



TO: Metropolitan Transportation Commission and the  
Association of Bay Area Governments Executive Board

DATE: July 19, 2017

FR: Steve Heminger, Executive Director

RE: MTC Resolution No. 4299 and ABAG Resolution No. 09-17 - Final Environmental Impact Report for Plan Bay Area 2040

### Background

On July 14, 2017, the MTC Planning Committee voted unanimously to recommend that the Commission approve MTC Resolution No. 4299, which would certify the Final Environmental Impact Report (Final EIR) for Plan Bay Area 2040, the region's 2017 Regional Transportation Plan/Sustainable Communities Strategy (Plan). Concurrently, the ABAG Administrative Committee voted unanimously to recommend the Executive Board approve ABAG Resolution No. 09-17 to accomplish the same action.

The Notice of Availability for the Final EIR was mailed or delivered on or before July 10, 2017, noting the Final EIR's availability at The Hub @ 375 Beale, various Bay Area libraries, as well as through the 2040.planbayarea.org website. In accordance with the California Environmental Quality Act (CEQA), public agencies that commented on the Draft EIR were notified of the release of the Final EIR, including written responses to their submitted comments. These agencies were notified of the Final EIR's pending release on July 7, 2017, and of the Final EIR's release again on July 11, 2017, and July 13, 2017, via MTC newsletters. Since the release of the Final EIR, MTC and ABAG have received additional comments through the eircomments.ca.gov email address and through oral comments at the July 14, 2017, meeting. A summary of these comments and their responses are included in Attachment A. No issues were raised in the additional comments that would result in changes to the findings or conclusions of the Draft and Final EIR or staff recommendations, nor do the comments require new text revisions to the Draft EIR.

The draft CEQA findings, which are entitled, "CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations" have been finalized since the July 14<sup>th</sup> committee meeting and are included as Attachment A to MTC Resolution No. 4299 and ABAG Resolution No. 09-17. The Findings state the Commission's/Board's conclusions regarding the significance of the potential environmental impacts of the proposed Plan after all feasible mitigation measures have been adopted. The Statement of Overriding Considerations describes the balance the agencies have struck in weighing the benefits of the proposed Plan, including various economic, social, and technological factors, against its significant and unavoidable environmental impacts.

### Action

Staff requests that the Commission and the Executive Board, respectively, approve MTC Resolution No. 4299 and ABAG Resolution No. 09-17 as revised and attached [here](#).



Steve Heminger

### Attachment A: Summary of Additional Public Comment

SH:AN

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## Summary of Additional Public Comment

Letter/ Comment Number	Date Listed	Commenter	Affiliation	Type of Comment
68	July 7, 2017	Stephen Nestel	www.savemarinwood.org	Email
69	July 14, 2017	Bill Mayben	Individual	Email
70	July 14, 2017	Peter Drekmeier	Tuolumne River Trust	Oral (Joint Committee)
71	July 14, 2017	Karen Mitchoff	ABAG Executive Board, Contra Costa County Supervisor	Oral (Joint Committee)
72	July 17, 2017	Rose Hillson	Individual	Letter (via email)

### # 68 – Summary of Comment and Response

The commenter questions whether the EIR adequately addresses the proposed Plan's cumulative impacts on topics such as traffic, air quality, environment, etc. The commenter suggests that without disclosing the cumulative impacts, programmatic EIRs may provide false or misleading results on the environmental impacts. Draft EIR Section 3.2.4, "Cumulative Impacts" notes the proposed Plan is a cumulative plan by design. The proposed Plan integrates transportation investments with a forecasted development pattern for the entire Bay Area. As such, the environmental analysis of the proposed Plan is a cumulative analysis compliant with the requirements of CEA and the CEQA Guidelines. Specifically, MTC's integrated model framework (land use and travel demand) evaluates the effects of this combined land use and transportation strategy on such topics as transportation (Draft EIR Section 2.1), air quality (Draft EIR Section 2.2), and greenhouse gas emissions (Draft EIR Section 2.5).

### # 69 – Summary of Comment and Response

The commenter critiqued the Final proposed Plan, noting concerns of whether the Plan does enough to remove autos from Bay Area freeways, and whether the current freeway system has the capacity to support the projected growth. The commenter suggests that decentralization of jobs is the key, which could be supported by high speed internet. The commenter critiques the Final proposed Plan and does not address the adequacy of the EIR. No response necessary.

### # 70 – Summary of Comment and Response

The commenter raised concern on whether the EIR adequately addressed water availability across the region. The commenter suggested MTC/ABAG wait to certify the Final EIR until additional consultation with water districts occurred. Draft EIR Section 2.12, "Public Utilities and Facilities" evaluates the proposed Plan's impact on water supply. Impact 2.12-1 addresses potential impacts associated with water supply. This impact was found to be less than significant at the regional level assuming local governments implement various mitigation measures identified in the EIR, and significant and unavoidable if the measures are not implemented. The EIR reflects that the major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years, with the exception of Solano County Water Agency which expects to meet water demand projections up to 2030, but has not analyzed beyond that horizon. The proposed Plan should help protect the region's water supply by reducing development pressure in rural areas where per capita water use is typically higher. Also, by concentrating future growth within already developed areas, the proposed Plan benefits from existing water supply infrastructure and reduces the need for new water infrastructure to be developed to service new areas. Please also see Master Response 3. Water Supply and Drought, in the Final EIR and responses to comment regarding water related issues.

### # 71 – Summary of Comment and Response

The committee member asked for clarification regarding the water supply analysis, and whether the Draft EIR's analysis of water supply accounted for all areas of Contra Costa County. This comment was addressed through oral remarks to clarify that the Draft EIR's water supply analysis did evaluate the entire Plan area.

## **# 72 – Summary of Comment and Response**

The commenter referred to Final EIR response to comment 39-4, which states that the Office of Planning and Research guidelines on vehicle miles travelled (VMT) have not been finalized. The commenter questions how the EIR can be finalized without criteria for VMT. The status of Senate Bill 743, which will change the way that public agencies evaluate transportation impacts in the future, is described on Draft EIR page 2.1-16. The significance criteria used to determine transportation-related impacts are identified on Draft EIR page 2.1-19 of the Draft EIR. As explained in the Draft EIR, the significance criteria are based on CEQA Guidelines Appendix G, the previous thresholds from the EIR for Plan Bay Area (2013 EIR), and professional judgement. The criteria are appropriate for the programmatic analysis, and the transportation impacts are accurately disclosed in the EIR.

The commenter questions a portion of Mitigation Measure 2.2-5(a) listed on Final EIR page A-9 (the Mitigation Monitoring and Reporting Program (MMRP)) and questions why limiting idling of heavy duty diesel trucks is limited to toxic air contaminant (TAC) risk areas. Mitigation Measures 2.2-5(a) addresses Impact 2.2-5, as discussed on Draft EIR page 2.2-41. However, Mitigation Measure 2.2-5(a) is not the only measure included in the EIR to mitigate potential effects related to TACs and PM<sub>2.5</sub>. The Draft EIR and MMRP also include Mitigation Measure 2.2-6(a) through (d) that address TACs and PM<sub>2.5</sub>.

The commenter also refers to data related to carbon release from dirt movement or disturbance. A discussion of changes in soil carbon storage from implementation of the proposed Plan is included in the Final EIR response to comment 4-8. That discussion addresses changes in carbon storage for land converted from natural lands to developed land uses. It assumes that construction (or dirt movement) on lands that have already been developed would not change soil carbon content because such sites have already been disturbed under existing conditions.

The commenter addresses elements of the proposed Plan, including express lanes and carpool lanes. Final EIR response to comment 41-1 discusses the allocation of funding for operation and maintenance and for expansion of the existing transportation system. The commenter suggests fixing the current infrastructure, but it is unclear to what the commenter is referring when stating that “the FEIR says only 10% of the money is there to [fix the current infrastructure].” As explained in response to comment 41-1, the majority of the investment strategy (72 percent of the total) is directed toward operations and maintenance of the existing system.

The commenter raises additional comments and questions regarding the proposed Plan that do not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. The commenter critiques the Final proposed Plan and does not address the adequacy of the EIR. No response necessary.

The commenter suggests that data in the Final EIR does not have fine grain detail regarding San Francisco neighborhoods. Master Response 5, Programmatic EIR, in the Final EIR addresses comments related to the level of detail provided in the Draft EIR. As explained in the master response, the EIR analysis presents a programmatic assessment of the potential impacts of the proposed Plan and provides environmental analysis and mitigation that is intended to address the range of impacts and mitigation that may be associated with individual projects. This approach does not relieve local jurisdictions of responsibility for determining whether project-specific impacts require additional analysis in subsequent second-tier CEQA documents (Draft EIR, page 1.1-4). The master response explains: “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered” (In re Bay-Delta, supra, 43 Cal.4th at page 1174).

Finally, the commenter states that a 5 decibel (db) increase would be perceptible outside and inside buildings and suggests keeping the current db max for CEQA as-is rather than revising upwards. It is unclear to what impact or discussion the commenter is referring. The significance criteria for increases in construction and operational (traffic-related and stationary source) noise levels are included in Draft EIR pages 2.6-17 through 18.

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

ABSTRACT

MTC Resolution No. 4299

ABAG Resolution No. 09-17

This resolution certifies the Final Environmental Impact Report prepared for Plan Bay Area 2040 (which includes both the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2016052041), 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 Administrative Committee memorandum dated July 7, 2017.

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Re: Certification of the Final Environmental Impact Report prepared for Plan Bay Area 2040 (which includes both the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2016052041), 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. 4299

ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD  
RESOLUTION NO. 09-17

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), requires 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 a sustainable communities strategy (SCS) for the San Francisco Bay Area; and

WHEREAS, the Plan Bay Area 2040 (“Plan”) constitutes the RTP and SCS for the San Francisco Bay Area; and

WHEREAS, the Plan, contains an integrated set of strategies and fiscally-constrained investments to maintain, manage, and improve the transportation system in the San Francisco Bay Area through the year 2040 and calls for development of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, MTC and ABAG served as joint lead agencies in preparing a Programmatic Environmental Impact Report (Program EIR) (SCH# 2016052041) with the assistance of MTC 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 May 16, 2016, 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 three (3) public scoping meetings between May 26, 2016, and June 2, 2016, 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 responses to the NOP from state, regional and local agencies, organizations, and individuals, 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 14, 2017; and

WHEREAS, MTC and ABAG commenced a 45-day review period to solicit comments on the Draft Program EIR, which ended on June 1, 2017; 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 14, 2017, 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 on the Draft Program EIR and three public hearings on the Plan; and

WHEREAS, during the public review period for the Draft Program EIR, MTC and ABAG received written comment letters, email correspondence, and 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 14, 2017, 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) comments and recommendations received from state, regional and local agencies, organizations, and individuals on the Draft Program EIR; (2) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; (3) revisions to the Draft Program EIR; (4) all appendices to the Final Program EIR; and (5) the Draft Program EIR, including all appendices and revisions thereto; 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 decision-making 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 26, 2017, Joint MTC Commissioner and ABAG Executive Board meeting, and public notice of the meeting was circulated to the public on July 21, 2017;

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 and Facts in Support of Findings and Statement of Overriding Considerations” (CEQA Findings) (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 in Section 3 of CEQA Findings, which concludes that specific economic, legal, social, technological, and other benefits of the Plan outweigh the potentially significant and unavoidable impacts identified in the Final Program EIR; and

WHEREAS, each of the specific economic, legal, social, technological, and other benefits of the Plan included in the Statement of Overriding Considerations is independently sufficient to justify approval of the Plan; and

WHEREAS, MTC and ABAG have prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code § 21081.6 and CEQA Guidelines § 15097, included as Attachment B, to ensure compliance with the mitigation measures identified in the Final Program EIR during Plan implementation to the extent feasible; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, prior to taking action on the Final Program EIR, MTC and ABAG have heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; now, therefore, be it

RESOLVED, that MTC and ABAG hereby certify that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, MTC and ABAG staff prepared the Final Program EIR, consisting of: (1) the Draft Program EIR, including all appendices and revisions thereto; (2) comments and recommendations received on the Draft Program EIR, a list of persons, organizations, and public agencies commenting on the Draft Program EIR; (3) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; (4) revisions to the Draft EIR; (5) all appendices to the Final Program EIR; and (6) the Draft Program EIR, including all appendices thereto; 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 B and incorporated herein as though set forth at length) represents the independent judgment and analysis of MTC and ABAG; and be it further

RESOLVED, that MTC and ABAG, as the decision making bodies, certify the Program EIR (Attachment B) 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 adopt the Mitigation Monitoring and Reporting Program as required by CEQA Guidelines § 15097, which is attached hereto as Appendix A of Attachment B and incorporated fully by this reference; and be it further

RESOLVED, that MTC and ABAG make and adopt the CEQA 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 the CEQA Findings (Attachment A) 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

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Jake Mackenzie, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in San Francisco, California on July 26, 2017.

The foregoing was adopted by the Executive Board this 26<sup>th</sup> day of July, 2017.

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Julie Pierce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Clerk of the Board 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 26<sup>th</sup> day of July, 2017.

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Frederick Castro  
Clerk of the Board

**Approved as To Legal Form**

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Adrienne D. Weil  
Legal Counsel

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment A  
MTC Resolution No. 4299  
ABAG Resolution No. 09-17  
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**CEQA Findings and Facts in Support of Findings and  
Statement of Overriding Considerations**

The CEQA Findings and Facts in Support of Findings and  
Statement of Overriding Considerations is on file in the offices of the  
Metropolitan Transportation Commission, Bay Area MetroCenter,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment B  
MTC Resolution No. 4299  
ABAG Resolution No. 09-17  
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## **Program Environmental Impact Report (EIR)**

The Program Environmental Impact Report (EIR)  
(with Mitigation Monitoring and Reporting Program) is on file in the offices  
of the Metropolitan Transportation Commission, Bay Area MetroCenter,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

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

## Introduction

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### ROLE OF THE FINDINGS

The following findings are hereby adopted by the Metropolitan Transportation Commission (MTC)<sup>1</sup> and Association of Bay Area Governments (ABAG)<sup>2</sup> Executive Board 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 the 2017 update to the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) for the San Francisco Bay Area, entitled Plan Bay Area 2040 and referred to herein as the proposed Plan. MTC and the ABAG are the Lead Agencies for the proposed Plan.

The Findings state the Commission's/Board's conclusions regarding the significance of the potential environmental impacts of the proposed Plan 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 proposed Plan and on all other relevant information contained in the administrative record for the proposed 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 EIR mitigate the potential significant impacts of the proposed Plan, to the extent feasible, as described in the EIR. All mitigation measures identified in the EIR (as listed in Table ES-2 of the Draft EIR and as amended in Section 3.0 of the Final EIR) are hereby adopted by the Commission/Board. Because the proposed Plan contemplates projects that would be developed by other agencies throughout the region, MTC and ABAG find that the implementation of some mitigation measures is not within their authority. These measures can and should be implemented and monitored by the agencies responsible for implementing and overseeing individual projects. When MTC and/or ABAG are the lead agencies on a project they will ensure compliance with the identified mitigation measures by requiring them as conditions of approval for relevant projects, and if applicable, requiring individual projects to undergo CEQA compliance review prior to project approval.

The ability of MTC and ABAG to enforce mitigation measures identified within the EIR is expressly limited by statute. SB 375<sup>3</sup> provides that the proposed Plan cannot "regulat[e] the use of land... [and does not] superseded[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 proposed Plan, MTC

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<sup>1</sup> As used herein, "MTC" refers to the agency as a whole, while the "Commission" refers to MTC's legislative body (i.e., the MTC Commissioners).

<sup>2</sup> As used herein, "ABAG" refers to the agency as a whole, while the "Board" refers to ABAG's legislative body (i.e., the Executive Board).

<sup>3</sup> Senate Bill 375, also known as "The Sustainable Communities and Climate Protection Act of 2008."

and ABAG must rely on incentives to encourage implementing agencies to commit to the mitigation measures set forth in the EIR for the proposed 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 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 (included in the Final EIR as Exhibit A) to ensure implementation of these mitigation measures, MTC and ABAG 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 proposed 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 EIR for the proposed Plan may incorporate the mitigation measures set forth in the 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 proposed Plan and that incorporate applicable and feasible mitigation measures from the Program EIR.

The Statement of Overriding Considerations explains MTC's/ABAG's reasons for approving the proposed Plan, despite the fact that the proposed Plan will have significant and unavoidable impacts on the environment.

## SCOPE OF THE ENVIRONMENTAL ANALYSIS

As required under state law, and pursuant to the role of a regional planning body, the proposed Plan provides a regional blueprint or strategy to better accommodate the region's projected growth in an equitable and efficient manner and in partnership with local governments who still retain local land use control, through coordinated land use and transportation policies, projects, and public investments. The regional forecast projects overall changes in economic activity, population growth and composition for the region as a whole, as well as household growth and composition. This projected level of growth is reasonably expected to occur in the absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area.

The EIR analyzes the potential significant adverse effects of the adoption and implementation of the proposed Plan. 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. In accordance with CEQA, the EIR identifies regional effects of the implementation of projects that could follow adoption of the proposed Plan. As a program-level EIR that addresses the entire nine-county, 101-city region, impacts of individual land use and transportation projects are not addressed in detail; the focus of this analysis is on addressing the impacts of implementation of the proposed Plan as a whole.

The analysis in the EIR considers the impacts of the RTP/SCS in terms of the estimated transportation project footprints and the assumed land use growth footprint, respectively. The impact discussions generally address



the effects of the proposed Plan at three levels of geography: 1) at the regional level, which examines impacts on the Bay Area as a whole; 2) at the county-level, which examines impacts within each county; and 3) at the Transit Priority Areas (TPA) level, which addresses impacts within TPAs. The portion of the projected land use growth footprint located in PDAs that is outside of a TPA is captured in the County totals. Where useful for the impact analysis, GIS-based results were also reported by PDAs.

## ORGANIZATION

This document identifies the Findings and Facts in Support of Findings regarding recirculation of the Draft EIR, as well as findings for each potentially significant impact identified in the Draft EIR, and findings regarding mitigation measures and alternatives proposed during the public comment period on the Draft EIR. This document identifies the Findings for Alternatives, briefly summarizing the alternatives discussed in the Draft EIR and making findings with respect to their feasibility and whether each alternative would lessen the significant environmental effects of the proposed Plan. This document also includes a Statement of Overriding Considerations setting forth the specific reasons supporting MTC's and ABAG's actions in approving the proposed Plan despite its significant environmental impacts, and concludes with a finding on the Commission's/Board's independent review and analysis of the EIR.

The findings set forth in the following sections state the Commission's/Board'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 Bay Area Metro Center, MTC Public Information, 375 Beale Street, Suite 800, San Francisco, California, 94105. A list of documents relied on for the EIR, Findings, alternatives analysis, and the Commission's/Board's ultimate decision on the proposed Plan is included at the end of this document as the Record of Proceedings.

## Findings and Facts in Support of Findings

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### CEQA REQUIREMENTS

The EIR identifies significant effects on the environment, which may occur as a result of the projects contemplated by the proposed Plan.

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

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 herein 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 herein 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 herein as “Finding (3).”]**

(CEQA Guidelines, Section 15091, subdivision (a).) Thus, for each significant environmental effect identified in an EIR, 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 identified significant effects can be fully avoided or substantially lessened through another agency’s adoption of the mitigation measures set forth in the EIR. SB 375 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/ABAG 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 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.

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.)

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. 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 EIR.

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

## FINDINGS REGARDING RECIRCULATOIN OF THE DRAFT EIR

The Draft EIR analyzed impacts associated with the draft proposed Plan released April 3, 2017. Since the release of the draft proposed Plan and Draft EIR, in response to public comments, MTC/ABAG considerations and continued staff analysis, there have been several text changes incorporated into the final proposed Plan. There have also been modifications to the Draft EIR, as documented in the Final EIR.

The proposed changes to the proposed Plan (as identified in Attachment A to proposed MTC Resolution 4300), include clarifications, corrections, and elaborations to the text, figures, and tables of the Plan and the supplemental reports. In addition, proposed changes to Chapter 5, Action Plan, include the addition of detail, specified commitments to action, timing, and other performance metrics.

The proposed changes to the Draft EIR, as identified in Chapter 3 of the Final EIR, include clarifications, corrections, and elaborations to the text, figures and tables. These changes include minor modifications to correct or clarify the following Mitigation Measures:

- ▲ 2.2-5(a)
- ▲ 2.2-6(d)

### ▲ 2.3-1

### ▲ 2.5-5(a)

Pursuant to Section 15088.5 of the CEQA Guidelines, the proposed changes to the proposed Plan and Draft EIR do not constitute “significant new information” requiring recirculation. Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936; *Citizens for East Shore Parks v. State Lands Com.* (2011) 202 Cal.App.4th 549, 563 [“Administrative agencies not only can, but should, make appropriate adjustments... as the environmental review process unfolds.”].)

The Commission/Board hereby finds that the changes made to the proposed Plan clarify and/or correct the text of the proposed Plan, but do not result in any changes that would have environmental effects. The potential impacts from the final proposed Plan fit within the range of impact analysis contained in the EIR. There are no substantial changes in the proposed Plan or the circumstances under which the proposed Plan is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The final proposed Plan does not result in any new impacts, nor does it cause the level of significance for any previously identified impacts to change. The circumstances, impacts, and mitigation requirements identified in the EIR

remain applicable to the final proposed Plan, and support the finding that the final proposed Plan does not raise any new issues and does not cause the levels of impacts identified in the EIR to be exceeded.

Further, the changes to the Draft EIR described in the Final EIR supplement or clarify the existing language. Clarifications and corrections to the text, tables, and figures do not alter the conclusions of the Draft EIR. Each of the modifications to the mitigation measures is analyzed herein, and the Commission/Board concludes that the measures as revised are substantially equivalent to, or more effective than, the wording and intent of the original measures as they appeared in the Draft EIR.

In sum, no changes made to the proposed Plan or the EIR since release of the Draft EIR involve “significant new information” triggering recirculation because the changes do not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications are either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. The Commission/Board hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required.

## FINDINGS REGARDING SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The following subsection lists each significant or potentially significant environmental impact by issue area in the order it appears in the EIR, the mitigation measures identified for each impact in the EIR, the CEQA Finding or Findings applied by the Commission/Board, 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 identified at the end of this document and incorporated herein by reference.

The Commission/Board has determined the adoption of feasible mitigation measures, alternatives, and proposals incorporated into the proposed Plan will reduce 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/Board’s decision to approve the proposed Plan despite potentially significant environmental effects that MTC/ABAG cannot mitigate to less-than-significant levels.

## TRANSPORTATION

### Impact

**2.1-3** Implementation of the proposed Plan could result in a significant 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 volumes exceed capacity, resulting in stop-and-go conditions for extended periods of time). A significant increase in LOS F-impacted per capita VMT is defined as greater than 5 percent. (Draft EIR, p. 2.1-28)

### Mitigation Measures

**2.1-3 (a)** MTC, in its role as a funding agency, and implementing agencies shall support the advancement of corridor-level plans and implementation of projects located on severely congested (LOS F) facilities.

**2.1-3 (b)** Transportation demand management (TDM) strategies shall be incorporated into individual land use and transportation projects and plans, as part of the planning process. Local agencies shall incorporate strategies identified in the Federal Highway Administration’s publication: *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (August 2012) into the planning process (FHWA

2012). For example, the following strategies may be included to encourage use of transit and non-motorized modes of transportation and reduce vehicle miles traveled on the region's roadways:

- ▲ include TDM mitigation requirements for new developments;
- ▲ incorporate supporting infrastructure for non-motorized modes, such as, bike lanes, secure bike parking, sidewalks, and crosswalks;
- ▲ provide incentives to use alternative modes and reduce driving, such as, universal transit passes, road and parking pricing;
- ▲ implement parking management programs, such as parking cash-out, priority parking for carpools and vanpools;
- ▲ develop TDM-specific performance measures to evaluate project-specific and system-wide performance;
- ▲ incorporate TDM performance measures in the decision-making process for identifying transportation investments;
- ▲ implement data collection programs for TDM to determine the effectiveness of certain strategies and to measure success over time; and
- ▲ set aside funding for TDM initiatives.

### ***Significance After Mitigation***

To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above to address site-specific conditions. The implementing agency would ensure that transportation demand management measures are incorporated into projects to the extent feasible. Implementation of the mitigation measure at a project-level would encourage sustainable modes of transportation and reduce the potential for the proposed Plan to increase VMT on congested facilities. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the proposed Plan 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, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Finding***

- A. The EIR evaluates the change in the amount of per capita automobile travel on road facilities experiencing the worst level of service (LOS) and the hours of congestion experienced by motorists. The analysis is conducted on a regional and county-level basis. LOS is a qualitative rating scale that describes how well a

transportation facility performs from the traveler's perspective on a range from A (least congested) to F (most congested). (Draft EIR, p. 2.1-28.)

- B. Under the proposed Plan, per capita VMT on severely congested facilities (LOS F) would increase compared to existing conditions at both the regional level, and for a subset of Bay Area Counties and time periods, as specified in the Draft EIR. (Draft EIR, pp. 2.1-29 to 2.1-31.)
- C. The proposed Plan would minimize congestion through a number of regional policies and investment strategies, including implementation of transit capacity increases along fixed guideways to provide congestion-immune alternatives to freeway and arterial corridors, expansion of the Freeway Performance Initiative, and the projected land use pattern, which would emphasize focused growth in Transit Priority Areas and shorten commute distances by bringing jobs and housing closer together; and continued funding of the OneBayArea Grant (OBAG) program to accelerate development initiatives in Priority Development Areas and Transit Priority Areas through infrastructure projects. (Draft EIR, p. 2.1-32.) However, as these policies have not yet been implemented, their effectiveness is not known at this time.
- D. The increase in per capita VMT on facilities experiencing LOS F represents a significant impact compared to existing conditions. To assess whether implementation of these specific mitigation strategies would result in measurable traffic congestion reductions, implementing actions may need to be further refined within the overall parameters of the proposed Plan and matched to local conditions in any subsequent project-level environmental analysis.
- E. The proposed mitigation measures are expected to reduce the overall impact, by encouraging sustainable modes of transportation and reducing the potential for the proposed Plan to increase VMT on congested facilities.
- F. LOS is a qualitative evaluation measure that describes how well a transportation facility performs from the traveler's perspective. Roadway congestion, while an inconvenience to drivers, is not itself an environmental impact. (See Pub. Resource Code, § 21099, subd. (b)(2) ["automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to [CEQA]".])

## Impact

- 2.1-7 Implementation of the proposed Plan could cause a disruption to the ongoing operations of the applicable regional or local area transportation system because of construction activities. (Draft EIR, p. 2.1-36)**

## Mitigation Measures

**2.1-7** Implementing agencies shall require implementation of best practice strategies regarding construction activities on the transportation system and apply recommended applicable mitigation measures as defined by state and federal agencies. Examples of mitigation measures include, but are not limited to, the following:

- ▲ prepare a transportation construction plan for all phases of construction;
- ▲ establish construction phasing/staging schedule and sequence that minimizes impacts of a work zone on traffic by using operationally-sensitive phasing and staging throughout the life of the project;
- ▲ identify arrival/departure times for trucks and construction workers to avoid peak periods of adjacent street traffic and minimize traffic affects;
- ▲ identify optimal delivery and haul routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists;

- ▲ identify appropriate detour routes for bicycles and pedestrians in areas affected by construction;
- ▲ coordinate with local transit agencies and provide for relocation of bus stops and ensure adequate way-finding and signage to notify transit users;
- ▲ preserve emergency vehicle access;
- ▲ implement public awareness strategies to educate and reach out to the public, businesses, and the community concerning the project and work zone (e.g., brochures and mailers, press releases/media alerts);
- ▲ provide a point of contact for residents, employees, property owners, and visitors to obtain construction information, and provide comments and questions;
- ▲ provide current and/or real-time information to road users regarding the project work zone (e.g., changeable message sign to notify road users of lane and road closures and work activities, temporary conventional signs to guide motorists through the work zone); and
- ▲ encourage construction workers to use transit, carpool, and other sustainable transportation modes when commuting to and from the site.

### ***Significance After Mitigation***

To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant (LS-M) because it would require, as part of the planning, design, and engineering for future projects, that the implementing agency implement measures to minimize overall disruptions and ensure that overall circulation in a project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. Implementation of the mitigation measure at a project-level would reduce the impacts from construction activities on the transportation system and traffic.

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Finding***

- A. The projected changes in land use and transportation projects in the proposed Plan would require construction activity for individual projects during implementation of the proposed Plan. Although construction activities would be short term, intermittent, and geographically dispersed, construction activities associated with implementing the projected land use growth and transportation projects could interfere with normal operations of the transportation system. The specific construction activities associated with projects under the proposed Plan would be finalized at the time individual projects are proposed. However, transportation-related impacts could occur from travel lane closures, detours, and/or congestion resulting



from increased truck traffic on local roads as construction vehicles and workers travel to and from project sites. (Draft EIR, p. 3.1-36.)

- B. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies apply best practices strategies regarding construction activities on the transportation system to reduce disruption to the ongoing operations of the applicable regional or local area transportation system.

## 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. 2.2-32)**

#### ***Mitigation Measures***

**2.2-2** When screening levels are exceeded (see Table 2.2-8 on pages 2.2-37 through 2.2-38 of the Draft EIR or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following:

#### ***Construction Best Practices for Exhaust***

- ▲ The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of project construction, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement:
  - 1) Be zero emissions OR 2) have engines that meet or exceed either EPA or ARB Tier 2 off-road emission standards; and 3) have engines that are retrofitted with an ARB Level 3 Verified Diesel Emission Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.
  - Idling time of diesel powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage of this idling restriction 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 in size, soil moisture should be maintained at a minimum of 12 percent. Moisture content can be verified by lab samples or a 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. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads.

- ▲ All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.
- ▲ All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be paved 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 before leaving the site.
- ▲ Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- 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 one percent.
- ▲ These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2010b, BAAQMD 2016). Applicable mitigation measures shall be required at the time grading permits are issued.

### ***Significance After Mitigation***

The measures described above would minimize PM<sub>10</sub> and PM<sub>2.5</sub> dust emissions and minimize exhaust emissions of diesel PM through the use of readily available, lower-emitting diesel equipment, and/or equipment powered by alternative cleaner fuels (e.g., propane) or electricity, as well as on-road trucks using particulate exhaust filters.

To the extent that an individual project adopts and implements all feasible mitigation measures described above, the project's impact would be less than significant with mitigation (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures

to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Finding***

- A. Impacts of the proposed Plan related to construction-related emissions are generally regional in nature. Construction equipment and processes are generally similar between land use and transportation projects, except that transportation projects could result in more paving and concrete activity and tend to be larger than land use projects. (Draft EIR, p. 2.2-32.)
- B. With respect to construction equipment, EPA and ARB have adopted rules and regulations establishing criteria pollutant and hazardous emissions limits for diesel powered on-road vehicles and off-road equipment. The current EPA and ARB rules and emission standards are in the process of being implemented and are therefore reasonably foreseeable. They will continue to be phased in through 2023 and are expected to reduce diesel PM emissions by 98 percent or more when compared to vehicles and equipment built before 2004 and still in operation, based on EMFAC2014 model outputs. (Draft EIR, p. 2.2-32.)
- C. EPA and ARB regulations of on-road and off-road engines target the primary sources of emissions at construction sites. These include on-road heavy-duty trucks and off-road equipment, such as aerial lifts, backhoes, forklifts, and loaders. In addition, ARB's clean fuel standards would reduce emissions from all internal combustion engines and their stationary and portable equipment regulations would reduce emissions from the smaller equipment used at construction sites, such as portable generators and tub grinders. (Draft EIR, p. 2.2-32.)
- D. The proposed Plan includes up to 365 transportation projects that either modernize or expand existing transportation infrastructure. The proposed Plan would also accommodate land use growth in the Plan area of approximately 630,000 new households and a net increase of 95 million square feet of non-residential uses. Although EPA and ARB have adopted stringent air diesel PM emission regulations for construction equipment, these regulations alone cannot assure that all projects consistent with the proposed Plan would use only the lowest emissions-generating construction equipment. Additionally, dust emissions from construction activity would occur from the disturbance of unpaved sites and material handling. Construction could also occur at any point under the Plan build-out period and could potentially occur over a short period of time, resulting in substantial construction-related emissions on a daily basis. (Draft EIR, p. 2.2-32.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies apply best practices strategies regarding construction-related emissions to minimize PM<sub>10</sub> and PM<sub>2.5</sub> dust emissions and minimize exhaust emissions of diesel PM.

### **Impact**

**2.2-3 Implementation of the proposed Plan could result in a net increase of emissions of criteria pollutants from on-road mobile and land use sources compared to existing conditions, including emissions of ROG, NOX, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, as the SFBAAB is in non-attainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards. (Draft EIR, p. 2.2-36)**

### ***Mitigation Measures***

**2.2-3(a)** MTC and ABAG, in partnership with BAAQMD, and implementing agencies, shall use existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and ARB programs (e.g., Carl Moyer) aimed at retrofits and replacements of trucks and locomotives.

**2.2-3(b)** MTC and ABAG, in partnership with BAAQMD and the Port of Oakland, and other agency partners, shall work together to secure incentive funding to reduce mobile PM emissions from mobile exhaust and entrained PM sources such as tire wear, break wear, and roadway dust.

**2.2-3(c)** MTC and ABAG, in partnership with local air districts, and implementing agencies shall implement Mitigation Measures 2.1-3 (a) and 2.1-3 (b).

**2.2-3(d)** When screening levels are exceeded (see Table 2.2-8 of the Draft EIR or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to those shown in Table 2.2-13 in the Draft EIR, or are updated by BAAQMD or within CalEEMod.

### ***Significance After Mitigation***

The exact reductions from Mitigation Measure 2.2-3(a) through 2.2-3(d) are not known at this time.

The measure described above for individual projects (Mitigation Measure 2.2-3 (d)) would reduce operational emissions. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the project's impact would be less than significant with mitigation (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt some or all of the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the proposed Plan 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, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Finding***

- A. The area-source emissions of criteria pollutants and precursors, including ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, would increase over the planning horizon of the proposed Plan because of the net increase in land use development. The majority of new ROG emissions would come from consumer products, CO emissions from landscaping equipment, and NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from natural gas use. ARB and the three air districts in the region have policies in place that regulate emissions from architectural coatings and hearths. ARB also has four existing consumer product regulations. The State is also exploring ZNE building standards that would reduce emissions of criteria pollutants from natural gas use. However, these regulations alone cannot assure that all projects consistent with the proposed Plan would not exceed existing levels. (Draft EIR, p. 2.2-36.)
- B. The proposed transportation projects would result in a net increase in VMT; however, mobile source emissions of criteria pollutants ROG, NO<sub>x</sub> (summertime and wintertime), and CO in the region would decrease

between 2015 and 2040, the planning horizon for the proposed Plan. When compared to existing conditions, emissions associated with development under the proposed Plan would be reduced. The primary reason for these reductions is the increasingly stringent emission controls adopted by ARB for new vehicle engines and fuels, including the Truck and Bus Regulation, the Enhanced Smog Check Program, the Diesel Risk Reduction Plan and fleet turnover. Additionally, the land use pattern in the proposed Plan concentrates future growth at higher densities around existing and proposed transit investments, which would reduce driving and motor vehicle emissions. (Draft EIR, pp. 2.2-37 – 2.2-38).

- C. Conversely, mobile-source PM<sub>2.5</sub> and PM<sub>10</sub> emissions would increase during the proposed Plan's timeframe compared to existing conditions. The higher levels of PM<sub>2.5</sub> and PM<sub>10</sub> emissions in 2040 conditions are primarily a function of the growth in VMT, with some contributions from tire and brake wear and exhaust. Exhaust emissions of PM<sub>2.5</sub> and PM<sub>10</sub> would not increase at the same rate as VMT because of the stringent emission controls that would take effect with fleet turnover. Daily VMT is projected to increase when comparing the proposed Plan to existing conditions, but to a large degree, these increases would be offset by improvements to the vehicle fleet. PM control programs implemented by local air districts, would also contribute to the emission reductions relative to VMT. (Draft EIR, pp. 2.2-37 – 2.2-38).
- D. In total, the proposed Plan would result in a net decrease in ROG, NOX, and CO emissions. However, there would be a net increase in PM emissions. Therefore, the proposed Plan could cause a net increase of emissions of criteria pollutants from mobile and area-sources compared to existing conditions. (Draft EIR, p. 2.2-38).
- E. The proposed mitigation measures are expected to reduce the overall impact, by partnering with state and local agencies to (1) secure funding aimed at retrofits and replacement of trucks and locomotives; (2) reduce PM emissions from tire wear, brake wear and road dust; (3) encourage sustainable modes of transportation and reducing the potential to increase VMT on congested facilities; and (4) when implementing agencies apply best practices strategies to minimize operational emissions of criteria pollutants.

## Impact

- 2.2-5 Implementation of the proposed Plan could result in a net increase in sensitive receptors located in Transit Priority Areas (TPA) where: (a) TACs or PM<sub>2.5</sub> concentrations result in cancer risk levels greater than 100 in a million or a concentration of PM<sub>2.5</sub> greater than 0.8 µg/m<sup>3</sup>; or (b) TACs or PM<sub>2.5</sub> concentrations result in noncompliance with an adopted Community Risk Reduction Plan. (Draft EIR, p. 2.2-41)**

## Mitigation Measures

**2.2-5(a)** When locating sensitive receptors in TAC risk areas, as identified in Figures 2.2-3 to 2.2-13 of the Draft EIR, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific consideration that include, but are not limited to the following:

- ▲ Install, operate and maintain in good working order a central heating, ventilation and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13 (MERV-16 for projects located in the West Oakland Specific Plan area) or higher. The HVAC system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either high efficiency particulate air (HEPA) filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) certified 85% supply filters shall be used.
- ▲ Maintain, repair and/or replace HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the

Covenants, Conditions and Restrictions (CC&Rs) for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HVAC system and the filters.

- ▲ Install passive electrostatic filtering systems with low air velocities (i.e., less than 1 mph).
- ▲ Individual and common exterior open space and outdoor activity areas proposed as part of individual projects shall be located as far away as possible within the project site boundary, face away major freeways, and shall be shielded from the source (i.e., the roadway) of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
- ▲ Locate air intakes and design windows to reduce PM exposure (e.g., windows nearest to the roadway do not open).
- ▲ If sensitive receptors are located near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.
- ▲ Sensitive receptors within buildings shall be located in areas upwind of major roadway traffic to reduce exposure to reduce cancer risk levels and exposure to PM<sub>2.5</sub>.
- ▲ Planting trees and/or vegetation between sensitive receptors and pollution source. Trees that are best suited to trapping PM shall be planted, including one or more of the following species: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), California pepper tree (*Schinus molle*) and Redwoods (*Sequoia sempervirens*).
- ▲ Loading docks shall be required to include electric hookups for visiting trucks.
- ▲ Idling of heavy duty diesel trucks at these locations shall be prohibited or limited to no more than 2 minutes.
- ▲ If within the project site, existing and new diesel generators shall meet ARB's Tier 4 emission standards.
- ▲ Emissions from diesel trucks shall be reduced through establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations, such as hospitals, schools, and child care centers. 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.

These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2011, BAAQMD 2016).

### **Significance After Mitigation**

The mitigation measures described above would reduce exposure of new sensitive receptors to levels of cancer risk and PM<sub>2.5</sub> concentration reductions of 40 to 90 percent, depending on their applicability to a proposed project. See Appendix D for more information on the effectiveness of each 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 measures described above, as feasible, to address site-specific conditions. Additional site-specific analysis would be needed when a project is proposed in these areas to determine the actual level of exposure and whether feasible mitigation exists for the project to implement to reduce its level of cancer risk exposure to less than 100 in a million and PM<sub>2.5</sub> concentrations less than 0.8 µg/m<sup>3</sup>. To the extent that an individual project adopts and implements all feasible mitigation measures described above, the project's impact would be less than significant with mitigation (LS-M).

Moreover, MTC/ABAG 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. Further, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts

to less-than-significant the exposure criteria (as described above). Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Finding***

- A. The proposed Plan would result in land use growth, including land uses that would locate sensitive receptors, throughout the Plan area. A geospatial analysis was used to compile cancer risk levels and PM<sub>2.5</sub> concentrations associated with all stationary and mobile sources and identify areas in and within 1,000 feet of a Transit Priority Area. Areas where these cancer risk levels and/or PM<sub>2.5</sub> concentrations are exceeded (TAC Risk Areas), tend to occur along high-volume freeways and roadways, high-use rail lines, locations near numerous stationary-sources, and locations where a single stationary-source has very high estimated cancer risk levels or PM<sub>2.5</sub> concentration. Although TAC and diesel PM emissions would decrease through 2040 in the Plan area, it is possible that sensitive receptors may locate within the risk areas identified in the Draft EIR. (Draft EIR, p. 2.2-41.)
- B. In jurisdictions with an adopted Community Risk Reduction Plan (“CRRP”), any proposed project that includes sensitive land uses and or receptors should be evaluated against the standards and mitigation measures in those adopted plans. MTC does not have the jurisdiction to require that new land uses under the proposed Plan be built in locations that would exceed TAC and PM concentrations deemed noncompliant by an applicable CRRP. The proposed Plan would also result in additional traffic and congestion along existing corridors and could result in localized increases in mobile-source TAC and PM<sub>2.5</sub> near existing sensitive receptors already located near existing corridors. Therefore, the proposed Plan could locate sensitive receptors in areas where TACs or fine particulate matter concentrations result in increased cancer risk levels or which are in non-compliance with an adopted CRRP. (Draft EIR, p. 2.2-41.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies apply best practices strategies regarding TAC risk areas to reduce the overall cancer risk levels and PM<sub>2.5</sub> near sensitive receptors and ensure compliance with applicable CRRPs.
- D. The final wording of Mitigation Measure 2.2-5(a) as reflected in these findings, differs from, but is equivalent to or exceeds, the measure as it appears in the Draft EIR. The wording was changed to clarify the intended TAC risk areas to which the mitigation applies, in response to a comment received on the Draft EIR. (FEIR, p. 2-293, 3-6.) The Commission/Board finds that the proposed final wording of this measure is substantially equivalent to, or more effective than, the wording and intent of the original mitigation measure.

### ***Impact***

- 2.2-6 Implementation of the proposed Plan could result in changes in TAC and or PM<sub>2.5</sub> exposure levels that disproportionately impact minority and low-income populations. (Draft EIR, p. 2.2-54)**

### ***Mitigation Measures***

**2.2-6(a)** MTC/ABAG shall partner with BAAQMD and local lead agencies to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM<sub>2.5</sub>.

**2.2-6(b)** 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<sub>2.5</sub>.

**2.2-6(c)** MTC and ABAG, in partnership with local air districts, and implementing agencies shall implement Mitigation Measures 2.1-3 (a) and 2.1-3 (b).

**2.2-6(d)** Implement Mitigation Measure 2.2-5(a).

### ***Significance After Mitigation***

The proposed Plan could result in changes in TAC and or PM<sub>2.5</sub> exposure levels that disproportionately impact minority and low-income communities. These impacts would vary across counties. The mitigation measures identified above would result in less emissions in and lower exposure levels to the minority and low-income communities. However, the exact reductions are not known at this time. Therefore, this impact would remain significant and unavoidable (SU).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt some or all of the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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, specific economic, legal, social, technological, or other considerations make it infeasible to avoid or substantially lessen the impact even with implementation of the identified measures. (Finding (3)).

### ***Facts in Support of Finding***

- A. Overall TAC and PM<sub>2.5</sub> exhaust emissions from diesel and gasoline vehicles decrease throughout the Bay Area between existing conditions in 2015 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. 2.2-54). Between CARE (Community Air Risk Evaluation) communities and non-CARE communities there are slight differences in the percent reductions expected in 2040 under the proposed Plan. Although exhaust-related emissions would decrease in the region between 2015 and 2040, the CARE communities in the region would experience higher total TAC and PM<sub>2.5</sub> emissions between 2015 and 2040 in comparison with non-CARE portions of the Region. Total PM<sub>2.5</sub> emissions would also increase in the Plan area as a whole. Therefore, the proposed Plan could disproportionately impact TAC and PM<sub>2.5</sub> exposure levels in minority and low-income communities. (Draft EIR, pp. 2.2-54 to 2.2-56.)
- B. The proposed mitigation measures are expected to reduce the overall impact to the extent feasible, by partnering with state and local agencies to (1) install air filtration devices in existing buildings with sensitive



receptors near freeways or sources of TACs and PM<sub>2.5</sub>; (2) incentivize replacement of older trucks and locomotives in the region; (3) encouraging sustainable modes of transportation and reducing the potential to increase VMT on congested facilities; and (4) when implementing agencies apply best practices strategies regarding TAC risk areas to reduce the overall cancer risk levels and PM<sub>2.5</sub> near sensitive receptors and ensure compliance with applicable CRRPs.

- C. The proposed Plan includes \$5 billion of goods movement investment, including \$350 million for a clean-fuel and impact reduction program. This programmatic investment will help to implement recommendations from the *Freight Emissions Reduction Action Plan*. Chapter 5 of the *Freight Emissions Reduction Action Plan* includes an analysis of various zero emission truck and rail scenarios, and concludes that the Bay Area should prioritize implementation of a Range-Extended Electric Vehicle (REEV) with engine (for urban delivery trucks) and yard switching using dual-mode electric locomotives with battery-assist (tender) cars. The proposed Plan also includes \$400 million for Smart Deliveries and Operations.
- D. Actions to decarbonize the energy systems, such as through transitioning to electrified vehicles, are key priorities of BAAQMD's 2017 *Clean Air Plan*. MTC/ABAG is currently consulting with BAAQMD, the City of Oakland, the Port of Oakland, and other local agencies to develop funding mechanisms for programs such as electrified cargo handling equipment deployment.
- E. The final wording of Mitigation Measure 2.2-6(d) as reflected in these findings, differs from, but is equivalent to or exceeds, the measure as it appears in the Draft EIR. The wording was changed to clarify the cross-referenced measure identified in Mitigation Measure 2.2-6(d), in response to a comment received on the Draft EIR. (FEIR, p. 2-293, 3-6.) The Commission/Board finds that the proposed final wording of this measure is substantially equivalent to, or more effective than, the wording and intent of the original mitigation measure.

## LAND USE AND PHYSICAL DISPLACEMENT

### Impact

- 2.3-1 Implementation of the proposed Plan could increase the risk of displacement for a substantial number of existing residents, necessitating the construction and preservation of additional affordable housing elsewhere within the region. (Draft EIR, p. 2.3-26)**

### Mitigation Measures

**2.3-1** Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the effects of displacement that could result in the construction of replacement housing, including Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-5 (sea level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards).

### Significance After Mitigation

Implementation of this mitigation measure would reduce potentially significant impacts to a less-than-significant level with mitigation (LS-M), as explained in the impact discussions related to each impact and 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, to the extent feasible, to address site-specific conditions. MTC/ABAG 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 **potentially significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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, specific economic, legal, social, technological, or other considerations may make it infeasible to implement the identified measures to avoid or substantially lessen the impact. (Finding (3)).

### ***Facts in Support of Finding***

- A. Displacement risk is a function of the location and availability of affordable housing near major job centers in a growing regional economy. As the growth in jobs (particularly those that pay higher wages) outpaces the supply of housing (particularly those that are affordable to lower-income households), the cost of housing inevitably rises faster than wages for all workers. In such market conditions, higher-income workers are better positioned to compete for the limited supply of housing opportunities, resulting in a higher risk of displacement for all other residents. To the extent that the private or the public sectors can provide more market rate and deed-restricted affordable housing in these communities, this risk subsides. (Draft EIR, p. 2.3-24.)
- B. The Bay Area is currently facing a severe housing shortage, leading to significant displacement pressures on the region's lower-income residents. These risks are expected to continue to increase with or without the adoption of the proposed Plan. To the extent that the proposed Plan provides incentives to local jurisdictions to plan for and build new housing at all income levels, preserve existing affordable housing, and implement anti-displacement policies and programs, the future risk of displacement will be lower than what can be anticipated otherwise. Specifically, the proposed Plan decreases the risk of overall displacement compared to the No Project Alternative. (Draft EIR, p. 2.3-24.)
- C. Adoption of the proposed Plan does not authorize entitlements for or construction projects in the region. Rather, the proposed Plan is a regional strategy that sets a vision for future development, which must still be reviewed, analyzed and approved by local governments, which retain full control over local land use authority. Despite these limitations, the proposed Plan addresses displacement risk by increasing resources for affordable housing and non-automobile transportation access in lower-income neighborhoods, and by supporting economic opportunities across the region that benefit existing residents. The proposed Plan recommends several strategies, including (1) Advance funding and legislative solutions for housing; (2) Continue recent housing successes in the One Bay Area Grant (OBAG) program, including the Naturally Occurring Affordable Housing (NOAH) preservation fund, JumpStart program, and funding for transportation conditioned on RHNA performance (80k by 2020 initiative); (3) Spur housing production at all income levels and invest directly in affordable housing; (4) Use housing performance to prioritize funding for long-range transportation projects; (5) Strengthen policy leadership on housing; and (6) Close data gaps for housing. (Draft EIR, pp. 2.3-24 to 2.3-25.)
- D. Under SB 375, the proposed Plan must identify sufficient areas in the region to house all the projected population. The proposed Plan's housing targets are derived from the Regional Housing Control Total per the 2014 settlement agreement signed with the Building Industry Association (BIA), which increases the housing forecast by adding the number of housing units necessary to accommodate potential growth in in-commuters from outside the region. The Regional Housing Control Total estimated the total number of units needed to accommodate all of the residents in the region plus the number of housing units that correspond to the potential in-commuter increase. Incorporating the Regional Housing Control Total into

the proposed Plan ensures sufficient capacity such that the entire regional workforce added under the Plan is housed within the Bay Area with no net increase in in-commuting from other counties outside the region. Thus, the projected land use strategy would accommodate the projected growth in the Bay Area of 666,000 new household and 688,000 new jobs between 2015 and 2040. Implementation of the proposed Plan would not result in displacement at the regional scale. (Draft EIR, pp. 2.3-25 to 2.3-26.)

- E. At the local level, displacement can result in physical effects both directly and indirectly. Redevelopment of a site would require demolition of the existing residential units resulting in direct impacts. Projected redevelopment and new housing is included in the overall land use strategy and development footprint of the proposed Plan, and as a result the associated physical environmental impacts from this development are analyzed throughout the EIR. The full impacts from the projected redevelopment and new housing construction would depend on site-specific conditions and project design details that cannot be known at this time, though significant impacts that may result from this change include: transportation, air quality, land use and physical development, climate change and greenhouse gases, noise, biological resources, visual resources, cultural resources, public utilities and facilities, hazards, and public services and recreation. The potential for indirect (or secondary) impacts results from economic factors potentially driving some households to find other housing because of rising rents. When these forces result in housing further from jobs, household commutes may increase thus affecting air quality, noise, traffic, etc. The land use and transportation modeling of the proposed Plan takes into account projected demographic shifts, thus the physical impacts associated with changing commute patterns from relocation of households of lower income workers within the region are captured in the Draft EIR analysis and were a factor in determining the significance of physical changes in the environment, consistent with the requirements of CEQA. Displacement of existing residential units may also necessitate the construction of replacement housing elsewhere. Many of these construction-related impacts are identified as potentially significant, thus implementation of the proposed Plan would result in similar potentially significant impacts. (Draft EIR, p. 2.3-26.)
- F. Transportation projects that require the expansion of existing, or designation of new, rights-of-way have the potential to result in the direct displacement of existing housing that must be removed for infrastructure development. Generally, to minimize environmental impacts and project costs, it is common practice to design the footprint of new transportation projects within existing rights-of-way as much as feasible. However, development of some projects, such as roadway widening, roadway extension, and transit expansion projects, could result in the disturbance and/or loss of residential and business uses. In particular, the proposed Plan includes: California High Speed Rail in the Bay Area, and BART and Caltrain extension projects, which would be located in urban areas and could cause displacement of businesses and residents. The degree of the disruption would generally depend on the size and extent of the project and the resulting need for new right-of-way. Proposed transportation projects were assumed to affect approximately 25,000 additional acres across the Bay Area. This is a conservative assumption intended to avoid a risk of understating the impact. The replacement of these housing units would result in environmental impacts, which are described throughout the EIR. Impacts that would be significant are associated with: transportation, air quality, land use and physical development, climate change and greenhouse gases, noise, biological resources, visual resources, cultural resources, public utilities and facilities, hazards, and public services and recreation. Because transportation projects included in the proposed Plan are assumed to result in displacement of existing residential units and businesses, necessitating the construction of replacement construction elsewhere. Many of these construction-related impacts are identified as potentially significant in the EIR, thus implementation of the proposed Plan would result in similar potentially significant impacts. (Draft EIR, pp. 2.3-26 to 2.3-27.)
- G. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to address the effects of displacement that could result in the construction of replacement housing, including Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-5 (sea

level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards).

- H. The final wording of Mitigation Measure 2.3-1 as reflected in these findings, differs from, but is equivalent to or exceeds, the measure as it appears in the Draft EIR. The wording was changed to correct the cross-reference to the measure related to sea level rise (2.5-5). (FEIR, p. 3-7.) The Commission/Board finds that the proposed final wording of this measure is substantially equivalent to, or more effective than, the wording and intent of the original mitigation measure.

## Impact

### 2.3-2 Implementation of the proposed Plan could physically divide an established community. (Draft EIR, p. 2.3-27)

## Mitigation Measures

**2.3-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to:

- ▲ New transportation projects within urban areas 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.
- ▲ 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, that foster improved neighborhoods and community connections.

## Significance After Mitigation

Implementation of Mitigation Measure 2.3-2 would reduce the potentially significant impact of division of an established community because it would implement design features that would improve access and connections within existing communities and to public transit, which would reduce the effects of separation on existing communities. Regional programs, such as OBAG would help to incentivize these types of efforts. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as feasible, to address site-specific conditions. MTC/ABAG 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. While MTC/ABAG have authority to distribute funds associated with OBAG, projects would remain subject to the discretion of local agencies. Therefore, it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## 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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures

to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The land use growth footprint is located primarily within areas that are currently developed. This growth would primarily occur in Contra Costa, Solano, Santa Clara, and Alameda counties. The majority of the new development would occur as infill development, in accordance with the adopted land use plans and zoning ordinances of the cities and counties in the Plan area. Forecasted development under the proposed Plan would create more centralized areas of residential areas and commercial centers and would not create features that would physically divide established communities. Construction activities could result in transportation-related effects from travel lane closures, detours, and/or temporary congestion from increased truck traffic on local roads resulting from increased truck traffic on local roads as construction vehicles and workers travel to and from project sites. These temporary effects would be minimized with the use of best practice strategies for construction activities. The development of new housing units and employment land uses within established communities would typically occur on vacant or underutilized sites and would not result in the physical division of established communities. (Draft EIR, p. 2.3-27.)
- B. The proposed Plan includes a variety of transportation projects, including regional transit projects, local transit projects, road pricing improvements, highway and roadway improvements, and Port of Oakland projects. Most of the major proposed transportation projects would be located in existing rights-of-way, meaning they would not contribute to a worsening of separation within existing communities. Some projects in the proposed Plan, such as bridges and undercrossings, could improve or expand interconnections between neighborhoods and communities that are currently separated by major transportation corridors. Additionally, many proposed projects, such as expansion of transit services, are intended to improve mobility and accessibility and may, as a result, improve community connectivity. However, larger infrastructure projects, such as California High Speed Rail and Caltrain and BART expansion projects, may require the acquisition of land in existing communities, which may divide established communities. Thus, the proposed transportation projects could result in physical division of established communities by placing structures in places that could divide several established communities throughout the region. (Draft EIR, p. 2.3-28.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies incorporate design features into new transportation projects that improve access and connections within existing communities.

### **Impact**

- 2.3-4 Implementation of the proposed Plan could directly or indirectly convert substantial amounts of important agricultural lands and open space (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) or lands under Williamson Act contract to non-agricultural use. (Draft EIR, p. 2.3-31)**

### ***Mitigation Measures***

**2.3-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to those identified below.

- ▲ require project relocation or corridor realignment, where feasible, to avoid agricultural land, especially Prime Farmland;

- ▲ maintain and expand agricultural land protections such as urban growth boundaries;
- ▲ compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies;
- ▲ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of agricultural land; and/or
- ▲ institute new protection of farmland in the project area or elsewhere through the use of 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.).

### ***Significance After Mitigation***

Implementation of Mitigation Measure 2.3-4 would reduce the potentially significant impact of conversion of important agricultural land or open space or lands under a Williamson Act Contract to other uses because it would require avoidance or compensation for converted lands. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as feasible, to address site-specific conditions. However, MTC/ABAG 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)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Projected growth would be largely infill within the urbanized footprint; however, a portion of the projected development area (approximately 1,624 acres) overlaps with Farmland of Local importance, Farmland of Statewide Importance, Prime Farmland, and Unique Farmland; and approximately 3,500 acres of land designated for grazing. Additionally, the land use growth footprints overlap with approximately 200 acres of lands that are under Williamson Act contract. Approximately 450 acres of projected development overlaps with protected open space land. The largest overlaps are anticipated in Napa, San Francisco, Solano, and Alameda Counties. With the exception of San Francisco, all counties in the Bay Area protect open space and agricultural lands by county-wide land use measures. Additionally, some cities have Urban Growth Boundaries (UGB) to limit sprawl and protect agricultural land. Generally, this means that if a project falls outside a UGB, there are regulatory measures in place to aid local jurisdictions in farmland protection, though these growth measures vary in effectiveness and enforcement, and there are many cities without UGBs. (Draft EIR, pp. 2.3-31 to 2.3-33.)

- B. Generally, the effects of transportation projects on agricultural land and open space are similar to those of planned land use development. Transportation projects in the proposed Plan have the potential to convert 540 acres of farmland and 1,200 acres of grazing land, or less than one percent of all agricultural land in the Plan area. Of the potentially affected farmland, the majority (69 percent) is Grazing Land, 13 percent is Farmland of Local Importance, 14 percent is Prime Farmland, and the remainder is made up of Farmland of Statewide Importance and Unique Farmland. Further, approximately 250 acres across six counties are under Williamson Act contract. This represents 0.02 percent of all Williamson Act land in the Plan area. Transportation projects in the proposed Plan area have the potential to affect 630 acres of protected open space. This represents a small amount (0.05 percent) of open space land in the growth area. The likelihood of farmland and open space conversion increases where transportation projects are located at the edges of existing urban areas, along waterways, or over hills separating urban areas. The extent of this area would depend on the final scale and design of proposed projects. Some conversion could be substantial, depending on the amount and type of farmland that is converted. (Draft EIR, pp. 2.3-34.)
- C. Together, land use and transportation projects in the proposed Plan have the potential to convert agricultural lands and open space to urban uses. The overall amount of these conversions relative to the resources would be small. However, because some conversion could be substantial within a county or local municipality, the conversion of agricultural or open space land as a result of land use or transportation projects is considered potentially significant. (Draft EIR, p. 2.3-35.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require avoidance or compensation for converted agricultural, open space or Williamson Act lands.

## Impact

- 2.3-5 Implementation of the proposed Plan could directly or indirectly 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. 2.3-36)**

## Mitigation Measures

**2.3-5** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations including but not limited to those identified below.

- ▲ require project relocation or corridor realignment, where feasible, to avoid forest land;
- ▲ maintain and expand forest land protections such as urban growth boundaries;
- ▲ compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies; and/or
- ▲ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of forest land.

## Significance After Mitigation

Implementation of Mitigation Measure 2.3-5 would reduce the potentially significant impact of conversion or forest or timberland to other uses because it would require avoidance or compensation for converted lands. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as feasible, to address site-specific conditions. However, MTC/ABAG 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)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Land converted from timberland to other use would have direct effects related to the loss of timber crops production. Indirect effects would occur to the extent that conversion creates fragmentation of timberland and adjacent use conflicts or hinders existing transportation access to timberlands. A total of 467 acres of forestland overlap with the planned growth area. The majority of forestland that overlaps with the planned growth area is located in Santa Clara. Less than 5 acres of forestland is located within TPAs. In addition, current timberland or forest land zoning exists in Contra Costa, Sonoma, and San Mateo counties. The majority of projected development in the proposed Plan would occur on existing urban land, thereby minimizing impacts on forest land or timberland. Some Bay Area cities have UGBs to limit sprawl and protect forest land and timberland. While the potential conversion of 467 acres of forest and timberland is considered potentially significant (PS), it represents a small fraction of all Plan area forest land and timberland. (Draft EIR, p. 2.3-36.)
- B. Overall, there are transportation projects in seven counties (excluding Napa and Solano) with the potential to impact 180 acres of forest land or timberland. This is less than one percent of overall forest and land timberland acres in the Plan area. The majority of this forestland is located in Santa Clara (114 acres), followed by San Francisco (28 acres), Contra Costa (20 acres), Sonoma and Alameda (5 acres each), and San Mateo (3 acres). Less than half an acre of forestland is located where transportation projects are proposed in Marin. The buffer used to quantify potential impact of intersection improvements is necessarily general—a 100 to 500 foot area—and likely to be a conservative estimate of disturbance. The likelihood of forest land and timberland conversion increases where transportation projects are located at the edges of existing urban areas, along waterways, or in areas currently separating urban areas. The extent of this impact will depend on the final scale and design of proposed projects. (Draft EIR, p. 2.3-37.)
- C. Although the potential amount of conversion from projected land use and transportation projects is minimal, because the proposed Plan could result in conversion of forest land to urbanized uses the impact is potentially significant. (Draft EIR, p. 2.3-37).
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require avoidance, maintain and expand forest land protections, or require compensation or conservation easements for converted forest lands.



## ENERGY

None

## CLIMATE CHANGE AND GREENHOUSE GASES

### Impact

**2.5-3** Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. (Draft EIR, p. 2.5-42)

### *Mitigation Measures*

**2.5-3** Consistent with the recommendations in the Draft 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ MTC and ABAG, in partnership with the BAAQMD, shall work with the counties and cities in the Bay Area to adopt qualified GHG reduction plans (e.g., CAPs). The CAPs can be regional or adopted by individual jurisdictions, so long as they meet the standards of a GHG reduction program as described in CEQA Guidelines Section 15183.5. At the regional level, the cumulative emissions reduction of individual CAPs within the region or a regional CAP should demonstrate an additional Bay Area-wide reduction of 24 MMTCO<sub>2e</sub> from land uses and on-road transportation compared with projected 2040 emissions levels already expected to be achieved by the proposed Plan. (This is based on the 2015 Bay Area land use and on-road transportation emissions of 52 MMTCO<sub>2e</sub>, an interpolated statewide GHG reduction target of 60 percent below 1990 levels by 2040, and a two percent increase in statewide emissions between 1990 and 2015). The CAP(s) should also show a commitment to achieving a downward trajectory in emissions post-2040 to meet statewide goals of reducing GHG emissions by 80 percent below 1990 levels by 2050, per S-03-05.
- ▲ These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses, and other measures so long as the overall 32 MMTCO<sub>2e</sub> reduction (by 2040) can be demonstrated. This target can be adjusted if statewide legislation or regulations would reduce GHG emissions, so long as a trajectory to achieve this target in the Bay Area is maintained.

Implementation of CAPs in the region would help to reduce both GHG and area source emissions from the land use projects that would be constructed under the proposed Plan, as well as reducing GHG emissions from existing uses. However, this may require installation of renewable energy facilities on houses and businesses, construction of community-serving facilities such as small-scale solar farms, or other actions. These additional facilities, if needed, could require in additional land conversion, resulting in similar environmental impacts associated with land use development described throughout this EIR.

### *Significance After Mitigation*

Mitigation, via CAPs for individual jurisdictions, or other programs, including retrofitting existing buildings, installing renewable energy facilities that replace reliance on fossil-fuel power in the region, alterations in the vehicle fleet (toward more non-fossil fuel-powered vehicles) and other measures would be required to meet the goals needed to attain the 2030 targets. However, there is no assurance that this level of mitigation would be accomplished throughout the Bay Area. Additional regulatory action that results in substantial GHG reductions throughout all sectors of the State economy and based on State-adopted regulations would likely be needed to attain such goals, and they are beyond the feasible reach of MTC/ABAG and local jurisdictions. The 2017 Scoping Plan Update being prepared by ARB is the first step toward regulatory action that could help attain 2030 goals.

Moreover, MTC/ABAG 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. Even with full implementation of the mitigation measure, forecasted emissions would not be reduced to target levels under SB 32. Therefore, this impact would be **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. Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### **Facts in Support of Findings**

- A. Land use and transportation emissions under the proposed Plan would be reduced by 13 percent from 2015 to 2040. Although this reduction would meet AB 32 targets, it would not meet 2030 targets under SB 32, which would require a reduction of 41 percent in GHG emissions between 2015 and 2030, which is equivalent to the formal target of achieving 40 percent below 1990 levels by 2030. (Draft EIR, p. 2.5-42.)
- B. In 2015, land use and transportation accounted for 52 MMCO<sub>2</sub>e in the Bay Area. Consequently, the proposed Plan would need to achieve 21 MMTCO<sub>2</sub>e in reductions from land use and transportation between 2015 and 2030 to be consistent with SB 32 and subsequently, would place the proposed Plan along the trajectory needed to meet the 2050 target identified under S-03-05. The proposed Plan would only achieve a reduction of 7 MMTCO<sub>2</sub>e from 2015 land use and on-road transportation emissions. In further consideration of long term goals, to remain on a trajectory toward the IPCC goals of GHG emissions of 80 percent below 1990 levels by 2050, the proposed Plan would need to achieve a target of reduction in 2040 of 60 percent below 1990 GHG levels. This would require a reduction, based on full attainment of growth projections, to 32 MMCO<sub>2</sub>e in 2040. (Draft EIR, p. 2.5-42.)
- C. The ability to meet the 2030 target (and, subsequently, the 2040 target) is tied, in large part, to statewide actions mandated by new legislation or regulations. This was the same issue that faced achievement of AB 32's far less aggressive 2020 targets, and these goals are expected to be achieved, in large part, because of State legislation and regulation. For instance, the state-mandated Renewable Portfolio Standard (RPS) requires that all utilities provide 50 percent of their electricity via renewable sources by 2030. The existing Cap-and-Trade program, which is set to expire in 2020, allows large GHG emitters to achieve major emissions reductions through regulatory actions that set a cap over GHG emissions allowances, and provide for regulated purchase of offsets that reduce GHG emissions. This program will require State legislative action that, if passed, would substantially reduce GHG emissions past 2020 in all economic sectors, and help achieve 2030 goals and beyond. Because these regulations are under development, they cannot be relied upon as part of this analysis to demonstrate compliance with the 2030 targets in the Bay Area. Importantly, this is not unique to the Bay Area; all MPO's in California are faced with the same challenge. Thus, without sufficient State legislation and regulation, attainment of 2030 goals is extremely difficult. In addition, ARB recommends GHG reduction plans be developed by local jurisdictions (e.g., cities and counties) to reduce land use-related emissions. (Draft EIR, p. 2.5-42.) ARB is in the process of updating the Scoping Plan (2017 Draft Scoping Plan Update, as cited in the Draft EIR page 2.5-15) to reflect the state-wide 2030 GHG emissions reduction target of 40 percent below 1990 levels. The 2017 Draft Scoping Plan Update identifies several programs that are mandated to meet this statewide GHG target. These programs, summarized in part on Draft EIR pages 2.5-15, include: providing 50 percent of electricity via renewable sources by 2030; reducing carbon intensity of fuels; maintaining GHG standards for vehicles

including adding over 4 million zero-emission vehicles to the road system by 2030; continuing the Cap-and-Trade program and strengthening it to meet declining caps (e.g., lower GHG emissions), and also to achieve co-benefits such as reducing toxic air emissions; and several other programs. No single program, in isolation, will allow the state to achieve the 2030 goal. It will require success in each program to meet the goal. (Final EIR, p. 2-13.)

- D. MTC/ABAG has developed a land use and transportation strategy that meets SB 375 goals and places the Bay Area on a downward trajectory in GHG emissions, which sets it on a path toward meeting longer-term GHG reduction goals. There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets. In the absence of State and local jurisdictional action it is not possible to demonstrate compliance with the SB 32 GHG reduction targets. Therefore, the proposed Plan may conflict with an applicable plan, policy, or regulation adopted to reduce emissions of GHGs. This impact is considered potentially significant. (Draft EIR, p. 2.5-43.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies adopt qualifying GHG reduction plans that demonstrate an additional Bay Area-wide reduction of 24 MMTCO<sub>2e</sub> from land uses and on-road transportation compared with projected 2040 emissions levels already expected to be achieved by the proposed Plan.

## Impact

### 2.5-5 Implementation of the proposed Plan could result in a net increase in transportation projects within areas projected to be regularly inundated by sea level rise by midcentury. (Draft EIR, p. 2.5-45)

#### *Mitigation Measures*

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.5-5(a)** MTC and ABAG shall continue coordinating with BCDC, in partnership with the Bay Area Regional Collaborative and regional agencies and other partners, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC and BCDC's Adapting to Rising Tides Program projects. 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. The *Adaptation Strategies* (see Appendix F of this Draft EIR) includes a list of potential 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 and BCDC conduct vulnerability and risk assessments for the region's transportation infrastructure, the *Adaptation Strategies* should serve as a guide for selecting adaptation strategies, and should be expanded as additional strategies are identified.

**2.5-5(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to, coordination with BCDC, Caltrans, local jurisdictions (cities and counties), Park Districts, and other transportation agencies to develop Transportation Asset Management Plans that consider the potential impacts of sea level rise over the life cycle of threatened assets.

**2.5-5(c)** Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise, changes in precipitation and storm events on specific local transportation and land use development projects, where feasible, based on project- and site-specific

considerations. Potential adaptation strategies are included in the Adaptation Strategies (see Appendix F of this Draft EIR).

### ***Significance After Mitigation***

Any increase in transportation projects 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 would 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.

This 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 experience regular future inundation by sea level rise.

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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, 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 proposed Plan 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, which avoid or substantially lessen the significant environmental effect as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Approximately 510 acres associated with 50 transportation projects under the proposed Plan are located, partially or wholly, within areas projected to be regularly inundated (i.e., inundated multiple times each year) by sea level rise by midcentury. The full list of transportation projects that are located within or partially within areas projected to be regularly inundated (i.e., inundated multiple times each year) by sea level rise by midcentury is provided in Appendix E of the Draft EIR. Because the proposed Plan would result in portions of some transportation projects being constructed in areas projected to be inundated by sea level rise, this impact is considered potentially significant. (Draft EIR, pp. 2.5-45 to 2.5-46.)
- B. The proposed mitigation measures are expected to reduce the overall impact, by (1) partnering with BCDC and other regional agencies to conduct vulnerability and risk assessments for the region's transportation infrastructure; and (2) encouraging implementing agencies to (i) implement measures to coordinate development of Transportation Asset Management Plans that consider the potential impacts of sea level rise

over the life cycle of threatened assets; and (ii) require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific local transportation and land use development projects.

- C. The final wording of Mitigation Measures 2.5-5(a), 2.5-5(b), and 2.5-5(c), as reflected in these findings, differs from, but is equivalent to or exceeds, the measure as it appears in the Draft EIR. The wording was changed to correct the cross-reference to the impact the measure addresses, and to reflect minor clarifications regarding partner agencies. (FEIR, pp. 2-213, 3-12.) The Commission/Board finds that the proposed final wording of this measure is substantially equivalent to, or more effective than, the wording and intent of the original mitigation measure

## **Impact**

### **2.5-6 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. 2.5-47)**

#### ***Mitigation Measures***

Implement Mitigation Measures 2.5-5(a), 2.5-5(b), and 2.5-5(c) under Impact 2.5-5.

#### ***Significance After Mitigation***

Any increase in projected 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 could reduce the impact associated with sea level rise to a less-than-significant level. However, the appropriate adaptation strategies would 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 protect large developed areas would be the most effective at protecting the affected development, but successful implementation of regional adaptation strategies requires participation by other agencies and stakeholders.

This 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 projected development that may experience regular future inundation by sea level rise.

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).

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, to address site-specific conditions. However, MTC/ABAG 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. 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. For purposes of a conservative analysis, therefore, this impact remains **significant and unavoidable (SU)** for this program-level review.

## ***Findings***

Changes or alterations within the responsibility and jurisdiction of MTC or ABAG have been required in, or incorporated into, the proposed Plan 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, which avoid or substantially lessen the significant environmental

effect as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Implementation of the proposed Plan would result in an increase of nearly 700 acres of projected land uses which would be regularly inundated by sea level rise by midcentury. This impact is considered potentially significant. (Draft EIR, pp. 2.5-47 to 2.5-48.)
- B. The proposed mitigation measures are expected to reduce the overall impact, by (1) partnering with BCDC and other regional agencies to conduct vulnerability and risk assessments for the region's transportation infrastructure; and (2) encouraging implementing agencies to implement measures to coordinate development of Transportation Asset Management Plans that consider the potential impacts of sea level rise over the life cycle of threatened assets.

## **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 ground vibration levels in excess of standards established by local jurisdictions or other applicable regulatory agencies. (Draft EIR, p. 2.6-20)**

### ***Mitigation Measures***

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.6-1(a)** To reduce construction noise levels, implementing agencies and/or project sponsors shall:

- ▲ comply with local construction-related noise standards, including 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 maintain construction equipment and outfit construction equipment with the best available noise suppression devices (e.g. mufflers, silencers, wraps);
- ▲ prohibit idling of construction equipment for extended periods of time in the vicinity of sensitive receptors;
- ▲ locate stationary equipment such as generators, compressors, rock crushers, and cement mixers a minimum of 50 feet from sensitive receptors, but further if possible;
- ▲ erect temporary construction-noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet;
- ▲ use noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and
- ▲ use cushion blocks to dampen impact noise from pile driving.

**2.6-1(b)** To reduce construction vibration levels, implementing agencies and/or project sponsors shall comply with the following:

- ▲ to minimize disturbance of receptors within 550 feet of pile-driving activities, implement “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; and
- ▲ to reduce structural damage, where pile driving is proposed within 50 feet of an older or historic building, engage a qualified geotechnical engineer and qualified historic preservation professional (for designated historic buildings only) and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (i.e., within 50 feet) historic structures that would be exposed to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 50 feet of pile-driving activities, the project sponsors shall require ground 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.

### ***Significance After Mitigation***

Implementation of Mitigation Measures 2.6-1(a) would provide substantial reduction in day and night construction noise and vibration levels by ensuring proper equipment use: locating equipment away from sensitive land uses; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB [EPA 1971]). To the extent that an individual project adopts and implements all feasible mitigation measures described above, construction-noise levels could be reduced by 10 dB, bringing sound levels to acceptable levels. Greater reductions may be achieved and the frequency and intensity of construction-related noise at nearby receptors may be further reduced, depending on actual construction activities and proximity to receptors. Implementation of Mitigation Measure 2.6-1(b) would further reduce vibration impacts by requiring the use of quieter pile-driving technology and ensuring the proper considerations are taken to minimize vibration impacts to adjacent structures. This impact would be less than significant with mitigation (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

**Facts in Support of Findings**

- A. Construction of projected development, including transportation projects, could result in temporary noise and vibration impacts associated with construction, and other related activities. Construction activities would require the use of various noise-generating construction equipment such as dozers, forklifts, jackhammers, trucks, and other equipment. Forecasted development under the proposed Plan would range from high intensity regional center development of high and midrise offices and residences in San Francisco, Oakland and San Jose, to low-rise development in rural towns such as Sebastopol and Graton. Construction noise standards vary throughout the Plan area, but generally limit construction activities to times when noise would have the least effect on nearby land uses (i.e., during the daytime). Consequently, depending on the extent of construction activities involved and the proximity of construction to existing receptors, localized construction-related noise effects may vary substantially throughout the Plan area. Based on reference noise levels for typical types of construction equipment, construction noise could reach levels of 92.8 dBA  $L_{eq}$  and 97.0 dBA  $L_{max}$  at 50 feet from construction sites. These levels could exceed local construction-related noise standards and thresholds, depending on proximity to existing land uses and duration of construction activities. (Draft EIR, p. 2.6-20.)
- B. Construction activities may result in varying degrees of temporary ground vibration and noise, depending on the specific construction equipment used and activities involved. When considering new construction, pile driving generates the highest vibration levels and is, therefore, of greatest concern when evaluating construction-related vibration impacts. According to FTA, vibration levels associated with pile driving are 1.518 in/sec PPV at 25 feet. Based on FTA's recommended procedure for applying a propagation adjustment to these reference levels, vibration levels from pile driving could exceed Caltrans recommended level of 0.5 in/sec PPV with respect to the structural damage for older structures within 50 feet of pile driving activities. Therefore, because the majority of projected development would occur in already developed and urban areas, the potential exists for pile driving to occur within 50 feet of a historic or old building. (Draft EIR, pp. 2.6-20 to 2.6-21.)
- C. Vibration levels can also result in interference or annoyance impacts for residences or other land uses where people sleep, such as hotels and hospitals. According to FTA, vibration levels associated with pile driving are 112 VdB at 25 feet (FTA 2006). FTA vibration annoyance potential criteria depend on the frequency of the vibration events. When vibration events occur more than 70 times per day, as would likely be the case with pile driving, they are considered "frequent events." Frequent events in excess of 72 VdB are considered to result in a significant vibration impact. Based on FTA's recommended procedure for applying propagation adjustments to these reference levels, vibration levels from pile driving could exceed FTA recommended guidance for "frequent events" within 550 feet of an existing sensitive land use. (Draft EIR, p. 2.6-21.)
- D. Construction-related noise and vibration impacts of transportation projects, similar to land use development, would depend on the extent of construction being undertaken, proximity to existing sensitive land uses, and applicable noise standards. Transportation projects are proposed throughout the Bay Area and would have the potential for localized noise and vibration impacts, particularly when pile driving or other similar invasive foundation work would be required. Based on reference noise levels for typical types of construction equipment, construction-noise could reach levels of 92.8 dBA  $L_{eq}$  and 97.0 dBA  $L_{max}$  at 50 feet from future proposed construction sites. Construction-related noise levels could exceed Caltrans recommended levels of 86 dBA  $L_{max}$ , would likely exceed FTA construction noise criteria (i.e., ambient levels plus 10 dB) depending on the location of construction, and could exceed local construction-related noise standards and thresholds, depending on proximity to existing land uses and duration of construction activities. (Draft EIR, p. 2.6-21.)
- E. Transportation projects involving roadway expansion, new transit lines, new overpasses or roadways, or other related invasive foundation work would likely require pile driving. It is unknown at this time where



specific pile driving activities would be required and to what extent they would occur. Therefore, it is possible that pile driving and other vibration-inducing construction activities could occur near existing sensitive land uses. Specifically, the potential exists for pile driving to occur within 50 feet of an older building, exceeding Caltrans recommended levels for structural damage, and within 550 feet of an existing sensitive land use, exceeding FTA recommended levels for vibration annoyance. (Draft EIR, pp. 2.6-21 to 2.6-22.)

- F. Projected development and implementation of development and transportation projects have the potential to result in substantial construction noise and vibration levels such that nearby receptors could be adversely affected and applicable noise standards exceeded. Construction and vibration from projected development and transportation projects would be considered potentially significant. (Draft EIR, p. 2.6-22.)
- G. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require measures to reduce noise and vibration levels from construction activities.

## Impact

### 2.6-2 Implementation of the proposed Plan could result in long-term permanent increases in traffic-noise levels that exceed applicable thresholds. (Draft EIR, p. 2.6-23)

#### *Mitigation Measures*

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.6-2** For all new development that could be located within the 70 dBA CNEL noise contour of a roadway (within 270 feet of the roadway's centerline based on freeways with the greatest volumes in the region), a site-specific noise study shall be conducted by a qualified acoustical engineer or noise specialist, to evaluate noise exposure at new receptors and recommend appropriate measures to reduce noise exposure. To reduce exposure from traffic-noise, lead agencies and/or project sponsors shall consider mitigation measures including, but not limited to those identified below:

- ▲ design adjustments to proposed roadway or transit alignments to reduce noise levels in noise sensitive areas (e.g., below-grade roadway alignments can effectively reduce noise levels in nearby areas);
- ▲ use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic calming measures in the design of their transportation improvements;
- ▲ contribute 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*

Implementation of Mitigation Measure 2.6-2 would result in substantial reductions in traffic-noise. Depending on barrier construction, up to 10 dBA in noise reduction is typically feasible (FHWA 2006), which would be

adequate to bring the highest modeled traffic noise levels of 76.2 dBA CNEL to below the 70 dBA CNEL threshold. Site design, including proximity to the noise source, can achieve varying degrees of noise reduction depending on the distance to the source. Building construction methods can typically achieve at a minimum a 25-dB exterior-to-interior noise reduction, but much higher levels of reduction are achievable through additional wall insulation and sound proofing techniques. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The proposed Plan envisions a mixture of development and redevelopment land use growth patterns throughout the Plan area, primarily in PDAs and TPAs. Projected development projects would generate new vehicle trips, and these trips would be distributed on existing and Plan-related roadways. Significant impacts from traffic-noise would result if noise levels exceed the noise levels expressed in the Significance Criteria, or if traffic noise levels result in a substantial increase in noise, defined by 1.5 dBA if existing traffic noise exceeds thresholds or 3 dBA if existing noise levels do not exceed noise thresholds. (Draft EIR, pp. 2.6-23 to 2.6-25.)
- B. Average noise levels on freeways under existing conditions exceed applicable noise thresholds of 70 dBA CNEL in every county within the region. In addition, existing noise levels on expressways exceed 70 dBA in Napa and Sonoma counties. Existing average noise levels on smaller roads such as major arterials and collectors do not currently exceed levels of 65 dBA CNEL (i.e., threshold applied to roads other than freeways/expressways) in any county. In areas where traffic-noise levels currently exceed thresholds, it would continue to exceed thresholds with implementation of the proposed Plan. Implementation of the proposed Plan would result in increases in traffic-related noise ranged from 0.1 dB to 3.4 dB, with a majority of the increases being below 1 dB. Freeways in San Mateo County currently exceed 70 dBA CNEL and would experience an average increase of 3.4 dB, which would be considered substantial. Freeways and Expressways in Sonoma County currently exceed applicable noise thresholds and with the proposed Plan, expressways would result in a substantial increase in noise. (Draft EIR, pp. 2.6-23 to 2.6-25.)
- C. With regard to interior noise thresholds of 45 dBA CNEL, buildings provide varying degrees of exterior-to-interior noise reduction but typically can achieve a minimum 25 dBA reduction. Thus, receptors within areas experiencing noise levels below the exterior noise thresholds of 70 dBA CNEL would also experience acceptable interior noise levels of 45 dBA CNEL. Freeway 70 dBA CNEL contours within the Plan area range from a minimum distance of 153 feet to a maximum distance of 268 feet from the freeway centerlines. With implementation of the proposed Plan, freeway 70 dBA CNEL contours within the Plan area

would range from a minimum distance of 155 feet to a maximum distance of 281 feet from the freeway centerlines, an increase of 13 feet. Thus, given that freeways within the area currently exceed 70 dBA CNEL (up to 268 feet from the freeway centerlines) and would continue to exceed 70 dBA CNEL (up to 281 feet from the freeway centerline) with the proposed Plan, the interior noise thresholds may also be exceeded in these areas resulting in excessive noise levels (i.e., 70 dBA CNEL land use compatibility and traffic-noise threshold) and a substantial permanent noise increase at existing and future projected development. (Draft EIR, p. 2.6-25.)

- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement site and project specific measures that will reduce noise exposure to sensitive receptors.

## Impact

### 2.6-3 Implementation of the proposed Plan could result in long-term permanent increases in rail transit noise levels that exceed applicable thresholds. (Draft EIR, p. 2.6-31)

#### *Mitigation Measures*

To reduce transit-related noise exposure to existing or proposed development within 50 feet of a rail transit line, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.6-3(a)** When finalizing development project site plans, noise-sensitive outdoor use areas shall be sited as far away from adjacent noise sources as possible and site plans shall be designed to shield noise-sensitive spaces with buildings or noise barriers whenever possible.

**2.6-3(b)** When finalizing development project site plans or transportation project design, sufficient setback between occupied structures and the railroad tracks shall be provided to minimize noise exposure to the extent feasible.

**2.6-3(c)** Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures (or other technologically feasible measures) to achieve a site-specific exterior noise level of 70 dBA CNEL (or other applicable local noise standard) and interior noise level of 45 dBA CNEL at sensitive land uses, as applicable for transit projects:

- ▲ use of sound reduction barriers such as landscaped berms and dense plantings,
- ▲ locate rail extension below grade as feasible,
- ▲ use of damped wheels on railway cars,
- ▲ use of vehicle skirts,
- ▲ use under car acoustically absorptive material, and
- ▲ install sound insulation treatments for impacted structures.

#### *Significance After Mitigation*

Implementation of the above mitigation measure would ensure that site-specific planning would include all technologically feasible measures to reduce transit noise to the extent possible. Further, site planning and building construction would be developed to achieve the necessary noise reduction, based on site-specific parameters. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Transit-noise exposure would vary greatly depending on proximity to existing noise sources (i.e., transit corridors) and ambient noise levels. Transit-noise exposure would vary greatly depending on proximity to existing noise sources (i.e., transit corridors) and ambient noise levels. Noise from rail-transit can vary depending on the frequency of trains passing throughout the day, the type of train (i.e., electric or diesel), whether or not a warning horn is used, and the type of track (i.e., elevated or not). Based on available data for Caltrain lines within the region, 24-hour noise levels can range from 70 dBA CNEL/Ldn at 50 feet from the track to 82 dBA CNEL/Ldn at 45 feet from the track. (Draft EIR, p. 2.6-26.)
- B. Forecasted land uses placed in close proximity to existing rail-transit lines could be exposed to noise levels that exceed applicable exterior noise thresholds of 70 dBA CNEL. In many cases, interior noise thresholds would be met within new development even without additional insulation or advanced acoustical construction methods. However, due to the variability in noise levels generated from transit lines and the potential for projected land use growth footprints to be located in close proximity to these sources, it is likely that exterior and interior noise thresholds would be exceeded at residences within 50 feet of the tracks, thus exposing new sensitive receptors to excessive noise levels. (Draft EIR, p. 2.6-27.)
- C. Transit expansion projects would occur in multiple areas within the Plan area, but would occur primarily in urbanized areas and near existing transit facilities. Increases in transit-related noise could occur throughout the region as transit lines are expanded and service frequency increased. However, noise levels would vary greatly depending on the type of transit facility and proximity to existing sensitive land uses. Because transit noise impacts would vary greatly depending on local conditions, these impacts are addressed at the local level below. The degree of this potential impact would depend upon the type (diesel or electric powered) and frequency of rail pass-by events and the existing ambient noise level at the existing receptor. Expanding or building new transit lines in areas without existing rail lines would result in a new substantial noise source that could result in excessive noise exposure depending on the type of existing land uses and proximity to the new noise sources. Further, it is likely that new rail lines would have similar noise levels that could exceed applicable exterior (i.e., 70 dBA CNEL) and interior (i.e., 45 dBA CNEL) noise thresholds at existing sensitive land uses. (Draft EIR, p. 2.6-27.)
- D. Regarding noise at existing transit facilities, trains could generate noise levels of up to 82 dBA CNEL/Ldn, and transit lines are currently located in urbanized areas near major roads and freeways, where noise levels are currently high, where a 1.5 dBA increase in transit-noise would be considered substantial. Given the projected population growth in the region, it is likely that additional transit services and potentially increased frequency of passenger trains would be required in the future to meet increasing demand. The

proposed Plan includes major investments that create new transit lines or boost frequencies on existing lines. Thus, it is expected that implementation of the proposed Plan would result in a 1.5 dBA or more increase in transit-noise. Increases in transit noise on existing facilities would result in potentially significant. (Draft EIR, p. 2.6-28.)

- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will (1) shield outdoor use areas from adjacent noise sources; (2) setback development from rail tracks to minimize noise exposure; and (3) employ sound-reducing features into transit projects.

## Impact

### **2.6-4 Implementation of the proposed Plan could result in long-term permanent increase in transit-vibration levels that exceed applicable thresholds. (Draft EIR, p. 2.6-29)**

#### ***Mitigation Measures***

To reduce vibration effects from rail operations, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.6-4(a)** When finalizing site plans for a development or transportation project, implementing agencies shall conduct a project-level noise and vibration assessments for new residential or other sensitive land uses to be located within 200 feet of an existing rail line. These studies shall be conducted by a qualified acoustical engineer or noise specialist to determine vibration levels at these projects and recommend feasible mitigation measures (e.g., insulated windows and walls, sound walls or barriers, distance setbacks, or other construction or design measures) that would reduce vibration-noise to an acceptable level.

**2.6-4(b)** Prior to project approval, the implementing agencies shall ensure that project sponsors apply the following mitigation measures to achieve FTA recommended vibration levels of 72 VdB at residential land uses, or other applicable standard, for rail extension projects:

- ▲ use of high resilience (soft) direct fixation fasteners for embedded track;
- ▲ install ballast mat, or other approved technology for the purpose of reducing vibration, for ballast and tie track; and
- ▲ conduct regular rail maintenance including rail grinding, wheel truing to re-contour wheels, providing smooth running surfaces.

#### ***Significance After Mitigation***

Implementation of the above measures could provide a reduction of 15 to 20 VdB (FTA 2006), which would be adequate to reduce vibration levels to below 72 VdB within 200 feet. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

## **Facts in Support of Findings**

- A. Many of the projected development areas in the proposed Plan are purposely located along existing and projected transit corridors to help facilitate a reduction in VMT in the region. Locating residential land uses in proximity to transit could also result in exposure of the future residents to vibration levels in excess of guidelines established by FTA or Caltrans. Unlike noise impacts from transportation which are assessed in terms of 24-hour noise levels (i.e., CNEL,  $L_{dn}$ ), vibration impacts are assessed relative to peak vibration levels. (Draft EIR, p. 2.6-29.)
- B. The proposed Plan could facilitate the construction of sensitive land uses within portions of the Plan area where known vibration sources exist, primarily in the TPAs located along the existing active railroad corridors. In some areas within the region, future projected development could be exposed to frequent vibration events (i.e., more than 70 trains per day), occurring adjacent to rail lines used by BART, Caltrain, Amtrak, or others. Based on this frequency of train passing events, the FTA recommended level for which human disturbance would occur is 72 VdB. Thus, based on the Generalized Ground Surface Vibration curves in the FTA guidance, projected development within 200 feet of an existing railroad could exceed the recommended threshold for human disturbance of 72 VdB for sensitive receptors that are exposed to a higher frequency of vibration events (i.e., 70 or more trains passing by in one day). Consequently, land use projects could be exposed to vibration effects that exceed vibration thresholds. (Draft EIR, p. 2.6-29.)
- C. Transit expansion projects would occur in multiple areas within the region but would occur primarily in urbanized areas and near existing transit facilities. Increases in transit-related vibration as a result of the proposed Plan could occur throughout the region as transit lines are expanded and service frequency increased. However, vibration levels would vary greatly depending on the type of transit facility and proximity to existing sensitive land uses. Because vibration impacts would vary greatly depending on the local conditions, these impacts are addressed at the local level below. Extension of rail transit service to new areas of the Bay Area could result in exposure of existing sensitive land uses to vibration levels in excess of vibration thresholds. (Draft EIR, pp. 2.6-29 to 2.6-30.)
- D. The degree of increased vibration exposure would depend upon the type (diesel or electric powered) and frequency of rail pass-by events and the existing soil conditions at the existing receptor. Expanding or building new transit lines in unserved areas would result in a new substantial vibration source that could result in vibration effects that exceed FTA recommended levels (i.e., 72 VdB) within 200 feet of the source. In addition, because new or expanded rail lines could result in vibration levels that exceed applicable criteria (i.e., 72 VdB) within 200 feet, when compared to existing conditions where no rail currently exists, vibration levels would substantially increase (i.e., more than 1.5 VdB). Some of the rail extension projects included within the proposed Plan would result in potentially significant impacts resulting from excessive vibration exposure to existing sensitive receptors along the extended transit alignment and permanent substantial increases in vibration levels. (Draft EIR, p. 2.6-30.)

- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will (1) incorporate vibration-noise reducing features into new development; and (2) employ vibration-reducing features into rail transit projects.

## Impact

**2.6-5 Implementation of the proposed Plan could result in general increases in ambient noise and associated exposure of sensitive receptors to new or additional stationary noise sources in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. (Draft EIR, p. 2.6-31)**

## Mitigation Measures

Mitigation Measures 2.6-2, 2.6-3, and 2.6-5.

**2.6-5** To reduce exposure to new and existing sensitive receptors from non-transportation noise associated with projected development, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Local agencies approving land use projects shall require that routine testing and preventive maintenance of emergency electrical generators be conducted during the less sensitive daytime hours (per the applicable local municipal code). Electrical generators or other mechanical equipment shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.
- ▲ Local agencies approving land use projects shall require that external mechanical equipment, including HVAC units, associated with buildings incorporate features designed to reduce noise to below 70 dBA CNEL or the local applicable noise standard. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

## Significance After Mitigation

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) because stationary noise sources would be designed to comply with local noise codes. Further, community noise complaints associated with human activity are addressed at the local level and enforced by the applicable regulatory agency.

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## 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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures

to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Typical community operational noise sources include small mechanical devices (e.g., lawn mowers, leaf blowers), parks and playgrounds, restaurants and bars, commercial uses, and industrial plants. Stationary sources may include HVAC units, delivery trucks loading and unloading at commercial land uses, and other equipment associated with commercial and industrial land uses (e.g., pumps, back-up generators, auto body shops). Because traffic noise is generally the primary noise source within communities, modeled traffic-noise was used to characterize existing ambient levels. Larger urban areas (e.g., San Francisco, Oakland, San Jose) within close proximity to freeways currently exceed 70 dBA CNEL and, therefore, in these areas a substantial permanent increase in noise would be considered 1.5 dB or more. Other areas, urban or rural, are less likely to exceed exterior levels of 65 dBA CNEL and therefore an increase of 3 dB or more would be considered substantial in other areas within the region. (Draft EIR, p. 2.6-31.)
- B. Projected development would result in new residential, commercial, and industrial land use development that could include stationary sources (e.g., HVAC units, mechanical equipment) and community noise that could expose existing receptors to excessive noise levels or result in a substantial permanent increase in noise. Noise levels from HVAC equipment vary substantially depending on unit efficiency, size, and location, but generally range from 45 to 70 dB  $L_{eq}$  at a distance of 50 feet. Reference noise-level measurements of emergency generators with rated power outputs from 50 to 125 kilowatts (kw) result in noise levels ranging from 61 to 73 dB  $L_{eq}$  and 63–84 dB  $L_{max}$  at a distance of 45 feet. Based on reference noise values and accounting for typical usage factors of equipment used for commercial loading/unloading, noise levels could reach 82 dB  $L_{eq}$  and 86 dB  $L_{max}$  at a distance of 50 feet. (Draft EIR, p. 2.6-31.)
- C. Implementation of the proposed Plan would result in increased development within areas already experiencing high noise levels. Although specific locations for these noise sources are not known at this time, considering the projected high density of land development in already urbanized areas, it is possible that projected land use development (and associated noise sources) could result in exposure to existing sensitive receptors to noise levels above 70 dBA CNEL (exterior), 45 dBA CNEL (interior), or a substantial increase in noise (i.e., 1.5 dB). In addition, projected land use development could place new sensitive land uses in areas where existing ambient noise exceeds the land use compatibility thresholds of 70 dBA CNEL (exterior) and 45 dBA CNEL (interior). (Draft EIR, p. 2.6-32.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will (1) reduce noise exposure to sensitive receptors; (2) shield outdoor use areas from adjacent noise sources; (3) setback development from rail tracks to minimize noise exposure; (4) employ sound-reducing features into transit projects; and (5) reduce noise from mechanical equipment.

### **Impact**

- 2.6-6 Implementation of the proposed Plan could result in exposure of people residing or working in the planning area to excessive noise levels where an airport land use plan is adopted or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip. (Draft EIR, p. 2.6-33)**



## ***Mitigation Measures***

To reduce exposure from airport-related noise, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

**2.6-6** Local lead agencies for all new development proposed to be located within an existing airport influence zone, as defined by the locally adopted airport land use compatibility plan or local general plan, shall require a site-specific noise compatibility. The study shall consider and evaluate existing aircraft noise, based on specific aircraft activity data for the airport in question, and shall include recommendations for site design and building construction to ensure compliance with interior noise levels of 45 dBA CNEL, such that the potential for sleep disturbance is minimized.

## ***Significance After Mitigation***

To the extent that an individual project adopts and implements all feasible mitigation measures described above, the appropriate design and building construction would ensure interior noise levels of 45 dBA CNEL, and this impact would be less than significant with mitigation (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

## ***Facts in Support of Findings***

- A. There are 26 public use and military airports and numerous private airstrips throughout the Plan area. Many of the public airports are in urbanized areas where the proposed Plan envisions new development. Most of these airports and airfields have an active Airport Land Use Compatibility Plan (ALUCP) (or the equivalent) to discourage incompatible land uses within the vicinity of the airport. The FAA Part 150 program encourages airports to prepare noise exposure maps that show land uses that are incompatible with high noise levels and these are often included within the ALUCP. Thus, the potential exists for forecasted development pursuant to the proposed Plan to occur in areas of 65 dBA CNEL or 70 dBA CNEL, exceeding recommended airport noise thresholds of 65 dBA CNEL for residential land uses and the project-specific land use compatibility thresholds of 70 dBA CNEL. (Draft EIR, p. 2.6-33.)
- B. Increases in interior noise levels near airports have the potential to result in sleep disturbance at nearby sensitive land uses. In accordance with FICAN guidance, aircraft-generated interior single-event noise levels (SEL) of 65 dBA could result in a five percent or less chance of awakening someone. Local land use compatibility standards contained in City and County General Plans would typically discourage or require specific site review for construction of sensitive land uses in areas potentially impacted by aircraft noise.

However, given the regional scale of the proposed Plan, it is possible that forecasted land use development could be exposed to exterior and interior noise levels from existing airports or airstrips that exceed applicable thresholds. There would be a potentially significant impact resulting from excessive airport noise levels if projected development were to occur in close proximity to existing airports or airstrips. (Draft EIR, p. 2.6-33.)

- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects near airports to employ site design and building construction features to reduce interior noise levels below applicable standards.

## GEOLOGY AND SEISMICITY

None

## WATER RESOURCES

None

## 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. 2.9-33)

### Mitigation Measures

**2.9-1(a)** Implementing agencies shall require project sponsors to prepare biological resource 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 resource assessments establish that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements of CEQA, USFWS, CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- In support of CEQA, NEPA, CDFW, and USFWS review and permitting processes for individual proposed Plan projects, pre-project 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 conducted at times when the subject species is most likely to be identified. In cases where impacts to state- or federally-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. Coordination 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, proposed, threatened, or endangered species to determine the need for consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required before project implementation.

- ▲ Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and transportation project footprints near sensitive areas to the extent practicable.
- ▲ Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present 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 where special-status species may be affected, a qualified biological resource monitor shall be present to alert construction crews to the possible presence of such special-status species.
- ▲ If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for protected fish species 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, Ridgway's 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 considered 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 adverse effects of light and noise on listed and sensitive wildlife.
- ▲ Project activities shall comply 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.
- ▲ Compensatory mitigation for unavoidable loss of habitat or other impacts to special-status species may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies.

### ***Significance After Mitigation***

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) because these mitigation measures would require pre-project surveys and biological monitoring, avoidance or minimization of project-related disturbance or loss of special-status species, and coordination with permitting agencies as required prior to project implementation.

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## 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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

## Facts in Support of Findings

- A. The list of Special-status species that would be potentially affected by the proposed Plan was generated from a GIS-based analysis of project proximity to documented special-status species occurrences, as well as proximity to critical habitat designated by USFWS and NMFS. (Draft EIR, Appendix K, Table K-1.) Additional, non-listed species (i.e., not listed under the FESA or CESA) that are not consistently tracked by CDFW in the CNDDDB but are afforded protections under the California Fish and Game Code and/or the Migratory Bird Treaty Act were also considered. In addition, it is known that the CNDDDB includes historical occurrences for species that may no longer be extant at a given location and this also likely leads to an overestimation of development impacts on special-status species in the EIR. (Draft EIR, p. 2.9-33.)
- B. Growth forecasts for the Bay Area project that by 2040 the region will support an additional 2.1 million residents and 688,000 jobs, resulting in 666,000 new households. The proposed Plan calls for focused housing and job growth concentrated primarily in already urbanized areas and along existing transit corridors. The land use growth footprint covers 18,700 acres of land in the Bay Area. Within that area 7,400, or approximately 40 percent of the land use growth footprint would be located in TPAs. In addition, the proposed Plan identifies Priority Conservation Areas (PCAs), which are regionally significant open space areas for which there is broad consensus regarding long-term protection but which face development pressures in the near-term. (Draft EIR, p. 2.9-33.)
- C. Implementation of the land use development pattern under the proposed Plan could result in regional impacts on special-status species. Approximately 84 percent of the land use growth footprints would occur in proximity to known special-status species occurrences. Approximately 69 percent of these land use growth footprints are located in Alameda, Santa Clara, and San Francisco counties. Potential regional effects on special-status species could occur as a result of habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and a resulting regional reduction in biological diversity. (Draft EIR, p. 2.9-33.)
- D. Potential localized effects on special-status species include the temporary and permanent removal or conversion of vegetation and habitat necessary for species breeding, feeding, dispersal, or sheltering. Construction and/or ongoing operations could result in direct mortality of special-status plants and wildlife, entrapment in open trenches, and general disturbance because of noise or vibration during pile-driving, earthmoving, and other construction activities. Construction-generated fugitive dust accumulation on surrounding vegetation and construction-related erosion, runoff, and sedimentation could degrade the quality of adjacent vegetation communities, affecting their ability to support special-status plants and wildlife. Habitat fragmentation and disruption of migratory corridors, could also occur on a local level, potentially affecting local populations by making them more vulnerable to extirpation. Because land use changes under the proposed Plan could result in the disturbance or loss of special-status plant and wildlife species and habitats, this impact is considered potentially significant. (Draft EIR, pp. 2.9-33 to 2.9-34.)
- E. The implementation of proposed transportation projects would incrementally affect adjacent wetlands, woodlands, shrublands, and grasslands, as well as associated plant and wildlife species. Because the

proposed transportation projects are mainly concentrated along existing transportation corridors, regional habitat loss and fragmentation is expected to be lower than if projects were entirely new construction or sited in previously undeveloped areas. Nonetheless, of the 196 individual transportation projects with mapped footprints in the Plan area, 174 (89 percent) were identified as occurring in proximity to known special-status species occurrences. Approximately 87 percent of these projects are located in Alameda, Contra Costa, Santa Clara, San Mateo, and San Francisco counties. Additionally, these and other transportation projects could contribute to regional and local habitat loss and fragmentation. Long-term increases in the volume of vehicular traffic and major expansions of existing roads or development of new roads in rural areas are expected to result in increased vehicle-related wildlife mortalities and injuries of common and special-status wildlife species. This effect would be most pronounced in rural areas, where roads traverse larger expanses of natural habitats. Because the proposed Plan transportation projects may result in the disturbance or loss of special-status plant and wildlife species and habitats, this impact is considered potentially significant. (Draft EIR, p. 2.9-34.)

- F. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to employ protective measures for impacted species and habitat.

## 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), 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. 2.9-38)**

## Mitigation Measures

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- 2.9-2 Mitigation measures that shall be considered by implementing agencies and/or project sponsors 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. These assessments shall be conducted by qualified professionals in accordance with agency guidelines and standards.
- ▲ 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 to preserve both the habitat and the overall ecological functions of these areas. Projects shall minimize ground disturbances and transportation project 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 place fill only with express permit approval from the appropriate resources agencies (e.g., USACE, 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 USACE, 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 or offsite restoration, preservation, and/or enhancement. Compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), 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 or offsite restoration, preservation, and/or enhancement. Compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), 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***

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). These measures would require that sensitive habitat be avoided to the extent feasible and that sensitive habitats that cannot be avoided are restored following construction, or if the habitat cannot be restored, that the project proponent compensates

for unavoidable losses in a manner that results in no net loss of sensitive habitats and meets applicable regulatory requirements. Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Approximately three percent of the land use growth footprint, located primarily in Alameda, Contra Costa, Santa Clara, and San Mateo Counties, was identified where future forecasted development could have the potential to directly or indirectly affect wetlands and other waters. The majority of potentially affected wetlands were associated with estuarine and marine deepwater habitats around San Francisco Bay and the Carquinez Strait, or freshwater emergent wetlands and freshwater ponds in a variety of locations. Potential impacts on wetlands include the temporary disturbance, or permanent loss, of jurisdictional waters, including wetlands; loss or degradation of stream or wetland function; incremental degradation of wetland habitats; and fragmentation of streams and wetlands. Jurisdictional waters in the region vary from relatively small, isolated roadside areas, wet meadows, and vernal pools to major streams and rivers, bays and estuaries, to tidal, brackish, and freshwater marshes. Any fill of jurisdictional waters associated with proposed land development would be considered a significant impact. (Draft EIR, p. 2.9-38.)
- B. In addition to direct habitat loss, implementation of forecasted development under the proposed Plan could increase the potential for stormwater runoff to carry a variety of pollutants into wetlands, rivers, streams, and San Francisco Bay through increases in impervious surfaces. Construction runoff often carries grease, oil, and heavy metals (because of ground disturbance) into natural drainages. Furthermore, particulate materials generated by construction could be carried by runoff into natural waterways and could increase sedimentation impacts. In accordance with USACE, EPA, USFWS, RWQCB, and CDFW guidelines, a goal of “no net loss” of wetland acreage and value is required, wherever possible, through avoidance of the resource. Where avoidance is not possible, mitigation for wetland impacts would be based on project-specific wetland mitigation plans. Impacts on jurisdictional waters could be potentially significant. (Draft EIR, pp. 2.9-38 to 2.9-39.)
- C. 106 transportation projects were identified that could have the potential to directly or indirectly affect wetlands and other waters. Potential transportation project effects are similar to those discussed above for land use changes and development. A standard of “no net loss” of wetland acreage and value is required, wherever possible, through avoidance of the resource. Where avoidance is not possible, mitigation for wetland impacts would be based on project-specific wetland mitigation plans. Impacts on jurisdictional waters resulting from implementation of transportation projects would be potentially significant. (Draft EIR, pp. 2.9-39 to 2.9-40.)

- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to employ protective measures for impacted riparian habitat and protected wetlands.

## 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. 2.9-42)

## Mitigation Measures

**2.9-3** Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting ECA lands 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 applicable agency standards.

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that 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;
- ▲ limiting wildland conversions in identified wildlife corridors;
- ▲ retaining wildlife-friendly vegetation in and around developments; and
- ▲ complying with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures to protect wildlife corridors.

## Significance After Mitigation

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). These mitigation measures would require assessments of whether significant wildlife corridors are present in project areas, minimizing wildland conversions in identified wildlife corridors, implementing wildlife-friendly design features, and compliance with regulations and policies to protect wildlife corridors.

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

## 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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures



to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The Bay Area encompasses large areas of wildlands that provide habitat for both common and rare plants and wildlife and some of these areas were mapped as Essential Connectivity Areas (ECAs). The ECAs are not regulatory delineations but are identified as lands likely important to wildlife movement between large, mostly natural areas at the statewide level. A total of 13 ECAs occur within the nine Bay Area counties and are typically centered along the region's mountain ranges. These areas are composed primarily of wildlands, but may also include some agricultural and developed areas (mostly rural residential) and many are bisected by major roadways. (Draft EIR, p. 2.9-42.)
- B. Land use growth footprints in the Plan area overlap with approximately 1,040 acres of mapped ECAs, primarily in Santa Clara (550 acres), Napa (120 acres), and Alameda Counties (120 acres). However, these land use growth footprints are located primarily in already urbanized corridors along major highways or other existing transportation routes where migratory corridors have already been fragmented and degraded to the point that their function as linkages is either limited or lost entirely. On a local level, areas including waterways, riparian corridors, and contiguous or semi-contiguous expanses of habitat, are likely to facilitate wildlife movement, even through urbanized areas throughout the region. In some cases, development projects may directly encroach on wildlife corridors, particularly when direct habitat removal occurs or when sites are located adjacent to open space or streams. Substantial encroachment on local wildlife corridors would be considered a potentially significant impact. (Draft EIR, p. 2.9-42.)
- C. Transportation projects could result in impacts on ECAs because of roadway and rail expansions in Napa, Sonoma, Solano, Contra Costa, Alameda, San Mateo, and Santa Clara counties. Transportation projects in the Plan area overlap with approximately 1,930 acres of mapped ECAs. The majority of potential effects would occur in Solano, Alameda, and Santa Clara counties. However, many of these transportation projects are expansions or enhancements of existing highways or other transportation routes with existing urban corridors established along them. In these areas, migratory corridors have already been fragmented and degraded to the point that their function as linkages is either limited or has been lost entirely. (Draft EIR, p. 2.9-42.)
- D. Transportation projects could result in impacts on ECAs because of roadway and rail expansions in Napa, Sonoma, Solano, Contra Costa, Alameda, San Mateo, and Santa Clara counties. Transportation projects in the Plan area overlap with approximately 1,930 acres of mapped ECAs. The majority of potential effects would occur in Solano, Alameda, and Santa Clara counties. However, many of these transportation projects are expansions or enhancements of existing highways or other transportation routes with existing urban corridors established along them. In these areas, migratory corridors have already been fragmented and degraded to the point that their function as linkages is either limited or has been lost entirely. Substantial encroachment on local wildlife corridors would be considered a potentially significant impact. (Draft EIR, p. 2.9-42.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to employ measures to protect wildlife corridors.

### **Impact**

- 2.9-5 Implementation of the proposed Plan could have the potential to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten**

to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species. (Draft EIR, p. 2.9-45)

### ***Mitigation Measures***

**2.9-5** Implementing agencies and/or project sponsors shall implement mitigation measures, where feasible and necessary based on project-specific and site-specific considerations that include but are not limited to:

- ▲ Implement Mitigation Measures 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3.

### ***Significance After Mitigation***

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), for the same reasons described previously for implementation of Mitigation Measures 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3 .

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. As described in Impacts 2.9-1a, 2.9-1b, and 2.9-2, implementation of the projected development and transportation projects under the proposed Plan could adversely affect special-status species and sensitive natural communities. This is considered a potentially significant impact. (Draft EIR, p. 2.9-45.)
- B. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to employ protective measures for impacted riparian habitat and protected wetlands, critical habitat, and impacted species and habitat.

## **VISUAL RESOURCES**

### **Impact**

**2.10-1** Implementation of the proposed Plan could have a substantial adverse effect on a scenic vista. (Draft EIR, p. 2.10-10)

### ***Mitigation Measure***

**2.10-1** Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that 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);
- ▲ develop interchanges and transit lines at the grade of the surrounding land to limit view blockage;
- ▲ design landscaping along highway corridors in rural and open space areas to add natural elements and visual interest to soften the hard edged, linear travel experience that would otherwise occur; and
- ▲ identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources.

### ***Significance After Mitigation***

Mitigation Measure 2.10-1 would reduce significant impacts to scenic vistas because it would modify site design and provide development recommendations that would minimize visual intrusion on important viewsheds. However, because site conditions are unique, it cannot be concluded with certainty that all significant viewshed impacts could be avoided. Therefore, there may still be instances in which viewshed impacts are significant and unavoidable (SU).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level analysis.

### ***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. Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions. However, specific economic, legal, social, technological, or other considerations make it infeasible to avoid or substantially lessen the impact even with implementation of the identified measures. (Finding (3)).

### ***Facts in Support of Findings***

- A. Changes to short-range views of scenic vistas would occur at a site-specific level and would consist of effects that would be experienced at discrete locations. Future development projects would be subject to the requirements of local policies and regulations, and most jurisdictions have specific general plan policies to protect important scenic vistas and views of other scenic resources. Denser or more compact development in some parts of the region may block panoramic views or views of landscape features or landforms from public and individual properties because increasing densities on existing footprints could result in taller buildings and/or buildings placed more closely together. In addition, construction-related activities such as cranes, backhoes, staging areas, and stockpiling of materials could temporarily affect views of a scenic vista. Thus, depending on the location of the viewer, scenic vistas may be substantially altered, and short-range impacts on views of scenic vistas would be potentially significant. (Draft EIR, p. 2.10-11.)
- B. Localized effects on visual resources are associated with site-specific impacts, which are effects that could be experienced at discrete locations rather throughout the region. Transportation projects included in the proposed Plan could require the removal of landscaping, temporary traffic changes, temporary signage,

and construction staging areas. Larger projects, such as expansion of regional transit lines, and construction of train stations and parking structure could take long periods of time (e.g., several years) to complete, require substantial grading activities, and the presence of construction equipment and stockpiling of materials. Construction of such projects could take several months to several years, and have the potential to result in long-term effects on views from discrete locations depending on the size of projects. (Draft EIR, p. 2.10-16.)

- C. The extent to which there would be impacts on scenic vistas from new transportation projects would depend on the type of project and its location relative to viewers. Expansion of transit lines could introduce new features into an existing view. New features could have a substantial adverse effect on scenic vistas through the introduction of rail lines, large signs, new intersections, and new transit centers in areas that do not currently have similar types of features, and they could contrast with the nature and character of the existing localized view. Thus, scenic vistas could be substantially altered because of the presence of construction activities and new transportation project features. (Draft EIR, p. 2.10-16.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to include design features and screening measures that will protect scenic vistas.

## Impact

### **2.10-3 Implementation of the proposed Plan could substantially degrade the existing visual character or quality of the site and its surroundings. (Draft EIR, p. 2.10-18)**

#### ***Mitigation Measure***

**2.10-3** Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ minimize impacts of design through compliance with MTC's Station Area Planning Manual;
- ▲ require 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;
- ▲ contour 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; and
- ▲ implementing agencies shall require project sponsors to conduct shadow studies for four-story high (and higher) buildings and roadway facilities to identify and implement development strategies for reducing the impact of shadows on public open space, where feasible. 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.

#### ***Significance After Mitigation***

Mitigation Measure 2.10-3 would reduce significant impacts to visual character or quality because it would modify site design and provide development recommendations that would result in projects that would be consistent in appearance to their surroundings. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program level analysis.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Development resulting from the proposed Plan could cast shadows in such a way as to substantially degrade the existing visual/aesthetic character or quality of a public place for a sustained period of time. Shadow impacts are greatest in existing urbanized areas with dense, proximate, multi-story structures, such as urban centers and downtowns. However, implementation of the proposed Plan could increase density and intensity of growth in some locations to a level greater than currently planned, particularly in less urbanized areas. Therefore, the potential for impacts to visual character and quality is considered potentially significant. (Draft EIR, p. 2.10-19.)
- B. New transportation projects span all nine Plan area counties but are especially clustered in Santa Clara County around the densely-populated areas of Santa Clara, Downtown San Jose, and Milpitas; in central and western Alameda County; and in San Francisco. These new projects could potentially affect the character of an existing community. Some transportation projects in the proposed Plan that expand or extend existing rights-of-way could impact community character by increasing visual contrast in the community and therefore would constitute a potentially significant impact. (Draft EIR, p. 2.10-19.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to include site and project design features that will minimize its impact on visual character or quality.

### **Impact**

**2.10-4 Implementation of the proposed Plan could add a visual element of urban character to an existing rural or open space area or add a modern element to a historic area. (Draft EIR, p. 2.10-20)**

### ***Mitigation Measure***

- ▲ In addition to Mitigation Measure 2.10-3, the following measure would apply to impacts on visual resources in rural or historic areas.
- ▲ **2.10-4** Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:
- ▲ Conduct project-specific review of new development in rural or historic areas to ensure that new development 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.
- ▲ Where sound walls are proposed, require sound wall construction and design methods that account for visual impacts as follows:
  - use transparent panels to preserve views where sound walls would block views from residences;
  - use landscaped earth berm or a combination wall and berm to minimize the apparent sound wall height;
  - construct sound walls of materials whose color and texture complements the surrounding landscape and development;
  - design sound walls to increase visual interest, reduce apparent height, and be visually compatible with the surrounding area; and
  - landscape the sound walls with plants that screen the sound wall, preferably with either native vegetation or landscaping that complements the dominant landscaping of surrounding areas.

### ***Significance After Mitigation***

Mitigation Measure 2.10-4 would reduce significant impacts where urban uses are introduced to non-urban areas because it would result in site design modification and provide development recommendations that would result in projects that are compatible in scale and character with the surrounding area. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program level analysis.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Development resulting from the proposed Plan could cause substantial visual impacts 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. The greatest impacts at the regional scale would result from high density residential projects and high intensity non-residential projects located in low density, rural, or historic areas, where the visual contrast between the project and existing conditions would be the most apparent. (Draft EIR, p. 2.10-20.)
- B. In developed areas with historic districts or a large number of historic structures, density changes could result in a substantial change in local character or the introduction of a modern element to a historic area.

While many local ordinances protect historic resources, these ordinances would not in all cases reduce potential impacts from adding a modern element to a historic area. Collectively, individually minor visual impacts may become substantial over time. This would be a potentially significant. (Draft EIR, pp. 2.10-20 to 2.10-21.)

- C. Approximately 24,000 acres of transportation projects have been identified in the proposed Plan that could result in substantial visual impacts in the region through the introduction of new facilities and infrastructure. Major projects span all nine Plan area counties, but are especially clustered in Santa Clara County around the densely-populated areas of Santa Clara, Downtown San Jose, and Milpitas; in central and western Alameda County; and in San Francisco. (Draft EIR, p. 2.10-21.)
- D. Projects located in areas with known historical sites, or located in communities with established historic preservation programs, or involving activities that would introduce new visual elements or disturb the existing terrain have the potential to result in significant historic resource impacts. These projects could potentially reduce the aesthetic and physical integrity of historic districts and buildings which represent important examples of periods of California's history. A higher incidence of conflict with historical sites is expected to occur in urban areas with buildings that are more than 45 years old; this would include TPAs, which are located within urbanized areas. Projects located in or traversing rural lands could also have significant impacts through the introduction of new visual elements to a rural or open space area or related to sites that are singular examples of a historical setting or structures whose historic value and significance have not been previously evaluated and recognized. This would be a potentially significant impact. (Draft EIR, p. 2.10-21.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to include site and project design features that will (1) minimize its impact on visual character or quality; and (2) ensure compatibility of project scale and character in rural and historic areas.

## Impact

**2.10-5 Implementation of the proposed Plan could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. (Draft EIR, p. 2.10-22)**

### *Mitigation Measure*

**2.10-5** Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Design projects to minimize light and glare from lights, buildings, and roadways facilities.
- ▲ Minimize and control 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.
- ▲ Minimize and control 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.

- ▲ Impose 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 and for incidental spillover of light onto adjacent private properties and undeveloped open space.

### ***Significance After Mitigation***

Mitigation Measure 2.10-5 would reduce significant impacts to light and glare because it would result in the modification of site design and would provide standards that would minimize the effects of light and glare. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program level analysis.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Projected development resulting from the proposed Plan could create new substantial sources of light and glare at the regional scale that cause a public hazard, disrupt scenic vistas, and brighten the night sky. In more rural areas of the region, where existing sources of light and glare are not as prevalent, the impact of new sources would be potentially significant. (Draft EIR, p. 2.10-22.)
- B. The limited number of new proposed facilities in rural areas could introduce a new source of light and glare. However, the marginal increases in light and glare from additional vehicle headlights, new reflective signage, new streetlights, new intersection control devices, and other lighting ancillary to transportation projects are considered less than significant because in most cases, new transportation projects would be aligned with forecasted development projects and existing facilities; however, several transportation projects in rural areas could introduce light and glare to areas where no sources existed previously, which would constitute a potentially significant impact. (Draft EIR, p. 2.10-23.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to include site and project design features that will minimize the impacts that result from new sources of light and glare in rural areas.



## CULTURAL RESOURCES

### Impact

**2.11-1** The proposed Plan could cause a substantial adverse change in the significance of a historic resource as defined in Guidelines Section 15064.5 or eliminate important examples of major periods of California history. (Draft EIR, p. 2.11-28)

### Mitigation Measure

**2.11-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Realign or redesign projects to avoid impacts on known historic resources where possible.
- ▲ Require a survey and evaluation 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. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation 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*.
- ▲ Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

### Significance After Mitigation

Implementation of Mitigation Measure 2.11-1 would reduce impacts associated with historic resources because it would require the performance of professionally accepted and legally compliant procedures for the avoidance of known historic resources and the evaluation of previously undocumented historic resources. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### 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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

## ***Facts in Support of Findings***

- A. Historic resources are specific to their local context, and as such, impacts on these resources resulting from the proposed Plan would occur at the local level. In the Plan area, there are 727 historic resources individually listed on the NRHP (which automatically lists them on the CRHR); 883 listed only on the CRHR; 249 historical landmarks, and 1,353 historic bridges identified on the Caltrans Local Bridge Survey. The greatest concentration of historic resources listed on both the NRHP and the CRHR occurs in San Francisco, with 181 resources. Alameda County has the second highest number of NRHP- and CRHR-listed historic resources, with 147. However, Alameda County has the highest number of historic resources listed only on the CRHR with 302, while San Francisco has the second highest number listed only on the CRHR with 242 resources. (Draft EIR, p. 2.11-28.)
- B. Projects located in areas with known historical sites, or located in communities with established historic preservation programs, or involving activities that would introduce new visual elements or disturb the existing terrain have the potential to result in significant historic resource impacts. These projects could potentially reduce the aesthetic and physical integrity of historic districts and buildings which represent important examples of periods of California's history. A higher incidence of conflict with historical sites is expected to occur in urban areas with buildings that are more than 45 years old; this would include TPAs, which are located within urbanized areas. Given the magnitude and location of new development and transportation improvements involving construction activities in the proposed Plan, it is possible that significant impacts on historic resources could occur. (Draft EIR, p. 2.11-28.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to include site and project design features that will avoid or minimize the impacts on historical resources.

## **Impact**

**2.11-2 The proposed Plan could cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5 or eliminate important examples of major periods of California history or prehistory. (Draft EIR, p. 2.11-29)**

## ***Mitigation Measures***

**2.11-2** Implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center 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 before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place.
- ▲ In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find

is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

- Project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

### ***Significance After Mitigation***

Implementation of Mitigation Measure 2.11-2 would reduce impacts associated with archaeological resources because it would require the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as feasible, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Archaeological artifacts are by nature specific to their local context, and as such, impacts on these resources resulting from the proposed Plan would occur at the local level. New development and transportation projects could result in archaeological impacts if construction activities include the disturbance of previously-identified or unidentified archaeological resources. Projects involving excavation, grading, or soil removal in previously undisturbed areas have the greatest likelihood to encounter significant archaeological resources which could represent important examples of periods of California's prehistory. Likewise, the establishment of staging areas, temporary roads, and other temporary facilities necessary for construction activities has the potential to impact these cultural resources. (Draft EIR, pp. 2.11-29 to 2.11-30.)
- B. The nine counties of the Plan area have only a few archaeological sites that have been listed on either the NRHP or CRHR. Marin and San Francisco counties have five sites that are listed on both the NRHP and CRHR; Sonoma County has four; Santa Clara has two; and San Mateo has one. Archaeological sites only listed on the CRHR are slightly more numerous; Contra Costa County has 41; Santa Clara County has 31; Sonoma County has 17; Alameda County has 12; Napa County has 11; Solano County has five; Marin County has four; and San Francisco County has two. (Draft EIR, p. 2.11-30.)

- C. Both rural land conversion and urban infill have the potential to disturb cultural resources, though impacts in rural areas are more likely to contain intact archaeological resources that are situated in their historic context; because these areas are less likely to have been subject to previous ground disturbance. Because proposed individual development and transportation projects have the potential to adversely affect archaeological resources thereby eliminating important examples of periods of California's prehistory, these impacts are considered potentially significant. (Draft EIR, pp. 2.11-30 to 2.11-31.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will avoid or minimize the impacts on archaeological resources.

## 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. 2.11-32)**

#### ***Mitigation Measures***

**2.11-3** Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Before construction activities, project sponsors shall 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.
- ▲ If record searches indicate that the project is located in an area likely to contain important paleontological, and/or geological resources, such as sedimentary rocks which have yielded significant terrestrial and other fossils, project sponsors shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.
- ▲ If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the implementing agencies and/or project sponsors. The project sponsor will retain a qualified paleontologist for identification and salvage of fossils so that construction delays can be minimized. The paleontologist will be responsible for implementing a recovery plan which could include the following:
  - in the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits;
  - recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting;
  - laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens;
  - cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database;
  - transferal, for storage, of cataloged fossil remains to an appropriate repository, with consent of property owner;

- preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection; and
- project sponsors shall comply 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***

Implementation of Mitigation Measure 2.11-3 would reduce impacts associated with paleontological resources because construction workers would be alerted to the possibility of encountering paleontological resources, and professionally accepted and legally compliant procedures for the discovery of paleontological resources would be implemented in the event of a find. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as feasible, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Paleontological and geological resources are by nature specific to their local context, and as such, impacts on these resources resulting from the proposed Plan would occur at the local level. There are approximately 5,735 sites at which fossil remains have been found in the nine-county area, with the greatest concentration of 2,561 occurring in Contra Costa County and the second highest of 925 in San Mateo County. Napa County had the fewest paleontological sites at 151. Most paleontological resources were from the Miocene epoch (1,525), while the fewest were found from the Jurassic period (49). (Draft EIR, p. 2.11-32.)
- B. The degree and extent of impacts would depend upon project location, and as such, project-specific analysis would be required to determine the precise area of impact and the importance of any paleontological or geologic resource identified within a proposed alignment or project area. Because proposed individual development projects have the potential to adversely affect paleontological and geologic resources on a regional and localized level, these impacts are considered potentially significant. (Draft EIR, p. 2.11-32.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will avoid or minimize the impacts on paleontological resources.

## Impact

### 2.11-5 The proposed Plan could cause a substantial adverse change in the significance of a TCR as defined in PRC Section 21074. (Draft EIR, p. 2.11-34)

#### *Mitigation Measures*

**2.11-5** If the implementing agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary to address site-specific impacts to avoid or minimize the significant adverse impacts:

- ▲ Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.
- ▲ Public agencies shall, when feasible, avoid damaging effects to any TCR (PRC Section 21084.3 (a)). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:
  - (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - (A) Protecting the cultural character and integrity of the resource
    - (B) Protecting the traditional use of the resource
    - (C) Protecting the confidentiality of the resource.
  - (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - (4) Protecting the resource.

#### *Significance After Mitigation*

Implementation of Mitigation Measure 2.11-5 would reduce impacts associated with TCRs because it would require the performance of professionally accepted and legally compliant procedures for the identification of TCRs associated with subsequent projects. To the extent that an individual project adopts all feasible mitigation measures described above, the impact would be less than significant (LS-M).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure(s) described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### **Facts in Support of Findings**

- A. Tribal Cultural Resources (“TCRs”) are by nature specific to their local context, and as such, impacts on these resources resulting from the proposed Plan would occur at the local level. MTC sent letters to 17 Native American Tribes in compliance with AB 52. Only the Yocha Dehe Wintun Nation replied to the August 12, 2016 letter. Independent of the letters sent by MTC, the Lone Band of Miwok Indians and the Amah Mutsun Tribal Band sent letters requesting consultation pursuant to AB 52. MTC requested consultation meetings with all three tribes; however, no tribes responded. Consequently, no tribal concerns or TCRs have been identified. (Draft EIR, p. 2.11-34.)
- B. Subsequent discretionary projects may be required to prepare site-specific project-level analysis to fulfill CEQA requirements, which may include additional AB 52 consultation that could lead to the identification of TCRs. Although no resources within the Plan area have been identified as meeting any of the PRC Section 5024.1(c) criteria, it is possible that TCRs could be identified during analysis of subsequent projects. Therefore, the proposed Plan would have a potentially significant (PS) impact on TCRs. (Draft EIR, pp. 2.11-34 to 2.11-35.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement measures that will avoid or minimize the impacts on Tribal Cultural Resources.

## **PUBLIC UTILITIES**

### **Impact**

**2.12-1 Implementation of the proposed Plan could result in insufficient water supplies available to serve development implemented as part of the Plan from existing entitlements and resources. (Draft EIR, p. 2.12-27)**

### **Mitigation Measures**

**2.12-1(a)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ For projects that could increase demand for water, project sponsors shall coordinate with the relevant water service provider to ensure that the provider has adequate supplies and infrastructure to accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements shall be identified in each project’s CEQA documentation.

- ▲ Implement 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).
- ▲ Coordinate 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.
- ▲ For projects located in an area with existing reclaimed water conveyance infrastructure and excess reclaimed water capacity, use reclaimed water for non-potable uses, especially landscape irrigation. For projects in a location 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.

**2.12-1(b)** Implementing agencies and/or project sponsors 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.

**2.12-1(c)** Implementing agencies and/or project sponsors 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***

Implementation of Mitigation Measures 2.12-1(a), 2.12-1(b), and 2.12-1(c) would reduce impacts associated with water supply because they would require that land use and transportation project sponsors coordinate with water suppliers to ensure adequate water supplies exist or comply with project-level CEQA review and incorporate on-site water conservation strategies, water budgeting, and incorporation of recycled water for non-potable use. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years, with the exception of Solano County Water Agency which expects to meet water demand projections up to 2030, but has not analyzed beyond that horizon. The combined population projections of the water supply agencies for 2040 (9,883,000) exceed the 2040 regional population projections for the proposed Plan (approximately 9,627,500). As a result,



there may be adequate water supplies across the entire region to serve expected growth under the proposed Plan. 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. (Draft EIR, p. 2.12-27.)

- B. Projected growth under the proposed Plan would not occur evenly around the region; therefore, the proposed Plan could result in population or job growth beyond what is assumed in current UWMPs and could result in a localized water supply shortage. At a regional level, changes in land use projected development from the proposed Plan may result in insufficient water supplies requiring the acquisition of additional water sources and the imposition of conservation requirements. Further, California, including the Plan area, may face future water supply challenges associated with climate change-related periods of drought. The increase in population-, household-, and jobs-related demand on water supply coupled with potentially reoccurring drought conditions may result in insufficient water supply to serve the Plan area. For these reasons, these impacts are considered potentially significant. (Draft EIR, pp. 2.12-27 to 2.12-28.)

Multiple drought years could affect water supplies and are addressed by water suppliers in urban water management plans, which are required for agencies that provide water in quantities of over 3,000 acre-feet per year or to 3,000 or more customers. Water agencies plan for drought through multiple stages, defined by each district, based on historic shortages experienced during three sequential multiple dry years. For example, the Marin Municipal Water District identifies three stages of water rationing, which correlate to restrictions and prohibitions on end users (MMWD 2016). The Santa Clara County Water Agency identifies five stages of drought, which correlate to short-term water use reductions and actions (public information campaigns, fines) (Santa Clara County Water District 2016). The Zone 7 Water Agency, which provides water to the East Bay, identifies four water shortage stages that correlate to actions ranging from voluntary conservation to surcharges and prohibitions on some water uses (Zone 7 Water Agency 2016). Regardless of planning completed by individual water purveyors, the Draft EIR concludes that at a regional level, changes in land use projected development could result in insufficient water supplies. These water supplies may be further limited because of the effects of climate change-related periods of drought (Draft EIR Impact 2.12-1). For this reason, this impact is considered significant and unavoidable.

Based on case law in California. “CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432). This is because other statutes addressing the coordination of land use and water planning demand that water supplies be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases (*Id.* at pages 432-434, citing Gov. Code, § 66473.7 and Wat. Code, §§ 10910-10912). Plans that must be updated on a periodic basis provide ample opportunity for agencies to address and respond to maturing risks to long-term water supply projections (*Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33, 56). (Final EIR, p. 2-10.)

Moreover, based on the region’s existing and projected future population, significant water supply issues exist within the region. The EIR discloses and discusses these issues; however, the proposed Plan will not resolve the region’s pre-existing water supply issues. Nor does the proposed Plan create the projected future growth. Rather, the proposed Plan accommodates growth that is projected to occur regardless, and does so in a way that has the potential to lessen significant water supply issues within the region. Specifically, the proposed Plan focuses future growth within already developed areas. This development pattern has two distinct benefits. First, the proposed Plan should help protect the region’s water supply by reducing development pressure in rural areas; areas where per capita water use is typically higher. Second, approximately two-thirds of the water used by Bay Area water agencies comes from nonlocal sources, primarily the Sierra Nevada and the Sacramento-San Joaquin Delta (Delta). As a result, the region relies on a diverse

network of water infrastructure including aqueducts and storage facilities to convey supplies to its residents. By concentrating future growth within already developed areas, the proposed Plan benefits from existing water supply infrastructure and reduces the need for new water infrastructure to be developed to service new areas.

Finally, while the region's population has continued to grow, demand management and conservation programs have helped keep the overall increase of water use in the Bay Area stable (see Draft EIR Figure 2.12-5). In other words, per capita water use has substantially declined in the region over the last quarter century. The continued urban densification promoted by the proposed Plan – in addition to the continued implementation of water conservation, reuse and recycling programs by local water agencies and municipalities – will help to continue the downward trajectory of per capita water consumption within the region resulting from the California Water Conservation Act of 2009, which calls for a 20 percent reduction in per capita water use by 2020, the California Urban Water Management Planning Act, water efficiencies in landscaping and local water conservation measures, including tiered pricing. (Final EIR, p. 2-11.)

- C. The construction of new roadway capacity, bicycle and pedestrian facilities, transit facilities; maintenance on existing transportation facilities; and operation of new and existing facilities could increase the demand for water for construction activities such as concrete mixing or dust control and operational activities such as landscape irrigation or services such as restrooms and drinking fountains. Although these increases in demand are anticipated to be small on a per project basis, the collective demand from all of the projects taken together could increase water demand in such a way as to exceed water supply agencies' projected demand. Because transportation projects under the proposed Plan may be constructed in locations with constrained water supplies, especially during a dry year, these impacts are considered potentially significant. (Draft EIR, p. 2.12-28.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to (1) ensure water is efficiently used and conserved; (2) use reclaimed water to the extent feasible; and (3) use drought resistant landscaping and reclaimed water for irrigation in transportation projects.

## Impact

**2.12-2 Implementation of the proposed Plan could result in a determination by the wastewater treatment provider which serves or may serve development implemented as part of the proposed Plan that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Draft EIR, p. 2.12-30)**

## Mitigation Measure

**2.12-2** Implementing agencies and/or project sponsors shall implement mitigations measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient wastewater treatment capacity exists for a proposed project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned treatment capacity. If adequate capacity does not exist, project sponsors shall coordinate with the relevant service provider to ensure that adequate public services and utilities could accommodate the increased demand, and if not, 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.

- Implementing agencies and/or project sponsors 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 to reduce water usage and, subsequently, wastewater flows.

### ***Significance After Mitigation***

Projects Implementation of Mitigation Measure 2.12-2 would reduce impacts related to exceedance of existing wastewater capacity because application of this mitigation would require that land use and transportation projects comply with project-level CEQA review and incorporate on-site water conservation strategies, water budgeting, and incorporation of recycled water for non-potable use as mandated by Mitigation Measures 2.12-1(b), 2.12-1(c), and 2.12-2 listed above, which would reduce the generation of wastewater. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, 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 measure 2.12-2, this impact would 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 will avoid or substantially lessen the significant environmental effect as identified in the final EIR because they are legally required to be implemented by such other agency (Finding (2)).

### ***Facts in Support of Findings***

- A. Increased volumes of wastewater from forecasted growth under the proposed Plan could exceed the wastewater treatment capacity of individual treatment facilities, if not properly planned. Wastewater generation rates are closely tied to population growth, and the total population is expected to grow by approximately 27 percent across the Bay Area by 2040; therefore, wastewater generation could increase by up to 27 percent, which would be within the existing regional capacity. Furthermore, wastewater generation per capita would be expected to decrease by 2040 as compared to baseline conditions because of implementation of regional- and state-wide water conservation measures. However, wastewater is not conveyed between different treatment agencies. One wastewater facility could approach its treatment capacity and require expansion, whereas other plants in the region may have substantial available capacity. (Draft EIR, p. 2.12-30.)
- B. Overall, the proposed Plan would result in a population growth of 27 percent and a household growth of 24 percent from 2015 to 2040. Some counties are projected to grow households by more than the region-wide rate of 24 percent, such as Santa Clara County at 33 percent, while most others would grow less, such as Napa County at 12 percent and San Mateo County at 17 percent. Areas with the most growth also are most likely to need additional wastewater treatment capacity. Therefore, the counties wherein growth would be focused, such as Alameda County (29 percent), Contra Costa County (27 percent), San Francisco County (29 percent), and Santa Clara County (33 percent), also are the locations where treatment plant expansion is most likely. Because the changes to the land use pattern under the proposed Plan may result in insufficient wastewater treatment capacity, these impacts are considered potentially significant. (Draft EIR, p. 2.12-30.)

- C. Transportation projects would not affect wastewater treatment capacity, except in circumstances where an area has a combined stormwater and wastewater conveyance system. In those instances, extra stormwater runoff caused by additional impervious surface from roadway and some transit projects may require additional wastewater treatment capacity in localized locations. As a result of the possibility of impacts on combined drainage systems resulting in insufficient wastewater treatment capacity, these impacts are considered potentially significant. (Draft EIR, p. 2.12-30.)
- D. The proposed mitigation measures will reduce the overall impact, because existing regulations require implementing agencies to require projects to (1) ensure water is efficiently used and conserved; (2) use reclaimed water to the extent feasible; (3) use drought resistant landscaping and reclaimed water for irrigation in transportation projects; and (4) determine wastewater treatment capacity during CEQA review and identify necessary infrastructure improvements.

## Impact

**2.12-3 Implementation of the proposed Plan could require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts. (Draft EIR, p. 2.12-31)**

## Mitigation Measures

**2.12-3(a)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient stormwater drainage facilities exist for a proposed project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned drainage capacity. If adequate stormwater drainage facilities do not exist, project sponsors shall coordinate with the appropriate utility and service provider to ensure that adequate facilities could accommodate the increased demand, and if not, infrastructure and facility improvements shall be identified in each project's CEQA determination. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.
- ▲ For projects of greater than 1 acre in size, reduce stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a SWPPP.
- ▲ Model and implement a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates.

**2.12-3(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ 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.

**2.12-3(c)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ Transportation projects implemented by Caltrans or subject to Caltrans review 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***

Implementation of Mitigation Measures 2.12-3(a), 2.12-3(b), and 2.12-3(c) would reduce impacts associated with exceedances of existing stormwater drainage capacity because application of such mitigation would require that land use and transportation projects comply with project-level CEQA review, incorporate on-site stormwater control practices, and develop and implement stormwater management plans or stormwater control design features. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The total land use growth footprint of the proposed Plan covers 18,726 acres including an increase in the total urban footprint of 6,581 acres, a roughly 0.2 percent increase over existing conditions. Development of the remaining acres outside of existing urban areas could be composed of a variety of land uses and impervious surfaces (paved areas, building rooftops, parking lots, etc.) that could result in incremental increases in the volume and rate of stormwater runoff, and possibly require the expansion or construction of new stormwater drainage facilities. (Draft EIR, pp. 2.12-3 to 2.12-32.)
- B. Urban infill can also increase impervious surfaces by converting permeable vacant or underused parcels into land with more paving or structures; some redevelopment can reduce the amount of impervious surface, however, by converting pavement or buildings into permeable paving or landscape. Redevelopment can also increase the amount and rate of runoff by discharging greater amounts of water on a site than exists before development, typically because of excessive landscape irrigation. (Draft EIR, p. 2.12-32.)
- C. The successful and continued implementation of Provision C.3 requirements should help mitigate increases in runoff flows from new development and redevelopment projects through post-construction controls such as LID techniques. The infill nature of the proposed Plan's development pattern, combined with existing stormwater regulations, would result in less-than-significant impacts on the stormwater capacity of existing systems. However, development outside of urbanized areas could require the construction of new stormwater drainage systems, and this impact would be potentially significant. (Draft EIR, p. 2.12-32.)
- D. Development of new roadway projects as part of the proposed Plan could create new impervious areas by converting existing permeable surfaces into impervious surfaces through the expansion of existing roadways and construction of new traffic lanes. The proposed Plan calls for the addition of approximately 500 lane miles, consisting of freeway, expressway, and arterial lane-miles, to be constructed in the region, a

two percent increase over existing conditions. As with land development, the construction activities associated with transportation projects can be a source of additional stormwater runoff. In locations with a combined stormwater and wastewater conveyance system, this increase in runoff could impact wastewater treatment capacity as well. (Draft EIR, p. 2.12-32.)

- E. Overall, while existing regulations would apply to transportation project construction to minimize these effects, the more stringent and effective Caltrans NPDES Stormwater Regulations only apply to some transportation projects. In addition, new roadway lane miles in areas lacking adequate stormwater drainage capacity could require expanded systems. As a result, the potential stormwater capacity impacts related to transportation improvements from implementation of the proposed Plan are considered potentially significant. (Draft EIR, p. 2.12-33.)
- F. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to (1) determine wastewater treatment capacity during CEQA review and identify necessary infrastructure improvements; (2) implement measures to reduce stormwater runoff; (3) incorporate stormwater control, retention and infiltration features; and (4) implement measures to reduce stormwater volume from highway facilities.

## Impact

**2.12-4 Implementation of the proposed Plan could require or result in the construction of new or expanded water and wastewater treatment facilities, the construction of which could cause significant environmental effects. (Draft EIR, p. 2.12-34)**

## Mitigation Measures

**2.12-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ 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 accommodate 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 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2 would reduce water demand and wastewater generation, and subsequently reduce the need for new or expanded water and wastewater treatment facilities. Mitigation Measures 2.12-3(a), 2.12-3(b), and 2.12-3(c) would also mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.

## Significance After Mitigation

Implementation of Mitigation Measure 2.12-4 would reduce impacts associated with exceeding existing water and wastewater treatment capacity because application of such mitigation would require that land use and transportation projects comply with project-level CEQA review. Additionally, as stated above, implementation of Mitigation Measures 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2 would lower water demand and wastewater generation, thus reducing the potential need to for facilities. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. It is possible that the increase in population, households, and jobs in the region would result in a need for new or expanded water and wastewater treatment facilities to accommodate demand that exceeds the capacity at existing facilities. Much of the new treatment capacity is likely to be through expansion of existing facilities, because 99 percent of projected development is expected to occur within the existing urban footprint and therefore could connect to existing conveyance and treatment systems. (Draft EIR, p. 2.12-34.)
- B. Environmental impacts could occur from both the construction process, including air quality, stormwater runoff, and noise. The conversion of underdeveloped land could result in the loss of agricultural land, increased stormwater runoff, loss of habitat, and damage to visual and cultural resources, among other impacts. Because the land use pattern of the proposed Plan may result in construction of new or expanded water and wastewater treatment facilities, the construction of which may have site specific impacts, these impacts are considered potentially significant. (Draft EIR, p. 2.12-34.)
- C. It is not anticipated that transportation projects would have an effect on water treatment demand. However, in circumstances where an area has a combined stormwater and wastewater conveyance system, transportation projects could have an effect on wastewater treatment demand. These impacts are considered potentially significant. (Draft EIR, p. 2.12-34.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to (1) ensure water is efficiently used and conserved; (2) use reclaimed water to the extent feasible; (3) use drought resistant landscaping and reclaimed water for irrigation in transportation projects; (4) implement measures to reduce stormwater runoff; (5) incorporate stormwater control, retention and infiltration features; and (6) implement measures to reduce stormwater volume from highway facilities.

### ***Impact***

**2.12-5 The proposed Plan would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste. (Draft EIR, p. 2.12-35)**

### ***Mitigation Measures***

**2.12-5** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ providing an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials
- ▲ maintaining or re-using existing building structures and materials during building renovations and redevelopment
- ▲ using salvaged, refurbished or reused materials, to help divert such items from landfills
- ▲ for transportation projects, 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; and
- ▲ 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 (RMC 2006).

### ***Significance After Mitigation***

Implementation of Mitigation Measure 2.12-5 would reduce impacts associated with solid waste generation because it would require that land use and transportation projects apply landfill diversion strategies including re-using building materials, maintaining structures where applicable, developing construction waste management plans, and using guidance from CMRA. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The expected growth in the region's population would result in an increase in solid waste production to accommodate future growth, an increase from 7,609,000 to 9,522,300 during the buildout of the proposed Plan. CalRecycle estimates that the average resident in California disposes of 4.7 pounds of trash per day as of 2015. Assuming an average diversion (to recycling) rate of 50 percent, as required by AB 939, the region's solid waste generation would increase from approximately 8,940 tons of solid waste per



day and 3.3 million tons per year, to approximately 11,190 tons per day and 4.08 million tons per year. Further, assuming California meets its goal of achieving the 75 percent diversion rate initiative by 2020, future rates of disposal post 2020 would be 5,594 tons per day and 2.04 million tons per year. In addition, the construction of new housing and non-residential uses would generate solid waste from activities such as demolition, grading, and excavation. (Draft EIR, pp. 2.12-35 to 2.12-36.)

- B. All but five (i.e., Clover Flat Landfill, Newby Island Sanitary Landfill, Guadalupe Sanitary Landfill, and Re-cology Hay Road) of the seventeen landfills active in the region have an estimated closure date before the year 2040. It is unlikely these remaining landfills, which make up around 18 percent of the region's existing remaining capacity, could accommodate the solid waste disposal needs of the entire region. Future growth in the region may require the expansion of existing facilities or construction of new landfills, the identification of waste disposal capacity outside of the region, and/or larger reductions in solid waste generation or diversion rates to serve the projected level of development. Because the land use pattern of the proposed Plan may result in insufficient landfill capacity, these impacts are considered potentially significant. (Draft EIR, p. 2.12-36.)
- C. Roadway and transit construction and maintenance projects in the proposed Plan have the potential to generate a substantial amount of solid waste during construction. This waste can come from typical construction activities, such as grading, excavation, and removal of existing structures. The operation of transportation facilities may also generate solid waste. The amount of this waste is difficult to predict, but it could result in an exceedance of local landfill capacities for transportation projects constructed in the future closer to expected closure dates of the landfills. These impacts are considered potentially significant. (Draft EIR, p. 2.12-36.)
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement landfill diversion strategies to reduce the region's rate of solid waste generation.

## HAZARDS

### 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. 2.13-28)**

### *Mitigation Measures*

**2.13-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- ▲ If the project is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the project sponsor shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. 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. All recommendations included in a Phase I ESA prepared for a site shall be implemented. 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.

### ***Significance After Mitigation***

Preparation of, and compliance with, a Phase I ESA for properties at risk of potential hazardous materials and/or waste contamination would avoid adverse impacts associated with build-out. Soil management plans or soil contingency plans required by Mitigation Measure 2.13-4 would include procedural measures to protect and isolate suspected contaminated materials to avoid adverse effects to the workers or public. 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).

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. There are approximately 21,600 documented sites of contamination in some stage of DTSC or SWRCB oversight in the Plan area. These sites range from small releases that have had localized effects on private property and have already been remediated to large scale releases from long-term historical industrial practices that have had wider ranging effects on groundwater. In addition, construction activities that disturb subsurface materials could encounter previously unidentified contamination from past practices or placement of undocumented fill or even unauthorized disposal of hazardous wastes. Encountering these hazardous materials could expose workers, the public or the environment to adverse effects depending on the volume, materials involved, and concentrations. (Draft EIR, p. 2.13-28.)
- B. With the notable exceptions for streamlining projects in TPAs and siting public schools, there are no general regulatory requirements to conduct a Phase I ESA or PEA, or subsequent investigation of potential contamination. Therefore, because it cannot be assumed these practices would regularly occur, the impacts related to changes in land use and transportation projects from implementation of the proposed Plan are considered potentially significant. (Draft EIR, p. 2.13-29.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to perform Phase I ESAs, and Phase II ESAs when appropriate, when projects are located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses. Public Services and Recreation

### ***Impact***

**2.14-1 Implementation of the proposed Plan could result in the need for new or modified facilities, the construction of which causes significant environmental impacts, in order to maintain acceptable**

service ratios, response times or other performance objectives for schools, police protection, fire protection, emergency medical, and other public facilities. (Draft EIR, p. 2.14-10)

### ***Mitigation Measure***

**2.14-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include but are not limited to:

- ▲ Prior to approval of new development projects, local agencies shall ensure 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, through compliance with existing local policies related to minimum levels of service for schools, police protection, fire protection, medical emergency services, and other government services (e.g., libraries, prisons, social services). Compliance may include requiring projects to either provide the additional services required to meet service levels, or pay fees towards the project's fair share portion of the required services pursuant to adopted fee programs and State law.

### ***Significance After Mitigation***

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) because it would require project-specific evaluations of public services in order to meet additional demand with the provision of additional services or a project's contribution toward provisions of additional services.

Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measure described above to address site-specific conditions. However, MTC/ABAG 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, this impact remains **significant and unavoidable (SU)** for purposes of this program-level review.

### ***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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Implementation of the proposed Plan would convert approximately 5,800 acres of undeveloped land to urban uses, which represents an approximately 0.2 percent increase in the amount of developed land over 2015 conditions. Comparatively, the projected household growth represents a 24 percent increase under Plan buildout (2040) over 2015 household conditions, and the projected number of jobs represents a 17 percent increase under 2040 buildout over 2015 conditions, indicating that implementation of the proposed Plan would result in more dense and intense development than existing conditions, largely as infill development. (Draft EIR, p. 2.14-10.)
- B. Implementation of the proposed Plan would increase overall population in the region and each county, which would result in increased demand for services. As the population grows, demand for schools and other general government services and facilities (e.g., libraries, jails, animal control) would increase. In-

creases in residential and non-residential land uses would increase the number of service calls for emergency services and police and fire protection. While higher density and intensity of new growth in the region should limit the need for new/modified facilities, existing emergency service organizations may need to expand their capacity and increase their fleet of ambulances, police cars, firetrucks, and other emergency-related resources to compensate for additional growth, and in cases where demand exceeds capacity, new facilities may be required. (Draft EIR, p. 2.14-10.)

- C. With respect to increased demand for school-related services, the composition of residential land uses from proposed changes in land use would vary as future development or redevelopment occurs. The generation of additional primary and secondary school-age children and the ability of individual schools to accommodate them is dependent on the type of housing, demographics, and the available capacity of the elementary, middle, and high schools that would accommodate them. In the cases where increased growth exceeds the capacity of schools and other government-related services and facilities, implementation of the proposed Plan could require additional or modified facilities to ensure acceptable levels of service. (Draft EIR, p. 2.14-10.)
- D. In cases where regional growth results in the need for new facilities to meet increased demand, short-term construction impacts could occur on a project-by-project basis. For example, the construction of a new school may cause adverse short-term traffic impacts or short-term air quality impacts associated with the use of heavy-duty equipment. Therefore, impacts related to new or modified schools, police, fire, emergency medical, and other government services are considered potentially significant. (Draft EIR, p. 2.14-12.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to comply with minimum levels of service policies and the payment of fair-share fees towards the costs of improving those services.

## FINDINGS REGARDING CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 states: “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” A cumulative impact of concern under CEQA occurs when the net result of combined individual impacts compounds or increases other overall environmental impacts (CEQA Guidelines, Section 15355). In other words, cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. CEQA does not require an analysis of incremental effects that are not cumulatively considerable.

The Plan area is comprised of 4.4 million acres and includes 9 counties and 101 cities. It integrates transportation investments with land use strategies for an entire region of the state that shares, or is connected by, common economic, social, and environmental characteristics. As such, the environmental analysis of the proposed Plan presented throughout the Draft EIR is a cumulative analysis compliant with the requirements of CEQA and the CEQA Guidelines. Furthermore, the Draft EIR contains detailed analysis of regional (cumulative) impacts, which are differentiated from localized impacts that may occur at the county, TPA, and/or PDA level. Nevertheless, the Draft EIR examines impacts associated with implementation of the proposed Plan, plus implementation of projected development for jurisdictions adjoining the Bay Area, in order to assess the potential for cumulative impacts from growth extending beyond the region.

The cumulative analysis presented in the Draft EIR uses a projections-based approach, which combines land use and growth projections for the region with the growth projections for the adjoining counties, including: Lake County, Mendocino County, Merced County, Sacramento County, San Benito County, San Joaquin County, Santa Cruz County, Stanislaus County, and Yolo County. The area that includes the Bay Area and these adjoining counties is referred to as the “cumulative impact analysis area.”

The following lists each significant or potentially significant cumulative environmental impact identified in the EIR, the mitigation measures identified for each impact in the EIR, the CEQA Finding or Findings applied by the Commission/Board, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each cumulative environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the Record of Proceedings identified at the end of this document and incorporated herein by reference.

The Commission/Board has determined the adoption of feasible mitigation measures, alternatives, and proposals incorporated into the proposed Plan will reduce cumulative 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 cumulative impacts remain Significant and Unavoidable. The Statement of Overriding Considerations contains additional information explaining the reasons for the Commission’s/Board’s decision to approve the proposed Plan despite potentially significant cumulative environmental effects that MTC/ABAG cannot mitigate to less-than-significant levels.

## AIR QUALITY

### Impact

- 3-2 The contribution of the proposed Plan to a cumulative air quality impact would be cumulatively considerable. This is considered a significant impact (S). (Draft EIR, pp. 3.2-11 – 3.2-12.)**

### *Mitigation Measure*

- 3-2 Implement Mitigation Measures in Section 2.2 of the Draft EIR.**

### *Significance After Mitigation*

Mitigation measures are available that could reduce an individual project’s contribution (under the proposed Plan) to areawide emissions. However, the ability and requirement to implement such measures would ultimately be the responsibility of a lead agency to determine on a case-by-case basis, and implementation cannot be guaranteed by MTC/ABAG. As a result, cumulative impacts would be **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### *Facts in Support of Findings*

- A. As noted in Section 2.2 of the Draft EIR, the nine-county MTC region encompasses three air basins: the San Francisco Bay Air Basin (SFBAB) in its entirety, portions of the North Coast Air Basin, and portions of the Sacramento Valley Air Basin; and falls within the jurisdiction of three air districts: Bay Area Air Quality Management District, North Sonoma County Air Pollution Control District, and Yolo Solano Air Quality Management District. Outside of the MTC region, the aforementioned nine additional counties within the cumulative impact analysis area include the following three additional air basins: Lake County Air Basin, San Joaquin Valley Air Basin, and North Central Coast Air Basin. Additionally, portions of the cumulative impact analysis area fall within the jurisdiction of the following five additional air basins: Lake County Air Quality

Management District, Mendocino County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Air Pollution Control District. (Draft EIR, p. 3.2-11.)

- B. The state has identified air-basin-specific pollutants that have exceeded applicable federal and state pollutant standards. As noted in Section 2.2 of the Draft EIR, any area that exceeds applicable standards for a particular pollutant is typically referred to as “nonattainment” for that pollutant. In addition, the air districts identified above have prepared area-specific air quality plans to improve air quality conditions within their jurisdiction to meet federal and state pollutant standards for those pollutants that currently exceed standards. Although each jurisdiction is primarily responsible for regulating its own emissions, pollutant transport, which is a result of a variety of topographical and atmospheric conditions that cause pollution generated in one location to move to another location (including a neighboring air basin), can result in one area’s emissions affecting another’s ability to achieve applicable pollutant standards. (Draft EIR, p. 3.2-11.)
- C. Because the air basins identified above are currently designated as nonattainment for one or more pollutants for which federal and/or state standards exist, a significant cumulative impact exists. Additionally, the proposed Plan could result in substantial increases in pollutant emission levels (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction and operational activities associated with future growth and development patterns. However, the proposed Plan is intended to reduce the overall emissions load, through a transportation and land use strategy that maximizes access to transit and other alternative transportation approaches, lowering potential VMT per capita. While an improvement over what would be expected absent the Plan, given existing air pollution conditions in surrounding areas, impacts would be cumulatively considerable and significant (S). (Draft EIR, p. 3.2-11.)

## LAND USE AND PHYSICAL DEVELOPMENT

### Impact

- 3-3 The contribution of the proposed Plan to land use impacts associated with conversion of agricultural and forest lands would be cumulatively considerable. This is considered a significant impact (S). (Draft EIR, p. 3.2-12.)

### Mitigation Measure

- 3-[3] Implement Mitigation Measures in Section 2.3 of the Draft EIR that pertain to agricultural and forest land.

### Significance After Mitigation

These mitigation measures would reduce the potentially significant impact of conversion of forest or timberland to other uses because they would require avoidance or compensation for converted lands. If the implementing agency and/or project sponsor adopts these mitigation measures, they would reduce the cumulative contribution of the proposed Plan to less than cumulatively considerable, and residual impacts on conversion of forest land and agricultural land would be less than significant (LS). However, the ability and requirement to implement such measures would ultimately be the responsibility of the local jurisdiction, and implementation cannot be guaranteed by MTC/ABAG, resulting in a cumulatively considerable contribution by the proposed Plan. Therefore, cumulative impacts would remain **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures

to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Implementation of the proposed Plan has the potential to result in conversion of land uses, including agricultural lands and forest land to urban uses. Similarly, development pursuant to other local and regional planning efforts within the greater cumulative impact area could also have impacts on special-status species and habitat, and as a result, cumulative impacts would be considered potentially significant. Further, implementation of the proposed Plan and other cumulative development could also result in additional conversion of agriculture land and forest land to other uses. Due to the potential direct and indirect impacts that may occur as a result of the proposed Plan, the proposed Plan would contribute considerably to this impact. (Draft EIR, p. 3.2-12.)
- B. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require avoidance or compensation for converted agricultural, open space or Williamson Act lands.
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require avoidance, maintain and expand forest land protections, or require compensation or conservation easements for converted forest lands.

## **BIOLOGICAL RESOURCES**

### **Impact**

**3-[9] The contribution of the proposed Plan to cumulative biological resources impacts would be cumulatively considerable. This is considered a significant impact (S). (Draft EIR, p. 3.2-15.)**

### ***Mitigation Measure***

**3-9 Implement Mitigation Measures in Section 2.9 of the Draft EIR.**

### ***Significance After Mitigation***

These mitigation measures set requirements for surveys and actions to be taken if biological resources may be adversely affected. If the implementing agency and/or project sponsor adopts these mitigation measures, it would reduce the contribution of the proposed Plan to cumulative impacts on biological resources. However, the mitigation measures may not be sufficient to reduce impacts to less-than-significant levels in all cases. For projects proposing to streamline environmental review, lead agencies must conduct project-level analysis for each project to analyze whether, based on substantial evidence in the record, the proposed mitigation will reduce the impact to less than significant. Additionally, MTC/ABAG cannot require implementing agencies to adopt these mitigation measures, and it is ultimately the responsibility of the implementing agency to determine and adopt mitigation. Therefore, the regional contribution to this cumulative 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. Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address

site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. Biological resources impacts may be related to: direct and indirect effects on sensitive/special status species or their habitat; substantial adverse effects on riparian, wetland, or other sensitive natural communities; interference with wildlife movement/corridors and nursery sites; or conflicts with plans or policies protecting biological resources. As noted in Section 3.9 of the Draft EIR, implementation of the land use development pattern under the proposed Plan could result in regional impacts on special-status species. Similarly, development pursuant to other local and regional planning efforts within the greater cumulative impact area could also have impacts on special-status species and habitat, and as a result, cumulative impacts would be considered potentially significant. Further, implementation of the proposed Plan and other cumulative development could also result in disruption of movement corridors and nursery sites. Due to the potential direct and indirect impacts, including loss of individual species and habitat that may occur as a result of the proposed Plan, the proposed Plan would contribute considerably to this impact. (Draft EIR, pp. 3.2-14 – 3.2-15.)

## **PUBLIC UTILITIES AND FACILITIES**

### **Impact**

- 3-[12] The contribution of the proposed Plan to a cumulative impacts associated with certain public utilities (water supply and infrastructure and solid waste facilities) would be cumulatively considerable. This is considered a significant impact (S). (Draft EIR, pp. 3.2-16 – 3.2-17.)**

### ***Mitigation Measure***

- 3-12d** Implement Mitigation Measures in Section 2.12 of the Draft EIR.

### ***Significance After Mitigation***

The mitigation measures identified in Section 2.12 of the Draft EIR would ensure that adequate public services and utilities be available to serve the project at applicable service levels. If the implementing agency and/or project sponsor adopts these mitigation measures, it would reduce the cumulative contribution of the proposed Plan to less than considerable, and residual impacts on public utilities and facilities would be less than significant (LS). However, the ability and requirement to implement such measures would ultimately be the responsibility of the local jurisdiction, and implementation cannot be guaranteed by MTC/ABAG, resulting in a cumulatively considerable contribution by the proposed Plan. Therefore, cumulative impacts would remain **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).



### ***Facts in Support of Findings***

- A. The analysis of impacts to utilities and services related to implementation of the proposed Plan includes an examination of potential impacts related to the availability and capacity of water supply, stormwater, wastewater, solid waste, natural gas, propane, electricity, and telecommunications infrastructure. These utilities are generally provided or delivered on a local level, but may originate from sources outside of the local jurisdiction and/or as part of a regional distribution system. (Draft EIR, p. 3.2-17.)
- B. Water supply and associated infrastructure have both local and regional aspects. The rivers that provide virtually all the surface water supplies in the Bay Area originate outside the region, and travel through the region and beyond, providing water supply to jurisdictions inside and outside of the Bay Area along the way. An increase in demand and water consumption in one region has the potential to affect supplies throughout California, because the surface water supply systems are interconnected. Development of future water supply and associated infrastructure regionally and beyond depends on several factors, such as surface water availability, groundwater recharge, land use density, land use type, regulatory changes, and modifications to water transfer agreements and wholesale contracts. Future urban growth (population, housing, and employees) anticipated with implementation of the Plan would result in an increase in water supply needs and demand. Future growth elsewhere in the cumulative impact analysis area could also lead to potential future water shortages and depletion of existing water supplies. (Draft EIR, p. 3.2-16.)
- C. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to (1) ensure water is efficiently used and conserved; (2) use reclaimed water to the extent feasible; and (3) use drought resistant landscaping and reclaimed water for irrigation in transportation projects.
- D. Solid waste management is generally provided by privately-operated landfills (with the exception of one landfill operated by the Sonoma County Public Works Department) under the oversight of each county's local enforcement agency and not on a regional basis. Implementation of the proposed Plan, in conjunction with other development projected to occur in the cumulative impact analysis area, has the potential to exceed available local solid waste capacity and, due to the potential solid waste generated through Plan implementation, is cumulatively considerable. (Draft EIR, p. 3.2-16.)
- E. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to implement landfill diversion strategies to reduce the region's rate of solid waste generation.

## **PUBLIC SERVICES AND RECREATION**

### **Impact**

- 3-[14] The contribution of the proposed Plan to cumulative impacts associated with certain public services (state routes, freeways, and other roads under the jurisdiction of the CHP; rural wildland fire areas protected by CAL FIRE; and regional, state, and federal parks, open space, and recreational areas) would be cumulatively considerable. This is considered a significant impact (S). (Draft EIR, pp. 3.2-17 – 3.2-18.)

### ***Mitigation Measure***

- 3-14 Implement Mitigation Measures in Section 2.14 of the Draft EIR.

### ***Significance After Mitigation***

The mitigation measures identified in Section 2.14 of the Draft EIR require local agencies to ensure that adequate public services are available prior to the approval of new development projects. If the implementing agency and/or project sponsor adopts these mitigation measures, it would reduce the cumulative contribution of the proposed Plan to less than considerable, and residual impacts on cultural resources would be less than significant (LS). However, the ability and requirement to implement such measures would ultimately be the responsibility of the local jurisdiction, and implementation cannot be guaranteed by MTC/ABAG, resulting in a cumulatively considerable contribution by the proposed Plan. Therefore, cumulative impacts would remain **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, which would avoid or substantially lessen the significant environmental effect, as identified in the final EIR (Finding (2)). Projects taking advantage of CEQA streamlining provisions of SB 375 (PRC sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures to address site-specific conditions to reduce impacts. However, MTC and ABAG cannot require local implementing agencies to adopt the identified mitigation measures. Therefore, specific economic, legal, social, technological, or other considerations make implementation of the mitigation infeasible (Finding (3)).

### ***Facts in Support of Findings***

- A. The assessment of impacts to public services and recreation related to implementation of the proposed Plan in Section 2.14 of the Draft EIR includes an analysis of the need for new facilities or modification to facilities, the construction of which causes significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools, emergency services, police protection, fire protection, and other public facilities; or regional parks or other recreational facilities.
- B. Law enforcement, fire protection, and emergency services are provided by local governments or fire protection districts for areas within their jurisdiction, although mutual aid agreements between agencies do help spread resources. The California Highway Patrol (CHP) has specific jurisdiction over all California state routes (including all freeways and expressways), US Highways, Interstate Highways, and all public roads in unincorporated parts of a county. The US Forest Service and State Department of Forestry and Fire Protection (CAL FIRE) provide fire protection services within many rural areas.
- C. Neighborhood and city/county parks and recreational services are provided by local governments for areas within their jurisdiction. The Bay Area also includes numerous regional, state, and federal parks, open space, and recreational areas. The effects of the proposed Plan as it relates to most public services and local parks and recreation, is not cumulatively considerable due to the localized (and inherently non-cumulative) nature of these services. However, cumulative impacts to: state routes, freeways, and other roads under the jurisdiction of the CHP; rural wildland fire areas protected by CAL FIRE; and regional, state, and federal parks, open space, and recreational areas cross jurisdictional boundaries of cities and counties.
- D. The proposed mitigation measures are expected to reduce the overall impact when implementing agencies require projects to comply with minimum levels of service policies and the payment of fair-share fees towards the costs of improving those services

## **FINDINGS REGARDING TRIBAL CULTURAL RESOURCES AND NATIVE AMERICAN COORDINATION**

Pursuant to Public Resources Code Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the

release of an environmental impact report, negative declaration, or mitigated negative declaration. These provisions were enacted by Assembly Bill (AB) 52, signed by Governor Edmund G. Brown, Jr., in September of 2014, and established a new class of resources under CEQA: “tribal cultural resources,” which are either eligible for listing on the national, state, or local register of historic resources; or a resource that the lead agency determines, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource pursuant to the criteria in Public Resources Code Section 50241(c). That section provides that a resource meets the criteria for listing as an historic resource in the CRHR if it meets any of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

AB 52 applies to those projects for which a lead agency had issued a Notice of Preparation (NOP) of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration on or after July 1, 2015. The NOP for the Plan was issued on May 16, 2016. Therefore, the requirements of AB 52 apply and MTC/ABAG initiated consultation with Tribes that requested consultation and those that were identified by the Native American Heritage Commission to learn about any tribal cultural resources in the Plan area. Correspondence in compliance with AB 52 is provided in Appendix L and summarized in Table 2.11-4 of the Draft EIR.

On August 12, 2016, MTC/ABAG sent letters to 17 Native American Tribes in compliance with AB 52. Only the Yocha Dehe Wintun Nation replied to the August 12, 2016 letter requesting dates and location for consultation. Independent of the letters sent by MTC/ABAG, the Lone Band of Miwok Indians and the Amah Mutsun Tribal Band sent letters requesting consultation pursuant to AB 52. MTC/ABAG requested consultation meetings with all three tribes; however, no tribes responded. Consequently, no tribal concerns or tribal cultural resources have been identified.

In addition to AB 52 consultation, MTC/ABAG sent a copy of the NOP to the following tribes on May 16, 2016.

- |   |   |
|---|---|
| ▲ Cloverdale Rancheria of Pomo Indians                        | ▲ National Indian Justice Center          |
| ▲ Dry Creek Rancheria Band of Pomo Indians                    | ▲ Redwood Valley Rancheria                |
| ▲ Federated Indians of Graton Rancheria                       | ▲ Scotts Valley Band of Pomo Indians      |
| ▲ Lone Band of Miwok Indians                                  | ▲ Torres Martinez Desert Cahuilla Indians |
| ▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria |   |

On May 26, 2016 MTC/ABAG mailed invitations to a Tribal Summit that was held on June 13, 2016. A second Tribal Summit was held on May 8, 2017 and MTC/ABAG mailed invitations on April 7, 2017. The invitations were sent to the following tribes:

- |  |  |
|--|--|
| ▲ Amah Mutsun Tribal Band                              | ▲ Lytton Rancheria                                 |
| ▲ Amah Mutsun Tribal Band of Mission San Juan Bautista | ▲ Middletown Rancheria of Pomo Indians             |
| ▲ Big Valley Rancheria                                 | ▲ Muwekma Ohlone Indian Tribe of the SF Bay Area   |
| ▲ Cloverdale Rancheria of Pomo Indians                 | ▲ National Indian Justice Center                   |
| ▲ Coastanoan Rumsen Carmel Tribe                       | ▲ North Valley Yokuts Tribe                        |
| ▲ Cortina Band of Indians                              | ▲ Potter Valley Rancheria                          |
| ▲ Cortina Rancheria                                    | ▲ Redwood Valley Little River Band of Pomo Indians |
| ▲ Coyote Valley Band of Pomo Indians                   | ▲ Redwood Valley Rancheria                         |
| ▲ Dry Creek Rancheria Band of Pomo Indians             | ▲ River Rock Casino                                |
| ▲ Federated Indians of Graton Rancheria                | ▲ Robinson Rancheria                               |
| ▲ Guidiville Rancheria                                 |  |

- ▲ Indian Canyon Mutsun Band of Costanoan
- ▲ Lone Band of Miwok Indians
- ▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- ▲ Lower Lake Rancheria Koi Nation
- ▲ Scotts Valley Band of Pomo Indians
- ▲ The Ohlone Indian Tribe
- ▲ Torres Martinez Desert Cahuilla Indians
- ▲ Wilton Rancheria
- ▲ Yocha Dehe Wintun Nation

The Commission/Board hereby finds that the actions taken, as described above, fully comply with the requirements of AB 52 as set forth in the Public Resources Code, and that MTC/ABAG have met their obligation for tribal consultation.

## FINDINGS REGARDING GROWTH INDUCEMENT

CEQA requires a discussion of the ways in which a project could be growth inducing. CEQA also requires a discussion of ways in which a project may remove obstacles to growth, as well as ways in which a project may set a precedent for future growth. CEQA Guidelines Section 15126.2(d) identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. New employees from commercial and industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. Examples of development that would indirectly facilitate or accommodate growth include the installation of new roadways or the construction or expansion of water delivery/treatment facilities.

The CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, it should not be assumed that induced growth is necessarily significant or adverse. The analysis in the Draft EIR examines the following potential growth-inducing impacts related to adoption and implementation of the proposed Plan:

1. Foster population growth and construction of housing;
2. Eliminate obstacles to population growth;
3. Foster economic growth;
4. Affect service levels, facility capacity, or infrastructure demand; and
5. Encourage or facilitate other activities that could significantly affect the environment.

(See Draft EIR pp. 3.2-6 – 3.2-8.) In summary, the proposed Plan accommodates growth to achieve better regional outcomes related to balancing jobs, housing, and population, increasing density and intensity of land use in order to lower greenhouse gas emissions, and achieving a better balance between land use strategies and transportation investments. This growth is not under the authority or control of MTC or ABAG. As dictated by existing state law, it will occur in a manner substantially consistent with local general plans, regional values and visions, and state and federal requirement. The proposed Plan accounts for growth likely to occur through 2040 and makes assumptions about location and design that promote regional environmental benefits. While the effects of growth inducement can be considered an adverse impact under CEQA, the proposed Plan accommodates projected growth and implements state mandates to integrate land use and transportation decision-making in a way that achieves improved environmental and social outcomes. Under the proposed Plan, GHG emissions and other environmental impacts would be lessened relative to what may otherwise occur absent the regional strategies embodied in the proposed Plan.

## FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project. Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

While use of nonrenewable energy and fuel; conversion of agriculture, open space, and habitat; release of pollutants emissions into the atmosphere; and climate change effects are in and of themselves generally irreversible resource commitments, the fact that the proposed Plan changes (slows) the rate of use of these resources is a beneficial outcome. Overall, implementation of the proposed Plan would commit existing and future generations to a more efficient use of nonrenewable resources than under presently planned conditions. (See Draft EIR pages 3.2-1 through 3.2-2.) Irretrievable commitments of non-renewable resources associated with the projected change in land use and transportation projects in the proposed Plan would include the following, which are analyzed in various sections of Chapter 2 of the Draft EIR, as noted.

1. Consumption of significant amounts of nonrenewable energy for construction, maintenance, and operation of new development or transportation projects. This is discussed in Section 2.4, “Energy.”
2. Use of building materials, fossil fuels, and other resources for construction, maintenance, and operation of new development or transportation improvements. This is addressed in Section 2.4, “Energy.”
3. Conversion of some resource lands, such as agricultural land, habitat areas, and other undeveloped lands into urbanized land or transportation uses. This is addressed in several sections, including Section 2.4, “Energy” and Section 2.9, “Biological Resources.”
4. Degradation of ambient air quality through the increase of harmful particulate matter caused by a cumulative increase in vehicle exhaust. This is addressed in Section 2.2, “Air Quality.”
5. Emission of greenhouse gases that would contribute to global climate change. This is addressed in Section 2.5, “Climate Change and Greenhouse Gases.”

## **FINDINGS REGARDING MITIGATION MEASURES AND ACTIONS AND PROGRAMS PROPOSED BY COMMENTERS**

Comments on the Draft EIR have suggested additional mitigation measures and/or modifications to the measures recommended in the Draft EIR, as well as suggested actions and programs that were not necessarily presented as mitigation measures, but could be interpreted as such because they propose specific actions that could be taken as part of Plan implementation. In considering specific recommendations from commenters, MTC/ABAG have been cognizant of the legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. It is recognized that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter’s eyes, reduce the severity of environmental effects. The Commission/Board is also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the MTC/ABAG expert staff and environmental consultants. It is thus the position of the Commissioners/Board that these recommendations should not be altered without considerable thought and compelling analysis. Thus, in considering commenters’ suggested changes or additions to the mitigation measures as set forth in the EIR, MTC/ABAG, in determining whether to accept such suggestions, either in whole or in part, have considered the following factors, among others: (i) whether the suggestion relates to an environmental impact that can already be mitigated to less than significant levels by proposed mitigation measures in the Draft EIR; (ii) whether the

proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the project objectives.

In addition to the responses to comments included in the Final EIR on specific Draft EIR mitigation measures, MTC/ABAG have prepared a table listing each new action and program suggested by commenters and responding to each. This is included below as **Table A**. As is evident from the specific responses given to each suggestion, MTC/ABAG have spent a considerable amount of time carefully considering and weighing proposed mitigations, actions, and programs. In response, MTC/ABAG developed alternative language addressing the same issue that was of concern to a commenter or explained why changes to the EIR were not required to address the concerns of the commenter. In no instance, however, did MTC/ABAG fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. The Commission/Board finds that the responses to comments in the Final EIR are supported by substantial evidence and that the Final EIR provides adequate and appropriate responses to all comments on the Draft EIR, including all comments proposing mitigation measures, and/or other actions and programs. The Commission/Board, therefore, incorporates those responses into these findings.

**TABLE A: SUGGESTED NEW ACTIONS AND PROGRAMS FROM COMMENTS ON DRAFT EIR**

Item #	Suggested Action	Source Comment	Implementation Status
Miscellaneous			
1	Internet – Provide an ultra-fast, high capacity optical fiber Bay Area internet system	2-9	Implementation of high speed internet falls outside the authority of MTC/ABAG. However, MTC tracks and monitors telecommuting's share of the regional commute through MTC's Vital Signs regional performance monitoring portal and promotes it as a TDM strategy.
2	Transit Proximity – Ensure that new housing no matter where located allows residents an opportunity to leave their cars at home (e.g., units near a BART station well served by buses).	6-2	The proposed Plan's focused growth and investment strategy relies on accommodating projected growth in existing communities ("PDAs") with access to transit to improve households' mobility choices. This strategy is bolstered by MTC's TOD Policy, One Bay Area Grant (OBAG) program, and PDA Planning grants.
3	Congestion Pricing – Once a usable network of trains and buses begins to take shape, gradually impose highway and congestion pricing fees.	6-2	The proposed Plan explores pricing the region's transportation system. The proposed Plan includes implementation of express lanes on Bay Area freeways, as well as a cordon pricing project in San Francisco. In addition, MTC/ABAG evaluated the impacts of a VMT fee on middle and upper income households through one of the CEQA alternatives.
4	Highway Safety – Lead agencies should consult with Caltrans on whether a safety analysis is needed for specific local land use projects.	34-5	Caltrans facilities are required to follow consultation requirements in the California Environmental Quality Act (CEQA) Guidelines Sections 15205 and 15206, which results in consultation with Caltrans through the CEQA notification process.

Item #	Suggested Action	Source Comment	Implementation Status
			MTC will be setting annual safety targets by February 2018 and annually thereafter in compliance with new federal safety requirements. Such targets will be incorporated in future TIPs and RTPs. These safety targets will further incorporate safety planning into MTC's performance-based planning efforts and inform future RTPs.
5	Corridor Plans-- Support advancement of corridor-level plans and implementation of projects that prioritize person throughput located on severely congested (LOS F) facilities.	39-3	MTC has Complete Streets and Bicycle/Pedestrian programs and related projects that have provided incentives for Bay Area jurisdictions to incorporate alternative modes as part of transportation planning and infrastructure investments. In addition, focused growth is central to the proposed Plan, providing for a strong connection between jobs and housing with the goal of reducing overall transportation demand through closer proximity of uses and amenities. The proposed request would be in conflict with projects intended to reduce demand. MTC and county congestion management agencies (CMAs) often engage in corridor planning efforts. Projects and strategies from these plans are considered and often included in the RTP. One recent example is the Core Capacity Transit Study, which focused on the Bay Bridge Corridor.
6	Compliance with MTP Countywide Transportation Plan Guidelines -- Undertake a formal evaluation of compliance of county RTP project submissions with the MTP Countywide Transportation Plan Guidelines.	41-11	CTP Guidelines are regularly updated by the Commission and regional priorities are updated with each RTP. CTPs are one input for identifying potential projects for inclusion in the RTP. MTC's project performance assessment evaluates project merits against changing regional priorities of each RTP, including GHG emissions.
7	Mode Shift -- Implement measures that take gradual effect to make solo driving no longer the easiest mode choice, or the default mode choice. A combination of convenient transit, unpleasant congestion and inconvenience, in addition to some form of pricing, will help stimulate a regional mode shift away from solo driving.	41-15	The proposed Plan directs significant investment toward increased mode share for transit and active transportation and maintains, modernizes and expands the regional transit network. Correspondingly, the proposed Plan encompasses limited expansion of the regional highway network.  The proposed Plan includes High Occupancy Toll (HOT) lanes ("express"); congestion pricing pilots; assumes bridge toll increases; funds an equitable regional Bike Share program; encompasses Complete Streets requirements through OBAG; funding and technical assistance for Trip Cap requirements, carsharing/carpool/vanpool programs.
8	Transit Service -- New transit services should be designed to capture the commuter market by providing non-stop service to major urban centers and employment centers.	41-24	The proposed Plan emphasizes investments in transit service to major urban and employment centers. For example, key Core Capacity Transit Study projects that will expand service to/from Downtown San Francisco are included in the proposed Plan. BART to Silicon Valley, Caltrain electrification and the Downtown Extension (DTX) extending Caltrain from San Francisco's 4 <sup>th</sup> & King station to the new Transbay Transit Center are encompassed in the proposed Plan and combined

Item #	Suggested Action	Source Comment	Implementation Status
			<p>with the existing rail network will provide frequent service commuter rail service between the region's three largest cities and major job centers.</p> <p>MTC has a number of significant programs structured to improve transit coordination and provide riders with a more seamless experience – including Clipper and 511.</p>
9	Housing Element -- The Housing Element Action Plan in Table 5.1 of the proposed Plan should be accelerated.	48-6	The elements of the Housing Action Plan are intended to be short-range in nature, and will be accelerated within the next four years.
10	Jobs -- Consult with other local agencies on strategies for bringing employment focused areas into the regional planning process.	50-1	The Economic Development component of the Action Plan includes the concept of Priority Production Areas as a way to help encourage local jurisdictions to plan for space needed for manufacturing, distribution, and repair. This effort is being accomplished in close coordination with local agencies.
11	Reporting -- Provide periodic (e.g., quarterly) progress reports on the Action Plan at Joint Planning and Administrative Committee meetings.	51-7	Staff will report on Action Plan progress semi-annually during the beginning of the next regional planning process.
12	Growth Strategy -- Incorporate strategies that increase housing in the West bay and increase jobs in the East Bay, in order to reduce Transbay demand and the cost of meeting that demand.	59-3	<p>The Action Plan discusses how the regional agencies – in partnership with business, workforce agencies and local jurisdictions – are working to establish a regional Economic Development District and accompanying Economic Development Strategy. This work will advance regional solutions related to business expansion and retention, workforce training, housing and workspace, and infrastructure improvements. This work will also enable the region to compete for public and private funding that can help leverage local assets in places poised for growth, particularly in communities of concern and other economically distressed areas.</p> <p>MTC/ABAG have implemented numerous programs to incentivize residential development including the Regional Housing Needs Allocation (RHNA); OBAG; TOAH; 80k by 2020; and, the Preservation Pilot. PDA Planning Grants and other technical assistance efforts are structured to support neighborhood development including both residential and commercial development. The fiscal costs and community benefits of commercial development are generally considered to be imbalanced in favor of commercial development. CASA will consider fiscal and tax policies that could address the fiscalization of land use.</p>
13	Electrification -- Full electrification of Bay Area transit system will be required to reach the carbon-free 2050 that is necessary. Supporting electrification of public vehicle fleets should also be a priority.	64-1	BART is an electrified system, as is a substantial portion of MUNI. The proposed Plan directs funding toward Caltrain electrification, a near-term project. MTC recommended a Bay Area GHG Target for the 2021 RTP/SCS to the California Air Re-



Item #	Suggested Action	Source Comment	Implementation Status
			sources Board (ARB) that included conditions related to legislation in support of electrification of Automated Vehicles and Transportation Network Companies such as Uber. MTC is committed to analysis of a variety of potential strategies related to reducing GHG emissions including electrification of the region's bus fleets.
14	Rooftop Solar -- Encourage communities to require or subsidize rooftop solar.	65-7	ABAG's BayREN Program finances and supports sustainable energy systems to encourage and incentivize solar and wind power for cities, businesses and homeowners.
15	Zero Emissions -- Include Increased deployment of zero-emission and near-zero emission technologies.	31-3	<p>The proposed Plan directs \$794 million toward the Regional Climate Initiatives program to reduce greenhouse gas emissions and other pollutants. Examples of initiatives include: commuter benefits (a pre-tax commute program), car-sharing, vanpooling, a Clean Vehicle Feebate Program, smart driving strategies, a vehicle buy-back and purchase incentive program, a regional electric vehicle charger network, and the climate initiatives innovative grants.</p> <p>The proposed Plan also includes \$5 billion of goods movement investment, including \$350 million for a clean-fuel and impact reduction program. This program will help to implement recommendations from the recently completed Freight Emissions Reduction Action Plan, a supplemental report for the proposed Plan. The Action Plan includes an analysis of various zero emission truck and rail scenarios, and concludes that the Bay Area should prioritize implementation of a Range-Extended Electric Vehicle (REEV) with engine (for urban delivery trucks) and yard switching using dual-mode electric locomotives with battery-assist (tender) cars. The proposed Plan also includes \$400 million for Smart Deliveries and Operations.</p>
Integrated Transit System			
16	Develop effective and well-integrated Bay Area network of trains and buses.	6-2	Clipper and the Regional Transit Mapping effort (under development) support seamless use of the region's existing transit service. Core Capacity Transit Study projects that will expand service to/from Downtown San Francisco are included in the proposed Plan. BART to Silicon Valley, Caltrain electrification and the Downtown Extension (DTX) extending Caltrain from San Francisco's 4 <sup>th</sup> & King station to the new Transbay Transit Center are encompassed in the proposed Plan and, combined with the existing rail network, will provide frequent service commuter rail service between the region's three largest cities and major job centers.

Item #	Suggested Action	Source Comment	Implementation Status
17	Develop a comprehensive active transportation plan and allocate funding for development of a regionally connected active transportation network	34-3; 63-2	The proposed Plan directs approximately \$5 billion in future funding toward multimodal and bicycle and pedestrian projects, all of which would contribute to a regional active transportation network. Each Bay Area county has a program for bicycle and pedestrian improvements that county congestion management agencies (CMAs), along with local jurisdiction partners, will administer within the proposed Plan's transportation investment strategy. MTC's OBAG program requires complete streets planning in all Bay Area jurisdictions.
18	To efficiently provide a more integrated regional public transportation system a recommended fourth strategy for inclusion in the proposed Plan would be to "integrate".	49-1	See 16.
19	Integrate the region's transit agencies into an effective streamlined regional body	64-5	See 16.
<b>TDM Measures</b>			
20	Easing transportation could be achieved through 1. Tax breaks; 2. Commuter perks; 3. Uniform HOV "rules" – two/three persons per vehicle; 4. More employer use "flex" time.	15-1	MTC/BAAQMD obtained legislation to implement a Commuter Benefits Ordinance for all Bay Area employers with 50+ employees. The proposed Plan funds a large-scale expansion of the Regional Express Lane Network that would expand the region's capacity for lanes dedicated to high occupancy vehicles.
21	Seek legislative rescission of Health & Safety Code Section 40717.9, enacted as SB 437, to return the power to air districts to implement effective strategies to reduce employee commute trips.	41-21	MTC recommended a Bay Area GHG emissions reduction Target for the 2021 RTP/SCS to the California Air Resources Board (ARB), which included conditions related to potential coordination with Air Districts for an Indirect Source Rule pertaining to Jobs-Housing connectivity.
<b>Water; Sewer; Utility</b>			
22	Encourage water agencies to adopt water pricing policies that reduce or eliminate a fixed charge for residential (or any) potable water use.	20-2	Specific policies on water pricing are outside the scope of the proposed Plan. The proposed Plan's focused growth strategy reduces the demand on the region's water supply. The proposed Plan's forecasted development pattern results in significantly lower per capita water use (Greenbelt Alliance Study). Note also that the EIR includes mitigation that would reduce impacts related to water supply to a less than significant level if implemented.
23	Water volume charges should be tiered from a very low price for minimal daily use (25 gallons or less per capita in a household) through many tiers (say ten or more) with each tier priced a multiple (say 125% or so) of the step below it.	20-2	Specific policies on water pricing are outside the scope of the proposed Plan. The proposed Plan's focused growth strategy reduces the demand on the region's water supply. The proposed Plan's forecasted development pattern results in significantly lower per capita water use (Greenbelt Alliance Study). In addition, the EIR includes mitigation that would reduce impacts related to water supply to a less than significant level if implemented.

Item #	Suggested Action	Source Comment	Implementation Status
24	Water metering technology currently in use should be replaced with smart meters so that water suppliers can focus personnel on water loss prevention rather than meter reading and so that each household, even in multi-unit buildings, can be billed monthly separately.	20-2	Specific policies on water metering are outside the scope of the proposed Plan. The proposed Plan's focused growth strategy reduces the demand on the region's water supply. The proposed Plan's forecasted development pattern results in significantly lower per capita water use (Greenbelt Alliance Study). In addition, the EIR includes mitigation that would reduce impacts related to water supply to a less than significant level if implemented.
25	Water agencies should bill water treatment costs to residential water users based on the volume of potable water used by the household rather than a fixed amount.	20-2	Specific policies on water pricing are outside the scope of the proposed Plan. In addition, the EIR includes mitigation that would reduce impacts related to water supply and wastewater treatment to a less than significant level if implemented.
26	More deeply integrate water and land use decisionmaking to support water-wise development patterns and safeguard our region's watershed lands and water sources.	45-1	The proposed Plan's focused growth strategy reduces the demand on the region's water supply. The proposed Plan's forecasted development pattern results in significantly lower per capita water use (Greenbelt Alliance Study). In addition, the EIR includes mitigation that would reduce impacts related to water supply to a less than significant level if implemented.
27	Sewer charges should be billed based on two components: a variable component driven by metered potable water use and a fixed component based on the hard surface (impermeable) area of the property (roofs, driveways, paved areas draining to the street) and half the width of its surrounding streets.	20-2	Specific policies on sewer pricing are outside the scope of the proposed Plan. In addition, the EIR includes mitigation that would reduce impacts related to wastewater treatment to a less than significant level if implemented.
28	Recognize the shared use of existing transportation and utility corridors, and assure coordination with local utility providers.	52-4	Specific policies related to utility right of way coordination are outside the scope of the proposed Plan, but MTC recognizes this link and much of this coordination occurs on the local level.
29	Analyze Bay Area potable water availability long-term (especially given the statewide demand for water and the anticipated population and jobs growth) and the reuse of wastewater and storm water that would be included into the PBA update due in 2021.	57-1	Water agencies serving the Bay Area are required by law to consider future water supply relative to General Plans. In addition, the EIR includes mitigation that would reduce impacts related to water supply to a less than significant level if implemented.
30	Work with water supply and groundwater managers to fully assess the regional implications of major new developments.	60-3	Water agencies serving the Bay Area are required by law to consider future water supply relative to General Plans. In addition, the EIR includes mitigation that would reduce impacts related to water supply and wastewater treatment to a less than significant level if implemented.
<b>Community Health</b>			
31	Improve community health and resilience; assess potential vulnerability to high heat due to impervious surfaces and include appropriate mitigations, ensure targeted outreach and engagement of climate vulnerable communities, and identify policies to ensure that the needs of these communities are met.	31-1	The Action Plan includes social vulnerabilities as a high priority for a resilience technical team. It also emphasizes an expansion of the region's network of natural infrastructure as a way to help mitigate urban heat island effects and enhance community health.

Item #	Suggested Action	Source Comment	Implementation Status
32	Make housing resilient to natural hazards. Include measures that improve the daily health of the residents such as weatherization, reducing toxic exposures such as lead, asbestos, mold and pests/vectors, and requiring advanced air filtration in developments near sources of air pollution.	31-1; 49-1	BAAQMD's policies and best practices related to healthy infill development and reducing the impact of pollution sources are outlined in Planning Healthy Places that was developed in coordination with MTC/ABAG and mitigation measures included in the Plan EIR are consistent with recommendations and best management practices included in Planning Healthy Places.
33	Incorporate a cross-sector approach to addressing resilience in PDA planning that seeks to link public health, emergency preparedness, transportation, land use and community development.	49-1	The PDA Planning Grant program encompasses a multi-issue, comprehensive approach to developing neighborhood specific plans.
34	Strengthen Resiliency Actions section by including actions to assess potential vulnerability to other climate change impacts such as heat, precipitation, air quality and wildfires and identify policies, systems and programs to build resiliency across these impacts.	49-1	The Action Plan has been modified in response to comments like these to strengthen the actions that will be taken. Resilience efforts help the region protect assets and people from natural disasters like earthquakes, floods, landslides, and fires as well as prepare for climate change hazards like sea level rise, extreme storms, and droughts.
35	Add further actions to address the health impacts of climate change such as the adverse health effects of exposure to extreme heat events, interruption of water and food supplies, and air quality hazards. These actions should pay particular attention to vulnerable communities as to not exacerbate existing health inequities.	49-1	See 31.
36	Encourage robust partnerships between regional agencies and public health departments.	49-1	MTC/ABAG have incorporated input from BARHII and public health agencies relative to significant planning and policy issues.
<b>Allocation of Funding; Conditioning of Funding</b>			
37	General – Ensure holistic transportation funding strategy to ensure that regional needs are met, including recreation, agriculture, and other non-urban needs.	49-2	MTC's Project Performance Assessment considers both cost/benefit and adopted regional performance measures to determine the inclusion and prioritization of transportation projects/investments in the proposed Plan.
38	Job Quality -- Existing and new funding sources identified to advance resilient communities should promote family-supporting jobs and offer training opportunities for underserved residents.	31-1; 49-1	The Economic Development component of the Action Plan includes a strategy to access infrastructure and workforce training funding for economic development. This could include, for example, incentivizing job growth in jobs-poor cities, assistance with downtown revitalization, and seed funding for commercializing clean energy technology.
39	Job Quality -- Creation, appropriate training for, and retention of family-supporting jobs and industries that improve public health and do not further exacerbate environmental degradation. For example, criteria and incentives for PDAs should promote the creation and preservation of middle-wage and living-wage jobs and clean industries.	31-1	See 10.

Item #	Suggested Action	Source Comment	Implementation Status
40	Job Quality -- Measure the direct, indirect, and induced impact of transportation investments on the creation and preservation of middle-wage jobs and assess whether or not land-use policies are incentivizing or hindering the location of middle-wage industries.	31-1	The Economic Development component of the Action Plan includes an emphasis on closing data gaps and improving information accessibility. MTC/ABAG will continue to collect, analyze and disseminate data about economic development opportunity sites and vacant lands, zoning, jobs and industry trends and policy implementation by local governments to inform local, regional, and state policy development and evaluation, including PDA performance. The agencies will also evaluate potential refinements and improvements to regional agencies' economic modeling capacity.
41	Design -- Existing and future funding sources and preservation and rehabilitation programs should promote healthy design guidelines and green buildings.	31-1	ABAG's Bay Area Regional Energy Network (BayREN) provides a wide range of targeted, integrated, and regional-scale climate solutions that advance the capacity of local governments to offer, implement, and deliver energy efficiency and other sustainable services to their constituents. BayREN's programs include energy-saving retrofits for single-family homes and multi-family homes, assistance to improve compliance with energy codes and standards, and on-bill financing tools to facilitate water and energy efficiency upgrades (such as the PAYS program).
42	Affordable Housing -- Outline specific existing and additional sources of funding and strategies to preserve existing affordable units and to incentivize local jurisdictions to support anti-displacement measures.	31-1	See 12. Also, OBAG2.0 approved in 2016 requires that CMAs consider the existence of anti-displacement policies relative to funding decisions and prioritizes PDA Planning Grants and Technical Assistance for communities where displacement has occurred or that are at a higher risk of future displacement.
43	Affordable Housing -- Identify immediate actions that MTC and ABAG can take to pursue a strong legislative strategy to advance affordable housing and the protection of low-income tenants from displacement. It should also outline the existing and future sources of funding that could be conditioned to incentivize the development of affordable and healthy housing—for example RM3.	31-1	The Housing component of the Action Plan emphasizes the advancement of state legislative and funding solutions, including securing a permanent source of affordable housing funding, increasing community stabilization and lessening displacement risk, reducing costs and barriers to housing development, incentivizing developers to create work-force and low-income housing, incentivizing the creation of accessory dwelling units, as well as other measures that will contribute to increased supply of both market-rate and affordable housing.
44	Affordable Housing -- Condition discretionary funding on strong local jurisdiction performance on both affordable housing production and protection of existing renters from displacement. These measures should be included in funding commitments for new and existing programs (e.g., OBAG, RM3, SB1).	47-31	The Housing component of the Action Plan includes direction to evaluate expanded policies connecting transportation funding to housing production and performance. MTC/ABAG will analyze the feasibility of incentivizing housing production with pertinent existing and new transportation funding sources, with particular emphasis on housing affordable to very low-, low- and moderate-income households, as well as anti-displacement and community stabilization.

Item #	Suggested Action	Source Comment	Implementation Status
45	Affordable Housing – Consider measures to directly mitigate loss of affordable housing and the slow pace of new affordable housing. Identify and develop new regional funding sources that would be used to develop new and preserve existing affordable housing (e.g., regional infill infrastructure bank)	47-32	See 42, 43, and 44.
46	Affordable Housing – Add actions that would lead to adoption of inclusionary zoning policies or other mechanisms to produce 10 percent affordable housing equivalent to what was assumed in the plan.	51-2	See 42, 43, and 44.
47	Affordable Housing – Add strategies that would lead to adoption of higher densities, eased parking requirements in new housing developments, subsidies to stimulate housing and commercial development, and a commercial development fee to fund affordable housing equivalent to what was assumed in the plan.	51-2	See 42, 43, and 44.
48	Affordable Housing – Build on the One Bay Area Grant (OBAG) program by conditioning additional transportation funding on local affordable housing and anti-displacement outcomes.	24-1; 51-4	See 44.
49	Affordable Housing – Develop a regional source of revenue for building and preservation of affordable housing.	24-1; 51-4	The Action Plan emphasizes the advancement of regional “self-help” funding and financing solutions for housing. This includes developing a plan for generating regional revenues for the production and preservation of housing affordable to low- and moderate-income households (which could include measures such as a parcel tax, commercial linkage fee, or other dedicated funding). It also includes the evaluation of the creation of innovative financing tools, such as a regional infill Infrastructure Bank, a land bank, or a Regional Housing Trust Fund, to support new housing or infrastructure improvements.
50	Affordable Housing – Identify and adopt new regional funding sources for affordable housing production and preservation (e.g., through RM 3, HOV tolls, a regional bond measure, a regional impact fee, and private sector contributions) sufficiently scaled to meet needs as projected in Plan Bay Area, and a specific timeframe by which to expect the revenue plan (e.g., November 2017).	24-1; 51-7	See 49.
51	Affordable Housing – Condition discretionary funding on strong local jurisdiction performance related to affordable housing and prevention of displacement.	51-7	See 44.
52	Affordable Housing – Expand existing funding programs that include housing provisions or conditions.	51-7	See 44.

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53	Affordable Housing – Review all federal, state, and regional funding sources it currently manages by the end of 2017 and report to the Joint MTC Planning and ABAG Administrative Committee with recommendations on how housing conditions could be integrated into the provision of those funds.	51-7	See 44.
54	Affordable Housing – Tie funding sources to both affordable housing production and anti-displacement protections.	51-7	See 44.
55	Affordable Housing – Build on existing efforts to inventory public land and to require compliance with the state Surplus Land Act to be eligible for OBAG funding by including an action to create incentives for use of public land for affordable housing development.	51-7	The Action Plan includes the development of a strategy for the use of public land proximate to major transit assets to facilitate the development of housing affordable to low- and moderate-income households through conditions and provisions on funding sources.
56	Affordable Housing - Refine and expand existing initiatives such as OBAG, NOAH, JumpStart, and transportation funding conditioned on housing performance.	51-7	The Action Plan commits MTC/ABAG to build on recent housing policy successes, including implementing the housing and community stabilization initiatives adopted in the second cycle of the One Bay Area Grant (OBAG) program from 2017-18 to 2021-22, such as the Preservation Pilot (previously known as NOAH), 80k by 2020 initiative, Transit-Oriented Affordable Housing (TOAH) fund, and JumpStart program to encourage equitable and sustainable development. MTC/ABAG will evaluate the performance of these strategies and applicability of expanding these types of loan and direct investment programs for future funding programs.
57	Affordable Housing – Commit to creating a regional infill Infrastructure Bank that could subsidize infrastructure improvements on sites dedicated to the development of affordable housing.	51-7	The Action Plan includes the evaluation of the creation of innovative financing tools, such as a regional infill Infrastructure Bank, a land bank, or a Regional Housing Trust Fund, to support new housing or infrastructure improvements.
58	Affordable Housing – Provide examples (beyond planning grants) of “upcoming new funding sources” where housing provisions or conditions – including affordable housing production and anti-displacement protections – will be added, such as OBAG, RM3, SB1, etc.	51-7	See 44 and 49.
59	Affordable Housing – Rather than wait to “implement the recommendations of CASA,” pursue funding and legislative solutions right away, including a permanent source of affordable housing funding, protecting tenants from displacement, strengthening housing element law, supporting fair housing, and eliminating the <i>Palmer</i> decision’s limitation on inclusionary zoning.	51-7	See 43, 44, and 49.

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60	Air Quality -- Identify specific communities (by census tract) expected to see inequitable increases in air pollution. Ensure that regionally controlled/ funded programs include targeted, enforceable provisions to improve air quality in these communities.	31-3	See 32. The Draft EIR assesses mobile source air quality by County and by BAAQMD's Community Air Risk Evaluation (CARE) status. The CARE Program unites government, communities, and businesses to address areas of concentrated air pollution and related public health effects in the Bay Area.
61	Trip Caps -- Require jurisdictions to enact trip caps as a condition of their eligibility for OBAG funding.	41-10	MTC/ABAG's Climate Initiatives Program encompasses funding to establish Trip Cap ordinances in Bay Area cities.
62	Compliance - Make compliance with MTC Countywide Transportation Plan Guidelines mandatory for submission of a county's project list into the RTP. This would require amendment of Resolution 2120 revised September 2014.	5-5; 41-12	CTP Guidelines are updated periodically. CTP guidelines are not mandates or regulations.
63	<p>TDM -- Require the adoption of Mitigation Measure 2.1-3(b) as a condition of project funding.</p> <p>Mitigation Measure 2.12.1-3(b) -- Transportation demand management (TDM) strategies shall be incorporated into individual land use and transportation projects and plans, as part of the planning process. Local agencies shall incorporate strategies identified in the Federal Highway Administration's publication: <i>Integrating Demand Management into the Transportation Planning Process: A Desk Reference</i> (August 2012) into the planning process (FHWA 2012). For example, the following strategies may be included to encourage use of transit and non-motorized modes of transportation and reduce vehicle miles traveled on the region's roadways:</p> <ul style="list-style-type: none"> <li>-Include TDM mitigation requirements for new developments.</li> <li>-Incorporate supporting infrastructure for non-motorized modes, such as bike lanes, secure bike parking, sidewalks, and crosswalks.</li> <li>-Provide incentives to use alternative modes and reduce driving, such as universal transit passes, road and parking pricing.</li> <li>-Implement parking management programs, such as parking cash-out, priority parking for carpools and vanpools.</li> <li>-Develop TDM-specific performance measures to evaluate project-specific and system-wide performance.</li> </ul>	41-13	See 7 and 12. MTC's PDA Planning Program, funded under OBAG, provides grants to cities and counties to help them develop local land use plans and policies for areas surrounding future rail stations and ferry terminals. These plans are required to address a series of elements that improve multimodal connectivity and accessibility, which may include strategies like parking management programs and the provision of incentives to use alternative modes. Additionally, OBAG directs funds (70% urban counties/ 50% North Bay counties) to PDAs to further support efforts for focused growth. OBAG has also funded a Naturally-Occurring Affordable Housing (NOAH) pilot revolving loan fund, and a pilot program to incentivize the production of affordable housing -- 80K by 2020 Challenge Grant.



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	<p>-Incorporate TDM performance measures in the decision-making process for identifying transportation investments</p> <p>-Implement data collection programs for TDM to determine the effectiveness of certain strategies and to measure success over time.</p> <p>-Set aside funding for TDM initiatives.</p>		
64	TDM – Create more restrictive standards for a jurisdiction's eligibility for OBAG funds, based on San Francisco's "Transportation Demand Management Program" and on the principles advocated by environmentalists in their sales tax proposal to the Sonoma County Transportation Authority. That proposal demonstrates a method of conditioning road maintenance funding to a shifting of all future development capacity into urbanized areas, especially PDAs.	41-14	See 7, 12, and 37.
65	VMT – Shift funding away from projects that increase VMT, including highway expansion projects and regional express lanes.	5-8; 41-17	See 7, 12 and 37.
66	<p>VMT – Shift funding away from transit megaprojects that do not cost-effectively reduce VMT, because projected ridership gains are small compared to the cost. The most expensive projects of this type are:</p> <ul style="list-style-type: none"> <li>•BART to Silicon Valley – Phase 2</li> <li>•Caltrain Modernization – Phase 1</li> <li>•Clipper</li> </ul>	41-18	MTC conducts a rigorous project performance assessment for major projects based upon regional performance targets adopted with each RTP. The projects listed here scored well on that assessment.
67	<p>VMT – Cancelling the following projects and reprogramming their funding will avoid the impact of increased VMT and GHG emissions:</p> <ul style="list-style-type: none"> <li>•SR-4 Bypass (if not under construction)</li> <li>•SR-4 Widening (if not under construction)</li> <li>•Irvington BART Infill Station</li> <li>•Alameda Point-San Francisco Ferry</li> <li>•Antioch-Martinez-Hercules-San Francisco Ferry</li> <li>•Berkeley-San Francisco Ferry</li> <li>•SR-4 Auxiliary Lanes</li> <li>•I-680/SR-4 Interchange Improvements</li> <li>•I-80/680/SR-12 Interchange Improvements</li> <li>•Lawrence Expressway Upgrades</li> <li>•SR-262 Widening</li> <li>•SR-84 Widening + I-680/SR-84 Interchange Improvements</li> <li>•US-101 Marin-Sonoma Narrows HOV Lanes – Phase 2</li> </ul>	41-20	Projects that do not have complete funding commitments are evaluated during each RTP/SCS cycle for their costs and benefits, including such things as impacts on GHG emissions. A number of these projects are already under construction and thus are "committed" pursuant to MTC/ABAG policy.

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	<ul style="list-style-type: none"> <li>• US 101 &amp; I-280 HOV Lanes in San Francisco</li> <li>• East-West Connector</li> <li>• Jepson Parkway</li> </ul>		
68	VMT – Provide road maintenance tax money only to jurisdictions that meet the VMT growth standard. This would incentivize a shift in the planning for future growth, moving it away from greenfields and into already urbanized areas, especially PDAs.	41-27	Greater than 70% of the proposed Plan's projected household growth is planned to be accommodated in existing urbanized areas with access to transit ("PDAs"). Additionally, county OBAG funds are required to be largely spent in or in support of PDAs. Neither the region nor individual counties have a VMT growth standard.
69	Employer Tax – Propose an employer tax to fund Bay Area public transit needs and perhaps to support desperately needed investments in housing as well.	64-4	See 9 & 12.
70	Transit – Devote all infrastructure expansion funds to transit.	64-5	While only a small percentage of the proposed Plan's overall transportation investment strategy, strategic roadway expansion remains an important priority to help move toward the proposed Plan's performance targets, which include: increasing the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions; reducing per capita delay on the Regional Freight Network by 20 percent; and from cars and light-duty truck by 15 percent by 2035 relative to 2005 levels. Furthermore, strategic roadway expansion is not an investment intended solely to support solo drivers, but to increase the mobility of all of the region's highway users, including carpools, freight, and public transportation.
71	Transit – RTP Table 4.5 shows that four of the top ten RTP investments are for projects that meet these two criteria for cancellation. If these projects were all deleted from the RTP, there would be plenty of resources to impact residents' mode choice decisions, both by providing cost-effective convenient transit service, and by keeping fares low. Investing their \$15.6 billion price tag in alternative projects could do wonders for building a convenient comprehensive regional transit network and providing it with transit operating funds to enable operators to keep fares low.	5-7; 41-19	Major capital projects were evaluated via the Plan's project performance assessment. While some of the projects on this list are expensive, they are also forecast to deliver substantial benefits to the region.
72	Transit – Increase transit operating hours; if necessary shift funding from capital projects and/or roadway projects.	59-4	A number of projects in the proposed Plan increase hours of service. MTC's Fix it First policy is structured to help ensure that maintenance of the region's infrastructure is prioritized along with transit operations.
73	PDA – Encourage development of PDAs through a designated funding program.	41-27	See 2, 12, 42, 59, and 68.

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74	PDA – Provide enough transit operating funds to enable the operation of a robust transit network linking the PDAs.	41-27	The proposed Plan fully funds transit operating needs for existing transit services while also funding the majority of remaining high-priority transit capital needs. The Plan also invests in transit capital expansion as well as increases in transit operations.
75	TDR Coordination – Fund an office to coordinate the Transfer of Development Rights from greenfield areas to PDAs.	41-27	The proposed Plan incorporates all future development within the 2010 urban footprint.
76	Complete Streets – Implement and fund a complete streets treatment within each PDA.	48-5	MTC's OBAG program requires a Complete Streets policy in all Bay Area jurisdictions.
77	RHNA – Allocation of OBAG and other regional discretionary funds needs to be tied directly to achievement of RHNA number for each jurisdiction – measured in terms of actual construction, not merely permits issued. If a jurisdiction has received funding from MTC and the jurisdiction is not getting housing production needed, it should be possible to rescind the funds.	48-6	OBAG funding for counties is based in part on the housing productivity (number of permits). The new 80k x 2020 program provides a direct nexus between transportation funding and housing productivity.
78	Equity – Make equity a key consideration for any funding provided for adaptation and resilience efforts.	49-1	See 31.
79	TOD – Provide grant funding to local agencies for policy work that attempts to modify or support Transit Oriented Development.	50-2	Significant existing programs already exist. See 2, 12, 42, 59 and 68.
<b>Open Space, Farmland, Trails</b>			
80	Work with partners to identify the regional funding gap for open space preservation and stewardship. Help to develop an integrated regional funding strategy, uniting the nine Bay Area counties, to secure new funding sources to close this gap. Support this effort by committing to include innovative conservation strategies in the disbursement of funds from RM3 and other regional transportation funding sources.	45-1	<p>MTC/ABAG's Priority Conservation Grants, RAMP Initiative and the growth pattern of PBA2040 together serve to reinforce the region's legacy of protecting open space.</p> <p>The proposed Plan discusses the region's strong local movement to protect greenfield development during the latter half of the 20th century to protect farm lands and open space. Local governments adopted urban growth boundaries and helped lead a "focused growth" strategy with support from environmental groups and regional agencies to limit sprawl, expand recreational opportunities and preserve scenic and natural resources. Despite strong economic growth and population increases since the end of the Great Recession, the Bay Area has experienced less greenfield development than in decades past, a result that can be attributed to smart local policies.</p>
81	Condition regional transportation funds on local protection of open space, building on the One Bay Area Grant (OBAG) framework. For example, condition eligibility for OBAG funds on local adherence to the open space protection target in Plan Bay Area 2040.	45-1; 46-6	See 80.

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82	Continue to expand funding for the successful Priority Conservation Area (PCA) grant program and move toward one regional PCA grant program with consistent rules and administration.	45-1; 45-6	See 80.
83	Identify the regional funding gap for open space preservation and stewardship. Develop an integrated regional funding strategy, uniting the nine Bay Area counties, to close this gap. In developing this strategy, a variety of tools should be explored, including regional and sub-regional funding measures, Regional Conservation Investment Strategies, Transfer of Development Rights programs, and others.	45-6	See 80.
84	Adopt a Regional Advanced Mitigation Program (RAMP) to coordinate funding for open space protection related to expected impacts from transportation projects. If the model is successfully established for the transportation sector, consider expanding the model for other infrastructure sectors in the future. Expand the RAMP program to development projects.	45-6	RAMP was adopted in June 2017. The recommendation included adopting RAMP as the preferred mitigation strategy for the Bay Area; directing staff to develop RAMP pilots, and engage with Caltrans, State Coastal Conservancy, and other partners on implementation strategies; directing staff to examine funding options for a self-sustaining fund and to fund reasonable costs associated with implementation, conditioned on further Commission authorization and approval of future agency budgets or other processes; and reporting back in 2018 on the status of the RAMP pilots and implementation.
85	Increase policy support to local jurisdictions to advance open space protection and stewardship.	45-6	See 80.
86	Needed regional actions include: distribution of best practices in local open space protection policies, facilitating a strong conservation role for LAFCOs, enhancing urban greening within Priority Development Areas, and aiding in the development of local environmental justice policies to foster equitable access to parks and open space in keeping with SB 1000 of 2016.	45-6	See 80.
87	Ensure agricultural lands remain in active production by developing a regional farmland protection plan that identifies opportunities and potential funding, such as agricultural easement programs, for enhancing the economic viability of agriculture and permanently protecting agricultural lands to help secure our region's food supply.	45-6	See 80.
88	Include strong mitigation actions for farmland loss anticipated in the Plan Bay Area 2040 growth footprint. Enhance the mitigation ratios that were included in the EIR for Plan Bay Area 2013 to better reflect the value of agriculture lands.	45-6	See 80.

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89	Integrate funding for regional agriculture programs in the Bay Area's forthcoming Comprehensive Economic Development Strategy (CEDS) and new Regional Economic Development District (REDD).	45-6	See 80.
90	Support the completion of the Bay Area regional trail network and expand our system of urban trails, parks, and bikeways to serve the Bay Area's diverse population.	45-64	The Plan directs over \$220 million to expanding the Bay Trail. The Bay Trail is administered by MTC/ABAG and receives a significant portion of funding from the Bay Area Toll Authority. The Trail is now being planned in coordination with the regional bike and pedestrian network as part of the integration of the MTC and ABAG planning departments – Bay Area Metro.
91	Expand "Transit to Trails" programs to enhance access to open space and reduce vehicle miles traveled and greenhouse gas (GHG) emissions.	45-6	See 90.
92	Establish a Regional Bicycle and Pedestrian Metrics Program to aggregate data on walking and biking throughout the region, including segments of the regional trail system.	45-6	MTC's Vital Signs regional performance monitoring portal incorporates aggregate data related to walking and biking.
93	Encourage policies and funding for nature-based solutions and green infrastructure in urban areas to incorporate natural systems into the built environment, address challenges such as flood control and water supply protection, and provide environmental, health, and safety benefits to Bay Area residents.	45-6	The San Francisco Estuary Project has developed a series of best practices related to PDA Development and green infrastructure.
94	Compile and integrate conservation-related datasets across the region. Provide a mechanism to allow public agencies and stakeholders to easily access and incorporate this data at all stages of decision making.	45-6	MTC/ABAG Data Visualization is currently working with key stakeholders to develop a Green Infrastructure data set.
95	Establish new regional policies to factor in natural resources, working lands, and parks in infrastructure plans, programs, and project decisions. Include a full assessment of conservation impacts, such as water and energy use, farmland and habitat preservation, and carbon sequestration in future regional planning scenario assessments.	45-6	See 80 and 94.
<b>Sea Level Rise</b>			
96	Ensure that any new transportation project, especially those with design lives of 50 to 75 years and longer, are resilient to increasing sea level rise and other climate change impacts.	34-4	<p>Most projects have design lives of 20-30 years, although major bridges and tunnels have much longer useful lives.</p> <p>MTC partnered with the Bay Conservation and Development Commission (BCDC) and their Adapting to Rising Tides (ART) Program on a series of projects to understand the vulnerability and consequences of sea level rise inundation and storm event flooding on transportation infrastructure.</p>

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			In 2016 MTC, in partnership with BCDC and the Bay Area Regional Collaborative (BARC), was awarded a Caltrans Sustainable Transportation Planning Grant to develop a regional adaptation planning process aimed at increasing the resilience of the region's transportation and community assets. The project is expected to be completed in 2019.
97	Develop a robust regional plan for sea level rise and climate adaptation, with an emphasis on strategies that protect and enhance our natural resources as a strategy for resilience.	45-6	See 31 and 96.
<b>Rail</b>			
98	Replace existing short-haul locomotives with cleaner engines, reduce idling of trucks at ports and in traffic, and enact and enforce truck route restrictions.	38-5	See 15. The proposed Plan encompasses key components of the Regional Goods Movement Plan adopted in 2016 including a number of clean freight projects.
99	A direct link between BART and ACE in Livermore would improve interregional rail connectivity.	66-6	This project is currently under study. BART staff is currently preparing a project-level Draft Environmental Impact Report (Draft EIR) on the BART to Livermore project to extend the BART rail line along I-580 from the existing Dublin/Pleasanton Station to a new station in the vicinity of the Isabel Avenue interchange. As the analysis continues a project alternative may be advanced for consideration in future RTPs.
<b>Design</b>			
100	Measures that prevent pollution from entering the new homes that are predicted to be built over the lifetime of the Plan, as well as existing homes, must also be considered. These measures include high efficiency air filtration systems, weatherization measures that reduce infiltration, and buffers such as trees.	38-6	See 32.
101	Consider recommending buffer zones between new housing and sources of pollution, especially for diesel particulate matter, because even moving homes short distances from sources of diesel particulate matter can substantially reduce the risk.	38-6	See 32.
102	Efforts to promote preservation and rehabilitation of housing should promote healthy design guidelines, the use of high quality materials, and green building techniques.	49-1	See 9, 12.
<b>Goods Movement</b>			
103	Seek new funds or use existing funds to accelerate implementation of the Plan Bay Area Freight Emission Reduction Action Plan.	38-7	The freight emission reduction action plan has been prioritized in the proposed Plan and MTC is working to identify additional funding.
104	Ensure that the port and airport transition to zero emissions cargo handling equipment and ground support equipment expeditiously.	38-8	See 103.

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105	Transition local or “last-mile” delivery trucks to zero emission technology as soon as possible.	38-9	See 103.
106	Consider opportunities presents by the Port of Stockton “M-580 Marine Highway” approach to goods movement improvement.	48-9	The marine highway project was partially funded with federal grant monies in 2013. Designed as a for-profit business, the corridor did not generate sufficient container traffic by 2014 to maintain a weekly schedule. The project is included as a “Discussion Concept for Potential Future Action” in the California Sustainable Freight Action Plan, which states “the State sees this as an opportunity to expand markets and promote workforce development at inland ports, with a focus on zero-emission corridors.” The M-580 concept was not submitted for consideration in the proposed Plan, but MTC will continue to work with its megaregional partners and state agencies on this and other complex, big-picture concepts, which require further analysis to determine feasibility and effectiveness.
<b>VMT</b>			
107	Include a VMT goal in the Plan to allow local governments to evaluate consistency and thus satisfy OPR guidance regarding transportation impacts of land use plans.	39-2	The Plan includes a per-capita GHG emissions reduction target. Further, the Plan achieves the SB 375 GHG reduction target allowing subsequent projects to make a consistency determination.
108	Include a regional VMT fee on residential and commercial development based on geographic location, square footage, and projected VMT. The fee should apply in high VMT settings with revenues used to support multimodal transportation improvements in the region. The fee could be implemented by the BAAQMD as part of an indirect source rule and could serve as a feasible mitigation measure for development projects.	39-3	See 21. MTC/ABAG included a development fee related to VMT in the proposed Plan to influence the region’s forecasted development pattern and realize the region’s focused growth strategy. MTC/ABAG evaluated the effects of the application of a development fee assessed for certain types of new development in high VMT locations and transferred as a subsidy to areas of low VMT. In the proposed Plan, fees are assessed on the development of new office spaces in zones with high average VMT for workers with jobs in that TAZ. These fees make some potential projects infeasible, causing them to locate in more VMT-efficient locations. The projects that are built in high VMT locations contribute to a fund that subsidizes deed-restricted, low-income housing within the PDAs.
109	Provide maps and data to indicate VMT for different land use types throughout transportation analysis zones (TAZs) in the region. Compare the VMT in different TAZs to regional averages. This would allow local jurisdictions to use the information for implementing SB 743	39-4	MTC/ABAG is developing maps of this type to assist communities developing climate action plans
110	Set countywide standards for allowable growth in future VMT.		Travel patterns are influenced by both the location of origins (i.e., households) and destinations (i.e., job centers, schools, shopping, recreation) and the transportation systems that link them. Commute and other travel is not county specific, as a traveler may cross various counties on their journey. As noted in MTC’s Vital Signs regional performance

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			monitoring portal, in the case of the Bay Area, San Francisco and Silicon Valley job centers demonstrate their abilities to operate as magnets, attracting commuters from across the region. Assigning thresholds or guidance on allowable countywide VMT growth would be problematic.
<b>Employer Incentives</b>			
111	Seek legislative authorization to expand the Commuter Benefits Ordinances to all employers with ten or more employees.	41-10	The 50-employee threshold was chosen because it is feasibly affordable by businesses of that size. Enforcement and undue economic impacts on small employers would make 10-person employers very challenging.
112	Seek legislative authorization to extend mandatory parking cash-out to all employer-provided parking, not just leased parking.	41-21	MTC/ABAG recognize that parking cash-out programs have potential to reduce VMT. That said, parking cash-out is not likely a viable option for employer-owned parking. MTC/ABAG will continue monitoring existing parking cash out provisions before advocating for legislation to expand such programs.
<b>Sales Tax</b>			
113	Seek legislation to require MTC approval of proposed transportation sales taxes to ensure consistency with its Countywide Transportation Plan Guidelines before they can be placed on the ballot.	41-21	Sales tax/ballot measures have longer shelf lives than CTP Guidelines and are in response to local needs and priorities. Many ballot measures do not fully fund projects and therefore the projects are subject to MTC's project performance assessment before their inclusion in an RTP because the projects lack complete funding packages.
114	Seek legislation to clarify the CEQA responsibilities of agencies placing transportation sales taxes on the ballot.	41-21	MTC's funding programs (i.e. TIP) are consistent with the proposed Plan and therefore have been analyzed in the program EIR. Sales tax measures are exempt from CEQA pursuant to case law. Sales tax measures could include new projects that have not been analyzed through a program or project-level EIR.
<b>Infill</b>			
115	Housing agenda should focus exclusively on infill housing.	45-4	The forecasted development pattern of the proposed Plan is entirely within the region's (2010) urban footprint.
116	Provide a clearer set of actions to promote housing affordability and reduce the risk of displacement within our existing cities and towns. For example, MTC and ABAG should commit to help develop a plan for new revenue for affordable housing production and preservation; integrate stronger rewards for sustainable, equitable development patterns in both new and existing regional transportation funding sources; and create a regional infill Infrastructure Bank to support infill housing for residents across the income spectrum.	45-5	See 9, 12, 42, 43, and 44.
117	Redirect growth away from "edge jurisdictions" with natural and agricultural lands. Reallocate growth from outer edge communities to infill areas near transit and jobs	45-6	See 9, 12, 42, and 115.



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	and include additional policies and programs to encourage and support this more focused growth pattern.		
<b>Job Quality</b>			
118	Recognize the wage/income side of the housing affordability equation – improve job quality and jobs mix.	24-1; 51-7	See 10 and 40.
119	Create incentives for: (1) the creation and retention of middle-wage jobs (2) strategies to lift up low-wage jobs to help close the gap between wages and housing costs.	24-2; 51-7	See 10 and 40.
120	Measure and track worker-level data on wages and earnings from work in order to assess whether strategies intended to target middle-wage jobs are working.	51-7	MTC's Vital Signs regional performance monitoring portal encompasses a variety of economic and employment related datasets that can be used to track this type of change.
121	Adaptation and Resilience Investments should be integrated with economic development initiatives to offer workforce training opportunities and promote career pathways and quality jobs for low income and disadvantaged communities.	49-1	See 10 and 40.
<b>Native Plants</b>			
122	Connect government agencies, schools, developers, and citizens with CNPS	65-7	NA. This falls outside the authority of MTC/ABAG. Note that the EIR includes mitigation that would reduce impacts to special status plant species to a less than significant level if implemented.
123	Government agencies should be propagating and planting local native plants.	65-7	NA. This falls outside the authority of MTC/ABAG. Note that the EIR includes mitigation that would reduce impacts to special status plant species to a less than significant level if implemented.
124	Schools should be training future gardeners and landscapers to use local native plants and to avoid invasive plants.	65-7	NA. This falls outside the authority of MTC/ABAG. Note that the EIR includes mitigation that would reduce impacts to special status plant species to a less than significant level if implemented.
125	Encourage individuals and private entities to use plants that are native to their location.	65-7	NA. This falls outside the authority of MTC/ABAG. Note that the EIR includes mitigation that would reduce impacts to special status plant species to a less than significant level if implemented.

## Findings and Facts in Support of Findings for Alternatives

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<sub>2</sub> 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 a screening process to identify potential alternatives to the proposed Plan and to ultimately identify a range of reasonable alternatives for evaluation in this EIR. This process involved initial alternative analysis to develop Plan alternatives, public input, and development of a preferred Plan alternative.

Transportation and land use scenario analyses were conducted between 2015 and 2016 by MTC and ABAG to inform development of the proposed Plan. The scenario development process began in early 2015 with open houses to solicit public input on updated goals and performance targets. Through these open houses, MTC Commissioners and ABAG's Executive Board members considered and approved a list of Plan goals and targets. These goals and targets were used to inform three scenarios illustrating the effects of different housing, land use, and transportation strategies for development of the proposed Plan. The scenarios were also based on transportation projects submitted during the call for projects, and shaped by the regional growth and revenue forecasts. The three scenarios were included in Attachment A of the NOP for the EIR (see DEIR Appendix A) and are briefly summarized as follows:

- ▲ **Main Street Scenario:** This scenario disperses future household and job growth into the downtowns of all Bay Area communities, and emphasizes the expansion of express lanes, increases in highway capacity, and increases to suburban bus service to dispersed job centers.
- ▲ **Connected Neighborhood Scenario:** This scenario emphasizes expected growth in population and jobs in areas near major transit corridors, and emphasizes transit efficiency investments, the most cost-effective transit expansion projects in the highest-growth areas, and includes a limited set of highway efficiency investments.
- ▲ **Big Cities Scenario:** This scenario concentrates future household and job growth into the Bay Area's three largest cities: San Jose, San Francisco, and Oakland, and emphasizes core capacity and connectivity by expanding the South Bay transit system and linking regional rail systems into the heart of San Francisco and San Jose.

MTC staff evaluated these scenarios against adopted performance targets to measure how well they addressed regional goals including climate protection, transportation system effectiveness, economic vitality and equitable access. During the months of May and June 2016, staff conducted three public scoping meetings across the region. In total, staff received 69 written and oral comments. While there were no comments received on the proposed CEQA alternatives, three additional CEQA alternatives were proposed by commenters: (1) Environment, Equity and Jobs Alternative; (2) Modified Big Cities Alternative; and (3) Modified No-Project Alternative.

Based upon performance, and in response to feedback from the MTC Commission, ABAG Executive Board, the public, and many different stakeholder organizations, MTC and ABAG developed and adopted a Final Proposed Plan Scenario (the proposed Plan). MTC staff also determined that the Main Street and Big Cities Scenarios were appropriate to bring forward as CEQA alternatives to the proposed Plan for analysis in the EIR because

they could avoid or lessen significant effects of the project, meet most of the project objectives, and are potentially feasible. In addition, based on comment letters received in response to the NOP, the Plan alternatives included the Equity, Environment, and Jobs (EEJ) alternative. The selected alternatives are defined by unique land use development patterns and transportation investment strategies. Each of the alternatives maintain the same growth forecast, and forecast of reasonably available transportation revenues to ensure the alternatives analysis provided an “apples to apples” comparison with the proposed Plan.

The proposed Plan is a planning document covering nine counties and 101 cities with a horizon date more than twenty years into the future. In 2015, the region had 4.01 million jobs, 2.76 million households, and 7.57 million people. The proposed Plan accommodates projected growth for an additional 688,000 jobs, 666,000 households, and 2.06 million people by 2040. Given the proposed Plan’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 proposed Plan and each of the alternatives assume the level of growth that MTC/ABAG have forecasted for the region, as described in Master Response 1, Population and Employment Forecasts. Neither the proposed Plan, nor its alternatives, are growth inducing. The projected level of growth in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the 9 counties and 101 cities of the Bay Area. Federal and State regulations require MTC as the Bay Area’s MPO to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR, page 1.2-4). The alternatives to the proposed Plan are designed to accommodate the same households and jobs projections. The proposed Plan alternatives, described in Draft EIR Section 3.1, “Alternatives to the Proposed Plan,” are defined by their land use policies, which influence the respective forecasted development patterns and transportation investment strategies for each alternative, in a way that when combined, represent regional strategies to accommodate the region’s projected growth in a more sustainable manner. The majority of impacts of the proposed Plan and alternatives are anticipated to be similar in type and magnitude, with differences in impacts revolving around the location and size of land use growth and transportation project footprints assessed in the Draft EIR. (Final EIR, p. 2-16.)

The Commission/Board finds that the alternatives analysis is sufficient to inform the Commission/Board 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 four alternatives analyzed in the EIR illustrates that impacts of the proposed Plan are largely a result of the influx of 2.06 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 the proposed Plan, 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 the proposed Plan is authorized to “regulate[] the use of land... [or] supersede[] 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/Board 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 proposed Plan. The examination of this broad range of alternatives was an iterative effort with significant community involvement, which informed the Commission/Board in their development and refinement of potential Plan alternatives. The four alternatives analyzed in the EIR (as well as the proposed Plan) cover a comprehensive range of reasonable possibilities in support of the final action of the Commission/Board.

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<sub>2</sub> 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 the proposed Plan.

### **1. 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 2.1-7: Disruption to the ongoing operations of regional and local transportation systems due to construction activities.
- ▲ Impact 2.2-2: Substantial net increase in construction-related emissions.
- ▲ Impact 2.2-3: Increased emissions of criteria pollutants from on-road mobile and land use sources over existing conditions, including ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, and the SFBAAB is in non-attainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards.
- ▲ Impact 2.2-5: Net increase in sensitive receptors located within TPP corridors where (a) TACs or fine particulate matter (PM<sub>2.5</sub>) concentrations result in a cancer risk greater than 100/million or a concentration of PM<sub>2.5</sub> greater than 0.8 µg/m<sup>3</sup>; or (b) TACs or PM<sub>2.5</sub> concentrations are not in compliance with an adopted Community Risk Reduction Plan.
- ▲ Impact 2.2-6: Changes in TAC or PM<sub>2.5</sub> emissions levels disproportionately impact minority and low-income populations.
- ▲ Impact 2.3-1: Residential or business disruption or displacement of substantial numbers of existing population and housing necessitating construction and preservation of affordable housing elsewhere in region.
- ▲ Impact 2.3-2: May divide established neighborhoods or communities as result of expansion of transportation infrastructure.
- ▲ 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 2.5-3: Conflict with SB32 goal of reducing statewide GHG emissions to 40% below 1990 levels by 2030.
- ▲ 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: 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 ground-borne vibration levels in excess of standards established by local jurisdictions or transportation agencies.

- ▲ Impact 2.6-2: Increased traffic volumes that could result in long-term, permanent increases to noise levels that exceed applicable noise thresholds.
- ▲ Impact 2.6-3: Long-term, permanent increases in rail transit noise levels that could exceed applicable noise thresholds.
- ▲ Impact 2.6-4: Increased vibration exposure from transit sources that exceed applicable thresholds.
- ▲ Impact 2.6-5: Increased ambient noise and exposure of sensitive receptors to new or additional stationary noise sources that exceed applicable local standards or other agency standards.
- ▲ Impact 2.6-6: Increased exposure of people residing or working in the planning area to excessive noise levels within an area covered by an adopted airport land use plan, or within two miles of a public airport, public use airport, or private airstrip.
- ▲ 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 2.9-2: 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 2.9.5: Substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.
- ▲ Impact 2.10-1: Adversely affect a scenic vista.
- ▲ Impact 2.10-3: Substantially degrade the existing visual character or quality of the site and its surroundings.
- ▲ 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, which would adversely affect day or nighttime views in the area.
- ▲ Impact 2.11-1: Cause a substantial adverse change in the significance of a historic resource or eliminate important examples of major periods of California history.
- ▲ Impact 2.11-2: Cause a substantial adverse change in the significance of a unique archaeological resource or eliminate important examples of major periods of California history or prehistory.
- ▲ Impact 2.11-3: Destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature.
- ▲ Impact 2.11-5: Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in PRC Section 21074.
- ▲ 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 projected demand in addition to the wastewater treatment provider's existing commitments.

- ▲ Impact 2.12-3: Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities as a result of new development, which could cause significant environmental impacts.
- ▲ Impact 2.12-4: Require or 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 2.12-5: 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 new or modified facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and other public facilities.

Of the above 38 potentially significant and unavoidable impacts, 35 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.

## 2. 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 September and November 2015, the Commission and the Executive Board jointly adopted thirteen performance targets to guide the proposed Plan's development. Primary objectives include meeting GHG targets established by the California Air Resources Board and providing a plan that houses 100 percent of the region's growth by income level with no increase in in-commuters:

- ▲ The proposed Plan must address climate change by reducing CO2 emissions: the regional plan must meet or exceed a seven percent reduction in per-capita emissions from cars and light-duty trucks by 2020 and a 15 percent reduction by 2035 relative to 2005 levels.
- ▲ The proposed Plan must house 100 percent of the region's projected growth by income level without displacing low-income residents, and with no increase in in-commuters over the proposed Plan baseline year. As calculated for the proposed Plan pursuant to a settlement agreement entered into with the Building Industry Association (BIA) Bay Area, the Regional Housing Control Total is 820,400.

Additionally, the following thirteen performance targets are used in the EIR to inform the project objectives, in satisfaction of CEQA Guidelines Section 15124(b):

Goal	Performance Target/Project Objectives
Climate Protection	Reduce per-capita CO2 emissions from cars and light-duty trucks by 15 percent

Goal	Performance Target/Project Objectives
Adequate Housing	House 100 percent of the region's projected growth by income level without displacing current low-income residents and with no increase in in-commuters over the Plan baseline year
Healthy and Safe Communities	Reduce adverse health impacts associated with air quality, road safety, and physical inactivity by 10 percent
Open Space and Agricultural Preservation	Direct all non-agricultural development within the urban footprint (existing urban development and UGBs)
Equitable Access	Decrease housing and transportation (H+T) costs share for lower-income households
	Increase the share of affordable housing in PDAs, TPAs or high-opportunity areas by 15 percent
	Do not increase the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement
Economic Vitality	Increase by 20 percent the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions
	Increase by 38 percent the number of jobs in predominantly middle-wage industries
	Reduce per-capita delay on the Regional Freight Network by 20 percent
Transportation System Effectiveness	Increase non-auto mode share by 10 percent
	Reduce vehicle operations and maintenance costs due to pavement conditions by 100 percent
	Reduce per-rider transit delay due to aged infrastructure by 100 percent
Note: The base year for the targets, unless specified under target methodology documentation, is 2005. Additional information is available in MTC Resolution 4204, Revised and associated methodology memoranda. The Adequate Housing target relates to the Regional Housing Control Total per the settlement agreement signed with the Building Industry Association (BIA), which increases the housing forecast by the housing equivalent to in-commute growth.	

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).)

### 3. Feasibility of Alternatives

Under CEQA, "(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA

Guidelines, §§ 15091, subd. (a)(3), 15364.) The issue of feasibility of alternatives arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decisionmakers. When CEQA findings are made as part of the EIR certification process, the lead agency decisionmaking 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.

Decisionmakers 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 decisionmakers 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 decisionmakers 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 CONSIDERED, BUT NOT ANALYZED IN THE EIR

In addition to the Alternatives that were analyzed in the EIR, MTC/ABAG considered additional alternatives during scoping of the proposed Plan, including suggestions from stakeholders. Based on the factors set forth in CEQA Guidelines section 15126.6(c), as described above, the following discussion briefly describes each alternative and the reasons why they were not included for analysis in the EIR.

### 1. Connected Neighborhoods

#### Summary of Alternative

This alternative was developed and analyzed as part of the planning alternatives leading to the identification and adoption of the proposed Plan, and was identified as a possible CEQA alternative in the NOP.

The Connected Neighborhoods Alternative places future population and employment growth in medium-sized cities and provides increased access to the region's major rail services, such as BART and Caltrain. It would place most of the growth in areas that cities determine as having room for growth, with some additional growth in the biggest cities. There would be no development on open spaces outside the urban footprint. This alternative includes a similar land use distribution and a similar mix of transportation projects and programs relative to the proposed Plan.

#### Feasibility

This alternative is similar to the proposed Plan, and therefore is not expected to avoid significant environmental impacts or substantially reduce the severity of significant environmental impacts relative to the proposed Plan. Thus, it does not meet the requirements to consider alternatives under CEQA and was rejected from further analysis. As such, the Commission/Board concludes that the Connected Neighborhoods Alternative does not warrant further review and hereby rejects the Connected Neighborhoods Alternative.

## 2. Modified Big Cities Alternative (TRANSDEF)

### Summary of Alternative

This alternative was recommended in scoping comments received from TRANSDEF, a non-profit environmental organization. Compared to the proposed Plan, this alternative emphasizes implementing strategies to make driving more expensive and transit more attractive, including less investments in roads, and more investments in transit.

It includes the same land use growth pattern as the Big Cities Alternative, but includes two transportation sub-alternatives resulting in a different mix of transportation project and program investments, relative to the proposed Plan and other alternatives. Due to its consistency with and reliance on the Big Cities land use pattern, this alternative is expected to perform very similarly to the Big Cities Alternative across the CEQA topic areas. As a result, this proposed alternative does not contribute to a reasonable range of alternatives and was rejected from further analysis.

### Feasibility

TRANSDEF previously proposed a version of the modified Big Cities Alternative (then called the TRANSDEF Smart Growth Alternative) that was analyzed in the 2005 EIR for MTC's *Transportation 2030 Plan*. In its Findings adopting the *Transportation 2030 Plan* and certifying the 2005 EIR, MTC rejected the TRANSDEF Smart Growth Alternative based on its inability to meet the goals and objectives of the plan because it did not provide the full transportation benefits of the plan, as well as its failure to reduce environmental impacts in the areas of transportation, geology, and land use. In addition, the findings concluded that the TRANSDEF Smart Growth Alternative was less feasible than the *Transportation 2030 Plan* because it included funding reallocations that would require voter approval or rejection of prior voter mandates, and because it included pricing strategies that had not been tested legislatively or legally, or in some cases were expressly limited in application by state law. These considerations still apply to the TRANSDEF Modified Big Cities Alternative proposed during the NOP comment period for the proposed Plan, and it was therefore not identified for further study in the EIR. As such, the Commission/Board concludes that the TRANSDEF Modified Big Cities Alternative does not warrant further review and hereby rejects the TRANSDEF Modified Big Cities Alternative.

## 3. Modified No Project (City of Livermore)

### Summary of Alternative

This alternative was recommended in scoping comments received from the City of Livermore and is a variation of the No Project Alternative. Compared to the other alternatives, this alternative has a lower amount of anticipated growth of households.

### Feasibility

This alternative may avoid or reduce some significant environmental impacts relative to the proposed Plan due to the lower amount of housing development assumed. However, this alternative is inconsistent with Performance Target 2, "House 100 percent of the region's projected growth by income level without displacing current low-income residents and with no increase in in-commuters over the Plan baseline year." The requirement to house 100 percent of the region's projected growth is a regulatory requirement under SB 375 and is also required under the settlement agreement with BIA. This alternative proposed a different housing control total than what was adopted. As a result, this proposed alternative is not identified for further study in the EIR because it would not meet some of the project objectives and because it would be legally infeasible. As such, the Commission/Board concludes that the Modified No Project Alternative does not warrant further review and hereby rejects the Modified No Project Alternative.

#### **4. Plan Bay Area (2013 RTP/SCS)**

##### **Summary of Alternative**

This alternative is a variation of the No Project Alternative. It assumes that implementation of the previous Plan Bay Area would continue to be in effect.

This alternative includes a similar land use distribution and a similar mix of transportation projects and programs, relative to the proposed Plan. However, compared to all the other alternatives, this alternative has a lower amount of anticipated growth of households and employment, as well as a lower amount of transportation revenues for investments in highways and transit.

##### **Feasibility**

This alternative is expected to result in a similar magnitude of environmental impacts as the proposed Plan. However, due to the lower amount of assumed development and infrastructure investment, this alternative is not consistent with the requirement of SB 375 that the RTP/SCS be updated every four years, nor does it meet the requirement to house 100 percent of the region's projected growth. As a result, this alternative is not identified for further study in the EIR because it would not reduce or avoid significant environmental impacts relative to the proposed Plan and because it would be legally infeasible. As such, the Commission/Board concludes that the Plan Bay Area (2013 RTP/SCS) Alternative does not warrant further review and hereby rejects the Plan Bay Area (2013 RTP/SCS) Alternative.

#### **5. Aspirational Alternative**

##### **Summary of Alternative**

This alternative was recommended in scoping comments received from Sierra Club, a non-profit environmental organization, based on information presented by MTC staff at the May 2016 Planning Committee meeting about "what it would take" to achieve all of the performance targets developed as part of the planning process for the proposed Plan. This "aspirational alternative" would emphasize implementing strategies to achieve performance targets related to health, equity, access to jobs/non-auto mode share, and state of good repair.

Indeed, the Aspirational Alternative is essentially a hypothetical scenario, primarily because the majority of the performance targets are themselves aspirational – particularly given the timeframe of the plan. For example, to meet targets related to health, there would likely need to be substantial demolition and reconstruction of the development pattern and transportation system throughout the Bay Area. In addition, attainment of equity targets would need to occur through substantial increases in development of housing units, which may be manifested through the doubling of projected households. These actions would require the market to respond by substantially increasing the number of vacant units and thereby driving down the cost of housing. However, it is unknown if such a supply could be provided, and if so, if reduced real estate values would occur and lead to the attainment of equity targets or if it would simply encourage additional growth. Essentially, because implementation of a fully aspirational alternative would require a substantial amount of tearing-down and rebuilding of the Bay Area, such an alternative is not reasonably feasible to consider. Thus, a detailed analysis of a potential land use plan and accompanying transportation plan that would attain each performance target was not provided.

##### **Feasibility**

This alternative includes assumptions related to increased funding of programs, and market response beyond what is reasonable to consider. In addition, this alternative would not be fiscally constrained, and therefore would not meet one of the legal requirements for an RTP/SCS. Moreover, due to the assumed substantial degree of teardown and construction activities that would be needed to implement the aspirational alternative,

significant environmental impacts would likely not be reduced—and more likely would be substantially increased—relative to the proposed Plan. As such, this proposed alternative does not contribute to a reasonable range of alternatives and was rejected from further analysis. As such, the Commission/Board concludes that the Aspirational Alternative does not warrant further review and hereby rejects the Aspirational Alternative.

## **SUMMARY OF ALTERNATIVES ANALYZED IN THE EIR**

The EIR for the proposed Plan considers three alternatives (Alternatives 2, 3 and 4) to the proposed Plan in addition to the CEQA-required analysis of a No Project alternative (Alternative 1). A full description of the alternatives and alternative selection process is in Chapter 3.1 of the DEIR. The alternatives are as follows:

### **(1) Alternative 1: No Project**

The No Project Alternative illustrates trends assumed under adopted local general plans and zoning without an adopted regional SCS plan, and assuming no new transportation projects beyond those currently under construction or those that have both full funding and environmental clearance. This alternative would result in substantially lower levels of household growth in PDAs and TPAs than the proposed Plan, lower levels of job growth in PDAs, and similar levels of job growth in TPAs. Growth would, therefore, be more dispersed than under the proposed Plan. In comparison to the proposed Plan, the No Project Alternative would result in higher household growth in Peninsula and South Bay counties, and higher job growth in South Bay counties. In comparison to the proposed Plan, there are no regional strategies in the No Project Alternative to focus growth into specific geographic areas within the region. Instead, growth would occur consistent with current general plans and zoning, and without consideration of a consolidated strategy that considers all nine counties and 101 cities in the Bay Area. The No Project Alternative includes substantially lower funding for all types of transportation projects than the proposed Plan. This alternative would result in a substantially smaller transportation project footprint than the proposed Plan.

### **(2) Alternative 2: Main Streets**

The Main Streets Alternative aims to reduce adverse environmental impacts by dispersing future household and job growth into the downtowns of all Bay Area communities. This scenario offers the most dispersed growth pattern (excluding the No Project), meaning cities outside of the region's largest — Oakland, San Jose and San Francisco — are likely to see higher levels of growth. An emphasis on multi-family and mixed-use development in downtowns would provide opportunities for households of all incomes to live near a mix of jobs, shopping, services, and other amenities. This alternative assumes higher levels of household growth in PDAs than the proposed Plan, and lower levels of household growth in TPAs, job growth in PDAs, and job growth in TPAs. In comparison to the proposed Plan, the Main Streets Alternative would result in higher household growth in North Bay and South Bay counties, and higher job growth in East Bay counties. In comparison to the proposed Plan, the Main Streets Alternative includes strategies to disperse growth into the downtowns of all Bay Area communities. To support this growth pattern and not adversely impact the transportation system performance, the Main Streets Alternative emphasizes the expansion of express lanes, increases in highway capacity, and increases to suburban bus service to dispersed job centers. This scenario also includes significant investment for maintaining roadways.

### **(3) Alternative 3: Big Cities**

This Big Cities Alternative aims to reduce adverse environmental impacts by concentrating future household and job growth into the Bay Area's three largest cities (San Jose, San Francisco and Oakland) and their neighboring communities well served by transit. This alternative offers the most compact growth pattern, meaning cities that are distant from the region's largest — Oakland, San Jose and San Francisco — are likely to see the lowest levels of growth. This alternative relies on the region's largest urban communities to accommodate even more compact growth to enable residents and workers to take transit, bike or walk to clusters of jobs,

stores, services, and other amenities. This alternative assumes lower levels of household and job growth in PDAs than the proposed Plan, and higher levels of household and job growth in TPAs. In comparison to the proposed Plan, the Big Cities Alternative would result in substantially higher household growth in Peninsula and South Bay counties, and higher job growth in South Bay counties. In comparison to the proposed Plan, the Big Cities Alternative includes strategies to focus more growth in the Bay Area's three largest cities than the proposed Plan. To support this growth pattern and not adversely impact the transportation system performance, the Big Cities Alternative would emphasize core capacity and connectivity by expanding the South Bay transit system and linking regional rail systems into the heart of San Francisco and San Jose. This scenario also includes congestion pricing in San Francisco and significant investment in transit maintenance.

#### **(4) Alternative 4: Environment, Equity and Jobs**

The Environment, Equity, and Jobs (EEJ) Alternative was analyzed in the original Plan Bay Area EIR in 2013. It has been updated to reflect input submitted during the NOP process and to adhere to the planning assumptions in the proposed Plan (e.g., regional forecasts and transportation projects) to create a second version of the EEJ Alternative. This alternative aims to reduce the risk of displacement in urban communities of concern and reduce adverse environmental impacts due to the expansion of the transportation system. The EEJ Alternative includes similar levels of household growth in PDAs and TPAs as the proposed Plan, and lower levels of job growth in PDAs but higher levels of job growth in TPAs. In comparison to the proposed Plan, the EEJ Alternative would result in higher household growth in East Bay and South Bay counties, and higher job growth in East Bay and Peninsula counties. In comparison to the proposed Plan, the EEJ Alternative includes strategies to focus more growth in high-opportunity areas than the proposed Plan. To support this growth pattern and not adversely impact the transportation system performance, the EEJ Alternative emphasizes investment in local bus operations in suburban high-opportunity areas to serve lower-income residents, and reduces funding for highway expansion and modernization. This alternative assumes imposition of a two-cent-per-mile vehicle-miles-traveled (VMT) tax on higher-income travelers.

### **ABILITY TO REDUCE IMPACTS AND FEASIBILITY OF ALTERNATIVES ANALYZED IN EIR**

Based on impacts identified in the EIR, and other reasons documented below, the Commission/Board finds that adoption and implementation of 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) increased per-trip commute travel time (Impact 2.1-1); (2) increased per-trip non-commute travel time (Impact 2.1-2); (3) inconsistency with air quality plans (Impact 2.2-1); (4) result in wasteful, inefficient, or unnecessary consumption of energy (Impact 2.4-1); (5) failure to incorporate energy efficiency measures into project features or increase use on renewable energy sources (Impact 2.4-2); and (6) failure to reduce per capita CO<sub>2</sub> emissions below emissions targets per SB 375 (Impact 2.5-1).

Additionally, the No Project Alternative may increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including greater impacts associated with per-capita VMTs on congested facilities (Impact 2.1-3), increased emissions of criteria pollutants (Impact 2.2-3), displace substantial numbers of existing residents or businesses (Impact 2.3-1), 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 impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), increase in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), substantially reduce the habitat of a fish or wildlife species, or drop its population below self-sustaining levels, or threaten to eliminate or substantially reduce the number or range of protected plant or animal species (Impact 2.9-5), increase in impact to scenic vistas (Impact 2.10-1), substantially degrade the existing visual character or quality (Impact 2.10-3), 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), increased potential to disturb human remains outside dedicated cemeteries (Impact 2.11-4), increased potential to cause a substantial adverse change to a Tribal Cultural Resource (Impact 2.11-5), increase in potential to result in insufficient water supplies available to serve new development (Impact 2.12-1), and increase in potential need for new or expanded stormwater drainage facilities (Impact 2.12-3).

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/Board 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<sub>2</sub> emissions do not meet the SB 375 targeted reductions for per capita car and light duty truck GHG emissions in 2035. Because complying with SB 375 is one of the fundamental objectives of the project, MTC/ABAG 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.)

Additionally, as compared to all other alternatives, the No Project Alternative would (1) lead to the smallest reduction in adverse health impacts associated with air quality, road safety, and physical inactivity, (2) fail to direct non-agricultural development within the urban footprint, (3) result in the largest increase share of lower-income residents' household income consumed by transportation and housing, (4) lead to the smallest increase in the share of affordable housing in PDAs, TPAs, or high-opportunity areas, (5) leads to the largest increase in the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement, (6) results in the largest decrease in the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions, (7) lead to the only increase in per-capita delay on the Regional Freight network, (8) leads to the largest increase in vehicle operating and maintenance costs due to pavement conditions, and (9) results in the smallest reduction in per-rider transit delay due to aged infrastructure.

For each of these reasons, the Commission/Board finds that the No Project Alternative is incapable of achieving the Plan's basic objectives. The Commission/Board, 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) be consistent with the development pattern included in an adopted SCS. (Gov. Code, § 65584.04, subd. (i).) Because the Commission/Board 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 be inconsistent with the requirements of SB 375. (*Ibid.*) While MTC/ABAG 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, 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/Board finds that each of the reasons articulated above independently demonstrate that the No Project Alternative does not warrant its approval in lieu of the proposed Plan. Therefore, the Commission/Board rejects the No Project Alternative.

## **Alternative 2: Main Streets**

### **Ability of the Main Streets Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts**

The Main Streets Alternative will lessen some of the proposed Plan’s potentially significant and unavoidable impacts including a decrease in conversion of forest land to urbanized land (Impact 2.3-5), decrease in potential for long-term permanent increase in traffic-noise levels above thresholds (Impact 2.6-2), decrease in potential for long-term permanent increase in transit-noise levels above thresholds (Impact 2.6-3), decrease in potential for long-term permanent increase in transit-vibration levels above thresholds (Impact 2.6-4), decrease in potential to expose sensitive receptors to new or additional stationary noise sources in excess of local standards (Impact 2.6-5), decrease in impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), decrease in impacts on riparian habitat, protected wetlands, or other sensitive natural communities (Impact 2.9-2), decreased potential to substantially reduce the habitat of a fish or wildlife species, or drop its population below self-sustaining levels, or threaten to eliminate or substantially reduce the number or range of protected plant or animal species (Impact 2.9-5), decrease in impact to scenic vistas (Impact 2.10-1), substantially degrade the existing visual character or quality (Impact 2.10-3), decrease in potential to add urban character to rural areas or modern elements to historic areas caused by land use development (Impact 2.10-4), decrease in light and glare impacts caused by land use development (Impact 2.10-5), decrease in potential to disturb or destroy historical resources caused by land use development (Im-

pact 2.11-1), decrease in potential to disturb or destroy archeological resources caused by land use development (Impact 2.11-2), decrease in potential to disturb or destroy paleontological and/or geological resources caused by land use development (Impact 2.11-3), decreased potential to disturb human remains outside dedicated cemeteries (Impact 2.11-4), decreased potential to cause a substantial adverse change to a Tribal Cultural Resource (Impact 2.11-5), decrease in potential to result in insufficient water supplies available to serve new development (Impact 2.12-1), and a decrease in potential need for new or expanded stormwater drainage facilities (Impact 2.12-3). The Main Streets Alternative, however, would not avoid or lessen any of the proposed Plan's potentially significant and unavoidable impacts to a less than significant level.

The Main Streets Alternative would result in additional potentially significant and unavoidable impacts that are not caused by the proposed Plan. Specifically, the Main Streets Alternative would result in the following additional potentially significant and unavoidable impacts: (1) increased per-capita VMT (Impact 2.1-4); and (2) increased potential to fail to reduce per capita CO<sub>2</sub> emissions below emissions targets per SB 375 (Impact 2.5-1). Moreover, the Main Streets Alternative may increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including greater impacts associated with per-capita VMTs on congested facilities (Impact 2.1-3), increased emissions of criteria pollutants (Impact 2.2-3), displace substantial numbers of existing residents or businesses (Impact 2.3-1), increase in conversion of agricultural land and open space to urbanized land (Impact 2.3-4), and an increase in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3).

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 Main Streets 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 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/Board finds that the Main Streets Alternative is not environmentally superior to the proposed Plan and rejects the alternative on this ground.

### **Ability of the Main Streets Alternative to Attain Project Objectives**

The Main Streets Alternative is not consistent with SB 375, as modeled CO<sub>2</sub> emissions do not meet the SB 375 targeted reductions for per capita car and light duty truck GHG emissions in 2035. Because complying with SB 375 is one of the fundamental objectives of the project, MTC/ABAG concludes that the Main Streets Alternative substantially fails to meet the project objectives for this reason alone. (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1165.)

The Main Streets Alternative fails to achieve 10 of the 13 project objectives. The Alternative also joins the No Project Alternative as the only Alternatives that fail to direct all non-agricultural development within the urban footprint. As compared to all other alternatives, while the Main Streets Alternative would lead to the largest reduction in vehicle operating and maintenance costs due to pavement conditions, it would also (1) lead to the third smallest increase in the share of affordable housing in PDAs, TPAs, or high-opportunity areas, (2) lead to the third largest increase in the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement, and (3) tie the No Project Alternative with the smallest increase in non-auto mode share.

Compared to the proposed Plan, the Main Streets Alternative performs the same on objectives related to adequate housing, healthy and safe communities, equitable access to housing and transportation, and economic vitality. Further the Main Streets Alternative would perform slightly worse than the proposed Plan on climate protection, open space and agricultural preservation, equitable access to affordable housing, displacement risk, access to jobs, goods movement, and transportation system effectiveness related to mode share. Therefore, while the Main Streets Alternative substantially outperforms the proposed Plan with respect to one project objective, and nominally better with respect to two others, the Commission/Board 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 Main Streets 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/Board 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 be inconsistent with the requirements of SB 375. (Ibid.) While MTC could adopt the Main Streets Alternative and meet the federal planning requirements, MTC and ABAG may not, without violating its legal obligations pursuant to SB 375, 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 Main Streets 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 Main Streets 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 Main Streets Alternative**

The Commission/Board concludes that the Main Streets Alternative is not environmentally superior to the proposed Plan and is less capable of achieving the full array of project objectives. Additionally, the Commission/Board finds that the Main Streets Alternative is not feasible and does not warrant approval in lieu of the proposed Plan. Therefore, the Commission/Board rejects the Main Streets Alternative.

## **Alternative 3: Big Cities**

### **Ability of the Big Cities Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts**

The Big Cities Alternative will lessen many of the proposed Plan’s potentially significant and unavoidable impacts including decreased emissions of criteria pollutants (Impact 2.2-3), decrease in conversion of agricultural land and open space to urbanized land (Impact 2.3-4), a decrease in conversion of forest land to urbanized land (Impact 2.3-5), decrease in impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), decrease in impacts on riparian habitat, protected wetlands, or other sensitive natural communities (Impact 2.9-2), decrease in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), decreased potential to substantially reduce the habitat of a fish or wildlife species, or drop its population below self-sustaining levels, or threaten to eliminate or substantially reduce the number or range of protected plant or animal species (Impact 2.9-5), decrease in impact to scenic vistas (Impact 2.10-1), reduced potential to substantially degrade the existing visual character or quality (Impact 2.10-3), decrease in potential to add urban character to rural areas or modern elements to historic areas caused by land use development (Impact 2.10-4), decrease in light and glare impacts caused by land use development (Impact 2.10-5), decrease in potential to disturb or destroy historical resources caused by land use development (Impact 2.11-1), decrease in potential to disturb or destroy archeological resources caused by land use development (Impact 2.11-2), decrease in potential to disturb or destroy paleontological and/or

geological resources caused by land use development (Impact 2.11-3), decreased potential to disturb human remains outside dedicated cemeteries (Impact 2.11-4), decreased potential to cause a substantial adverse change to a Tribal Cultural Resource (Impact 2.11-5), decrease in potential to result in insufficient water supplies available to serve new development (Impact 2.12-1), and a decrease in potential need for new or expanded stormwater drainage facilities (Impact 2.12-3)

Other potential environmental impacts caused by the Big Cities Alternative are similar to those of the proposed Plan in many respects. However, as determined by the EIR, the Big Cities Alternative would result in additional potentially significant and unavoidable impacts that are not caused by the proposed Plan. Specifically, the Big Cities Alternative would result in the following additional potentially significant and unavoidable impacts: (1) a significant increase in per-trip travel time for non-commute travel by any mode (Impact 2.1-2); and (2) increased per-capita VMT (Impact 2.1-4). The Alternative may also increase the significance of one of the proposed Plan's potentially significant and unavoidable impacts: an increased potential to displace substantial numbers of existing residents or businesses (Impact 2.3-1).

In summary, the Big Cities Alternative would have mixed environmental results similar to those of the proposed Plan. The Big Cities Alternative would lessen – although not substantially lessen – many of the proposed Plan's significant and unavoidable impacts, but would cause two potentially significant and unavoidable impacts not otherwise caused by the proposed Plan and would increase one of the proposed Plan's potentially significant and unavoidable impacts. The Transportation section of the EIR explains that SB 743 (2013) changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact. (See Pub. Resource Code, § 21099, subd. (b)(2) [“automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to [CEQA]”].) Thus, ABAG/MTC, in considering the environmentally superior alternative, believes this legislative directive de-emphasizes the importance of traffic congestion. Therefore, compared comprehensively against the number of impacts that the Big Cities Alternative decreases, the Big Cities Alternative would be the environmentally superior alternative. Overall, the Commission/Board finds that the Big Cities 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 Big Cities Alternative to Attain Project Objectives**

The Big Cities Alternative fails to meet 8 of the 13 project objectives. As compared to all of the other alternatives, while the Big Cities Alternative would lead to the largest reduction in per-capita delay on the Regional Freight Network, it would also (1) lead to the second smallest increase in the share of affordable housing in PDAs, TPAs, or high-opportunity areas, (2) lead to the second largest increase in the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement, and (3) result in the third largest increase in vehicle operating and maintenance costs due to pavement conditions.

As compared to the proposed Plan, the Big Cities Alternative performs the same on objectives related to adequate housing, healthy and safe communities, open space and agricultural preservation, equitable access as reflected in housing and transportation costs, and economic vitality as reflected by jobs in the middle-wage sector. The Big Cities Alternative performs slightly worse than the proposed Plan with respect to objectives related to economic vitality as reflected in the cost of housing, economic vitality as reflected by the accessibility of jobs, and transportation system effectiveness as measured by roadway state of good repair. The Big Cities Alternative further performs much worse than the proposed Plan with respect to objectives related to displacement risk. Therefore, while the Big Cities Alternative performs similarly to the proposed Plan with respect to five of the project objectives, the Commission/Board finds the Alternative overall does not outperform the proposed Plan in terms of its ability to achieve 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 Big Cities 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 Big Cities Alternative proposes to house more people in the region’s core where housing is most needed to alleviate the imbalance between supply and demand, rather than at the region’s periphery. However, the level of growth accommodated in the region’s core also leads to a higher level of displacement risk than the proposed Plan (+9% vs +5%), therefore the Commission/Board finds that the Big Cities Alternative is infeasible for social/policy reasons related to this increased risk of displacement. (*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” are to be utilized, local jurisdictions will necessarily play a key role in the success of the proposed Plan. (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.

The Big Cities Alternative diverges from the PDA approach developed through extensive coordination with local jurisdictions. Instead, the Big Cities Alternative proposes a different growth pattern with the intention of increasing residential and commercial development capacity in TPAs within and near the region’s three largest cities. The growth pattern proposed in the Big Cities Alternative deviates more substantially from the existing distribution of households than all 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/Board finds that the residential growth pattern and levels contemplated by the Big Cities Alternative are unlikely to be implemented by some local jurisdictions. This conclusion is particularly true for growth contemplated by the Big Cities Alternative in areas where local jurisdictions have not planned for or do not currently anticipate levels of growth commensurate with the Big Cities 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/Board finds the significant difference between existing zoning and general plan land use designations and those that would be required to implement the Big Cities Alternative render the Big Cities 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.)

The Big Cities Alternative also diverges from the region’s balanced transportation investment strategy approach developed through extensive coordination with congestion management agencies, transit operators, and local jurisdictions. Instead, the Big Cities Alternative emphasizes a different transportation investment strategy in order to support the forecasted development pattern, thereby redirecting funds towards a different set of transportation investments. Based on MTC’s and ABAG’s collaboration with CMAs, transit operators, and local jurisdictions to identify local needs and priorities during the process of preparing for this RTP/SCS cycle, and the required changes in policy and funding decisions at the state and regional level, the Commission/Board finds that the transportation investment strategy contemplated by the Big Cities Alternative is unlikely to be implemented.

The Commission/Board finds the significant difference between the transportation investments identified in existing countywide transportation plans and those that would be required to implement the Big Cities Alternative render the Big Cities Alternative infeasible from this additional policy perspective.

## Conclusions Regarding the Merits and Feasibility of the Big Cities 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 Big Cities Alternative is the environmentally superior alternative, the Commission/Board 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, including its increased level of displacement risk. For each of these reasons, the Big Cities Alternative does not warrant approval in lieu of the proposed Plan. Therefore, the Commission/Board rejects the Big Cities Alternative.

## **Alternative 4: 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 decreased emissions of criteria pollutants (Impact 2.2-3), decreased potential to physically divide an established community (Impact 2.3-2), decrease in conversion of agricultural land and open space to urbanized land (Impact 2.3-4), decrease in potential for long-term permanent increase in traffic-noise levels above thresholds (Impact 2.6-2), decrease in potential to expose sensitive receptors to new or additional stationary noise sources in excess of local standards (Impact 2.6-5), and a decrease in impacts on riparian habitat, protected wetlands, or other sensitive natural communities (Impact 2.9-2).

The Alternative may also increase the significance of several of the proposed Plan's potentially significant and unavoidable impacts including greater impacts associated with per-capita VMTs on congested facilities (Impact 2.1-3), increased conversion of forest land to urbanized land (Impact 2.3-5), increase in impacts on species identified as candidate, sensitive, or special-status (Impact 2.9-1(a)), increase in interference with the movement of fish or wildlife species or use of native wildlife nursery sites (Impact 2.9-3), substantially reduce the habitat of a fish or wildlife species, or drop its population below self-sustaining levels, or threaten to eliminate or substantially reduce the number or range of protected plant or animal species (Impact 2.9-5), increase in impact to scenic vistas (Impact 2.10-1), substantially degrade the existing visual character or quality (Impact 2.10-3), 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), increased potential to disturb human remains outside dedicated cemeteries (Impact 2.11-4), increased potential to cause a substantial adverse change to a Tribal Cultural Resource (Impact 2.11-5), increase in potential to result in insufficient water supplies available to serve new development (Impact 2.12-1), and increase in potential need for new or expanded stormwater drainage facilities (Impact 2.12-3).

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 Environment, Equity and Jobs 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/Board finds that the Environment, Equity and Jobs Alternative is not environmentally superior to the proposed Plan and rejects the alternative on this ground.

### **Ability of the Environment, Equity and Jobs Alternative to Attain Project Objectives**

The Environment, Equity and Jobs Alternative fails to meet 9 of the 13 project objectives. The Alternative also joins the No Project Alternative as the only Alternative that fails to reduce per-capita delay on the Regional Freight Network. As compared to all of the other alternatives, while the Environment, Equity and Jobs Alternative would tie with the Big Cities Alternative for the largest reduction in per-capita greenhouse gas emissions, it would also lead to the second largest increase in vehicle operating and maintenance costs due to pavement conditions.

As compared to the proposed Plan, the Environment, Equity and Jobs Alternative would perform the same on objectives related to adequate housing, healthy and safe communities, open space and agricultural preservation, equitable access as reflected by housing affordability and the risk of displacement. Therefore, while the Environment, Equity and Jobs Alternative performs similarly to the proposed Plan with respect to 5 of the project objectives, the Alternative performs slightly worse than the proposed Plan on three objectives and much worse on one objective. Specifically, the Environment, Equity and Jobs Alternative performs slightly worse on objectives related to equitable access as reflected by accessibility of jobs and availability of middle wage jobs, as well as the objective related to transportation system effectiveness as reflected by roadway state of good repair, and much worse than the proposed Plan on the objective related to economic vitality as reflected by goods movement. The Commission/Board therefore 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/Board finds the Environment, Equity and Jobs (EEJ) Alternative infeasible for financial, legal, social, and associated policy reasons. (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364.) The EEJ Alternative would shift new housing units from the region's core to specified suburban locations to improve transit and job access to those areas. As a result, the EEJ Alternative would have 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 marginally increase overall ridership.

Further, 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 the proposed Plan. (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.

The EEJ Alternative diverges from the PDA approach developed through extensive coordination with local jurisdictions. Instead, the EEJ Alternative proposes a different growth pattern with the intention of reducing residential displacement and supporting affordable housing. The growth pattern proposed in this EEJ Alternative deviates from the existing distribution of households. The EEJ Alternative performs similarly to the proposed Plan in terms of the increase in risk of displacement (5 percent increase for both); however, the EEJ Alternative achieves this result because it directs growth to areas that do not have the same increased risk factors for displacement as the more transit-oriented PDA growth areas do. Based on MTC's and ABAG's discussions with local jurisdictions during the process of preparing for this RTP/SCS cycle, the Commission/Board finds that

the residential growth pattern and resultant small geography projections contemplated by the EEJ Alternative are unlikely to be implemented by some local jurisdictions. This conclusion is particularly true for growth contemplated by the EEJ Alternative in areas where local jurisdictions have not planned for or do not currently anticipate levels of growth commensurate with the EEJ Alternative's vision. As such, the benefit of having one of the lowest risks of displacement among the alternatives (one that is substantially similar to the proposed Plan's risk) is unlikely to be realized. 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/Board 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.)

Like the Big Cities Alternative discussion above, the EEJ Alternative also diverges from the region's balanced transportation investment strategy approach developed through extensive coordination with congestion management agencies, transit operators, and local jurisdictions. Instead, the EEJ Alternative emphasizes a different transportation investment strategy in order to support the forecasted development pattern, thereby redirecting funds towards a different set of transportation investments. Redirecting funds, which may 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 and regional levels. Based on MTC's and ABAG's collaboration with CMAs, transit operators, and local jurisdictions to identify local needs and priorities during the process of preparing for this RTP/SCS cycle, and the required changes in policy and funding decisions at the state and regional levels, the Commission/Board finds that the transportation investment strategy contemplated by the EEJ Alternative is unlikely to be implemented.

### **Conclusions Regarding the Merits and Feasibility of the Environment, Equity and Jobs Alternative**

The Commission/Board concludes that the Environment, Equity and Jobs Alternative is not environmentally superior to the proposed Plan and is less capable of achieving the full array of project objectives. Additionally, the Commission/Board finds that the Environment, Equity and Jobs Alternative is not feasible and does not warrant approval in lieu of the proposed Plan. Therefore, the Commission/Board rejects the Environment, Equity and Jobs Alternative.

## **Statement of Overriding Considerations**

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As set forth in the Findings, MTC/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. The Big Cities Alternative was identified as the Environmentally Superior Alternative because it would result in the lowest overall level of environmental impacts, although only marginally lower, as compared to all alternatives. (Draft EIR, pp. 3.1-90 – 3.1-99.) 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 the alternatives 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.”

If Bay Area lead agencies ensure that mitigation measures identified in this EIR are applied to subsequent discretionary projects, where relevant and applicable, all identified impacts of adoption and implementation of the proposed Plan will be avoided or mitigated to acceptable levels with three exceptions identified below. All three of these impacts reflect the conservative nature of this analysis:

Impact 2.2-6 – Implementation of the proposed Plan could result in changes in TAC and or PM2.5 exposure levels that disproportionately impact minority and low-income populations. (Draft EIR, p. 2.2-54). This impact is identified as remaining significant and unavoidable even after implementation of identified mitigation measures because reductions in exposure levels and emissions to TAC and/or PM 2.5 would be variable and cannot be estimated with acceptable certainty,

Impact 2.5-3 – Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. (Draft EIR, p. 2.5-42). This impact is identified as remaining significant and unavoidable even after implementation of identified mitigation measures because there is no assurance that Bay Area communities alone can achieve the GHG reduction necessary to meet the statewide goal. Additional regulatory action that results in substantial GHG reductions throughout all sectors of the State economy and based on State-adopted regulations would most certainly be needed to attain such goals, and this has yet to be identified by ARB.

Impact 2.10-1 – Implementation of the proposed Plan could have a substantial adverse effect on a scenic vista. (Draft EIR, p. 2.10-10). This impact is identified as remaining significant and unavoidable even after implementation of identified mitigation measures because site conditions are unique and characterization of scenic vistas (or viewsheds) and effects to them are subjective. Therefore it cannot be concluded with acceptable certainty that viewshed impacts would be mitigated to acceptable levels throughout the Bay Area.

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 supporting the various benefits of the project can be found in the preceding Findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

**Statement 1: The Proposed Plan exceeds the per capita passenger vehicle and light truck CO2 emission reduction targets established by the California Air Resources Board for the San Francisco Bay Area pursuant to SB 375.**

Implementation of the proposed Plan will reduce per-capita GHG emissions 10 percent by 2020 (surpassing CARB's interim seven percent target) and 16 percent by 2035 (surpassing CARB's 15 percent target). The proposed Plan achieves these GHG reductions by incorporating innovative approaches to the integration of land use and transportation planning. GHG emissions reductions result from more compact development patterns, increased investments in public transit infrastructure, as well as enhanced funding of climate initiatives.

**Statement 2: The Proposed Plan houses all the population.**

The proposed Plan presents a development pattern to build enough housing within the region to accommodate the household growth associated with all demographic change and employment growth, including in- commuter households.

**Statement 3: 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 was developed through intensive consultation and collaboration with the public, local transportation agencies, cities and counties, and other stakeholders. In particular, the proposed Plan's forecasted development pattern was guided by collaborative engagement with cities and counties via plan workshops, presentations to local planning directors, and one-on-one engagement with local jurisdictions after release of the region's draft preferred scenario and prior to adoption of the final preferred scenario. 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 4: The Proposed Plan includes an Action Plan to address areas where it falls short of the project objectives.**

The proposed Plan projects that housing affordability challenges will intensify if the region does not take significant corrective steps. As a path forward, MTC and ABAG developed an Action Plan to focus on performance targets where the proposed plan is moving in the wrong direction, as well as emerging issues that require proactive regional policy solutions. The Action Plan proposes a multi-pronged strategy to address housing affordability, the region's widening income disparities and economic hardships faced by low and middle-income workers, and finally the Bay Area's vulnerabilities to natural disasters such as earthquakes and floods. These three issue areas— Housing, Economic Development, and Resilience— form the core of the Action Plan.



**Statement 5: The Proposed Plan directs new non-agricultural development within the 2010 urban footprint.**

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 all non-agricultural development within the existing urban footprint and by supporting the continuation of agricultural activities in rural communities. By comparison, 47 percent of growth in the No Project Alternative would occur in greenfield development outside of the current urban footprint. (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 urban footprint 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 6: The Proposed Plan decreases per capita energy use compared to existing conditions.**

Under the proposed Plan, per capita energy consumption would decrease due to shifts in land use patterns that favor more dense housing. 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.

**Statement 7: 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. While statewide action mandated by new legislation or regulations will be necessary to achieve longer-term targets, the proposed Plan's compact and efficient land use and transportation planning will have GHG reduction benefits beyond 2035 and will help put the Bay Area on a path toward sustainability and preserve local agencies' ability to achieve even greater GHG reductions than expected.

**Statement 8: The Proposed Plan incorporates a balanced land use strategy that minimizes growth of displacement risk.**

While there is currently no precise tool available to predict which and what number of households would be displaced from a given neighborhood, current research allows planners to measure existing and future displacement risk. The proposed Plan's balanced land use strategy, including substantive policies – such as inclusionary zoning – help mitigate growing displacement risk.

**Statement 9: The Proposed Plan promotes measures to better serve low income communities.**

The proposed Plan's transportation investments are being targeted to benefit low-income Bay Area residents. The Bay Area's low-income and minority populations represent 24% and 59%, respectively, of the region's population. Yet the share of the proposed Plan's transportation investment benefit for low-income and minority populations are greater at 40% and 57%, respectively.

The proposed Plan includes a nearly \$70 billion "Equity Roadmap" that makes major investments toward bus operations (\$62 billion); increases in bus service and other improvements (\$5 billion); county access initiatives (\$1 billion); and lifeline, mobility management, and means-based fare programs (\$900 million). The investment strategy funds existing bus operations as well as significant increases in bus service through 2040 at a higher annual rate than the original Plan Bay Area. Several of the region's transit operators, including AC Transit, VTA and others, have increased service since the previous plan was adopted.

The proposed Plan directs \$800 million to the Lifeline Transportation Program, which will fund priority projects identified by residents in MTC's Communities of Concern. The Lifeline Program implements locally crafted Community-Based Transportation Plans, which MTC also funds, and can include community shuttles, transit services, streetscape improvements and bus stop amenities. Additionally, the investment strategy directs \$90 million for a future mobility management program. Through partnerships with transportation service providers, mobility management enables communities to monitor transportation needs and to link individuals to appropriate, cost-efficient travel options. This strategy is especially key to the region's ability to address growth in the Bay Area's population of seniors and persons with disabilities.

The proposed Plan includes Bay Area county programs that will contribute \$300 million to similar initiatives such as an affordable-fare program in San Francisco, a low-income school bus program in Contra Costa County, and expanded late-night transportation operations for workers traveling from San Francisco. Counties will invest another \$700 million in expanding paratransit services that directly benefit persons with disabilities, many of whom are also seniors.

**Statement 10: The Proposed Plan reduces daily vehicle hours of delay and reduces per-capita delay on the regional freight network.**

The proposed Plan reduces the forecasted daily vehicle hours of delay for the region's street and highway network relative to the other alternatives. The proposed Plan's balanced land use and transportation investment strategy – including a strategic mix of transit and highway maintenance, modernization, and expansion investments – leads to significant reductions in daily recurring and non-recurring daily relative to the other alternatives. The proposed Plan also increases economic vitality by reducing per-capita delay on the Regional Freight Network by 29%.

**Statement 11: The Proposed Plan decreases average trip times.**

The proposed Plan's balanced transportation investment strategy – mix of transit and highway maintenance, modernization, and expansion investments – leads to decreases in average trip times across all modes of transport, for both commute and non-commute trips, relative to the other alternatives.

**Statement 12: The Proposed Plan directs significant funding to increasing transit operations as well as moving the transit system toward a state of good repair.**

Plan Bay Area 2040 directs the vast majority of funding to maintain the assets and infrastructure of the existing transportation system. Plan Bay Area 2040 fully funds transit operating needs for existing transit services while also funding the majority of remaining high-priority transit capital needs. When evaluated for cost-effectiveness and support for the Plan's performance targets, maintaining transit capital assets was one of the Bay Area's highest performing investments, exhibiting high cost-effectiveness relative to most other transit expansion and highway projects. For this reason, this Plan directs almost 30 percent of discretionary funding to paying down the region's transit maintenance backlog. This emphasis on "fix it first"—directing funding towards the preservation and maintenance of transit assets—reduces per-rider delay due to aged transit infrastructure by 75 percent.

**Statement 13: The Proposed Plan will result in many general regional benefits including:**

- Creation of better places to live.
- Creation of healthier environments.
- Increased production, preservation, and protection of affordable housing.
- Reduced vulnerability to natural disasters.
- Reduced reliance on cars.
- Reduced cost of development.

- Improved access and mobility.
- Integrated land use, transportation, air quality, and open space planning.
- Stakeholder involvement and feedback.
- Maximized efficiency of public infrastructure.
- Guided public investment decisions.
- Improved goods movement.

## **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<sub>2</sub> 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.



## Independent Review and Analysis

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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/Board 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/Board has independently reviewed the EIR and has considered the information contained in the EIR. The EIR reflects the Commission's/Board's independent judgment and analysis.

## Record of Proceedings

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In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the Commission's/Board's EIR, findings, alternatives analysis, and ultimate decision on the Plan includes the documents identified below.

- ▲ The NOP for the preparation of the Draft EIR;
- ▲ Public notices issued by MTC and ABAG in conjunction with the proposed Plan;
- ▲ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▲ Final Environmental Impact Report for Plan Bay Area 2040, July 2017 (includes all appendices);
- ▲ Draft Environmental Impact Report for Plan Bay Area 2040, April 2017 (includes all appendices);
- ▲ *Plan Bay Area 2040*, July 2017 and all supporting supplemental reports, including:
  - *Equity Analysis Report*;
  - *Transportation-Air Quality Conformance Analysis*;
  - *Land Use Modeling Report*;
  - *Regional Forecast of Jobs, Population and Housing*;
  - *Scenario Planning Report*;
  - *Statutorily-required Maps*;
  - *Glossary*;
  - *Native American Tribal Outreach Report*;
  - *Public Engagement Program Report*;
  - *Financial Assumptions Report*;
  - *Freight Emissions Reduction Action Plan*;
  - *Investment Strategy Report*;
  - *Project List*;
  - *Local Streets and Roads, Bridges and State Highway Needs Assessment*;

- *Transit Operating and Capital Needs and Revenue Assessment*; and
- *Travel Modeling Report*;
- ▲ 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 MTC/ABAG at such information sessions, public meetings, and public hearings;
- ▲ Any staff reports presented to MTC/ABAG, including attachments and presentation materials;
- ▲ Any and all resolutions adopted by MTC/ABAG regarding the Plan, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▲ Any correspondence between MTC/ABAG and ARB regarding the proposed Plan, including the June 23, 2016 Technical Methodology to Estimate Greenhouse Gas Emissions, the April 12, 2017 revised Technical Methodology to Estimate Greenhouse Gas Emissions, and the May 3, 2017 initial review letter from ARB;
- ▲ ARB's 2008 Climate Change Scoping Plan, 2014 First Update to the Climate Change Scoping Plan, and 2017 Draft Climate Change Scoping Plan Update;
- ▲ Matters of common knowledge to MTC and ABAG, 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, 375 Beale Street, Suite 800, San Francisco, California 94105. The custodian of these documents is MTC's Public Information Officer.