

**Metropolitan Transportation Commission and Association of Bay Area Governments  
Joint MTC Planning Committee with the ABAG Administrative Committee**  
October 8, 2021 Agenda Item 5c

**MTC Resolution No. 4484 and ABAG Resolution No. 08-21:  
Final Plan Bay Area 2050 Environmental Impact Report**

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**Subject:**

Request referral of MTC Resolution No. 4484 and ABAG Resolution No. 08-21 to the Joint Commission and ABAG Executive Board meeting on October 21, 2021 for adoption.

**Background:**

MTC/ABAG staff prepared the proposed Final Environmental Impact Report (Final EIR) for Plan Bay Area 2050 in accordance with the requirements of the California Environmental Quality Act (CEQA). The Final EIR discloses the significant environmental effects of implementing the proposed Plan Bay Area 2050, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the proposed Plan. Development of the Final EIR is one of the final steps in the environmental process that commenced in September 2020 when the Notice of Preparation (NOP) was issued for the Plan Bay Area 2050 EIR.

After analyzing the proposed Plan against several EIR alternatives throughout the winter and spring, staff released the Draft EIR on June 4, 2021, initiating a 47-day public comment period through July 20, 2021. During that time, staff held three virtual public hearings to receive comments on the Draft EIR, in addition to public engagement conducted on Draft Plan Bay Area 2050 overall. Comment letters received on the Draft EIR were also reviewed in August and September 2021, with all comments posted online and electronically shared with elected officials and stakeholders in mid-August.

Nearly 150 comments on the Draft EIR received yielded refinements, and responses to commentors are featured in the Final EIR. In addition to being featured in the Final EIR, staff will provide written responses to comments submitted by public agencies 10 days prior to proposed certification of the Final EIR on October 21, 2021. However, no significant new information was added that would trigger recirculation of the Draft EIR under CEQA. Furthermore, there were no new significant environmental impacts, or a substantial increase in

the severity of any impact, identified in the comments or responses that were not already identified in the Draft EIR.

**Final EIR and Findings:**

The Final EIR includes all comments and responses on the Draft EIR, including “master responses” that address issues referenced by multiple commenters. The Final EIR also integrates revisions to the Draft EIR and the Mitigation Monitoring and Reporting Program. Last but not least, the Draft EIR and all appendices are included for context purposes. While the Final EIR is too long to attach to this committee memorandum as an attachment, the Final EIR is available for review online on the [Plan Bay Area 2050 website](#); in-person and by appointment at 375 Beale Street in San Francisco; or by emailing [info@planbayarea.org](mailto:info@planbayarea.org) or calling (415) 778-6757 to make alternative arrangements to access the document.

The CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations (Findings) will be brought forward to the joint meeting of the Commission and ABAG Executive Board, at which time the Final EIR will be considered for final approval. It is anticipated that the Findings will highlight the following key points:

- The proposed Plan reflects much greater public and stakeholder input than other EIR alternatives from a four-year planning process.
- Unlike new strategies introduced during scoping, proposed Plan strategies were stress-tested against a wide range of conditions in Horizon Futures Planning to advance equity and resilience to uncertainty.
- Unlike some other alternatives explored, the proposed Plan advances all five Guiding Principles and meets all applicable federal and state requirements.
- The proposed Plan identifies 80+ near-term implementation actions to expedite implementation of the 35 strategies, making it more actionable in the near term than other EIR alternatives.

For the reasons identified above, MTC/ABAG staff recommend certification of the Final EIR and adoption of the proposed Plan as the Final Plan Bay Area 2050.

**Next Steps:**

Staff will finalize the proposed Findings document in advance of the joint Commission and ABAG Executive Board meeting scheduled for October 21, 2021.

**Issues:**

None identified.

**Recommendation:**

Refer MTC Resolution No. 4484 and ABAG Resolution No. 08-21 to the Joint Commission and ABAG Executive Board meeting on October 21, 2021 to adopt the Final Plan Bay Area 2050 Environmental Impact Report.

**Attachment:**

- Attachment A: MTC Resolution No. 4484 and ABAG Resolution No. 08-21



Therese W. McMillan

Date: October 21, 2021  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

ABSTRACT

MTC Resolution No. 4484

ABAG Resolution No. 08-21

This resolution certifies the Final Environmental Impact Report prepared for Plan Bay Area 2050, the San Francisco Bay Area's plan for transportation, housing, the economy, and the environment (SCH# 2020090519), and adopts environmental findings pursuant to the California Environmental Quality Act, as well as a Statement of Overriding Considerations.

Further discussion of this subject is contained in the Joint MTC Planning Committee and ABAG Administrative Committee memorandum dated October 8, 2021.

Date: October 21, 2021  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Re: Certification of the Final Environmental Impact Report prepared for Plan Bay Area 2050 (SCH# 2020090519), adoption of environmental findings pursuant to the California Environmental Quality Act, and a Statement of Overriding Considerations.

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4484

ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD  
RESOLUTION NO. 08-21

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

WHEREAS, 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 § 65080 et seq. requires MTC to prepare and update a long-range Regional Transportation Plan (RTP), including a Sustainable Communities Strategy (SCS) prepared in conjunction with ABAG, every four years; and

WHEREAS, Plan Bay Area 2050 (“Plan”) will serve as the region’s next-generation plan for transportation, housing, the economy, and the environment, while serving as the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area consistent with federal and state requirements; and

WHEREAS, MTC and ABAG served as joint lead agencies in preparing a Programmatic Environmental Impact Report (Program EIR) (SCH# 2020090519) 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 for purposes of State law requirements; federal law exempts approval of a transportation plan from environmental review (23 U.S.C., § 134 (j)); and

WHEREAS, MTC and ABAG issued a Notice of Preparation (NOP) of a Draft Program EIR on September 28, 2020, 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 a public scoping meeting on October 15, 2020, 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 identifying alternatives to be 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 June 3, 2021; and

WHEREAS, MTC and ABAG commenced a 47-day review period to solicit comments on the Draft Program EIR, which ended on July 20, 2021; 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 June 3, 2021, 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, 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 October 11, 2021, 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 October 21, 2021 Joint MTC Commission and ABAG Executive Board meeting, and public notice of the meeting was circulated to the public on October 14, 2021;

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 the 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 MTC Resolution No. 4485 and ABAG Resolution No. 09-21, 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 Program EIR; and (5) all appendices to the Final Program EIR; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR satisfies all the requirements of CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Plan's potentially significant environmental impacts and a reasonable range of alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find that the Plan will have significant impacts that cannot be fully mitigated to less than significant; and be it further

RESOLVED, that MTC and ABAG certify that the Final Program EIR (attached hereto as Attachment 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 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 part 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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Alfredo Pedroza, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in San Francisco, California and at other remote locations on October 21, 2021.

The foregoing was adopted by the Executive Board this 21<sup>st</sup> day of October, 2021.

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Jesse Arreguin  
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 21<sup>st</sup> day of October, 2021.

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Frederick Castro  
Clerk of the Board

**Approved as To Legal Form**

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Kathleen Kane  
Legal Counsel

Date: October 21, 2021  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment A  
MTC Resolution No. 4484  
ABAG Resolution No. 08-21  
Page 1 of 1

**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 Metro Center,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

Date: October 21, 2021  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment B  
MTC Resolution No. 4484  
ABAG Resolution No. 08-21  
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## **Final Environmental Impact Report**

The Final Environmental Impact Report (EIR)  
is on file in the offices of the Metropolitan  
Transportation Commission, Bay Area Metro Center,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

# CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

## 1 INTRODUCTION

### 1.1 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 2021 approval of Plan Bay Area 2050, the San Francisco Bay Area's long-range regional plan for transportation, housing, the economy, and the environment (final Plan). The final Plan's 35 integrated strategies across four key issues — housing, the economy, transportation, and the environment — chart a course to make the Bay Area more affordable, connected, diverse, healthy and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board pursuant to the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill (SB) 375, Statutes of 2008).

The Findings state the Commission's and Board's conclusions regarding the significance of the potential environmental impacts of the final 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 final Plan and on all other relevant information contained in the administrative record for the final 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 final Plan, to the extent feasible, as described in the EIR. All mitigation measures identified in the EIR (as listed in Table ES-1 of the Draft EIR and as amended in Section 3.0, "Revisions to the Draft EIR," of the Final EIR) are hereby adopted by the Commission and Board. Because the final 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.

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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).

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 final Plan cannot “regulat[e] the use of land... [and does not] supersed[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 final Plan, MTC and ABAG must rely on the CEQA streamlining incentives made available by statute to encourage implementing agencies to commit to the mitigation measures set forth in the EIR for the final 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 as Attachment B to MTC Resolution No. 4485 and Exhibit 2 to ABAG Resolution No. 09-21) to ensure implementation of these mitigation measures, MTC and ABAG will ensure the corresponding significant impacts within their jurisdiction 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. (Public Resources Codes section 21155.2, subdivision (a); CEQA Guidelines section 15168, subdivision (c)(3).)

Subsequent environmental review for specific projects identified in the final 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 final Plan must 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 final 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 final Plan, even though the final Plan will have significant and unavoidable impacts on the environment.

## 1.2 SCOPE OF THE ENVIRONMENTAL ANALYSIS

As required under state law, and pursuant to the role of a regional planning body, the final 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 well as household growth and composition.

The EIR, in compliance with CEQA, is designed to inform decision-makers, other responsible agencies, and the public of the environmental consequences of implementation of the final Plan. In accordance with CEQA, the EIR identifies regional effects of the implementation of projects that could follow

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



adoption of the final Plan. As a program-level EIR that addresses the entire nine-county, 101-city region, impacts of individual land use, sea level rise, or transportation projects are not addressed in site-specific detail; the focus of this analysis is on addressing the impacts of implementation of the final Plan at a programmatic level.

The analysis in the EIR considers the impacts of the final Plan in terms of the forecasted land use development pattern (“land use growth footprint”), sea level rise adaptation infrastructure (“sea level rise adaptation footprint”), and transportation projects and programs (“transportation projects footprint”). The impact discussions generally disclose the potential effects of the final Plan at three levels of geography: (1) at the regional level, which covers the Bay Area as a whole; (2) at the county level, which covers each Bay Area County; and (3) at the Transit Priority Area (TPA) level, which covers the TPAs. County totals include incorporated and unincorporated areas in each county. The portion of the land use growth footprint located outside of a TPA is captured in the county totals. The analysis is intended to assist areawide issue identification as it relates to regional transportation and land use planning and to provide a basis for future CEQA streamlined project-level environmental analysis for projects implemented under the final Plan.

## 1.3 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 final Plan. This document also includes a Statement of Overriding Considerations setting forth the specific reasons supporting MTC’s and ABAC’s actions in approving the final Plan despite its significant environmental impacts and concludes with a finding on the Commission’s and Board’s independent review and analysis of the EIR.

The findings set forth in the following sections state the Commission’s and 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 and Board’s ultimate decision on the final Plan is included at the end of this document as the Record of Proceedings.

## 2 FINDINGS AND FACTS IN SUPPORT OF FINDINGS

### 2.1 CEQA REQUIREMENTS

The EIR identifies significant effects on the environment, which may occur because of the projects contemplated by the final 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 section 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).”]**

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).) MTC and ABAG cannot compel 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.

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].)

Here, even with MTC/ABAG adoption of the mitigation measures identified in the Final EIR, it may not be feasible to substantially lessen or avoid significant impacts. Finding (3) is used herein where (i) the impact remains significant and unavoidable because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation, making implementation by MTC/ABAG infeasible, or (ii) even with implementation of mitigation measures, because site conditions are unique, MTC/ABAG cannot conclude with certainty that all significant impacts could be avoided and no additional feasible measures are available.

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.

These findings constitute the Commission’s and Board’s best efforts to set forth the evidentiary and policy basis for its decision to approve the final 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 and Board hereby bind MTC and ABAG to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations.

## 2.2 FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

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 *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 335-336; *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 Draft EIR analyzed impacts associated with the Draft (also referred to in the EIR as "proposed") Plan released June 4, 2021. Since the release of the Draft Plan and Draft EIR, in response to public comments, MTC and ABAG considerations, and continued staff analysis, there have been several text changes to the Draft Plan. The changes have been incorporated into the final Plan and final supplemental reports, which are available on the Plan Bay Area 2050 website at <https://www.planbayarea.org/finalplan2050>.

The changes incorporated into the final Plan include clarifications, corrections and elaborations to the text, figures and tables of the Plan and the supplemental reports. **Table A1** and **Table A2** summarize changes made between the May release of the Draft Plan and supplemental reports and the October release of the final Plan and supplemental reports. Paragraph, table, figure and map numbers, as well as page numbers, correspond to the final Plan.

The changes incorporated into the final Plan do not alter any of the planning assumptions (Regional Growth Forecast, Financial Forecasts or Growth Geographies), nor the project footprints (land use growth, sea level rise adaptation or transportation projects) discussed in Sections 2.2.3 and 3.1.3 of and analyzed throughout the Draft EIR. Similarly, proposed changes to the Implementation Plan chapter

include the addition of detail, specified commitments to action and timing. The intent of the Implementation Plan chapter is to provide guidance on how the final Plan's 35 strategies are implemented through a series of "short-term steps." Therefore, the changes incorporated into the Implementation Plan chapter do not alter the EIR's analysis of the potential impacts of implementing the Plan's 35 strategies discussed in Section 2.2.2 of the Draft EIR.

**Table A1: Changes Incorporated into the Final Plan Bay Area 2050**

Page	Paragraph/ Table/ Sidebar/ Figure	Revision
<b>Executive Summary</b>		
v	Paragraph 2	▲ A new paragraph recognizing the impacts of COVID-19 and how the plan responds to the new challenges raised by the pandemic was added
ix	Transportation Strategies	<ul style="list-style-type: none"> <li>▲ The description of strategy T01 was edited to clarify that the plan identifies funding to reverse pandemic-related cuts to total transit service hours</li> <li>▲ The total cost of the Transportation Element was changed from \$579 billion to \$578 billion to reflect final Transportation Project List revisions</li> <li>▲ The costs of strategies T01, T06, T07, and T10 were updated to reflect the final Transportation Project List</li> </ul>
x	Environment Strategies	<ul style="list-style-type: none"> <li>▲ The total cost of the Environment Element was changed from \$102 billion to \$103 billion to reflect final Transportation Project List revisions</li> <li>▲ The cost of strategy EN08 was changed to reflect the final Transportation Project List</li> </ul>
xi	Paragraph 3	▲ The commute mode share numbers were updated to reflect the final simulation model results
xi	Paragraph 4 and 5	▲ The Implementation Plan summary was updated to reflect the final Implementation Plan and the activities of the Partnership Phase
xi	Next Steps	▲ The Next Steps section was removed
<b>Introduction</b>		
4	Paragraph 1	▲ A reference to "extreme heat" was added to the list of events worsened by climate change (alongside flooding, drought, and wildfire)
7	Paragraph 4	▲ A new paragraph was added recognizing people with disabilities as a historically marginalized community
7	Paragraph 5	▲ Text was changed from "historically underserved and systematically marginalized" to "historically and systematically underserved, marginalized and excluded" to recognize that historic and systemic forces contribute to being underserved, marginalized and excluded
11	COVID-19 sidebar	▲ A new sidebar was added to clarify how Plan Bay Area 2050 was influenced by and responds to the pandemic
<b>Housing Element</b>		
24	Paragraphs 1 and 2	▲ Text was updated to mention accessibility for people with disabilities as a goal for equity in the Housing Element
29	Paragraph 5	▲ A reference to MTC and ABAG's support for SB 10 (S. Wiener) was added to the Legislative Advocacy section of the BAHFA sidebar
33	Paragraph 5	▲ Text summarizing MTC and ABAG's Regional Housing Technical Assistance offerings was edited for clarity
<b>Economy Element</b>		
41	Advancing Access to High-Speed Internet sidebar	▲ The sidebar was updated to reflect a more limited implementation role for MTC/ABAG, focusing instead on highlighting state, county and local actions
43	Paragraph 2	▲ Text was edited to add reference to the recently approved statewide guaranteed income program for foster youth transitioning out of the system and pregnant people



Page	Paragraph/ Table/ Sidebar/ Figure	Revision
47	Map 3-1	▲ The map color scheme was updated for visual clarity; the underlying data remained unchanged
<b>Transportation Element</b>		
57	Paragraph 3	▲ Text was edited to reference several relevant state Autonomous Vehicle activities (CA Multi-Agency Workgroup on Autonomous Vehicles and strategies in California Transportation Plan 2050)
59	Clipper START sidebar	▲ Text was edited to update the cost of the Clipper START pilot program as of October 2021
63, 64	Various paragraphs	▲ Text was edited to add reference to rollers (e.g., wheelchair or scooter users) alongside pedestrians and cyclists where appropriate to acknowledge the mobility needs of people with disabilities
65	Exploring Automated Speed Enforcement to Address Bias	▲ Text was updated to reflect that AB 550 failed to pass in the period following the release of the Draft Plan
67	Transit Recovery Sidebar	▲ Sidebar was revised upon conclusion of the Blue Ribbon Transit Recovery Task Force to summarize the Task Force's activities
71	Map 4-2	▲ The Growth Geographies layer in this map was updated to correct an error where an area in northern Lafayette was mistakenly depicted as a Growth Geography. Express bus service was removed from this map and reflected on Map 4-4 instead. Existing ferry service was added to the map
72	Map 4-3	▲ The Growth Geographies layer in this map was updated to correct an error where an area in northern Lafayette was mistakenly depicted as a Growth Geography
75	Map 4-4	▲ A new map displaying the region's express bus network in 2050 under Plan Bay Area 2050's strategies was added
<b>Environment Element</b>		
80	Multiple paragraphs	▲ Text was edited to reference parks accessibility for people with disabilities and seniors as an equity goal for the Environment Element
84	Map 5-1	▲ A new map highlighting regional parks and open spaces was added
93	Paragraph 3	▲ Text was edited to reference drought as an issue for the region and state, as well as the ways in which Plan Bay Area 2050's strategies respond to this issue by prioritizing climate emissions reductions and encouraging a land use pattern that uses water more efficiently
98	Paragraph 1	▲ Text was revised to reflect that the Bay Adapt process concluded following the release of the Draft Plan
<b>Outcomes</b>		
110	Figure 6-2	▲ A new figure illustrating the increase in affordable housing supply from several Plan Bay Area 2050 strategies, alongside the total growth in households with low incomes, was added
112	Figure 6-4	▲ Figure and accompanying text summarizing commute mode shares were updated to reflect final simulation modeling results
116	Figure 6-5	▲ Figure and accompanying text summarizing greenhouse gas emissions reductions were updated to reflect final simulation modeling results
<b>Implementation Plan</b>		
124	Paragraph 3	▲ A new paragraph summarizing summer 2021 engagement on the Implementation Plan (Partnership Phase) was added
128	Table 7-3	▲ MTC/ABAG Implementation Role was updated from "partner" to "support" for Strategy EC03
133	Table 7-5	▲ MTC/ABAG Implementation Role was updated from "lead" to "partner" for Strategy EN01

Page	Paragraph/ Table/ Sidebar/ Figure	Revision
135	Table 7-6	▲ New text was added on Cross-Cutting Implementation Actions
137	Implementation Spotlight sidebar	▲ New text was added highlighting key implementation actions related to BAHFA
138, 139	Table 7-7	▲ Implementation Actions table was updated to reflect revisions following the release of the Draft Plan
141	Implementation Spotlight sidebar	▲ New text highlighting key implementation actions related to supporting jobs growth in PDAs and PPAs was added
143	Table 7-8	▲ Implementation Actions table was updated to reflect revisions following the release of the Draft Plan
145	Implementation Spotlight sidebar	▲ New text was added highlighting key implementation actions related to freeway all-lane tolling study
146, 147	Table 7-9	▲ Implementation Actions table was updated to reflect revisions following the release of the Draft Plan
149	Implementation Spotlight sidebar	▲ New text was added highlighting key implementation actions related to updating the Priority Conservation Area framework
150, 151	Table 7-10	▲ Implementation Actions table was updated to reflect revisions following the release of the Draft Plan
153	Figure 7-1	▲ Figure and accompanying text were updated to reflect the final Transportation Project List revisions
153	Paragraphs 3-5	▲ New text was added describing potential for new revenues from federal sources to support plan implementation (FAST Act renewal, Infrastructure Bill)
154	Paragraphs 1-2	▲ New text was added describing potential for new revenues from state sources to support plan implementation (Regional Early Action Planning Grants 2.0) and previewing the third cycle of the One Bay Area Grant program
156-164	All	▲ Minor updates to partnership descriptions and partnership focus strategies reflecting input gathered during the Partnership Phase were made
161	All	▲ New page in partnerships section for labor organizations was added

**Table A2: Changes Incorporated into the Final Plan Bay Area 2050 Supplemental Reports**

Supplemental Report	Revision
Air Quality	<ul style="list-style-type: none"> <li>▲ Tables and figures were updated to reflect analysis of the final simulation modeling results</li> <li>▲ Consultation section was updated to summarize the activities of the Air Quality Conformity Task Force following the release of the draft report</li> <li>▲ Comments Received section was updated to document the comment period for the draft report and the fact that no comments were received</li> </ul>
Equity	<ul style="list-style-type: none"> <li>▲ Tables and figures were updated to reflect analysis of the final simulation modeling results and Transportation Project List</li> <li>▲ The section describing the equity objectives for each of the four elements of Plan Bay Area 2050 was updated to match the final text from the plan document</li> <li>▲ Meeting #8 was added to Table 3. Engagement calendar with Regional Equity Working Group.</li> <li>▲ The Immediate Next Steps section was removed, as it described events that occurred in between the Draft Plan release and final Plan release</li> </ul>
Forecasting and Modeling	<ul style="list-style-type: none"> <li>▲ Tables and figures were updated to reflect analysis of the final simulation modeling results</li> <li>▲ New content was added summarizing the changes to modeling work between the release of the draft report and the final report</li> </ul>

Supplemental Report	Revision
	<ul style="list-style-type: none"> <li>▲ Discussion of the methodology used to generate the Final Regional Growth Forecast was refined to reflect how the Plan Bay Area 2050 strategies and adjustments made to represent the impacts of COVID-19 on population and economic growth yielded the Final Regional Growth Forecast, compared to the Baseline Regional Growth Forecast.</li> <li>▲ Table 41 was added to the section describing how the travel model representation of Strategy EN01: Adapt to Sea Level Rise was augmented to add additional clarity on the transportation facilities that were impacted or protected in the No Project, Plan, and EIR Alternatives</li> <li>▲ New maps showing detailed information on Transit-Rich Areas and High-Resource Areas were added</li> <li>▲ Figure 13 was updated to correct an error where an area in northern Lafayette was mistakenly depicted as a Growth Geography</li> <li>▲ The description of the implementation details for the Targeted Transportation Alternatives off-model strategy was updated to reflect the correct annual funding estimations</li> <li>▲ In Table 45, travel days per year was changed from 300 to 347 to match state assumptions</li> <li>▲ Investment was increased in the vehicle buyback &amp; EV incentive components of strategy EN08, and the calculation methodology was updated to share emissions reduction impacts with the state in proportion to regional and state incentive amounts</li> </ul>
Implementation Plan Briefs	<ul style="list-style-type: none"> <li>▲ Content for each strategy was updated to reflect the final funding amounts, final recommended implementation actions for MTC/ABAG, final implementation role for MTC/ABAG, implementation timeframes, strategic partners, and latest discussion of summary and considerations</li> <li>▲ New content on cross-cutting implementation priorities was added</li> </ul>
Performance	<ul style="list-style-type: none"> <li>▲ Tables and figures were updated to reflect analysis of the final simulation modeling results</li> <li>▲ Methodology for greenfield development metric calculation was added, as it was omitted from the draft report</li> <li>▲ An error where Project Performance Assessment results for Downtown San Francisco Congestion Pricing and Treasure Island Congestion Pricing were transposed was corrected in Appendix 2</li> <li>▲ Commitment letters in Appendix 3 were alphabetized and a table of contents for the appendix was included for clarity</li> </ul>
Public Engagement	<ul style="list-style-type: none"> <li>▲ New content was added summarizing Phase 3 (late 2020 through summer 2021) engagement activities</li> <li>▲ Report content was updated to reflect the final accounting of number of people engaged, number of events held, and number of comments received</li> </ul>
Statutorily Required Plan Maps	<ul style="list-style-type: none"> <li>▲ Maps 13 through 21 were updated to add the Priority Conservation Areas adopted in 2020, which had been omitted from the draft report</li> </ul>
Technical Assumptions	<ul style="list-style-type: none"> <li>▲ The environment section of the report was reorganized to group all revenue information and all cost information together</li> <li>▲ New content was added on the methodology used to estimate the cost of strategy EN08: Expand Clean Vehicles and EN09: Expand Transportation Demand Management Initiatives</li> <li>▲ Transportation and Environment Element sections were revised to reflect the final amount of existing transportation funds transferred to the Environment Element to support clean vehicle initiatives under Strategy EN08</li> <li>▲ A typo that incorrectly stated the amount of new and existing revenues for transportation was corrected</li> <li>▲ References to the “Surface Transportation Program” were changed to the “Surface Transportation Block Grant”</li> <li>▲ Table 7 was updated to combine county and regional Surface Transportation Block Grant revenue projections into one line item</li> <li>▲ Table 7 was updated to identify non-federal revenue sources that are augmented by federal funds</li> </ul>



Supplemental Report	Revision
	<ul style="list-style-type: none"> <li>▲ Table 7 was updated to reflect the final projections for Secured and Other Local and Plan Bay Area 2050 Other New User Fees revenue sources</li> <li>▲ Table 24 was updated to identify the 1-in-200 chance projections as the projections used for Plan Bay Area 2050's analysis</li> <li>▲ Appendix 1 was updated to show changes to the strategy descriptions that had occurred following the fall 2020 adoption action by the Commission and ABAG Executive Board in redline</li> <li>▲ The discussion of revenues for the Environment Element was edited to reference the potential for increased state support for sea level rise mitigation measures in upcoming budget cycles</li> </ul>
Transportation Project List	<ul style="list-style-type: none"> <li>▲ Project costs and scopes were updated to reflect final project groupings</li> <li>▲ The SMART North Petaluma Infill Station (RTP ID 21-T11-201) was added, with a commensurate reduction in funding for the Sonoma County Local Bus Frequency Increase program (RTP ID 21-T10-071) and the Other Investments to Expand and Modernize the Regional Rail Network program (RTP ID 21-T11-115)</li> <li>▲ Funds were shifted from the Cost Contingency RTP ID (21-T07-059) and the Regional Transportation Demand Management RTP ID (21-EN09-132) to the Regional Clean Vehicle Initiatives RTP ID (21-EN08-131)</li> </ul>
Tribal Engagement	<ul style="list-style-type: none"> <li>▲ New content summarizing key findings of the engagement activities was added</li> <li>▲ New content was added summarizing Round 3 of engagement with Native American tribes, which occurred after the release of the Draft Plan</li> <li>▲ Existing report content was reorganized to separate out AB 52 consultation activities into their own section</li> </ul>

There have also been modifications to the Draft EIR, as identified in Chapter 3 of the Final EIR. Some of the changes were made in direct response to comments raised on the Draft EIR and provide clarifications and modifications to address commenters' requests, as described in more detail below. Other changes were initiated by MTC and ABAG staff, following the release of the Draft EIR and Draft Plan Bay Area 2050 Forecasting and Modeling Report, available on the Plan Bay Area 2050 website at [www.planbayarea.org/reports](http://www.planbayarea.org/reports). Specifically, several assumptions underlying Travel Model 1.5 and the off-model calculations were reviewed and refined by staff, resulting in the need to re-simulate future travel activity from the final Plan and the Draft EIR alternatives (No Project Alternative, TRA Focus Alternative, and HRA Focus Alternative).

As described in more detail in "Master Response 8: Refinements of Travel Modeling Assumptions in the Final EIR" refinements to the modeling assumptions and calculations fell into two categories: (1) refinements to modeling assumptions or off-model calculation assumptions, and (2) refinements to travel network assumptions. These refinements do not alter the final Plan's strategies described under Section 2.2.2, "Final Plan Strategies" of the Draft EIR, nor do these refinements alter how the final Plan's strategies were represented in Travel Model 1.5 to simulate their potential impacts. Instead, the refinements to the modeling assumptions adjust assumptions and the inner workings of Travel Model 1.5 which affect the future conditions of the transportation system discussed under Section 2.2.3, "Conditions Under the Final Plan" of the Draft EIR, and the refinements to the travel network assumptions were made to better reflect the region's existing transportation system or details of major transportation projects.

The total effects of the model refinements are detailed in the revised tables in Chapter 3, "Revisions to the Draft EIR," of the Final EIR. As shown in revised Table 3.15-11 (Summary of Baseline and Final Plan 2050 Vehicle Trips and VMT), while there would be changes in the overall reduction of VMT, these changes do not alter the conclusions of the EIR with respect to significance conclusions or substantially change the severity of significant impacts. The increase in total daily VMT would change from a 13-percent increase to a 16-percent increase. The decrease in daily VMT per capita with Strategy EN09 would change from a 17-percent decrease to a 15-percent decrease. The conclusion for Impact TRA-2

explained that Plan implementation would result in an increase in total regional VMT and a decrease in per-capita VMT. This remains accurate. Impact TRA-2 also concluded that the per capita VMT reductions would not impede achievement of additional Statewide VMT reductions required to meet the State's statutory GHG emissions targets. Impact TRA-2 discussion acknowledged that because there is a gap between the GHG emissions reductions that can be achieved from targets established by CARB pursuant to SB 375 and the GHG emissions reductions needed to achieve Statewide GHG reduction goals, MTC and ABAG cannot conclude that the reductions would be sufficient to meet the State's climate goals. TRA-2 was identified as potentially significant and Mitigation Measures TRA-2a and TRA-2b would reduce the magnitude of this impact but not to a less-than-significant level. This conclusion would not change as a result of the model refinements.

Similarly, the resultant changes to the GHG emissions calculations for transportation-related sources would not change the conclusions in the EIR. As shown in the revised Tables 3.6-12 and 3.6-13 in Chapter 3 of this Final EIR, the total percent change of forecasted daily transportation GHG emissions would change from a 22-percent decrease to a 20-percent decrease. And, as shown in the revised Table 3.6-15, the forecasted decrease in per capita carbon dioxide (CO<sub>2</sub>) emissions from passenger vehicle and light duty trucks would change from a 22-percent decrease to a 20-percent decrease. The conclusion in Impact GHG-2 would remain the same: "Because implementation of the final Plan would reduce per capita passenger vehicle and light duty truck CO<sub>2</sub> emissions by over 19 percent by 2035 as compared to 2005 baseline, per the regional targets set by CARB pursuant to SB 375, there would be less-than-significant (LTS) impact [sic]." Therefore, recirculation of the EIR is not required and the results of the model refinements are not considered significant new information as defined in Section 15088.5 of the CEQA Guidelines, because they do not change any impact significance conclusions or result in a substantial increase in the severity of impacts; nor do the refinements present new information not previously included in the Draft EIR. Additional text changes from the travel model assumptions refinements are included in Chapter 3, "Revisions to the Draft EIR."

Of the text changes listed in Chapter 3 of the Final EIR: thirteen (13) include minor revisions to the Project Description; approximately 30 make minor clarifications and corrections to environmental and regulatory setting information; one (1) includes the addition of a reference document; approximately fifteen (15) include minor clarifications to text in impact discussions as a result of comment letters and 24 include minor corrections to impact discussions as a result of the refinements to the travel model assumptions (described above); five (5) include the addition of text to existing mitigation measures; and 16 include clarifications to alternatives discussions.

As explained in each of the corresponding responses to comments in Chapter 2 of this Final EIR, the revisions and clarifications made in responses to comments serve to amplify and add detail to the existing discussion in the Draft EIR, including the environmental setting, environmental impacts, and mitigation measures. Regarding additional or corrected language in mitigation measures, the edits do not alter the conclusions with respect to the significance of any environmental impact because the impacts were already identified in the Draft EIR, and these edits supplement existing Draft EIR mitigation measures. These changes include modifications to correct, clarify, or increase the effectiveness of the following Mitigation Measures and are shown in underline/~~strikeout~~ text in the Findings Regarding Significant Effects and Mitigation Measures below:

- ▲ Mitigation Measure AES-1
- ▲ Mitigation Measure AQ-3(b)
- ▲ Mitigation Measure BIO-1(a)
- ▲ Mitigation Measure BIO-2
- ▲ Mitigation Measure BIO-3(a)

As demonstrated in the Final EIR, and summarized above, the revisions to the Draft EIR do not fall into any of the four circumstances identified by CEQA as triggering recirculation. MTC and ABAG have

determined that the provisions of Section 15088.5 of the CEQA Guidelines are not triggered and recirculation of this EIR is not required.

The Commission and Board hereby find that the changes made to the final Plan clarify and/or correct the text of the final Plan, but do not result in any changes that would have environmental effects. The potential impacts from the final Plan fit within the range of impacts analyzed in the EIR. There are no substantial changes in the final Plan or the circumstances under which the final Plan is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The final 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 Plan and support the finding that the final 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 and Board conclude 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 final 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 and Board hereby determine, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required.

## **2.3 FINDINGS REGARDING THRESHOLDS OF SIGNIFICANCE FOR ENVIRONMENTAL DETERMINATIONS**

CEQA requires a lead agency to determine the significance of all environmental impacts (Public Resources Code Section 21082.2; CEQA Guidelines Section 15064). A threshold of (or criteria for) significance for a given environmental impact defines the level of effect above which the lead agency will consider impacts to be significant, and below which it will consider impacts to be less-than-significant and therefore acceptable. Thresholds of significance may be defined either as quantitative or qualitative standards, or sets of criteria, whichever is most applicable to each specific type of environmental impact. For example, quantitative criteria are often applied to traffic, air quality, and noise impacts, while aesthetics impacts are typically evaluated using qualitative thresholds. Lead agencies have discretion to formulate their own significance thresholds. Setting thresholds requires the lead agency to make a policy judgment about how to distinguish significant impacts from less-than-significant impacts. Lead agencies can set thresholds on a project-by-project basis, or they can informally or formally adopt thresholds to be consistently applied to all projects.

Lead agencies are responsible for determining the thresholds of significance for all CEQA documents they prepare. They can rely on several sources, including: Appendix G of the CEQA Guidelines; CEQA’s mandatory findings of significance (CEQA Guidelines Section 15065); thresholds established by regulatory agencies; thresholds provided in General Plans or other local planning documents; or thresholds established by other agencies. For example, many jurisdictions rely on thresholds established by a local or regional air district when analyzing air quality impacts. Appendix G is the most common source, though lead agencies are not required to use it and are free to develop their own thresholds. Lead agencies are encouraged in the CEQA Guidelines (Section 15064.7(a)) to develop and formally adopt thresholds of significance, though this is not a requirement. Thresholds established for general use by a lead agency must be: adopted by ordinance, resolution, rule, or regulation; be subjected to

public review; and be supported by substantial evidence (CEQA Guidelines Section 15064.7(b)). Thresholds used solely for a specific project are not required to be adopted by ordinance or other formal means.

The significance thresholds criteria used in the EIR are consistent with the requirements of CEQA and, where noted, CEQA Guidelines Appendix G. MTC/ABAG hereby affirm the use of these significance thresholds for the purpose of analyzing the potential for environmental impacts that could result from adoption and implementation of the final Plan.

## 2.4 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 and Board, and the Facts in Support of each Finding. The facts in support of each finding are a summary of the facts and analysis contained in the EIR and in the Record of Proceedings, including compliance with all relevant existing laws, policies, and regulations, as summarized in the Regulatory Setting sections for each impact area addressed in the EIR. 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.

In these findings, MTC and ABAG discuss each potential environmental impact analyzed in the EIR. For each potential environmental impact MTC and ABAG summarize the level of significance before mitigation, the level of significance after mitigation, the mitigation measure(s), and findings regarding significance after mitigation is implemented. Where an impact is less-than-significant (LTS) no discussion of the impact is provided in these findings because PRC Section 21081 and CEQA Guidelines Section 15091 do not require findings of fact for impacts that are less-than-significant.

The Commission and Board have determined the adoption of feasible mitigation measures, alternatives, and proposals incorporated into the final 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 and Board’s decision to approve the final Plan despite potentially significant environmental effects that MTC and ABAG cannot mitigate or ensure will be mitigated by implementing agencies to less-than-significant levels.

### 2.4.1 Aesthetics and Visual Resources (3.2)

#### IMPACT

**AES-1** Have a substantial adverse effect on a scenic vista (Draft EIR, p. 3.2-10)

#### *Mitigation Measures*

**AES-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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. Measures to achieve this could include, but are not limited to, requiring that the scale and massing of new development in higher-density areas provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods that have lower development intensities and building heights, and ensuring building heights are stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect scenic vistas and scenic resources.
- ▲ Design projects to minimize the potential to obscure, detract from, or negatively affect the quality of views from State-designated scenic roadways or scenic highways.
- ▲ 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.
- ▲ Where highway screening is a required element of a development, design landscaping along all highways, including State-designated scenic highways, locally designated scenic highways, and 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. Retain or replace trees bordering highways so that clear-cutting is not evident.
- ▲ Identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources.

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

Mitigation Measure AES-1 would reduce significant impacts to scenic vistas because it would require modification of site design to minimize visual intrusion on important viewsheds and require landscaping and trees where highway screening is required along highway corridors. It would also require reduced visibility of construction staging areas and revegetation of exposed earth surfaces at the earliest opportunity. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. 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 substantially altered. This impact would remain **significant and unavoidable (SU)**.

### ***Finding***

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).) (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. Strategies EN04 and EN05 would protect existing scenic resources, including scenic views, located within open space lands, agricultural lands, wildland-urban interface lands, and Priority Conservation Areas (PCAs).
- B. Denser or more compact development in the final Plan's growth geographies 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. 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 (PS). (Draft EIR, p. 3.2-11)

- C. Development of sea level rise adaptation infrastructure such as horizontal levees, marsh restoration, seawalls, and tidal gates are unlikely to block or substantially alter views of scenic vistas because these types of structures would be located low to the ground and would not be of substantial height. However, development of adaptation infrastructure such as vertical levees and elevated roadways could be tall enough to alter views of scenic vistas. Thus, depending on the location of the viewer, scenic vistas may be substantially altered, and impacts on views of scenic vistas would be potentially significant (PS). (Draft EIR, p. 3.2-12)
- D. Construction of transportation projects included in the final Plan could take several months to several years and have the potential to result in long-term effects on scenic views from discrete locations depending on the size of projects. Construction of projects could directly alter a feature or be placed in a location such that the intensity and height of development would obstruct views. Transportation projects included in the final 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 prolonged presence of construction equipment and stockpiling of materials. As shown in Figure 2-4 (see Chapter 2, "Project Description"), projects are 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. Due to the size and duration of some projects, construction may result in significant temporary impacts to scenic vistas (PS). (Draft EIR, p. 3.2-12)
- E. Upon completion, 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 specific vantage point of viewers. For example, new features such as rail lines, large signs, new intersections, and new transit centers could be placed in a location such that the intensity and height of development may block public views of landscape features or landforms. Thus, scenic vistas could be substantially altered because of new transportation infrastructure. This impact would be potentially significant (PS). (Draft EIR, p. 3.2-13)
- F. Mitigation Measure AES-1 would reduce significant impacts to scenic vistas because it would modify site design to minimize visual intrusion on important viewsheds and require landscaping and trees where highway screening is required along highway corridors. It would also require reduced visibility of construction staging areas and revegetation of exposed earth surfaces at the earliest opportunity.

## IMPACT

**AES-2** Substantially damage scenic resources, including but not limited to trees, rock outcropping, and historical buildings within a state scenic highway (Draft EIR, p. 3.2-14)

### *Mitigation Measures*

**AES-2** Implement Mitigation Measure AES-1.

### *Significance After Mitigation*

Mitigation Measure AES-2 would reduce significant impacts on visual resources within a State-designated scenic highway because it involves modifying site design to minimize visual intrusion on important viewsheds and require landscaping and trees along highway corridors. It would also require reduced visibility of construction staging areas and revegetation of exposed earth surfaces at the earliest opportunity. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, because site conditions are unique, it cannot be concluded with certainty that all significant visual resource impacts could be avoided. Therefore, there

may still be instances in which visual resources along State-designated scenic highways are substantially altered. This impact would remain **significant and unavoidable (SU)**.

### ***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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. Development adjacent to scenic highways could cause short-term visual impacts resulting from construction equipment and scaffolding, temporary lighting, and exposed excavation and slope faces. In general, construction-related impacts to scenic highways would be the same as those under Impact AES-1 relating to the blockage of views. Large projects are most likely to have significant impacts on scenic highways, but small projects could have substantial impacts depending on their duration. Generally, construction impacts are less than significant because of their temporary nature, but large or long duration projects could have significant impacts (PS). (Draft EIR, p. 3.2-14)
- B. Pursuant to PRC Section 21099, aesthetic impacts of residential, mixed-use residential, or employment center projects located within TPAs are not considered significant environmental impacts. Therefore, the potential for visual impacts on scenic highways would result from dense, compact development projects located in non-TPAs, and adjacent to scenic highways, which could damage scenic resources or create visual contrast between the project and existing conditions. The Scenic Highway Program managed by Caltrans to protect scenic highway corridors includes certain limits on land uses adjacent to the roadway, which are implemented at the local level. When nominating a scenic highway, Caltrans requires that the nominating agency adopt a CPP that includes regulation of land use and density of development; detailed land and site planning; control of outdoor advertising; careful attention to and control of earthmoving and landscaping; and the design and appearance of structures and equipment. These programs are included as part of the scenic highway designation, and Caltrans can revoke the designation if these programs are not followed. Cities and counties also have policies (e.g., general plan), regulations (e.g., zoning), and other guidance (e.g., design guidelines) that control the size and scale of new development to maintain visual compatibility with the natural and built environments. However, development adjacent to scenic highways could result in short-term and long-term impacts on resources along scenic highways. This impact would be potentially significant (PS). (Draft EIR, pp. 3.2-14 to 3.2-15)
- C. The implementation of sea level rise adaptation infrastructure could result in development of levees, seawalls, elevated roadways, marsh restoration, and tidal gates. This adaptation infrastructure would be clustered in Alameda County, followed by Marin, Santa Clara, San Mateo, and Solano Counties. Sea level rise adaptation infrastructure would be minimal in Contra Costa, Sonoma, San Francisco, and Napa Counties. As explained above, the presence of construction equipment would be temporary and would be removed following construction. Grading and earthwork for construction of adaptation infrastructure such as horizontal levees, marsh restoration, seawalls, tidal gates, vertical levees, and elevated roadways could result in the removal of trees and other vegetation and topographic disturbance. As noted above, the Scenic Highway Program managed by Caltrans to protect scenic highway corridors includes certain limits on land uses adjacent to the roadway, which are implemented at the local level. When nominating a scenic highway, Caltrans requires that the nominating agency adopt a CPP that includes regulation of land use and density of development; detailed land and site planning; control of outdoor advertising; careful attention to and control of earthmoving and landscaping; and the design and appearance of structures and equipment. These programs are included as part of the scenic highway designation, and Caltrans can revoke the designation if these programs are not followed. Cities and counties also have policies

(e.g., general plan), regulations (e.g., zoning), and other guidance (e.g., design guidelines) that control the size and scale of new infrastructure to maintain visual compatibility with the natural and built environments. However, infrastructure placement adjacent to scenic highways could result in short-term and long-term impacts on resources along scenic highways. This impact would be potentially significant (PS). (Draft EIR, p. 3.2-15)

- D. Proposed transportation projects could impact portions of Bay Area highways that are designated as State scenic highways or that are eligible scenic highways. These projects could have adverse effects on the visual character of land adjacent to designated scenic highways or highways eligible for designation. Transportation projects subject to review by the Federal Transit Administration, Federal Railroad Administration, or Federal Highway Administration would be subject to NEPA review and compliance with guidance related to visual resources such as the FHWA Guidelines for the Visual Impact Assessment of Highway Projects (USDOT 2015). Thus, because existing regulations protect resources along scenic highways, impacts would be less than significant after construction. However, because substantial visual impacts may occur during construction and because construction of some projects may take years, this impact is potentially significant (PS) (Draft EIR, pp. 3.2-15 to 3.2-16)
- E. Mitigation Measure AES-2 would reduce significant impacts on visual resources within a State-designated scenic highway because it involves modifying site design to minimize visual intrusion on important viewsheds and require landscaping and trees where highway screening is required along highway corridors. It would also require reduced visibility of construction staging areas and revegetation of exposed earth surfaces at the earliest opportunity.

## IMPACT

**AES-3** In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings and in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality (Draft EIR, p. 3.2-16)

### *Mitigation Measures*

**AES-3** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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.
- ▲ 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 AES-3 would reduce significant impacts to visual character or quality because it would require that projects would be compatible in appearance to their surroundings and implement strategies to reduce the impact of shadows on public spaces. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, because site conditions are unique within urban and non-urban areas, it cannot be concluded with certainty that



all significant impacts to existing visual character could be avoided. Therefore, there may still be instances in which impacts to visual character are **significant and unavoidable (SU)**.

### ***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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. At the regional scale, the greatest impacts related to visual character would result from high density residential development and high intensity non-residential projects located within existing communities where the visual contrast between the project and existing conditions would be the most apparent. Development outside of urban built-up lands could introduce dense compact development that would contrast with the existing character of the community. In many cases, the existing visual character within urban built-up lands would not be substantially altered because dense compact development would be similar to existing conditions. All cities and counties have policies (e.g., general plan), regulations (e.g., zoning), and other guidance (e.g., design guidelines) that control the size and scale of new development, which serves to maintain its visual compatibility with the natural and built environments. However, implementation of the final Plan would increase density and intensity of growth in designated growth geographies 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 (PS). (Draft EIR, pp. 3.2-16 to 3.2-17)
- B. Sea level rise adaptation projects would occur primarily in nonurbanized areas but could be located in areas subject to public views where viewer sensitivity is high. Grading and earthwork for construction of adaptation infrastructure could result in the removal of trees and other vegetation and topographic disturbance, which would alter the existing character of the project sites. Thus, this impact would be potentially significant (PS). (Draft EIR, p. 3.2-17)
- C. Development of adaptation infrastructure such as horizontal levees, marsh restoration, seawalls, and tidal gates are unlikely to substantially degrade visual quality because these types of structures would be located low to the ground and would not be of significant height. However, development of adaptation infrastructure such as vertical levees and elevated roadways could require greater tree removal or earthwork and could alter or degrade existing visual quality in the region depending on their location by introducing new built elements in existing natural landscapes or increasing the vertical profile of existing infrastructure. Therefore, the potential for impacts to visual character and quality is considered potentially significant (PS). (Draft EIR, p. 3.2-17)
- D. Development of major above-ground transportation projects could result in substantial effects on the visual character in the region depending on their location and project type. Substantial regional projects that would add travel lanes to freeways, expressways, highways, or add new routes to fixed guideway transit facilities would be located in already developed areas and would not constitute a significant change in visual character. However, the final Plan's transportation projects that extend into non-urban areas or that expand existing rights-of-way could impact community character by increasing visual contrast within the community. Therefore, implementation of the final Plan's major transportation projects would constitute a potentially significant impact (PS). (Draft EIR, p. 3.2-18)
- E. Mitigation Measure AES-3 would reduce significant impacts to visual character or quality because it would require that projects would be compatible in appearance to their surroundings and implement strategies to reduce the impact of shadows on public spaces. (Draft EIR, pp. 3.2-18 to 3.2-19)

## IMPACT

**AES-4** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Draft EIR, p. 3.2-18)

### *Mitigation Measures*

**AES-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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 sky glow into the nighttime sky and for incidental spillover of light onto adjacent private properties and undeveloped open space.

### *Significance After Mitigation*

Mitigation Measure AES-4 would reduce significant light and glare impacts through requirements related to project design, shading and shielding, non- and low-reflective materials, and landscaping. Additionally, it would provide standards that would minimize the effects of light trespass and glare. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-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 and 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)**.

### ***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. (Finding (3)).

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

- A. Implementation of the final Plan would result in the development of new residential or commercial structures that could result in substantial sources of light at the regional scale that cause a public hazard, disrupt scenic vistas, and brighten the night sky. Development projects resulting from the final Plan could create new substantial sources of light and glare at the local scale. In addition, the introduction of new sources of light and glare could impact local visual resources by altering the local character of the built environment. High density residential and high intensity non-residential development, in particular, could have substantial increases in light and glare at the local level. Overall, the impact of new sources of light and glare would be less than significant (LTS) in urban areas and potentially significant (PS) in rural areas. (Draft EIR, p. 3.2-19)
- B. Transportation projects could result in 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. Most improvements would take place on existing facilities that have existing sources of light, and many projects are clustered in urban areas where light and glare would be similar in character to existing light sources. It is not anticipated that these transportation projects would substantially increase the amount of light and glare. However, transportation projects located within rural areas could introduce light and glare to areas where no sources existed previously, which would constitute a potentially significant impact (PS). (Draft EIR, p. 3.2-20)
- C. Mitigation Measure AES-4 would reduce significant light and glare impacts through requirements related to project design, shading and shielding, non- and low-reflective materials, and landscaping. Additionally, it would provide standards that would minimize the effects of light trespass and glare. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M). (Draft EIR, p. 3.2-21)

## **2.4.2 Agriculture and Forestry resources (3.3)**

### **IMPACT**

**AGF-1** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract (Draft EIR, p. 3.3-15)

### ***Mitigation Measures***

**AGF-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Require project relocation or corridor realignment, where feasible, to avoid agricultural land, especially Prime Farmland, Farmland of Statewide Significance, and land under a Williamson Act contract.

- ▲ Provide buffers, berms, setbacks, fencing, or other project design measures to protect surrounding agriculture, and to reduce conflict with farming that could result from implementation of transportation improvements and/or projected land use pattern included as a part of the RTP/SCS.
- ▲ Maintain and expand agricultural land protections such as urban growth boundaries.
- ▲ Achieve compensatory mitigation in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning, as deemed appropriate by the permitting agencies.
- ▲ Require acquisition of conservation easements on land in the same jurisdiction, if feasible, and at least equal in quality and size as mitigation for the loss of agricultural land.
- ▲ 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 AGF-1 would reduce the potentially significant impact of conversion of Farmland, lands zoned for agriculture, and lands under Williamson Act contracts to other uses because it would require avoidance or compensation for converted lands. 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, the mitigation would not ensure that the future land use development pattern, sea level rise adaptation infrastructure, and transportation projects could feasibly relocate or realign to avoid conversion of Farmland, lands zoned for agriculture, and lands under Williamson Act contract to a less-than-significant level. Accordingly, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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).) (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy.
- B. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- C. The final Plan's land use growth footprint could have the potential to convert Prime or Farmland of Statewide Importance or Unique Farmland and conflict with existing zoning for agricultural use or Williamson Act contracts. The potential conversion of Farmland, lands zoned for agriculture, and lands under Williamson Act contracts would be potentially significant (PS). (Draft EIR, p. 3.3-18)

- D. Implementation of the final Plan's sea level adaptation infrastructure has the potential to convert lands zoned for agriculture and lands under Williamson Act contract thought the extent of conversion would depend on the final scale and design of proposed adaptation infrastructure. This impact would be potentially significant (PS). (Draft EIR, p. 3.3-19)
- E. The final Plan's transportation projects footprint could have the potential to convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as well and conflict with existing zoning for agricultural use or Williamson Act contracts. The likelihood of farmland 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 transportation projects, but some conversions could be substantial. The potential conversion of Farmland acreage, lands zoned for agriculture, and lands under Williamson Act contract due to implementation of transportation projects under the final Plan would be potentially significant (PS). (Draft EIR, p. 3.3-20)
- F. Implementation of Mitigation Measure AGF-1 would reduce the potentially significant impact of conversion of Farmland, lands zoned for agriculture, and lands under Williamson Act contracts to other uses because it would require avoidance or compensation for converted lands. (Draft EIR, p. 3.3-21)

## IMPACT

**AGF-2** Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (Draft EIR, p. 3.3-22)

### *Mitigation Measures*

**AGF-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Require project relocation or corridor realignment, where feasible, to avoid forest land or timberland.
- ▲ Maintain and expand forest land protections such as urban growth boundaries.
- ▲ Achieve compensatory mitigation in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning, 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 forest land or timberland.

### *Significance After Mitigation*

Implementation of Mitigation Measure AGF-2 would reduce the potentially significant impact of conversion of forest or timberland to other uses because it would require avoidance or compensation for converted lands. 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, because the mitigation would not ensure that the future land use development pattern and transportation projects could feasibly relocate or realign to avoid forestland or timberland and because compensation may not adequately reduce the impact to a less-than-significant level, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

### *Finding*

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).) (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts on forest land or timberland. Some Bay Area cities have urban growth boundaries, which help to protect natural lands such as forest land and timberland. However, implementation of the final Plan's land use growth footprint could conflict with the existing zoning for forest land, timberland, or Timberland Production. The potential conversion would be potentially significant (PS). (Draft EIR p. 3.3-22)
- B. The final Plan's transportation projects footprint could have the potential to conflict with the existing zoning for forest land, timberland, or Timberland Production. 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 would depend on the final scale and design of proposed projects. Nonetheless, the conversion of forest land and timberland acreage would be potentially significant (PS). (Draft EIR, p. 3.3-23)
- C. Implementation of Mitigation Measure AGF-2 would reduce the potentially significant impact of conversion of forest or timberland to other uses because it would require avoidance or compensation for converted lands. (Draft EIR, p. 3.3-24)

## **IMPACT**

**AGF-3** Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (Draft EIR, p. 3.3-25)

### ***Mitigation Measures***

**AGF-3** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Implement Mitigation Measures AGF-1 and AGF-2.
- ▲ Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land. Where a project has the potential to introduce sensitive species or habitats or have other spill-over effects on nearby agricultural lands, the project proponents shall be responsible for acquiring easements on nearby agricultural land and/or financially compensating for indirect effects on nearby agricultural land. Easements (e.g., flowage easements) shall be required for temporary or intermittent interruption in farming activities (e.g., because of seasonal flooding or groundwater seepage). Acquisition or compensation would be required for permanent or significant loss of economically viable operations.
- ▲ Design project features to minimize fragmenting or isolating agricultural land. Where a project involves acquiring land or easements, ensure that the remaining agricultural land is of a size sufficient to allow economically viable farming operations. The project sponsors shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.



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

Implementation of Mitigation Measure AGF-3 would reduce the potentially significant impact of conversion of Farmland or forestland to other uses because it would require avoiding conversion or fragmentation of such lands and/or compensation for converted lands. 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, for the reasons described above, the mitigation measures may not be feasible or may not adequately reduce the impact to a less-than-significant level. Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

### ***Finding***

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).) (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. A range of local conservation plans, habitat conservation agencies and State/federal park designated areas provide protection for a substantial amount of forest land and Farmland. The majority of projected development under the final Plan would occur on existing urban land, thereby minimizing impacts and potential further fragmentation of farmland, forest land or timberland. Some Bay Area cities have urban growth boundaries to limit sprawl and protect forest land and agricultural land and timberland. However, a substantial amount of land on the urban and suburban fringe is vulnerable to development, if not within the boundaries of protected lands, and face additional development pressure as adjacent lands are converted from undeveloped to developed uses. Therefore, development projects anticipated to occur under the final Plan could have the potential to cause other changes in the existing environment that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. This impact would be potentially significant (PS). (Draft EIR, p. 3.3-25)
- C. Implementation of Mitigation Measure AGF-3 would reduce the potentially significant impact of conversion of Farmland or forestland to other uses because it would require avoiding conversion or fragmentation of such lands and/or compensation for converted lands. (Draft EIR p. 3.3-25)

## **2.4.3 Air Quality (3.4)**

### **IMPACT**

**AQ-2** Result in a substantial net increase in construction-related emissions (Draft EIR, p. 3.4-38)

## ***Mitigation Measures***

**AQ-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

When applicable screening levels set by the relevant air district are exceeded, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

### **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 the relevant air district (e.g., BAAQMD, NSCAPCD, or YSAQMD) for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement:

- Equipment shall be zero emissions or have engines that meet or exceed either EPA or CARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions 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 Entrained 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.
- ▲ On-site dirt piles or other stockpiled PM shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas.
- ▲ 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 transfer processes involving a free fall of soil or other PM shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
- ▲ 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.
- ▲ Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.
- ▲ The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained before and for the duration of on-site operation.
- ▲ Where accessible, existing power sources (e.g., power poles) or clean-fuel generators shall be used rather than temporary power generators.
- ▲ A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Operations that affect traffic shall be scheduled for off-peak hours. Obstruction of through-traffic lanes shall be minimized. A flag person shall be provided to guide traffic properly and ensure safety at construction sites.

Applicable mitigation measures shall be required at the time grading permits are issued.

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

The measures described above would minimize emissions of criteria air pollutants (e.g., PM<sub>10</sub> and PM<sub>2.5</sub>) and precursors (e.g., ROG and NO<sub>x</sub>) by requiring best practices for dust and exhaust emissions 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 implementing agency requires an individual project to implement all feasible mitigation measures described above, the project's impact would be less than significant with mitigation (LTS-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 and 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 would be **significant and unavoidable (SU)**.

### ***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. (Finding (3)).

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

- A. As individual projects under the projected land use pattern, sea level rise infrastructure, and planned transportation improvements are constructed, construction activity would result in emissions of criteria air pollutants (e.g., PM<sub>2.5</sub> and PM<sub>10</sub>) and precursors (e.g., Reactive Organic Gases [ROG] and NO<sub>x</sub>) from site preparation (e.g., excavation, grading, and clearing); exhaust from off-road equipment, material delivery vehicles, and worker commute vehicles; vehicle travel on paved and unpaved roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). Although EPA and CARB have adopted stringent diesel PM emission regulations for construction equipment, these regulations alone cannot assure that all projects consistent with the final Plan would use only the lowest emissions-generating construction equipment due primarily to the fleet averaging component of the compliance requirements. Additionally, dust emissions from construction activity would occur from the disturbance of 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. This impact would be potentially significant (PS). (Draft EIR, pp. 3.4-38 to 3.4-39)
- B. Mitigation Measure AQ-2 would minimize emissions of criteria air pollutants (e.g., PM<sub>10</sub> and PM<sub>2.5</sub>) and precursors (e.g., ROG and NO<sub>x</sub>) by requiring best practices for dust and exhaust emissions 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.

## **IMPACT**

**AQ-3** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (Draft EIR, p. 3.4-41)

### ***Mitigation Measures***

**AQ-3(a)** MTC and ABAG, in partnership with BAAQMD, and implementing agencies, shall work together to support the use of existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and CARB programs (e.g., Carl Moyer) intended to retrofit and replace trucks and locomotives.

**AQ-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 on-road mobile PM emissions from heavy duty trucks, ~~diesel train engines, vessels and harbor craft, and cargo handling equipment,~~ as well as entrained PM sources such as tire wear, brake wear, and roadway dust.

**AQ-3(c)** MTC and ABAG, in partnership with local air districts, and implementing agencies shall:

- ▲ support the advancement of corridor-level plans and implementation of projects located on severely congested (LOS F) facilities and

- ▲ incorporate transportation demand management (TDM) strategies into individual land use and transportation projects and plans, as part of the planning process; TDM strategies could include ridesharing, carsharing, telecommuting, adopting flexible working hours, implementing parking management and traffic-calming measures, and marketing TDM options (especially alternative commuting services).

**AQ-3(d)** When applicable screening levels set by the applicable air district are exceeded, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below or are updated by BAAQMD/the applicable air district or within CalEEMod:

- ▲ Provide for, or contribute to, dedication of land for off-site Class I and Class II bicycle trails linking the project to designated bicycle commuting routes in accordance with the regional bikeway master plan.
- ▲ Provide preferential parking spaces for carpool and vanpool vehicles, implement parking fees for single-occupancy vehicle commuters, and implement parking cash-out program for employees.
- ▲ Support local requirements regarding electric vehicle charging spaces.
- ▲ Support the inclusion of bus shelters at transit access points where deemed appropriate by local public transit operator in large residential, commercial, and industrial projects.
- ▲ Support local communities and agencies equipping of residential structures with electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.
- ▲ Support the contribution to the provision of synchronized traffic signals on roadways affected by the project and as deemed necessary by the local public works department.
- ▲ Support local transit-enhancing infrastructure that includes bus turnouts or bulbs, passenger benches, street lighting, route signs and displays, and shelters as demand and service routes warrant, subject to review and approval by local transportation planning agencies.
- ▲ Support pedestrian-enhancing infrastructure that includes sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs and infrastructure, street furniture and artwork, street lighting, pedestrian signalization and signage, and/or access between bus service and major transportation points in the Plan area.
- ▲ Support local community requirements to require all employment centers to include an adequate number of on-site shower/locker facilities for bicycling and pedestrian commuters (typically one shower and three lockers for every 25 employees per shift).
- ▲ Support local communities and agencies to provide park-and-ride lots as deemed feasible and appropriate by transportation planning agencies.
- ▲ At employment centers that exceed a designated size, as measured by the number of employees, support the provision of on-site child care and after-school facilities or contribute to off-site construction of such facilities within walking distance of employment land uses (for employment centers on or adjacent to industrial land uses, on-site child daycare centers shall be provided only if supported by the findings of a comprehensive health risk assessment performed in consultation with the local air district).
- ▲ Commit to support programs that include guaranteed ride home, subsidized transit passes, and rideshare matching.
- ▲ Support local communities and agencies to provide transportation (e.g., shuttles) to major transit stations and multimodal centers.

**AQ-3(e)** Implementing agencies and/or project sponsors shall implement the following measures, where feasible and necessary based on project- and site-specific considerations, to reduce criteria air pollutant emitted by natural gas combustion in buildings:

- ▲ Prohibit natural gas infrastructure in new development.
- ▲ Utilize, or design to support, microgrid electric systems to facilitate the resiliency of new developments prohibiting natural gas.
- ▲ Equip residential structures containing front and rear yard area with electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.
- ▲ Install ground-source heat pumps, solar, or other alternatively-fueled water heaters instead of natural gas or grid-based electric water heaters.
- ▲ Install ground-source heat pump, or other alternative, heating and cooling systems.
- ▲ Increase wall and attic insulation to 20 percent above Title 24 requirements (residential and commercial).
- ▲ Orient buildings to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial).
- ▲ Provide energy-efficient windows (double pane and/or Low-E) and awnings or other shading mechanisms for windows, porches, patios, and walkways.
- ▲ Utilize passive solar cooling and heating designs, ceiling and whole house fans, and programmable thermostats in the design of heating and cooling systems.

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

Mitigation Measures AQ-3(a) through AQ-3(d) would reduce significant impacts from forecasted increases in PM<sub>2.5</sub> and PM<sub>10</sub> because they would lead to reductions in vehicle trips and VMT, thereby reducing mobile source emissions. Further, Mitigation Measure AQ-3(e) would reduce area-source emissions from natural gas combustion and landscaping equipment in new developments. 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, because reductions cannot be estimated, it cannot be concluded with certainty that all significant impacts would be avoided. This impact would remain **significant and unavoidable (SU)** for purposes of this program level review.

### ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan is designed to reduce GHG emissions pursuant to SB 375, through designated growth geographies and complementary land use (e.g., H03, E04, E05), transportation (e.g., T03, T04, T05, T08, T09, T10, T11, T12), and environmental strategies (i.e., EN07, EN08, EN09).

- B. Implementation of the final Plan would increase daily area source emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. 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. CARB and the three air districts in the region have policies in place that regulate emissions from architectural coatings and hearths. CARB also has five existing consumer product regulations (CARB 2019). However, more emission reduction measures may be needed to ensure that all projects consistent with the final Plan would not exceed existing levels. This impact would be potentially significant (PS). (Draft EIR, p. 3.4-42)
- C. 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 PM<sub>2.5</sub> in the region would decrease between 2015 and 2050, the planning horizon for the final Plan. The primary reason for these reductions is the increasingly stringent emission controls adopted by CARB for new vehicle engines and fuels. The land use pattern in the final Plan concentrates future growth at higher densities around existing and proposed transit investments, which would reduce driving and motor vehicle emissions per capita. PM<sub>10</sub> emissions would increase 11 percent (3.0 tons per day) during the final Plan's timeframe compared to existing conditions, which is primarily a function of the 17 percent growth in VMT. Despite the significant reductions in ROG, NO<sub>x</sub>, and some reduction in PM<sub>2.5</sub> mobile-source emissions, this impact would be potentially significant (PS) because there would be a net increase in PM<sub>10</sub> emissions from mobile sources. (Draft EIR, pp. 3.4-43 to 3.4-44)
- D. Implementation of the final Plan's land use development pattern and transportation projects would result in a net decrease in ROG and NO<sub>x</sub> emissions; however, there would be a net increase in PM<sub>10</sub> and PM<sub>2.5</sub> emissions. (Draft EIR, p. 3.4-44)
- E. A key source of PM is the combustion of fossil fuels. After these fuels break down during combustion, they cool, become radicalized, and agglomerate. These particles can form highly toxic compounds, and, when inhaled, the particles can enter the respiratory tract, causing chemical imbalances throughout the body, potentially resulting in inflammation, cell death and organ failure. The health effects from toxic PM emissions contribute to cardiovascular events, such as stroke and heart attack. It would be speculative to correlate exposure to criteria air pollutants from this Plan to specific health outcomes for sensitive receptors other than determining the types of health effects that could occur due to knowledge gaps and the complexity factors contributing to individual health outcomes. (Draft EIR, p. 3.4-44 to 3.4-45)
- F. Mitigation Measures AQ-3(a) through AQ-3(d) would reduce significant impacts from forecasted increases in PM<sub>2.5</sub> and PM<sub>10</sub> because they would lead to reductions in vehicle trips and VMT, thereby reducing mobile source emissions. Further, Mitigation Measure AQ-3(e) would reduce area-source emissions from natural gas combustion and landscaping equipment in new developments. (Draft EIR, p. 3.4-47)

## IMPACT

**AQ-4** Expose sensitive receptors to substantial pollutant concentrations (Draft EIR, p. 3.4-47)

### *Mitigation Measures*

**AQ-4(a)** When locating sensitive receptors in TAC risk areas, as identified in **Figure 3.4-2**, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- 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 (BAAQMD 2016). 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 percent supply filters shall be used.

- ▲ Reduce emissions from diesel trucks through implementing the following measures, if feasible: installing electrical hook-ups for diesel trucks at loading docks; requiring trucks to use Transportation Refrigeration Units that meet Tier 4 emission standards; requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels; prohibiting trucks from idling for more than 2 minutes; and establishing truck routes to avoid sensitive receptors in the project. Implement a truck route program, along with truck calming, parking, and delivery restrictions.
- ▲ Install passive electrostatic filtering systems with low air velocities (i.e., less than 1 mph).
- ▲ Phase residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- ▲ Locate sensitive receptors as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- ▲ Ensure that existing and new standby or emergency diesel generators meet CARB's Tier 4 emission standards, if feasible.
- ▲ Locate individual and common exterior open space and outdoor activity areas proposed as part of individual projects as far away as possible from emission source within the project site boundary, face them away major freeways, and shield them from the source (i.e., the roadway) of air pollution with buildings or otherwise buffer them 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, do not locate residents immediately adjacent to a loading dock or where trucks concentrate to deliver goods.
- ▲ Locate sensitive receptors in buildings in areas upwind of major roadway traffic to reduce exposure to reduce cancer risk levels and exposure to PM<sub>2.5</sub>.
- ▲ Plant 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 redwood (*Sequoia sempervirens*).
- ▲ Reduce emissions from diesel trucks by establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations, such as hospitals, schools, and childcare 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 (BAAQMD 2017c) and Planning Healthy Places (BAAQMD 2016).

**AQ-4(b)** MTC and 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>.

**AQ-4(c)** MTC and 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>.

**AQ-4(d)** Implementing agency shall implement the strategies identified in the CARB Technical Advisory to reduce air pollution exposure near high-volume roadways to less-than-significant levels, where feasible. Examples of effective strategies include (CARB 2017b):



- ▲ Using speed reduction mechanisms, such as roundabouts to reduce the frequency of stop-and-go driving common among streets that support stop signs;
- ▲ Using traffic signal management to limit the frequency of stop-and-go driving and vehicle idling;
- ▲ Establishing and enforcing speed limit reductions of high-speed roadways;
- ▲ Using design elements that promote air flow and pollutant dispersion along street corridors to optimize air flow, building downwash, and pollution dispersal;
- ▲ Incorporating bike lanes and sidewalks to promote alternative, zero-pollution modes of transportation; and
- ▲ Constructing solid barriers directly adjacent to high-volume roadways, such as sound walls to improve downwash.

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

Site-specific analysis would be needed when a project is proposed in the Plan area 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>. The final Plan could result in changes in total PM<sub>2.5</sub> exposure levels that disproportionately impact minority and low-income communities. These impacts would vary across counties.

The vehicle speed reduction measures listed under Mitigation Measure AQ-4(d) would result in reduced stop-and-go driving and hard accelerations thereby reducing emissions rates. While each vehicle reaches its optimal fuel economy at a different speed (or range of speeds), gas mileage usually decreases rapidly at speeds above 50 mph. Aggressive driving (speeding, rapid acceleration and braking) wastes gas and lowers gas mileage by approximately 15–30 percent at highway speeds and 10–40 percent in stop-and-go traffic (Oak Ridge National Laboratory 2017).

The mitigation measures identified above would result in reduced emissions and lower exposure levels near sensitive receptors. 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, the exact reductions are not known at this time. Therefore, this impact would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan is designed to reduce GHG emissions pursuant to SB 375, through designated growth geographies and complementary land use (e.g., H03, E04, E05), transportation (e.g., T03, T04, T05, T08, T09, T10, T11, T12), and environmental strategies (i.e., EN07, EN08, EN09).
- B. The final Plan could locate sensitive receptors in areas where 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 micro grams (µg) per cubic meter (m<sup>3</sup>), as summarized in **Table 3.4-14** or where TACs or PM<sub>2.5</sub> concentrations are in noncompliance with an adopted CRRP. Thus, land use impacts would be potentially significant (PS). (Draft EIR, p. 3.4-50)

- C. While exhaust-related emissions would decrease in both CARE communities and non-CARE communities, total PM<sub>2.5</sub> emissions would increase in the Plan area (by 9 percent across all counties) as would total PM<sub>2.5</sub> emissions in the Santa Clara County CARE community. The projected increase in total PM<sub>2.5</sub> emissions in the Santa Clara County community CARE community from 2015 to 2050 would constitute a change in PM<sub>2.5</sub> exposure levels that disproportionately affect minority and low-income populations. This would be a potentially significant impact (PS). (Draft EIR, p. 3.4-54)
- D. Mitigation Measures AQ-4(a) through AQ-4(d) would result in reduced emissions and lower exposure levels near sensitive receptors by modifying project siting and orientation, establishing truck routes, requiring air filtration systems, and implementing CARB Technical Advisory strategies that would reduce air pollution exposure near high-volume roadways such as strategies to reduce stop-and-go driving, promoting zero-pollution travel modes, and design elements to reduce pollution dispersal. (Draft EIR, p. 3.4-56)

## 2.4.4 Biological Resources (3.5)

### IMPACT

**BIO-1(a)** 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 CDFW, USFWS, or NOAA Fisheries (Draft EIR, p. 3.5-35)

### *Mitigation Measures*

**BIO-1(a)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas known or likely to contain habitat suitable for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines, where applicable. Where the biological resource assessments establish that mitigation is required to avoid and minimize 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 or standards 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.
- ▲ In support of CEQA, NEPA, CDFW, USFWS, and NOAA Fisheries review and permitting processes for individual final 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 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 on 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 presence and distribution of these species. Coordination with CDFW, USFWS, and NOAA Fisheries, as appropriate, 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.
- ▲ A species and habitat compensation plan shall be prepared and implemented for unavoidable direct impacts on special-status plant species and shall be reviewed and approved by the resource agencies and lead agency prior to project approval. The plan shall identify effective methods for reestablishing the affected species and habitat, including but not limited to seed collection, salvage of root masses, and planting seeds and/or root masses in an area with suitable conditions. The plan shall also specify a monitoring program designed to evaluate success in reestablishing



the affected species and habitat, and remedial measures that shall be followed if the project is not meeting specified performance criteria. The monitoring program shall be designed and implemented to evaluate the current and probable future health of the resources, and their ability to sustain populations in keeping with natural populations following the completion of the program. Remedial measures are highly dependent upon the species and habitats in question, but generally shall include but not be limited to invasive species management, predator control, access control, replanting and reseeding of appropriate habitat elements, regarding, and propagation and seed bulking programs.

- ▲ 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.
- ▲ Temporary access roads and staging areas shall not be located within the areas containing sensitive plants or wildlife species wherever feasible, to avoid or minimize impacts on these species.
- ▲ 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.
- ▲ If 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.
- ▲ 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 State- and federally listed species, and a “no take” approach shall be taken whenever feasible during construction near special-status plant and wildlife species.
- ▲ Mitigation Measure NOISE-1 shall be implemented when permanent or temporary noise has been identified as a potential impact on wildlife.
- ▲ Impacts resulting from nighttime lighting associated with construction and future permanent lighting shall be assessed at the project level. This assessment shall include an analysis of current light sources in the vicinity of the project. All feasible measures to reduce impacts from nighttime lighting shall be considered and implemented at the project level based on site-specific conditions. They may include but shall not be limited to the following measures:
  - To the extent feasible, nighttime lighting sources shall not be installed in areas that support highly sensitive natural resources.
  - Nighttime lighting shall be directed at the construction or project site and away from sensitive habitats. Light glare shields shall be used to reduce the extent of illumination onto adjoining areas. Permanent lighting shall be shielded and directed at intended use areas.

- LEDs or bulbs installed as part of a project shall be rated to emit or produce light at or under 2700 Kelvin, which results in the output of a warm white color spectrum.
- Physical barriers, including solid concrete barriers or privacy slats in cyclone fencing, shall be installed where they have the potential to reduce illumination from overhead lights and vehicle lights. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement such that the height and/or width of the barrier do not allow wildlife to move through the area. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.
- Reflective highway markers shall be used to reduce raptor collisions on roadways.
- Projects on previously unlit roadways with adjacent sensitive habitat and open space shall explore design options that address safety needs without the use of artificial lighting.
- If nighttime lighting has the potential to result in adverse effects on a listed or candidate wildlife species (e.g., a nest, den, or other important habitat feature is identified near the project site), then consultation with the appropriate natural resource agency may be required.
- ▲ Fencing and/or walls shall be built to avoid temporary or permanent access of humans or domestic animals from development areas into areas occupied by special status species. Spoils, trash, or any debris shall be removed offsite to an approved disposal facility.
- ▲ 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 on 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) (i.e., Conservation and Mitigation Banking, natural community conservation planning, Regional Conservation Investment Strategies), as deemed appropriate by the permitting agencies. Projects will prioritize mitigation banking within the same county as the project, if possible (i.e., if mitigation banks or mitigation credits are available in a given county).

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

To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M) because these mitigation measures would require avoidance or minimization of project-related disturbance or loss of special-status species and their habitats, pre-project surveys, biological monitoring, species and habitat compensation plans, measures to address indirect edge effects, and coordination with permitting agencies as required prior to project implementation. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Implementation of the land use development pattern under the final Plan could result in regional impacts on special-status species 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. Potential localized effects on special-status species from land use changes include the temporary and permanent removal or conversion of vegetation and habitat necessary for species breeding, feeding, dispersal, or sheltering. Construction of projects and ongoing operations could result in direct mortality of special-status plants and wildlife, entrapment of wildlife in open trenches, and general disturbance because of noise or vibration during pile driving, earthmoving, and other construction activities for species present in disturbance areas. 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 final Plan could result in the disturbance or loss of special-status plant and wildlife species and habitats, this impact would be potentially significant (PS). (Draft EIR, p. 3.5.-36)
- C. Potential effects of sea level rise adaptation infrastructure on special-status plant and wildlife species are generally like those described above for land use development under the final Plan. In this case, most potential impacts on special-status species would occur in association with adaptation infrastructure that would result in earthmoving or vegetation removal activities (e.g., elevated highway/roadway, levees, sea walls, tidal gates) that are currently within or adjacent to occupied habitat or habitat suitable for special-status species. While marsh land restoration projects would likely benefit special-status species that occur in marsh habitats, overall, these projects could also result in temporary adverse effects on these resources. Because the implementation of sea level rise adaptation infrastructure may result in construction that results in the disturbance or loss of special-status plant and wildlife species and habitats, this impact would be potentially significant (PS). (Draft EIR, pp. 3.5.-35 to 3.5.-36)
- D. Transportation projects - particularly new rail projects located in areas that have not been subject to previous ground disturbance - could contribute to regional and local habitat loss and fragmentation. In-water construction activities associated with construction of a new Transbay rail crossing could result in noise, vibration, or other physical impacts on the aquatic bay environment, potentially resulting in adverse effects on special-status aquatic wildlife and habitat, including special-status fish, marine mammals protected by the federal Marine Mammal Protection Act (e.g., harbor seal, California sea lion) and habitats designated as essential fish habitat. Due to these potential effects and the potential for habitat loss and fragmentation noted above, construction impacts would be potentially significant (PS). (Draft EIR, p. 3.5.-37)
- E. 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 final Plan transportation projects may result in the disturbance or loss of special-status plant and wildlife species and habitats, this impact would be potentially significant (PS). (Draft EIR, p. 3.5.-37)

- F. Mitigation Measure BIO-1(a) would reduce direct and indirect impacts to candidate, sensitive, or special status species because it would require avoidance or minimization of project-related disturbance or loss of special-status species and their habitats, pre-project surveys, biological monitoring, species and habitat compensation plans, measures to address indirect edge effects, and coordination with permitting agencies as required prior to project implementation. (Draft EIR, p. 3.5-39)

## IMPACT

**BIO-1(b)** Have substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species (Draft EIR, p.3.5-40)

### *Mitigation Measures*

**BIO-1(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, for projects that could affect designated critical habitat for federally listed plant and wildlife species that include those identified below:

- ▲ Coordination with USFWS and NOAA Fisheries, as appropriate based on the species, shall be conducted early in the environmental review process to determine the need for further mitigation, consultation, or permitting actions. Formal consultation is required for any project with a federal nexus when a listed species or designated critical habitat is likely to be adversely affected. Any conservation measures required by USFWS or NOAA Fisheries as part of formal consultation (e.g., through issuance of a biological opinion) would be implemented.
- ▲ Reconfigure project design to avoid or minimize adverse effects on protected species within designated critical habitats.
- ▲ Implementing agencies and/or project sponsors shall comply with existing local regulations and policies, including applicable HCP/NCCPs.
- ▲ Additionally, implementation of Mitigation Measure BIO-1(a), above, which includes an initial biological resource assessment and, if necessary, compensatory mitigation for unavoidable loss of habitat or other impacts on special-status species. Compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through RAMP, as deemed appropriate by the permitting agencies.

### *Significance After Mitigation*

To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M). These mitigation measures would require coordination or consultation with USFWS and NOAA Fisheries, as appropriate based on the species, for projects that could adversely affect critical habitat; avoidance or minimization of adverse effects on protected species within critical habitats; and compliance with applicable regulations and policies that protect critical habitat. Projects taking advantage of the 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.

Pursuant to the requirements of the ESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed or proposed species may be present in the project region and whether the proposed project would result in a “take” of such species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under the ESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. The “take” prohibition of the ESA applies to any action that would adversely affect a single member of an endangered or threatened species. “Take,” as defined in Section 9 of the ESA, is broadly defined to include intentional or accidental “harassment” or “harm” to wildlife. “Harm” is defined as an act that actually kills or injures wildlife. It may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Further,

because Mitigation Measure BIO-1(b) is 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 BIO-1(b), this impact would be **less than significant with mitigation (LTS-M)**.

### *Finding*

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. (Finding (1)). 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.

### *Facts in Support of Finding*

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Land use development under the final Plan could result in temporary or permanent loss of critical habitat. It may also result in degradation of critical habitat through the introduction of night lighting, increases in ambient noise levels, and the introduction of invasive species and predators. Plan development could also result in the introduction of, or increases in, additional vehicular or recreational pressures in areas designated as critical habitat. Further, local impacts on critical habitat could potentially aggregate to produce regionwide effects on the amount and quality of critical habitat. Because the land use changes and development under the final Plan may result in the loss or degradation of designated critical habitat for federally listed plant and wildlife species, this impact would be potentially significant (PS). (Draft EIR, pp. 3.5-40 to 3.5-41)
- C. Potential effects of sea level rise adaptation infrastructure projects on designated critical habitat are generally similar to those described above for land use development under the final Plan, including the potential for local impacts to aggregate to produce regionwide effects. Most impacts on critical habitat would result from earthmoving construction activities in locations that are currently on the boundary of, or that traverse, critical habitat. Because the proposed sea level rise adaptation infrastructure projects may result in permanent or temporary disturbance or loss of designated critical habitat for federally listed plant and wildlife species, this impact would be potentially significant (PS). (Draft EIR, p. 3.5-42)
- D. Potential effects of transportation projects on designated critical habitat are generally similar to those described above for land use development under the final Plan. In this case, most impacts on critical habitat would occur in association with widening (or otherwise expanding) roads that are currently on the boundary of, or that traverse, critical habitat, as well as constructing new rail projects within the boundaries of, or that traverse, critical habitat. Because the proposed transportation projects may result in permanent or temporary disturbance or loss of designated critical habitat for federally listed plant and wildlife species, this impact would be potentially significant (PS). (Draft EIR, p. 3.5-43)
- E. Mitigation Measure BIO-1(b) would reduce significant impacts because it would require coordination or consultation with USFWS and NOAA Fisheries, as appropriate based on the species, for projects that could adversely affect critical habitat; avoidance or minimization of adverse effects on protected species within critical habitats; and compliance with applicable regulations and policies that protect critical habitat. (Draft EIR, p. 3.5-44)



## IMPACT

**BIO-2** Have a substantial adverse effect on riparian habitat, State- or federally protected wetlands (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 CDFW or USFWS, through direct removal, filling, hydrological interruption, or other means (Draft EIR, p. 3.5-44)

### Mitigation Measures

**BIO-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters or other sensitive or special-status communities. These assessments shall be conducted by qualified professionals in accordance with agency guidelines and standards. Qualified professionals shall reference applicable regional data sources for wetland mapping, which may include, but not be limited to, the Adaptation Atlas (San Francisco Estuary Institute 2021), Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (USFWS 2013), and the 2015 Bay Ecosystem Habitat Goals Update (Goals Project 2015). Where the biological resource assessments establish that mitigation is required to avoid and minimize direct and indirect adverse effects on State- or federally protected wetlands, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements or standards of USACE, EPA, RWQCB, and CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect these resources. In keeping with the “no net loss” policy for jurisdictional waters (i.e., wetlands and other waters of the United States or State), 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.
- Project sponsors shall consult with USFWS, NMFS, USFS, CDFW where state-designated sensitive or riparian habitats provide potential or occupied habitat for federally listed rare, threatened, and endangered species afforded protection pursuant to the federal ESA, the MBTA during the breeding season, the California ESA, or Fully Protected Species afforded protection pursuant to the State Fish and Game Code and with the CDFW pursuant to the provisions of Section 1600 of the State Fish and Game Code as they relate to Lakes and Streambeds.
- 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 resource 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 USACE, RWQCB, CDFW, BCDC, and/or 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 (e.g., plant palette, soils, irrigation design standards and requirements), 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, preservation, and creation but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans

(e.g., general plans, HCP/NCCPs) or in project-specific permitting documentation. Compensatory mitigation may be a combination of on-site restoration/creation/enhancement or off-site restoration, preservation, 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 RAMP, as deemed appropriate by the permitting agencies.

- In general, any compensatory mitigation shall be monitored for a minimum of 5 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.
  - If the restoration is not meeting success criteria, remedial measures shall be implemented and would typically include, but are not limited to, replanting, reseeding, grading adjustments, supplemental irrigation, access control, increased weed control, and extended maintenance and monitoring periods. After final success criteria have been met and relevant permitting agencies have approved the mitigation project as complete, all mitigation areas shall be permanently conserved (e.g., conservation easement) and managed in perpetuity.
- Salvage and stockpile topsoil (i.e., the surface material from 6 to 12 inches deep) and perennial native plants, when recommended by the qualified wetland biologist, for use in restoring native vegetation to areas of temporary disturbance within the project area. Salvage of soils containing invasive species, seeds and/or rhizomes shall be avoided as identified by the qualified wetland biologist.
- 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 and habitats 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 and the East Contra Costa County HCP, which outline specific measures to protect sensitive vegetation communities.
- If any portion of a sensitive 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 (e.g., plant palette, soils, irrigation design standards and requirements), 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 sensitive 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) or in project-specific permitting documentation. Compensatory mitigation may be a combination of on-site restoration/creation/enhancement or off-site restoration, preservation, 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 RAMP, as deemed appropriate by the permitting agencies.
  - In general, any compensatory mitigation shall be monitored for a minimum of 5 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.
  - If the restoration is not meeting success criteria, remedial measures shall be implemented and would typically include, but are not limited to, replanting, reseeding, grading adjustments, supplemental irrigation, access control, increased weed control, and extended maintenance

and monitoring periods. After final success criteria have been met and relevant permitting agencies have approved the mitigation project as complete, all mitigation areas shall be permanently conserved (e.g., conservation easement) and managed in perpetuity.

- ▲ All construction materials, staging, storage, dispensing, fueling, and maintenance activities shall be located in upland areas outside of sensitive habitat, and adequate measures shall be taken to prevent any potential runoff from entering jurisdictional waters. Fueling of equipment shall take place within existing paved roads. Contractor equipment shall be checked for leaks prior to operation and repaired, as necessary.
- ▲ Construction activities shall be scheduled, to the extent feasible, to avoid sensitive times for biological resources and to avoid the rainy season when erosion and sediment transport is increased.
- ▲ Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of wetlands and other waters or sensitive natural communities.

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

To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M). These measures would require that sensitive habitat (e.g., jurisdictional waters, sensitive natural communities) 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 the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. Because Mitigation Measure BIO-2 is 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 BIO-2, this impact would be **less than significant with mitigation (LTS-M)**.

### ***Finding***

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. (Finding (1)). 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.

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Potential impacts of land use development projects under the final Plan 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. Any fill of jurisdictional waters associated with proposed land development would be a significant impact. In addition to direct habitat loss, implementation of



forecasted development under the final 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 the extent of impervious surfaces.

- C. Adverse effects on State- and federally protected wetlands would be addressed, if feasible, through avoidance of these resources. Where avoidance is not possible, and in accordance with USACE, EPA, USFWS, RWQCB, and CDFW guidelines, a standard of “no net loss” of wetland acreage and value is required. Mitigation to compensate for project-related loss of wetland acreage and functions would be based on project-specific wetland mitigation plans, subject to approval by USACE, RWQCB, CDFW, BCDC, and the California Coastal Commission where applicable. Impacts on jurisdictional waters would be potentially significant (PS). (Draft EIR, pp. 3.5-44 to 3.5-46)
- D. Potential effects of sea level rise adaptation infrastructure projects on wetlands and other waters are generally similar to those of land use development under the final Plan. Additionally, if sea walls or levees are sited in areas containing or adjacent to wetland habitat (e.g., estuarine and marine wetlands), indirect effects on these resources may occur, including disruption of the existing hydrology of these habitats. Adverse effects on State- and federally protected wetlands from sea level rise adaptation would be addressed, if feasible, through avoidance of these resources. Where avoidance is not possible, and in accordance with USACE, EPA, USFWS, RWQCB, and CDFW guidelines, a standard of “no net loss” of wetland acreage and value is required. Mitigation for wetland impacts would be based on project-specific wetland mitigation plans, subject to approval by USACE, RWQCB, CDFW, BCDC, and CCC where applicable. Impacts on jurisdictional waters would be potentially significant (PS) (Draft EIR, pp. 3.5-46 to 3.5-47)
- E. Potential effects of transportation projects are similar to those discussed for land use changes and development. Where feasible, State- and federally protected wetlands would be avoided. Where avoidance is not possible, and in accordance with USACE, EPA, USFWS, RWQCB, and CDFW guidelines, a standard of “no net loss” of wetland acreage and value is required. Mitigation for wetland impacts would be based on project-specific wetland mitigation plans, subject to approval by USACE, RWQCB, CDFW, and potentially CCC and BCDC. Impacts on jurisdictional waters resulting from implementation of transportation projects would be potentially significant (PS). (Draft EIR, p. 3.5-47)
- F. Mitigation Measure BIO-2 would reduce significant direct and indirect impacts because it would require that sensitive habitat (e.g., jurisdictional waters, sensitive natural communities) 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. (Draft EIR, p. 3.5-50)

## IMPACT

**BIO-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 (Draft EIR, p. 3.5-50)

### *Mitigation Measures*

**BIO-3(a)** Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting Essential Connectivity Area (ECA) lands to determine the wildlife species that may use these areas and the habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open space lands, including wildlands and agricultural lands, or otherwise may contain land used as wildlife movement corridors (e.g., green belts in urban areas) shall also assess whether 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 with consideration of the local, regional, and global context of landscape connectivity for a given project in a given area.

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Design projects to minimize impacts on wildlife movement and habitat connectivity and preserve existing and functional wildlife corridors.
- ▲ Design projects to promote wildlife corridor redundancy by including multiple connections between habitat patches.
- ▲ Consult relevant guidance documents regarding wildlife movement and habitat connectivity during the project design phase, including but not limited to statewide and Bay Area region guides (e.g., CLN mapping, CDFW's *California Wildlife Barriers 2020* [CDFW 2020], the California Department of Transportation's *Wildlife Crossings Guidance Manual* [Meese et al. 2007], *Critical Linkages: Bay Area & Beyond* [Penrod et al. 2013]), and local guides (e.g., Gray et al. 2018; Diamond and Snyder 2016).
- ▲ Conduct wildlife movement studies for projects that may fragment or constrict regional or local corridors and impede use to nursery sites. These studies will include, but would not be limited to, the following objectives: identify activity levels and directional wildlife movement trends within the study area, consult the California Fish Passage Assessment Database (CALFISH database) to identify potential fish barrier locations and conduct first pass and second pass fish assessments as necessary, assess current functionality of existing underpasses, and determine what species or groups of species exhibit sensitivity to the existing roadways. Movement studies shall identify project-specific measures to avoid or mitigate impacts on corridors and movement to nursery sites that may include, but are not limited to, developing alternative project designs that allow wider movement corridors to remain; provide for buffer zones adjacent to corridors, such as passive recreation zones; implement physical barriers that prevent human and/or domestic predator entry into the corridor or block noise and lighting from development; incorporate shielded and directed lighting in areas near corridors; implement a “natives only” landscaping policy within 200 feet of identified wildlife corridors; incorporate periodic larger habitat patches along a corridor’s length; minimize the number of road crossings of identified wildlife corridors; and replace roadway culverts with bridges to allow for wildlife movement.
- ▲ For projects that cannot avoid significant impacts on wildlife movement corridors or native wildlife nursery areas, consult with CDFW to determine appropriate measures to minimize direct and indirect impacts and implement measures to mitigate impacts on wildlife corridors or native wildlife nursery sites.
- ▲ Conduct site-specific analyses of opportunities to preserve or improve habitat linkages with areas on- and off-site. Preservation of improvements of habitat on both sides of a wildlife crossing should be prioritized.
- ▲ Analyze habitat linkages and wildlife movement corridors on a broad scale for long linear projects with the possibility of adversely affecting wildlife movement to avoid critical narrow choke points that could reduce function of recognized movement corridor.
- ▲ Construct wildlife-friendly overpasses and culverts. These structures should be designed to meet the needs of appropriate species, considering factors such as the size or diameter of the structure, interval frequency, and/or physical design to allow conditions similar to the surrounding habitat.
- ▲ Upgrade existing culverts or implement directional fencing to guide animals to existing culverts or underpasses when conducting expansion or enhancement projects on existing roads.
- ▲ Fence major transportation corridors in the vicinity of identified wildlife corridors.
- ▲ Use wildlife-friendly fences that allow larger wildlife, such as deer, to cross over and smaller wildlife to move under.

- ▲ For projects that require the placement of stream culverts in a fish spawning stream, follow USACE, NOAA Fisheries, USFWS, and CDFW permit conditions and design requirements to allow fish passage through the culverts.
- ▲ Limit wildland conversions in identified wildlife corridors such that the function of the wildlife corridor is not impaired.
- ▲ Retain wildlife-friendly vegetation in and around developments.
- ▲ Monitor and maintain fencing, under crossings, and/or other crossing structures as needed to ensure corridor permeability and functionality. Development and implementation of a fencing and wildlife crossing structure maintenance plan is recommended to maintain permeability for wildlife across corridors.
- ▲ Prohibit construction activities within 500 feet of occupied breeding areas for wildlife afforded protection pursuant to Title 14 Section 460 of the California Code of Regulations protecting fur-bearing mammals, during the breeding season.
- ▲ Comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures to protect wildlife corridors.

**BIO-3(b)** Implementing agencies and/or project sponsors shall implement the following measures, where feasible and necessary based on project- and site-specific considerations:

- ▲ Implement Mitigation Measures BIO-1(a) and BIO-2.

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

To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M). These mitigation measures would require assessing whether significant wildlife corridors are present in project areas, minimizing wildland conversions in identified wildlife corridors, implementing wildlife-friendly design features, and complying with regulations and policies to protect wildlife corridors and wildlife nursery sites.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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. Unlike Mitigation Measures BIO-1(b) and BIO-2, the above mitigation measure is not directly tied to existing regulations that are law and binding on responsible agencies and project sponsors. Therefore, this impact would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities

well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the “focused growth” strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.

- B. On a regional level, the final Plan’s land use growth footprint overlaps with approximately 1,700 acres of mapped ECA land. Substantial impacts to wildlife corridors are not anticipated at the regional level because the land use growth footprint is concentrated primarily in or adjacent to already urban and built-up areas and along existing transit corridors. However, it is possible that implementation of the land use growth footprint will result in further impacts where migratory corridors for wildlife have already been fragmented and degraded to the point that their function as linkages is either limited or lost entirely. On a local level, waterways, riparian corridors, and contiguous or semicontiguous expanses of habitat are likely to facilitate wildlife movement, even through urbanized areas in the region. In some cases, land use 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. 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. Degradation of areas that have high value as wildlife movement corridors could also occur in association with final Plan development, where such development occurs adjacent to these corridors, through increases in ambient noise levels and fire frequency, as well as the introduction of lighting, domestic pets, pollution, and invasive species. Most nursery sites would likely occur in undeveloped natural areas and the land use growth footprint is located primarily in or adjacent to already urbanized areas; nonetheless, development projects may result in loss or abandonment of wildlife nursery sites. Construction of land use development and ongoing operations could substantially interfere with the use of local wildlife corridors or result in the loss of wildlife nursery sites; therefore, this would be a potentially significant (PS) impact. (Draft EIR, p. 3.5-50 to 3.5-52)
- C. The final Plan’s sea level rise adaptation footprint overlaps with approximately 380 acres of mapped ECAs. Potential effects of sea level rise adaptation infrastructure on wildlife corridors are generally similar to those described for land use development under the final Plan. In some cases, sea level rise adaptation infrastructure may directly encroach on wildlife corridors, particularly when direct habitat removal occurs or when sites are located adjacent to open space or streams. Implementation of sea level rise adaptation infrastructure also may result in loss or abandonment of wildlife nursery sites. Thus, implementation of sea level rise adaptation infrastructure may result in a potentially significant (PS) impact. (Draft EIR, p. 3.5-52)
- D. The final Plan’s transportation project footprint overlaps with approximately 1,900 acres of mapped ECAs. 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, but existing linkages could be further degraded. Additionally, some transportation projects, particularly new rail projects, could be located in areas that have not been subject to previous disturbance and fragmentation. As discussed for projected land development within land use growth footprints, proposed transportation projects may directly encroach on local wildlife corridors, particularly when direct habitat removal occurs or when sites are located adjacent to open space or streams. Additionally, as described above, transportation projects may result in loss or abandonment of wildlife nursery sites. Thus, the implementation of transportation projects may result in a potentially significant (PS) impact. (Draft EIR, pp. 3.5-52 to 3.5-53)
- E. Mitigation Measures BIO-3(a) and BIO-3(B) would reduce significant direct and indirect effects because they would require assessing whether wildlife corridors are present in project areas, minimizing wildland conversions in identified wildlife corridors, implementing wildlife-friendly design features, and complying with regulations and policies to protect wildlife corridors and wildlife nursery sites. (Draft EIR, p. 3.5-55)

## IMPACT

**BIO-5** 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. 3.5-57)

### *Mitigation Measures*

**BIO-5** Implementing agencies and/or project sponsors shall implement the following measures, where feasible and necessary based on project- and site-specific considerations:

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

### *Significance After Mitigation*

To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M), for the same reasons described previously for implementation of Mitigation Measures BIO-1(a), BIO-1(b), BIO-2, and BIO-3(a).

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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. Although Mitigation Measures BIO-1(b) and BIO-2 are directly tied to existing regulations that are law and binding on responsible agencies and project sponsors, they would not apply to all areas considered sensitive natural communities. Therefore, this impact would be **significant and unavoidable (SU)**.

### *Finding*

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. (Finding (1)). 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. (Finding (3)).

### *Facts in Support of Finding*

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. As described in Impacts BIO-1a, BIO-1b, BIO-2, and BIO-3 implementation of the projected land use development pattern, sea level rise adaptation infrastructure, and transportation projects under the final Plan could adversely affect special-status species and sensitive natural communities. The degree to which Plan implementation could jeopardize a special-status species or sensitive natural community by substantially reducing the abundance, distribution, or viability of the species or natural community is unknown; however, because of their declining status, special-status species and sensitive natural communities are considered the most vulnerable to potential loss of viability. This impact would be **potentially significant (PS)**. (Draft EIR, p. 3.5-57)



- C. Mitigation Measure BIO-5 would reduce impacts by requiring implementation of Mitigation Measures BIO-1(a), BIO-1(b), BIO-2, and BIO-3(a) for the same reasons described previously for those measures.

## 2.4.5 Climate Change, Greenhouse Gases, and Energy (3.6)

### IMPACT

**GHG-1** Result in a net increase in greenhouse gas emissions, either directly or indirectly, compared to 2015 conditions that may have a significant impact on the environment (Draft EIR, p. 3.6-28)

#### *Mitigation Measures*

**GHG-1** Consistent with the recommendations in the 2017 Scoping Plan, the applicable lead agency can and should implement, where necessary and feasible to address site-specific construction climate change impacts, the following measures to avoid or minimize impacts related to construction GHG emissions:

- ▲ Project proponents shall require its contractors to restrict the idling of on- and off-road diesel equipment to no more than 5 minutes while the equipment is on-site.
- ▲ Project proponents of new facilities shall implement waste, disposal, and recycling strategies (i.e., 10 percent recycled content for Tier 1 and 15 percent recycled content for Tier 2) in accordance with the voluntary measures for non-residential land uses contained in Section A5.405 of the 2016 CALGreen Code or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.
- ▲ Project proponents of new facilities shall achieve or exceed the enhanced Tier 2 target for nonresidential land uses of recycling or reusing 80 percent of the construction waste as described in Section A5.408 of the 2016 CALGreen Code or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.
- ▲ Project proponents shall require all diesel-powered, off-road construction equipment meet EPA's Tier 3 or Tier 4 emissions standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available.
- ▲ Project proponents shall implement a program that incentivizes construction workers to carpool, and/or use public transit or electric vehicles to commute to and from the project site.

#### *Significance After Mitigation*

Implementation of Mitigation Measure GHG-1 would mitigate the GHGs emitted during construction activities throughout the final Plan's implementation period through 2050. 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. If these mitigation measures were adopted by the implementing agency, construction related impacts could be reduced, but not necessarily to a less-than-significant level, and this impact would be **significant and unavoidable**.

#### *Finding*

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. (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan is designed to reduce GHG emissions pursuant to SB 375, through designated growth geographies and complementary land use (e.g., H03, E04, E05), transportation (e.g., T03, T04, T05, T08, T09, T10, T11, T12), and environmental strategies (i.e., EN07, EN08, EN09).
- B. Implementation of the final Plan is expected to result in a net reduction in GHG emissions in 2050 when compared to 2015 conditions. However, construction emissions may not be reduced to net zero in all cases. (Draft EIR, p. 3.6-42.)
- C. The level of GHG emissions from construction activity would depend on the type and scale of projects being constructed under the Plan. Generally, GHGs could be generated from a variety of activities and emission sources (e.g., exhaust emissions from off-road construction equipment, material delivery trips, and construction worker-commute trips). These emission types and associated levels fluctuate greatly depending on the particular type, number, and duration of usage for the varying equipment. The site preparation phase typically generates the most substantial emission levels because of the on-site equipment and ground-disturbing activities associated with grading, compacting, and excavation. Site preparation equipment and activities typically include backhoes, bulldozers, loaders, and excavation equipment (e.g., graders and scrapers). Construction activity tends to be temporary in nature and would be expected to occur throughout the final Plan's implementation period through 2050 because of the various land use development, sea level rise adaptation infrastructure, and transportation projects that could be constructed. Where existing regulatory requirements or permitting requirements exist that are legally or otherwise binding on responsible agencies and project sponsors, it is reasonable to assume that they would be implemented, thereby reducing impacts. However, because construction emissions may not be reduced to net zero in all cases, this impact would be potentially significant (PS). (Draft EIR, p. 3.6-38)
- D. Implementation of Mitigation Measure GHG-1 would mitigate the GHGs emitted during the construction phase of projects under the final Plan. (Draft EIR, p. 3.6-43) The measures in Mitigation Measure GHG-1 would mitigate GHGs by reducing emissions from construction equipment and worker commutes and by recycling construction waste to offset the need to produce new construction materials.

## **IMPACT**

**GHG-3** Conflict with an applicable state plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Draft EIR, p. 3.6-44)

### ***Mitigation Measures***

- ▲ Implement Mitigation Measures TRA-2a and TRA-2b [see below, under "Transportation (3.15)"]

**GHG-3** Consistent with the recommendations in the 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement the following, where feasible and necessary based on project- and site-specific considerations:

- ▲ CAP support programs: MTC and ABAG, in partnership with the BAAQMD, shall provide technical assistance to 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 33 MMTCO<sub>2e</sub> from land uses and on-road transportation compared with projected 2050 emissions levels already expected to be achieved by the Plan. (This is based on the 2015 Bay Area land use and on-road transportation emissions of 37 MMTCO<sub>2e</sub>, the statewide GHG reduction target of 80 percent below 1990 levels by 2050, and a two percent increase in statewide emissions between 1990 and 2015). However, MTC and ABAG do not have jurisdiction over the adoption of CAPs by individual jurisdictions.

- ▲ Energy reduction incentive programs: These reductions can be achieved through a combination of programs supported by BayREN, which focus on energy reduction by homeowners, multifamily property owners, and businesses through energy retrofits of existing buildings. BayREN also supports other programs that help local jurisdictions reduce building energy use through improved design and construction standards, such as updated Title 24 energy standards, and including ZNE in new construction. These programs and other measures supported by MTC and ABAG may be included so long as the additional 133 MMTCO<sub>2</sub>e reduction (by 2050) can be demonstrated. However, MTC and ABAG cannot require engagement in these programs. This target can be adjusted depending on the progress of statewide legislation or regulations in reducing statewide GHG emissions, so long as a trajectory to achieve this target in the Bay Area is maintained.

While many local jurisdictions in the region have released CAPs, the additional implementation of CAPs in the region would continue to help to reduce GHG emissions from the land use projects that would be constructed under the Plan, as well as reducing GHG emissions from existing uses. Energy reduction incentive programs, such as those supported by BayRen, would help with reduce GHG emissions from energy usage in existing and new structures in the region.

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

Implementation of CAPs or other supporting programs, including energy reduction incentive programs, would reduce GHG emissions. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions.

However, there is no assurance that this level of mitigation would achieve the regional reductions needed to attain the statewide 2030 and 2050 targets. 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 and ABAG and local jurisdictions. Moreover, MTC and 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 and EO-S-3-05. Therefore, this impact would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan is designed to reduce GHG emissions pursuant to SB 375, through designated growth geographies and complementary land use (e.g., H03, E04, E05), transportation (e.g., T03, T04, T05, T08, T09, T10, T11, T12), and environmental strategies (i.e., EN07, EN08, EN09).
- B. As discussed for Impact GHG-1, implementation of the final Plan would result in a net reduction in GHG emissions from land use and transportation sources combined. The net land use and transportation emissions under the Plan would be reduced by 9 percent from 2015 to 2030 and 9 percent from 2015 to 2050.
- C. In order to determine whether the net land use and transportation emission reductions under the final Plan would conflict with implementation of state policies and plans, including statewide goals set by SB 32 and EO S-3-05 and the *2017 Scoping Plan*, the final Plan's reductions must be



correlated to the statewide reduction of GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 by 2050, respectively. Based on the available data and assumptions described above under Method of Analysis, which include recommendations from CARB and BAAQMD for determining plan level significance of GHG emissions in relation to the State's goals, a reduction of 41 percent below 2015 levels by 2030 and 83 percent below 2015 levels would be needed for the final Plan to be consistent with the State's 2030 and 2050 target, respectively. In 2015, land use and transportation accounted for nearly 48 MMCO<sub>2</sub>e in the Bay Area. Consequently, the final Plan would need to achieve a net reduction in land use and transportation emissions of 20 MMTCO<sub>2</sub>e from 2015 by 2030 and 40 MMTCO<sub>2</sub>e from 2015 by 2050 to be consistent with the State's 2030 and 2050 targets. The final Plan would achieve an annual reduction of 2.0 MMTCO<sub>2</sub>e from 2015 land use and on-road transportation emissions by 2030 and 4.0 MMT CO<sub>2</sub>e by 2050, which does not achieve the necessary reductions to be consistent with the State's targets.

- D. The final Plan's 35 integrated strategies across the 4 elements—housing, the economy, transportation, and the environment—will enable the Bay Area to reduce forecasted per-capita GHG emissions from cars and light duty trucks as required under SB 375. However, since the inception of the 2017 Scoping Plan, CARB has acknowledged MPOs' meeting the 2018 revised GHG emissions reduction targets alone will not meet the emissions reductions necessary to meet state climate goals. These goals are expected to be achieved, in large part, with additional State legislation and regulation. Importantly, this is not unique to the Bay Area; all MPOs in California are faced with the same challenge. Thus, without sufficient State legislation and regulation, attainment of state goals is extremely difficult. This would be a potentially significant (PS) impact. (Draft EIR, pp. 3.6-44 to 3.6-45)
- E. Implementation of Mitigation Measure GHG-3 would mitigate GHG emissions because the additional implementation of CAPs in the region would reduce GHG emissions from the land use projects constructed under the Plan, as well as from existing uses, and energy reduction incentive programs, such as those supported by BayRen, would help with reduce GHG emissions from energy usage in existing and new structures in the region. (Draft EIR, pp. 3.6-46 to 3.6-47.)

## 2.4.6 Cultural Resources and Tribal Cultural Resources (3.7)

### IMPACT

**CUL/TCR-1** Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5 (Draft EIR, p. 3.7-30)

#### *Mitigation Measures*

**CUL/TCR-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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 federal, State, 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 (SOI PQS). The evaluation shall 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 of 1966 (16 U.S. Code Section 470 et seq.). Study recommendations shall be implemented.
- ▲ Realign or redesign projects to avoid impacts on known historical resources where possible.
- ▲ If avoidance of a significant historical resource is not feasible, implement additional mitigation options that include specific design plans for historic districts or plans for alteration or adaptive

reuse of a historical resource that follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*. The application of the standards shall be overseen by an architectural historian or historic architect meeting the SOI PQS. Prior to any construction activities that may affect the historical resource, a report meeting industry standards shall identify and specify the treatment of character-defining features and construction activities and be provided to the lead agency for review and approval.

- ▲ If a project would result in the demolition or significant alteration of a historical resource, the resource shall be recorded prior to demolition or alteration. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation and shall be performed by an architectural historian or historian who meets the SOI PQS. The documentation package shall be archived in appropriate public and secure repositories. The specific scope and details of documentation shall be developed at the project level in coordination with the lead agency.
- ▲ Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historical resources.

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

Implementation of Mitigation Measure CUL/TCR-1 would reduce impacts associated with historical resources because it would require the performance of professionally accepted and legally compliant procedures for the avoidance of known historical resources and the evaluation of previously undocumented historical resources. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be reduced to less than significant by avoidance or project redesign, by minimizing physical alterations, or by designing building use while retaining a property's historic character. However, CEQA Guidelines [CCR 15126.4(b)(2)] note that in some circumstances, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. The entire removal of a historically significant building or structure and/or the loss of character-defining features would result in a significant and unavoidable (SU) impact. Therefore, this impact would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Projects located in areas with known historical sites, 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 historical resource impacts. These projects could potentially reduce the aesthetic and physical integrity of historic districts and

buildings. A higher incidence of conflict with historical sites is expected to occur in urban areas with buildings that are more than 45 years old. The final Plan designates growth geographies and identifies a set of land use strategies to accommodate the projected growth that result in focused housing and job growth concentrated primarily in or adjacent to developed areas and along existing transit corridors. Projects located in developed areas would be less likely to introduce new visual elements that could alter the visual character associated with historic districts or buildings. Projects located in or traversing rural lands could also have significant impacts 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. Construction could directly impact historical resources and ongoing operation could have indirect impacts on historical resources. Identification of the degree and extent of impact requires project-specific analysis that includes a determination of the importance (i.e., the eligibility for local, State, or national register listing) of any historical resource recognized within a proposed alignment or project area. Given the magnitude and location of new development and transportation projects involving construction activities in the final Plan, it is possible that significant impacts on historical resources could occur. Because implementation of the final Plan's land use development, sea level rise adaptation infrastructure, and transportation projects has the potential to significantly affect historical resources on a regional and localized level, these impacts are considered potentially significant (PS). (Draft EIR, pp. 3.7-30 to 3.7-31)

- C. Implementation of Mitigation Measure CUL/TCR-1 would reduce impacts associated with historical resources because it would require the performance of professionally accepted and legally compliant procedures for the avoidance of known historical resources and the evaluation of previously undocumented historical resources. (Draft EIR, p. 3.7-31)

## IMPACT

**CUL/TCR-2** Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5 (Draft EIR, p. 3.7-32)

### *Mitigation Measures*

**CUL/TCR-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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; the record search shall include contacting the NAHC to request a Sacred Lands File search and a list of relevant Native American contacts who may have additional information. If a survey of the project area has not been conducted in the last 5 years, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to 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.
- ▲ Areas determined to be of cultural significance shall be monitored during the grading, excavation, trenching, and removal of existing features by a qualified archeologist and culturally affiliated California Native American tribal monitor.
- ▲ To ensure that new transportation facilities, such as the Transbay rail crossing, do not adversely affect potentially buried archaeological deposits, an underwater archaeological survey shall be conducted to identify, evaluate, and protect significant submerged cultural resources prior to activities that would disturb the shoreline or the floor of the bay. Additionally, the archaeologist shall request a search of California State Lands Commission's Shipwreck Database.

- When a project would impact a known archaeological site, the project sponsor and/or implementing agency shall determine whether the site is a historical resource (CEQA Guidelines Section 15064.5(c)(1)). If archaeological resources identified in the project area are considered potentially significant, the project sponsor and/or responsible implementing agency shall undertake additional studies overseen by a qualified archaeologist (36 CFR Section 61) to evaluate the resources eligibility for listing in the CRHR, NRHP, or local register and to recommend further mitigative treatment. Evaluations shall be based on, but not limited to, surface remains, subsurface testing, or archival and ethnographic resources, on the framework of the historic context and important research questions of the project area, and on the integrity of the resource. If a site to be tested is prehistoric, culturally affiliated California Native American tribal representatives shall be afforded the opportunity to monitor the ground-disturbing activities. Appropriate mitigation may include curation of artifacts removed during subsurface testing.
- If prehistoric archaeological resources are identified through survey or discovered in the project area, the culturally affiliated California Native American tribe shall be notified. Both the archaeologist and tribal monitor or tribal representative should strive for agreement on the determined significance of an artifact or cultural resource.
- If significant archaeological resources that meet the definition of historical or unique archaeological resources are identified in the project area, the preferred mitigation of impacts is preservation in place (CEQA Guidelines Section 15126.4(b); PRC Section 21083.2). Preservation in place may be accomplished by, but is not limited to, avoidance by project design, incorporation within parks, open space or conservation easements, covering with a layer of sterile soil, or similar measures. If preservation in place is feasible, mitigation is complete. Additionally, where the implementing agency determines that an alternative mitigation method is superior to in-place preservation, the project sponsor and/or implementing agency may implement such alternative measures.
- When preservation in place or avoidance of historical or unique archaeological resources are infeasible, data recovery through excavation shall be required (CEQA Guidelines Section 15126.4(b)). Data recovery would consist of approval of a Data Recovery Plan and archaeological excavation of an adequate sample of site contents so that research questions applicable to the site can be addressed. For prehistoric sites, the culturally affiliated California Native American tribe shall be afforded the opportunity to monitor the ground-disturbing activities. If only part of a site would be impacted by a project, data recovery shall only be necessary for that portion of the site. Data recovery shall not be required if the implementing agency determines prior testing and studies have adequately recovered the scientifically consequential information from the resources. Confidential studies and reports resulting from the data recovery shall be deposited with the Northwest Information Center. Mitigation may include curation for artifacts removed during data recovery excavation.
- If archaeological resources are discovered during construction, all work near the find shall be halted and the project sponsor and/or implementing agency shall follow the steps described under CEQA Guidelines Section 15064.5(f), including an immediate evaluation of the find by a qualified archaeologist (36 CFR Section 61) and implementation of avoidance measures or appropriate mitigation if the find is determined to be a historical resource or unique archaeological resource. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.
- Integrate curation of all historical resources or a unique archaeological resources and associated records in a regional center focused on the care, management, and use of archaeological collections. All Native American human remains and associated grave goods discovered shall be returned to their Most Likely Descendent and repatriated. The final disposition of artifacts not directly associated with Native American graves will be negotiated during consultation with the culturally affiliated California Native American tribes. Artifacts include material recovered from all

phases of work, including the initial survey, testing, indexing, data recovery, and monitoring. Curated materials shall be maintained with respect for cultures and available to future generations for research.

- ▲ 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 CUL/TCR-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 a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be less than significant with mitigation by avoiding or preserving in place unique archaeological resources through project design, and by avoiding or preserving inadvertent discoveries of significant archaeological resources through project redesign. If avoidance or preserving in place is infeasible, direct impacts may be reduced to a less-than-significant level by minimizing disturbance or undertaking additional investigation to determine the significance and integrity of the portion of the archaeological resource within the project area. The destruction or substantial alteration of the contributing physical characteristics or character of the physical setting of a unique archaeological resource, however, would result in a **significant and unavoidable (SU)** impact.

### ***Finding***

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. (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Implementation of the land use development pattern, sea level rise adaptation infrastructure, 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. Likewise, the establishment of staging areas, temporary roads, and other temporary facilities necessary for construction activities has the potential to affect these cultural resources. Both rural land conversion and urban infill have the potential to disturb cultural resources, although 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.
- C. Land use development projects in locations of sensitivity, such as the historic margins of San Francisco and San Pablo Bays, ridgetops, midslope terraces, hill bases, alluvial flats, and inland valleys, are more likely to encounter archaeological resources. Sea level rise adaptation infrastructure under the final Plan includes a variety of levees, seawalls, elevated roadways, marsh restoration, and



tidal gates. Ground-disturbing construction of levees, seawalls, marsh restoration, and tidal gates would occur in the archaeologically sensitive areas of the San Francisco and San Pablo Bays, in areas that are likely to have not been developed. Elevated roadways, although also located in these same sensitive areas, would likely be located in previously disturbed areas, because they would follow existing roadways.

- D. Most transportation corridors typically follow valleys and drainage areas, which often correspond with historic settlement patterns. Infill development and transportation projects involving improvements within existing urban areas, within existing transportation corridors, or to existing infrastructure or operations are less likely to affect archaeological resources because these projects are generally located in already-disturbed areas that typically have been subject to previous cultural resource surveys; as described previously, historically significant data are unlikely to be gained from archaeological materials located in areas that have been disturbed. Therefore, encountering intact, previously unknown archaeological resources, still associated with an archaeological site in its historic context, during ground-disturbing activities is less likely. Some transportation projects, particularly new rail projects, could be located in areas that have not been subject to previous ground disturbance. The Transbay rail crossing would span the bay and could require underwater ground-disturbing activities on the bay floor. The degree and extent of impacts would depend upon project location and construction methods. Project-specific analysis would be required to determine the precise area of impact and the value (i.e., the eligibility for local, State, or national register listing) of any archaeological resource identified within a proposed alignment or project area. Furthermore, all projects undertaken or overseen by Caltrans must abide by extensive procedures and policies, outlined in the *Caltrans Environmental Handbook, Volume 2*, that dictate the nature and extent of cultural resource protections consistent with State and federal law. Because ground disturbance has the potential to disturb unique archaeological resources, this impact is potentially significant (PS). (Draft EIR, pp. 3.7-32 to 3.7-33)
- E. In compliance with AB 52, MTC sent letters to 91 Native American tribal representatives. MTC received responses from the Wilton Rancheria, Amah Mutsun Tribal Band, and Federated Indians of Graton Rancheria (Graton Rancheria). MTC requested consultation meetings with all three tribes; however, only Graton Rancheria responded. MTC/ABAG staff met for consultation with Graton Rancheria. See “Findings Regarding Tribal Cultural Resources and Native American Coordination” below for more information.
- F. Implementation of Mitigation Measure CUL/TCR-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. (Draft EIR, p. 3.7-36).

## IMPACT

**CUL/TCR-4** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe (Draft EIR, p. 3.7-37)

### Mitigation Measures

**CUL/TCR-4(a)** If the implementing 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 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 and avoid or minimize the significant adverse impacts:

- ▲ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource (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, 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:

- avoiding and preserving the resources in place, including planning and constructing 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;
  - treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including:
    - protecting the cultural character and integrity of the resource,
    - protecting the traditional use of the resource, and
    - protecting the confidentiality of the resource;
  - establishing permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places; and
  - protecting the resource.
- ▲ The implementing agency shall determine whether or not implementation of a project would indirectly affect tribal cultural resources by increasing public visibility and ease of access. If it would, the implementing agency shall take measures to reduce the visibility or accessibility of the tribal cultural resource to the public. Visibility of the resource can be reduced through the use of decorative walls or vegetation screening. Accessibility can be reduced by installing fencing or vegetation barriers, particularly noxious vegetation, such as poison oak or blackberry bushes. It is important to avoid creating an attractive nuisance when protecting tribal cultural resources. Conspicuous walls or signs indicating that an area is restricted may result in more attempts to access the excluded area.
- ▲ **CUL/TCR-4(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:
- Implement Mitigation Measure CUL/TCR-2.

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

Implementation of Mitigation Measure CUL/TCR-4 would reduce impacts associated with tribal cultural resources because it would require the performance of professionally accepted and legally compliant procedures for the identification of tribal cultural resources associated with subsequent projects. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be less than significant by avoiding or preserving in place tribal cultural resources through project design. If avoidance or preserving in place is infeasible, disturbance of a tribal cultural resource, however, would result in a **significant and unavoidable (SU) impact**.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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. However, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Potential impacts on tribal cultural resources would be similar to those discussed for archaeological resources under Impact CUL/TCR-2. New land use development pattern, sea level rise adaptation infrastructure, and transportation projects involving construction activities that would disturb native terrain, including excavation, grading, or soil removal, would have the greatest likelihood to encounter tribal cultural resources. Because ground disturbance has potential to disturb tribal cultural resources, this impact is potentially significant (PS).
- C. Implementation of Mitigation Measure CUL/TCR-4(a) and CUL/TCR-4(b) would reduce impacts associated with tribal cultural resources because it would require the performance of professionally accepted and legally compliant procedures for the identification of tribal cultural resources associated with subsequent projects. (Draft EIR, p 3.7-39)

## **2.4.7 Geology, Seismicity, and Mineral Resources (3.8)**

### **IMPACT**

**GEO-7** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Draft EIR, p. 3.8-38)

### ***Mitigation Measures***

**GEO-7** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Ensure compliance with the Paleontological Resources Preservation Act, the Federal Land Policy and Management Act, the Antiquities Act, Section 5097.5 of the PRC, adopted county and city general plans, and other federal, State, and local regulations, as applicable and feasible, by adhering to and incorporating the performance standards and practices for the assessment and mitigation of adverse impacts on paleontological resources.
- ▲ Obtain review by a qualified paleontologist to determine whether the project has the potential to require ground disturbance of parent material with potential to contain unique paleontological resources or to require the substantial alteration of a unique geologic feature. The assessment should include museum records searches, a review of geologic mapping and the scientific literature, geotechnical studies (if available), and potentially a pedestrian survey if units with paleontological potential are present at the surface.
- ▲ Avoid exposure or displacement of parent material with potential to yield unique paleontological resources.
- ▲ Implement the following measures where avoidance of parent material with the potential to yield unique paleontological resources is not feasible:



- All on-site construction personnel shall receive Worker Education and Awareness Program training before the commencement of excavation work to understand the regulatory framework that provides for protection of paleontological resources and become familiar with diagnostic characteristics of the materials with the potential to be encountered.
- A qualified paleontologist shall prepare a paleontological resource management plan (PRMP) to guide the salvage, documentation, and repository of unique paleontological resources encountered during construction. If unique paleontological resources are encountered during construction, qualified paleontologist shall oversee the implementation of the PRMP.
- Ground-disturbing activities in parent material with a moderate to high potential to yield unique paleontological resources shall be monitored using a qualified paleontological monitor to determine whether unique paleontological resources are encountered during such activities, consistent with the specified or comparable protocols.
- ▲ Identify where ground disturbance is proposed in a geologic unit having the potential to contain fossils and specify the need for a paleontological monitor to be present during ground disturbance in these areas.
- ▲ Avoid routes and project designs that would permanently alter unique geological features.
- ▲ Salvage and document adversely affected resources sufficient to support ongoing scientific research and education.
- ▲ If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work 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.
- ▲ Prepare significant recovered fossils to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.

- Following the conclusion of the paleontological monitoring, ensure that the qualified paleontologist prepares a report stating that the paleontological monitoring requirement has been fulfilled and summarizes the results of any paleontological finds. The report should be submitted to the CEQA lead agency and to the repository curating the collected artifacts and should document the methods and results of all work completed under the PRMP, including the treatment of paleontological materials; results of specimen processing, analysis, and research; and final curation arrangements.

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

Implementation of Mitigation Measure GEO-7 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 a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

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

### ***Finding***

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. (Finding (1)). 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. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. Potential impacts on paleontological or geologic resources would be similar to those identified for archaeological resources discussed for Impact CUL/TCR-2. Projects involving excavation, grading, or soil removal in previously undisturbed areas have the greatest likelihood to encounter these resources. 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. This would be a potentially significant (PS) impact. (Draft EIR, p. 3.8-38)
- C. Implementation of Mitigation Measure GEO-7 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. (Draft EIR, pp. 3.8-40 to 3.8-41)

## 2.4.8 Hazards and Wildfire (3.9)

### IMPACT

**HAZ-4** Be 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, create a significant hazard to the public or the environment (Draft EIR, p. 3.9-30)

### *Mitigation Measures*

**Mitigation Measure HAZ-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ The project proponent shall perform a records review to determine whether there is existing permitted use of hazardous materials or documented evidence of hazardous waste contamination on the project site and provide the results of this investigation to the implementing agency.
- ▲ For any project located on or near a hazardous material and/or waste site pursuant to Government Code Section 65962.5 or sites that have the potential for residual hazardous materials as a result of historic land uses, project proponents shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard.
- ▲ For any project located on or near sites that are not listed and do not have the potential for residual hazardous materials as a result of historic land uses, no action is required unless unknown hazards are discovered during development. In that case, the implementing agency shall discontinue development until DTSC, RWQCB, the local air district, and/or other responsible agency issues a determination, which would likely require a Phase I ESA as part of the assessment.
- ▲ Develop, train, and implement worker awareness and protective measures to minimize worker and public exposure to an acceptable level and to prevent environmental contamination as a result of construction.
- ▲ Projects preparing a Phase I ESA, where required, shall fully implement the recommendations contained in the report. If a Phase I ESA indicates the presence or likely presence of contamination, the project proponent shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.
- ▲ Consult with the appropriate local, state, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

### *Significance After Mitigation*

Site evaluation, sampling, and remediation through the Phase I/II ESA process is widely accepted as the appropriate standard for the preliminary evaluation of site hazards. 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 buildout because the ASTM procedures establish prescriptive procedures that fully evaluate the potential for risks and appropriate next steps if potential for contamination is identified. Soil management plans or soil contingency plans required by Mitigation Measure HAZ-4 would include procedural measures to protect and isolate suspected contaminated materials to avoid adverse effects on the workers or public. Therefore, the Phase I/II ESA process would adequately mitigate the potential for future development to create a significant hazard to the public or the environment because it is located on a site that is included on a list of hazardous

materials sites. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

Projects taking advantage of CEQA streamlining provisions of Senate Bill 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 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. (Finding (3)).

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

- A. Throughout the Plan area, there are many sites where historical releases of hazardous materials or wastes have occurred; these are listed in environmental databases pursuant to Government Code Section 65962.5. Precise locations of future land use and sea level rise adaptation infrastructure projects are unknown, so an evaluation of the potential for specific sites of known contamination within the Plan area to be affected by project activities cannot be conducted at this time.
- B. Grading and excavation activities may expose construction workers and the public to hazardous substances present in the soil or groundwater that are not anticipated based on information about existing site conditions. These construction activities could inadvertently disperse contaminated material into the environment and expose construction personnel to potentially hazardous conditions. These risks would be greatest for construction workers; however, it is possible that the nearby public could be affected if the contaminated materials are of a sufficient volume. Unless construction activities are coordinated with site remediation activities, there could be a temporary increased risk of damaging or interfering with remediation site controls, such as soil containment areas.
- C. Phase I and Phase II ESAs are commonly used to determine the likelihood of contamination at a site, test soil and/or groundwater for contamination, and inform remediation activities.
- D. To be declared a sustainable communities project under PRC Section 21155.1(a)(3), projects in TPAs must demonstrate that they are not located on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code, and the site must be subject to a PEA, which is a type of environmental document typically prepared for sites with DTSC oversight. Overall, PEA requirements are more comprehensive than the requirements for Phase I ESAs.
- E. With the notable exceptions for streamlining projects in TPAs and siting public schools, as discussed above, there are no general regulatory requirements to conduct a Phase I ESA or PEA or a subsequent investigation of potential contamination. Therefore, because it cannot be assumed these practices would regularly occur, the impacts related to changes in land use from implementation of the final Plan would be potentially significant (PS). (Draft EIR, pp. 3.9-30 to 31)
- F. In addition to the hazards described above, land adjacent to roadways may also contain elevated concentrations of lead in exposed surface soils, which could pose a health hazard to construction workers and users of the properties. Exposure to lead in soil could result in adverse health effects, depending on the duration and extent of exposure. Substantial quantities of aerially deposited lead are understood to be generally confined to within 30 feet of a roadway. Other potential contaminants, including herbicides associated with weed abatement and contaminated ballast rock,

are generally confined to the immediate transportation right-of-way. As with land use projects and development, exposure to these hazardous materials and wastes from construction of transportation projects could cause adverse effects on construction workers, the public, or the environment. The hazards associated with construction of transportation projects on known sites of contamination would be potentially significant (PS) for the same reasons identified for land use projects. (Draft EIR, p 3.9-31)

- G. Soil management plans or soil contingency plans required as part of Phase I/II ESAs by Mitigation Measure HAZ-4 would include procedural measures to protect and isolate suspected contaminated materials to avoid adverse effects on the workers or public. (Draft EIR, p. 3.9-32)

## IMPACT

**HAZ-6** Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (Draft EIR, p. 3.9-34)

### *Mitigation Measures*

**HAZ-6** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Continue to participate in the San Francisco Bay Area Regional Transportation Emergency Management (RTEMP), review the plan annually, and update as appropriate.
- ▲ Develop new methods of conveying projected and real time evacuation information to citizens using emerging electronic communication tools including social media and cellular networks.
- ▲ Adopt and/or revise, as appropriate, local emergency response and evacuation plans that address growth and potential for congestion on evacuation routes. Include contingencies for lower private automobile ownership and reliance on public transit for evacuation, consistent with the RTEMP.
- ▲ Require specific projects to demonstrate consistency with all applicable emergency response and evacuation plans. Where temporary road closures would be required during construction, prepare traffic mitigation plans that address traffic control and establish alternate emergency response and evacuation routes in coordination with emergency service providers.

### *Significance After Mitigation*

The mitigation described above would address the need for adequate emergency access through continued participation in the RTEMP. It would also require that emergency plans account for shifting transportation modes. The mitigation would also require individual projects to ensure that future development would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

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

### *Finding*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR (Finding (I)). 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. (Finding (3)).

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

- A. Although construction associated with implementation of the final Plan could temporarily impair roadways used for emergency response and evacuation, standard construction procedures for development of a construction management plan would address these conditions and would develop alternative routes. Projects requiring encroachment permits for temporary construction activities in public roadways that could be used for emergency response or evacuation are generally required to prepare traffic mitigation plans that address traffic control during the period when project construction is occurring within public right-of-way. Although implementation of construction traffic management plans and associated coordination with service providers would typically address potential interference with emergency response or evacuation plans, there is a potential that temporary impairment could occur at the project level. This would be a potentially significant impact (PS). (Draft EIR, pp. 3.9-34 to 3.9-36)
- B. Development that proposes large concentrations of people (such as a job center) or that would site individuals who require special assistance (such as a hospital or senior facility) in an area with identified hazards could cause adverse effects related to the implementation of countywide and jurisdictional emergency plans because there would be more individuals potentially subject to these hazards. High density development could, in the event of an emergency such as a wildfire, result in more people using the same evacuation routes. Implementation of emergency plans could be impaired if emergency plans are not properly updated to reflect changes in land use. While transportation projects may result in a more efficient transportation system, it cannot be assured that, during an emergency, they would be adequate for sufficiently quick evacuation. Roadway capacity would be increased, but the increase in population and employment will result in an increase in the average trip time of 10 percent, suggesting an overall increase in congestion.
- C. There are a variety of adopted emergency response and evacuation plans in the Plan area. In addition to the plans maintained at the county-level, coordinated plans have been adopted for the nine-county Plan area to facilitate emergency response and evacuation. These plans anticipate the necessity of regional transit and ferry service to facilitate response and evacuation. The final Plan includes investments in transit systems along with the emphasis on growth near transit that could serve as vital resources. However, increased population and employment anticipated in the Plan could increase congestion on evacuation routes and slow evacuation. This could impair implementation of emergency response or evacuation plans, particularly if local plans rely on evacuation via personal vehicle. While changes in land use would be reflected in updated emergency and evacuation plans, it is not known if the changes would be sufficient to ensure adequate evacuation. The final Plan's impact on adopted emergency response or evacuation plans would be potentially significant (PS) (Draft EIR, pp. 3.9-34 to 3.9-35)
- D. Draft EIR Mitigation Measure HAZ-6 would reduce significant impacts because it would require MTC to continue to participate in the RTEMP and that emergency plans account for shifting transportation modes. It would require also individual projects to ensure that future development would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

## **IMPACT**

**HAZ-7** Exacerbate the risk of wildland fires, associated pollutant release, and potential for flooding and landslides due to projected land use patterns and infrastructure in or near State Responsibility Areas or land classified as very high hazard severity zones (Draft EIR, p. 3.9-38)

## ***Mitigation Measures***

**HAZ-7** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Restrict development of areas mapped by CAL FIRE as high and very high fire hazard zones.
- ▲ Improve and educate residents and businesses regarding local emergency communications and notifications.
- ▲ Enforce defensible space regulations to keep overgrown and unmanaged vegetation, accumulations of trash and other flammable material away from structures.
- ▲ Provide public education about wildfire risk and fire prevention measures, and safety procedures and practices to allow for safe evacuation and/or options to shelter-in-place.
- ▲ Plan for and promote rapid revegetation of burned areas to help prevent erosion and protect bare soils.
- ▲ Develop a regulatory mechanism for permitting an aggressive hazardous fuels management program.
- ▲ Establish standards for fuel breaks that can slow or stop a wildfire advancing into a community or into the wildlands. Fuel breaks shall be strategically located to protect a community, structures, or routes of access and egress. Strategic locations may include ridgelines, greenbelts, or other locations to manage embers or support community-level fire suppression tactics.
- ▲ MTC shall facilitate minimizing future impacts to fire protection services through information sharing regarding fire-wise land management (vegetation data, fire-resistant building materials, locations where development is vulnerable to wildfire, and best practices for safe land management) with county and city planning departments.
- ▲ MTC, in partnership with technical experts and stakeholders, shall launch or continue existing initiatives to help local cities and counties to protect Bay Area communities and economies from the disruption of wildfire occurrences. Initiatives could include but not be limited to seminars that review the risk of wildfire and approaches for preparation, including strengthening of infrastructure, emergency services, emergency evacuation plans and reviewing building safety codes.

## ***Significance After Mitigation***

Curtailing development in areas mapped by CalFire as high and very high fire hazard zones, in conjunction with the mitigation measures and elements of the Plan that would promote land management in open space to reduce fire hazards, would substantially reduce the potential for the Plan to exacerbate wildland fire risks. However, because development could occur in and near state responsibility areas and lands classified as very high hazard severity zones, and because the potential for people or structure to be exposed to significant risk of loss, injury, or death involving wildfire cannot be avoided, this impact would be **significant and unavoidable (SU)**.

Projects taking advantage of CEQA streamlining provisions of Senate Bill 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.

## ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities. Very High and High Fire Hazard Severity Areas identified by the California Department of Forestry and Fire Protection or locations within a county-adopted wildland-urban interface area are excluded from growth geographies.
- B. Wildfire is addressed through the Plan's core adaptation principles related to land use, land management, and structural hardening efforts focused on buildings constructed in very high fire hazard severity zones before 2009. Features of the Plan that would reduce the potential to exacerbate the risk of wildfire include maintaining the urban growth boundaries, directing growth away from areas with the highest fire hazard severity potential, and supporting vegetation management on conservation lands. Specifically, the final Plan includes Strategy EN04, Maintain Urban Growth Boundaries, which does not enable growth beyond current boundaries and locates growth geographies (Priority Development Areas, Priority Production Areas, TRAs, High-Resource Areas) outside of the worst fire hazard severity zones (as defined by CAL FIRE's Very High Fire Hazard Severity Zones in incorporated areas and by High or Very High Fire Hazard Severity Zones in unincorporated areas). These restrictions would be augmented by WUI zones, where they have been adopted at the county level. Together, these strategies limit further growth in the areas most at risk of wildfire. Open space and working lands management is included in the final Plan to reduce the intensity of future fires. Specifically, Strategy EN05, Protect and Manage High-Value Conservation Land, includes expanded new revenues beyond what already exist to support wildfire management. Structural hardening combats the risk in communities already built in the highest fire risk zones. Strategy EN02, Retrofit Existing Residential Buildings is designed to reduce risk in all existing residential buildings (roughly 75,000 units) in the very-high fire hazard zone built before the 2009 WUI building code. The strategy would require proven structural hardening strategies, such as roofing and vent replacements, and support homeowners with difficult defensible space work. Together, these strategies would focus future growth away from the highest fire risk zones, support increased wildland management programs, and support residential building upgrades that reduce the likelihood for damage when fires occur in the WUI. Another component of the final Plan's environmental strategy would provide means-based financial support to retrofit existing residential buildings. This could reduce the potential for these structures to cause fires due to damage caused by a seismic event.
- C. As the population of the Plan area is forecasted to increase, there could be increased wildfire hazards if development expands into the wildland-urban interface (WUI). The final Plan's growth geographies—designated areas prioritized to accommodate future household and job growth—exclude areas defined as "Very High" and "High" fire hazard severity areas identified by the California Department of Forestry and Fire Protection or locations within a county-adopted WUI area. The final Plan also addresses wildfire with many land use (i.e., housing and economy) and environmental strategies, relying on core adaptation principles: land use, land management, and structural hardening. The final Plan would accommodate forecasted population growth in a manner that reduces potential contributions to climate change, encourages concentrated growth in urbanized areas and land management in open space, and includes structural hardening efforts where existing structures are vulnerable to fire. In total, the land use growth footprint includes approximately 1,800 acres of land classified as having a moderate, high, or very high fire hazard. This is approximately 5 percent of the growth footprint.
- D. Indirect wildfire impacts include release of hazardous materials and air quality implications, as well as flooding and landslides following loss of vegetation. In areas with steep slopes, debris flows can

result from loss of vegetation and cause hazards to life and physical property, destroy or strip vegetation, block existing drainage patterns, and affect roadways and other infrastructure. If this were to occur within existing floodplains, existing flow conditions may be altered, or new sources of flooding may be created.

- E. Development of areas susceptible to wildfire could exacerbate the fire risk by introducing anthropogenic influence into fire-prone open space through activities such as debris and brush-clearing fires, electrical equipment malfunctions, campfire escapes, smoking, fire play (e.g., fireworks), vehicles, and arson. Power lines also pose a risk of spark as a result of downed lines, direct contact with vegetation, and line faults and equipment failures.
- F. Throughout the Plan area, new construction would be subject to Title 24 of the CCR, which includes safety measures to minimize the threat of fire. The risk of accidental ignition of a wildland fire during construction in forested areas would be addressed through standard construction practices, which address the potential for sparks generated by construction equipment, the potential for spills of ignitable materials, and emergency procedures to immediately respond to these conditions. In addition, Title 14 of the CCR sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent damage to structures or people by reducing wildfire hazards within SRAs. Local jurisdictions' general plan policies and building codes enforce and expand on these requirements at the local level. All jurisdictions are required to review and update their safety element in conjunction with the next housing element revision to address the risk of fire in SRAs and Very High Fire Hazard Severity Zones, and the provisions outlined in "Fire Hazard Planning" by the Governor's Office of Planning and Research. Projects would not be approved by local agencies until project design plans demonstrate compliance with applicable fire safety requirements. The final Plan would not conflict with the ongoing efforts of CAL FIRE and others to create natural environments that are more resilient to fire through fire plans that include prefire planning and fuel treatment.
- G. Development specific to the TPAs could occur in fire hazard areas in three of the nine counties. Projects located on land identified by CAL FIRE as subject to wildland fire hazard would not qualify as sustainable communities projects under PRC Section 21155.1 unless the applicable general plan or zoning code contains provisions to mitigate the risk of a wildland fire hazards (PRC Section 21155.1[a][6][A]). (Note, however, that this is applicable only to potential exemptions under the sustainable communities strategy provisions of CEQA and does not apply to the other streamlining strategies under the Sustainable Communities Act.) Because development could occur near land classified as very high hazard severity zones and could indirectly result in extension or expansion of infrastructure through these areas, there is potential for the final Plan to exacerbate the risk of wildland fires, associated pollutant release, and potential for flooding and landslides. This impact would be potentially significant (PS) (Draft EIR, pp. 3.9-38 to 3.9-40). Transportation projects could occur in moderate, high, and very high fire hazard areas. Implementing agencies would require project sponsors to comply with safety measures that minimize the threat of fire as stated in the Title 24 of the CCR, as well as comply with CCR Title 14, Division 1.5 to minimize exposing people and structures to loss, injury, or death and damage. Therefore, although there could be an elevated risk of accidental ignition of a wildland fire during construction in forested areas, the potential for standard construction practices to result in wildland fire would not be substantially increased because of the transportation investments identified in the Plan. Projects that involve the expansion or extension of the transportation system may also expose more land uses to risks associated with wildland fires, particularly at the urban edge. Providing increased access into wildfire-prone open space increases the potential for human-caused wildfires both as a result of direct access and due to introduction of potential ignition sources (e.g., vehicles, cigarettes) along the transportation corridor. The potential for wildfire hazard impacts related to transportation projects in the final Plan would be potentially significant (PS) due to the potential for the infrastructure to exacerbate fire risk. (Draft EIR, pp. 3.9-41 to 3.9-42)
- H. Mitigation Measure HAZ-7 would substantially reduce the potential for the Plan to exacerbate wildland fire risks because it would restrict development in areas mapped by CalFire as high and very high fire hazard zones and through additional measures that, with elements of the Plan, would promote land management in open space to reduce fire hazards. (Draft EIR, p. 3.9-42)

## 2.4.9 Land Use, Population, and Housing (3.11)

### IMPACT

**LU-1** Physically divide an established community (Draft EIR, p. 3.11-19)

#### *Mitigation Measures*

**LU-1** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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 OBAG.
- ▲ Encourage implementing agencies to orient transportation projects to minimize impacts on existing communities by:
  - selecting alignments within or adjacent to existing public rights-of-way;
  - designing sections above or below grade to maintain viable vehicular, cycling, and pedestrian connections between portions of communities where existing connections are disrupted by the transportation project; and
  - wherever feasible incorporating direct crossings, overcrossings, or undercrossings at regular intervals for multiple modes of travel (e.g., pedestrians, bicyclists, vehicles).

Where it has been determined that it is infeasible to avoid creating a barrier in an established community, encourage implementing agencies to consider other measures to reduce impacts, including but not limited to:

- ▲ shifting alignments to minimize the area affected;
- ▲ reducing the proposed right-of-way take to minimize the overall area of impact; and
- ▲ providing for bicycle, pedestrian, and vehicle access across improved roadways.

#### *Significance After Mitigation*

Implementation of Mitigation Measure LU-1 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. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, because sites are unique, it cannot be concluded with certainty that all potentially significant divisions of established communities could be avoided. This impact 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. Most of the major proposed transportation projects would be located in existing rights-of-way, meaning they would not create a new physical division within existing communities. Some projects in the final Plan could improve or expand interconnections between neighborhoods and communities that are currently separated by major transportation corridors. Examples include bridges or undercrossings (with bike lanes) of commuter rail lines, the Transbay railway, bicycle/pedestrian overcrossings of freeways, and urban trail and pathway projects. 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 rail extension or expansion projects, may require the acquisition of land in existing communities, which may divide established communities. These transportation projects would require subsequent project-level environmental review prior to their implementation. Detailed project design or specific plans could address potential divisions of existing communities. Through regional programs such as OBAG, MTC and ABAG would 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. However, MTC and ABAG cannot require local implementing agencies to implement these projects. Project approval would remain subject to the discretion of local agencies. Transportation project impacts related to division of an established community would be potentially significant (PS). (Draft EIR, pp. 3.11-20 to 3.11-21)
- B. Implementation of Mitigation Measure LU-1 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. (Draft EIR, p. 3.11-21)

### **IMPACT**

**LU-2** Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR, p. 3.11-22)

### ***Mitigation Measures***

**LU-2** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ MTC shall continue to provide targeted technical services, such as GIS and data support for cities and counties to update their general plans at least every 10 years, as recommended by the Governor's Office of Planning and Research.
- ▲ MTC shall provide technical assistance and regional leadership to encourage implementation of the Plan goals and strategies that integrate growth and land use planning with the existing and planned transportation network.

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

Mitigation Measure LU-2 would reduce significant impacts related to conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. However, because of the regional nature of the analysis and MTC's lack of authority to ensure consistency with local and regional plans, there may still be instances in which conflicts with land use plans, policies, and regulations would occur. This impact would remain **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). However, because of the regional nature of the analysis and MTC's lack of authority to ensure consistency

with local and regional plans, there may still be instances in which conflicts with land use plans, policies, and regulations would occur. (Finding (3)).

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

- A. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities. Two of the growth geographies are designated by local jurisdictions—Priority Development Areas (PDAs) and Priority Production Areas (PPAs). Although not a designated growth geography, PCAs are areas of regional significance that have broad community support for conservation and need environmental protection.
- B. Implementation of the final Plan could result in a land use development pattern, sea level rise adaption infrastructure, and transportation projects in areas that are not consistent with existing long-range plans, including local general plans, specific plans, the Bay Plan, and local coastal plans. MTC does not have the authority to adopt, approve, implement, or otherwise regulate local or regional land use plans. In addition, cities and counties are not required to change their land use plans and policies, including general plans, to be consistent with the final Plan. Therefore, there is a potential for inconsistencies with general plans and regional conservation plans. This impact would be **potentially significant (PS)**. (Draft EIR, pp. 3.11-22 to 3.11-29)
- C. Local lead agencies would determine consistency with adopted general plans and specific plans by conforming the projects or amending land use designations.
- D. If the lead agency wishes to approve a project that is consistent with the final Plan in order for the project to take advantage of streamlined environmental review, but the project is inconsistent with an adopted general plan or specific plan, project approval would include amendment of the general plan or specific plan.
- E. The final Plan contains strategies to guide anticipated population, households, and employment growth in the Plan area by 2050. The land use strategies were developed as a result of MTC's planning process outlined in the final Plan. This process involved extensive outreach to and input from local jurisdictions, including counties and local city planners.
- F. Although the land use strategies included in the Plan are generally compatible with county- and regional-level general plans, local general plans may not have been updated since the adopted 2017 RTP/SCS.
- G. Mitigation Measure LU-2 would reduce significant impacts related to conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR, p. 3.11-29)

## **IMPACT**

**LU-4** Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Draft EIR, p. 3.11-31)

### ***Mitigation Measures***

**LU-4** Implementing agencies and/or project sponsors shall implement, where feasible and necessary based on project- and site-specific considerations, 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 AES-1 through AES-4
- ▲ Mitigation Measures AGF-1 through AGF-3
- ▲ Mitigation Measures AQ-2 through AQ-4
- ▲ Mitigation Measures BIO-1 through BIO-3 and BIO-5
- ▲ Mitigation Measures GHG-1 and GHG-3
- ▲ Mitigation Measures CUL/TCR-1, CUL/TCR-2, and CUL/TCR-4
- ▲ Mitigation Measure GEO-7
- ▲ Mitigation Measures HAZ-4, HAZ-6 and HAZ-7
- ▲ Mitigation Measures LU-1 and LU-2
- ▲ Mitigation Measures NOISE-1 through Noise-4



- ▲ Mitigation Measures PSR-1 and PSR-2
- ▲ Mitigation Measures PUF-1 through PUF-4
- ▲ Mitigation Measure TRA-2

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

Implementation of this mitigation measure would reduce the magnitude of potentially significant impacts, as explained in the impact discussions related to each impact and mitigation measure. However, as noted under Impacts AES-1, AES-2, AES-3, AGF-1, AGF-2, AGF-3, AQ-3, AQ-4, GHG-1, GHG-3, CUL/TCR-1, CUL/TCR-2, CUL/TCR-4, HAZ-7, LU-1, LU-2, PSR-1, PSR-2, PUF-1, PUF-2, PUF-4, and TRA-2, there would still be instances where the impact remains significant following implementation of mitigation measures. Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. This impact would remain **significant and unavoidable (SU)**.

### ***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. (Finding (1)). 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 (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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan's eight (8) housing strategies (e.g., H02, H03, H04, H05, H06, H08) support accommodation of the region's forecasted 1.5 million new housing units over the next 30 years. The housing strategies continue the region's commitment to "focused growth" but are also intended to protect current residents from displacement, preserve existing affordable housing, and produce new housing to secure long-term affordability in order to address the Bay Area's housing crisis. Thus, implementation of the final Plan would not result in displacement at the regional scale.
- B. At the local level, displacement can result in physical effects both directly and indirectly. The potential for direct effects would result from projected growth occurring at the site of existing residential units. Redevelopment of such a site could result in displacement of current residents and may necessitate construction of replacement housing, resulting in direct impacts. Projected redevelopment and new housing are included in the overall land use strategy and development footprint of the final Plan. 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. The EIR for the final Plan analyzes potential impacts that may result from this change in the following areas: aesthetics and visual resources, agriculture and forestry resources, air quality, biological resources, climate change, greenhouse gases, and energy, cultural resources and tribal cultural resources, geology, seismicity, and mineral resources, hazards and wildfire, hydrology and water quality, land use, population, and housing, noise, public services and recreation, public utilities and facilities, and transportation. 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, and GHG emissions. These impacts are analyzed in other sections of this EIR as part of the analysis of overall impacts of the final Plan on air quality, noise, traffic, and GHG emissions. The final Plan accounts for future replacement housing because it includes sufficient housing to accommodate new job growth, including in-commuters from adjacent counties. The impacts of this growth are addressed throughout this EIR and in some cases has been identified as potentially significant. For this reason, this impact would be potentially significant (PS). (Draft EIR, p 3.11-34)



- C. The final Plan's sea level rise adaptation infrastructure could result in displacement of homes though the extent of displacement cannot be known at this time. The EIR for the final Plan analyzes the potential impacts that may result from replacement of these housing units in the following areas: aesthetics and visual resources, agriculture and forestry resources, air quality, biological resources, climate change, greenhouse gases, and energy, cultural resources and tribal cultural resources, geology, seismicity, and mineral resources, hazards and wildfire, hydrology and water quality, land use, population, and housing, noise, public services and recreation, public utilities and facilities, and transportation. This impact would be potentially significant (PS). (Draft EIR, pp. 3.11-34 to 3.11-35).
- D. 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. This practice is assumed as a part of this analysis. 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 uses. The replacement of these housing units would result in environmental impacts, which are described throughout the EIR for the final Plan for the following potential impact areas: aesthetics and visual resources, agriculture and forestry resources, air quality, biological resources, climate change, greenhouse gases, and energy, cultural resources and tribal cultural resources, geology, seismicity, and mineral resources, hazards and wildfire, hydrology and water quality, land use, population, and housing, noise, public services and recreation, public utilities and facilities, and transportation. This impact would be potentially significant (PS). (Draft EIR, p. 3.11-35).
- E. Implementation of this Mitigation Measure LU-4 would reduce the magnitude of potentially significant impacts, as explained in the impact discussions related to each impact and mitigation measure. (Draft EIR, p. 3.11-36).

## 2.4.10 Noise (3.12)

### IMPACT

**NOISE-1** Generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft EIR, p. 3.12-22)

### *Mitigation Measures*

**NOISE-1** To reduce construction noise levels to achieve the applicable noise standards of the relevant jurisdiction within the Plan Area, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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 weekends).
- ▲ Notify neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of anticipated times when noise levels are expected to exceed limits established in the noise element of the general plan or noise ordinance.
- ▲ Designate an on-site construction complaint and enforcement manager for the project.
- ▲ Post procedures and phone numbers at the construction site for notifying the implementing agency staff, local Police Department, and construction contractor (during regular construction

hours and off-hours), along with permitted construction days and hours, complaint procedures, and who to notify in the event of a problem.

- ▲ 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.
- ▲ Use hydraulically or electrically powered tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used, if such jackets are commercially available, and this could achieve a further reduction of 5 dBA. Quieter procedures should be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- ▲ 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.

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

Implementation of Mitigation Measure NOISE-1 would provide substantial reduction in day and night construction noise levels by ensuring proper equipment use (i.e., by 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 a local agency requires an individual project to implement all feasible mitigation measures described above, construction-noise levels could be reduced by 10 dB. 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. However, there could be cases where noise levels reductions from implementation of mitigation measures would not be sufficient to reduce sounds levels to an acceptable level. This impact would remain **significant and unavoidable (SU)**.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. Implementation of the final Plan's land use growth pattern would result in construction activities. However, due to the regional scale of the final Plan and the programmatic level of this analysis and that specific development projects have not been proposed, specific construction-related details (e.g., location, schedule, equipment) for individual land use development projects are not available. Therefore, to evaluate potential construction impacts, a representative construction scenario, including typical equipment (e.g., pile driver, cranes, trucks, generators, jackhammers, backhoes), was assumed. Based on reference noise levels for these 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. It should be noted that although other specialized equipment may be used (e.g., for tunnel boring), the ones chosen for the modeling include the loudest construction equipment (e.g., jackhammer and impact pile driver), which would generate similar or louder noise levels; thus, construction noise levels would be considered conservatively high.
- B. Based on the modeling conducted, construction-related noise levels could exceed local construction-related noise standards and thresholds, depending on proximity to existing land uses and duration of construction activities, resulting in a potentially significant (PS) noise impact. (Draft EIR, pp. 3.12-22 to 3.12-23)
- C. The implementation of sea level rise adaptation infrastructure would result in construction of a variety of levees, seawalls, elevated roadways, marsh restoration, and tidal gates. This adaptation infrastructure could result in temporary construction noise impacts associated with grading, excavating, earthmoving, and other related activities. The associated noise levels would be like those presented above for construction associated with land use development projects because similar construction equipment would be used, generating similar noise levels. Noise levels related to sea level rise adaptation infrastructure construction could exceed local standards and thresholds identified, depending on proximity to existing land uses and duration of construction activities. Therefore, implementation of the final Plan's sea level rise adaptation infrastructure may result in generation of excessive temporary construction noise levels, and this impact would be potentially significant (PS). (Draft EIR, p 3.12-23)
- D. Construction-related noise impacts of transportation projects would depend on the extent of construction being undertaken, proximity to existing sensitive land uses, and applicable noise standards. Nonetheless, construction noise would be of greatest concern to the land uses closest to construction activities. Transportation projects would have the potential for localized noise impacts, particularly when pile driving, or other similar invasive foundation work would be required. In addition, specialized equipment, such as tunnel boring machinery, may be used during construction of the Transbay rail crossing.
- E. Proposed transportation projects are spread throughout the Bay Area and are generally limited to existing transportation corridors. In addition, transportation projects typically progress in a linear fashion (i.e., along the right-of-way), and construction is sometimes required to occur during the night, to minimize traffic congestion during peak travel periods. Construction activities may affect individual receptors for shorter periods of time as construction moves in a linear fashion but could result in greater disturbance to nearby receptors if construction occurs during sleeping hours. Further, transportation construction activities that occur in less urbanized areas, where existing ambient noise levels would be less than in urbanized and densely populated areas, could result in a greater relative increase in temporary noise levels. High noise levels added to a lower existing ambient noise level result in a greater increase of annoyance than the same high noise level added to an existing high level. To evaluate potential construction impacts, a representative construction scenario, including typical equipment (e.g., pile driver, cranes, trucks, generators, jackhammers, backhoes) was assumed. Based on reference noise levels for these 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), and could exceed local construction-related noise standards and thresholds identified, depending on proximity to existing land uses and duration of construction

activities. Construction noise and impacts would be potentially significant (PS). (Draft EIR, pp. 3.12-23 to 3.12-24).

- F. Implementation of Mitigation Measure NOISE-1 would provide substantial reduction in day and night construction noise levels by ensuring proper equipment use (i.e., by locating equipment away from sensitive land uses and requiring the use of enclosures, shields, and noise curtains). (Draft EIR, p. 3.12-25)

## IMPACT

**NOISE-2** Generate a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft EIR, p. 3.12-25)

### *Mitigation Measures*

**NOISE-2(a)** To reduce exposure from traffic noise when significant to achieve the applicable noise thresholds for each roadway type (i.e., 70 dBA CNEL for major roads/freeway, 65 dBA CNEL for all other roads), implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include 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 by providing a barrier between the source and receptor).
- ▲ Use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic-calming measures in the design of transportation improvements.
- ▲ Use rubberized asphalt or “quiet pavement” to reduce road noise for new roadway segments, roadways in which widening or other modifications require re-pavement, or normal reconstruction of roadways where re-pavement is planned.
- ▲ Maximize the distance between existing noise-sensitive land uses and new noise-generating facilities and transportation systems.
- ▲ 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.
- ▲ Monitor the effectiveness of noise reduction measures by taking noise measurements and installing adaptive mitigation measures to achieve the standards for ambient noise levels established by the noise element of the general plan or noise ordinance

**NOISE-2(b)** To reduce the exposure of existing sensitive receptors to non-transportation noise associated with projected development and achieve a noise reduction below 70 dBA CNEL or local applicable noise standard, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ 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 and other stationary sources (e.g., commercial loading docks) incorporate features designed to reduce noise to below 70 dBA CNEL or the local applicable noise standard. These features may include locating equipment or activity areas within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. Site design considerations shall also incorporate appropriate setback distances, to the extent practical, from the noise and existing sensitive receptors to minimize noise exposure.

**NOISE-2(c)** To reduce transit-related noise exposure to existing receptors within 50 feet of a rail transit line to below 70 dBA, or other applicable standard, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

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

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

Implementation of Mitigation Measure NOISE-2(a) would result in substantial reductions in traffic-related 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 73.6 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 a minimum of 25-dB exterior-to-interior noise reduction, but much higher levels of reduction are achievable through additional wall insulation and sound-proofing techniques. Implementation of Mitigation Measure NOISE-2(b) would require operational measures to that stationary noise sources would be designed to reduce noise to below 70 dBA CNEL and comply with any applicable local noise codes. Implementation of Mitigation Measure NOISE-2(c) would ensure that site-specific planning would include all technologically feasible measures to reduce transit noise to below 70 dBA CNEL for exterior noise levels and 45 dBA CNEL for interior noise levels. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.



## ***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. (Finding (3)).

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

- A. Land use related traffic noise impacts were assessed at the county level and based on baseline (2015) and buildout (2050) modeled traffic volumes by roadway types, including all on-road vehicles and buses. Changes in land use due to forecasted development would generate new trips, and these trips would be distributed on existing and final Plan roadways, transit, bicycle, or pedestrian systems. Due to the anticipated growth for the region, an absolute increase in roadway volumes within the Plan area is anticipated, despite more efficient land uses and transportation projects and strategies. The final Plan would result in traffic-noise levels that exceed applicable noise thresholds and would result in a substantial noise increase in some areas. Therefore, this impact would be potentially significant (PS). (Draft EIR, pp. 3.12-26 to 3.12-27).
- B. Land use related stationary noise sources were also assessed. The Plan's development pattern would result in new residential, commercial, and industrial land uses 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. Implementation of the final Plan would result in increased land use 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, where existing sensitive receptors already exist, it is possible that implementation of the Plan's forecasted land use development (and associated noise sources) could result in exposure to existing sensitive receptors to noise levels above 65 dBA CNEL or 70 dBA CNEL (exterior) and 45 dBA CNEL (interior) or a substantial increase in noise (i.e., 1.5 dB). This would be a potentially significant impact (PS). (Draft EIR, pp. 3.12-27 to 3.12-28)
- C. Increases in transit-related noise as a result of the final Plan could occur throughout the region as transit lines are expanded and service frequency increased. Noise levels would vary greatly depending on the type of transit facility and proximity to existing sensitive land uses as well as the type of track (elevated or not). The severity of this 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. These projects are generally located in urban areas that are already exposed to high levels of vehicle traffic noise.
- D. Expansion of existing or construction of new transit 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. It is likely that new rail lines would have noise levels similar to those discussed above. Therefore, they could exceed applicable exterior (i.e., 70 dBA CNEL) and interior (i.e., 45 dBA CNEL) noise thresholds at existing sensitive land uses. In addition, because new or expanded rail lines could result in noise levels of 70 dBA CNEL and up to 82 dBA CNEL, when compared to existing conditions where no rail currently exists, noise levels would substantially increase (i.e., likely more than 3 dB above ambient levels). It should be noted that implementing agencies or sponsors of transportation projects would coordinate with local jurisdictions to comply with local policies and regulations. In addition to future project-level CEQA review, transportation projects subject to review by the Federal Transit Administration, Federal Railroad Administration, or the Federal Highway Administration would be subject to project-level NEPA review and compliance with applicable guidance related to noise assessments and mitigation.



- E. Because trains could generate noise levels of up to 82 dBA CNEL/ $L_{dn}$ , and transit lines are currently located in urbanized areas near major roads and freeways, where noise levels are currently relatively high, a 1.5-dBA increase in transit noise would be considered significant. As explained in Impact TRA-1 in Section 3.15, "Transportation," the final Plan includes major investments that create new transit lines or boost frequencies on existing lines. Thus, it is expected that implementation of the final Plan would result in a 1.5-dBA or more increase in transit noise. Increases in transit noise on existing facilities would result in a potentially significant (PS) impact. (Draft EIR, pp. 3.12-28 to 3.12-29)
- F. Implementation of Mitigation Measure NOISE-2(a) would result in substantial reductions in traffic-related 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 73.6 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 a minimum of 25-dB exterior-to-interior noise reduction, but much higher levels of reduction are achievable through additional wall insulation and sound-proofing techniques. Implementation of Mitigation Measure NOISE-2(b) would require operational measures to that stationary noise sources would be designed to reduce noise to below 70 dBA CNEL and comply with any applicable local noise codes. Implementation of Mitigation Measure NOISE-2(c) would ensure that site-specific planning would include all technologically feasible measures to reduce transit noise to below 70 dBA CNEL for exterior noise levels and 45 dBA CNEL for interior noise levels. (Draft EIR, p. 3.12-32)

## IMPACT

**NOISE-3** Generate excessive groundborne vibration or groundborne noise levels (Draft EIR, p. 3.12-33)

### *Mitigation Measures*

**NOISE-3(a)** To reduce construction vibration levels to acceptable levels (i.e., 65 VdB to 80 VdB depending on frequency of event and 0.1 to 0.6 PPV in/sec depending on building type), implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ To minimize disturbance of receptors within 550 feet of pile-driving activities, implement "quiet" pile-driving technology (such as predrilling 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.
- ▲ 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 preconstruction 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 preconstruction 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. Conditions will be determined through activities such as the preconstruction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The preconstruction 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.
- ▲ Use cushion blocks to dampen impact noise from pile driving.

**NOISE-3(b)** 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 those identified below:

- ▲ 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 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.
  - Conduct regular rail maintenance, including rail grinding and wheel truing to recontour wheels, to provide smooth running surfaces.

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

Implementation of Mitigation Measure NOISE-3(a) would reduce vibration impacts by requiring the use of quieter pile-driving technology and ensuring that the proper actions are taken to minimize vibration impacts to adjacent structures. Implementation of the Mitigation Measure NOISE-3(b) could provide a reduction of 15–20 VdB (FTA 2018), which would be adequate to reduce vibration levels to below 72 VdB within 200 feet. To the extent that a lead agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***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. (Finding (3)).

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

- A. Construction activities may result in varying degrees of temporary ground vibration, 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. 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. Therefore, this would be a potentially significant (PS) vibration impact, and Mitigation Measure NOISE-3(a) would address this impact. (Draft EIR, pp. 3.12-32 to 3.12-33)
- B. Construction-related vibration impacts from transportation project implementation would be similar to those described above for land use and sea level rise adaptation infrastructure. This would be a potentially significant (PS) vibration impact, and Mitigation Measure NOISE-3(a) would address this impact. (Draft EIR, p. 3.12-34)

- C. Increases in transit-related vibration as a result of the final Plan could occur throughout the region as transit lines are expanded and service frequency increased but would occur primarily in urbanized areas and near existing transit facilities. Vibration levels would vary greatly depending on the type of transit facility and proximity to existing sensitive land uses. 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. Extension of rail transit service to new locations, as well as increases in existing transit frequency could result in vibration levels that exceed vibration significance thresholds. 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 rail extension projects would result in potentially significant (PS) impacts resulting from excessive vibration exposure to existing sensitive receptors along the extended transit alignment and permanent substantial increases in vibration levels. This would be a potentially significant (PS) impact. (Draft EIR, pp. 3.12-34 to 3.12-35)
- D. Implementation of Mitigation Measure NOISE-3(a) would reduce construction vibration impacts by requiring the use of quieter pile-driving technology and ensuring that the proper actions are taken to minimize vibration impacts to adjacent structures. Implementation of the Mitigation Measure NOISE-3(b) could provide a reduction of 15–20 VdB, which would be adequate to reduce vibration levels to below 72 VdB within 200 feet. (Draft EIR, p. 3.12-37)

## IMPACT

**NOISE-4** For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels (Draft EIR, p. 3.12-37)

### *Mitigation Measures*

**NOISE-4** 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 study. 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 a local agency requires an individual project to implement the feasible mitigation measure 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 (LTS-M).

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC and 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 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. (Finding (3)).

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

- A. Noise from airports and aircraft flight events have the greatest effect on nearby land uses. Most airports and airfields immediately adjacent to TPAs identified in the final Plan have an active Airport Land Use Compatibility Plan (ALUCP) (or the equivalent) to discourage incompatible land uses within the vicinity of the airport. Local land use compatibility standards contained in city and county general plans would typically dictate whether specific site review was required for construction of sensitive land uses in areas potentially affected by aircraft noise. However, given the regional scale of the final Plan and the high level of projected development throughout the region, it is possible that the Plan's forecasted land use development pattern could result in exposure to exterior and interior noise levels from existing airports or airstrips that exceed applicable thresholds. There would be a potentially significant (PS) impact resulting from excessive airport noise levels if projected development were to occur in close proximity to existing airports or airstrips that would require mitigation. (Draft EIR, pp. 3.12-37 to 3.12-38)
- B. Implementation of Mitigation Measure NOISE-4 would require preparation of a site-specific noise compatibility study for projects within an existing airport influence zone that includes recommendations for site design and building construction to ensure compliance with interior noise levels of 45 dBA CNEL to minimize potential for sleep disturbance. (Draft EIR, p. 3.12-39)

## **2.4.11 Public Services and Recreation (3.13)**

### **IMPACT**

**PSR-1** Result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, and other public facilities (Draft EIR, p. 3.13-11)

### ***Mitigation Measures***

**PSR-1(a)** Implementing agencies and/or project sponsors shall implement the following measure, where feasible and necessary based on project- and site-specific considerations:

- ▲ 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 toward the project's fair share portion of the required services pursuant to adopted fee programs and State law.

**PSR-1(b)** Implementing agencies and/or project sponsors shall implement the following measure, where feasible and necessary based on project- and site-specific considerations:

- ▲ For projects that could increase demand for public services facilities, implementing agencies and/or project sponsors shall coordinate with relevant service providers to ensure that the existing public services could accommodate the increase in demand. If existing facilities are found to be inadequate to maintain adequate capital capacity, equipment, personnel, and/or response times, facility improvements for the appropriate public service shall be identified in each project's CEQA documentation. Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the environmental effects related to the construction of new or expanded public service facilities:

- Mitigation Measures AES-1 through AES-4
- Mitigation Measures AGF-1 through AGF-3
- Mitigation Measures AQ-2 through AQ-4
- Mitigation Measures BIO-1 through BIO-3 and BIO-5
- Mitigation Measures GHG-1 and GHG-3
- Mitigation Measures CUL/TCR-1, CUL/TCR-2, and CUL/TCR-4
- Mitigation Measure GEO-7
- Mitigation Measures HAZ-4, HAZ-6 and HAZ-7
- Mitigation Measures LU-1, LU-2, and LU-4
- Mitigation Measures NOISE-1 through Noise-4
- Mitigation Measures PSR-2
- Mitigation Measures PUF-1 through PUF-4
- Mitigation Measure TRA-2

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

To the extent that an individual project adopts and implements Mitigation Measure PSR-1 described above, the severity of the impact would be reduced. Mitigation Measure PSR-1(a) would reduce impacts on the provision of services to less than significant 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. Mitigation Measure PSR-1(b) would reduce the severity of impacts from construction of new or expanded facilities because it would include implementation of measures to offset the impacts of construction of new or physically altered facilities. However, the measures would not reduce this impact to a less-than-significant level, as discussed in the relevant sections of this EIR. Therefore, this impact would be significant and unavoidable **(SU)**.

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. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. The final Plan was designed to accommodate the people, households, and jobs identified in the regional growth forecast. The overall growth would result in increased demand for services. As the number of households grows, demand for schools and other general government services and



facilities (e.g., schools, police, fire, and libraries) would increase. Increases in residential and non-residential land uses would also increase the number of service calls for emergency services and police and fire protection. The final Plan forecasts the general location of future land uses, and future residential densities and building intensities in the region consistent with the final Plan beyond the horizon year of most local general plans in the Plan Area (2050). The regional growth forecast could result in increases in demand for public services that exceed existing service capabilities. To meet increased demand for these facilities, existing facilities could require additional personnel and equipment to maintain adequate service levels. In some cases, it would be necessary to construct new facilities or modify existing facilities to maintain adequate capital capacity, equipment, and personnel. Because MTC and ABAG do not have land use authority to adopt local land use plans or approve local land use development projects, land use development projects are ultimately controlled by local jurisdictions throughout the Plan area. Future land use development projects would be required to undergo an evaluation of their contribution to demand on public services prior to approval. In cases where a project results in increased demand, many jurisdictions require developers to pay impact fees to fund increased demand for public services; however, the amount and extent to which a project must mitigate additional demand would differ on a project-by-project basis depending on size and location and would be the responsibility of the implementing agency/project applicant.

- C. In cases where the final Plan's forecasted development pattern results in the need for new facilities to meet increased demand, short-term construction impacts could occur on a project-by-project basis. Environmental review would be conducted by the appropriate lead agency, and mitigation would be incorporated as needed. For the purposes of this analysis, it is assumed that the construction of new or modified public service facilities resulting from the implementation of the final Plan could result in adverse environmental effects; however, there is inherent uncertainty surrounding the location and size of future facilities. Therefore, impacts related to new or expanded school, police, fire, emergency medical, and other government service facilities would be potentially significant (PS). (Draft EIR, pp. 3.13-12 to 3.13-14)
- D. Mitigation Measure PSR-1(a) would reduce impacts on the provision of services 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 fair share contribution toward provisions of additional services. Mitigation Measure PSR-1(b) would reduce the severity of impacts from construction of new or expanded facilities because it would include implementation of measures to offset the impacts of construction of new or physically altered facilities. (Draft EIR, p. 3.13-15)

## IMPACT

**PSR-2** Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (Draft EIR, p. 3.13-16)

### *Mitigation Measures*

**PSR-2** Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the environmental effects related to the construction of new or expanded recreational facilities:

- ▲ Mitigation Measures AES-1 through AES-4
- ▲ Mitigation Measures AGF-1 through AGF-3
- ▲ Mitigation Measures AQ-2 through AQ-4
- ▲ Mitigation Measures BIO-1 through BIO-3 and BIO-5
- ▲ Mitigation Measures GHG-1 and GHG-3
- ▲ Mitigation Measures CUL/TCR-1, CUL/TCR-2, and CUL/TCR-4
- ▲ Mitigation Measure GEO-7
- ▲ Mitigation Measures HAZ-4, HAZ-6 and HAZ-7
- ▲ Mitigation Measures LU-1, LU-2, and LU-4



- ▲ Mitigation Measures NOISE-1 through Noise-4
- ▲ Mitigation Measures PSR-1
- ▲ Mitigation Measures PUF-1 through PUF-4
- ▲ Mitigation Measure TRA-2

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

Implementation of Mitigation Measure PSR-1(b) would reduce the severity of impacts from construction of new or expanded facilities because it would include implementation of measures to offset the impacts of construction of new or physically altered facilities. However, the measures would not reduce this impact to a less-than-significant level, as discussed in the appropriate sections of this EIR. Therefore, this impact would be significant and unavoidable **(SU)**.

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. However, MTC and 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 would be **significant and unavoidable (SU)**.

### ***Findings***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. Implementation of the final Plan would increase the number of residents making use of existing parkland and could cause accelerated physical deterioration of parks, trails, and recreational facilities as a result. The final Plan's environmental strategies encourage future Bay Area development focused within existing developed areas, ringed by natural lands that are well-maintained and dotted with parks and trails that provide easy access to open space. Support for locally adopted land use policies that limit new construction outside of the existing footprint, combined with investments in natural lands that serve vital ecological purposes and parks and recreation facilities essential to population health and wellbeing are included, with a specific emphasis on improving access to parks and open space and promoting a sustainable development pattern.

The final Plan also includes strategies to protect open space lands and concentrate development within already developed areas. Specifically, Strategy EN04 directs new growth to be located within the region's existing urban footprint or growth boundaries. Strategy EN05 would provide funds to help conserve and manage high-priority agricultural and open space lands that support recreation opportunities, biodiversity, natural resources, and priority conservation areas. Strategy EN06 would fund enhancements to regional and local parks, development and maintenance of parks and recreation facilities, acquisition of new open space, and construction of cross-jurisdictional trails and greenways with an emphasis on expanding recreation opportunities in Communities of Concern and other underserved areas. The timing, siting, and project-specific details of individual development projects would dictate the necessity of increasing recreational services in existing service areas or expanding service to new areas. While land use development could increase demand on recreational services, existing State requirements regarding development of a complete general plan, including Open Space and Conservation Elements, require local jurisdictions to address impacts on recreational facilities. Thus, land use development under the final Plan would not have a significant impact on recreational resources.

However, implementation of the final Plan could result in impacts related to the construction or expansion of recreation facilities. As noted above for impact PSR-1, construction may cause adverse short-term traffic impacts or short-term air quality and noise impacts associated with the use of heavy-duty equipment. If construction occurs on previously undeveloped land, it could have additional impacts including increased stormwater runoff, loss of habitat, or damage to cultural/tribal cultural resources. Thus, this impact would be potentially significant (PS). (Draft EIR, pp. 3.13-16 to 3.13-18)

- B. Implementation of Mitigation Measure PSR-1(b) would reduce the severity of impacts from construction of new or expanded facilities because it would include implementation of measures to offset the impacts of construction of new or physically altered facilities. (Draft EIR, p. 3.13-18)

## 2.4.12 Public Utilities and Facilities (3.14)

### IMPACT

**PUF-1** Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects (Draft EIR, p. 3.14-37)

### *Mitigation Measures*

**PUF-1(a)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ For projects that could increase demand on water and wastewater treatment facilities, 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.

**PUF-1(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ During the design and CEQA review of individual future projects, 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.

**PUF-1(c)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ For transportation projects, 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.

**PUF-1(d)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ For transportation projects implemented by Caltrans or subject to Caltrans review, 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.

**PUF-1(e)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Consider the use of onsite electric generation and storage systems that produce all or a portion of the energy used by a land use, sea level rise adaptation, or transportation project.

Further, Mitigation Measures PUF-2(a), PUF-2(b), and PUF-2(c), summarized under Impact PUF-2, and PUF-3, summarized under Impact PUF-3, would reduce water demand and wastewater generation, and subsequently reduce the need for new or expanded water and wastewater treatment facilities.

**PUF-1(f)** Implementing agencies and/or project sponsors shall implement, where feasible and necessary based on project- and site-specific considerations, the mitigation measures described throughout this EIR to address the effects related to the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, including:

- ▲ Mitigation Measures AES-1 through AES-4
- ▲ Mitigation Measures AGF-1 through AGF-3
- ▲ Mitigation Measures AQ-2 through AQ-4
- ▲ Mitigation Measures BIO-1 through BIO-3 and BIO-5
- ▲ Mitigation Measures GHG-1 and GHG-3
- ▲ Mitigation Measures CUL/TCR-1, CUL/TCR-2, and CUL/TCR-4
- ▲ Mitigation Measure GEO-7
- ▲ Mitigation Measures HAZ-4, HAZ-6 and HAZ-7
- ▲ Mitigation Measures LU-1, LU-2, and LU-4
- ▲ Mitigation Measures NOISE-1 through Noise-4
- ▲ Mitigation Measures PSR-1 and PSR-2
- ▲ Mitigation Measures PUF-2 through PUF-4
- ▲ Mitigation Measure TRA-2

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

Implementation of Mitigation Measure PUF-1(a)) 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 and identify infrastructure improvements to ensure adequate capacity. Implementation of Mitigation Measures PUF-1(b), and PUF-1(c), and PUF-1(d) would reduce impacts associated with exceedances of existing stormwater drainage capacity because application of such mitigation would require that land use, sea level rise, 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. Mitigation Measure PUF-1(e) would require consideration of onsite electrical generation and storage, thereby reducing demand on existing utilities. Implementation of Mitigation Measure PUF-1(f) would mitigate impacts related to the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities and to conversion of undeveloped land to accommodate new or expanded facilities. However, it cannot be concluded with certainty that all impacts related to this potential construction and land conversion would be mitigated to less than significant. Therefore, there may be instances where the relocation or construction of new or expanded water, wastewater treatment or

stormwater drainage, electric power, natural gas, or telecommunications facilities would cause **significant and unavoidable (SU)** environmental effects.

### *Finding*

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

### *Facts in Support of Findings*

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. The land use development pattern that would result from implementation of the final Plan could result in construction of new or expanded stormwater drainage, water, wastewater treatment facilities, electric power, natural gas, and telecommunications infrastructure. Environmental impacts could occur from both construction and the potential conversion of undeveloped land. Therefore, this impact would be potentially significant (PS). (Draft EIR, pp. 3.14-37 to 3.14-39)
- C. Sea-level rise adaptation infrastructure could have an effect on water treatment demand or wastewater treatment. Sea-level rise adaptation infrastructure would not generate wastewater such that new or expanded facilities would be required. Construction of some "grey" engineered infrastructure like sea walls or levees with roadways or trails on their top surface could increase construction-related wastewater runoff or expand the extent of impervious surfaces. While it is not anticipated that sea level rise adaptation infrastructure would have an effect on wastewater treatment demand or water treatment demand, any increase in the extent of impermeable surfaces could increase stormwater demands, possibly requiring new or expanded facilities.
- D. Moreover, it may be necessary to relocate existing electrical, natural gas, and telecommunications infrastructure if such facilities are located within the vicinity of sea level rise adaptation infrastructure. Environmental impacts could occur from both construction and the potential conversion of undeveloped land to accommodate relocated water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. This would be a potentially significant impact (PS). (Draft EIR, p 3.14-39)
- E. Transportation projects resulting from implementation of the final Plan could have an effect on water treatment demand and wastewater treatment demand by expanding or creating new impermeable surfaces, resulting in additional stormwater runoff. Regulations exist to minimize stormwater runoff from transportation projects, but the more stringent and effective Caltrans NPDES stormwater regulations apply only to some transportation projects under the purview of Caltrans. 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 construction of transportation improvements from implementation of the final Plan would be potentially significant (PS). (Draft EIR, pp. 3.14-39 to 3.14-40)
- F. The electrification of the transportation fleet as well as the increased use of communication systems for transportation could result in the need for new or realigned electric and telecommuni-

cation infrastructure. It may be necessary to relocate existing electrical, natural gas, and telecommunications infrastructure if such facilities are located within the vicinity of a transportation project. Environmental impacts could occur from both construction and the potential conversion of undeveloped land to accommodate new or relocated electrical, natural gas, and telecommunications infrastructure. While existing regulations applying to transportation projects would minimize stormwater-related effects, the more stringent and effective Caltrans NPDES Stormwater Regulations only apply to some transportation projects under the purview of Caltrans. In addition, new roadway lane miles in areas lacking adequate stormwater drainage capacity could require expanded systems. Potential impacts related to implementation of the final Plan would be potentially significant (PS). (Draft EIR, 3.14-40 to 3.14-41)

- G. Implementation of Mitigation Measure PUF-1(a)) 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 and identify infrastructure improvements to ensure adequate capacity. Implementation of Mitigation Measures PUF-1(b), and PUF-1(c), and PUF-1(d) would reduce impacts associated with exceedances of existing stormwater drainage capacity because application of such mitigation would require that land use, sea level rise, 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. Mitigation Measure PUF-1(e) would require consideration of onsite electrical generation and storage, thereby reducing demand on existing utilities. Implementation of Mitigation Measure PUF-1(f) would mitigate impacts related to the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities and to conversion of undeveloped land to accommodate new or expanded facilities. (Draft EIR p. 3.14-43)

## IMPACT

**PUF-2** Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Draft EIR, p. 3.14-43)

### *Mitigation Measures*

**PUF-2(a)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ For projects that could increase demand for water, coordinate with the relevant water service provider to ensure that the provider has adequate supplies to accommodate the increase in demand. This can and should be documented in the form of an SB 610 Water Supply Assessment, an SB 221 Water Supply Verification, or other capacity analysis.
- ▲ 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.
- ▲ Apply Tier 1 or Tier 2 CALGreen standards as mandatory local requirements, which reduce water use by 12 and 20 percent, respectively, and require additional qualifying elective actions.



**PUF-2(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.

**PUF-2(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 PUF-2(a), PUF-2(b), and PUF-2(c) would reduce impacts associated with water supply because they would require that land use, sea level rise, 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. However, it cannot be concluded with certainty that all impacts related to water supply would be mitigated to a less-than-significant. Therefore, this impact would remain **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. First, implementation of the final Plan's development pattern would help protect the region's water quality by limiting growth in local watersheds that drain into supply sources. Second, by focusing development, per capita water use is likely to be less because of a greater share of multifamily housing and modern water efficiency standards for new construction and development, such as reduced areas of intensive water needs, such as lawns. Additionally, by showing the effects of concentrating future growth in already developed areas, the final Plan demonstrates the benefits of existing water supply infrastructure and demonstrates how to reduce the need for new water infrastructure to be developed to service new areas.
- C. Finally, although the region's population grew by approximately 23 percent between 1986 and 2007, total water use increased by less than 1 percent during that same period (Draft EIR, Figure 3.14-4). In other words, per capita water use has substantially declined in the region over the last quarter century. This was accomplished in part from continued implementation of water conservation and reuse and recycling programs by local water agencies and municipalities, including those associated with the California Water Conservation Act of 2009, which called for a 20-percent reduction in per capita water use by 2020, and Assembly Bill (AB) 1668 and SB 606, which laid out a long-term water conservation framework. 45 of the 46 2020 UWMPs tracked by MTC and ABAG, which represent 89 percent of the regional population, had achieved the 20 percent reduction



target. Combined, when weighting districts by service population, these 46 water districts achieved a 30 percent reduction between 2010 and 2020. Strategy EN-2 in the final Plan seeks to improve existing indoor and outdoor water efficiency measures to continue to reduce water demand for existing developments.

- D. 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, apart from Solano County Water Agency which expects to meet water demand projections up to 2020 but has not analyzed beyond that horizon. The ability to provide adequate water supply for many districts is dependent on successful achievement of water conservation targets and the completion of supply expansion projects, such as new water contracts, land acquisition, groundwater recharge, and reclaimed water distribution. Water suppliers are pursuing the water conservation targets set by the State under SB X7-7 (2009) and regularly updating their UWMPs. Future development projects would be required to comply with Water Code Section 10910 and Section 10912, as described above in the Regulatory Setting, under "Water Supply Assessment and Water Supply Verification." The enforcement of these regulations by local jurisdictions would ensure that a water supply assessment is prepared to demonstrate that sufficient water would be available to serve development projects before their approval.
- E. With implementation of the final Plan, land use development would not occur evenly around the region; therefore, the final Plan could result in population or job growth beyond what is assumed in current UWMPs and could result in a localized water supply shortage. California, including the Plan area, may face future water supply challenges associated with climate change-related periods of drought. The uncertainty of water supply availability is furthered by the Plan's 2050 horizon being 10–15 years further than water agency 2015 UWMPs which have a planning horizon of 2035 or 2040. 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 would be potentially significant (PS). (Draft EIR, pp. 3.14-43 to 3.14-45)
- F. The construction and maintenance of sea level rise adaptation infrastructure could increase the demand for water. Construction activities such as dust control and operational activities such as landscape irrigation could increase water demand. Although these increases in demand are anticipated to be small on a per project basis, the collective demand from all the projects taken together could increase water demand that exceeds an applicable water supply agency's projected demand and supply. Because sea level rise adaptation infrastructure constructed under the final Plan may be in areas with constrained water supplies, especially during a dry year or extended drought period, these impacts would be potentially significant (PS). (Draft EIR, p. 3.14-45)
- G. The construction, maintenance, and operation of transportation projects 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 the projects taken together could increase water demand that exceeds an applicable water supply agency's projected demand and supply. Because transportation projects under the final Plan may be constructed in locations with constrained water supplies, especially during a dry year or prolonged drought period, these impacts would be potentially significant (PS). (Draft EIR, p. 3.14-45)
- H. Implementation of Mitigation Measures PUF-2(a), PUF-2(b), and PUF-2(c) would reduce impacts associated with water supply because they would require that land use, sea level rise, 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. (Draft EIR, p. 3.14-46)

## IMPACT

**PUF-3** Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments (Draft EIR, p. 3.14-47)

### *Mitigation Measures*

**PUF-3** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ During the design and CEQA review of individual future projects, 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.
- ▲ Require compliance with Mitigation Measure PUF-2(a), and MTC shall require implementation of Mitigation Measures PUF-2(b) and PUF-2(c), as feasible based on project- and site-specific considerations to reduce water usage and, subsequently, some wastewater flows.

### *Significance After Mitigation*

Implementation of Mitigation Measure PUF-3 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 PUF-2(b), PUF-2(c), and PUF-3 listed above, which would reduce the generation of wastewater. To the extent that an implementing agency requires an individual project to implement all feasible mitigation measures described above, the impact would be less than significant with mitigation (LTS-M).

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

### *Finding*

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. (Finding (1)). 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. (Finding (3)).

### *Facts in Support of Findings*

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with

the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the “focused growth” strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.

- B. Increased volumes of wastewater from forecasted growth under the final Plan could exceed the wastewater treatment capacity of individual treatment facilities, if not properly planned. Generation of additional wastewater as a result of forecasted development would depend on the location of planned development and would not be spread evenly across each treatment facility system. Generally, capacity planning is undertaken in advance of need. Building occupancy is prohibited if wastewater service is not available. Therefore, exceedance of the capacity of a wastewater treatment plant is not expected.
- C. Wastewater generation per capita would be expected to decrease by 2050 as compared to baseline conditions because of implementation of regional- and Statewide water conservation measures. Also, wastewater generation per capita will likely be reduced in future years as municipalities in the Bay Area adopt new versions of Part 11 of the Title 24 California Building Code (California Green Building Standards or CALGreen) which will require new development to incorporate low-flow, water-efficient appliances, and design. However, it is likely that some treatment facilities would need to expand their capacity before 2050 to meet expected population growth, or to respond to RWQCB requirements to provide capacity to receive their NDPES permit. Because the changes to the land use pattern under the final Plan may result in insufficient wastewater treatment capacity, these impacts would be potentially significant (PS). (Draft EIR, p. 3.14-47)
- D. Implementation of Mitigation Measure PUF-3 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 PUF-2(b), PUF-2(c), and PUF-3, which would reduce the generation of wastewater. (Draft EIR, p. 3.14-49)

## IMPACT

**PUF-4** Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and comply with federal, state, and local management and reduction statutes and regulations related to solid waste (Draft EIR, p. 3.14-49)

### *Mitigation Measures*

**PUF-4** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Provide an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials.
- ▲ Maintain or reuse existing building structures and materials during building renovations and re-development.
- ▲ Use salvaged, refurbished, or reused materials to help divert such items from landfills.
- ▲ Divert construction waste from landfills, where feasible, through means such as:
  - submitting and implementing 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; and

- helping developments share information on available materials with one another, to aid in the transfer and use of salvaged materials.
- ▲ Apply 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 (CalRecycle 2021b).

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

Implementation of Mitigation Measure PUF-4 would reduce impacts associated with solid waste generation because it would require that land use, sea level rise adaptation, 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. However, it cannot be concluded with certainty that all impacts related to solid waste would be mitigated to a less-than-significant. Therefore, this impact would remain **significant and unavoidable (SU)**.

### ***Finding***

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. (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The majority of projected development in the final Plan would occur on existing urban land, thereby minimizing impacts. The final Plan's designated growth geographies in combination with the designation of PCAs help focus future household and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. This core strategy is known as the "focused growth" strategy. Final Plan strategies, including H03, H06, H08, EC04, EC05, EC06, EN04, and EN05, help protect natural lands and farmlands and reduce overall land consumption.
- B. The expected growth in the region's population would result in an increase in solid waste production. All but three (i.e., Altamont Landfill and Resource Recovery, USS-Poscoe Industries Waste Management Unit II, and Kirby Canyon Recycling and Disposal Facility) of the fourteen landfills active in the region have an estimated closure date before the year 2050 (CalRecycle 2020). It is unlikely these three remaining landfills, which make up around 33 percent of the region's existing remaining capacity, could accommodate the solid waste disposal needs of the entire region. While there are regulations in place intended to reduce solid waste in California, implementation of the final Plan's concentrated growth could generate waste that could exceed the current permitted capacity at local landfills. Therefore, this impact would be potentially significant (PS). (Draft EIR, pp. 3.14-50 to 51)
- C. Sea level rise adaptation infrastructure construction and maintenance in the final 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 amount of this waste is difficult to predict, but it could result in an exceedance of local landfill capacities closer to expected closure dates of the landfills. This impact would be potentially significant (PS). (Draft EIR, p. 3.14-51)
- D. Roadway and transit construction and maintenance projects in the final 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. Transportation projects under the final Plan would be required to comply with AB 341, as well as the additional laws cited above which would further reduce anticipated solid waste generation. Nevertheless, construction of these projects would still generate a notable volume of solid waste that could exceed the capacity of local landfills. Thus, these impacts would be potentially significant (PS). (Draft EIR, p. 3.14-51)

- E. Implementation of Mitigation Measure PUF-4 would reduce impacts associated with solid waste generation because it would require that land use, sea level rise adaptation, 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. (Draft EIR, p. 3.14-52)

### 2.4.13 Transportation (3.15)

#### IMPACT

**TRA-2** Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) (PS) (Draft EIR, p. 3.15-22)

#### *Mitigation Measures*

**TRA-2(a)** MTC shall work with state and local agencies to ensure implementation of components of the Plan that will help to reduce regional VMT, particularly projects that improve and/or expand transit service, as well as bicycle and pedestrian facilities. These transportation projects, in conjunction with land use policies included in the Plan, will help the region to achieve the projected decreases in regional VMT per capita and achieve the region's SB 375 targets for GHG emissions. MTC will collaborate with state and other agencies to explore the feasibility of new programs for reducing VMT such as VMT fees, banks, and exchanges.

**TRA-2(b)** Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, consistent with MTC's "Key SB 743 Implementation Steps for Land Use Projects" that include but are not limited to those identified below:

- ▲ Transportation demand management (TDM) strategies shall be incorporated into individual land use and transportation projects and plans, as part of the planning process. These TDM measures are strategies not included in EN09, rather they are measures that could and should be implemented by the local agency based on land use authority that neither MTC nor ABAG has. 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 car-pools 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.

### **TRA-2(c) Implement Mitigation Measure GHG-3**

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

The ability to close the gap between the SB 375 targets and the targets needed to meet State GHG reduction goals linked to transportation is tied to local jurisdictions and their ability to meet VMT targets in compliance with thresholds they set to meet CEQA Guidelines Section 15064(3)(b). However, there is no assurance that implementation of the proposed mitigation measures would be enough to achieve the regional reductions needed to attain the statewide 2050 targets. 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 and ABAG and local jurisdictions.

Projects taking advantage of the CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. The implementing agency would ensure that TDM 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 final Plan to increase VMT on the regional transportation network. However, MTC and 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. In addition, the State has indicated that additional State policy actions and funding would be required to close the VMT gap between what the MPOs could achieve through implementation of their SCSs, and reductions needed to meet State goals. Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

#### ***Finding***

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).) (Finding (1)). 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, because site conditions are unique, it cannot be concluded with certainty that all significant impacts could be avoided. (Finding (3)).

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

- A. The final Plan is designed to reduce GHG emissions pursuant to SB 375, through designated growth geographies and complementary land use (e.g., H03, E04, E05), transportation (e.g., T03, T04, T05, T08, T09, T10, T11, T12), and environmental strategies (i.e., EN07, EN08, EN09).
- B. Overall, the impact of the final Plan's land use strategies and proposed transportation projects and strategies would result in an increase in total regional VMT and a decrease in regional per-capita VMT between the base year and 2050, as shown in **Table 2-11** of Chapter 2, "Project Description." Implementation of the final Plan would result in a 15 percent decrease in VMT per capita in 2050 than in 2015.
- C. If implemented, the final Plan's comprehensive suite of land use, transportation, and environmental strategies, including Strategies H03, EC04, EC05, T03, T04, T05, T08, T09, EN07, and EN09, would



result in regional per-capita VMT reductions and would not impede achievement of additional Statewide VMT reductions required to meet the State's statutory GHG emission targets.

- D. The ability to facilitate further reductions in per capita VMT relies on local jurisdictions as they review and entitle individual land use and transportation projects. OPR notes in its Technical Advisory that "at present, consistency with RTP/SCSs does not necessarily lead to a less-than-significant VMT impact" because of the gap in the SB 375 targets and the GHG reductions necessary to achieve the Statewide goals (OPR 2018). Because there is a gap between the GHG emissions reductions that can be achieved from targets established by CARB pursuant to SB 375 and the GHG emissions reductions needed to achieve Statewide GHG reduction goals, and because the ability to bridge this gap relies on "new State-initiated VMT reduction strategies" (CARB 2018) and on implementation of land use, TDM and other strategies that can only be employed at the local jurisdictional level, MTC and ABAG cannot conclude that the reductions would be sufficient to meet the State's climate goals. Therefore, Impact TRA-2 would be **potentially significant (PS)**. (Draft EIR, pp. 3.15-28 to 3.15-29)
- E. Mitigation Measures TRA-2a, TRA-2b, and TRA-2c would reduce impacts by ensuring implementation of projects that will reduce VMT and by requiring TDM strategies be incorporated into individual land use plans. (Draft EIR p. 3.15-30)

## 2.5 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 5024.1(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 September 28, 2020. Therefore, the requirements of AB 52 apply, and MTC and 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 summarized in Table 3.7-2 of the Draft EIR.

### AB 52 CONSULTATION

On August 28, 2020, MTC and ABAG sent letters to 26 Native American Tribes in compliance with AB 52. Only the Amah Mutsun Tribal Band, the Federated Indians of Graton Rancheria, and the Wilton

Rancheria replied to the August 28, 2020, letter requesting consultation. MTC and ABAG requested consultation meetings with all three tribes; however, only the Federated Indians of Graton Rancheria responded. Consequently, a consultation meeting was held with Ms. Buffy McQuillen, Tribal Heritage Preservation Officer, and Mr. Gene Buvelot, Tribal Administrator, of the Federated Indians of Graton Rancheria on November 18, 2020.

## EIR NOTIFICATION

In addition to AB 52 consultation, MTC and ABAG sent a copy of the Notice of Preparation to the tribes listed below on September 24, 2020, as well as to the Bureau of Indian Affairs, the California Native American Heritage Commission, the National Indian Justice Center, and River Rock Casino.

<ul style="list-style-type: none"> <li>▲ Amah Mutsun Tribal Band</li> <li>▲ Amah Mutsun Tribal Band of Mission San Juan Bautista</li> <li>▲ Big Valley Rancheria/Big Valley Band of Pomo Indians</li> <li>▲ Cachil Dehe Band of Wintun Indians of the Colusa Indian Community</li> <li>▲ Cloverdale Rancheria of Pomo Indians of California</li> <li>▲ Coastanoan Rumsen Carmel Tribe</li> <li>▲ Coyote Valley Band of Pomo Indians</li> <li>▲ Dry Creek Rancheria Band of Pomo Indians</li> <li>▲ Federated Indians of Graton Rancheria</li> <li>▲ Guidiville Rancheria</li> <li>▲ Indian Canyon Mutsun Band of Costanoan</li> <li>▲ Lone Band of Miwok Indians</li> <li>▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria</li> <li>▲ Kletsel Dehe Band of Wintun Indians</li> <li>▲ Koi Nation of Northern California</li> </ul>	<ul style="list-style-type: none"> <li>▲ Lytton Rancheria Band of Pomo Indians</li> <li>▲ Middletown Rancheria of Pomo Indians</li> <li>▲ Mishewal-Wappo Tribe of Alexander Valley</li> <li>▲ Muwekma Ohlone Indian Tribe of the SF Bay Area</li> <li>▲ North Valley Yokuts Tribe</li> <li>▲ Pinoleville Pomo Nation</li> <li>▲ Potter Valley Rancheria</li> <li>▲ Redwood Valley Rancheria</li> <li>▲ Robinson Rancheria of Pomo Indians</li> <li>▲ Scotts Valley Band of Pomo Indians</li> <li>▲ The Confederated Villages of Lisjan</li> <li>▲ The Ohlone Indian Tribe</li> <li>▲ Torres Martinez Desert Cahuilla Indians</li> <li>▲ United Auburn Indian Community of the Auburn Rancheria</li> <li>▲ Wilton Rancheria</li> <li>▲ Yocha Dehe Wintun Nation</li> </ul>
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Furthermore, MTC and ABAG sent a copy of the **Notice of Availability** to the tribes listed below on May 27, 2021, as well as to the Bureau of Indian Affairs, the California Native American Heritage Commission, the National Indian Justice Center, and River Rock Casino.

<ul style="list-style-type: none"> <li>▲ Cloverdale Rancheria of Pomo Indians of California</li> <li>▲ Coastanoan Rumsen Carmel Tribe</li> <li>▲ Coyote Valley Band of Pomo Indians</li> <li>▲ Dry Creek Rancheria Band of Pomo Indians</li> <li>▲ Federated Indians of Graton Rancheria</li> <li>▲ Guidiville Rancheria</li> <li>▲ Indian Canyon Mutsun Band of Costanoan</li> <li>▲ Lone Band of Miwok Indians</li> <li>▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria</li> <li>▲ Kletsel Dehe Band of Wintun Indians</li> <li>▲ Koi Nation of Northern California</li> <li>▲ Lytton Rancheria Band of Pomo Indians</li> <li>▲ Middletown Rancheria of Pomo Indians</li> </ul>	<ul style="list-style-type: none"> <li>▲ Mishewal-Wappo Tribe of Alexander Valley</li> <li>▲ Muwekma Ohlone Indian Tribe of the SF Bay Area</li> <li>▲ North Valley Yokuts Tribe</li> <li>▲ Pinoleville Pomo Nation</li> <li>▲ Potter Valley Rancheria</li> <li>▲ Redwood Valley Rancheria</li> <li>▲ Robinson Rancheria of Pomo Indians</li> <li>▲ Scotts Valley Band of Pomo Indians</li> <li>▲ The Confederated Villages of Lisjan</li> <li>▲ The Ohlone Indian Tribe</li> <li>▲ Torres Martinez Desert Cahuilla Indians</li> <li>▲ United Auburn Indian Community of the Auburn Rancheria</li> <li>▲ Wilton Rancheria</li> <li>▲ Yocha Dehe Wintun Nation</li> </ul>
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## PLAN BAY AREA 2050 TRIBAL SUMMITS

On November 19, 2019, MTC and ABAG mailed invitations to a Tribal Summit to key tribal representatives of the six federally recognized tribes traditionally and culturally affiliated with the geographic area of Plan Bay Area 2050. The first Tribal Summit, which was held on December 12, 2019, provided an overview of Plan Bay Area 2050 and solicited feedback on potential strategies for inclusion in the Plan's Draft Blueprint. The Summit was hosted by the National Indian Justice Center at its offices in the City of Santa Rosa.

A second Tribal Summit was held on August 3, 2020, to share the findings of the Draft Blueprint and to receive input from tribal representatives on ways to further refine the Plan Bay Area 2050 Final Blueprint strategies. Because of the COVID-19 pandemic and shelter-in-place guidelines, the Summit was held online via Zoom. MTC and ABAG mailed invitations on June 8, June 29, and July 2, 2020, to key tribal representatives.

The final Tribal Summit for Plan Bay Area 2050 was held on July 19, 2021, to present an overview of the Draft Plan Bay Area 2050. Due to the ongoing COVID-19 pandemic and shelter-in-place guidelines, the Summit was held online via Zoom. MTC and ABAG sent invitation letters on June 7 and June 21, 2021, to key tribal representatives of the six federally recognized tribes traditionally and culturally affiliated with the geographic area of Plan Bay Area 2050.

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|---|---|
| <ul style="list-style-type: none"> <li>▲ Cloverdale Rancheria of Pomo Indians of California</li> <li>▲ Dry Creek Rancheria Band of Pomo Indians</li> <li>▲ Federated Indians of Graton Rancheria</li> </ul> | <ul style="list-style-type: none"> <li>▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria</li> <li>▲ Koi Nation of Northern California</li> <li>▲ Lytton Rancheria Band of Pomo Indians</li> </ul> |
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### Finding

The Commission and Board hereby find 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 and ABAG have met their obligation for tribal consultation.

## 2.6 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 potential growth-inducing impacts related to adoption and implementation of the final Plan. (See Draft EIR, pp. 5.6 – 5.9.)

In summary, the final Plan accommodates forecasted growth and implements state mandates to integrate land use and transportation decision-making in a way that achieves improved environmental and social outcomes. Implementation of the final Plan would achieve better regional outcomes related to balancing jobs, housing, and population, increased density and intensity of land use in order to lower greenhouse gas emissions and achieve a better balance between land use strategies and transportation investments than would occur without the final Plan.

Federal and State regulations require MTC, as the Bay Area's metropolitan planning organization (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, p. 1-12.) SB 375 mandates that the SCS must identify areas within the region sufficient to house all the population of the region. Pursuant to the statutory mandates described above and a settlement agreement with the Building Industry Association of the Bay Area (BIA) that requires MTC/ABAG to establish a Regional Housing Control Total, which is an estimate of "housing demand" that "shall have no increase in in-commuters over the baseline year" of the final Plan, ABAG adopted the Regional Housing Control Total in September 2020, and it was used to develop the forecasted development pattern for the final Plan. The jobs projection accommodated in the final Plan is a result of the projected regional changes in economic activity. Regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs. The specific location of 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 requirements. The final Plan accommodates growth forecasted to occur through 2050 and makes assumptions about location and design that promote regional environmental benefits. At the regional and statewide level, implementation of the final Plan's policies would help prevent sprawl and make growth in existing centers more equitable and efficient, and GHG emissions and other environmental impacts would be lessened relative to what may otherwise occur absent the regional strategies embodied in the final Plan.

## **2.7 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 final Plan changes (slows) the rate of use of these resources is a beneficial outcome. Overall, implementation of the final Plan would commit existing and future generations to a more efficient use of nonrenewable resources than under presently planned conditions. (See Draft EIR pages 5-1 through 5-2.) Irretrievable commitments of non-renewable resources associated with the projected change in land use and transportation projects in the final Plan would include the following, which are analyzed in various sections of Chapter 3 of the Draft EIR, as noted.

1. Consumption of significant amounts of nonrenewable energy for construction, maintenance, and operation of new development, sea level rise adaptation infrastructure, or transportation projects. This is discussed in Section 3.6, "Climate Change, Greenhouse Gases, and Energy."
2. Use of building materials, fossil fuels, and other resources for construction, maintenance, and operation of new development, sea level rise adaptation infrastructure, or transportation projects. This is addressed in Section 3.6, "Climate Change, Greenhouse Gases, and Energy."
3. Conversion of some resource lands, such as agricultural land, habitat areas, and other undeveloped lands into urbanized land, sea level rise adaptation, or transportation uses. This is addressed

in several sections, including Section 3.3, “Agriculture and Forestry Resources,” Section 3.5, “Biological Resources,” Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” and Section 3.11, “Land Use, Population, and Housing.”

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 3.4, “Air Quality.”
5. Emission of greenhouse gases that would contribute to global climate change. This is addressed in Section 3.6, “Climate Change, Greenhouse Gases, and Energy.”

## **2.8 FINDINGS REGARDING MITIGATION MEASURES, 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 and 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 and Board are also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the MTC and ABAG expert staff and environmental consultants. It is thus the position of the Commissioners and Board that the measures 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 and 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.

MTC and ABAG find that the responses to comments included in the Final EIR have adequately responded to each new action and program suggested by commenters. As is evident from the specific responses given in the Final EIR to each suggestion, MTC and ABAG have spent a considerable amount of time carefully considering and weighing proposed mitigations, actions, and programs. In response, MTC and 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 and 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 and Board find 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 and Board, therefore, incorporates those responses into these findings.



## 2.9 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.”

This Section describes how MTC and ABAG developed the range of alternatives analyzed in the EIR, summarizes the final Plan’s potentially significant and unavoidable impacts, discusses the project objectives including SB 375’s mandates to achieve the region’s CO<sub>2</sub> emission targets and identify areas within the region sufficient to house all economic segments the population, and considers the merits and feasibility of each of the alternatives.

### 2.9.1 Range of Alternatives

As stated above, section 15126.6(a) of the Guidelines requires EIRs to describe “... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (See also CEQA Guidelines Section 15126.6[f].) This section of the CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. The Guidelines require that an EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (CEQA Guidelines Section 15126.6[d]). The Guidelines further require that the “no project” alternative be considered (CEQA Guidelines Section 15126.6[e]).

In determining the range of alternatives that should be considered in an EIR, it is important to consider the objectives of the project, the project’s significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although EIRs must contain a discussion of “potentially feasible” alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency’s decision-making body—here, the MTC Commissioners and ABAG Executive Board. (See PRC Sections 21081.5, 21081[a] [3].)

As discussed in Chapter 1.0, “Introduction,” MTC and ABAG conducted a three-year plan development process that began with the Horizon initiative before advancing into the Blueprint phase. The Horizon initiative explored the efficacy of a suite of strategies to advance the region toward the plan’s adopted vision, and the Blueprint phases served as drafts of the final Plan by advancing and integrating effective strategies. These Plan development phases solicited public input and comment on the identification of strategies as well as the evaluation of their efficacy. The Final Blueprint’s 35 strategies were designed to enable the Bay Area to accommodate future growth and make the region more equitable and resilient in the face of unexpected challenges, such as sea level rise.



On September 28, 2020, in accordance with the CEQA Guidelines, MTC and ABAG filed the Notice of Preparation (NOP) of the EIR for Plan Bay Area 2050. The purpose of the NOP was to seek comments about the scope and content of the EIR, including soliciting feedback on EIR alternatives that should be evaluated. On Thursday, October 15, 2020, MTC conducted an online public scoping meeting. At this meeting, a presentation by MTC staff provided an overview of the final Plan, the CEQA process, and key environmental issues identified in the NOP. Oral and written comments were accepted during the meeting. Several written comment letters included suggestions for Plan alternatives. Comments pertaining to Plan alternatives were considered during development of the final Plan and Plan alternatives. (See Section 4.2, “Alternatives Considered but Not Analyzed in Detail”).

The previously considered alternatives and adopted Plan Bay Area plans also helped inform and refine the alternatives considered in this EIR (see Section 4.1.3, “Previous Versions of the Bay Area RTP/SCS Plans and Alternatives”). In advancing the considerations of alternatives, any alternative must attain the underlying purpose of the Plan, including accommodating forecasted growth through 2050, as well as attaining most of the Plan’s objectives (see Section 4.7, “Ability to Meet Project Objectives”).

The Draft EIR evaluates the final Plan and three alternatives. Each of the alternatives is constrained by the same planning assumptions as the final Plan, maintains the same regional growth forecasts—population, employment, households, and housing units, and maintains the same forecast of reasonably available revenues for transportation, affordable housing, and environmental resilience to ensure the alternatives analysis provided an “apples to apples” comparison with the final Plan.

The three alternatives recommended for analysis in the Draft EIR are briefly described below. A full description of each alternative is provided in Draft EIR, Chapter 4, “Alternatives to the Final Plan.”

**No Project Alternative.** An EIR must analyze the “no project alternative.” (CEQA Guidelines, §15126.6(e).) The purpose of the no project alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it. (Id., § 15126.6(e)(1).) The no project alternative must discuss the existing conditions, “as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” (Id., § 15126.6(e)(2).)

The No Project Alternative represents implementation of the general plans of all nine counties and 101 cities in the Bay Area without influence of a regional plan that integrates transportation, growth, and GHG reduction. Growth reflected in the regional growth forecast is assumed to occur consistent with local zoning without an adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and no new transportation or sea level infrastructure projects beyond those currently under construction or those that have both full funding and environmental clearance are assumed. Because local jurisdictions would be anticipated to expand urban growth boundaries in line with historical growth rates, housing growth would be more dispersed, while job growth would be slightly more concentrated in the region’s two largest job centers of San Francisco and Silicon Valley. In comparison to the final Plan, the No Project Alternative would result in higher household growth primarily in Contra Costa County, with higher job growth in San Francisco and Santa Clara Counties.

**Alternative 1 – TRA Focus Alternative** concentrates growth in areas that contain high-quality transit services. This alternative is characterized as providing a compact growth pattern, with the greatest share of housing and job growth in Transit-Rich Areas (TRAs) within walking distance of regional rail stations. To support this more urban-oriented growth pattern, additional core capacity transit investments are funded in lieu of highway projects that add lane-mileage to the system. This alternative results in higher levels of household and job growth in the growth geographies than under the final Plan, with substantially more housing growth in TRAs. In comparison to the final Plan, the TRA Focus Alternative results in higher household growth in San Francisco and San Mateo Counties and higher job growth in Contra Costa County.

**Alternative 2 – HRA Focus Alternative** focuses a substantially higher share of growth in High Resource Areas (HRAs), especially in the South Bay. To support this growth pattern and advance regional equity goals, infrastructure funding for major regional and interregional rail expansion projects are reduced, and greater funding is provided to local bus frequency increases, new express bus lines, expanded transit fare discount programs, and enhanced nonmotorized infrastructure. This alternative

features levels of household and job growth in growth geographies similar to those of the final Plan, with substantially more housing growth and substantially less job growth in HRAs. In comparison to the final Plan, Alternative 2 result in higher household growth in Santa Clara County and higher job growth in San Francisco County.

The final Plan and each of the alternatives analyzed in the EIR assume the level of growth that MTC and ABAG have forecasted for the region, as described in the Final EIR in "Master Response 1: Regional Growth Forecast." 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 1-12). SB 375 mandates that the SCS must identify areas within the region sufficient to house all the population of the region. Pursuant to the statutory mandates described above and a settlement agreement with the Building Industry Association of the Bay Area (BIA) that requires MTC/ABAG to establish a Regional Housing Control Total, which is an estimate of "housing demand" that "shall have no increase in in-commuters over the baseline year" of the final Plan, ABAG adopted the Regional Housing Control Total in September 2020, and it was used to develop the forecasted development pattern for the final Plan. The jobs projection accommodated in the final Plan is a result of the projected regional changes in economic activity. Per the requirements of Government Code section 65080, subdivision (b)(2)(B)(ii) to identify areas of the region to house all economic segments of the population, regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs.

The alternatives to the final Plan are designed to accommodate the same households and jobs projections, consistent with statutory requirements. The final Plan alternatives, described in Draft EIR Chapter 4, "Alternatives to the Final Plan," are defined by their transportation, housing, economy, and environment strategies, which influence the respective forecasted development patterns, transportation investment, and sea level rise adaptation for each alternative. An alternative that reduces household or job projections relative to the final Plan would not be consistent with Federal and State regulations, nor with MTC/ABAG's settlement agreement with BIA (*id.*, Table 1-1, at p. 1-14). CEQA does not require the Draft EIR to consider alternatives that are infeasible. (14 Cal. Code Regs. §§ 15126.6(a); 15126.6(f)(1). The term "feasible" is defined to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (14 Cal. Code Regs. § 15364.) On this basis, MTC/ABAG may appropriately determine that an alternative is infeasible if it would conflict with applicable regulatory limitations and reject it from further consideration. (*Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966, 1018-1019 [EIR for regional transportation plan not required to consider alternative that did not comply with the requirements of SB 375 or CARB].)

Further, an alternative that reduces household growth would be inconsistent with Plan objectives stated in the Draft EIR to house 100 percent of the region's projected growth by income level, and with no increase in in-commuters over the final Plan baseline year (Draft EIR, p. 2-3). The concept of "feasibility" also encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant's project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 ["an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record']" (quoting 1 Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009], § 17.30, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 ["[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; see also *California Native Plant Society*, *supra*, 177 Cal.App.4th at p. 1001 ["an alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as infeasible"].)

Thus, an alternative that did not house 100 percent of the region's projected growth would be infeasible for failing to meet one of the basic Plan objectives.

The Commission and Board find that the EIR analyzed a reasonable range of alternatives sufficient to inform the Commission and Board and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts as compared to the final Plan 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 final Plan and three alternatives analyzed in the EIR illustrates that impacts of the final Plan are largely a result of the influx of 2.7 million new residents through 2050, as well as the final Plan's 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 final 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 final 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, subs. (b)(2)(B), (b)(2)(K).) After reviewing all proposed alternatives raised by commenters and in consideration of the above obstacles and limitations, the Commission and Board find 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 final Plan. The examination of this range of alternatives was an iterative effort with significant community involvement, which informed the Commission and Board in their development and refinement of potential Plan alternatives. The three alternatives analyzed in the EIR (as well as the final Plan) cover a comprehensive range of reasonable possibilities in support of the final action of the Commission and Board. (See *Save Our Access etc. v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 30-33.)

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 objectives to achieve the CO<sub>2</sub> emission reduction targets established pursuant to SB 375 and house all economic segments the population, and (3) feasibility of the alternatives. Each of these considerations is discussed in more detail below as it relates to the final 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 significant and unavoidable impacts. (Pub. Resources Code, § 21002.) Per the EIR analysis, the final Plan could result in the following significant and unavoidable impacts:

- ▲ **Impact AES-1:** Have a substantial adverse effect on a scenic vista.
- ▲ **Impact AES-2:** Substantially damage scenic resources, including but not limited to trees, rock outcropping, and historical buildings within a state scenic highway.
- ▲ **Impact AES-3:** In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings and in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality
- ▲ **Impact AES-4:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
- ▲ **Impact AGF-1:** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring

Program of the California Resources Agency, to non-agricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract.

- ▲ **Impact AGF-2:** Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).
- ▲ **Impact AGF-3:** Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.
- ▲ **Impact AQ-2:** Result in a substantial net increase in construction-related emissions.
- ▲ **Impact AQ-3:** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.
- ▲ **Impact AQ-4:** Expose sensitive receptors to substantial pollutant concentrations.
- ▲ **Impact BIO-1a:** 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 CDFW, USFWS, or NOAA Fisheries.
- ▲ **Impact BIO-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 BIO-5:** 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.
- ▲ **Impact GHG-1:** Result in a net increase in greenhouse gas emissions, either directly or indirectly, compared to 2015 conditions that may have a significant impact on the environment.
- ▲ **Impact GHG-3:** Conflict with an applicable state plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- ▲ **Impact CUL/TCR-1:** Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5.
- ▲ **Impact CUL/TCR-2:** Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5.
- ▲ **Impact CUL/TCR-4:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.
- ▲ **Impact GEO-7:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- ▲ **Impact HAZ-4:** Be 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, create a significant hazard to the public or the environment.

- ▲ **Impact HAZ-6:** Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- ▲ **Impact HAZ-7:** Exacerbate the risk of wildland fires, associated pollutant release, and potential for flooding and landslides due to projected land use patterns and infrastructure in or near State Responsibility Areas or land classified as very high hazard severity zones.
- ▲ **Impact LU-1:** Physically divide an established community.
- ▲ **Impact LU-2:** Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- ▲ **Impact LU-4:** Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
- ▲ **Impact NOISE-1:** Generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- ▲ **Impact NOISE-2:** Generate a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- ▲ **Impact NOISE-3:** Generate excessive groundborne vibration or groundborne noise levels.
- ▲ **Impact NOISE-4:** For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.
- ▲ **Impact PSR-1:** Result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, and other public facilities.
- ▲ **Impact PSR-2:** Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- ▲ **Impact PUF-1:** Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects.
- ▲ **Impact PUF-2:** Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- ▲ **Impact PUF-3:** Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- ▲ **Impact PUF-4:** Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and comply with federal, state, and local management and reduction statutes and regulations related to solid waste
- ▲ **Impact TRA-2:** Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).



Of the above 36 potentially significant and unavoidable impacts, 12 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. An additional two measures can be mitigated to less than significant and the mitigation measures are tied to existing regulations that are law and binding on responsible agencies and project sponsors, and it is therefore reasonable to assume they will be implemented even though MTC and ABAG do not have authority to require adoption of 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 *Lau-rel 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.

The final Plan's adopted vision is to "ensure by the year 2050 that the Bay Area is affordable, connected, diverse, healthy, and vibrant for all." As part of the planning process, MTC and ABAG developed guiding principles and associated performance measures for the final Plan in conjunction with members of the public, partners, and elected officials. In addition, SB 375 mandates two performance targets related to housing the population and achieving GHG emission reduction targets. Together, the guiding principles and performance metrics serve as the basis for the following Project Objectives:

1. Address climate change by reducing carbon dioxide emissions pursuant to targets established in consultation with the California Air Resources Board; specifically, meet or exceed a 19-percent reduction in per-capita emissions from cars and light-duty trucks by 2035 relative to 2005 levels.
2. House 100 percent of the region's projected growth by income level, and with no increase in in-commuters over the final Plan baseline year.
3. Ensure that all current and future Bay Area residents and workers have sufficient housing options they can afford by reducing how much residents spend on housing and transportation and by producing and preserving more affordable housing.
4. Support an expanded, well-functioning, safe and multimodal transportation system that connects the Bay Area by improving access to destinations and by ensuring residents and workers have a transportation system they can rely on.
5. Support an inclusive region where people from all backgrounds, abilities, and ages can remain in place with full access to the region's assets and resources by creating more inclusive communities and reducing the risk that Bay Area residents are displaced.
6. Conserve the region's natural resources, open space, clean water, and clean air with the intent of improving health of Bay Area residents and workers and improving the health of the environment locally and globally.
7. Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive.

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. (See 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 decision-making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (*California Native Plant Society, supra*, 177 Cal.App.4th at pp. 998, 1001; *City of Del Mar, supra*, 133 Cal.App.3d at pp. 416-417.) A lead agency's determination regarding the feasibility of a project alternative must be supported by substantial evidence in the administrative record.

Section 15126.6(f)(1) through (3) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include but are not limited to:

- ▲ Site Suitability;
- ▲ Economic Viability;
- ▲ Availability of Infrastructure;
- ▲ Consistency with Local and Regional Plans;
- ▲ Other Plans or Regulatory Limitations;
- ▲ Jurisdictional Boundaries / Regional Context;
- ▲ Property Ownership and Control;
- ▲ Ability to Ascertain Potential Impacts; and
- ▲ Remote or Speculative Nature of the Alternative.

Decisionmakers enjoy considerable discretion in determining whether a particular alternative set forth in an EIR, including an 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.)

## 2.9.2 Summary of Alternatives Considered, But Not Analyzed in the EIR

Alternatives were considered during scoping of the final Plan, including suggestions from stakeholders. CEQA Guidelines Section 15126.6(c) identifies three factors that may be used to eliminate alternatives from detailed consideration in an EIR: failure to meet most of the basic project objectives, infeasibility, and inability to avoid significant environmental impacts. “Feasible” is defined as “capable of being accomplished within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines Section 15364). The feasibility of an alternative may be determined based on a variety of factors, including economic viability, availability of infrastructure, and other plans or regulatory limitations (CEQA Guidelines Section 15126.6[f][1]). The following discussion briefly describes each alternative suggested during the scoping process that was not evaluated further and provides the Commission/Board’s conclusion regarding why each does not warrant further review.

### COVID-19 ALTERNATIVE

The City of Palo Alto and the Santa Clara Valley Transportation Authority suggested an alternative whereby the region did not recover from the COVID-19 pandemic, resulting in lower regional growth and transportation revenues. Each of the alternatives is constrained by the same planning assumptions as the final Plan that maintain the same regional growth forecasts—population, employment, households, and housing units—and maintain the same forecast of reasonably available transportation revenues. (See Cal. Gov. Code, § 65080, subd. (b)(2)(B) & (b)(4) [requirement to “house all the population of the region, including all economic segments of the population” and to include a “financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues”]; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490-491.) These planning assumptions are considered exogenous factors and ensure the alternatives analysis provides an “apples to apples” comparison with the final Plan. In addition, the final Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, as explained in **Table 1-1**. Because this alternative would be legally infeasible, the Commission/Board concludes that the COVID-19 Alternative does not warrant further review and hereby rejects the COVID-19 Alternative.

### LOWER TRANSPORTATION FUNDING

The Sierra Club and Pat Piras suggested an alternative that did not include new transportation revenues from a regional “mega-measure.” This alternative would result in lower transportation funding for investments. Each of the alternatives is constrained by the same planning assumptions as the final Plan that maintain the same regional growth forecasts—population, employment, households, and housing units—and maintain the same forecast of reasonably available transportation revenues. In addition, Alternative 1, Alternative 2, and the No Project Alternative have smaller transportation footprints than the final Plan. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Lower Transportation Funding Alternative does not warrant further review and hereby rejects the Lower Transportation Funding Alternative.

### LOWER REGIONAL GROWTH ALTERNATIVE(S)

The Sierra Club and TRANSDEF suggested alternatives with lower levels of regional population, household, and employment growth. Each of the alternatives is constrained by the same planning assumptions as the final Plan. These planning assumptions are considered exogenous factors and ensure the alternatives analysis provides an “apples to apples” comparison with the final Plan. In addition, the final Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, as explained in **Table 1-1**. Because this alternative would

be legally infeasible, the Commission/Board concludes that the Lower Regional Growth Alternative(s) does not warrant further review and hereby rejects the Lower Regional Growth Alternative(s).

## **WILDLAND-URBAN INTERFACE AVOIDANCE ALTERNATIVE**

The Midpeninsula Regional Open Space District (Midpen) suggested a “Wildland-Urban Interface Avoidance Project Alternative” that shifts all Growth Geographies outside of the wildland-urban interface (WUI) zone, including the WUI located within rural and sparsely developed portions of unincorporated counties. This alternative is expected to perform similar to the final Plan and Alternative 1, both of which would shift development away from the WUI zone. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Wildland-Urban Interface Avoidance Alternative does not warrant further review and hereby rejects the Wildland-Urban Interface Avoidance Alternative.

## **EQUAL CITY GROWTH RATE ALTERNATIVE**

This alternative was suggested by the City of Palo Alto in its scoping comment letter. The city suggested an alternative whereby each city jurisdiction in the Bay Area grows at the same rate, except for the three largest cities (San Francisco, San Jose, and Oakland). This potential alternative would result in a less compact development pattern, compared to the final Plan, it may increase certain impacts related to increased commute distance, such as impacts related to air quality; climate change, GHG, and energy; and transportation. This alternative would not be expected to reduce significant environmental effects compared to the final Plan. Because this alternative would not reduce significant environmental effects compared to the final Plan, the Commission/Board concludes that the Equal City Growth Rate Alternative does not warrant further review and hereby rejects the Wildland-Urban Interface Avoidance Alternative.

## **REDUCED HOUSING DEVELOPMENT ALTERNATIVE**

This alternative was recommended by the City of Palo Alto in its scoping comment letter. It assumes that the South Bay and West Bay cities do not meet their regional housing needs assessment targets of the next cycle and subsequent cycles and/or do not build as much housing as anticipated in Plan Bay Area 2050. This alternative would be inconsistent with objectives of the Plan to accommodate projected population growth through 2050. As discussed in Chapter 1, “Introduction,” ABAG is responsible for identifying areas in the region sufficient to house an 8-year projection of the regional housing need for the region pursuant to California Government Code Section 65584. In addition, the final Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, as explained in **Table 1-1**. Because this alternative would be legally infeasible, the Commission/Board concludes that the Reduced Housing Development Alternative does not warrant further review and hereby rejects the Reduced Housing Development Alternative.

## **MORATORIUM ON FLOOD ZONE DEVELOPMENT ALTERNATIVE**

This alternative was recommended in the Citizens Committee to Complete the Refuge’s scoping comment letter. Placing a moratorium on flood zone development would limit the area of developable land within the Plan area. Although the majority of growth under the final Plan would take place outside these hazard areas, there are areas within the land use growth footprint and TPAs that have been mapped as being in the 100-year and 500-year flood hazard zones. Developments proposed within the 100-year flood zone would be required to meet local, State, and federal flood control design requirements, including avoiding the 100-year flood zones or providing building pads elevated above the flood zone. As discussed in Section 3.10, “Hydrology and Water Quality,” impacts related to development in the flood zones would not result in significant impacts. Because this alternative would not reduce significant environmental effects compared to the final Plan, the Commission/Board concludes that the Moratorium on Flood Zone Development Alternative does not warrant further review and hereby rejects the Moratorium on Flood Zone Development Alternative.

## REDUCED-EMISSIONS ALTERNATIVE

This alternative was suggested by TRANSDEF. A series of elements were identified to reduce or eliminate growth in VMT and GHG emissions. The elements in the scoping letter align with strategies included in the final Plan, Alternative 1, and/or Alternative 2. Express buses in HOV lanes, unbundling parking from housing, mixed-flow freeway tolling, parking fees, and reduced transit fares are consistent with the final Plan. Eliminating or reducing funding for express lanes and highway capacity is consistent with Alternative 1, as is increasing funding for transit. Eliminating funding for megaprojects and imposing a regional transportation mitigation fee are consistent with Alternative 2. The elements of this alternative are anticipated to have similar environmental effects as the final Plan, Alternative 1, and/or Alternative 2. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Reduced Emissions- Alternative does not warrant further review and hereby rejects the Reduced-Emissions Alternative.

## CLIMATE SMART ALTERNATIVE

Together Bay Area, Save the Bay, and Greenbelt Alliance suggested the “Climate Smart Alternative” in their joint scoping letter. The suggested alternative incorporates climate mitigation and adaptation measures into all final Plan strategies, including a focus on natural solutions for climate resilience. This alternative is anticipated to perform similar to the final Plan, in part, because of this alternative’s similar land use distribution and a similar mix of transportation projects and programs, relative to the final Plan. While this alternative would have a lower amount of anticipated growth of households and employment and a lower amount of transportation revenues for investments compared to the other alternatives (and thus would be infeasible for failing to meet statutory requirements and fundamental Plan objectives), it was expected to perform similar to the final Plan in the following ways:

- ▲ The suggested Climate-Smart Alternative would “incorporate climate mitigation and adaptation measures into all final Plan strategies, including a focus on natural solutions for climate resilience.” (Draft EIR, p. 4-8.) The final Plan has a strong focus on climate mitigation, adaptation, and resilience, reflected in its 35 strategies. (See, e.g., Draft EIR, pp. 2-9 to 2-10.) The final Plan’s environmental strategies “promote conservation, adaptation and climate mitigation.” (Id. at p. 2-9; see also id. at p. 2-2 [“the final Plan... details environmental strategies to invest \$102 billion in expected revenues to protect the region from at least two feet of future permanent sea level rise inundation, reduce climate emissions, and maintain and expand the region’s parks and open space system.”].) Nonetheless, the final Plan would result in a significant and unavoidable impact with regard to greenhouse gas emissions. (Id., Impacts GHG-1 and GHG-3, at p. 3.6-38 to 3.6-47.)
- ▲ The proposed alternative contains four strategies designed to reduce GHG emissions. (Draft EIR, Appendix B, Letter of Together Bay Area, Save the Bay, and Greenbelt Alliance, p. 2].) One is to commit to net negative GHG emissions by 2030. However, the final Plan already accomplishes this for land use and transportation sources, exceeding net zero by over 2,000,000 metric ton of carbon dioxide equivalent per year (MTCO<sub>2</sub>e/year) by 2030 (Draft EIR, p. 3.6-42). By 2050, the final Plan would exceed net zero for land use and transportation emissions by over 4,000,000 MTCO<sub>2</sub>e/year. (Ibid.) Despite this exceedance, because construction emissions may not be reduced to net zero in all cases, the Draft EIR conservatively concludes Impact GHG-1 is significant and unavoidable (see id. at p. 3.6-38 to 3.6-43). Because the final Plan will largely achieve no net increase in GHG emissions by 2030 – since GHG emissions from land use and transportation will be lower than the 2015 baseline – the proposed alternative would perform similar to the final Plan. Additionally, even if a net zero emissions requirement were imposed on construction emissions, this could not be accomplished without further mitigation measures, such as requiring offsets. Because MTC and ABAG cannot require local implementing agencies to adopt mitigation measures, the impact would remain significant and unavoidable.
- ▲ The final Plan would also result in a significant and unavoidable impact under Impact GHG-3 as it does not reduce target 2050 GHG emissions to 83 percent below 2015 levels, and therefore will not meet targets under Executive Order S-3-05 and the 2017 Scoping Plan (Draft EIR, p. 3.6-46). The proposed alternative does not propose strategies that would significantly reduce GHG emissions

such that Plan would meet standards set by Executive Order S-3-05 and the 2017 Scoping Plan to reduce the impact under GHG-3. Application of the proposed alternative would still fall substantially short of meeting the 83 percent GHG reduction target by 2050 and therefore would perform similar to the final Plan. The proposed alternative also would not significantly reduce this significant and unavoidable impact of the final Plan. Thus, the final Plan would perform similar to the suggested Climate-Smart Alternative.

Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Climate-Smart Alternative does not warrant further review and hereby rejects the Climate-Smart Alternative.

## PLAN BAY AREA 2040 (2017 RTP/SCS)

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 final 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.

Implementing this alternative is expected to result in similar types of environmental impacts as the final Plan. However, because of the lower assumed development and infrastructure investment under this alternative, it would not meet the requirement to house 100 percent of the region's projected growth. Because it would not reduce or avoid significant environmental impacts relative to the final Plan and because it would be legally infeasible, the Commission/Board concludes that the continuation of Plan Bay Area 2040 does not warrant further review and hereby rejects the continuation of Plan Bay Area 2040.

This Alternative differs from the No Project Alternative because it would involve continuation of Plan Bay Area 2040, whereas the No Project Alternative assumes that there would be no RTP/SCS.

## OTHER SUGGESTED ALTERNATIVES

The **“Modified EN07 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because MTC and ABAG revised Strategy EN07 between the release of the Notice of Preparation on September 28, 2020, and the release of the Draft EIR on June 4, 2021. While there was strong public support for telecommuting strategies in the final Plan, concerns were also raised from businesses, elected officials, and transit agencies about economic impacts of telecommuting. In September 2020—prior to the release of the NOP—MTC and ABAG provided support for a series of strategies to comprise the Final Blueprint (“final Plan”). Policies for telecommuting were addressed under the proposed Strategy EN07, “Institute Telecommuting Mandates for Major Office-Based Employers.” However, revisions were made to Strategy EN07 after discussions with key stakeholders in October 2020 and November 2020 to address concerns from the business community with the original strategy. Strategy EN07 was revised to “Expand Commute Trip Reduction Programs at Major Employers.” The scope of Strategy EN07 was expanded beyond telecommuting to recognize the importance of other alternative modes like transit, walking, and bicycling. The revised strategy provides greater flexibility for business while achieving the same GHG emissions reductions. Furthermore, the revised strategy reduces effects on small businesses by raising the requirement to employers with 50 or more employees, consistent with the existing Commuter Benefits Program. To accommodate these changes, the strategy scope was expanded to all major employers, given the reduced focus on telecommuting. Accordingly, this alternative is anticipated to perform similar to the final Plan. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified EN07 Alternative does not warrant further review and hereby rejects the Modified EN07 Alternative.

The **“Modified EC01 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because Strategy EC01, “Implement a



Statewide Universal Basic Income” was included in all alternatives except the No Project Alternative. Table 1, “Strategies and the modeling tools used to analyze them” of the Plan Bay Area 2050 Forecasting and Modeling Report discloses that implementation of Strategy EC01 was analyzed in REMI, but not UrbanSim 2.0 or Travel Model 1.5. Therefore, the strategy would not directly alter the land use growth footprint derived from UrbanSim 2.0 nor the transportation projects footprint. Instead, the removal of the strategy would impact income distributions and increase the number of low-income households in the region and would be in conflict of the final Plan’s affordability objectives. As a program-level EIR that addresses the nine-county, 101-city region, this document does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan’s 35 strategies as a whole. Modifications to one of the final Plan’s 35 strategies is anticipated to have marginal impacts. Accordingly, this alternative is anticipated to perform similar to the final Plan. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified EC01 Alternative does not warrant further review and hereby rejects the Modified EC01 Alternative.

The **“Modified EC05 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the HRA Focus Alternative added Strategy EC08, “Implement Office Development Caps in Job-Rich Cities.” Strategy EC08 would work in tandem with Strategy EC05 to shift more jobs to housing-rich areas. Thus, the studied HRA Focus Alternative is a variation of the suggested alternative and was anticipated to perform similarly to it. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified EC05 Alternative does not warrant further review and hereby rejects the Modified EC05 Alternative.

The **“Modified T01 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis, in part, because the horizon year for the final Plan is 2050, and the Draft EIR analysis does not consider phasing of improvements or interim stages of the final Plan between 2020 and 2050. The one exception to this approach is Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” which includes an examination of impacts in 2030, 2035, 2040, and 2050, to satisfy requirements of SB 375, the Global Warming Solutions Act of 2006 (AB 32 [2006], SB 32 [2016]), and Executive Orders B 30-15 and EO-05-03, among other requirements. Accordingly, this alternative is anticipated to perform similar to the final Plan. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T01 Alternative does not warrant further review and hereby rejects the Modified T01 Alternative.

The **“Modified T05 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the horizon year for the final Plan is 2050, and the Draft EIR analysis does not consider phasing of improvements or interim stages of the final Plan between 2020 and 2050. The one exception to this approach is Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” which includes an examination of impacts in 2030, 2035, 2040, and 2050, to satisfy requirements of SB 375, the Global Warming Solutions Act of 2006 (AB 32 [2006], SB 32 [2016]), and Executive Orders B 30-15 and EO-05-03, among other requirements. Accordingly, this alternative is anticipated to perform similar to the final Plan. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T05 Alternative does not warrant further review and hereby rejects the Modified T05 Alternative.

The **“Modified T06 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative would reduce funding to Strategy T06 and increase funding to Strategy T10, “Enhance Local Transit Frequency, Capacity, and Reliability.” The HRA Focus Alternative would increase funding to Strategies T10, T12, “Build an Integrated Regional Express Lane and Express Bus Network,” and T04, “Reform Regional Transit Fare Policy.” Thus, the studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T06 Alternative does not warrant further review and hereby rejects the Modified T06 Alternative.

The **“Modified T08/T09 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the removal of Strategy T09 would



have hinder achievement of the final Plan's objective to "Support an expanded, well-functioning, safe, and multimodal transportation system..." Similarly, Strategy T09 was analyzed during the Horizon initiative, and it was found that implementation of the strategy (T09) could also help curb emissions, considerably, from autos traveling on Bay Area highways. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T08/T09 Alternative does not warrant further review and hereby rejects the Modified T08/T09 Alternative.

The **"Modified T10, T11, T12 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative would reduce funding to Strategy T06 and increase funding to Strategy T10, "Enhance Local Transit Frequency, Capacity, and Reliability." The HRA Focus Alternative would increase funding to Strategies T10, T12, "Build an Integrated Regional Express Lane and Express Bus Network," and T04, "Reform Regional Transit Fare Policy." Thus, the studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T10, T11, T12 Alternative does not warrant further review and hereby rejects the Modified T10, T11, T12 Alternative.

The **"Modified T12 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative modifies Strategy T12 by removing funding from the strategy and converting all uncommitted express lane widening projects to general-purpose lane conversions unless there are only two existing general-purpose lanes. Thus, the TRA Focus Alternatives is a variation of the suggested alternative, and it was anticipated to perform similarly to it. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified T12 Alternative does not warrant further review and hereby rejects the Modified T12 Alternative.

The **"Regional Parking Tax Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative adds Strategy EC07, "Assess Transportation Impact Fees on New Office Developments" or "Charge a Regional Office Development Fee." This strategy would implement regional development fees for new office construction based upon the workplace VMT impacts (previously referred to as an indirect source rule). Thus, the TRA Focus Alternatives is a variation of the suggested alternative. Similarly, the final Plan, TRA Focus Alternative and HRA Focus Alternative include Strategy EN09, "Expand Transportation Demand Management Initiatives" inclusive of parking fees to discourage solo driving. Thus, the final Plan and studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Regional Parking Tax Alternative does not warrant further review and hereby rejects the Regional Parking Tax Alternative.

The **"Bay Area Transit Assessment District Fiscal Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because, while the final Plan includes a fiscally constrained list of transportation projects and programs, it does not allocate funds to any specific transportation project or program and is not an expenditure plan. The final Plan provides a blueprint for how existing and reasonably anticipated new transportation revenues could fund strategies to achieve regional objectives; the final Plan does not identify the manner in which the \$110 billion in new revenues would be collected or distributed across the region. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Bay Area Transit Assessment District Fiscal Alternative does not warrant further review and hereby rejects the Bay Area Transit Assessment District Fiscal Alternative.

The **"CA/AV Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because the final Plan and the alternatives include exogenous assumptions regarding autonomous vehicles. Travel Model 1.5 was updated to incorporate ride-hailing, taxis, and autonomous vehicles. See Page 90 under the heading "Autonomous Vehicles" of the Plan Bay Area 2050 Forecasting and Modeling Report for discussion on how assumptions of AVs were incorporated into the analysis. Because AV's are considered an exogenous variable in the final Plan and studied alternatives, the suggested alternative was anticipated to perform similarly to

them. Because this alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the CA/AV Alternative does not warrant further review and hereby rejects CA/AV Alternative.

The “**Modified PDA (Sonoma) Alternative**,” suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because as a program-level EIR that addresses the entire nine-county, 101-city region, the EIR does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan’s 35 strategies as a whole. Modifications to one of the final Plan’s growth geographies is anticipated to have negligible effects. Accordingly, this alternative is anticipated to perform similar to the final Plan. Because this Modified PDA (Sonoma) Alternative would not contribute to a reasonable range of alternatives, the Commission/Board concludes that the Modified PDA (Sonoma) Alternative does not warrant further review and hereby rejects CA/AV Alternative.

### 2.9.3 Ability to Reduce Impacts, Ability to Attain Project Objectives, and Feasibility of Alternatives Analyzed in EIR

Based on impacts identified in the EIR, and other reasons documented below, the Commission and Board finds that adoption and implementation of the final 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.

#### NO PROJECT ALTERNATIVE

##### 1. *Ability of the No Project Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts*

The No Project Alternative would result in three more significant and unavoidable impacts than the final Plan (**Impact AQ-1:** Conflict with or obstruct implementation of the applicable air quality plan, **Impact GHG-2:** Conflict with the Bay Area region’s achievement of the GHG emissions reduction target of 19 percent below 2005 emissions by 2035 established by CARB pursuant to SB 375, and **Impact GHG-4:** Conflict with an applicable local plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases).

Additionally, the No Project Alternative may increase the significance of several of the final Plan’s potentially significant and unavoidable impacts including **Impact AES-1:** Have a substantial adverse effect on a scenic vista, **Impact AES-2:** Substantially damage scenic resources, including but not limited to trees, rock outcropping, and historical buildings within a state scenic highway, **Impact AES-3:** In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings and in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality, **Impact AES-4:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, **Impact AGF-1:** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract, **Impact AGF-2:** Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), **Impact AQ-3:** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard, **Impact AQ-4:** Expose sensitive receptors to substantial pollutant concentrations, **Impact BIO-1(a):** 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 CDFW, USFWS, or NOAA Fisheries, **Impact BIO-1(b):** Have substantial adverse impacts on desig-

nated critical habitat for federally listed plant and wildlife species, **Impact BIO-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 BIO-4:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or with provisions of an adopted Habitat Conservation Plan (HCP); Natural Community Conservation Plan (NCCP); or other approved local, regional, or State HCP, **Impact BIO-5:** 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, **Impact GHG-1:** Result in a net increase in greenhouse gas emissions, either directly or indirectly, compared to existing 2015 conditions that may have a significant impact on the environment, **Impact GHG-3:** Conflict with an applicable state plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, **Impact CUL/TCR-1:** Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5, **Impact CUL/TCR-2:** Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5, **Impact CUL/TCR-3:** Disturb any human remains, including those interred outside of formal cemeteries, **Impact CUL/TCR-4:** Cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, **Impact GEO-1:** Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, **Impact GEO-2:** Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, **Impact GEO-4:** Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, **Impact GEO-5:** Result in substantial soil erosion or the loss of topsoil, **Impact GEO-6:** Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property, **Impact GEO-7:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, **Impact MR-1:** Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or a locally-important mineral resources recovery site delineated on a local land use plan, **Impact HAZ-7:** Exacerbate the risk of wildland fires, associated pollutant release, and potential for flooding and landslides due to projected land use patterns and infrastructure in or near State Responsibility Areas or land classified as very high hazard severity zones, **Impact HYDRO-1:** Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, **Impact HYDRO-2:** Substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin, **Impact HYDRO-3:** Substantially alter existing drainage patterns, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or additional sources of polluted runoff, **Impact HYDRO-4:** Substantially alter existing drainage patterns, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in runoff that exceeds capacity of existing or planned stormwater drainage systems or results in flooding on- or off-site, **Impact HYDRO-5:** Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, **Impact HYDRO-6:** In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation, **Impact PUF-1:** Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects, **Impact PUF-2:** Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and **Impact TRA-2:** Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).

As demonstrated in the EIR, the No Project Alternative results in one less significant and unavoidable impact than the final Plan (**Impact LU-2:** Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect). Similarly, the EIR demonstrates that although the No Project Alternative will lessen some of the final 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 final Plan, the No Project Alternative is not environmentally superior to the final Plan because it (1) avoids or substantially lessens only one of the final Plan's potentially significant and unavoidable impacts (LU-2), (2) would increase the significance of several significant and unavoidable impacts, and (3) results in several additional potentially significant and unavoidable impacts not caused by the final Plan. Therefore, the Commission and Board finds that the No Project Alternative is not environmentally superior to the final Plan and rejects the alternative on this ground.

## **2. Ability of the No Project Alternative to Attain Project Objectives**

**Objective 1:** In the No Project Alternative, per capita emissions from cars and light-duty trucks would be higher than in the final Plan and increase by 2 percent in 2035 relative to 2005 levels, which would not meet the 19 percent reduction target. Because complying with SB 375 is one of the fundamental objectives of the Plan, MTC and ABAG conclude 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.) The No Project Alternative fails to meet project Objective 1.

**Objective 2:** The No Project Alternative accommodates 100 percent of the region's projected housing unit growth. The No Project Alternative meets project Objective 2.

**Objective 3:** In the No Project Alternative, housing and transportation costs as a share of income would be higher than in the final Plan, both for the region (49 percent) and for households with low incomes (88 percent). Affordable housing production for the region as a share of new housing production would be substantially lower (21 percent) than in the final Plan (35 percent). Deed-restricted affordable housing would be lower than in the final Plan at 13 percent for the region, 18 percent in Equity Priority Communities and 11 percent in High-Resource Areas (HRAs). Transportation costs for households with low incomes would be substantially higher than in the final Plan, climbing to 44 percent, compared to 28 percent in the final Plan. The No Project Alternative meets project Objective 3.

**Objective 4:** In the No Project Alternative, the share of households within a half-mile of frequent transit is lower than in the final Plan, both for all households (43 percent) and low-income households (50 percent); however, without significant investment toward expanding transit capacity, person hours in crowded conditions are substantially higher than in the final Plan on some operators. In the absence of new transportation demand management strategies, freeway travel times nearly double in some corridors by 2050 in the No Project Alternative. Residents are able to reach 14 percent of the jobs in the region within a 30-minute drive – lower than the share in 2015, but an absolute increase since the number of jobs in the region increases. The share of Bay Area jobs accessible by transit within 45 minutes for the average resident is 4 percent. These metrics were slightly more favorable for residents in Equity Priority Communities, at 15 percent for access by automobile and 6 percent for transit. The No Project Alternative fails to meet project Objective 4.

**Objective 5:** In the No Project Alternative, the share of households with low incomes within Transit-Rich Areas (TRAs) or HRAs in 2050 remains similar to the shares in 2015. The share of neighborhoods with risk of displacement between 2015 and 2050 would be 33 percent across the Bay Area, which is lower than in the final Plan, but would be higher in Equity Priority Communities (45 percent). The No Project Alternative fails to meet project Objective 5.

**Objective 6:** In the No Project Alternative, the commute mode share of single-occupancy autos (44 percent) is higher than in the final Plan (33 percent). Metrics for automobile-related fatalities and injuries; protection from sea level rise, earthquakes and wildfires; and access to urban parks and open



space would be worse under the No Project Alternative than under the final Plan. The No Project Alternative fails to meet project Objective 6.

**Objective 7:** The No Project Alternative brings the county-level jobs-to-housing ratio farther away from the regional ratio for four of the nine counties: Contra Costa (1.1 in 2015 and 0.7 in 2050), Marin (1.3 in 2015 and 0.9 in 2050), Napa (1.4 in 2015 and 1.5 in 2050), and San Francisco (1.8 in 2015 and 1.9 in 2050). The No Project Alternative fails to meet project Objective 7.

In summary, the No Project Alternative fails to meet project Objectives 1, 3, 4, 5, 6 and 7. Additionally, because complying with SB 375 is one of the fundamental objectives of the project (Objective 1), MTC and ABAG conclude 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.) For each of these reasons, the Metropolitan Transportation Commission (“Commission”) and ABAG Executive Board (“Board”) find that the No Project Alternative is incapable of achieving most of the Plan’s basic objectives. The Commission and Board, therefore, reject 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.)

### 3. 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 and Board find the final Plan constitutes a feasible plan to achieve the GHG emissions 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 and ABAG could adopt the No Project Alternative and meet federal planning requirements, MTC and ABAG may not, without violating their legal obligations pursuant to SB 375, adopt an RTP that excludes an SCS capable of achieving the region’s GHG emissions reduction targets where feasible to do so.

Therefore, because the No Project Alternative fails to achieve the GHG emissions 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.)

### 4. Conclusions Regarding the Merits and Feasibility of the No Project Alternative

The Commission and Board find that each of the reasons articulated above independently demonstrate that the No Project Alternative does not warrant its approval in lieu of the final Plan. Therefore, the Commission and Board reject the No Project Alternative.

## ALTERNATIVE 1 – TRA FOCUS ALTERNATIVE

### 1. Ability of the TRA Focus Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

The TRA Focus Alternative results in the same number of less-than-significant and significant and unavoidable impacts as the final Plan. Generally, as shown in **Table 4-34** of the Draft EIR, the TRA Focus Alternative results in comparatively less significant and unavoidable impacts than the final Plan. Conversely, the TRA Focus Alternative increases the significance of one of the final Plan’s potentially significant and unavoidable impacts, **Impact HYRDO-6:** In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Overall, the TRA Focus Alternative has a lower acreage of new developed land, lower acreage of development in agriculturally zoned land, lower development in TAC Risk Areas, lower acreage in Essential Connectivity Areas, lower mobile source MTCO<sub>2</sub>e emissions, lower total VMT, and lower VMT per capita. Because the level or degree of resulting significant and unavoidable impact is lower under the TRA Focus Alternative, this alternative is environmentally superior to the other alternatives (Draft EIR Section 4.6, “Environmentally Superior Alternative”).

In summary, the TRA Focus Alternative has mixed environmental results similar to those of the final Plan. The TRA Focus Alternative lessens – although does not substantially lessen – many of the final Plan’s significant and unavoidable impacts. Therefore, compared comprehensively to the final Plan, the TRA Focus Alternative is the environmentally superior alternative based on the number of significant impacts that the TRA Focus Alternative decreases. Overall, the Commission and Board find that the TRA Focus Alternative is environmentally superior to the final Plan, albeit only marginally.

## **2. Ability of the TRA Focus Alternative to Attain Project Objectives**

**Objective 1:** In the TRA Focus Alternative, per capita emissions from cars and light-duty trucks would be lower than in the final Plan and decrease by 21 percent in 2035 relative to 2005 levels, which would meet the 19 percent reduction target. The TRA Focus Alternative meets project Objective 1.

**Objective 2:** The TRA Focus Alternative accommodates 100 percent of the region’s projected housing unit growth at all income levels. The TRA Focus Alternative meets project Objective 2.

**Objective 3:** In the TRA Focus Alternative, housing and transportation costs as a share of income would be similar to those in the final Plan, both for the region (45 percent) and for households with low incomes (57 percent). Affordable housing production as a share of new housing production would be higher (38 percent) than in the final Plan (35 percent) with more development in TRAs, but this does not have a significant effect on housing costs for either households with low incomes or the region’s households as a whole (29 and 21 percent respectively), which are the same as in the final Plan. Deed-restricted affordable housing would be higher (28 percent) for the region than in the final Plan, including in HRAs. Transportation costs remain consistent between the TRA Focus Alternative and the final Plan. The TRA Focus Alternative meets project Objective 3.

**Objective 4:** In the TRA Focus Alternative, the share of households within a half-mile of frequent transit is higher (52 percent) than in the final Plan (49 percent). Any potential increase in commute times from removing highway expansions and express lanes in this alternative would be met with increased access and use of transit, which also enables shorter travel times in most key freeway corridors compared to the final Plan. Investments to alleviate transit crowding in local transit systems result in a lower share of person hours spent in crowded transit conditions than in the final Plan for some operators but crowding persists. The TRA Focus Alternative advances project Objective 4.

**Objective 5:** In the TRA Focus Alternative, the share of households with low incomes in HRAs would be marginally higher (25 percent) relative to the share under the final Plan (24 percent). While the share of households with low incomes in TRAs would be slightly lower than in the final Plan (37 percent versus 39 percent in final Plan), this would be primarily due to higher overall household growth in these areas, given the strategies’ focus on growth near transit. Risk of displacement would be lower, both overall and in Equity Priority Communities, as this housing growth pattern enables more residents with low incomes to continue living in their current communities, with a greater share residing in deed-restricted affordable housing. The TRA Focus Alternative advances project Objective 5.

**Objective 6:** In the TRA Focus Alternative, the commute mode share of single-occupancy autos (33 percent) is consistent with the final Plan. Similarly, metrics related to automobile-related fatalities and injuries; protection from sea level rise, earthquakes and wildfires; and access to urban parks and open space would also be the same under the TRA Focus Alternative as the final Plan. The TRA Focus Alternative meets project Objective 6.

**Objective 7:** In the TRA Focus Alternative, the prioritization of housing in TRAs results in a slightly more dispersed job growth pattern than in the final Plan and a slightly more even distribution of jobs and housing in three of the nine counties: San Francisco (1.9 in 2015 to 1.4 in 2050), San Mateo (1.5 in



2015 to 1.2 in 2050) and Alameda (1.6 in 2015 to 1.4 in 2050), which have more TRAs. On the other hand, the jobs-to-housing ratio increases in two counties: Contra Costa (1.1 in 2015 to 1.2 in 2050) and Solano (0.9 in 2015 to 1.3 in 2050), approaching the regionwide average of 1.3. The TRA Focus Alternative advances project Objective 7.

In summary, the TRA Focus Alternative would meet four of the seven project objectives and advance the remaining three project objectives. The TRA Focus Alternative would perform similarly to the final Plan across four of the seven project objectives (2, 3, 4, 6) and better than the final Plan on three of the project objectives (1, 5, 7).

### **3. Feasibility of the TRA Focus 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 TRA Focus Alternative modifies the mix of transportation, housing, economic and environmental strategies relative to the final Plan.

The TRA Focus Alternative allows for a mix of housing densities and types in TRAs that is greater than in the final Plan, and greater than what is currently allowed by local jurisdictions. 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).) The residential growth forecast (i.e., 2050 household and housing units) is inconsistent with the baseline for the Draft RHNA. Based on MTC’s and ABAG’s discussions with local jurisdictions during the Plan development process, the Commission and Board find that the residential growth pattern and levels proposed by the TRA Focus Alternative is unlikely to be implemented by some local jurisdictions.

The TRA Focus Alternative also adds a new strategy to charge a regional office development fee for new office development based on workplace vehicle miles traveled (VMT) impacts. The inclusion of this strategy is responsive to some comments raised during scoping; however, this new strategy went through less stress-testing during Horizon and Blueprint phases, in contrast to strategies that were continually honed and refined to maximize their efficacy toward resilience and equity goals.

The TRA Focus Alternative also diverges from the region’s balanced investments in multimodal transportation strategies developed through extensive coordination with county transportation agencies (CTAs), transit operators and local jurisdictions. Instead, the TRA Focus Alternative modifies the final Plan strategies by removing \$3.4 billion in funding to improve interchanges and address highway bottlenecks across the region and \$1.5 billion in funding to build an integrated regional express lane network, and instead redirects funding to projects that enhance local transit frequency, capacity and reliability to support regional growth in TRAs. The TRA Focus Alternative also modifies the final Plan strategies by removing \$5.1 billion in funding for long-term investments for State Route 37, a critical east-west connection for the North Bay, to adapt the corridor to sea level rise and create ecological resilience in the surrounding marshlands. The redirection of funds from highway and express lane expansion projects is responsive to some comments heard during scoping; however, it is inconsistent with project priorities in county sales tax measures and would leave SR-37 susceptible to closure due to flooding. Based on MTC’s and ABAG’s collaboration with CTAs, transit operators and local jurisdictions to identify local needs and priorities during the Plan development process, the Commission and Board find that the modified transportation investments proposed by the TRA Focus Alternative are unlikely to be implemented.

The Commission and Board find the residential growth pattern, the new regional office development fee strategy, and the significant difference between transportation investments identified in voter-approved county sales tax measure expenditure plans and those that would be required to implement the TRA Focus Alternative render the TRA Focus Alternative infeasible from this additional policy perspective.

#### 4. **Conclusions Regarding the Merits and Feasibility of the TRA Focus 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 TRA Focus Alternative is the environmentally superior alternative and is capable of achieving all seven of the project objectives, the Commission and Board conclude that the alternative is infeasible based on a number of financial, legal and policy considerations, including its residential growth pattern, inclusion of a regional office development fee, and the redirection of funds from all highway and express lane expansion projects. For these reasons, the TRA Focus Alternative does not warrant approval in lieu of the final Plan. Therefore, the Commission and Board reject the TRA Focus Alternative.

### ALTERNATIVE 2 – HRA FOCUS ALTERNATIVE

#### 1. **Ability of the HRA Focus Alternative to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts**

The HRA Focus Alternative results in the same number of less-than-significant and significant and unavoidable impacts as the final Plan. Generally, as shown in **Table 4-34** of the Draft EIR, the HRA Focus Alternative results in comparatively less significant and unavoidable impact than the final Plan. Conversely, the HRA Focus Alternative may increase the significance of one of the final Plan's potentially significant and unavoidable impacts, **Impact LU-4: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.**

In summary, while the HRA Focus Alternative performs similarly to the final Plan in many respects and may have some environmental benefits as compared to the final Plan, the HRA Focus Alternative is not environmentally superior to the final Plan because it does not avoid or reduce any of the final 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 and Board find that the HRA Focus Alternative is not environmentally superior to the final Plan and rejects the alternative on this ground.

#### 2. **Ability of the HRA Focus Alternative to Attain Project Objectives**

**Objective 1:** In the HRA Focus Alternative, per capita emissions from cars and light-duty trucks would be lower than in the final Plan and decrease by 21 percent in 2035 relative to 2005 levels, which would meet the 19 percent reduction target. The HRA Focus Alternative meets project Objective 1.

**Objective 2:** The HRA Focus Alternative would accommodate 100 percent of the region's projected housing unit growth at all income levels. The HRA Focus Alternative meets project Objective 2.

**Objective 3:** In the HRA Focus Alternative, housing and transportation costs as a share of income would be similar to those of the final Plan, both for the region (45 percent) and for households with low incomes (57 percent). Affordable housing production as a share of new housing production would be lower (33 percent) than in the final Plan (35 percent), but this does not have a significant effect on housing costs for either households with low incomes or all regional households (29 and 21 percent respectively), which are the same as in the final Plan. Notably, the share of housing in HRAs that are permanently affordable (i.e., deed-restricted) in 2050 would be 26 percent, slightly higher than the 24 percent share in the final Plan; however, the same share would be lower in Equity Priority Communities at 37 percent, relative to 29 percent in the final Plan. Transportation costs remain consistent between the HRA Focus Alternative and the final Plan. The HRA Focus Alternative meets project Objective 3.

**Objective 4:** In the HRA Focus Alternative, the share of households within a half-mile of frequent transit is lower (47 percent) than in the final Plan (49 percent). However, as compared to the final Plan, the number of jobs in San Francisco County would increase, as would investments to boost transit frequency in HRAs, which would have more housing growth and higher job access by transit, but also longer auto travel times to San Francisco compared to the final Plan. The HRA Focus Alternative advances project Objective 4.

**Objective 5:** In the HRA Focus Alternative, strategies would shift more development, including deed-restricted affordable housing, toward HRAs, making these traditionally exclusive communities somewhat more inclusive than in the final Plan. The share of households with low incomes in these neighborhoods increases to 27 percent by 2050, relative to 24 percent under the final Plan. However, the shift in housing development locations also indicates that less housing, including affordable housing, would be constructed in Equity Priority Communities, meaning that fewer residents in existing low-income communities and communities of color are able to remain in place through 2050. Under this alternative, 44 percent of neighborhoods that are Equity Priority Communities have a risk of displacement, relative to 40 percent under the final Plan, despite a decrease in the risk of displacement throughout the Bay Area (42 percent under HRA Focus Alternative versus 48 percent under final Plan). The HRA Focus Alternative advances project Objective 5.

**Objective 6:** In the HRA Focus Alternative, the commute mode share of single-occupancy autos (33 percent) is consistent with the final Plan. Similarly, metrics related to automobile-related fatalities and injuries; protection from sea level rise, earthquakes and wildfires; and access to urban parks and open space would be the same under the HRA Focus Alternative as the final Plan. The HRA Focus Alternative meets project Objective 6.

**Objective 7:** The HRA Focus Alternative further concentrates jobs in San Francisco County. The new economic strategy to disallow office development in jobs-rich, housing-exclusionary cities and their neighbors has adverse effects for Silicon Valley while yielding additional job growth in San Francisco, an already jobs-rich jurisdiction. The jobs-to-housing ratio in San Francisco County continues to be high in 2050 at 1.9 under the HRA Focus Alternative, well above the regionwide average (1.3). Meanwhile, jobs-to-housing ratios remain low in currently housing-rich counties such as Contra Costa (1.0) and Solano (1.1). The HRA Focus Alternative fails to meet project Objective 7.

In summary, the HRA Focus Alternative would meet three of the seven project objectives, advance three project objectives, and fail to meet project Objective 7. The HRA Focus Alternative would perform similarly to the final Plan across three of the seven project objectives (2, 4, 6); would perform better than the final Plan across one project objective (1); would have mixed outcomes relative to the final Plan on one project objective (5); and would perform worse than the final Plan on two of the project objectives (3, 7). The Commission and Board therefore find the HRA Focus Alternative less capable of achieving the full scope of the Plan's objectives. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992.)

### 3. Feasibility of the HRA Focus 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 HRA Focus Alternative modifies the mix of transportation, housing, economic and environmental strategies relative to the final Plan.

The HRA Focus Alternative allows for a mix of housing densities and types in HRAs that is greater than in the final Plan, and greater than what is currently allowed by local jurisdictions. 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).) The residential growth forecast (i.e., 2050 household and housing units) is inconsistent with the baseline for the Draft RHNA. Based on MTC's and ABAG's discussions with local jurisdictions during the Plan development process, the Commission and Board find that the residential growth pattern and levels proposed by the TRA Focus Alternative are unlikely to be implemented by some local jurisdictions.

The HRA Focus Alternative also adds a new strategy to implement office development caps in jobs-rich cities. The inclusion of this strategy is responsive to some comments raised during scoping; however, this strategy, commonly referred to as "office caps" throughout the Plan development process, was first evaluated during Horizon. Analysis found that the strategy may reduce the number of jobs in capped cities and may lead to a somewhat greater east-to-west jobs balance, but that it could also push some jobs out of the Bay Area. These findings were discussed extensively at meetings with the Joint MTC Planning and ABAG Administrative Committee meetings, public meetings, stakeholder

workshops, and during the Commission Workshop in January 2020. Representatives from jobs-rich portions of the Bay Area expressed concern about the policy, and other representatives were concerned about its unintended economic impacts. Due to lack of support, other strategies were advanced for study in the Draft Blueprint in lieu of the office caps strategy. Based on MTC's and ABAG's discussions with local jurisdictions during the Plan development process, the Commission and Board find that the new economic strategy proposed by the HRA Focus Alternative is unlikely to be implemented by some local jurisdictions.

The HRA Focus Alternative's new and modified land use strategies (housing and economy) result in a growth pattern that further concentrates job growth in San Francisco County, perpetuating today's high jobs-to-housing imbalance by disallowing job growth in Silicon Valley. As a result, the jobs-to-housing ratio in San Francisco County is well above the regionwide average, which also affects the jobs-to-housing ratios of Contra Costa and Solano Counties.

Furthermore, while the HRA Focus Alternative incorporates strategies to reduce the regional share of neighborhoods at risk of displacement to households with low incomes, the HRA Focus Alternative results in an increased risk of displacement to households with low incomes in Equity Priority Communities. The HRA Focus Alternative incorporates strategies to successfully shift housing development toward HRAs. As a result, less housing, including affordable housing, is constructed in Equity Priority Communities and fewer residents are able to remain in place.

Additionally, the HRA Focus Alternative diverges from the region's balanced investments in multi-modal transportation strategies developed through extensive coordination with county transportation agencies (CTAs), transit operators and local jurisdictions. The HRA Focus Alternative modifies the final Plan strategies by removing \$33.8 billion in funding and delaying the implementation of more capital-intensive projects that expand and modernize the regional rail network, and instead redirects funds to projects to support lower-VMT regional growth in HRAs. More than \$30 billion in funding would be redirected to transit operations improvements, including transit fare policy and local transit service frequency improvements. The redirection of funds from regional rail expansion projects is responsive to some comments heard during scoping; however, it is inconsistent with project priorities in county sales tax measures and would require changes in policy and funding decisions at the state and regional levels. Based on MTC's and ABAG's collaboration with CTAs, transit operators and local jurisdictions to identify local needs and priorities during the Plan development process, and the required changes in policy and funding decisions at the state and regional levels, the Commission and Board find that the modified transportation investments proposed by the HRA Focus Alternative are unlikely to be implemented.

The Commission and Board find that the residential growth pattern, the new office development cap strategy, the perpetuation of today's high jobs-to-housing imbalance, the increased risk of displacement of households with low incomes in Equity Priority Communities, and the significant difference between the transportation investments identified in voter-approved county sales tax measure expenditure plans and required changes in state and regional policy and funding decisions required to implement the HRA Focus Alternative render the HRA Focus Alternative infeasible from this additional policy perspective.

#### **4. Conclusions Regarding the Merits and Feasibility of the HRA Focus Alternative**

The Commission and Board conclude that the HRA Focus Alternative is not environmentally superior to the final Plan because it does not avoid or substantially lessen any of the final Plan's potentially significant and unavoidable impacts to a less-than-significant level. The Commission and Board find that the HRA Focus Alternative is less capable of achieving the full scope of the Plan's objectives. Additionally, the Commission and Board find that the HRA Focus Alternative is not feasible and does not warrant approval in lieu of the final Plan. Therefore, the Commission and Board reject the HRA Focus Alternative.

### 3 STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Findings, MTC and ABAG approval of the final 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. The alternatives to the final Plan analyzed in the EIR differed from the final Plan in important ways that provided for a meaningful comparison. The TRA Focus 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. 4-73 – 4-80). In determining whether to approve the Project, CEQA requires MTC and ABAG to balance the benefits of the final 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 final Plan to substantially lessen the final Plan’s significant and unavoidable impacts. 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 final Plan in terms of feasibility. Thus, although the final 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 final 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, some identified impacts of adoption and implementation of the final Plan will be avoided or mitigated to acceptable levels. However, in some cases it cannot be concluded with certainty that implementation of identified feasible mitigation measures would reduce an impact to a less-than-significant level, and no additional feasible mitigation measures are available. Therefore, the following impacts were identified as significant and unavoidable in the Draft EIR:

- ▲ **Impact AES-1:** Have a substantial adverse effect on a scenic vista
- ▲ **Impact AES-2:** Substantially damage scenic resources, including but not limited to trees, rock outcropping, and historical buildings within a state scenic highway
- ▲ **Impact AES-3:** In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings and in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality



- ▲ **Impact AES-4:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area
- ▲ **Impact AGF-1:** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract
- ▲ **Impact AGF-2:** Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))
- ▲ **Impact AGF-3:** Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use
- ▲ **Impact AQ-2:** Implementation of the final Plan could result in a substantial net increase in construction-related emissions
- ▲ **Impact AQ-3:** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard
- ▲ **Impact AQ-4:** Expose sensitive receptors to substantial pollutant concentrations
- ▲ **Impact BIO-1a:** 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 CDFW, USFWS, or NOAA Fisheries
- ▲ **Impact BIO-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 BIO-5:** 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
- ▲ **Impact GHG-1:** Result in a net increase in greenhouse gas emissions, either directly or indirectly, compared to existing 2015 conditions that may have a significant impact on the environment
- ▲ **Impact GHG-3:** Conflict with an applicable state plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases
- ▲ **Impact CUL/TCR-1:** Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5
- ▲ **Impact CUL/TCR-2:** Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5
- ▲ **Impact CUL/TCR-4:** Cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe
- ▲ **Impact GEO-7:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature



- ▲ **Impact HAZ-4:** Be 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, create a significant hazard to the public or the environment
- ▲ **Impact HAZ-6:** Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan
- ▲ **Impact HAZ-7:** Exacerbate the risk of wildland fires, associated pollutant release, and potential for flooding and landslides due to projected land use patterns and infrastructure in or near State Responsibility Areas or land classified as very high hazard severity zones
- ▲ **Impact LU-1:** Physically divide an established community
- ▲ **Impact LU-2:** Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect
- ▲ **Impact LU-4:** Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere
- ▲ **Impact NOISE-1:** Generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- ▲ **Impact NOISE-2:** Generate a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- ▲ **Impact NOISE-3:** Generate excessive groundborne vibration or groundborne noise levels
- ▲ **Impact NOISE-4:** For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels
- ▲ **Impact PSR-1:** Result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, and other public facilities
- ▲ **Impact PSR-2:** Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment
- ▲ **Impact PUF-1:** Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects
- ▲ **Impact PUF-2:** Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years
- ▲ **Impact PUF-3:** Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
- ▲ **Impact PUF-4:** Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals,

and comply with federal, state, and local management and reduction statutes and regulations related to solid waste

▲ **Impact TRA-2:** Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) pertaining to vehicle miles traveled

Of the above 36 potentially significant and unavoidable impacts, 12 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. An additional two measures can be mitigated to less than significant and the mitigation measures are tied to existing regulations that are law and binding on responsible agencies and project sponsors, and it is therefore reasonable to assume they will be implemented even though MTC and ABAG do not have authority to require adoption of the mitigation measures.

The results of the environmental analysis on the final 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. Despite the occurrence of remaining significant and unavoidable effects, MTC and ABAG choose to approve PBA 2050 because the economic, social, and other benefits that the Plan will produce for the region outweigh the significant unmitigated adverse impacts. Pursuant to CEQA Section 21081(b) and Guidelines Section 15093, MTC and ABAG have balanced the benefits of the Plan against the unavoidable adverse impacts associated with the Plan and has included all feasible mitigation measures in the EIR. MTC and ABAG have also examined all of the alternatives and determined that adoption and implementation of the final Plan is the most desirable, feasible, and appropriate action.

The following statements describe the final Plan's benefits considered by decision makers in determining whether to adopt the final 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 final Plan reflects input provided by over 23,000 Bay Area residents and stakeholders over the course of a nearly four-year-long regional planning process, which generated over 234,000 comments.**

Throughout the development of the final Plan, MTC and ABAG staff engaged with a wide range of members of the public and peers during multiple outreach phases. This input was used to craft the proposed strategies to best meet the needs of the public and support ongoing work at partner agencies and organizations. MTC and ABAG staff organized over 450 public meetings and events, including over 160 public meetings discussing Horizon and Plan Bay Area 2050; over 150 public events, including in-person and virtual workshops, pop-up events and focus groups; and over 140 stakeholder events, including Regional Advisory Working Group (RAWG) and Regional Equity Working Group (REWG) meetings, workshops and webinars. These meetings and events provided forums for the public and partners to receive updates on the latest planning work and provide input to shape the development of the final Plan. A diverse set of engagement techniques was employed, including online engagement opportunities such as the Mayor of Bayville game and multiple rounds of online surveys. Telephone town halls and listening lines allowed those without internet access to engage when shelter-in-place orders were in effect. Prior to the onset of the COVID-19 pandemic, in-person pop-up events intercepted people at community gathering spaces such as farmers markets or libraries. Engagement supporting development of the final Plan focused on hearing from a number of groups that have historically been excluded from the regional planning process, including young people, people with limited English proficiency, unhoused people, and residents of Equity Priority Communities. More than 60 percent of all events were located in or targeted toward residents of Equity Priority Communities or other historically underserved groups.

The four-year-long development process for the final Plan engaged a wide variety of stakeholders, including staff from city and county governments, transit operators, county transportation agencies, business groups, non-profits and advocacy groups, other regional agencies, and state agencies. Partner agencies provided input throughout the plan development process, including through forums such as RAWG and REWG. RAWG's monthly meetings are open to staff from city and county governments, transit operators and county transportation agencies, representatives from various interest groups, and interested local residents. To highlight a few specific examples of collaboration efforts, MTC and ABAG staff collaborated with staff from county transportation agencies and transit operators on an ongoing basis to iteratively develop the Transportation Element strategies and accompanying Transportation Project List. Local jurisdictions, business groups and labor organizations helped to develop Housing Element and Economy Element strategies through small group office hours and regular correspondence. Environment Element strategies were refined in coordination with staff from the Bay Conservation and Development Commission, the Bay Area Air Quality Management District, and environmental advocacy organizations.

In contrast, the other EIR Alternatives were developed over the course of a few months in fall 2020 and winter 2021, with public engagement limited to scoping meetings. The alternatives were developed largely by MTC and ABAG in order to provide a reasonable range of alternatives for analysis in the EIR, but they received much less intensive vetting with partners and the public. As such, advancing an EIR Alternative other than the final Plan would largely disregard the extensive public and partner engagement that fed into the final Plan.

**Statement 2: The final Plan advances strategies that were developed and refined to further social equity and remain resilient despite future uncertainties.**

The strategies included in the final Plan were developed through six rounds of analysis using simulation models of regional economic conditions, travel behavior and land use changes, with a focus on advancing strategies that are equitable and resilient to uncertainty. Starting with the Horizon scenario-planning effort in 2018 and 2019, MTC and ABAG evaluated strategies and major transportation investments in three potential visions of the Bay Area. Strategies that were successful under a variety of external forces, such as differing economic conditions or severity of sea level rise, were prioritized for inclusion in the Plan. This effort included developing status quo analyses for each of the three future conditions, as well as assessment of how a package of strategies would perform in each set of future conditions. This was followed by additional rounds of strategy refinement and analysis through the Draft Blueprint phase in spring 2020, the Final Blueprint phase in fall 2020 and winter 2021, the Draft Plan/EIR in winter 2021, and the final Plan/EIR in summer 2021.

As described in detail in the Equity Analysis and Performance Reports for Plan Bay Area 2050, the strategies included in the final Plan are projected to reduce all Bay Area households' share of income spent on housing and transportation, with greater reductions for households with low incomes. Strategies are also projected to increase accessibility to jobs and open space, focus housing and job growth in transit-accessible places, protect vulnerable communities from natural hazards, and support job growth in middle-wage industries.

**Statement 3: The final Plan would enable all Bay Area households and workers to have sufficient housing options they can afford.**

The final Plan presents a development pattern to build enough housing within the region to accommodate the household growth associated with projected demographic change and employment growth, including in-commuter households; furthermore, the final Plan identifies strategies to reduce the combined share of household income spent on housing and transportation for families of all income levels. A variety of strategies contribute to improved affordability in the final Plan, including transportation strategies that reduce costs on transit fares and tolls for households with low incomes and housing strategies that increase the supply of affordable housing through preservation of existing affordable housing, just-cause eviction protections for tenants, and production of new deed-restricted affordable housing.

As described in the Performance Report for Plan Bay Area 2050, the combination of housing and transportation costs were estimated to exceed household income for low-income households in the 2015 baseline. Under the final Plan's strategies, by 2050, this share is forecasted to decrease to 57 percent of household income. The average household is forecasted to see a reduction in share of household income spent on housing alone, decreasing from 58 percent of household income in 2015 to 45 percent of household income in 2050 with the final Plan. In comparison, the No Project alternative forecasts a continuation of the trend of highly cost-burdened households.

**Statement 4: The final Plan would create an expanded, well-functioning, safe and multimodal transportation that connects the Bay Area.**

Strategies included in the final Plan, developed through multiple rounds of analysis and engagement, present a coordinated approach to advancing an expanded, well-functioning, safe and multimodal transportation network that improves access to opportunity for Bay Area residents. Housing and economic strategies focus housing and job growth within a ½-mile radius of frequent transit; half of all housing and jobs would be within ½ a mile of frequent transit by 2050 under the final Plan's strategies. Targeted transportation investments direct limited revenues toward improving the frequency and reliability of transit systems throughout the Bay Area and selectively extending rail, ferry and bus service to fill gaps in the network or meet growing demand. By 2050, the number of jobs accessible within a 45-minute transit trip would double relative to 2015. All-lane tolling on freeways and speed limit reductions on freeways and local roads support congestion management, emissions reductions and safety objectives, keeping travel times stable on key corridors despite population growth and reducing the per capita rate of fatalities and serious injuries.

**Statement 5: The final Plan would enable the Bay Area to remain an inclusive place where people of all backgrounds, abilities and ages can remain in place with full access to the region's assets and resources.**

Informed by public engagement that prioritized hearing from historically excluded communities and supported by rigorous analysis that examined equity through multiple lenses, the final Plan's strategies support a more inclusive Bay Area for people of all backgrounds, abilities and ages. Strategies in the final Plan would expand renter protections regionwide for those under threat of immediate displacement, while simultaneously prioritizing medium- and long-term solutions like affordable housing preservation and production, with a focus on increasing the supply of affordable housing in High-Resource Areas that may have historically excluded affordable housing. The final Plan would also provide mortgage down payment assistance to make home ownership attainable for families with lower incomes residing in Equity Priority Communities. Environmental strategies to provide means-based assistance to retrofit older homes to better withstand natural hazards like earthquakes or wildfires would reduce the displacement effects of these events. Compared to the No Project alternative, the final Plan is forecasted to result in lower displacement risk by 2050, defined as the loss of households with low incomes from a neighborhood (census tract or travel analysis zone) between 2015 and 2050. Conversely, the intensified focus on affordable housing production in historically exclusive High-Resource Areas in the HRA Focus Alternative results in displacement risk remaining roughly constant by 2050 for that alternative and the No Project alternative.

**Statement 6: The final Plan would conserve the region's natural resources, open space, clean water and clean air, while actively reducing its environmental footprint and protecting residents from environmental impacts.**

The final Plan proposes a host of strategies that conserve natural lands, protect residents from natural hazards and reduce climate emissions, while simultaneously advancing equity goals, illustrating that sustainability and equity objectives can be advanced in tandem. Housing, economy and environmental strategies work together to establish a transit-supportive land use pattern that is focused within the existing urbanized footprint established by locally adopted urban growth boundaries in place as of 2020. This land use pattern, complemented by investments in transit service, active transportation infrastructure and clean vehicle initiatives, among other strategies, reduces particulate matter and other climate emissions from transportation. Further investments in residential and public building

retrofits decrease emissions to greater degrees, while also protecting housing from hazards like earthquakes and wildfire. These strategies, along with a \$19 billion set of protections envisioned to mitigate almost all risks associated with up to two feet of sea level rise by 2050, protect the region's communities from a host of potential environmental shocks and stresses. Additional investments that maintain, modernize and expand urban parks, with a focus on green spaces in Equity Priority Communities where access to parks has historically been lower than in well-resourced communities, would eliminate the longstanding disparity in parks access when comparing Equity Priority Communities and High-Resource Areas in 2050.

**Statement 7: The final Plan would enable the Bay Area to remain an innovation leader, creating quality job opportunities for all and ample fiscal resources for communities.**

Strategies included in the final Plan set the region up for continued economic prosperity and establish new frameworks to share that prosperity more equally. Economic strategies guide a greater share of employment growth toward housing-rich areas well served by transit, while housing strategies spur new housing in places where jobs far outnumber homes. These strategies support shorter commutes and lower stresses on the region's crowded and congested transit and road networks. Under the final Plan, nearly all counties shift toward a more balanced jobs-to-housing ratio, outperforming the No Project alternative and the HRA Focus Alternative. The more balanced jobs-to-housing landscape spreads workplace-generated tax revenues more evenly throughout the region, providing fiscal resources to communities that presently have smaller tax bases. The final Plan also includes strategies to support upward economic mobility through job training and incubator programs. Placing such programs in Priority Production Areas would accelerate job growth in middle-wage industries throughout the nine counties.

**Statement 8: The final Plan meets and exceeds State requirements established in Senate Bill 375, including the per capita greenhouse gas reduction target for year 2035 and the requirement to plan for household growth at all income levels.**

Implementation of the final Plan would reduce per capita GHG emissions from cars and light-duty trucks by 20 percent by 2035 (surpassing the California Air Resources Board's 19 percent target). The final Plan achieves these GHG reductions by integrating strategies that enable more housing and jobs in walkable, mixed-income communities close to frequent transit; managing highway demand through all-lane tolling and speed limit reductions; investing in a more seamless, integrated regional transit network; and funding climate initiatives such as electric vehicle charging stations, among others.

Implementation of the final Plan would also enable the region to build enough housing at all income levels to accommodate anticipated growth, enabling no net growth in in-commuting. Through affordable housing preservation and production strategies, a significantly greater share of units would be deed-restricted affordable – creating one affordable home for every household with a low income. Housing costs would decline significantly for all households, but even more so for households with low incomes.

**Statement 9: The final Plan builds upon local planning efforts in communities with sufficient existing Priority Development Areas to accommodate future growth, while identifying new Growth Geographies in communities that have not done so independently.**

Housing and economy strategies included in the final Plan present a framework for future growth, informed by engagement with local jurisdictions and in support of dual objectives to reduce climate emissions and advance equity through increased access to opportunity. Foundational to these goals are the Plan Bay Area 2050 Growth Geographies, which were developed over a multi-year period.

The Growth Geographies include Priority Development Areas (PDAs) and Priority Production Areas (PPAs), both of which are locally nominated areas. PDAs prioritize future growth in housing and jobs generally, and PPAs prioritize future growth specifically in middle-wage jobs. Given that land use de-



cisions are made at the jurisdiction level, the partnership demonstrated by local jurisdictions in nominating PDAs and PPAs is key to successful implementation of the final Plan. Building upon lessons from the region's prior long-range plan, Plan Bay Area 2040, the final Plan's strategies recognize that a broader array of growth areas would be needed to accommodate the region's future housing need and to support equity and climate objectives. As such, in the event that a jurisdiction nominated less than 50 percent of an area eligible for PDA determination, additional Transit-Rich Areas and High-Resource Areas with basic transit service were identified as Growth Geographies. Sensitive areas such as areas of unmitigated sea level rise impacts or areas outside of locally adopted growth boundaries were not identified as Transit-Rich Areas or High-Resource Areas.

This framework is consistent with the statutory goals of the parallel Regional Housing Needs Allocation (RHNA) process, including the direction to ensure that the RHNA methodology affirmatively furthers fair housing, as well as with the direction of statewide legislation related to streamlining housing production in opportunity areas like those near high-frequency transit or on publicly owned land.

**Statement 10: The final Plan includes an Implementation Plan specifying actions envisioned for MTC, ABAG, and other regional stakeholders to advance each of the 35 strategies in the Final Plan over the next five years.**

The final Plan is complemented by the Implementation Plan, which outlines over 80 concrete actions that MTC and ABAG can take over the next five years to advance each of the 35 strategies included in the final Plan, including a suggested time frame for each action. Furthermore, the Implementation Plan clearly outlines the recommended role for MTC and/or ABAG – lead, partner or support – and summarizes the degree to which MTC and/or ABAG possess the authority, technical capacity, political support and funding needed to advance each strategy. The Implementation Plan was developed through multiple rounds of public and partner engagement over the course of more than a year, integrating numerous statements of support from partners including transit agencies, county transportation agencies, state agencies and advocacy groups. The Implementation Plan will be presented to the Metropolitan Transportation Commission and ABAG Executive Board for approval alongside the final Plan.

## **Conclusion**

In summary, MTC and ABAG find that the final Plan best represents the consensus developed through nearly four years of engagement, holistically advances equity across a variety of considerations, balances the needs of users of all forms of transportation, advances environmental sustainability and resilience goals, and promotes shared prosperity regionwide. The final Plan achieves all this while also accommodating the region's forecasted growth and exceeding 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 vision and objectives identified in the final Plan and the Final EIR, following extensive public participation and testimony, and notwithstanding the impacts 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 final Plan sufficiently outweigh any remaining unavoidable, adverse environmental impacts of the final Plan and that the final Plan should be approved.

In reaching this conclusion and approving the final 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 final 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. MTC and ABAG have made reasonable and good faith efforts to eliminate or substantially mitigate the potential impacts resulting from the Plan.
4. MTC and ABGA find that any residual or remaining effects on the environment resulting from adoption and implementation of the Plan and related actions are acceptable due to the benefits set forth in this Statement of Overriding Considerations.
5. 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.

## 4 INDEPENDENT REVIEW AND ANALYSIS

Under Public Resources Code Section 21082.1, subdivision (c), the lead agency must: (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; and (3) as part of the certification of an EIR, find that the EIR reflects the independent judgment of the lead agency.

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

## 5 RECORD OF PROCEEDINGS

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 final Plan;
- ▲ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▲ Draft Environmental Impact Report for Plan Bay Area 2050, July 2021 (includes all appendices);
- ▲ Final Environmental Impact Report for Plan Bay Area 2050, October 2021 (includes all appendices);
- ▲ Plan Bay Area 2050, October 2021 and all supporting supplemental reports, including:
  - Air Quality Conformity Report
  - Equity Analysis Report

- Forecasting and Modeling Report
- Implementation Plan Briefs
- Native American Tribal Outreach and Government-to-Government Consultation Report
- Performance Report
- Public Engagement Report
- Statutorily Required Plan Maps
- Technical Assumptions Report
- Transportation Project List
- ▲ 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 and ABAG at such information sessions, public meetings, and public hearings;
- ▲ Any staff reports presented to MTC and ABAG, including attachments and presentation materials;
- ▲ Any and all resolutions adopted by MTC and ABAG regarding the Plan, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▲ Any correspondence between MTC and ABAG and ARB regarding the final Plan, including but not limited to, MTC's Technical Methodology to Estimate Greenhouse Gas Emissions from the final Plan;
- ▲ 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.