY

Project Sponsors and Project-Level Review

Project sponsors are the agencies responsible for environmental review, design, right-of-way procurement, and construction of individual projects included in Plan Bay Area. Some mitigation measures are direct policy actions for MTC and/or ABAG, such as bridge tolls and sea level rise adaptation studies, but most implementation will be handled by a project sponsor or developer.

The analysis contained in the EIR is at a "program level" which evaluates the general range of impacts and mitigation measures that may be defined for the entire program of projects (CEQA Guidelines Section 15168). However, many of the projects proposed in Plan Bay Area have not yet completed CEQA review because they have not yet been programmed or sufficiently defined to have a meaningful CEQA review at the project level. The project sponsors are thus responsible for conducting project-level environmental review consistent with CEQA and NEPA, if applicable, for Plan Bay Area projects they implement. Specifically, project sponsors are responsible for the following:

- **Conducting** project-level CEQA and NEPA (as applicable) analysis where a project has the potential to cause or contribute to a significant impact on the environment (at minimum addressing the potentially significant impacts already identified at the program level through this EIR);
- **Reviewing** this EIR and considering applicable impact findings and mitigation measures herein when completing the project-level analysis and proposing mitigation measures;

- **Notifying** MTC and ABAG and other responsible, trustee, or interested public agencies in a timely manner of the CEQA and/or NEPA process underway and how said agencies may consult on that process;
- **Responding** to written comments on impacts and mitigation measures from public agencies (including MTC and ABAG) and interested groups/individuals;
- **Adopting** adequate mitigation measures and a mitigation monitoring and reporting program for those projects with significant impacts;
- **Delivering** to MTC and ABAG the response to comments on the EIR and final recommendations for certification of the EIR or mitigated negative declaration and the mitigation monitoring and reporting program, for review and comment prior to project EIR certification; and
- **Reporting** to MTC and ABAG on compliance with mitigation measures pursuant to MTC Resolution 1481, Revised, and should mitigations perform below reasonable expectations, reporting to MTC and ABAG about these low-performing mitigations and modifying them accordingly.

Other Responsible and Trustee Agencies

The other regional planning agencies (BAAQMD and BCDC) shall support MTC and ABAG's implementation of program-level mitigation measures, through their roles as described specifically in the mitigation measures themselves, as well as through on-going consultation and coordination efforts.

Agencies charged with the protection and conservation of natural resources shall help to ensure the mitigation of significant impacts through providing comments on project CEQA and NEPA documents, and through permit issuance standards and conditions.

III. ORGANIZATION OF MITIGATION MEASURES

In order to assist implementation of the mitigation measures, the Mitigation Monitoring and Reporting Program includes the following information:

Impact X.X-X: The impacts are taken verbatim from the Final EIR.

Mitigation Measure X.X(x): The mitigation measures are taken verbatim from the Final EIR.

Mitigation Monitoring:

- **Timing.** Specifies the point by which the measure should be completed.
- **Oversight Responsibility.** Indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.
- **Implementation Responsibility.** Identifies the entity that will undertake the required action.

IV. MITIGATION MEASURES

TRANSPORTATION

Impact

2.1-3 Implementation of the proposed Plan could result in a substantial increase in per capita VMT on facilities experiencing level of service (LOS) F compared to existing conditions during AM peak periods, PM peak periods, or during the day as a whole (LOS F defines a condition on roads where traffic substantially exceeds capacity, resulting in stop-and-go conditions for extended periods of time). A substantial increase in LOS F-impacted per capita VMT is defined as greater than 5 percent. (Draft EIR p. 2.1-32)

Mitigation Measures

2.1(a) MTC, in its role as the Bay Area Toll Authority (BATA), shall pursue an additional peak period bridge toll on the San Francisco Oakland Bay Bridge to discourage vehicle travel during weekday peak periods, shifting travelers to other times of day or other modes.

Mitigation Monitoring:

- **Timing.** MTC and ABAG will examine this issue and make a decision on timing within one year from Plan adoption.
- **Oversight Responsibility.** MTC and Bay Area Toll Authority (BATA).
- **Implementation Responsibility.** MTC and BATA.

2.1(b) MTC and the BAAQMD shall proceed with implementation of the region's commute benefit ordinance authorized by Senate Bill 1339, which affects all major employers (with more than 50 employees), and discourages auto-based commute travel.

Mitigation Monitoring:

- **Timing.** MTC and the BAQMD will examine this issue and make a decision on timing within one year from Plan adoption. The agencies must report to the Legislature in 2016.
- **Oversight Responsibility.** MTC and BAAQMD.
- **Implementation Responsibility.** MTC and BAAQMD.

2.1(c) MTC shall implement MTC Resolution No. 4104, a policy that requires all major, new freeway projects included in the Transportation 2030 Plan and subsequent regional transportation plans include the installation and activation of freeway traffic operations system (TOS) to effectively operate the region's freeway system and enables the Commission to consider suspending fund programming actions for discretionary funds to any jurisdiction until MTC deems the requirements of MTC Resolution No. 4104 are met.

Mitigation Monitoring:

- **Timing.** Ongoing review, as freeway projects are implemented.
- **Oversight Responsibility.** MTC.
- **Implementation Responsibility.** MTC and implementing lead jurisdiction/agency.

AIR QUALITY

Impact

2.2-2 Implementation of the proposed Plan could result in a substantial net increase in construction-related emissions. (Draft EIR pg. 2.2-33)

Mitigation Measures

2.2(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:¹

Construction Best Practices for Exhaust

- The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 hp that will be operating for more than 20 hours over the entire duration of the construction activities at the site, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all of the information necessary to ensure the equipment meets the following requirement:
 - All off-road equipment shall have: 1) engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards; and 2) engines are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used.²
- Idling time of diesel powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
- Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

¹ Adapted from BAAQMD, CEQA Air Quality Guidelines (May 2011).

² Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

Construction Best Practices for Dust

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. For projects over five acres of size, soil moisture should be maintained at 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping should be done in conjunction with thorough watering of the subject roads.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading.
- All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the Lead Agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800 334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a six- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.2-3(b) Implementation of the proposed Plan could cause a net increase in emissions of PM₁₀ from on-road mobile sources compared to existing conditions. (Draft EIR pg. 2.2-36)

Mitigation Measures

2.2(b) MTC and ABAG, in partnership with BAAQMD, and other partners who would like to participate, shall work to leverage existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and ARB programs aimed at retrofits and replacements of trucks and locomotives.

Mitigation Monitoring:

- **Timing.** Begin discussions in 2015.
- **Oversight Responsibility.** MTC and BAAQMD.
- **Implementation Responsibility.** MTC, BAAQMD and implementing lead jurisdiction/agency.

2.2(c) MTC and ABAG, in partnership with BAAQMD and the Port of Oakland, and other partners who would like to participate, shall work together to secure incentive funding that may be available through the Carl Moyer Memorial Air Quality Standards Attainment Program to reduce port-related emissions.

Mitigation Monitoring:

- **Timing.** Begin discussions in 2015.
- **Oversight Responsibility.** MTC and BAAQMD.
- **Implementation Responsibility.** MTC, BAAQMD, and implementing lead jurisdiction/agency.

2.2(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:

- Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

- Limiting ground floor uses in residential or mixed-use buildings that are located within the set distance of 500 feet to a non-elevated highway or roadway. Sensitive land uses, such as residential units or day cares, shall be prohibited on the ground floor.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Within developments, sensitive receptors shall be separated as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Loading docks shall be required to be electrified and all idling of heavy duty diesel trucks at these locations shall be prohibited.
- If within the project site, diesel generators that are not equipped to meet ARB's Tier 4 emission standards shall be replaced or retrofitted.
- If within the project site, emissions from diesel trucks shall be reduced through the following measures:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes as feasible.
 - Establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations. A truck route program, along with truck calming, parking and delivery restrictions, shall be implemented to direct traffic activity at non permitted sources and large construction projects.
- For transportation projects that would result in a higher pollutant load in close proximity to existing sensitive receptors, project sponsors shall consider, as appropriate:
 - Adjusting project design to avoid sensitive receptors;
 - Including vegetation and other barriers between sensitive receptors and the project; and
 - Providing air filtration devices for residential and other sensitive receptor uses.
- To help determine the appropriateness of project and site-specific mitigation, MTC/ABAG recommends that implementing agencies and/or project sponsors utilize the BAAQMD's most recent *Recommended Methods for Screening and Modeling Local Risks and Hazards* guidance and BAAQMD's Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.

- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.2(e) MTC/ABAG shall partner with BAAQMD to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM_{2.5}.

In addition, Mitigation Measures 2.1(a), 2.1(b), and 2.1 (c) could help reduce the increase in PM₁₀.

Mitigation Monitoring:

- **Timing.** MTC and the BAQMD will examine this issue and make a decision on timing within one year from Plan adoption.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** ABAG, BAAQMD and implementing/lead agency.

Impact

2.2-5(a) Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³. (Draft EIR pg. 2.2-38)

Mitigation Measures

Implement Mitigation Measure 2.2(d) under Impact 2.2-3(b) above.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.2-5(b) Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors within set distances (Table 2.2-10) to mobile or stationary sources of TAC or PM_{2.5} emissions. (Draft EIR pg. 2.2-79)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified in Mitigation Measure 2.2(d), listed under Impact 2.2-3(b) above.

Impact

- 2.2-6 Implementation of the proposed Plan could result in a localized larger increase or smaller decrease of TACs and or PM_{2.5} emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. (Draft EIR pg. 2.2-83)**

Mitigation Measures

Mitigation measures to reduce TAC and PM_{2.5} emissions from on-road trucks and locomotives that shall be implemented by MTC/ABAG and BAAQMD include, but are not limited to the following:

- 2.2(f)** MTC/ABAG shall partner with BAAQMD to develop a program to provide incentives to replace older locomotives and trucks in the region to reduce TACs and PM_{2.5}.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** MTC, BAAQMD, and implementing/lead agency.

LAND USE, HOUSING, AGRICULTURE, AND PHYSICAL DISPLACEMENT

Impact

- 2.3-1 Implementation of the proposed Plan could result in residential or business disruption or displacement of substantial numbers of existing population and housing. (Draft EIR pg. 2.3-35)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

- 2.3(a)** Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Regulating construction operations on existing facilities to minimize traffic disruptions and detours, and to maintain safe traffic operations.
- Ensuring construction operations are limited to regular business hours where feasible.
- Controlling construction dust and noise. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a).
- Controlling erosion and sediment transport in stormwater runoff from construction sites. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a).

- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce short-term disruption and displacement.

Mitigation Measure 2.2(a) includes additional applicable measures related to this impact, which are included here by reference.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.3(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Developing pedestrian and bike connectors across widened sections of roadway;
- Using sidewalk, signal, and signage treatments to improve the pedestrian connectivity across widened sections of roadway;
- Using site redesign or corridor realignment, where feasible, to avoid land use disruption; and
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce long-term disruption and displacement.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.3(c) Through regional programs, such as MTC/ABAG's Priority Development Area (PDA) Planning Program, MTC/ABAG shall continue to support the adoption of local zoning and design guidelines that encourage pedestrian and transit access, infill development, and vibrant neighborhoods.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency.

Impact

- 2.3-2 Implementation of the proposed Plan could result in permanent alterations to an existing neighborhood or community by separating residences from community facilities and services, restricting access to commercial or residential areas, or eliminating community amenities. (Draft EIR pg. 2.3-40)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below. In addition to the following mitigation measures, measures 2.3(a), 2.3(b), and 2.3(c) under Impact 2.3-1 would reduce temporary construction related to community separation impacts.

2.3(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. All new transportation projects shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.3(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. New development projects shall be required to provide connectivity for all modes such that new development does not separate existing uses, and improves access where needed and/or feasible, by incorporating ‘complete streets’ design features such as pedestrian-oriented streets and sidewalks, improved access to transit, and bike routes where appropriate. ‘Complete Streets’ describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.

- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.3(f) Through regional programs such as the One Bay Area Grants (OBAG), MTC/ABAG shall continue to support planning efforts for locally sponsored traffic calming and alternative transportation initiatives, such as paths, trails, overcrossings, bicycle plans, and the like that foster improved neighborhoods and community connections.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** MTC and implementing/lead agency.

Impact

2.3-4 Implementation of the proposed Plan could convert substantial amounts of important agricultural lands and open space or lands under Williamson Act contract to non-agricultural use. (Draft EIR pg. 2.3-44)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.3(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland;
- Acquiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity;
- Maintain and expand agricultural land protections such as urban growth boundaries;
- If a Williamson Act contract is terminated, a ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation;
- Instituting new protection of farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.);

- Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.;
- Minimizing isolation, severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access;
- If a project involves acquiring land or easements, it shall be ensured that the remaining nonproject area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management;
- Requiring agricultural enhancement investments such as supporting farmer education on organic and sustainable practices, assisting with organic soil amendments for improved production, and upgrading irrigation systems for water conservation;
- Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction;
- Requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted;
- Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land;
- Requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals;
- Requiring berms, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland; and
- Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.3(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid protected open space.
- Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of protected open space.
- Maintain and expand open space protections such as urban growth boundaries.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce open space conversion.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.3-5 Implementation of the proposed Plan could result in the loss of forest land, conversion of forest land to non-forest use, or conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR pg. 2.3-53)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.3(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid timberland or forest land.
- Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of timberland or forest land.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce forest land conversion.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

ENERGY

None

GREENHOUSE GASES AND CLIMATE CHANGE (INCLUDING SEA LEVEL RISE)

Impact

2.5-5 Implementation of the proposed Plan may result in a net increase in transportation investments within areas regularly inundated by sea level rise by midcentury. (Draft EIR pg. 2.5-61)

Mitigation Measures

2.5(a) MTC and ABAG shall continue coordinating with BCDC, in partnership with the Joint Policy Committee and regional agencies and other partners who would like to participate, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC, Caltrans, and BCDC's Adapting to Rising Tides Transportation Vulnerability and Risk Assessment Pilot Project focused in Alameda County. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted and that are a priority for the region to protect. The Adaptation Strategy sub-section found at the end of this section includes a list of potential adaptation strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project or land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC, BCDC, and ABAG conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategy sub-section should serve as a guide for selecting adaptation strategies, but the list should not be considered inclusive of all potential adaptation strategies as additional strategies not included in this list may also have the potential to reduce significant impacts.

Mitigation Monitoring:

- **Timing.** This mitigation measure will proceed on a schedule to inform the adaptation element of the next Plan Bay Area update.
- **Oversight Responsibility.** MTC, BCDC and ABAG.
- **Implementation Responsibility.** MTC, ABAG and implementing/lead agency.

2.5(b) MTC and ABAG shall work with the Joint Policy Committee to create a regional sea level rise adaptation strategy for the Bay Area.

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

Mitigation Monitoring:

- **Timing.** Complete in 2016
- **Oversight Responsibility.** MTC, BCDC and ABAG.
- **Implementation Responsibility.** MTC, ABAG, and implementing/lead agency.

2.5(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. The project sponsors and implementing agencies shall coordinate with BCDC, Caltrans, local jurisdictions (cities and counties), and other transportation agencies to develop Transportation Asset Management Plans (TAMPs) that consider the potential impacts of sea level rise over the asset's life cycle.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.5(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation Strategies sub-section found at the end of this section.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.5-6 Implementation of the proposed Plan could result in a net increase in the number of people residing within areas regularly inundated by sea level rise by midcentury. (Draft EIR pg. 2.5-68)

Mitigation Measures

Implement Mitigation Measures 2.5(b) and 2.5(d) under Impact 2.5-5.

Impact

2.5-7 Implementation of the proposed Plan could result in an increase in land use development within areas regularly inundated by sea level rise by midcentury. (Draft EIR pg. 2.5-71)

Mitigation Measures

Implement Mitigation Measures 2.5(b) and 2.5(d) under Impact 2.5-5.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

NOISE

Impact

2.6-1 Implementation of the proposed Plan could result in exposure of persons to or generation of temporary construction noise levels and/or groundborne vibration levels in excess of standards established by local jurisdictions or transportation agencies. (Draft EIR pg. 2.6-21)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.6(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies shall require one or more of the following set of noise attenuation measures under the supervision of a qualified acoustical consultant:

- Restricting construction activities to permitted hours as defined under local jurisdiction regulations (e.g.; Alameda County Code restricts construction noise to between 7:00 am and 7:00 pm on weekdays and between 8:00 am and 5:00 pm on weekend);
- Properly maintaining construction equipment and outfitting construction equipment with the best available noise suppression devices (e.g. mufflers, silencers, wraps);

- Prohibiting idling of construction equipment for extended periods of time in the vicinity of sensitive receptors;
- Locating stationary equipment such as generators, compressors, rock crushers, and cement mixers as far from sensitive receptors as possible;
- Erecting temporary plywood noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet;
- Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Using noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and
- Using cushion blocks to dampen impact noise from pile driving.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.6(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following vibration attenuation measures under the supervision of a qualified acoustical consultant if pile-driving and/or other potential vibration-generating construction activities are to occur within 60 feet of a historic structure.

- The project sponsors shall engage a qualified geotechnical engineer and qualified historic preservation professional and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (within 60 feet) historic structures subject to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 60 feet of pile-driving activities, the project sponsors shall require groundborne vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary.
- The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.6(c) To mitigate pile-driving vibration impacts related to human annoyance, the implementing agency shall require project sponsors to implement Mitigation Measure 2.6(a) above where feasible based on project- and site-specific considerations.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.6-2 Implementation of the proposed Plan could result in increased traffic volumes that could result in roadside noise levels that approach or exceed the FHWA Noise Abatement Criteria. (Draft EIR pg. 2.6-26)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.6(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Adjustments to proposed roadway or transit alignments to reduce noise levels in noise sensitive areas. For example, below-grade roadway alignments can effectively reduce noise levels in nearby areas.
- Techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic calming measures in the design of their transportation improvements.
- Contributing to the insulation of buildings or construction of noise barriers around sensitive receptor properties adjacent to the transportation improvement;
- Use land use planning measures, such as zoning, restrictions on development, site design, and buffers to ensure that future development is noise compatible with adjacent transportation facilities and land uses;

- Construct roadways so that they are depressed below-grade of the existing sensitive land uses to create an effective barrier between new roadway lanes, roadways, rail lines, transit centers, park-n-ride lots, and other new noise generating facilities; and
- Maximize the distance between noise-sensitive land uses and new noise-generating facilities and transportation systems.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.6-3 Implementation of the proposed Plan could result in increased noise exposure from transit sources that exceed FTA exposure thresholds. (Draft EIR pg. 2.6-31)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.6(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a development project's site plan, the implementing agency shall require that project sponsors locate noise-sensitive outdoor use areas away from adjacent noise sources and shield noise-sensitive spaces with buildings or noise barriers whenever possible to reduce the potential significant impacts with regard to exterior noise exposure for new sensitive receptors.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.6(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a land use development's site plan or a transportation project's design, the implementing agency shall ensure that sufficient setback between occupied structures and the railroad tracks is provided.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.6(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures to achieve a site-specific exterior noise performance standard as indicated in **Figure 2.6-6** at sensitive land uses, as applicable for rail extension projects:

- Using sound reduction barriers such as landscaped berms and dense plantings;
- Locating rail extension below grade;
- Using damped or resilient wheels;
- Using vehicle skirts;
- Using under car acoustically absorptive material; and
- Installing sound insulation treatments for impacted structures.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency.

Impact

2.6-4 Implementation of the proposed Plan could result in increased vibration exposure from transit sources that exceed FTA exposure thresholds. (Draft EIR pg. 2.6-34)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.6(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. When finalizing a development or transportation project's site plan, the implementing agency shall ensure that sufficient setback between occupied structures and the railroad tracks is provided. To meet the 72 VdB limit for the maximum measured train vibration level, residential buildings should be

setback a minimum of 65 feet from the center of the nearest track. Alternatively, a reduced setback may be attainable if the project sponsor can demonstrate a project-specific vibration exposure meeting a performance standard of 72 VdB. Depending on specific project conditions, this standard may be attainable without additional mitigation measures or may require applied mitigation such as use of elastomeric pads in the building foundation.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.6(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval the implementing agency shall ensure that project sponsors apply the following mitigation measures to achieve a vibration performance standard of 72 VdB at residential land uses, as feasible, for rail extension projects:

- Using high resilience (soft) direct fixation fasteners for embedded track; and
- Installing Ballast mat for ballast and tie track.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

GEOLOGY AND SEISMICITY

Impact

2.7-1: Implementation of the proposed Plan could expose people or structures to substantial risk of property loss, injury or death related to fault rupture. (Draft EIR pg. 2.7-22)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.7(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the

following. To reduce impacts related to fault rupture, implementing agencies shall require project sponsors to comply with provisions of the Alquist-Priolo Act (Act) for project sites located within or across an Alquist-Priolo Hazard Zone. Project sponsors shall prepare site-specific fault identification investigations conducted by licensed geotechnical professionals in accordance with the requirements of the Act as well as any existing local or Caltrans regulations and policies that exceed or reasonably replace any of the Act requirements. Structures intended for human occupancy (defined as a structure that might be occupied a minimum of 2,000 hours per year) shall be located a minimum distance of 50 feet from any identified active fault traces. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development in an Alquist-Priolo Hazard Zone.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.7-2: Implementation of the proposed Plan could expose people or structures to substantial risk related to ground shaking. (Draft EIR pg. 2.7-24)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.7(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce impacts related to ground shaking, implementing agencies shall require project sponsors to comply with the most recent version of the California Building Code (CBC). Proposed improvements shall comply with Chapter 16, Section 1613 of the CBC which provides earthquake loading specifications for every structure and associated attachments that must also meet the seismic criteria of Associated Society of Civil Engineers (ASCE) Standard 07-05. In order to determine seismic criteria for proposed improvements, geotechnical investigations shall be prepared by state licensed engineers and engineering geologists to provide recommendations for site preparation and foundation design as required by Chapter 18, Section 1803 of the CBC. Geotechnical investigations shall also evaluate hazards such as liquefaction, lateral spreading, landslides, and expansive soils in accordance with CBC requirements and Special Publication 117A, where applicable. Recommended corrective measures, such as structural reinforcement and replacing native soils with engineered fill, shall be incorporated into project designs. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to building construction.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.7–3: Implementation of the proposed Plan could expose people or structures to substantial risk from seismic-related ground failure, including liquefaction. (Draft EIR pg. 2.7-26)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.7–4: Implementation of the proposed Plan could expose people or structures to substantial risk related to landslides. (Draft EIR pg. 2.7-28)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.7-5: Implementation of the proposed Plan could result in substantial soil erosion or the loss of topsoil. (Draft EIR pg. 2.7-30)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.7(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the risk of soil erosion, implementing agencies shall require project sponsors to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. Implementing agencies shall require project sponsors, as part of contract specifications with contractors, to prepare and implement best management practices (BMPs) as part of a Stormwater Pollution Prevention Plan that include erosion control BMPs consistent with California Stormwater Quality Association Handbook for Construction. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to construction practices.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.7-6: Implementation of the proposed Plan could locate a subsequent development project on a geologic unit or soil that is unstable, contains expansive properties, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Draft EIR pg. 2.7-32)

Mitigation Measures

Implement Mitigation Measure 2.7(b), included under Impact 2.7-2.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

WATER RESOURCES

Impact

2.8-1: Implementation of the proposed Plan could violate water quality standards or waste or stormwater discharge requirements. (Draft EIR pg. 2.8-22)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.8(a) To reduce the impact associated with potential water quality standards violations or waste or stormwater discharge requirement violations, implementing agencies shall require project sponsors to comply with the State, and federal water quality regulations for all projects that would alter existing drainage patterns in accordance with the relevant regulatory criteria including but not limited to the National Pollutant Discharge Elimination System (NPDES) program, Provision C.3, and any applicable Stormwater Management Plans. Erosion control measures shall be consistent with NPDES General Construction Permit requirements including preparation and implementation of a Stormwater Pollution Prevention Plan, and final drainage plans shall be consistent with the San Francisco Regional MS4 NPDES permit or any applicable local drainage control requirements that exceed or reasonably replace any of these measures to protect receiving waters from pollutants.

Implementing agencies shall require project sponsors to commit to best management practices (BMPs) that would minimize or eliminate existing sources of polluted runoff during both construction and operational phases of the project. Implementing agencies shall require projects to comply with design guidelines established in the Bay Area Stormwater Management Agencies Association's *Using Start at the Source to Comply with Design Development Standards* and the California Stormwater Quality Association's *California Stormwater Best Management Practice Handbook for New Development and Redevelopment* to minimize both increases in the volume and rate of stormwater runoff, and the amount of pollutants entering the storm drain system. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to water quality or stormwater management.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

Construction

- Limiting excavation and grading activities to the dry season (April 15 to October 15) to the extent possible in order to reduce the chance of severe erosion from intense rainfall and surface runoff, as well as the potential for soil saturation in swale areas.
- Regulating stormwater runoff from the construction area through a stormwater management/erosion control plan that may include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters if excavation occurs during the rainy season. This control plan should include requirements to cover stockpiles of loose material, divert runoff away from exposed soil material, locate and operate sediment basin/traps to minimize the amount of

offsite sediment transport, and removing any trapped sediment from the basin/ trap for placement at a suitable location on-site, away from concentrated flows, or removal to an approved disposal site.

- Providing temporary erosion control measures until perennial revegetation or landscaping is established and can minimize discharge of sediment into receiving waterways.
- Providing erosion protection on all exposed soils either by revegetation or placement of impervious surfaces after completion of grading. Revegetation shall be facilitated by mulching, hydroseeding, or other methods and initiated as soon as possible after completion of grading and prior to the onset of the rainy season (by October 15).
- Using permanent revegetation/landscaping, emphasizing drought-tolerant perennial ground coverings, shrubs, and trees.
- Ensuring BMPs are in place and operational prior to the onset of major earthwork on the site. The construction phase facilities shall be maintained regularly and cleared of accumulated sediment as necessary.
- Storing hazardous materials such as fuels and solvents used on the construction sites in covered containers and protected from rainfall, runoff, and vandalism. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals should be designated as responsible for prevention and cleanup activities.

Operation

- Designing drainage of roadway and parking lot runoff, wherever possible to run through grass median strips which are contoured to provide adequate storage capacity and to provide overland flow, detention, and infiltration before runoff reaches culverts, or into detention basins. Facilities such as oil and sediment separators or absorbent filter systems should be designed and installed within the storm drainage system to provide filtration of stormwater prior to discharge and reduce water quality impacts whenever feasible.
- Implementing an erosion control and revegetation program designed to allow re-establishment of native vegetation on slopes in undeveloped areas as part of the long-term sediment control plan.
- Using alternate discharge options to protect sensitive fish and wildlife populations in areas where habitat for fish and other wildlife would be threatened by transportation facility discharge. Maintenance activities over the life of the project shall include use of heavy-duty sweepers, with disposal of collected debris in sanitary landfills to effectively reduce annual pollutant loads where appropriate. Catch basins and storm drains shall be cleaned and maintained on a regular basis.
- Using Integrated Pest Management techniques (methods that minimize the use of potentially hazardous chemicals for landscape pest control and vineyard operations) in landscaped areas. The handling, storage, and application of potentially hazardous chemicals shall take place in accordance with all applicable laws and regulations.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.

- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.8-3: Implementation of the proposed Plan could increase erosion by altering the existing drainage patterns of a site, contributing to sediment loads of streams and drainage facilities, and thereby affecting water quality. (Draft EIR pg. 2.8-27)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.8-4: Implementation of the proposed Plan could increase non-point pollution of stormwater runoff due to litter, fallout from airborne particulate emissions, or discharges of vehicle residues, including petroleum hydrocarbons and metals that would impact the quality of receiving waters. (Draft EIR pg. 2.8-29)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.8-5: Implementation of the proposed Plan could increase non-point-source pollution of stormwater runoff from construction sites due to discharges of sediment, chemicals, and wastes to nearby storm drains and creeks. (Draft EIR pg. 2.8-31)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.8-6: Implementation of the proposed Plan could increase rates and amounts of runoff due to additional impervious surfaces, higher runoff values for cut-and-fill slopes, or alterations to drainage systems that could cause potential flood hazards and effects on water quality. (Draft EIR pg. 2.8-32)

Mitigation Measures

Implement Mitigation Measure 2.8(a).

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.8-7: Implementation of the proposed Plan could place within a 100-year flood hazard area structures which would impede or redirect flows. (Draft EIR pg. 2.8-34)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.8(b) To reduce the impact of flood hazards, implementing agencies shall conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with Executive Order 11988, the National Flood Insurance Program, National Flood Insurance Act, Caltrans Highway Design Manual, Cobey-Alquist Floodplain Management Act, the Delta Stewardship Council's Delta Plan, as well as any further Federal Emergency Management Agency (FEMA) or State requirements that are adopted at the local level. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows to a less than significant level such as requiring minimum elevations for finished first floors, typically at least one foot above the 100-year base flood elevation, where feasible based on project- and site-specific considerations. For the purposes of this mitigation, less than significant means consistent with these

federal, State, and local regulations and laws related to development in the floodplain. Local jurisdictions shall, to the extent feasible, appropriate, and consistent with local policies, prevent development in flood hazard areas that do not have demonstrable protections.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

BIOLOGICAL RESOURCES

Impact

2.9-1a Implementation of the proposed Plan could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Draft EIR pg. 2.9-56)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(a) Implementing agencies shall require project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines. Where the biological resources assessment establishes that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, mitigation shall be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- In support of CEQA, NEPA, CDFW and USFWS permitting processes for individual Plan Bay Area projects, biological surveys shall be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be undertaken at times when the subject species is most likely to be identified. In cases where impacts to State- or federal-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Consultation with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or State candidate, threatened, or endangered species to determine the need for further consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required prior to project implementation.

- Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and construction footprints near sensitive areas to the extent practicable.
- Where habitat avoidance is infeasible, compensatory mitigation shall be implemented through preservation, restoration, or creation of special-status wildlife habitat. Loss of habitat shall be mitigated at an agency approved mitigation bank or through individual mitigation sites as approved by USFWS and/or CDFW. Compensatory mitigation ratios shall be negotiated with the permitting agencies. Mitigation sites shall be monitored for a minimum of five consecutive years after mitigation implementation or until the mitigation is considered to be successful. All mitigation areas shall be preserved in perpetuity through either fee ownership or a conservation easement held by a qualified conservation organization or agency, establishment of a preserve management plan, and guaranteed long-term funding for site preservation through the establishment of a management endowment.
- Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present (e.g., May 15 to October 15 near salmonid habitat and vernal pools) to the extent feasible.
- Individual projects shall minimize the use of in-water construction methods in areas that support sensitive aquatic species, especially when listed species could be present.
- In the event that equipment needs to operate in any watercourse with flowing or standing water, a qualified biological resource monitor shall be present at all times to alert construction crews to the possible presence of California red-legged frog, nesting birds, salmonids, or other aquatic species at risk during construction operations.
- If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for fish shall be adopted as set forth by the Interagency Fisheries Hydroacoustic Working Group, as well as other avoidance methods to reduce the adverse effects of construction to sensitive fish, piscivorous birds, and marine mammal species.
- Construction shall not occur during the breeding season near riparian habitat, freshwater marshlands, and salt marsh habitats that support nesting bird species protected under the Endangered Species Act, Migratory Bird Treaty Act, or California Fish and Game Code (e.g., yellow warbler, tricolored blackbird, California clapper rail, etc.).
- A qualified biologist shall locate and fence off sensitive resources before construction activities begin and, where required, shall inspect areas to ensure that barrier fencing, stakes, and setback buffers are maintained during construction.
- For work sites located adjacent to special-status plant or wildlife populations, a biological resource education program shall be provided for construction crews and contractors (primarily crew and construction foremen) before construction activities begin.
- Biological monitoring shall be particularly targeted for areas near identified habitat for federal- and state-listed species, and a “no take” approach shall be taken whenever feasible during construction near special-status plant and wildlife species.
- Efforts shall be made to minimize the negative effects of light and noise on listed and sensitive wildlife.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of special-status species.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.9-1b Implementation of the proposed Plan could have substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species. (Draft EIR pg. 2.9-61)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Informal consultation with the USFWS and/or NMFS shall be conducted early in the environmental review process to determine the need for further mitigation, consultation, or permitting actions. Formal consultation is required for any project with a federal nexus.
- Project designs shall be reconfigured to avoid or minimize adverse effects on the primary constituent elements of designated critical habitats when they are present in a project vicinity.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs. that exceed or reasonably replace any of the above measures protective of critical habitat.

Additionally, implementation of Mitigation Measure 2.9(a), above, which includes an initial biological resource assessment and, if necessary, compensatory mitigation for loss of habitat, is expected to reduce impacts on critical habitat.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.9-1c Implementation of the proposed Plan could result in construction activities that could adversely affect non-listed nesting raptor species considered special-status by CDFW under CDFW Code 3503.5 and non-listed nesting bird species considered special-status

by the USFWS under the federal Migratory Bird Treaty Act, and by CDFW under CDFW Code 3503 and 3513. (Draft EIR pg. 2.9-64)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(c) Implementing agencies shall require project sponsors to conduct a pre-construction breeding bird surveys for specific projects proposed in areas containing, or likely to contain, habitat for nesting birds. The survey shall be conducted by appropriately trained professionals pursuant to adopted protocols and agency guidelines. Where a breeding bird survey establishes that mitigation is required to avoid direct and indirect adverse effects on nesting raptors and other protected birds, mitigation will be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Perform preconstruction surveys not more than two weeks prior to initiating vegetation removal and/or construction activities during the breeding season (i.e., February 1 through August 31).
- Establish a no-disturbance buffer zone around active nests during the breeding season until the young have fledged and are self-sufficient, when no further mitigation would be required. Typically, the size of individual buffers ranges from a minimum of 250 feet for raptors to a minimum of 50 feet for other birds but can be adjusted based on an evaluation of the site by a qualified biologist in cooperation with the USFWS and/or CDFW.
- Provide buffers around nests that are established by birds after construction starts. These birds are assumed to be habituated to and tolerant of construction disturbance. However, direct take of nests, eggs, and nestlings is still prohibited and a buffer must be established to avoid nest destruction. If construction ceases for a period of more than two weeks, or vegetation removal is required after a period of more than two weeks has elapsed from the preconstruction surveys, then new nesting bird surveys must be conducted.
- Comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of nesting birds.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.9-2 Implementation of the proposed Plan could have a substantial adverse effect on riparian habitat, federally protected wetlands as defined by Section 404 of the Clean Water Act

(including but not limited to marsh, vernal pool, coastal, etc.), or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, through direct removal, filling, hydrological interruption, or other means. (Draft EIR pg. 2.9-66)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters and/or other sensitive or special-status communities. The assessment shall be conducted by qualified professionals in accordance with agency guidelines and standards. The assessment shall identify specific mitigation measures for any impact that exceeds significant impact thresholds and said measures shall be implemented. Mitigation measures shall be consistent with the requirements of CEQA and wetland permitting agencies, and/or follow an adopted HCP/NCCP or other applicable plans promulgated to protect jurisdictional waters or other sensitive habitats.
- In keeping with the “no net loss” policy for wetlands and other waters, project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors in order to preserve both the habitat and the overall ecological functions of these areas. Projects shall minimize ground disturbances and construction footprints near such areas to the extent practicable.
- Where avoidance of jurisdictional waters is not feasible, project sponsors shall minimize fill and the use of in-water construction methods, and only place fill with express permit approval from the appropriate resources agencies (e.g., Corps, RWQCB, CDFW, BCDC, and CCC) and in accordance with applicable existing regulations, such as the Clean Water Act or local stream protection ordinances.
- Project sponsors shall arrange for compensatory mitigation in the form of mitigation bank credits, on-site or off-site enhancement of existing waters or wetland creation in accordance with applicable existing regulations and subject to approval by the Corps, RWQCB, CDFW, BCDC, and CCC. If compensatory mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any wetland compensatory mitigation:
 - Compensation shall be provided at a *minimum* 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.), or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement, offsite restoration, preservation and/or enhancement, or purchase of mitigation credits. Compensatory

mitigation may also be achieved through Regional Advance Mitigation Planning (RAMP) banking, as deemed appropriate by the permitting agencies.

- In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established.
- In accordance with CDFW guidelines and other instruments protective of sensitive or special-status natural communities, project sponsors shall avoid and minimize impacts on sensitive natural communities when designing and permitting projects. Where applicable, projects shall conform to the provisions of special area management or restoration plans, such as the Suisun Marsh Protection Plan or the East Contra Costa County HCP, which outline specific measures to protect sensitive vegetation communities.
- If any portion of a special-status natural community is permanently removed or temporarily disturbed, the project sponsor shall compensate for the loss. If such mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any compensatory mitigation for special-status natural communities:
 - Compensation shall be provided at a *minimum* 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.) or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement, offsite restoration, preservation and/or enhancement, or purchase of mitigation credits. Compensatory mitigation may also be achieved through Regional Advance Mitigation Planning (RAMP) banking, as deemed appropriate by the permitting agencies.
 - In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established.
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

- 2.9-3 Implementation of the proposed Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. (Draft EIR pg. 2.9-73)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(e) Mitigation measures to reduce impacts on wildlife corridors that shall be required by implementing agencies where feasible based on project- and site- specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting Essential Connectivity Area (ECA) lands within their sphere of influence to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not significant wildlife corridors are present, what wildlife species may use them, and what habitat those species require. The assessment shall be conducted by qualified professionals and according to any applicable agency standards. Mitigation shall be consistent with the requirements of CEQA and/or follow an adopted HCP/NCCP or other relevant plans developed to protect species and their habitat, including migratory linkages.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Constructing wildlife friendly overpasses and culverts;
- Fencing major transportation corridors in the vicinity of identified wildlife corridors;
- Using wildlife friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under;
- Locating structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity;
- Elevating structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding;
- Limiting wildland conversions in identified wildlife corridors;
- Retaining wildlife friendly vegetation in and around developments; and
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs. that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.9-4 Implementation of the proposed Plan could conflict with adopted local conservation policies, such as a tree protection ordinance, or resource protection and conservation plans, such as a Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional, or state habitat conservation plan. (Draft EIR pg. 2.9-75)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.9(f) Implementing agencies shall require project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, protected trees or other locally protected biological resources. The assessment shall be conducted by qualified professionals in accordance with adopted protocols, and standards in the industry. Mitigation shall be consistent with the requirements of CEQA and/or follow applicable ordinances or plans developed to protect trees or other locally significant biological resources. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Mitigation shall be implemented when significance thresholds are exceeded. Mitigation shall be consistent with the requirements of CEQA and/or follow applicable ordinances or plans developed to protect trees or other locally significant biological resources.
- Implementing agencies shall design projects such that they avoid and minimize direct and indirect impacts to protected trees and other locally protected resources where feasible.
- At a minimum, qualifying protected trees (or other resources) shall be replaced at 1:1, or as otherwise required by the local ordinance or plan, in locally approved mitigation sites.
- As part of project-level environmental review, implementing agencies shall ensure that projects comply with the most recent general plans, policies, and ordinances, and conservation plans. Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.

- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.9(g) During the design and CEQA review of individual projects under Plan Bay Area, implementing agencies and project sponsors shall modify project designs to ensure the maximum feasible level of consistency with the policies in adopted HCPs, NCCPs, or other approved local, regional, or state conservation plans, in areas where such plans are applicable. These measures apply to projects covered by the plans in question (i.e., projects assessed during plan environmental review), as well as non-covered projects within the Plan area. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- If the project results in impacts on covered species habitat, or other habitat protected under the plan, the project sponsor shall coordinate with USFWS, CDFW, and the appropriate local agency to provide full compensation of acreage and preserve function. Projects shall follow adopted procedures to process an amendment to the conservation plan(s) if necessary. In addition, all habitat based mitigation required by the conservation plans shall be provided at ratios or quantities specified in the plans.
- Project design and implementation shall minimize impacts on covered species through implementation of Mitigation Measures 2.9(a), 2.9(b), 2.9(c), 2.9(d), and 2.9(e).
- Avoidance, minimization, and mitigation measures for covered species, consistent with adopted HCP and/or NCCPs, shall also be implemented as specified during project-specific environmental review and permitting. Avoidance and minimization measures to covered species and their habitats shall include adherence to land use adjacency guidelines as outlined in adopted HCP and/or NCCPs.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.9(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies and project sponsors whose projects are located within the Coastal Zone or within BCDC jurisdiction shall carefully review the applicable local coastal program or San Francisco Bay Plan for potential conflicts, as well as the Delta Plan, and involve the California Coastal Commission, BCDC, or the Delta Stewardship Council as early as possible in the project-level EIR process.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.

- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

VISUAL RESOURCES

Impact

2.10-1 Implementation of the proposed Plan could affect visual resources by blocking panoramic views or views of significant landscape features or landforms (mountains, oceans, rivers, or significant man-made structures) as seen from a transportation facility or from public viewing areas.³ (Draft EIR pg. 2.10-16)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.10(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Reduce the visibility of construction staging areas by fencing and screening these areas with low contrast materials consistent with the surrounding environment, and by revegetating graded slopes and exposed earth surfaces at the earliest opportunity.
- Site or design projects to minimize their intrusion into important viewsheds.
- Use see-through safety barrier designs (e.g. railings rather than walls) when feasible.
- Develop interchanges and transit lines at the grade of the surrounding land to limit view blockage wherever possible.
- Design landscaping along highway corridors in rural and open space areas to add significant natural elements and visual interest to soften the hard edged, linear travel experience that would otherwise occur.
- Identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources.
- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

³ Per CEQA case law, blocking a private view is not an environmental impact.

Impact

2.10-2 Implementation of the proposed Plan could affect visual resources by substantially damaging scenic resources (such as trees, rock outcroppings, and historic buildings) that would alter the appearance of or from state- or county-designated or eligible scenic highways. (Draft EIR pg. 2.10-22)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.10(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Project sponsors and implementing agencies shall complete design studies for projects in designated or eligible State Scenic Highway corridors. Implementing agencies shall consider the “complete” highway system and design projects to minimize impacts on the quality of the views or visual experience that originally qualified the highway for scenic designation.
- Contouring the edges of major cut and fill slopes to provide a more natural looking finished profile that is appropriate to the surrounding context, using natural shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources where feasible based on project- and site-specific considerations.

Implementation of Mitigation Measure 2.10(a) shall also be considered to reduce impacts on scenic highways.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.10-3 Implementation of the proposed Plan could affect visual resources by creating significant contrasts with the scale, form, line, color, and/or overall visual character of the existing community. (Draft EIR pg. 2.10-25)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.10(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Designing projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development.
- Requiring that the scale, massing, and design of new development provide appropriate transitions in building height, bulk, and architectural style that are sensitive to the physical and visual character of surrounding areas.
- Contouring the edges of major cut and fill slopes to provide a finished profile that is appropriate to the surrounding context, using shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Ensuring that new development in or adjacent to existing communities is compatible in scale and character with the surrounding area by:
 - Promoting a transition in scale and architecture character between new buildings and established neighborhoods; and
 - Requiring pedestrian circulation and vehicular routes to be well integrated.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce visual contrasts.

Implementation of Mitigation Measure 2.10(a) shall also be considered to reduce impacts on visual resources created by significant contrasts in community visual character.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.10-4 Implementation of the proposed Plan could affect visual resources by adding a visual element of urban character to an existing rural or open space area or adding a modern element to a historic area. (Draft EIR pg. 2.10-28)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

In addition to Mitigation Measure 2.10(c), the following measure would apply to impacts on visual resources in rural or historic areas.

2.10(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that new development in or adjacent to rural or historic areas is compatible in scale and character with the surrounding area by:
 - Promoting a transition in scale and architecture character between new buildings and established neighborhoods; and
 - Requiring pedestrian circulation and vehicular routes to be well integrated.
- Using soundwall construction and design methods that account for visual impacts as follows:
 - Use transparent panels to preserve views where soundwalls would block views from residences.
 - Use landscaped earth berm or a combination wall and berm to minimize the apparent soundwall height.
 - Construct soundwalls of materials whose color and texture complements the surrounding landscape and development.
 - Design soundwalls to increase visual interest, reduce apparent height, and be visually compatible with the surrounding area.
 - Landscape the soundwalls with plants that screen the soundwall, preferably with either native vegetation or landscaping that complements the dominant landscaping of surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce visual impacts on rural and historic areas.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.10-5 Implementation of the proposed Plan could adversely affect visual resources by creating new substantial sources of light and glare. (Draft EIR pg. 2.10-30)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.10(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Designing projects to minimize light and glare from lights, buildings, and roadways facilities.
- Minimizing and controlling glare from transportation projects through the adoption of project design features that reduce glare. These features include:
 - Planting trees along transportation corridors to reduce glare from the sun;
 - Landscaping off-street parking areas, loading areas, and service areas; and
 - Shielding transportation lighting fixtures to minimize off-site light trespass.
- Minimizing and controlling glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include:
 - Limiting the use of reflective materials, such as metal;
 - Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry;
 - Screening parking areas by using vegetation or trees; and
 - Using low-reflective glass.
- Imposing lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following:
 - Minimizing incidental spillover of light onto adjacent private properties and undeveloped open space;
 - Directing luminaries away from habitat and open space areas adjacent to the project site;
 - Installing luminaries that provide good color rendering and natural light qualities; and
 - Minimizing the potential for back scatter into the nighttime sky.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce light and glare impacts.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.10-6 Implementation of the proposed Plan could cast a substantial shadow in such a way as to cause a public hazard or substantially degrade the existing visual/aesthetic character or quality of a public place for a sustained period of time. (Draft EIR pg. 2.10-33)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.10(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to conduct shadow studies for buildings and roadway facilities to identify and implement development strategies for reducing the impact of shadows on public open space. Study considerations shall include, but are not limited to, the placement, massing, and height of structures, surrounding land uses, time of day and seasonal variation, and reflectivity of materials. Study recommendations for reducing shadow impacts shall be incorporated into the project design as feasible based on project- and site-specific considerations. Further, implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace the above measure that reduces shadow impacts where feasible based on project-and site-specific considerations.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

CULTURAL RESOURCES

Impact

2.11-1 The proposed Plan could have the potential to cause a substantial adverse change in the significance of a historic resource such that the significance of the resource would be materially impaired. (Draft EIR pg. 2.11-11)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.11(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- Requiring an assessment by a qualified professional of structures greater than 45 years in age within the area of potential effect to determine their eligibility for recognition under State, federal, or local historic preservation criteria.
- When a project has been identified as potentially affecting a historic resource, a historical resources inventory should be conducted by a qualified architectural historian. The study should comply with CEQA Guidelines section 15064.5(b), and, if federal funding or permits are required, with section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.). Study recommendations shall be implemented.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings*.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.11-2 The proposed Plan could have the potential to cause a substantial adverse change in the significance of a unique archaeological resource. (Draft EIR pg. 2.11-13)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.11(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Pursuant to Government Code Sections 65351 and 65352, in-person consultation shall be conducted with Native American tribes and individuals with cultural affiliations where the project is proposed to determine the potential for, or existence of, cultural resources, including cemeteries and sacred places, prior to project design and implementation stages.
- Prior to construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the project area has been previously surveyed and whether resources were

identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to construction activities.

- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of cultural sites throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with archaeological resources, project sponsors should retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Written assessments should be prepared by a qualified tribal representative of sites or corridors with no identified cultural resources but which still have a moderate to high potential for containing tribal cultural resources.
- Upon “late discovery” of prehistoric archaeological resources during construction, project sponsors shall consult with the Native American tribe as well as with the “Most-Likely-Descendant” as designated by the Native American Heritage Commission pursuant to Public Resources Code 5097, 98(a).
- Preservation in place is the preferred manner of mitigating impacts on archeological sites because it maintains the relationship between artifacts and the archeological context, and it may also avoid conflict with religious or cultural values of groups associated with the site. This may be achieved through incorporation within parks, green-space, or other open space by re-designing project using open space or undeveloped lands. This may also be achieved by following procedures for capping the site underneath a paved area. When avoiding and preserving in place are infeasible based on project- and site-specific considerations, a data recovery plan may be prepared according to CEQA Guidelines Section 15126.4(b)(3)(C). A data recovery plan consists of: the documentation and removal of the archeological deposit from a project site in a manner consistent with professional (and regulatory) standards; the subsequent inventorying, cataloguing, analysis, identification, dating, and interpretation of the artifacts; and the production of a report of findings.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.11-3 The proposed Plan could have the potential to destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature. (Draft EIR pg. 2.11-16)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.11(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Prior to construction activities, project sponsors should retain a qualified paleontologist to conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether resources were identified. As warranted, project sponsors should retain a qualified paleontologist to conduct paleontological surveys prior to construction activities.
- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of paleontological resources and sites and unique geologic features throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with paleontological, and/or geological resources, project sponsors should retain a qualified paleontologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.11-4 The proposed Plan could have the potential to disturb human remains, including those interred outside formal cemeteries. (Draft EIR pg. 2.11-17)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.11(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Under Section 7050.5 of the California Health and Safety Code, as part of project oversight of individual projects, project sponsors can and should, in the event of discovery or recognition of any

human remains during construction or excavation activities associated with the project, in any location other than a dedicated cemetery, cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required.

- Under California Public Resources Code 5097.98, if any discovered remains are of Native American origin:
 - The coroner shall contact the Native American Heritage Commission, which shall notify the most likely descendant(s) of the deceased. The descendant(s) should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. This may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains; or
 - The landowner or their authorized representative shall obtain a –Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where any of the following conditions occurs:
 - The Native American Heritage Commission is unable to identify a descendent; or
 - The descendant identified fails to make a recommendation; or
 - The landowner or their authorized representative rejects the recommendation of the descendant, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

For the purposes of this mitigation, less than significant means consistent with federal, State, and local regulations and laws related to human remains.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

PUBLIC UTILITIES

Impact

- 2.12-1 **The proposed Plan could result in insufficient water supplies from existing entitlements and resources to serve expected development. (Draft EIR pg. 2.12-47)**

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Implementing water conservation measures which result in reduced demand for potable water. This could include reducing the use of potable water for landscape irrigation (such as through drought-tolerant plantings, water-efficient irrigation systems, the capture and use of rainwater) and the use of water-conserving fixtures (such as dual-flush toilets, waterless urinals, reduced flow faucets).
- Coordinating with the water provider to identify an appropriate water consumption budget for the size and type of project, and designing and operating the project accordingly.
- Using reclaimed water for non-potable uses, especially landscape irrigation. This strategy may require a project to be located in an area with existing reclaimed water conveyance infrastructure and excess reclaimed water capacity. If a location is planned for future reclaimed water service, projects should install dual plumbing systems in anticipation of future use. Large developments could treat wastewater onsite to tertiary standards and use it for non-potable uses onsite.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce demand for potable water.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.12(b) MTC shall require the construction phase of transportation projects to connect to reclaimed water distribution systems for non-potable water needs, when feasible based on project- and site-specific considerations.

Mitigation Monitoring:

- **Timing.** Most of the mitigation measures are related to specific site design and construction practices and will therefore be required during the design phase, pre-construction phase, and/or construction phase of individual projects.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.12(c) MTC shall require transportation projects with landscaping to use drought-resistant plantings or connect to reclaimed water distribution systems for irrigation and other non-potable water needs when available and feasible based on project- and site-specific considerations.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.12-2 The proposed Plan could result in inadequate wastewater treatment capacity to serve new development. (Draft EIR pg. 2.12-50)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Undertaking environmental assessments of land use plans and developments to determine whether sufficient wastewater treatment capacity exists for a proposed project. These environmental assessments must ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in a manner that reduces impacts on wastewater treatment capacity.

Implementing agencies shall also require compliance with Mitigation Measure 2.12(a), and MTC shall require implementation of Mitigation Measures 2.12(b), and/or 2.12(c) listed under Impact 2.12-1, as feasible based on project- and site-specific considerations, which will help reduce water usage and, subsequently, wastewater flows.

Transportation projects could only cause impacts on wastewater treatment capacity in the case of excess stormwater runoff into a combined wastewater/stormwater conveyance system. Therefore, mitigation of stormwater drainage system capacity impacts will also mitigate wastewater treatment capacity impacts. Mitigation for stormwater runoff into wastewater systems from transportation projects is discussed under Impact 2.12-3; mitigation measures 2.12(f) and 2.12(g) will mitigate these impacts.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.

- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.12-3 Development under the proposed Plan could require and result in the construction of new or expanded stormwater drainage facilities, which could cause significant environmental impacts. (Draft EIR pg. 2.12-53)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Complying with all existing applicable federal and State regulations, including Provision C.3 of the EPA's Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems, NPDES permit requirements, the submission of and adherence to a Storm Water Pollution Prevention Plan, Water Quality Control Policy for Siting, Design, Operation, and Maintenance of onsite Wastewater Treatment Systems, and/or other relevant current State Water Resource Control Board policy adopted for the purpose of reducing stormwater drainage impacts.
- For projects less than one acre in size, reducing stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a Storm Water Pollution Prevention Plan.
- To the extent possible, siting or orienting the project to use existing stormwater drainage capacity.
- Constructing permeable surfaces, such as stormwater detention facilities, playing fields, landscaping, or alternative surfaces (vegetated roofs, pervious paving).
- Modeling and implementing a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates.
- Capturing rainwater for on-site re-use, such as for landscape irrigation or inside non-potable uses such as toilet flushing.
- Capturing and infiltrating stormwater runoff on site with rain gardens, vegetated swales, constructed wetlands, etc.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures in reducing impacts on stormwater drainage facilities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.12(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce stormwater drainage impacts.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

2.12(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. All transportation projects constructed, operated, or funded by MTC shall adhere to Caltrans' Stormwater Management Plan, which includes best practices to reduce the volume of stormwater runoff and pollutants in the design, construction and maintenance of highway facilities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** MTC and implementing/lead agency.

Impact

2.12-4 Development under the proposed Plan could require and result in the construction of new or expanded water and wastewater treatment facilities, which could cause significant environmental impacts. (Draft EIR 2.12-56)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to, the following. For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could be able to handle the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility

shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.

Further, Mitigation Measures 2.12(2), (b), (c), and (d) will help reduce water demand and wastewater generation, and subsequently help reduce the need for new or expanded water and wastewater treatment facilities. Mitigation Measures 2.12(e), (f) and (g) also help mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.12-6 The proposed Plan could result in insufficient landfill capacity to serve new development while complying with applicable regulations. (Draft EIR pg. 2.12-58)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.12(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Countywide Integrated Waste Management Plans and Source Reduction and Recycling Elements shall take the growth patterns projected by the proposed Plan into account in their evaluation of landfill disposal capacity and determination of strategies to implement to enhance capacity.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer where applicable.

2.12(j) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Providing an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials, where feasible.

- Maintaining or re-using existing building structures and materials during building renovations and redevelopment, where feasible.
- Using salvaged, refurbished or reused materials, to help divert such items from landfills, where feasible.
- Diverting construction waste from landfills, where feasible, through means such as:
 - The submission and implementation of a construction waste management plan that identifies materials to be diverted from disposal.
 - Establishing diversion targets, possibly with different targets for different types and scales of development.
 - Helping developments share information on available materials with one another, to aid in the transfer and use of salvaged materials.
- Applying the specifications developed by the Construction Materials Recycling Association (CMRA) to assist contractors and developers in diverting materials from construction and demolition projects, where feasible.⁴
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures in reducing impacts on landfills.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

HAZARDOUS MATERIALS

Impact

2.13-1: Implementation of the proposed Plan could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft EIR pg. 2.13-27)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

⁴ The CMRA specifications are available on the CalRecycle website at: www.calrecycle.ca.gov/conDemo/specs/CMRA.htm

2.13(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with the routine transit, use, or disposal of hazardous materials, implementing agencies shall require project sponsors to comply with the Resource Conservation and Recovery Act, Title 22 of the California Code of Regulations, California Hazardous Waste Control Law, Cal/EPA requirements, HAZMAT training requirements, and any local regulations such as city or county Hazardous Materials Management Plans regulating the generation, transportation, treatment, storage, and disposal of hazardous materials and waste. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to the transport, use, or disposal of hazardous materials.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-2: Implementation of the proposed Plan could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR pg. 2.13-29)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with the release of hazardous materials into the environment, implementing agencies shall require project sponsors to comply with Senate Bill 1889, Accidental Release Prevention Law/California Accidental Release Prevention Program (CalARP) regulating the generation, transportation, treatment, storage, and disposal of hazardous materials and waste. In addition, project sponsors shall comply with United States Department of Transportation regulations regarding the transport of hazardous materials and wastes such that accidental upset conditions are minimized. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to upset and accident conditions involving the release of hazardous materials into the environment.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.

- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-3: Implementation of the proposed Plan could result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Draft EIR pg. 2.13-31)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools, implementing agencies shall require project sponsors to comply with DTSC School Property Evaluation and Cleanup Division regulations regarding the cleanup of existing contamination at school sites and requirements for the location of new schools that would minimize potential exposure of hazardous emissions to students, staff, and visitors to existing and planned school sites. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to hazardous materials near schools.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-4: Implementation of the proposed Plan could result in projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. (Draft EIR pg. 2.13-33)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Determining whether specific land use and transportation project sites are listed as a hazardous materials and/or waste site pursuant to Government Code Section 65962.5.

- Requiring preparation of a Phase I ESA in accordance with the American Society for Testing and Materials' ASTM E-1527-05 standards for any listed sites or sites with the potential of residual hazardous materials and/or waste as a result of location and/or prior uses.
- Implementing recommendations included in a Phase I ESA prepared for a site.
- If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.
- For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.
- Requiring construction contractors to prepare and implement soil management contingency plans which provide procedural guidance on the handling, notification, and protective measures to be taken in the event of encountering suspected contamination or naturally occurring asbestos.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-5: Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. (Draft EIR pg. 2.13-36)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the impacts associated with people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, implementing agencies shall require project sponsors to comply with any applicable Airport Land Use Compatibility Plan requirements as well as any Federal Aviation Administration (14 CFR Part 77) requirements. Projects shall not be approved by local agencies until project design plans have been reviewed and approved by the Airport Land Use Commission such that proposed projects would not adversely affect subject airport operations. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development near a public airport.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-6: Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects within the vicinity of a private airstrip. (Draft EIR pg. 2.13-38)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce impacts associated with people residing or working in the planning area for projects within the vicinity of a private airstrip implementing agencies shall require project sponsors to comply with any applicable local land use regulations and federal aviation guidelines as well as any Federal Aviation Administration (14 CFR Part 77) requirements applicable to projects located within two miles of a private airstrip. Projects shall not be approved by local agencies until project design plans can demonstrate compliance with subject airstrip, local and federal aviation requirements. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to development near a private airstrip.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.13-8: Implementation of the proposed Plan could expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Draft EIR pg. 2.13-41)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.13(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce wildland fire impacts, implementing agencies shall require project sponsors to comply with safety measures that minimize the threat of fire as stated in the California Fire Code as well as compliance with Title 14 of the California Code of Regulations, Division 1.5 to minimize exposing people and structures to loss, injury, or death and damage. Projects shall not be approved by local agencies until project design plans can demonstrate compliance with fire safety requirements. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to wildfire hazards.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

PUBLIC SERVICES AND RECREATION

Impact

2.14-1 Implementation of the proposed Plan could result in the need for expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services. (Draft EIR pg. 2.14-11)

Mitigation Measure

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.14(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that adequate public services, and related infrastructure and utilities, will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development projects.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in reducing public service impacts.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Impact

2.14-2 Implementation of the proposed Plan could result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Draft EIR pg. 2.14-14)

Mitigation Measures

Implementing agencies and/or project sponsors shall consider implementation of mitigation measures including but not limited to those identified below.

2.14(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Ensuring that adequate parks and recreational facilities will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measure in reducing impacts on recreational facilities.

Mitigation Monitoring:

- **Timing.** This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.
- **Oversight Responsibility.** MTC and ABAG.
- **Implementation Responsibility.** Implementing/lead agency and/or developer.

Date: July 18, 2013
W.I.: 1121
Referred by: MTC Planning /
ABAG Administration

ABSTRACT

MTC Resolution No. 4110

ABAG Resolution No. 05-13

This resolution certifies the Final Environmental Impact Report prepared for Plan Bay Area (the 2040 Regional Transportation Plan including the Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2012062029), and adopts environmental findings pursuant to the California Environmental Quality Act; a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program.

Further discussion of this subject is contained in the Joint MTC Planning Committee and ABAG Administration Committee memorandum dated July 5, 2013.

Date: July 18, 2013
W.I.: 1121
Referred by: MTC Planning /
ABAG Administration

Re: Certification of the Final Environmental Impact Report prepared for Plan Bay Area (the 2040 Regional Transportation Plan including the Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2012062029), and adoption of environmental findings pursuant to the California Environmental Quality Act; a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4110

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD
RESOLUTION NO. 05-13

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Part 450 of Title 23 of the Code of Federal Regulations (CFR), require MTC as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, the Association of Bay Area Governments (ABAG), a joint exercise of powers entity created pursuant to California Government Code Sections 6500 *et seq.*, is the Council of Governments and the regional land use planning agency for the San Francisco Bay Area; and

WHEREAS, California Government Code Section 65080 requires ABAG and MTC to prepare sustainable communities strategy for the San Francisco Bay Area; and

WHEREAS, the Plan Bay Area (“Plan”) constitutes the RTP and sustainable communities strategy for the San Francisco Bay Area; and

WHEREAS, the Plan proposes and encompasses the planning foundation for transportation improvements and regional growth throughout the San Francisco Bay Area through 2040; and

WHEREAS, MTC and ABAG served as joint lead agencies in preparing a Programmatic Environmental Impact Report (Program EIR) (SCH# 2012062029) with the assistance of MTC and ABAG staff and consultants pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*) for the Plan; and

WHEREAS, the Program EIR provides full disclosure and programmatic analysis of the potentially significant environmental effects of the Plan; and

WHEREAS, MTC and ABAG issued a Notice of Preparation (NOP) of a Draft Program EIR on June 11, 2012, and circulated the NOP for a period of 30 days pursuant to State CEQA Guidelines §§ 15082(a), 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines §§ 15206 and 15082, MTC and ABAG publicly noticed and held 5 public scoping meetings between June 20, 2012, and June 27, 2012, for the purpose of soliciting comments from the public and potential responsible and trustee agencies, including details about the scope and content of the environmental information related to the responsible and trustee agencies’ areas of statutory responsibility, as well as the significant environmental issues, reasonable alternatives, and mitigation measures that the responsible and trustee agencies would need to have analyzed in the Program EIR; and

WHEREAS, MTC and ABAG received a substantial number of responses to the NOP from agencies, public interest groups, and citizens, which assisted MTC and ABAG in narrowing the issues and alternatives analyzed in the Draft Program EIR; and

WHEREAS, the Draft Program EIR was completed and filed with the State Office of Planning and Research (OPR) on April 2, 2013; and

WHEREAS, MTC and ABAG commenced a 45-day review period to solicit comments on the Draft Program EIR, which ended on May 16, 2013; and

WHEREAS, pursuant to State CEQA Guidelines § 15087, MTC and ABAG also provided a Notice of Availability (NOA) to all organizations and individuals who previously requested such notice and published a NOA for the Draft Program EIR on April 2, 2013, in a newspaper of general circulation. In addition, copies of the Draft Program EIR were made available at public libraries and at the offices of MTC and ABAG and electronic links to the Draft Program EIR were provided on their websites; and

WHEREAS, during the comment period on the Draft Program EIR, MTC and ABAG consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines § 15086; and

WHEREAS, during the public review period for the Draft Program EIR, MTC and ABAG held three public hearings specifically on the Draft Program EIR and nine public hearings on the Plan Bay Area, including the Draft Program EIR; and

WHEREAS, during the public review period for the Draft Program EIR, MTC and ABAG received approximately 341 written comment letters and numerous oral and written comments from public hearings, which are included in the Final Program EIR; and

WHEREAS, after the public review period for the Draft Program EIR ended, MTC and ABAG received additional written comment letters; and

WHEREAS, MTC and ABAG staff evaluated all comments on environmental issues received during the administrative process including all comments received during the public comment period and, after the close of the public comment period, has continued to review additional comments submitted upon receipt; and

WHEREAS, MTC and ABAG staff evaluated all comments on environmental issues received during the comment period on the Draft Program EIR and prepared written responses to these comments; and

WHEREAS, pursuant to Public Resources Code § 21092.5 and CEQA Guidelines § 15088, MTC and ABAG provided written responses to all public agencies that submitted comments on the Draft Program EIR on July 5, 2013, more than ten days prior to certification of the Program EIR; and

WHEREAS, MTC and ABAG staff prepared the Final Program EIR, consisting of: (1) the Draft Program EIR, including all appendices and revisions thereto; (2) comments and recommendations received on the Draft Program EIR, a list of persons, organizations, and public agencies commenting on the Draft Program EIR; (3) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; and (4) all appendices to the Final Program EIR; and

WHEREAS, no comments made in the public hearings conducted by MTC and ABAG, or any additional information received by MTC and ABAG, have produced significant new information requiring recirculation or additional environmental review under State CEQA Guidelines § 15088.5; and

WHEREAS, State CEQA Guidelines § 15090 provides that lead agencies shall certify that the decisionmaking body of the lead agency has reviewed and considered the information presented in the Program EIR prior to approving a project; and

WHEREAS, State CEQA Guidelines § 15090 further provides that lead agencies shall certify that an EIR prepared for a project has been completed in compliance with CEQA; and

WHEREAS, State CEQA Guidelines § 15090 further provides that lead agencies shall certify that an EIR prepared for a project reflects their independent judgment and analysis; and

WHEREAS, certification of the Final Program EIR was placed on the agenda for the July 18, 2013 Joint MTC Commissioner and ABAG Executive Board meeting, and public notice of the meeting was circulated to the public on [REDACTED];

WHEREAS, MTC and ABAG have prepared CEQA Findings in compliance with Public Resources Code §§ 21081 and 21081.5, and CEQA Guidelines § 15091, which are entitled “CEQA Findings of Fact and Statement of Overriding Considerations” (attached hereto as Attachment A and incorporated herein as though set forth at length); and

WHEREAS, all of the findings and conclusions made by MTC and ABAG pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole not based solely on the information provided in this Resolution; and

WHEREAS, the Plan will have significant impacts that cannot be fully mitigated to less than significant, and MTC and ABAG have prepared a Statement of Overriding Considerations in compliance with Public Resources Code § 21081 and CEQA Guidelines § 15093, included as Section 3 of “CEQA Findings of Fact and Statement of Overriding Considerations” (Attachment A), which concludes that specific economic, legal, social, technological, and other benefits of the Plan outweigh the potentially significant and unavoidable impacts identified in the Final Program EIR; and

WHEREAS, each of the specific economic, legal, social, technological, and other benefits of the Plan included in the Statement of Overriding Considerations is independently sufficient to justify approval of the Plan; and

WHEREAS, MTC and ABAG have prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code § 21081.6 and CEQA Guidelines § 15097, included as Attachment B, to ensure compliance with the mitigation measures identified in the Final Program EIR during Plan implementation to the extent feasible; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;
and

WHEREAS, prior to taking action on the Final Program EIR, MTC and ABAG have heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; now, therefore, be it

RESOLVED, that MTC and ABAG hereby certify that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, MTC and ABAG staff prepared the Final Program EIR, consisting of: (1) the Draft Program EIR, including all appendices and revisions thereto; (2) comments and recommendations received on the Draft Program EIR, a list of persons, organizations, and public agencies commenting on the Draft Program EIR; (3) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; and (4) all appendices to the Final Program EIR; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR satisfies all the requirements of CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Plan's potentially significant environmental impacts and a reasonable range of alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find that the Plan will have significant impacts that cannot be fully mitigated to less than significant; and be it further

RESOLVED, that MTC and ABAG certify that the Final Program EIR (attached hereto as Attachment C and incorporated herein as though set forth at length) represents the independent judgment and analysis of MTC; and be it further

RESOLVED, that MTC and ABAG, as the decision making bodies, certify the Program EIR (Attachment C) was presented to them and that they reviewed and considered the information in the Final Program EIR prior to approving the Plan; and be it further

RESOLVED, that MTC and ABAG make and adopt the Findings required in CEQA Guidelines § 15091, which are attached hereto as Attachment A; and be it further

RESOLVED, that MTC and ABAG adopt the Statement of Overriding Considerations as required by CEQA Guidelines § 15093, which describes numerous specific economic, legal, social, technological, and other benefits of the Plan each of which is independently sufficient to justify approval of the project, and is attached hereto as Section 3 of “CEQA Findings of Fact and Statement of Overriding Considerations” (Attachment A) and incorporated fully by this reference; and be it further

RESOLVED, that MTC and ABAG adopt the Mitigation Monitoring and Reporting Program as required by CEQA Guidelines § 15097, which is attached hereto as Attachment B and incorporated fully by this reference; and be it further

RESOLVED, that MTC and ABAG direct staff to immediately (within five working days): (a) file a Notice of Determination documenting these decisions (CEQA Guidelines § 15094); (b) retain a copy of the certified Final Program EIR as a public record; and (c) provide a copy of the certified Final Program EIR to the planning agencies of all member jurisdictions and each responsible agency (CEQA Guidelines § 15095).

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in Oakland, California on July 18, 2013.

The foregoing was adopted by the Executive Board this 18th day of July, 2013.

Mark Luce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 18th day of July, 2013.

Ezra Rapport
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

Date: July 18, 2013
W.I.: 1121
Referred by: MTC Planning /
ABAG Administration

Attachment A
MTC Resolution No. 4110
ABAG Resolution No. 05-13
Page 1 of 1

**CEQA Findings of Fact and Statement of Overriding Considerations (with Mitigation
Monitoring and Reporting Program)**

The CEQA Findings of Fact and Statement of Overriding Considerations (with Mitigation
Monitoring and Reporting Program) is on file in the offices of the Metropolitan Transportation
Commission, MetroCenter, 101 Eighth Street, Oakland, CA 94607.

Date: July 18, 2013
W.I.: 1121
Referred by: MTC Planning /
ABAG Administration

Attachment B
MTC Resolution No. 4110
ABAG Resolution No. 05-13
Page 1 of 1

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program is on file in the offices
of the Metropolitan Transportation Commission, MetroCenter,
101 Eighth Street, Oakland, CA 94607.

Date: July 18, 2013
W.I.: 1121
Referred by: MTC Planning /
ABAG Administration

Attachment C
MTC Resolution No. 4110
ABAG Resolution No. 05-13
Page 1 of 1

Program Environmental Impact Report (EIR)

The Program Environmental Impact Report (EIR) is on file in the offices
of the Metropolitan Transportation Commission, MetroCenter,
101 Eighth Street, Oakland, CA 94607.

Plan BayArea

TO: MTC Planning Committee, ABAG Administrative Committee DATE: July 5, 2013

FR: Executive Director, MTC
Executive Director, ABAG

W.I.: 1121

RE: Plan Bay Area – Final Adoption (MTC Resolution No. 4111, ABAG Resolution No. 06-13)

Overview

At the joint meeting of the MTC Planning and ABAG Administrative Committees on June 14, 2013 the Committees took action related to a number of key issues and plan implementation priorities that were identified during the Public Comment period on the Draft Plan Bay Area (Draft Plan) and presented as staff recommendations.

This memo transmits staff's recommended revisions for the final approval of Plan Bay Area based on direction from the ABAG Administrative Committee and MTC Planning Committee at your Joint Meeting, and additional action taken by the ABAG Executive Board on June 20th. There are also technical edits and corrections recommended by staff.¹

The proposed changes to the Draft Plan, including text, tables, and charts, are included in Attachment A to this memorandum. They are presented in order by chapter and page number, and numbered sequentially for reference during your deliberations at the July 12, 2013 meeting. Attachment B includes proposed changes to the maps that are proposed to be included in the final Plan Bay Area document (Final Plan). The Draft Plan is provided at http://www.mtc.ca.gov/planning/plan_bay_area/. The Final Plan to be considered by the Commission and Executive Board on July 18, 2013 will consist of the Draft Plan and the revisions to the Draft Plan that the Committees approve on July 12th. With the revisions outlined in Attachment A, staff recommends that the MTC Planning Committee and ABAG Administrative Committee refer the Final Plan (comprised of the Draft Plan together with the revisions outlined in Attachment A) to the Commission and the Executive Board for approval at their special joint meeting on July 18, 2013.

¹ The PDAs used in the EIR analysis are not changed. The PDAs for the Final Plan Bay Area are updated here to reflect technical edits and corrections. The changes to the PDAs are minor revisions that do not affect the housing and job distributions to the PDAs or to the cities. Since PDAs have been removed and not added, if anything, the EIR analysis is conservative because it included the VTA sub-area as PDAs in all PDA-oriented analysis. The alterations to the proposed Final Plan would have no effect on the conclusions or findings in the Draft EIR.

Key Changes to the Draft Plan

On June 20th, 2013 the ABAG Executive Board discussed and approved modifications to the policy recommendations that were previously approved by the Planning and Administrative Committees on June 14th, 2013 and requested the addition of one policy related issue to the Draft Plan. The Executive Board's recommendations relative to the Committee's actions on Key Issues identified in the comment period for the Draft Plan are outlined below.

1. Regional Forecast – no changes
2. Housing redistribution to suburban locations – no changes
3. Affordable Housing – no changes
4. Transportation Investments - revised the Committee's recommendation to include goods movement investments as an eligible use of Cap and Trade funding, in addition to transit, transit-oriented affordable housing, and local streets and roads (See Attachment A, page 16, item #44)
5. Reducing the Potential Risk of Displacement – revised the recommendation to state that ABAG and MTC will provide a menu of affordable housing and displacement policies for local jurisdictions to consider related to upcoming funding opportunities generally, rather than limiting the consideration to future rounds of One Bay Area Grant (OBAG) funding (See Attachment A, page 20, item 60)
6. Regional Express Lanes Network – no changes

The Planning and Administrative Committees discussed a number of items on June 14th identified by staff in relation to the Draft Plan comment period as key implementation issues that had not been appropriately identified or prioritized in the Draft Plan under the category of "Additional Incentives and Priorities for Plan Implementation". The ABAG Executive Board approved specific recommendations for three of the items in this category as described below.

1. Goods Movement and Industrial Lands (See page 23, item # 64)
2. Inter-regional Coordination (See page 24, item # 65)
3. Priority Conservation Area (PCA) Program Expansion and Refinement (See page 24, item # 66)

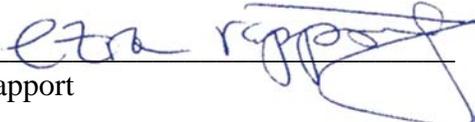
Finally, the ABAG Executive Board requested the addition of employment and wages under the "Vibrant Economy" section of Chapter 6 (See page 22, item # 61).

Recommendation

Staff recommends that the ABAG Administrative Committee and MTC's Planning Committee refer ABAG Resolution No.06-13 and MTC Resolution No. 4111 to the Executive Board and Commission for adoption of the final Plan Bay Area, with the clarifications and revisions noted above and included in the attachments.



Steve Heminger



Ezra Rapport

ATTACHMENT A

ATTACHMENT A: List of Changes for Plan Bay Area

For consideration and adoption by the MTC Planning Committee and ABAG Administrative Committee, the following are changes to the text and tables in the draft Plan Bay Area document to create the final Plan Bay Area. Deletions are indicated by strikethrough and additions are indicated by underline. Highlighted text indicates changes adopted by the ABAG Executive Board at its June 20th meeting to items discussed by the ABAG Administrative Committee and MTC Planning Committee on June 14th.

Overall: Modify all references of “draft Plan Bay Area” to “Plan Bay Area,” as appropriate.

Introducing Plan Bay Area

- 1) **Page 3.** Add the following text: Plan Bay Area is one element of a broader California effort to reduce greenhouse gas emissions. While Plan Bay Area focuses on where the region is expected to grow and what transportation investments will support that growth, Assembly Bill 32 creates a comprehensive framework to cut greenhouse gases with new, cleaner fuels, more efficient cars and trucks, lower carbon building codes, cleaner power generation, as well as coordinated regional planning. In addition, Caltrans will lead efforts consistent with Senate Bill 391 to reduce greenhouse gases statewide from the transportation sector, including freight. These strategies are outlined in the California Air Resources Board’s (CARBs) Scoping Plan which demonstrates there is no single way to reduce greenhouse gases. Every sector must contribute if the State is to achieve its goals today and for tomorrow’s generations.
- 2) **Page 3.** Move the feature box “California Senate Bill 375: Linking Regional Plans to State Greenhouse Gas Reduction Bills” to page 4.
- 3) **Page 4.** Add the following text with sub-heading (at the end of the “Building Upon Local Plans and Strategies” section):
Preserving Local Land Use Control
Adoption of Plan Bay Area does not mandate any changes to local zoning, general plans, or project review. The region’s cities, towns, and counties will maintain control of all decisions to adopt plans and permit or deny development projects. This is required by SB375 and reflects the intent of regional and local collaboration that is the foundation of Plan Bay Area.

The Plan assists jurisdictions seeking to implement the Plan at the local level by providing funding for PDA planning and transportation projects. The Plan also provides jurisdictions with the option of increasing the efficiency of the development process for projects consistent with the Plan and other criteria included in SB375.

ATTACHMENT A

- 4) **Page 4.** Add the following text (within the “Setting our Sights/Reaching Out” section): In addition, there were multiple rounds of engagement with the Bay Area’s Native American Tribes which are detailed in the Tribal Consultation report.
- 5) **Page 7.** Modify the following text (subject heading): ~~Increased Racial and Ethnic Diversity Expected to Increase Will Increase Demand for Multifamily Housing.~~
- 6) **Page 8.** Remove the following text: ~~Both population groups have demonstrated an historic preference for multifamily housing, and they form multigenerational households at a higher rate than the general population. This is expected to drive higher demand for multifamily housing, in contrast to the historic development pattern of building primarily single-family homes. Likewise, many Latinos and Asians rely more on public transit than non-Hispanic whites. This, too, is expected to increase demand for a robust transit system that makes it easier for people who don’t own cars to commute, shop and access essential services.~~
- 7) **Page 8.** Modify the following text (in the “Demand for Multi-Unit Housing in Urban Areas Close to Transit Expected to Increase” section): ~~The growing numbers of Latino and Asian households will create a similar shift in the housing market. Finally~~ population Population growth of those aged 34 and younger is expected to have a similar effect, as this demographic group also demonstrates a greater preference for multifamily housing.

ATTACHMENT A

8) **Page 10.** Replace Table 1 SF Bay Area Total Job Growth: 2010-2040, Top 15 Cities with the following table:

Rank	Jurisdiction	Jobs	Jobs	2010-2040 Job Growth	Percent Growth*
		2010	2040	Total Growth	
1	San Francisco	569,000	760,000	191,000	34%
2	San Jose	377,000	525,000	147,000	39%
3	Oakland	190,000	276,000	85,000	45%
4	Santa Clara	113,000	146,000	33,000	29%
5	Fremont	90,000	120,000	30,000	33%
6	Palo Alto	90,000	119,000	30,000	33%
7	Santa Rosa	75,000	104,000	28,000	38%
8	Berkeley	77,000	99,000	22,000	29%
9	Concord	48,000	69,000	22,000	46%
10	Sunnyvale	75,000	96,000	21,000	28%
11	San Mateo	53,000	73,000	20,000	39%
12	Hayward	68,000	88,000	20,000	29%
13	Redwood City	58,000	77,000	19,000	33%
14	Walnut Creek	42,000	57,000	16,000	38%
15	Mountain View	48,000	64,000	16,000	33%

**Percentage growth figures may not match due to rounding.*

ATTACHMENT A

- 9) **Page 11.** Replace Table 2 SF Bay Area Total Housing Unit Growth 2010-2040, Top 15 Cities with the following table:

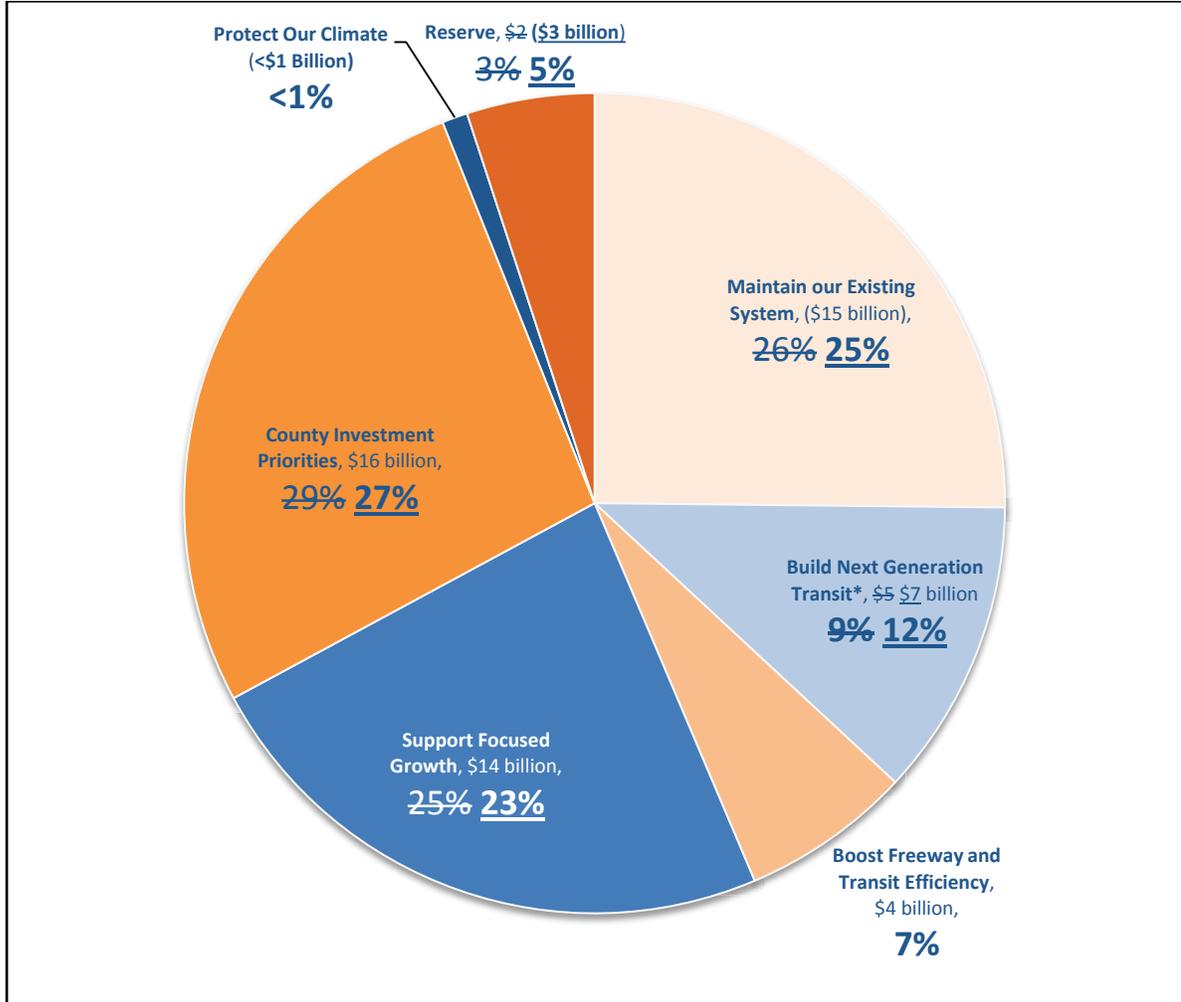
Rank	Jurisdiction	Housing Units	Housing Units	2010-2040 Housing Unit Growth	
		2010	2040	Total Growth	Percent Growth*
1	San Jose	314,000	443,000	129,000	41%
2	San Francisco	377,000	469,000	92,000	25%
3	Oakland	170,000	221,000	51,000	30%
4	Sunnyvale	56,000	75,000	19,000	34%
5	Concord	47,000	65,000	18,000	38%
6	Fremont	74,000	92,000	18,000	24%
7	Santa Rosa	67,000	83,000	16,000	24%
8	Santa Clara	45,000	59,000	14,000	31%
9	Milpitas	20,000	32,000	13,000	64%
10	Hayward	48,000	61,000	12,000	26%
11	Fairfield	37,000	48,000	11,000	30%
12	San Mateo	40,000	50,000	10,000	25%
13	Livermore	30,000	40,000	10,000	32%
14	Richmond	39,000	49,000	10,000	25%
15	Mountain View	34,000	43,000	9,000	28%

**Percentage growth may not match due to rounding.*

- 10) **Page 12.** Modify the following text: Plan Bay Area transportation revenue forecasts total ~~\$289~~ \$292 billion over the 28-year period.
- 11) **Page 12.** Modify the following text: Of the total revenues, ~~\$57~~ \$60 billion are “discretionary,” or available for assignment to projects and programs through Plan Bay Area.

ATTACHMENT A

12) **Page 12.** Figure 2. Plan Bay Area – Discretionary Investment Summary (in year-of-expenditure \$)



ATTACHMENT A

13) **Page 13.** Modify the following table: Table 3 Ten Largest Plan Bay Area Investments

Rank	Project	Investment (YOE* Millions \$)
1	BART to Warm Springs, San Jose, and Santa Clara	\$8,341
2	MTC Regional Express Lane Network	\$6,657 \$6,057
3	Transbay Transit Center/Caltrain Downtown Extension (Phases 1 and 2)	\$4,185
4	Integrated Freeway Performance Initiative (FPI)	\$2,259 \$2,729
5	Presidio Parkway/Doyle Drive US 101 seismic replacement	\$2,053
6	Caltrain Electrification and Service Frequency Improvements	\$1,718
7	SF MUNI Central Subway: King St to Chinatown	\$1,578
8	Valley Transportation Authority (VTA) Express Lane Network	\$1,458
9	San Jose International Airport Connector	\$753
10	Hunters Point and Candlestick Point: New Local Roads	\$722

14) **Page 15.** Remove the following text box: ~~MTC and ABAG welcome your comments on this draft Plan Bay Area. An extensive outreach effort is planning during the spring of 2013 to provide ample opportunity for the region’s residents to make their views known. Please see “what’s Next for Plan Bay Area” at the end of this plan for details, or visit <http://onebayarea.org>~~

Chapter 1: Setting Our Sights

15) **Page 24.** Modify the following text (in feature box “Plan Bay Area Prompts Robust Dialogue on Transportation and Housing”):

Early on in the development of Plan Bay Area, MTC and ABAG set benchmarks for involving a broad cross-section of the public. With, hundreds of meetings completed and thousands of comments logged, the agencies can point to the following indicators that show an active process. Full details are included in supplementary reports, *Plan Bay Area Public Outreach and Participation Program: Phases 1-3 (multiple volumes, listed in Appendix 1) and Government to Government Consultation with Native American Tribes*.

ATTACHMENT A

Following are some of the highlights to date:

- ~~Two~~ Two statistically valid telephone polls conducted in Winter 2010/2011 and Spring 2012 of some 5,200 Bay Area residents from all nine counties. A third poll of some 2,500 residents was completed in Spring 2013.
- ~~Nineteen~~ Twenty-nine well-attended public workshops or hearings (at least three in each Bay Area county) attracted ~~000~~ over 3,000 residents. A vocal contingent of participants at the public meetings expressed strong opposition to regional planning in general and to Plan Bay Area in particular.
- Eight public hearings were held in 2012 and 2013 in conjunction with development and review of the companion Plan Bay Area Draft Environmental Impact Report (DEIR) drew another 400 participants.
- MTC and ABAG developed partnerships with community organizations in low-income communities and communities of color to conduct community surveys (1,600 completed surveys in Spring 2011; 10 focus groups with 150 participants in Winter 2012, and an additional ~~4~~ 12 focus groups conducted in the spring of 2013 with 180 participants).
- Throughout the planning process, ABAG and MTC hosted meetings with local elected officials, local planning directors and officials from congestion management and transit agencies.
- An active web and social media presence, resulted in some ~~270,000~~ 356,000 page views by ~~50,000~~ 66,000 unique visitors to the OneBayArea.org web site since its launch in April 2010, and a January 2012 "virtual public workshop" some 1,300 individuals participated , and another 90 comments were submitted on the Draft Plan via an interactive online comment forum.
- Release of the Draft Plan and DEIR drew 1,250 residents to county-based meetings that included an "Open House" where participants could view displays and ask questions, followed by a public hearing. A total of 385 people spoke and another 140 completed comment forms at the public hearings, .
- A total of 587 letters and emails were submitted on the Draft Plan and DEIR. All correspondence, public hearing transcripts and comment forms can be viewed at OneBayArea.org.

ATTACHMENT A

~~With release of the draft plan, residents can comment multiple ways in April and May 2013 at one of nine public hearings on the plan, three public hearings on the companion Environmental Impact Report and online via a Plan Bay Area Town Hall at OneBayArea.org. See "What's Next for Plan Bay Area" at the end of this plan for complete details.~~

- 16) **Page 26.** Modify the following text: This land use scenario placed 78 percent of residential growth and 62 percent of job growth in Priority Development Areas throughout the region.

Chapter 2: The Bay Area in 2040

- 17) **Page 31.** Replace Table 1 Bay Area Population, Employment and Housing Projections, 2010-2040 with the following table:

*****Please note that these changes reflect changes in rounding for consistency with other tables. There are no actual changes to the regional forecast totals.*****

Category	2010	2040	Growth	Percent Change
			2010 - 2040	2010 - 2040
Population	7,151,740	9,299,150	2,147,410	30%
Jobs	3,385,300	4,505,220	1,119,920	33%
Households	2,608,020	3,308,110	700,090	27%
Housing Units	2,785,950	3,445,950*	660,000	24%

**2010 and 2040 values include seasonal units*

- 18) **Page 33.** Remove the following text: ~~The population growth of these ethnic groups is significant for Play Bay Area because of their historic preference for multifamily housing~~
- 19) **Page 38.** Remove the following text:
~~Latino and Asian household growth, along with population growth of those aged 34 and under, also will increase demand for multi-family housing in urban locations.~~

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- 20) **Page 39.** Replace Table 4 Population Growth by County, 2010-2040 with the following table:

County	2010	2040	Percent
Alameda	1,510,271	1,987,950	32%
Contra Costa	1,049,025	1,338,443	28%
Marin	252,409	285,395	13%
Napa	136,484	163,677	20%
San Francisco	805,235	1,085,731	35%
San Mateo	718,451	904,427	26%
Santa Clara	1,781,642	2,423,471	36%
Solano	413,344	511,603	24%
Sonoma	483,878	598,455	24%
Total	7,150,739	9,299,153	30%

Chapter 3: Where We Live, Where We Work

- 21) **Page 51.** Replace Table 1 SF Bay Area Total Job Growth 2010-2040, Top 15 Cities with the following table:

Rank	Jurisdiction	Jobs	Jobs	2010-2040	
		2010	2040	Total Job Growth	Percent Growth*
1	San Francisco	569,000	760,000	191,000	34%
2	San Jose	377,000	525,000	147,000	39%
3	Oakland	190,000	276,000	85,000	45%
4	Santa Clara	113,000	146,000	33,000	29%
5	Fremont	90,000	120,000	30,000	33%
6	Palo Alto	90,000	119,000	30,000	33%
7	Santa Rosa	75,000	104,000	28,000	38%
8	Berkeley	77,000	99,000	22,000	29%
9	Concord	48,000	69,000	22,000	46%
10	Sunnyvale	75,000	96,000	21,000	28%
11	San Mateo	53,000	73,000	20,000	39%
12	Hayward	68,000	88,000	20,000	29%
13	Redwood City	58,000	77,000	19,000	33%
14	Walnut Creek	42,000	57,000	16,000	38%
15	Mountain View	48,000	64,000	16,000	33%

**Percentage growth figures may not match regional totals due to rounding.*

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- 22) **Page 54.** Replace Table 2 SF Bay Area Total Housing Unit Growth 2010-2040, Top 15 Cities with the following table:

		Housing Units	Housing Units	2010-2040 Housing Unit Growth	
Rank	Jurisdiction	2010	2040	Total Growth	Percent Growth*
1	San Jose	314,000	443,000	129,000	41%
2	San Francisco	377,000	469,000	92,000	25%
3	Oakland	170,000	221,000	51,000	30%
4	Sunnyvale	56,000	75,000	19,000	34%
5	Concord	47,000	65,000	18,000	38%
6	Fremont	74,000	92,000	18,000	24%
7	Santa Rosa	67,000	83,000	16,000	24%
8	Santa Clara	45,000	59,000	14,000	31%
9	Milpitas	20,000	32,000	13,000	64%
10	Hayward	48,000	61,000	12,000	26%
11	Fairfield	37,000	48,000	11,000	30%
12	San Mateo	40,000	50,000	10,000	25%
13	Livermore	30,000	40,000	10,000	32%
14	Richmond	39,000	49,000	10,000	25%
15	Mountain View	34,000	43,000	9,000	28%

*Percentage growth figures may not match regional totals due to rounding.

- 23) **Page 54.** Modify the following text: Contra Costa County accounts for 11 percent of the region’s new jobs and 12 percent of its new homes. Concord, Richmond, Pittsburg, and Walnut Creek — all with PDAs centered on BART stations — take on the largest shares of the county’s housing growth, with ~~23~~ 22 percent, 12 percent, 9 percent, and 9 percent respectively. PDAs in the county will take on ~~65~~ 64 percent of the housing growth and 57 percent of the job growth.
- 24) **Page 54.** Modify the following text: Major suburban employment centers in Alameda and Contra Costa Counties, including Concord, Walnut Creek, and the Tri-Valley communities of Dublin, Pleasanton, Livermore, and San Ramon, account for over 8 percent of the Bay Area’s new jobs and nearly ~~9~~ 8 percent of its new homes.
- 25) **Page 55.** Modify the following text: In Marin, 22 percent of new jobs and 38 percent of new housing are expected to be located in PDAs, while the share is 18 percent and 41 percent in Napa County, 33 percent and 65 percent in Solano County, and ~~56~~ 47

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percent and 72 percent in Sonoma County.

- 26) **Page 55.** Modify the following text: Overall, well over two-thirds of all regional growth by 2040 is allocated within Priority Development Areas. PDAs are expected to accommodate ~~80~~ 78 percent (or over ~~525,570~~ 509,000 units) of new housing and ~~66~~62 percent (or nearly 690,000) of new jobs.
- 27) **Page 55.** Replace Table 3 SF Bay Area Housing and Job Growth, 2010-2040 with the following table:

County	Employment				Housing Units				Households			
	2010	2040	2010-2040		2010 [†]	2040	2010-2040		2010	2040	2010-2040	
			Total	%*			Total	%*			Total	%*
Alameda	694,450	947,650	253,200	36%	582,550	730,540	147,990	25%	545,000	705,000	160,000	29%
Contra Costa	344,920	467,390	122,470	36%	400,260	481,590	81,330	20%	375,000	464,000	89,000	24%
Marin	110,730	129,140	18,400	17%	111,210	118,740	7,530	7%	103,000	112,000	9,000	9%
Napa	70,650	89,540	18,890	27%	54,760	60,830	6,070	11%	49,000	56,000	7,000	15%
San Francisco	568,720	759,500	190,780	34%	376,940	469,430	92,480	25%	346,000	447,000	102,000	29%
San Mateo	345,200	445,080	99,880	29%	271,030	326,070	55,040	20%	258,000	315,000	57,000	22%
Santa Clara	926,260	1,229,530	303,270	33%	631,920	842,350	210,430	33%	604,000	818,000	214,000	35%
Solano	132,350	179,930	47,580	36%	152,700	175,570	22,870	15%	142,000	169,000	27,000	19%
Sonoma	192,010	257,460	65,450	34%	204,570	236,480	31,910	16%	186,000	221,000	35,000	19%
REGION*	3,385,300	4,505,220	1,119,920	33%	2,785,950	3,444,950[†]	660,000[†]	24%	2,608,000	3,308,000	700,000	27%

*Growth figures may not match regional totals due to rounding and seasonal units.

[†]Regional 2040 and growth totals include 4,350 seasonal units that were not distributed throughout the region.

Source: Jobs Housing Connection Strategy, ABAG 2012

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- 28) **Page 57.** Replace the table Regional Housing Need Allocation, 2014-2022 with the following table:

County	Very Low	Low	Moderate	Above	Total
Alameda	9,912	6,604	7,924	19,596	44,036
Contra Costa	5,264	3,086	3,496	8,784	20,630
Marin	618	367	423	890	2,298
Napa	370	199	243	670	1,482
San Francisco	6,234	4,639	5,460	12,536	28,869
San Mateo	4,595	2,507	2,830	6,486	16,418
Santa Clara	16,158	9,542	10,637	22,499	58,836
Solano	1,711	902	1,053	3,311	6,977
Sonoma	1,818	1,094	1,355	4,177	8,444
Region	46,680	28,940	33,420	78,950	187,990

- 29) **Page 58.** Modify the following text: ~~Looking ahead to the adoption of Plan Bay Area, some agencies will have the chance to support project development. To encourage integrated land use and transportation planning, Senate Bill 375 sets up a process whereby certain projects consistent with the adopted Plan Bay Area may qualify for relief from some CEQA requirements. Adoption of Plan Bay Area will not require any changes to local land use policies or environmental review processes. In concert with Senate Bill 375, the Plan provides some jurisdictions with the opportunity to reduce the scope of environmental analysis required under CEQA for certain projects that are consistent with the Plan.~~
- 30) **Page 59.** Modify the map legend as follows:
- ~~Eligible areas for residential or mixed-use CEQA streamlining~~ General areas projected to meet density threshold for residential and mixed-use CEQA streamlining
 - ~~Eligible areas for only residential CEQA streamlining~~ General residential areas projected to meet density threshold for residential CEQA streamlining
 - ~~Ineligible areas for CEQA streamlining~~ General areas projected to be ineligible for CEQA streamlining
- 31) **Page 59.** Remove San Francisco/Oakland Area and San Jose Area insets to show TPP areas in all counties.

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Chapter 4: Investments

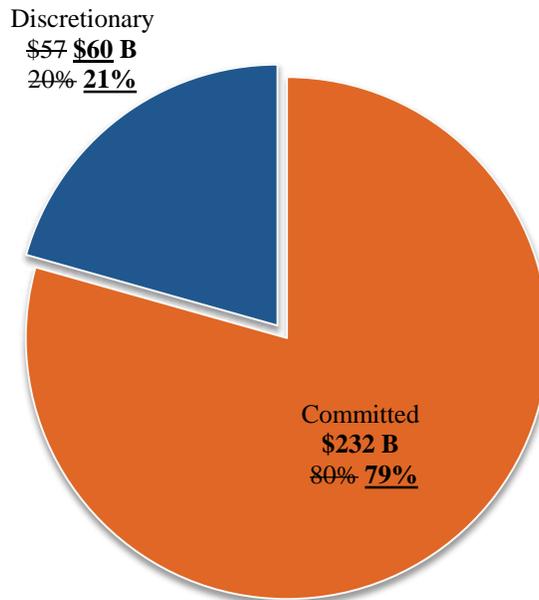
- 32) **Page 62.** Modify the following text: Plan Bay Area revenue forecasts total ~~\$289~~ \$292 billion over the 28-year period reckoned in year of expenditure (YOE) dollars.

- 33) **Page 62.** Modify the following table: Plan Bay Area Funding: 28-Year Revenue Forecast

Source	YOE\$ billions	% of Total
Local	\$154	53%
Regional	\$43	15%
State	\$45 <u>\$48</u>	16%
Federal	\$33	11%
Anticipated	\$14	5%
Total	\$289 <u>\$292</u>	100%

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- 34) **Page 64.** Modify the following figure: **Figure 2. Plan Bay Area Revenue** ~~\$289~~ \$292 Billion



- 35) **Page 64.** Add the following text (inserted as a bullet before the last bullet “anticipated as it previously appears: Plan Bay Area assumes \$3.1 billion dollars in Cap and Trade revenue. These funds represent the Bay Area’s share of funds that are expected to be administered by the state’s Metropolitan Planning Organizations.
- 36) **Page 65.** Modify the following text: Based on these conditions, ~~\$57~~ \$60 billion of the ~~\$289~~ \$292 billion in total revenue forecasted for Plan Bay Area is available for discretionary investments.
- 37) **Page 65.** Modify the following text: As summarized in Table 1, the investment strategy totals ~~\$289~~ \$292 billion in committed and discretionary funds.

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38) **Page 65.** Modify the following table: **Table 1** Draft Plan Investments by Function

Function	Committed,	Discretionary,	Total,
	YOES\$ billions	YOES\$ billions	YOES\$ billions
Transit: Expansion	\$13	\$8	\$21
Transit: Maintain Existing System	\$139	\$20	\$159
Road and Bridge: Maintain Existing System	\$69	\$25	\$94
Road and Bridge: Expansion	\$11	\$4	\$15
<u>Cap and Trade Reserve</u>	\$0	<u>\$3</u>	<u>\$3</u>
Total	\$232	\$57 \$60	\$289 \$292

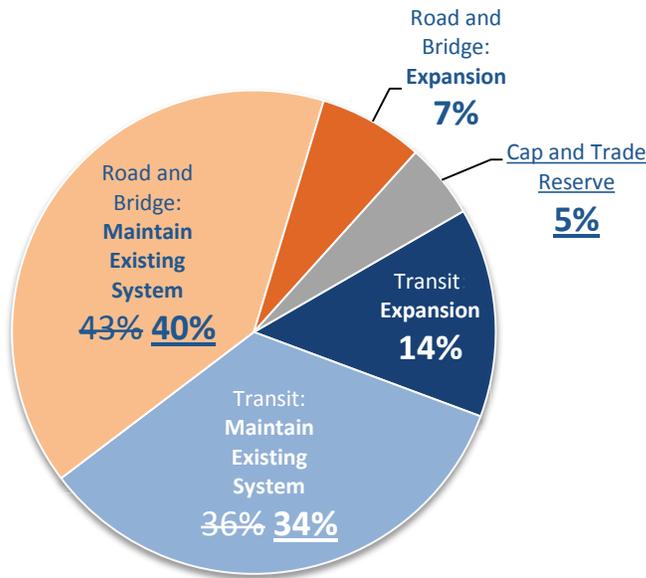
39) **Page 65.** Modify the following text: ~~Eighty~~ Seventy-nine percent (\$232 billion) of all the revenues forecast for Plan Bay Area are deemed “Committed.”

40) **Page 65:** Modify the following text: Examples of committed funds include existing sales tax measures, which have been assigned through a voter approved expenditure plan, and ~~Surface State~~ Surface State Transportation Improvement Program (STIP) funds that have already been designated for specific projects by the California Transportation Commission.

41) **Page 66.** Modify the following text: The ~~20~~ 21 percent of Plan Bay Area revenues that are discretionary (~~\$57~~ \$60 billion) are assigned to projects or programs to support the plan’s land use and transportation investment strategy.

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- 42) **Page 66.** Modify the following figure: **Figure 4. Discretionary Revenue \$57 \$60 Billion**



- 43) **Page 72.** Add the following section after L S & R and before Investment in State Bridges :

Funding Active Transportation

Plan Bay Area makes a significant commitment to increase the convenience and safety of walking and bicycling by delivering complete streets for all users. State Transportation Development Act (TDA) and local sales tax funds committed to bicycle and pedestrian improvements total \$4.6 billion during the Plan period. In addition, the One Bay Area Grant program discussed in the next section includes \$14.6 billion over the life of the Plan.. These funds may be used for complete streets projects, including stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, and Safe Routes to Transit and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel.

- 44) **Page 66.** Include in Discretionary Revenues section w. Cap and Trade Revenues black sub-heading : Add the following text: This investment strategy is complemented by a \$3.1 billion dollar reserve from future Cap and Trade funding included in the Plan. The expected eligible uses include but are not limited to transit operating and capital rehabilitation/replacement, local street and road rehabilitation, goods movement, and transit-oriented affordable housing, consistent with the focused land use strategy outlined in Plan Bay Area. The share of funds reserved for these purposes, the specific project sponsors, and investment requirements will be subject to further deliberation with partner agencies and public input following adoption of Plan Bay Area.

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- 45) **Page 74.** Add the following text to the description of TOAH:
a \$90 million pool by 2014 to help finance workforce housing projects in transit-rich locations. and target neighborhood stabilization investments, including housing acquisition and rehabilitation, small site acquisition and land banking in the region's PDAs.
- 46) **Page 74.** Modify the following text: OBAG also includes \$40 ~~\$30 in~~ million for the PDA Planning program to assist cities and counties planning to promote for employment and housing growth in their city centers and transit-served corridors. In addition, these funds will continue to facilitate the entitlement of affordable housing.
- 47) **Page 78.** Modify the following text: Plan Bay Area supports MTC's Freeway Performance Initiative (FPI), which is designed to maximize the efficiency and improve the ~~management, reliability~~ operations and safety of the existing freeway, highway and arterial ~~infrastructure, while targeting freeway improvements to the most congested locations~~ network.
- 48) **Page 78.** Modify the following text: Owing to investments made through the Transportation 2035 Plan, FPI expanded the number of metered ramps ~~from 330 locations in 2009 to 500 locations by 2012~~ throughout the Bay Area, directly resulting in reduced travel times and improved ~~reliability~~ safety on major freeway corridors ~~with almost no~~ while managing the impact on local ~~street~~ arterial operations. FPI investments also support the Program for Arterial System Synchronization (PASS), through which an average of 500 traffic signals are re-timed each year to improve coordination across jurisdictions, and provide priority signal timing for transit vehicles.
- 49) **Page 78.** Modify the following text: Plan Bay Area calls for an investment of approximately \$2.7 billion in discretionary regional funds over the next 28 years to ~~continue these programs and others under~~ implement the FPI ~~umbrella.~~

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50) **Page 78.** Modify the following Table: **Table 5.** Freeway Performance Initiative

Program Elements	Description & Benefits
Ramp Metering	Activate 300 additional ramp-metering locations in the Bay Area <u>on freeways.</u>
“Intelligent Transportation Systems” Infrastructure	Install and maintain traffic cameras, changeable message signs, speed sensors and other related infrastructure to improve travel-time reliability <u>on freeways.</u>
Arterial Management <u>Operations</u>	Implement traffic signal coordination, transit-priority timing and incident/emergency <u>clearance</u> plans on regionally significant routes.
Incident and Emergency Management	Maintain the Freeway Service Patrol and Call Box programs, and enhance transportation agencies’ and first responders’ capabilities to clear traffic incidents and respond to major emergencies through integrated corridor management.
Traveler Information/511	Collect, consolidate and distribute accurate regional traffic, transit and parking data for trip-planning and real-time traveler information.
<u>Operations & Maintenance</u>	<u>Maintain existing and future arterial and freeway technology improvements.</u>

51) **Page 80.** Modify the following text: In October 2011, the California Transportation Commission (CTC) approved MTC’s plan to add ~~290~~ 270 miles of express lanes on I-80 in Solano and Contra Costa counties, and the approaches to the Bay Bridge, San Mateo-Hayward Bridge, and the Dumbarton Bridge.

52) **Page 81.** Modify the map as shown in Attachment B.

53) **Page 82.** Add the following text at end of section on Regional Express Lane Network: All project-level environmental clearances will comply with applicable requirements for environmental justice, and focused outreach will be conducted with low income communities as part of the Express Lanes network development and implementation. Furthermore, MTC will study the potential benefits and impacts of converting general purpose lanes to express lanes in order to inform implementation of the express lanes network.

54) **Page 84.** Modify the following table: **Table 7:** Summary of Climate ~~Program~~ Initiatives Program

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Policy Initiative (Ordered from most to least cost-effective)	Cost (In Year of Expenditure Millions of \$)	Per Capita CO ₂ Emissions Reductions in 2035
Commuter Benefit Ordinance	\$0	-0.3%
Car Sharing	\$13	-2.6% -2.8%
Vanpool Incentives	\$6	-0.4%
Clean Vehicles Feebate Program	\$25	-0.7%
Smart Driving Strategy	\$160	-1.5% -1.6%
Vehicle Buy-Back & Plug-in or Electric Vehicle Purchase Incentive	\$120	-0.5%
Regional Electric Vehicle Charger Network	\$80	-0.3%
Climate Initiatives Innovative Grants	\$226	TBD
Total	\$630	<u>-6.3%</u> -6.6%

55) **Page 87.** Modify the following text: The investment strategies for the ~~\$57~~ \$60 billion in discretionary revenue support key priorities that will help our region to surpass our per-capita greenhouse gas target, deliver the long-term land use strategy, maintain the infrastructure investments made by past generations, and provide for future economic growth.

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- 56) **Page 87.** Modify the following table: **Table 8.** Plan Bay Area Investment Strategy Summary in billions of year-of-expenditure dollars

Strategy	YOES Billions	% of Total
1 Maintain our Existing System	\$15	26% <u>25%</u>
2 Build Next Generation Transit*	\$5 <u>\$7</u>	9% <u>12%</u>
3 Boost Freeway and Transit Efficiency	\$4	7%
4 Support Focused Growth	\$14	25% <u>23%</u>
5 County Investment Priorities	\$16	29% <u>27%</u>
6 Protect Our Climate	< \$1	1%
7 Reserve	\$2 <u>\$3</u>	3% <u>5%</u>
Total	\$57 <u>\$60</u>	100%
<i>*includes \$2 Billion in funds retained for future New/Small Starts and High Speed Rail projects.</i>		

- 57) **Page 14 (after the 1st paragraph under “A Plan to Build On”** add the following text): Plan Bay Area also sets a path for the region to participate in and inform the California Transportation Plan (CTP 2040). This plan, scheduled for completion by the end of 2015, will integrate regional planning efforts from around the state into a comprehensive plan. CTP 2040 will address the state's mobility, reduce greenhouse gas emissions from the transportation sector and define performance-based goals, policies, and strategies to plan, enhance and sustain California’s statewide integrated, multimodal transportation system.

Chapter 5: Performance

- 58) **Page 104.** Modify the following text: Maintain the Transportation System in a State of Good Repair: Local Road, Highway, and Transit Maintenance.
- 59) **Pages 114-118.** The text and tables on addressing Draft Environmental Impact Report will be removed from the final Plan.

Chapter 6: A Plan to Build On

- 60) **Page 123.** Add the following section (after “A Vibrant Economy” section and before “Cleaning Our Air”):

Increase Housing Choices and Community Stability

To achieve the goals of Plan Bay Area, to retain and improve the region’s quality of life, accommodate future growth, and strengthen the economy by providing homes for a diverse workforce the region must retain and increase the availability of affordable housing and support the vitality of our existing neighborhoods. Priority Development

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Areas (PDAs) provide a policy framework that can support investments and stability in disadvantaged communities, as well as encourage housing production in communities with access to employment and educational opportunities based on regional and local collaboration.

Affordable Housing

The loss of local redevelopment funding, combined with reduced funding at the state and federal level, has created a structural financing gap that reduces affordable housing production that would otherwise occur. Given housing production costs in the Bay Area and the complexity of building in locations near transit, additional resources are needed to preserve, rehabilitate, and construct new affordable homes.

Plan Bay Area aligns funding from the new One Bay Area Grant (OBAG) with PDAs and the development of housing including affordable housing in PDAs. The OBAG fund requires that 50/70% of funding, depending on the county, be invested in PDAs; that all local jurisdictions have certified housing elements to be eligible for any OBAG funding; and, Congestion Management Agencies are required to develop PDA Investment and Growth Strategies that include a consideration of housing affordability and affordable housing policies. The Plan links funding from an expanded Transit Oriented Affordable Housing (TOAH) loan fund to PDAs, and identifies transit-oriented affordable housing as an eligible use for Cap and Trade revenues. This funding can effectively leverage local government, private, and foundation resources. Production of affordable housing will also require local planning and entitlement processes that support this effort. Provision of incentives for local jurisdictions and coordination with Congestion Management Agencies (CMAs) will be essential. MTC and ABAG will continue to use PDA Planning Grants to facilitate the entitlement of affordable housing in transit corridors. Through the Bay Area Prosperity Plan, the regional agencies are working with a consortium of local jurisdictions and community-based organizations to identify strategies and pilot projects to build different types of housing and identify new alternative housing funds.

Potential Displacement

Given Plan Bay Area's focus on infill development and investments close to transit and urban amenities, there is a potential risk of displacement for low and moderate income households in some neighborhoods. Approximately 30,000 households (about 1 percent of the total Bay Area households) could be at risk of displacement given their location in areas where the Plan forecasts significant growth and where people already pay more than half of their income in rent. The potential risk of displacement does not affect all or even the majority of PDAs. Still, the effectiveness of the Plan relies on the social, cultural and economic vitality of our existing neighborhoods.

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The Plan addresses the potential risk of displacement by increasing resources for the creation and preservation of affordable housing and improving economic opportunities for current residents. The task is to support investments in low-income neighborhoods that can expand the range of services and amenities and provide economic opportunity to local workers.

Local and regional initiatives will need to recognize the unique qualities of individual neighborhoods and the need for locally-defined policy interventions. ABAG and MTC will work with local and county agencies to provide a menu of neighborhood stabilization and affordable housing policies for consideration relative to future funding opportunities. Best practices from the HUD-funded Bay Area Regional Prosperity Plan including capacity building, knowledge sharing, policy development, and funding, will be an important source of input to a will be considered relative to inform future programs.

- 61) **Page 122.** Modify the following text (in the “Implement the Bay Area Prosperity Plan” section):

The three-pronged planning effort includes the Economic Opportunity Strategy, a Housing the Workforce Initiative and an Equity Collaborative that together will implement this program. Recommended strategies from this effort will be considered by MTC and ABAG in implementing Plan Bay Area and as input to the update of the Plan.

In addition to the Prosperity Plan, Bay Area economic development organizations are preparing strategies to strengthen the regional economy. MTC and ABAG will look to these two efforts to identify job creation and career pathway strategies, including local best practices on apprenticeship programs, local hire and standard wage guidelines, that can be shared with local jurisdictions in the Bay Area and as input to the next update of Plan Bay Area

- 62) **Page 122.** Modify the following text (in the “Improve Permitting Process” section):
ABAG and MTC will continue to support these efforts through PDA planning grants and technical assistance, including supporting community engagement throughout the planning process.

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- 63) **Page 123.** Add the following text (to the “Link Housing, Transportation and Economic Development” section):

Regional agencies will also develop land use guidelines for growing industries, as well as place-based strategies to support the growth of different types of PDAs and job centers, including small towns, mixed-use corridors, and existing office parks.

- 64) **Page 123.** Add the following section to A Vibrant Economy :

Goods Movement, and Industrial Lands

The movement of freight, and the protection of production and distribution businesses, has important environmental, economic and equity implications for the region. The region is home to the fifth busiest maritime port in the nation, the Port of Oakland, which serves not only Bay Area residents and industries but also provides a critical link to national and international markets for North Bay and Central Valley agriculture.

MTC’s Regional Goods Movement Study, last updated in 2009, found that manufacturing, freight transportation and wholesale trade account for nearly 40% of regional output and that Bay Area businesses spend over \$6.6 billion on transportation services, and goods movement businesses create over 10 percent of regional employment, including many high paying blue and green collar jobs accessible to those without higher levels of education. However, continued land development pressure is placing many industrial and manufacturing land uses at risk of displacement, as documented in MTC’s 2008 Goods Movement/Land Use Study. MTC and ABAG will work with the business community and local jurisdictions and stakeholders to explore economic development best practices for goods movement and industrial businesses and identify funding to assess the role of goods movement businesses and industrial land in the regional economy.

Air quality considerations related to goods movement activities in the region also must be addressed in coordination with the larger goods movement and industrial lands discussions and how goods movement and the retention of industrial lands relates to other transportation sectors and air quality impacts on other uses including residential uses along goods movement corridors. The Air District manages a number of programs to support cleaner trucks within the region, and specifically at the Port of Oakland.

MTC is currently working with Caltrans District 4 and County CMAs to update the information from the 2004 and 2009 studies and identify key goods movement issues for the region to address in the coming years, and will recommend key corridors for sub-regional and multi-modal studies including consideration for truck traffic as well as passenger and freight rail. This work will help inform the Region’s input to the California Freight Mobility Plan, and implementation of the newest Federal transportation bill, MAP-21, which addresses the performance of the national freight network and supports investment in freight-related surface transportation projects.

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- 65) **Page 123:** Add the following section to a Vibrant Economy:

Strengthen Inter-Regional Coordination

The nine-county Bay Area is closely connected with its adjacent counties and metropolitan areas. Alameda, Solano, Contra Costa, and Santa Clara counties are especially affected by decisions in neighboring counties outside of the 9 county Bay Area related to inter-regional commuting and land use patterns, housing needs and job access.. ABAG and MTC recognize the need to encourage more coordinated planning and, in some cases, more coordinated state and local investment strategies to ensure that the Bay Area’s inter-regional challenges are adequately addressed. ABAG and MTC will work with local jurisdictions and the county congestion management agencies to advance coordinated planning and modeling efforts with neighboring Metropolitan Planning Organizations such as SJCOG (San Joaquin), SACOG (Sacramento), and AMBAG (Monterey/Santa Cruz).

- 66) **Page 126.** Add the following section under Planning for Resilience:

Regional Open Space and Agricultural Land Preservation

Plan Bay Area sets the stage for the integration of land use, open space, and transportation planning by focusing growth and investment in Priority Development Areas and by seeking to protect habitat, recreation, and agricultural land in Priority Conservation Areas (PCAs). Regional efforts include a \$10 million pilot program to support transportation and conservation projects aimed at protecting PCAs (part of the One Bay Area Grant). Open space preservation and agricultural vitality remain long-term challenges that will require a continued commitment to regional coordination. Following adoption of Plan Bay Area, ABAG will update the PCA guidelines to further define the role of different kinds of PCAs to support habitat, agriculture, recreation, and other ecological functions. Updates to individual PCAs will be made in consultation with local jurisdictions. ABAG and MTC will draw upon best practices and lessons learned from the OBAG PCA Pilot Program as well as the resources of open space agencies, local jurisdictions, state and county farm bureaus, non-profit organizations, foundations and state and federal agencies.

The California Coastal Trail (CCT) is a network of public trails for walkers, bikers, equestrians, wheelchair users and others along the 1200-mile California coastline. Many of the CCT segments in the Bay Area overlap with the region’s Priority Conservation Areas (PCAs) and will be considered in ABAG’s update of the PCA guidelines.

- 67) **Page 125.** Modify the following text (in the “Ride-sharing Networks” section):

Lyft, WeGo Rideshare, and Sidecar, alongside other services such as Uber that utilize excess capacity from livery car companies, have effectively increased the city’s region’s ridesharing capacity through crowd sourcing. All ~~three~~ four companies use smart phone technology to connect vehicles to riders, and in the case of Lyft, WeGo

ATTACHMENT A

Rideshare, and Sidecar, anyone with a private vehicle and a clean driving record can sign up to be a driver.

68) **What's Next for Plan Bay Area?** This section to be removed from the final document

Appendix 1: Supplementary Report and Additional Resources

1) These reports will be finalized by July 10, 2013. They will be posted online and available in the ABAG and MTC library at 101 Eight Street, Oakland CA 94618.

<http://www.onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>

Appendix 2: Maps

1) Attachment B includes information on final maps to be included in Plan Bay Area

ATTACHMENT B: Updated Maps for Plan Bay Area

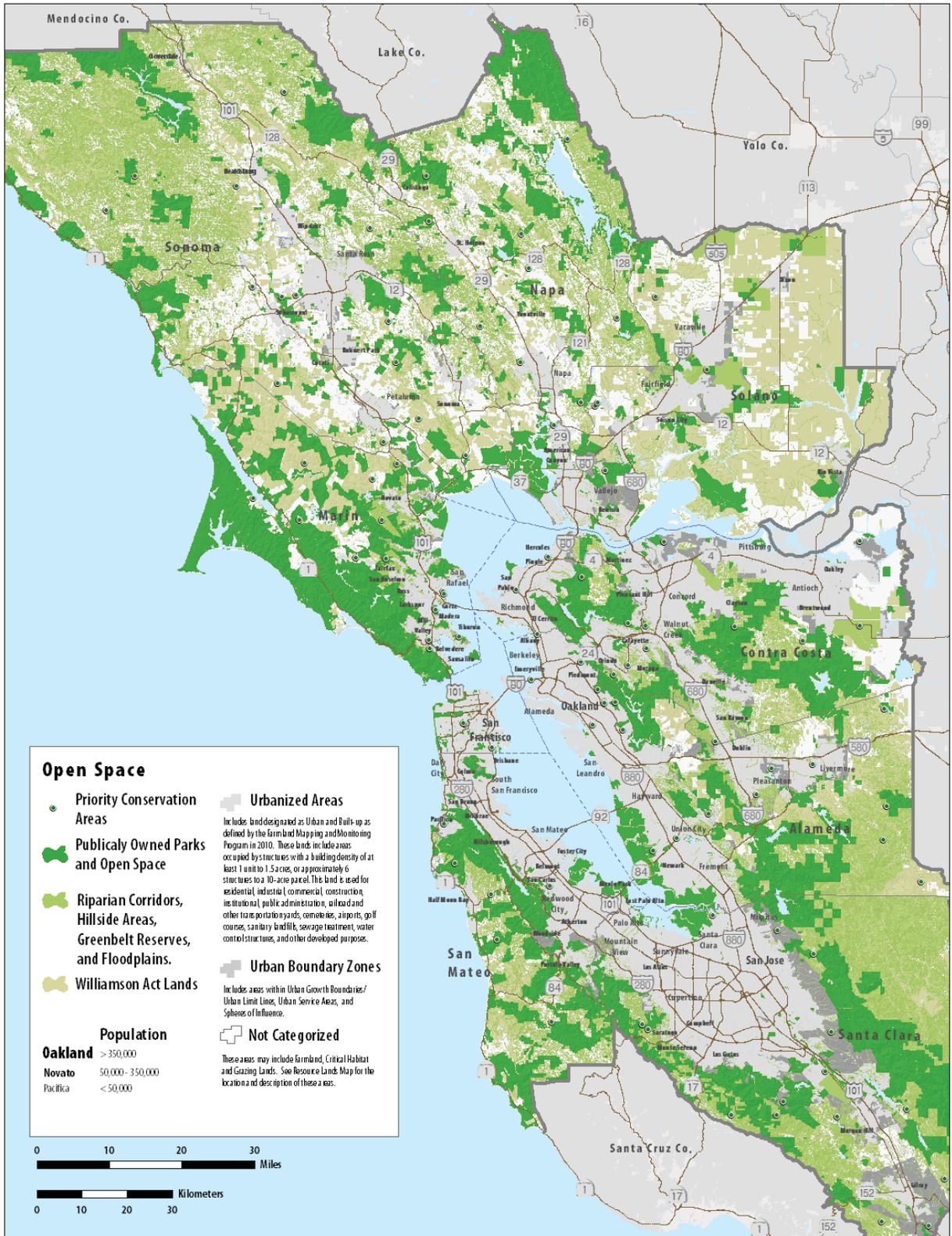
A. The Resource Lands Map

The Resource Lands Map on page 45 will be replaced by two maps below titled “Open Space” and “Resource Lands” based on the data below. The detailed maps on pages , 140, 141, and 142 will be reproduced based on these maps.

Data Source	Description
Priority Conservation Areas <i>Source:</i> <i>Association of Bay Area Governments 2013</i>	These areas include lands of regional significance that have broad community support and an urgent need for protection. These areas provide important agricultural, natural resource, historical, scenic, cultural, recreational, and/or ecological values and ecosystem functions.
Publicly Owned Parks and Open Space <i>Source:</i> <i>Data is derived from the Bay Area Protected Areas Database, Bay Area Open Space Council, 2012; California State Park Boundaries, 2012; The Conservation Lands Network, 2012.</i>	These areas include publicly owned lands that are accessible to the public.
Riparian Corridors <i>Source:</i> <i>Based upon Local Jurisdiction General Plan Maps. Data compiled by Greenbelt Alliance staff in November 2011.</i>	A policy that limits or prohibits new construction within a certain distance from rivers and streams to avoid the adverse impacts of urban development, such as pollution runoff, erosion and habitat degradation.
Hillside Areas <i>Source:</i> <i>Based upon Local Jurisdiction General Plan Maps. Data compiled by Greenbelt Alliance staff in March 2012.</i>	Hillside areas identified as important for protection or conservation based on city and county general plans. Policies mapped include areas identified based up the slope of a hill, the area above a certain elevation, and the area within a certain vertical or horizontal distance from a ridge line. Data compiled by Greenbelt Alliance staff and interns based upon general plans, as well as city and county-provided data.
Greenbelt Reserves <i>Source:</i> <i>Based upon Local Jurisdiction General Plan Maps. Data compiled by Greenbelt Alliance staff March 2012.</i>	Large open space reserves that are set aside permanently or temporarily by a single or among several jurisdictions.
Floodplains <i>Source:</i> <i>U.S. Federal Emergency Management Agency, Data compiled by Greenbelt Alliance Staff in February 2012.</i>	Flood plain areas identified as important for protection within a city's general plan. Data compiled by Greenbelt Alliance staff and interns based upon general plans and 100 year storm flood level from the U.S. Federal Emergency Management Agency.

<p>Williamson Act Lands <i>Source:</i> <i>Williamson Act Program, California Department of Conservation, 2006.</i></p>	<p>The California Land Conservation Act of 1965-- commonly referred to as the Williamson Act-- enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.</p>
<p>Urbanized Areas <i>Source:</i> <i>Farmland Mapping and Monitoring Program 2010</i></p>	<p>Includes land designated as Urban and Built-up as defined by the Farmland Mapping and Monitoring Program in 2010. These lands include areas occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.</p>
<p>Urban Boundary Zones <i>Source:</i> <i>Based upon Local Jurisdiction General Plan Maps. Data compiled by ABAG Planning staff March 2012.</i></p>	<p>Includes areas within Urban Growth Boundaries/ Urban Limit Lines, Urban Service Areas and Spheres of Influence. See below for more detail.</p>

Open Space



Resource Lands



Resource Lands

Farmland

Includes water approved, agriculturally-zoned land that is identified as important for protection from urban development, and land outside all existing city spheres of influence or city limits as of January 2010, that is one of the following Dept. of Conservation's Farmland Mapping and Monitoring Program (FMMP) classifications:

1. Prime Farmland
2. Unique Farmland
3. Farmland of Statewide Importance

Critical Habitat

Includes lands designated as habitat for protected sensitive or species of special status as defined by local, state, or federal agencies, or protected by the federal Endangered Species Act, the California Endangered Species Act, or the Native Plant Protection Act.

Grazing Lands

Defined by the FMMP in 2010, this category includes land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.

Urbanized Areas

Includes land designated as Urban and Built-up as defined by the FMMP in 2010. These lands include areas occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, oil and gas, and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Urban Boundary Zones

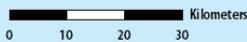
Includes areas within Urban Growth Boundaries, Urban Limit Lines, Urban Service Areas, and Spheres of Influence.

Not Categorized

These areas may include Open Space/Parks, Riparian Corridor, Hillside Areas, Greenbelt Reserves, Floodplain, and Williamson Act Lands. See Open Space Lands Map for the location and description of these areas.

Population

Oakland	> 350,000
Novato	50,000 - 350,000
Pacifica	< 50,000



B) PDA Maps

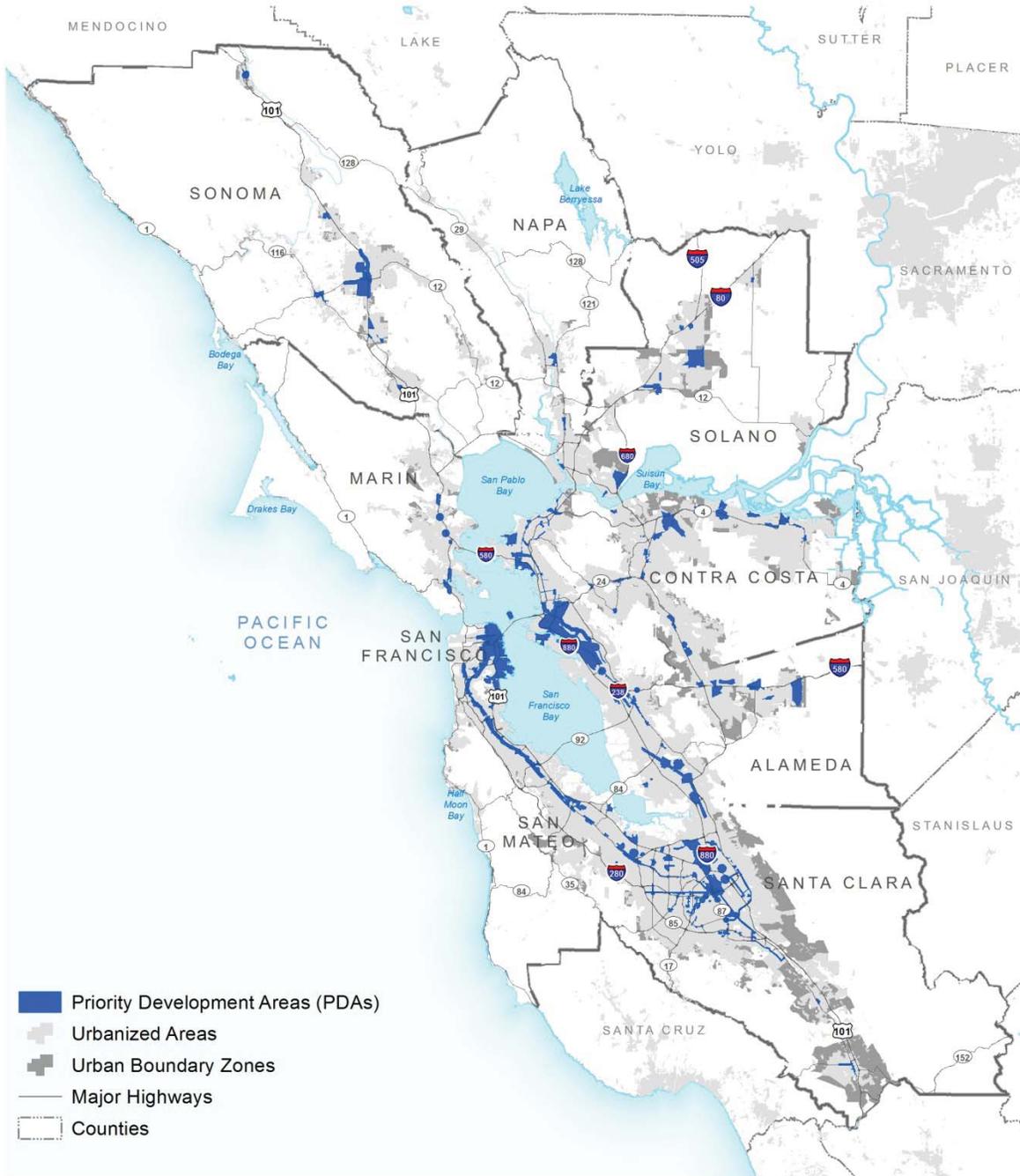
The PDA map for the final Plan Bay Area investment and land use maps on pages 0, 49, 52, 81, 89, 91, and 93 will be updated based on the information below as shown on the following page.

1. After adoption of the Jobs-Housing Connection Strategy in May of 2012 and commencement of the EIR, a number of cities requested changes to their PDAs. ABAG and MTC have incorporated these changes into the PDA feature set. These revisions are as follows. The changes to the PDA feature set are minor revisions that do not impact the housing and job distribution to the PDAs or to the cities.
 - a. Combined the two Napa PDAs, Downtown Napa and Soscol Gateway Corridor, into one
 - b. Changed the Lafayette PDA Place Type from Transit Town Center to Transit Neighborhood
 - c. Removed the Valley Transportation Authority PDA sub-areas from the following jurisdictions:
Campbell, Los Gatos, Palo Alto, San Martin (Santa Clara County Unincorporated), Saratoga, and Sunnyvale

- 2) In describing the proposed Plan and Alternatives, the term “urban growth boundary” was used on the housing and job growth maps on pages 49, 52, 143-154. The term “urban growth boundary” is being replaced with “urban boundary lines and zones” to provide consistency in the EIR and Plan documents and to differentiate between “urban boundary lines and zones” as used for the proposed Plan and alternatives land use policy inputs, and “urban growth” boundaries as official development restrictions.

Because there are a wide variety of policies in place across the region aimed at managing growth, MTC and ABAG sought to identify the most appropriate growth boundary for each jurisdiction or county based on existing local policies. The Urban Boundary Lines were established hierarchically. Wherever possible, actual adopted urban growth boundaries, urban limit lines or similarly adopted boundary lines were used as the Urban Boundary Lines. In the absence of these adopted boundaries, LAFCO-determined urban service areas were used as the Urban Boundary Line. If urban service areas were not available, LAFCO-determined city spheres of influence (SOI) were used. SOIs were used instead of city limits because SOIs represent a more realistic and likely limit on urban development than city limits. In general, the SOI extends beyond the current city limits, but in some cases, the city limits and SOI are the same. In addition, for some unincorporated areas, LAFCO- or county-determined service areas were also used as part of the Urban Boundary Line. For more information, see Supplemental Report Summary of Predicted Land Use Responses (page 24)

Updated PDAs & Urbanized Areas

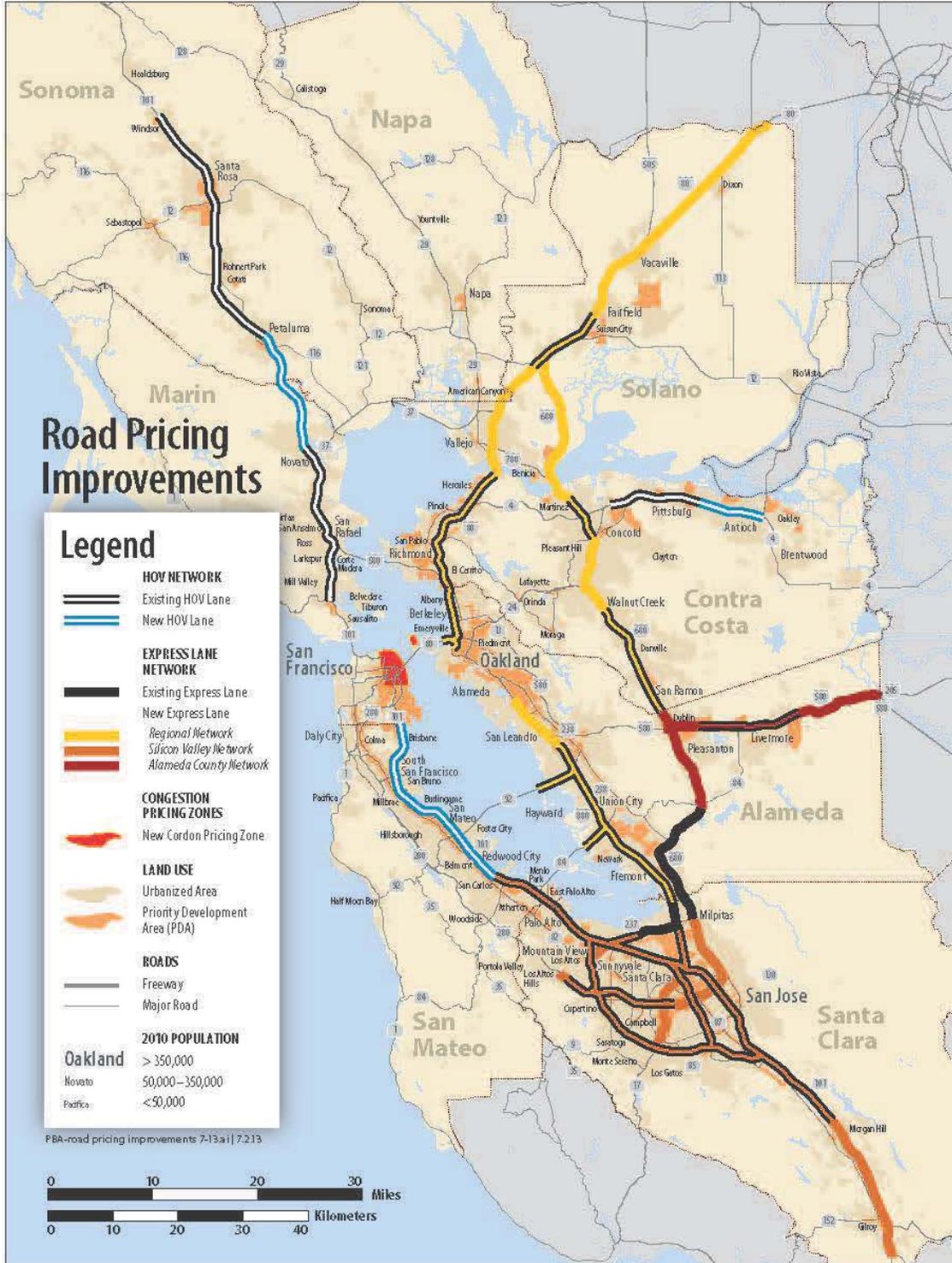


0 5 10 20 Miles
1 in = 16 miles

C) Replace the map on page 81: *Road Pricing Improvements* with the map below:

The following changes were made to this map:

1. The existing I-680 HOV lanes in northern Contra Costa County were revised to reflect the accurate northern extent of these lanes (south of the Benecia-Martinez Bridge toll plaza, rather than the bridge itself).
2. The existing US-101 HOV lanes in southern Marin County were revised to reflect the accurate southern extent of these lanes (near the SR-1 interchange, rather than the Tamalpais Drive interchange).
3. The I-580 and I-680 express lanes in Alameda County were relabeled to reflect their inclusion in the Alameda County (ACTC) Express Lane Network, rather than the Regional Express Lane Network.



Date: July 18, 2013
W.I.: 1121
Referred by: Planning

ABSTRACT

Resolution No. 4111

This resolution adopts Plan Bay Area, the 2040 Regional Transportation Plan (RTP), including the 2013 Sustainable Communities Strategy (SCS) for the San Francisco Bay Area.

Further discussion of this subject is contained in the Executive Director's memorandum to the Planning Committee dated July 5, 2013.

Date: July 18, 2013
W.I.: 1121
Referred by: Planning

Re: Adoption of Plan Bay Area, the 2040 Regional Transportation Plan (RTP), including the 2013 Sustainable Communities Strategy (SCS) for the San Francisco Bay Area

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4111

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Part 450 of Title 23 of the Code of Federal Regulations (CFR), require MTC as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, California Government Code § 65080 *et seq.* requires MTC to prepare and update a long-range RTP, including a Sustainable Communities Strategy (SCS) prepared in conjunction with the Association of Bay Area Governments (ABAG), every four years; and

WHEREAS, the RTP is subject to review and revision, pursuant to California Government Code §§ 66513 and 65080; and

WHEREAS, on April 22, 2009, MTC adopted its 2035 RTP and 2009 Federal Transportation Improvement Program (TIP) Amendment and found them to be in conformance with the State Implementation Plan (SIP) as required by the Federal Clean Air Act (42 U.S.C. § 7401 *et seq.*); and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) *Metropolitan Planning Rule*, 23 CFR 450; and the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757), which establish the Air Quality Conformity Procedures for MTC's TIP and RTP; and

WHEREAS, beginning in January, 2011 MTC commenced a comprehensive and coordinated transportation planning process to develop its 2013 RTP with a 2040 horizon year known as Plan Bay Area (Plan), in conformance with all applicable federal and state requirements including Senate Bill 375;

WHEREAS, as required by Senate Bill 375, the Plan incorporates the SCS prepared jointly by MTC and ABAG for the San Francisco Bay Area; and

WHEREAS, the Plan, including its SCS, which is attached hereto as Attachment A as revised pursuant to Attachment B, and incorporated herein as though set forth in length, contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Francisco Bay Area through the year 2040 and calls for development of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, the Plan considers, analyzes, and reflects, as appropriate, the metropolitan transportation planning process as identified in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 as well as the National Highway System Designation Act of 1995, and is based on reasonably available funding provisions; and

WHEREAS, the Plan serves as a Congestion Management Process identifying the most serious congestion problems and evaluating and incorporating, as appropriate, all reasonably available actions to reduce congestion, such as travel demand management and operational management strategies for all corridors with any proposed capacity increase; and

WHEREAS, on October 27, 2010 the T2035 Plan and the 2011 Transportation Improvement Program were found to be in conformance with the State Implementation Plan (MTC Resolution No. 3976); and

WHEREAS, MTC conducted an air quality analysis of the Plan utilizing the latest planning assumptions, emissions model, and consultation provisions, including a quantitative

regional emissions analysis that meets emissions budget requirements of the U. S. Environmental Protection Agency transportation conformity rule, and the Plan contributes to all required emissions reductions; and

WHEREAS, adoption of, and the conformity determination for, the proposed 2013 TIP has been determined simultaneously with the Plan for consistency purposes (MTC Resolution No. 4076); and

WHEREAS, ABAG developed the Regional Growth Forecast for Jobs, Population and Housing planning purposes through 2040 (Forecast) by working with local jurisdictions, and the Forecast projects growth based on existing land use plans and policies, and demographic and economic trends; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(G), in preparing the Plan's SCS MTC and ABAG considered spheres of influence adopted by the Local Agency Formation Commissions within the San Francisco Bay Area; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(E), federal public participation requirements, and MTC's Public Participation Plan (MTC Resolution No. 3821), the Plan, including its SCS, was developed through a strategic, proactive, comprehensive public outreach and involvement program, which included: an adopted public participation plan; routine distribution of information to local/regional media; advertising in local and regional newspapers; distribution of public information materials, such as brochures and newsletters; a robust speakers bureau effort; a dedicated website; meetings with representatives from the each county board of supervisors and all city councils; noticed public hearings to receive testimony on the Plan, its SCS, and the Programmatic Environmental Impact Report (EIR); subregional workshops to facilitate public comment on the Plan; and interagency coordination and involvement; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), the Plan's SCS (i) identifies the general location of uses, residential densities, and building intensities within the

region; (ii) identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the RTP taking into account net migration into the region, population growth, household formation and employment growth; (iii) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; (iv) identifies a transportation network to service the transportation needs of the region; (v) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; (vi) considers the state housing goals specified in California Government Code §§ 65580 and 65581; and (viii) allows the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. § 7506); and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, ABAG was responsible for identifying the general location of uses, residential densities, and building intensities within the region; identifying areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the RTP taking into account net migration into the region, population growth, household formation and employment growth; identifying areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; gathering and considering the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; and considering the state housing goals specified in California Government Code §§ 65580 and 65581; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC was responsible for identifying a transportation network to service the transportation needs of the region; and allowing the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. Sec. 7506); and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC and ABAG were jointly responsible for setting forth a forecasted development

pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve the greenhouse gas emission reduction targets adopted by the California Air Resources Board (CARB) for the San Francisco Bay Area; and

WHEREAS, CARB set the per capita greenhouse gas emission reduction targets for automobiles and light trucks for the San Francisco Bay Area at 7 percent by 2020 and 15 percent by 2035 from a 2005 base year; and

WHEREAS, as demonstrated in the Program EIR certified for the Plan, the SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve the regional greenhouse gas emission targets set by CARB for the region; and

WHEREAS, CARB held a meeting on June 27, 2013, in which CARB staff provided an update on the Plan and its staff preliminarily concluded that the Plan complies with the greenhouse gas emission reduction targets established by CARB for the San Francisco Bay Area; and

WHEREAS, prior to taking action on the Plan, MTC has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, Attachment B of this resolution, attached hereto and incorporated herein as though set forth at length, lists major revisions and corrections made to the draft Plan; and

WHEREAS, nothing in the Plan is intended to be a Transportation Control Measure (TCM); and

WHEREAS, MTC and ABAG intend to assist implementing agencies in determining whether a proposed project qualifies for development incentives associated with the Plan by developing advisory guidelines for evaluating consistency; and

WHEREAS, the Legislature did not direct either MTC or ABAG to make Plan consistency determinations on behalf of implementing agencies; unless assistance is requested by an implementing agency or issues of a regional scale are implicated, MTC and ABAG do not intend to actively participate in the process of determining project consistency with the Plan; and

WHEREAS, while the Plan is intended to promote and provide incentives for development of Priority Development Areas (PDAs) identified in the Plan, the Plan is not intended to create direct or indirect obstacles to a local government's decision to approve development projects that are not included in, or consistent with, PDAs identified in the Plan; and

WHEREAS, the ratio of projected jobs and housing in the Plan is not intended to act as a direct or indirect cap on development locations in the region; and

WHEREAS, the Plan is not intended to dictate local land use policy or development approvals; and

WHEREAS, the Plan is intended to increase housing choices by providing incentives for qualifying development projects; and

WHEREAS, adoption of the Plan is accompanied by adoption of the 2013 TIP (MTC Resolution No. 4075) and certification that the Final Environmental Impact Report for the Plan complies with the California Environmental Quality Act (CEQA) (MTC Resolution No. 4110); now, therefore, be it

RESOLVED, that MTC certifies that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, that MTC finds that the Plan, including its SCS, meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in California Government Code § 65080, subdivision (b); and be it further

RESOLVED, that MTC finds that the Plan, including its SCS, complies with the requirements of all other applicable laws; and be it further

RESOLVED, that MTC does hereby adopt the Plan, including its SCS, and the Final 2040 Regional Growth Forecast for the San Francisco Bay Area, attached hereto as Attachment A, as revised pursuant to Attachment B and subject to additional minor or non-substantive technical corrections and editorial changes (Final Plan); and be it further

RESOLVED, that MTC directs its staff to publish the Final Plan.

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in Oakland, California on July 18, 2013

Date: July 18, 2013
W.I.: 1121
Referred by: Planning

Attachment A
Resolution No. 4111
Page 1 of __

Plan Bay Area and Final 2040 Regional Growth Forecast for the San Francisco Bay Area

Date: July 18, 2013
W.I.: 1121
Referred by: Planning

Attachment B
Resolution No. 4111
Page 1 of __

Summary of Major Revisions and Corrections to the Draft Plan



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Planning Committee

DATE: July 5, 2013

FR: Executive Director, MTC

W. I.

RE: 2013 Transportation Improvement Program, MTC Resolution No. 4075

Background

The federally required Transportation Improvement Program (TIP) is a comprehensive listing of Bay Area surface transportation capital projects that receive federal funds or are subject to a federally required action or are regionally significant. MTC, as the federally designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area Region, prepares and adopts the TIP. The 2013 TIP Update, the subject of this action, covers a six-year period from FY 2012-13 through 2017-18. It contains approximately 880 projects totaling about \$16.9 billion. The TIP also contains a financial constraint analysis and air quality conformity analysis (See agenda item 3a). The TIP identifies a future commitment of funding and signifies regional consensus that a project should move ahead to implementation. A project's inclusion in the TIP is a critical step. It does not, however, represent an allocation of funds, an obligation to fund, or a grant of funds, which occurs after the adoption of the TIP. The TIP is revised several times a year in order to add or delete projects, reflect changes in the project's delivery schedule, or modify a project's scope if needed.

TIP Update Requirements

The TIP must comply with federal regulations and guidance. The most basic requirements are listed below:

- Cover at least a four-year period and must be financially constrained by year, meaning that the amount of dollars committed to the projects (also referred as "programmed") must not exceed the amount of dollars estimated to be available.
- The TIP must be updated at least once every four years.
- Include a financial plan that demonstrates that programmed projects can be implemented.
- Provide an opportunity for public comment prior to TIP approval.
- Ensure that the program of projects is consistent with air quality standards called for in the Clean Air Act by conducting an air quality conformity analysis.

Title VI and Environmental Justice

To further assist in the public assessment of the 2013 TIP, and specifically to address the equity implications of the proposed TIP investments, MTC has conducted an investment analysis with a focus on minority and low-income residents. The investment analysis uses demographic criteria to calculate the shares of 2013 TIP investments that will flow to low-income and minority communities, and compares those shares with the proportional size of the group's population and trip-making, relative to that of the general population. The included Title VI analysis compares

the per-capita and per-rider public transportation investment of State and Federal funds for minority and non-minority populations. The results of the analysis suggest the 2013 TIP invests greater public funding, in the aggregate, to the benefit of low-income and minority communities than their proportionate share of the region's population or trip-making as a whole. The Title VI Analysis finds no disparate impact in the distribution of Federal and State funding for public transportation purposes between minority and non-minority populations or riders. The 2013 TIP Investment Analysis: Focus on Low-Income and Minority Communities is incorporated into the TIP. The 2013 TIP is available at: <http://www.mtc.ca.gov/funding/tip/2013/>

Public Participation

The Draft 2013 TIP was initially released for public review and comment on June 22, 2012. MTC held a public hearing on July 11, 2012, and the comment period closed on August 2, 2012. Responding to comments in September 2012, MTC postponed the final adoption of the new 2013 TIP to more closely align with development and adoption of *Plan Bay Area*. A revised Draft 2013 TIP was released for public review and comment on March 29, 2013. MTC held nine public hearings throughout the Bay Area and the comment period closed on May 3, 2013. A summary of the 2013 TIP comments received and staff responses, is included as Attachment A and is also incorporated as an appendix to the 2013 TIP. Comments and staff responses received during the first comment period were presented to the Programming and Allocations Committee at their September 2012 meeting and are included in Attachment A. The comments relevant to the TIP received during the second comment period are as follows:

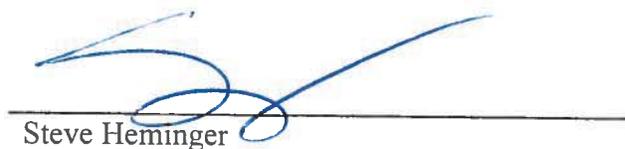
- Support of continued implementation of technologies that serve to increase the convenience of transit users such as Clipper, automatic vehicle location, onboard voice announcements, and real-time transit information enhancements. *MTC and the region's transit agencies are continuing to add new features and expanding services in the region to provide a better transit experience.*
- Request to add unfunded projects into the TIP. *The TIP includes projects that already have funding commitments. To address unfunded transportation needs, residents should work with their city/county officials to plan for and mobilize funding for projects of interest. Subsequently jurisdictions can apply for funds from MTC, state and federal programs.*
- Request to delete some road widening projects and the regional express lane network from the TIP based on concerns expressed that they do not lead to reductions in greenhouse gases per requirements in SB 375. *SB 375 and any estimation of GHG reductions are relevant to the Plan. The TIP implements the goals and policies of the RTP, Plan Bay Area, and therefore supports the Plan in meeting SB 375 requirements. Given that the TIP covers a 6-year period while the Plan covers a 28-year period, it is not expected that the TIP will achieve the objectives of the Plan in such a short-time frame. Further not all funds in the Plan are contained in the TIP; therefore, the TIP is only a subset of the Plan. The Plan relies on much more than just the TIP to implement SB375.*
- Questions about the equity analysis meeting FTA's new Environmental Justice (EJ) Circular and why the analysis does not look at individual projects. *The TIP was prepared in accordance with FTA's environmental justice guidance, which points out that the evaluation or project level EJ impacts should occur after projects are moved into the TIP when they are ready for implementation. When projects seek federal approvals or funding they will be subject to further evaluation under the National Environmental Policy Act (NEPA).*

Next Steps and Recommendation

Once approved by the Commission, the 2013 TIP and its conformity determination will be transmitted to Caltrans for its review and approval. Caltrans will then forward the documents to FHWA and FTA as required for their review and approval. Approval is expected in August, 2013.

It is important to note the repercussions if there is a delay in the 2013 TIP approval. The region is currently in an air quality conformity lapse grace period. During this period no revisions may be made to the current TIP until the new Plan, Air Quality conformity and TIP are approved. As a consequence, a delay in the adoption of these documents will result in new federal grant awards or changes to existing grants from moving ahead.

Staff recommends that Resolution No. 4075 be referred to the Commission for approval.



Steve Heminger

Attachments:

- Attachment A - Responses to TIP public comment
- Attachment B - List of project changes in response to comments
- MTC Resolution No. 4075

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Responses to Public Comments
on the 2013 Draft TIP Received
During Two Public Comment Periods
June 22, 2012 to August 2, 2012
and March 29, 2013 to May 3, 2013

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METROPOLITAN TRANSPORTATION COMMISSION
2013 Transportation Improvement Program (TIP)
Response to Public Comments

The following are the public comments received during the public hearing for the first of two drafts of the 2013 TIP as well as those received during the public comment period, commencing June 22, 2012 and ending August 2, 2012, followed by the responses to these comments. This list does not include the project sponsor change requests. The correspondence and public hearing transcript for the Draft 2013 TIP are available at <http://www.mtc.ca.gov/funding/tip/2013/>.

No.	Name	Agency/Organization	Dated	Responses
1	Mary Savage	Public	Public hearing (7/11/2012) and letter and Email (8/1/2012)	Response #1
2	Shirley Humphrey	Public	Public hearing (7/11/2012) and letter and Email. (7/31/2012)	Response #1
3	Gary Rannefield,	Public	Public Hearing (7/11/2012) and letter (7/28/2012)	Response #1
4	Robert and Ginger Emerson	Old Town Neighbors, Dixon.	Public hearing (07/11/2012) and Email (7/31/2012)	Response #1
5	Manolo González-Estay	Transform.	Public hearing (7/11/2012) and letter (8/2/2012)	Responses #4, #6,#7 and #8
6	Bill Mayben	Public	Email (6/28/2012)	Response #8, first paragraph
7	Roger Bregoff	Caltrans	Email (6/29/2012)	Responses #3, first paragraph of #4,# 5
8	Richard C. Brand	Public	Email (7/28/2012)	Response #2
9	Earl Heal	Solano County Tax Payers Association	Email and letter. (7/30/2012 and 8/1/2012)	Response #1
10	Leslie Earl	Public	Email (7/30/2012)	Response #1
11	Nancy C. Schrott	Public	Email (8/1/2012)	Response #1
12	Ellen Smith	Public	Letter and Email (8/1/2012)	Response #1
13	Barbara Kelsey	Three Sierra Club Chapters - San Francisco Bay Chapter, Redwood Chapter and Loma Prieta Chapter.	Letter (8/2/2012)	Responses #4, #6, and #8
14	Bob Allen	Urban Habitat	Letter (8/2/2012)	Responses #4, #6, #7 and #8

The following are the public comments received on the second draft of the 2013 TIP received during the public comment period commencing March 29, 2013 and ending May 3, 2013. *The correspondence and public hearing transcripts for the Draft 2013 TIP are available at <http://www.mtc.ca.gov/funding/tip/>. Note that additionally 36 written*

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comments received at nine public hearings held in each Bay Area county were marked as TIP comments by the respondents; however, they were relevant to plan level issues (see response #8) and not the TIP. These comments can be viewed at <http://www.onebayarea.org/regional-initiatives/plan-bay-area/meetings-events/What-We-Heard.html> under “Open House/Public Hearing Results by County” and will be integrated with the other public comments received on the Plan and considered as part of MTC/ABAG’s deliberations on the Final Plan Bay Area adoption. No oral testimony at these hearings addressed the Draft 2013 TIP; comments addressed RTP related issues. The responses to comments received on air quality conformity are included along with that document in Appendix A-51.

No.	Name	Agency/Organization	Dated	Response
15	Michael D’Augelli	Public	Email (3/20/13)	Response #A
16	Fredrick Schermer	Public	Email (4/2/13)	Responses #1 #8 and #B
17	Melissa Hippard, Victoria Brandon, Arthur Feinstein	Three Sierra Club Chapters - San Francisco Bay Chapter, Redwood Chapter and Loma Prieta Chapter	Letter (5/2/13)	Responses #1, #4, #5, #6, #8, #C, #D, and #E
18	Thomas A. Rubin	Public	Letter (5/3/2013)	#5, Other responses to be addressed by Plan (see response #8)
19	Jack Simonitch	Public	Written Comment at Napa County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
20	Nathan Stout	Public	Written Comment at Napa County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
21	M. Stamos	Public	Written Comment at Sonoma County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
22	Lisa Maldonado	Public	Written Comment at Sonoma County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
23	Veronica Jacobi	Public	Written Comment at Sonoma County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
24	Adam Kirschenbaum	Public	Written Comment at Sonoma County Open House an Public Hearing (4/8/2013)	Response to be addressed by Plan (see response #8)
25	Michael J. Hayes	Public	Written Comment at Solano County Open House an Public Hearing	Response to be addressed by Plan (see

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			(4/22/2013)	response #8)
26	Jame Ervin	Public	Written Comment at San Francisco County Open House an Public Hearing (4/11/2013)	Response to be addressed by Plan (see response #8)
27	Gwynn	Public	Written Comment at San Francisco County Open House an Public Hearing (4/11/2013)	Response to be addressed by Plan (see response #8)
28	James B. Walsh	Public	Written Comment at San Francisco County Open House an Public Hearing (4/11/2013)	Response to be addressed by Plan (see response #8)
29	Anonymous	Public	Written Comment at San Francisco County Open House an Public Hearing (4/11/2013)	Response to be addressed by Plan (see response #8)
30	Brenda Barron	Public	DEIR Public Hearing, Oakland (4/16/2013)	Response to be addressed by Plan (see response #8)
31	Gil and Jane Pruitt	Public	DEIR Public Hearing, San Rafael (4/16/2013)	Response to be addressed by Plan (see response #8)
32	Tom Ovens	Public	Written Comment at Solano County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
33	Nathan Daniel Stout	Public	Written Comment at Solano County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
34	Ralph Hoffman	Public	Written Comment at Contra Costa County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
35	Anonymous	Public	Written Comment at Contra Costa County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
36	Mike Garrabrants	Public	Written Comment at Contra Costa County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
37	Ana Irma Angulo	Public	Written Comment at Contra Costa County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
38	Emilio Melendez	Public	Written Comment at Contra Costa County Open House an Public Hearing (4/22/2013)	Response to be addressed by Plan (see response #8)
39	Anonymous	Public	Written Comment at Marin	Response to be

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			County Open House an Public Hearing (4/29/2013)	addressed by Plan (see response #8)
40	Anonymous	Public	Written Comment at Marin County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
41	Elizabeth Prior	Public	Written Comment at Marin County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
42	Carla Giustino	Public	Written Comment at Marin County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
43	Kolsarina Hafoka	Public	Written Comment at San Mateo County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
44	Johanna Coble	Public	Written Comment at San Mateo County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
45	Sofia Lozano-Pallores	Public	Written Comment at San Mateo County Open House an Public Hearing (4/29/2013)	Response to be addressed by Plan (see response #8)
46	Anonymous		Written Comment at Alameda County Open House an Public Hearing (5/1/2013)	Response to be addressed by Plan (see response #8)
47	Kim Evans	Public	Written Comment at Alameda County Open House an Public Hearing (5/1/2013)	Response to be addressed by Plan (see response #8)
48	P. Ghosh	Public	Written Comment at Alameda County Open House an Public Hearing (5/1/2013)	Response to be addressed by Plan (see response #8)
49	Molly Lee	Public	Written Comment at Santa Clara County Open House an Public Hearing (5/1/2013)	Response to be addressed by Plan (see response #8)
50	G. Scott	Public	Written Comment at Santa Clara County Open House an Public Hearing (5/1/2013)	Response to be addressed by Plan (see response #8)

In developing the 2013 TIP, MTC welcomed comments through a number of channels:

1. For the First Draft released June 22, 2012 comments could be made:
 - By submitting written correspondence, an email or a telephone call between June 22, 2012 and August 2, 2012, or
 - In person or in writing at the public hearing held on July 11, 2012.
2. For the Second Draft released March 29, 2013 comments could be made:
 - By submitting written correspondence, an email or a telephone call between March 29, 2013 and May 3, 2013,
 - In person or in writing at any of nine public hearings held in various locations throughout the region, or
 - In person or in writing at any of the nine open houses held in various locations throughout the region.

MTC appreciates the public review and comments provided for the 2013 TIP. The comments received were generally in the following three categories:

1. Comments related to funding and implementation of specific projects.
2. Comments regarding the 2013 TIP, including:
 - 2013 TIP adoption schedule
 - Structure and layout of the TIP
 - Investment analysis
 - Public outreach and engagement
3. Comments providing perspectives and recommendations for regional transportation investment priorities; the relationship of the TIP to RTP goals; and the project selection process.

Category 1: Responses to Comments Related to Specific Projects

The Regional Transportation Plan (RTP) establishes long-range investment priorities and strategies to maintain, manage and improve the surface transportation network in the San Francisco Bay Area. The Transportation Improvement Program (TIP) helps carry out these strategies in the short term by committing certain funding resources to implement specific programs and project improvements that help support implementation of the RTP. MTC initially developed the Draft 2013 TIP using the Regional Transportation Plan that was current at the time, Transportation 2035, as the basis, as mandated by Federal Regulations. In response to public comments, MTC subsequently extended the 2013 TIP development period to coincide with Plan Bay Area and further revised and recirculated the TIP for public comment in order to coordinate with Plan Bay Area policies.

MTC staff forwarded project specific comments to the sponsoring agencies for clarification of next steps and opportunities for input for service planning or project development for specific programs and projects. Interested parties are encouraged to contact project sponsors directly for clarification of specific project concerns.

Comment and Response #1

Several commenters raised issues on local projects in the TIP (such as the Dixon Bicycle/Pedestrian undercrossing) addressing safety, design, and operational, and climate issues.

MTC includes local projects in the TIP after the project sponsor supports, approves, and demonstrates project funding consistent with the Regional Transportation Plan (RTP). The decision to include a project in the TIP does not represent an allocation or obligation of funds, or final project approval. Before securing funding and approval for project implementation, the project is subject to environmental review and final approvals from federal, state, regional or local agencies depending on fund sources, and project-specific required actions.

Generally, project design details and environmental impacts are not required before the project is included in the TIP. MTC's "A Guide to the San Francisco Bay Area's Transportation Program or TIP" outlines the various opportunities available to the public and interested stakeholders to get involved in the San Francisco Bay Area's surface transportation planning and project development process (see Appendix A-31). The guide is also available at the MTC/ABAG Library at 101 8th Street Oakland CA, 94607 and on MTC's web site.
(http://www.mtc.ca.gov/funding/tip/2013/Guide_to_the_Draft_2013_TIP.pdf)

Comment and Response #2

One commenter requested more funding be allocated to the Dumbarton Rail project.

The RTP only includes the Environmental and Right-of-Way phases of the Dumbarton Rail project. Therefore only those elements of the project may be included in the TIP. The RTP project listing number is 240018.

Detailed information can be accessed through a web based database of the RTP listings at (<http://www.bayarea2040.com/>)

Comment and Response #3

An inquiry was received asking how projects in the TIP comply with Caltrans complete streets policies (Directive DD64-R1). This directive requires that Caltrans staff ensure compliance for all projects on the State Route System.

With respect to the Directive, Caltrans revised its Highway Design Manual to reflect DD64-R1 requirements. Consequently at this time all projects that are on the State Route System for which Caltrans is either an implementing agency or sponsor must now process a design exception for features that are inconsistent with DD64-R1. In rare and specific circumstances design exceptions are granted for excessive cost, environmental impact and safety reasons, or a combination of the same when they are considered to outweigh development using mandatory standards. The Caltrans projects in the 2013 TIP contribute to Deputy Directive 64-R1 compliance by observing the mandatory and advisory design standards established in the Department's Highway Design Manual as recently amended.

Comment and Response #A

Regarding the MTC managed Clipper and 511 projects, one commenter requested that the Eastern Contra Costa Transit Authority (Tri Delta Transit) be included for Clipper implementation, and real-time transit information be implemented as soon as possible.

Clipper is in the process of rolling out to the remaining operators in the Bay Area within the next three years in the following order. Please note that time-frames are estimates:

Marin Transit - Fall 2013

Napa and Solano Counties (FAST, Soltrans, Rio Vista, NapaVINE, Vacaville City Coach) - Mid 2014

Union City Transit - Mid 2014

East Bay (TriDelta, County Connection, WestCAT, Wheels) - Mid 2015

Regarding real-time transit information on 511, transit operators are included on 511 once they have installed real-time tracking equipment on their vehicles. MTC is currently working with Tri Delta Transit to integrate their real-time information into 511. Once integrated - the schedule is still being finalized - TriDelta's real-time information will become available through all 511 dissemination channels including phone, web, mobile web, and texting.

The capability of voice announcements is a currently offered feature managed by the automatic vehicle location (AVL) system of the transit operator. It also depends on the text-to-speech or voice talent used in the AVL system. TriDelta currently offers its bus passengers this feature.

As to the questions regarding Real-time transit and electronic signs, currently there are 24 regional transit hubs in the Bay Area that have or will have regional real-time transit information. These 24 hubs were identified in the Transit Connectivity Report (2006), although specifically, TriDelta does not provide service to any of them and so is not included in any of the hub real-time signs. However, BART is currently trying to install real-time signs at all their Contra Costa stations that are not hubs.

Comment and Response #B

Commenter states that there needs to be improved pedestrian / bicycle access between Alameda and Oakland Chinatown and Jack London Square and points out there is no corresponding project in the TIP. Commenter also alleges there are Title VI and ADA non-compliance issues due to not providing these transportation improvements to the disabled, Chinese-Americans, and Chinese immigrants.

A request to fund, design, and construct a specific transportation project originates from the project sponsor or owner/operator of the facility, which in this case would be the City of Alameda, the City of Oakland, or Caltrans (for the Webster Tube). Ways

for the community to get involved with transportation officials in their respective jurisdictions are outlined under Response #8. Also, please note that ADA requirements apply to projects and not to the TIP, which is a compendium of projects. However, we have noted in the TIP specifically those transit projects that are ADA compliant in Appendix A – 44. A project's inclusion in the TIP does not guarantee funding to a project until ADA and other federal requirements are fully met (also see response #1). Similarly Title VI compliance as applied to the TIP itself involves adequate outreach to minority populations and the consideration of the program of investments in the TIP, demonstrated by MTC's investment analysis. Both are documented in the TIP.

Category 2: Responses to Comments Regarding the 2013 TIP Update

Staff received several comments, questions and suggestions on the TIP development schedule; the structure and layout of the TIP; the investment analysis; and public outreach and engagement. The responses have been subdivided to address each of the topic areas.

Comment and Response #4 (TIP Development Schedule)

Several comments were related to the 2013 TIP Development Schedule, questioning the need for a TIP update– in advance of adoption of Plan Bay Area. The comments also questioned the original earlier schedule given recent federal authorization and regulation changes.

While federal regulations enacted under SAFETEA require that the TIP be updated at least once every four years, the state requires the TIP to be updated every two years, with all MPOs within California required to submit their TIPs on the same schedule.

Having acknowledged the benefits of aligning the development schedules of the 2013 TIP and RTP updates, staff extended the TIP development schedule to align the TIP adoption with the new RTP in July 2013. Staff notified Caltrans of the revised schedule, while providing the most current 2011 TIP as part of a two-year statewide TIP submittal.

TIP updates must adhere to federal regulations and supporting documents in effect at the time. With respect to the timing of the implementation of the recently enacted surface transportation authorization, MAP 21, US DOT has 18 months to develop guidance (by April 1, 2014) and promulgate regulations for performance measures related to the TIP as well as other areas that impact metropolitan transportation planning and programming policies.

MTC staff extended the 2013 TIP development period to coincide with that of Plan Bay Area. This delay in the TIP adoption afforded staff more time to review recent updates to federal guidance related to metropolitan planning and environmental justice and Title VI.

Comment and Response #5 (Structure and Layout of the TIP)

A number of questions/ comments/ suggestions/ concerns the format of the TIP with respect to Bicycle/Pedestrian projects in the TIP, the relationship between the RTP and the TIP, the timeframe for the TIP, fiscal constraint requirements, and the use of the TIP to estimate total capital or operating expenditures region wide for a class of projects over various time periods.

Bicycle and Pedestrian Investments -

The TIP is a listing of Bay Area surface transportation capital projects that receive federal funds, are subject to a federally required action or are regionally significant. Bicycle/pedestrian projects that are 100% locally funded usually are not included in the TIP since they are exempt from air quality conformity and generally do not require a federal action. Also, many bicycle/pedestrian projects are included as a sub-component of larger projects such as local streets and roads rehabilitation projects. Given all of the above, the total regional investment for bicycle/pedestrian improvements is not separately identified in the TIP.

Illustration of the relationship between the RTP and the TIP -

The Regional Transportation Plan (RTP) establishes investment priorities and strategies to maintain, manage and improve the surface transportation network in the San Francisco Bay Area. The Transportation Improvement Program (TIP) helps carry out these strategies by committing certain funding sources to specific programs and project improvements that support implementation of the RTP. Under the original schedule, MTC developed the Draft 2013 TIP using the Regional Transportation Plan that was current at the time, Transportation 2035, as the basis, as mandated by Federal Regulations. In response to public comments, MTC subsequently extended the 2013 TIP development period to coincide with Plan Bay Area and further revised and recirculated the TIP for public comment in order to coordinate with Plan Bay Area policies.

Appendix A-46 provides project listings of the TIP projects, with their relationship to the RTP investment categories. Furthermore, each TIP project includes an RTP identifier (RTP-ID) showing the relationship of the TIP project to a RTP project. Details along with specific transportation goals are identified in the RTP. This information can be accessed through a web based database at (<http://www.bayarea2040.com/>).

The TIP listings are supported by the Fund Management System, FMS, an online searchable TIP project database. FMS is accessible to the public and has various search capabilities. One search criterion that can be used is the RTP-ID. In the case of major projects, there are likely to be several TIP listings and a search on the RTP-ID will yield all the relevant and related TIP projects.

Time Horizon of the TIP

The TIP horizon has been extended from 4 years to 6 years in the second version of the Draft 2013 TIP. These additional two years provide additional funding priorities

for projects, particularly for some of the larger more complex projects that have later phases outside of the previous TIP's four-year period.

Fiscal Constraint Requirements for the TIP

The TIP, as well as the Plan is fiscally constrained in accordance with federal regulations and guidance. This central requirement is reviewed by FHWA and FTA prior to their approval of the TIP. The use of anticipated revenues is important in order to facilitate planning in the long-range plan and programming in the TIP for their respective time horizons. This provides a more realistic transportation investment picture, which is not reflected alone by the committed funds which are made over a much shorter time period. MTC reviews the reasonableness of these funds based on FHWA/FTA guidance. To be included in the 6-year time period of the TIP, funds must be approved through a governing board action by the jurisdiction with discretionary authority over those funds and must be available during the timeframe contemplated for delivery of the project or project phase. Anticipated revenues in the RTP are not included in the TIP until a specific fund source is identified and authorized, and a governing board action has occurred committing those funds to a program or project.

Limitations of the TIP for Estimating Total Transportation Expenditures

The TIP contains projects that involve a federal interest such as federal funding, federal actions, or regionally significant locally funded projects that have federal air quality conformity implications-- a subset of transportation projects in the region. For example, a significant portion of a transit operator's capital funding is not included in the TIP. Examples of these fund sources include farebox revenue, local sales tax, state bond measures, state gas tax and bridge tolls. Furthermore, the TIP shows budgeted or 'programmed' funds. Actual expenditures may vary by the time the project is complete. The TIP is a dynamic document with project revisions occurring monthly, and projects moving in and out of the TIP at different times based on when fund sources are made available for programming, such as when Congress makes federal apportionments available.

Comment and Response #6 (TIP Investment Analysis)

Several comments critiqued the methodologies used for the 2013 TIP Investment Analysis: Focus on Low Income and Minority Communities.

- MTC employed different methodologies to help illustrate how the investments affect low-income and minority populations.
 - Population Use-Based Analysis: This analysis compares estimated percent of investment for low-income and minority populations to the percent of use of the transportation system (both roadways and transit) by low-income and minority populations. In order to assign investments to these communities, their travel characteristics were used based on the following factors: percent total trips; percent VMT for road trips; and percent transit trips. This approach serves as a general yardstick to measure transportation investments. The survey data is from 2000 and

2006, and many of the projects will not be open to the public until after the TIP Period in 2016.

- Mapped Project Analysis: To supplement the population/use-based analysis described above, MTC mapped the TIP projects that are mappable and overlaid them against communities of concern as well as census tracts with concentrations of minority populations that are above the regional average. This analysis is in response to stakeholder feedback that the overall spatial distribution of projects is also important to analyze to assess equitable access to TIP investments. Title VI Analysis: MTC is using the above methodologies within the broader Transportation Investment Analysis framework along with a disparate impact analysis of the Transportation Investment Analysis results to meet federal Title VI requirements. This includes applying the Population Use-based analysis described above to State and Federal funds only. The disparate impact analysis then compared TIP investments per capita for minority populations identified under (2) above as a percentage of per-capita investments identified for non-minority populations.

Even with the limitations, we believe the investment analysis is appropriate for a macro level analysis that takes into account roughly 900 projects. For major projects with the potential for environmental / economic impacts, project sponsors are required to prepare a more detailed analysis through the project's environmental impact analysis (CEQA/NEPA); this is the appropriate time to address equity impacts of individual projects, whose design details and community impacts may not be known when they are included in the RTP or the TIP.

- The two reasons that the TIP investments do not match the RTP investments are as follows:
 - Subset of Projects Requiring Federal Action: The TIP investments represent a smaller set of projects requiring federal actions (i.e. funding, permits, and air quality conformity) as compared to the more comprehensive investment strategy in Plan Bay Area. The TIP, therefore, does not capture significant components of the regional transportation system such as transit operations, streets and roads maintenance, and other locally funded or state-funded transportation investments that do not require a federal action. In contrast, the long-range RTP is required to encompass the performance and investment levels of the entire surface transportation system in the region.
 - Six-year Timeframe: The TIP covers a six-year period compared to the RTP 28-year planning horizon. While a total of \$52 billion is programmed in the TIP, only the \$17 billion within the six year TIP period is accounted for in the TIP investment analysis. All other funds are considered to be for informational purposes only. Hence a \$250 million project with no funds

programmed in the six years is not included in the TIP investment analysis but is considered in the RTP analysis.

Comment and Response #7 (Public Outreach)

A few comments focused on the need for improvements to MTC's public participation and outreach for the TIP in order to conform to the most recent federal guidance on public engagement.

MTC has undertaken numerous outreach efforts to make the TIP accessible to the public:

- Several reports such as the single-line project listing reports (Appendix A-46) and the TIP-at-a-Glance abstracts are included to aid the public in a better understanding of the TIP.
- The TIP Overview is available in Spanish and Chinese on the web at <http://www.mtc.ca.gov/funding/tip/2013/>.
- The Draft TIP is accessible to the public at various libraries including the MTC/ABAG Library at 101 8th Street Oakland CA, 94607 and on MTC's website. During the public review and comment period, a direct link to the TIP was posted on the MTC home page.
- MTC's "A Guide to the San Francisco Bay Area's TIP", outlines the various opportunities available for the public and interested stakeholders to become involved in the San Francisco Bay Area's surface transportation project development process. The guide has a table on the evolution of a project from a project idea to implementation and lists the various stages where a member of the public can make a difference (Pages 12-13). The guide is available at the MTC/ABAG Library at 101 8th Street Oakland CA, 94607 and on MTC's web site.
- Staff has held several workshops for partner agencies and stakeholders and an overview of the TIP is included in workshops held throughout the region on the RTP update.
- The development of transportation policies and project selection criteria for MTC's funding programs are developed through an extensive and transparent outreach process. The project selection criteria and associated policies for each program that MTC oversees are to be found in the appendices to the TIP (A-11 through A-34). These efforts are complementary to the TIP update process. The TIP compiles the programs, projects and improvements that have resulted from these outreach and project selection efforts as well as local project selection efforts in support of the RTP.
- MTC held various public hearings and open houses on the Plan and the TIP in each of the nine counties of the Bay Area, providing the public the opportunities to review and comment on the TIP.
- In the development of the 2013 TIP, MTC followed its Public Participation Plan which was developed in consultation with the public, MTC Advisory Council, public agencies, federal, state and other local agencies.

Comment and Response #D (Environmental Justice)

One commenter asked if the TIP is in compliance with the new Environmental Justice Circular issued by FTA (C4703.1)

The Plan and TIP were prepared in accordance with the guidance in Environmental Justice (EJ) Circular 4703.1 issued by the Federal Transit Administration (FTA). The Circular identifies three EJ principles¹ and advises grantees to consider the goals expressed in the principles throughout their transportation planning and project development and through all public outreach and participation efforts. The Circular describes the elements of an EJ analysis and meaningful public engagement and advises that the evaluation of system-level EJ impacts should be performed in the long-range plan and before projects are moved into the TIP for implementation when they are reasonably assured of funding and ready for implementation. At that point, projects involving federal actions / funding require further EJ evaluation under NEPA.

MTC has conducted an investment analysis consistent with the guidance in the Circular for the TIP as well as an equity analysis for the Plan. In addition, MTC promotes EJ through a range of programs and activities that support EJ principles, including:

- Identifying mobility needs of low-income and minority communities through MTCs Community Based Transportation Planning Program; and
- The MTC Public Participation Plan (see http://www.mtc.ca.gov/get_involved/participation_plan.htm), lays out specific strategies for engaging low-income, minority populations and other community stakeholders throughout the metropolitan planning process in general, and providing for input on the development of the Equity Analysis methodology and the definitions of environmental justice populations and performance measures in particular.

The commenter will have the opportunity to address any specific project concerns relating to EJ in the NEPA process for each project.

Comment and Response # E (Transit Performance During TIP Period)

A question was asked regarding the revenue vehicle hours for AC Transit, Golden Gate Transit, the San Francisco Municipal Railway and SamTrans for each year of

¹ 1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;

2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;

3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

the TIP, plus the two years previous to the start of the TIP period and about the sustainable level of transit service for the region’s transit passengers.

The projected annual revenue vehicle hours assumed for each of the 2013 TIP years are shown in the table below. These figures are net of any expanded service hours that may result from planned transit expansion or enhancement projects contained in the TIP. The projected hours were provided by the transit operators for MTC's long range plan -- Plan Bay Area.

Operator	Annual Revenue Vehicle Hours (FY 13 - FY 18)
AC Transit	1,623,678
Golden Gate	385,370
SFMTA	3,438,699
SamTrans	880,300

The 2013 TIP also includes a Financial Capacity Assessment that contains an analysis of the costs and revenues associated with these service levels and assessments as to the operators' ability to sustain them. The assessment can be downloaded from http://www.mtc.ca.gov/funding/tip/2013/3_Volume-I_Section-2_Project_Listings_Draft_2013_TIP.pdf For actual revenue vehicle hour data through FY 2010-11 (as reported by operators), please refer to the *Statistical Summary of Bay Area Transit Operators, 2012*. This publication is available on our website: http://www.mtc.ca.gov/library/statsum/StatSumm_2011.pdf. A new summary, containing 2012 actual reported data is scheduled to be released in June.

Category 3: Responses to Comments Regarding the Plan, the Relationship of the TIP to the RTP and Project Selection Process

Comment and Response #8:

Commenters provided individual perspectives and recommendations for regional transportation investment priorities, the relationship of the TIP to Plan Bay Area and the project selection process.

The development of a TIP or revisions to the TIP occur after planning, regional transportation policy development and project selection have been completed. The TIP is a six-year listing of projects which are ready to move to project development and implementation. Therefore, it is important to consider the development of the long-range transportation plan, the region’s primary transportation policy document; the development of funding program policies that guide local decisions about which projects are selected for inclusion in the TIP; and the compilation of projects in the TIP document itself. MTC works with transportation stakeholders and transportation agencies throughout this entire process.

Many of the comments submitted about regional policies such as climate change, congestion, sustainable community strategies and other transportation goals, are addressed in MTC's Regional Transportation Plan, Plan Bay Area. In contrast, concerns regarding specific project design and environmental impacts are generally not addressed until after a project is in the TIP. Refer to "A Guide to the San Francisco Bay Area's Transportation Improvement Program" (Appendix A-31) that pinpoints the most effective opportunities to get involved in planning and project development.

Comments addressed to the TIP in many cases referred instead to the Plan, the DEIR or the Conformity Analysis. Also as noted in the log of commenters, many participants attending open houses and public hearings submitted written comments using comment cards where they checked whether comments pertained to the Plan, TIP, air quality conformity analysis, or the draft environmental impact analysis. Where the TIP box had been checked, staff notes that all of the comments addressed policies and issues associated with the Plan and not the TIP. These will be addressed as part of the Plan process.

As noted previously, to respond to concerns about the TIP adoption preceding the adoption of Plan Bay Area, staff deferred 2013 TIP adoption from September 2012 to align with the development and adoption of Plan Bay Area.

Comment and Response #C

Clarification was requested on how the TIP achieves greenhouse gas (GHG) reductions under State (SB 375). Also the commenter requested that several highway capacity increasing projects and the Regional Express Lane Network be removed from the TIP on the grounds that they believe GHG reductions and other planning goals are not being met by their implementation.

SB 375 and any estimation of GHG reductions are relevant to the Plan. The TIP implements the goals and policies of the RTP, Plan Bay Area, and therefore supports the Plan in meeting SB 375 requirements. Given that the TIP covers a 6-year period while the Plan covers a 28-year period, it is not expected that the TIP will achieve the objectives of the Plan in such a short-time frame. Further not all funds in the Plan are contained in the TIP; therefore, the TIP is only a subset of the Plan.

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**Metropolitan Transportation Commission
 2013 Federal Transportation Improvement Program (TIP)**

Attachment B: Comments/Requested Changes to Draft Project Listings

Project		Draft TIP Amount		Draft TIP Year		Revised Amount		Revised Year		Change		Explanation	
TIP ID	Sponsor	Project Title	Draft TIP Amount	Draft TIP Year	Revised Amount	Revised Year	Change	Revised Year	Change	Explanation			
Alameda County													
ALA010056	ACE	ACE Track improvements	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects	
ALA050014	ACTC	SR 84 Expressway Widening	\$37,030,000	2017	\$37,030,000	2017		2017		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
ALA050017	AC Transit	Enhanced Bus - Telegraph/Int/East 14th	n/a	n/a	n/a	n/a		n/a		Clarify the number of buses referenced in the Expanded Project Description	Clarify the project scope		
ALA050042	ACE	ACE: ADA Operating Set-aside	n/a	n/a	n/a	n/a		n/a		Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects		
ALA050043	ACE	ACE Signal System Rehabilitation	n/a	n/a	n/a	n/a		n/a		Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects		
ALA050067	ACE	GPS Train Tracking & Reporting System	n/a	n/a	n/a	n/a		n/a		Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects		
ALA070020	ACTC	I-580 (TriValley) Corridor - EB HOV/HOT Lanes	n/a	n/a	n/a	n/a		n/a		Clarify the Expanded Project Description to reflect that the project references multiple RTP IDs	Clarify the RTP reference for this project		
ALA090060	ACE	Rebuild Diesel Locomotives	n/a	n/a	n/a	n/a		n/a		Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects		
ALA110099	ACE	ACE: Preventative Maintenance	n/a	n/a	n/a	n/a		n/a		Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects		
Contra Costa County													
CC-010002	Caltrans	SR 24 - Caldecott Tunnel 4th Bore	\$400,000	2013	\$400,000	2013		2013		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
CC-050028	CCTA	I-680 SB HOV Lane Gap Closure	\$5,557,000	2016	\$5,557,000	2016		2016		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
CC-070035	San Pablo	Reconstruct I-80/San Pablo Dam Rd Interchange	\$7,000,000	2015	\$7,000,000	2015		2015		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
CC-090032	Caltrans	Richmond Rail Connector	\$2,260,000	2013	\$2,260,000	2013		2013		Update the funding plan to reprogram \$2.26M in CMAQ funds from ROW to CON	Changes reflect current phase costs		
Marin County													
MRN110033	Marin County	Miller Creek Road Bike Lanes and Ped Improvements	\$45,000	2013	\$45,000	2013		2013		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP-TE funds	Clarify the funding plan		
MRN110033	Marin County	Miller Creek Road Bike Lanes and Ped Improvements	\$362,000	2016	\$362,000	2016		2016		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP-TE funds	Clarify the funding plan		
MRN110034	TAM	Highway 101 Landscaping for Gap Closure Project	\$2,900,000	2015	\$2,900,000	2015		2015		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
MRN110034	TAM	Highway 101 Landscaping for Gap Closure Project	\$430,000	2015	\$430,000	2015		2015		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		
MRN110034	TAM	Highway 101 Landscaping for Gap Closure Project	\$570,000	2015	\$570,000	2015		2015		Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan		

**Metropolitan Transportation Commission
 2013 Federal Transportation Improvement Program (TIP)**

Attachment B: Comments/Requested Changes to Draft Project Listings

Project		Draft TIP Year		Revised Year		Change		Explanation	
TIP ID	Sponsor	Project Title	Draft TIP Amount	Draft TIP Year	Revised Amount	Revised Year	Change	Explanation	
Napa County									
NAP010008	Caltrans	SR 12 (Jamieson Canyon Road) Widening	\$140,000	2014	\$140,000	2014	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
NAP010008	Caltrans	SR 12 (Jamieson Canyon Road) Widening	\$710,000	2014	\$710,000	2014	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
NAP110022	American Canyon	American Canyon - Napa Square Pavement Rehab	\$268,000	2016	\$268,000	2016	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
NAP110023	Napa County	Silverado Trail Phase G and H Rehab	\$1,595,000	2016	\$1,595,000	2016	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
Regional/Multiple Counties									
REG090003	MTC	Freeway Performance Initiative	\$350,000	2014	\$350,000	2014	Change the fund source for \$350K from CMAQ to STP programming	Fund source changed to reflect current programming	
REG110044	ACE	ACE Positive Train Control	n/a	n/a	n/a	n/a	Change the project sponsor and Implementing Agency from San Joaquin Rail Commission to ACE	Project sponsor and implementing agency updated to be consistent with other ACE projects	
Santa Clara County									
SCL110117	San Jose	Park Avenue Multi-Modal Improvements	\$1,456,000	2015	\$1,456,000	2015	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP-TE funds	Clarify the funding plan	
SCL110118	San Jose	St. John Street Multi-Modal Improvements - Phase 1	\$1,500,000	2015	\$1,500,000	2015	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP-TE funds	Clarify the funding plan	
San Francisco County									
SF-110039	SFMTA	SF Ped Safety and Encouragement Campaign	\$851,000	2013	\$851,000	2013	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP-TE funds	Clarify the funding plan	
SF-110047	SFMTA	Local PDA Planning - San Francisco	n/a	n/a	n/a	n/a	Update the project sponsor from San Francisco City/County to SFMTA	Project sponsor updated to reflect new project lead agency	
San Mateo County									
SM-010054	Caltrain	San Mateo Bridges Replacement	n/a	n/a	n/a	n/a	Clarify the scope of the project and add a note that the project is phased	Clarify the project scope	
SM-050052	Pacifica	SR1 San Pedro Creek Bridge Replacement	n/a	n/a	n/a	n/a	Update the project description to clarify that the CMAQ funds are for the bike/ped portion of the bridge only	Clarify the eligible use of CMAQ funds	
SM-090014	SMCTA	Improve US 101 operations near Rte 92	\$2,411,000	2016	\$2,411,000	2016	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
Solano County									
SOL110005	STA	Jepson: Leisure Town Road from Vanden to Elmira	\$13,553,000	2015	\$13,553,000	2015	Update the funding plan to reflect that toll credits are being used in lieu of match for RIP funds	Clarify the funding plan	
SOL110043	Vacaville	Vacaville Street Preservation	n/a	n/a	n/a	n/a	Update the project title to remove the reference to "2014"	Title updated so that program is not limited to a single year	

Date: July 18, 2013
W.I.: 1512
Referred by: Planning

ABSTRACT

Resolution No. 4075

This resolution adopts the 2013 Transportation Improvement Program (TIP) for the San Francisco Bay Area.

Further discussion of the 2013 TIP Update is contained in the Executive Director's memorandum to the Planning Committee dated July 5, 2013.

Date: July 18, 2013
W.I.: 1512
Referred by: Planning

Re: Adoption of the 2013 Transportation Improvement Program (TIP)

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4075

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 et seq.; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Title 23 Code of Federal Regulations Part 450 (23 CFR §450) requires the region to carry out a continuing, cooperative and comprehensive transportation planning process as a condition to the receipt of federal assistance to develop and update at least every four years, a Transportation Improvement Program (TIP) consisting of a comprehensive listing of transportation projects that receive federal funds or that are subject to a federally required action, or that are regionally significant; and

WHEREAS, the TIP must be consistent with the Regional Transportation Plan (RTP) adopted pursuant to Government Code Section 66508, the State Implementation Plan (SIP) as required by the federal Clean Air Act (42 U.S.C. Section 7401 et seq.); and the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757), which establish the Air Quality Conformity Procedures for MTC's TIP and RTP; and

WHEREAS, federal regulations (23 CFR §450.216(m)) require that the TIP be financially constrained, by year, to reasonable estimates of available federal and state transportation funds; and

WHEREAS, federal regulations (23 CFR §450.316) require that the MPO develop and use a documented public participation plan that defines a process for providing citizens, affected public agencies and interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process; and

WHEREAS, federal regulations (23 CFR §450.330(a)) allow MTC to move projects between years in the first four years of the TIP without a TIP amendment, if Expedited Project Selection Procedures (EPSP) are adopted to ensure such shifts are consistent with the required year by year financial constraints; and

WHEREAS, MTC, the State, and public transportation operators within the region have developed and implemented EPSP for the federal TIP as required by Federal Regulations (23 CFR 450.330(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A of MTC Resolution No. 4075, and MTC Resolution 3606 Revised; and

WHEREAS, MTC has found that the 2013 TIP, as set forth in this resolution, conforms to the applicable provisions of the SIP for the San Francisco Bay Area (MTC Resolution No. 4076); and

WHEREAS, the San Francisco Bay Area air basin was designated by U.S. Environmental Protection Agency as nonattainment for the fine particulate matter (PM_{2.5}) standard in December 2009, and MTC must demonstrate conformance to this standard through an interim emissions test until a PM_{2.5} SIP is approved by the federal Environmental Protection Agency (U.S. EPA); now, therefore be it

RESOLVED, that MTC adopts the 2013 TIP, attached hereto as Attachment A and incorporated herein as though set forth at length; and be it further

RESOLVED, that MTC has developed the 2013 TIP in cooperation with the county Congestion Management Agencies, transit operators, the Bay Area Air Quality Management District (BAAQMD), the California Department of Transportation (Caltrans), and other partner agencies, and in consultation with the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and U.S. EPA; and, be it further

RESOLVED, that the 2013 TIP was developed in accordance with the region's Public Participation Plan and consultation process (MTC Resolution No. 3821) as required by Federal Regulations (23 CFR §450.316); and, be it further

RESOLVED, that the projects and programs included in the 2013 TIP, attached hereto as Attachment A to this resolution, and incorporated herein as though set forth at length, are consistent with the RTP; and, be it further

RESOLVED, that the 2013 TIP is financially constrained, by year, to reasonable estimates of available federal, state and local transportation funds; and, be it further

RESOLVED, that MTC approves the EPSP developed by MTC, the State, and public transportation operators within the region for the federal TIP as required by federal regulations (23 CFR 450.330(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A of MTC Resolution No. 4075, and MTC Resolution 3606 Revised; and, be it further

RESOLVED, that MTC will support, where appropriate, efforts by project sponsors to obtain letters of no prejudice or full funding agreements from FTA for projects contained in the transit element of the TIP; and, be it further

RESOLVED, that the public hearing and public participation process conducted for the 2013 TIP satisfies the public involvement requirements of the Federal Transit Administration (FTA) annual Program of Projects; and, be it further

RESOLVED, that except as to those projects that are identified as administratively approved in Attachment A, the adoption of the TIP shall not constitute MTC's review or approval of those projects included in the TIP pursuant to Government Code Sections 66518 and 66520, or provisions in federal regulations (49 CFR Part 450) regarding Intergovernmental Review of Federal Programs; and, be it further

RESOLVED, that MTC's review of projects contained in the TIP was accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757); and, be it further

RESOLVED, that MTC finds that the 2013 TIP conforms to the applicable provisions of the State Implementation Plan (SIP) and the applicable transportation conformity budgets in the SIP approved for the national 8-hour ozone standard and national carbon monoxide standard, and to the emissions test for the national fine particulate matter standard (MTC Resolution 4076); and, be it further

RESOLVED, that the projects and programs included in the 2013 TIP do not interfere with the timely implementation of the traffic control measures (TCMs) contained in the SIP; and, be it further

RESOLVED, that MTC finds all regionally significant capacity-increasing projects included in the 2013 TIP are consistent with Plan Bay Area (the 2040 Regional Transportation Plan including the Sustainable Communities Strategy for the San Francisco Bay Area); and, be it further

RESOLVED, that revisions to the 2013 TIP as set forth in Attachment B to this resolution and incorporated herein as though set forth at length, shall be made in accordance with rules and procedures established in the public participation plan and in MTC Resolution No. 4075, and that MTC's review of projects revised in the TIP shall be accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757) and as otherwise adopted by MTC; and, be it further

RESOLVED, that staff have the authority to make technical corrections, and the Executive Director and Deputy Executive Directors have signature authority to approve administrative modifications for the TIP and Federal Statewide Transportation Improvement Program (FSTIP) under delegated authority by the California Department of Transportation (Caltrans) and to forward all required TIP amendments once approved by MTC to the appropriate state and federal agencies for review and approval; and, be it further

RESOLVED, that the Executive Director shall forward a copy of this resolution to the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the federal Environmental Protection Agency (EPA), the California Department of Transportation (Caltrans), the Association of Bay Area Governments (ABAG), and to such other agencies and local officials as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in Oakland, California on July 18, 2013.

Date: July 18, 2013
W.I.: 1512
Referred by: Planning

Attachment A
Resolution No. 4075
Page 1 of 1

2013 Transportation Improvement Program

The 2013 Transportation Improvement Program for the San Francisco Bay Area, adopted July 18, 2013, is comprised of the following, incorporated herein as though set forth at length:

- A Guide to the 2013 Transportation Improvement Program (TIP) for the San Francisco Bay Area
- TIP Overview
- Expedited Project Selection Process
- TIP Revision Procedures
- Financial Capacity Assessments
- County Summaries
- Project Listings
- Appendices
- The 2013 TIP Investment Analysis: Focus on Low-Income and Minority Communities

Date: July 18, 2013
W.I.: 1512
Referred by: Planning

Attachment B
Resolution No. 4075
Page 1 of 1

Revisions to the 2013 TIP

Revisions to the 2013 Transportation Improvement Program (TIP) will be included as they are approved.

**Metropolitan Transportation Commission
Programming and Allocations Committee**

July 10, 2013

Item Number 2g

2013 TIP and Air Quality Conformity Determination

Subject: 2013 Transportation Improvement Program, MTC Resolution No. 4075, and accompanying Transportation Air Quality Conformity Determination for the Transportation 2040 Plan and 2013 TIP, Resolution No. 4076.

Background: The federally required Transportation Improvement Program (TIP) is a comprehensive listing of Bay Area surface transportation capital projects that receive federal funds or are subject to a federally required action or are regionally significant. MTC, as the federally designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area Region, must prepare and adopt the TIP at least once every four years. The 2013 TIP covers a 6-year period and is financially constrained by year, meaning that the amount of dollars committed to the projects (also referred as “programmed”) do not exceed the amount of dollars estimated to be available. The 2013 TIP covers a six-year period from FY 2012-13 through 2017-18 and contains approximately 880 projects totaling about \$16.9 billion.

The 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were initially released for public review and comment on June 22, 2012. MTC postponed final adoption of the new TIP to more closely align with development and adoption of *Plan Bay Area*, later in 2013. A revised Draft 2013 TIP and Transportation-Air Quality Conformity Analysis were released for public review and comment beginning March 29, 2013 and ending May 3, 2013. The Draft 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis are available at: <http://www.mtc.ca.gov/funding/tip/2013/>

The 2013 TIP and Transportation Air Quality Conformity Determination will be considered by the Planning Committee in coordination with adoption of Plan Bay Area.

Issues: The region is currently in an air quality conformity lapse grace period. No revisions may be made to the TIP until the new Plan, Air Quality Conformity Analysis and TIP are approved. A delay in the adoption of these documents will impact project delivery.

Recommendation: This item is for information only. The 2013 Transportation Improvement Program, MTC Resolution No. 4075, and accompanying Transportation Air Quality Conformity Determination, Resolution No. 4076, will be considered by the Planning Committee at their July 12 meeting, for referral to the Commission for approval.

Attachments: None