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).

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 375[2] 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."

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.

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-

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 PM_{10} 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 popular (*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 PM2.5.

In addition, Mitigation Measures 2.1(a), 2.1(b), and 2.1(c) could help reduce the increase in PM_{10}.

Significance After Mitigation

The increase in PM_{10} 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 PM_{10} 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 PM_{10} 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-

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 μg/m³, 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 $PM_{2.5}$ 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 $PM_{2.5}$ 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 $PM_{2.5}$ impacts. ARB recommends using local air pollution source data, where appropriate and if available, to better determine specific health risk near local TAC and $PM_{2.5}$ 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 $PM_{2.5}$ 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.

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 disproportionally 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 disproportionally 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 disproportionally 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 disproportionally 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.

- 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

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 mitigations 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.

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 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

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

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, Cal-

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.

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

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,

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 FHWA[6] 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.

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 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 FTA[7] 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*,

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

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-

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.

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.

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

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.

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

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

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 CNDDB 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).

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-

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

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

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).)

- 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

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

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).

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.

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.

- 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-

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:

- 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.

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 mitigations 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

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

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

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-

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 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.[9]

[9] The CMRA specifications are available on the CalRecycle website at: www.calrecycle.ca.gov/conDemo/specs/CMRA.htm

- 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

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.

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:

- 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

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 mitigations 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.

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-

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 CO_2 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, subds. (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 CO_2 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.

- Impact 2.2-3(b): Increased emissions of PM_{10} 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 $\mu g/m^3$.
- 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 disproportionally 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.

- 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:

Goal	*Recommended Target*
(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: • 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)

Goal	*Recommended Target*
(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: • 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)easible 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;

- 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 incommuters 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 PM_{10} (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 CO_2 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 PM_{10} 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 CO_2 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, §

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 PM_{10} emissions (Impact 2.2-3(b)), increase in disproportionally 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 CO_2 emissions by 2035, which is 0.5% short of achieving the CO_2 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 CO_2 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 CO_2 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 CO_2 emission target for 2035. Notwithstanding this fact, the Alternative (~14.5%) performs worse than the proposed Plan (~16.2%) with respect to achieving the CO_2 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, $PM_{2.5}$, PM_{10}, 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 PM_{10} 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 cause 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,

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 CO_2 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

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-

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 CO_2 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 line[10].

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.

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 CO_2 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 PM_{10} 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 popular (*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 PM2.5.

In addition, Mitigation Measures 2.1(a), 2.1(b), and 2.1 (c) could help reduce the increase in PM_{10}.

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 disproportionally 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 mitigations 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. M**TC, 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 of 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 _____;

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 of 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

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

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.