

Metropolitan Transportation Commission Association of Bay Area Governments

October 21, 2021

Agenda Item 6a - 21-1148 – HANDOUT 3

Final Plan Bay Area 2050: Handout of Proposed Changes to Mitigation Measures in the Final Plan Bay Area 2050 Environmental Impact Report (EIR)

The table below is a summary of proposed revisions to mitigation measures to be incorporated into the CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations (CEQA Findings), included as Attachment A of MTC Resolution No. 4484 and ABAG Resolution No. 08-2021, and into the Mitigation Monitoring and Reporting Program, included as Attachment A/Exhibit 2 of MTC Resolution No. 4485 and ABAG Resolution No. 09-2021.

These proposed revisions are in response to comments received after the release of the Final Plan Bay Area 2050 and Final Environmental Impact Report for Plan Bay Area 2050, between October 1, 2021 to October 20, 2021 at 5:00 PM. Those comments are summarized in Attachment A of this handout.

These proposed revisions make modifications to mitigation measures that were previously included in the Final Environmental Impact Report (EIR), and do not alter the conclusions with respect to the significance of any environmental impact. The impacts and mitigation measures were already identified in the EIR and these edits supplement the existing measures to correct, clarify, or increase the effectiveness of the previously identified measures, listed below.

| | Revision |
|---|-------------------------------|
| 1 | Mitigation Measure BIO-1(a) |
| 2 | Mitigation Measure GHG-3 |
| 3 | Mitigation Measure HAZ-7 |
| 4 | Mitigation Measure NOISE-1 |
| 5 | Mitigation Measure NOISE-2(a) |
| 6 | Mitigation Measure NOISE-2(b) |

Attachments:

- Attachment A: Response to Comments
- Attachment B: Revisions to CEQA Findings
- Attachment C: Revisions to Mitigation Monitoring and Reporting Program (MMRP)

Attachment A

Responses to Additional Comments on the Final Plan Bay Area 2050 and Final EIR

The following chart provides a summary of comments received from Center for Biological Diversity on October 19, 2021, and responses to those comments. In addition, text changes to specified mitigation measures are proposed to be incorporated into the CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations (included as Attachment A to MTC Resolution No. 4484 and ABAG Resolution No. 08-21), as well as the Final Mitigation Monitoring and Reporting Program (included as Attachment B to MTC Resolution No. 4485 and ABAG Resolution No. 09-21). These proposed text changes make modifications to mitigation measures that were previously included in the Final Environmental Impact Report (EIR), and do not alter the conclusions with respect to the significance of any environmental impact. The impacts and mitigation measures were already identified in the EIR and these edits supplement the existing measures to correct, clarify, or increase the effectiveness of the previously identified measures.

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
|---|--|--|
| Comments addressing wildlife connectivity | | |
| 1. Comments address additional mitigation measures to reduce direct and indirect impacts on wildlife connectivity. The commenter suggests revisions to Mitigation Measure NOISE-1 to minimize potential impacts of noise on wildlife. | <p>Measures to include permanent noise barriers, sound-attenuating features, and techniques such as landscaped berms and sound walls have been added to MM NOISE-1. See the next column.</p> <p>Some of the suggestions, including measures related to the use of rubberized asphalt or “quiet pavement” to reduce road noise are already included in Mitigation Measure NOISE-2 (reprinted and revised in the next column). Additional changes have been incorporated into Mitigation Measure NOISE-2(a) and (b) to further address suggested edits.</p> <p>In addition, Mitigation Measure BIO-1(a) has been modified to include cross reference to MM NOISE-1 and NOISE-2(a)-(c).</p> | <p>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:</p> <ul style="list-style-type: none"> ▲ 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 <u>per manufacturers' specifications</u> and outfit construction equipment with the best available noise suppression devices (e.g., <u>improved</u> mufflers, <u>equipment redesign</u>, <u>use of intake</u> silencers, <u>ducts</u>, |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p><u>engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.</u></p> <ul style="list-style-type: none"> ▲ 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. <p>Mitigation Measure 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),</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p>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:</p> <ul style="list-style-type: none"> ▲ 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, <u>and sound-attenuating features such as outdoor barriers, sound walls, buildings, or earth berms</u> 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. ▲ Use techniques such as grade separation, buffer zones, landscaped berms, dense plantings, sound walls, reduced-noise paving materials, and traffic calming measures. ▲ 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. |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p>▲ 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.</p> <p>Mitigation Measure 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:</p> <p>▲ 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.</p> <p>▲ 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 <u>the use of permanent noise barriers (e.g., outdoor barriers, sound walls, buildings, or earth</u></p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <u>berms) and sound-attenuating features and</u> appropriate setback distances, to the extent practical, from the noise and existing sensitive receptors to minimize noise exposure. |
| 1. Continued | In order to clarify that the revisions to the Noise mitigation measures apply to noise-related impacts on biological resources, Mitigation Measure BIO-1(a) is revised to add a cross-reference to MM NOISE-1 and NOISE-2. | <p>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:</p> <ul style="list-style-type: none"> <p>▲ 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.</p> <p>...</p> <p>▲ 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.</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p>▲ Mitigation Measures <u>NOISE-1 and NOISE-2(a), (b), and (c)</u> shall be implemented when permanent or temporary noise has been identified as a potential impact on wildlife.</p> <p>...</p> |
| <p>2. Comment suggests a revision to Mitigation Measure BIO-3(a) to include banning the use of anticoagulant rodenticides. The comment includes references to documentation regarding second generation rodenticides.</p> | <p>The use of second generation rodenticides is already restricted in the State of California, per the California Ecosystems Protection Act (AB 1788), which went into effect on January 1, 2021.</p> | <p>N/A</p> |
| <p>Comments addressing wildfire risk</p> | | |
| <p>3. Comments address wildfire risk and express concern regarding MM HAZ-7 and potential impacts from development of a fuels management program and</p> | <p>Mitigation Measure HAZ-7 has been revised to clarify that future plans or programs would include consultation with the appropriate regulatory agencies. See the next column. Note that these revisions are consistent with Plan strategies EN2 (Provide Means-Based</p> | <p>Mitigation Measure 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:</p> <ul style="list-style-type: none"> ▲ 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. |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| <p>revegetation of burned areas.</p> | <p>Financial Support to Retrofit Existing Residential Buildings) and EN3 (Fund Energy Upgrades to Enable Carbon-Neutrality in All Existing Commercial and Public Buildings).</p> <p>Future programs would be subject to regulatory agency review and approval and appropriate CEQA review. Preparation and implementation of fuels management programs would include the details of the proposed management activities.</p> | <ul style="list-style-type: none"> ▲ Enforce defensible space regulations, <u>which for new construction may include irrigated defensible space within 100 feet of structures and external sprinklers with an independent water source,</u> 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, <u>private insurance options and limitations,</u> 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, <u>in consultation with the appropriate regulatory agencies and following a public review and comment process, and applicable environmental review.</u> ▲ Develop a regulatory mechanism for permitting an aggressive hazardous fuels management program <u>in consultation with the appropriate regulatory agency and following a public review and comment process, and applicable environmental review.</u> ▲ 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. |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p>▲ 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 <u>through use of ember-resistant roofs and vents, installation of clean energy microgrids including rooftop solar, or replacement of natural gas appliances with electric;</u> emergency services; emergency evacuation plans; and reviewing building safety codes.</p> |
| <p>4. Comments address consistency with Plan Bay Area 2050 and state that new residential development should be considered to be inconsistent with the Plan if they are proposed in very high and high fire hazard severity zones or if they would result in effects related to wildfire.</p> | <p>The EIR discloses the potential impacts of wildland fires in Impacts HAZ-6 and HAZ-7 but does not make consistency determinations based on the potential impacts. As noted in the EIR Project Description (see Draft EIR page 2-37), the Plan growth geographies exclude areas in very high fire hazard severity zones, as well as high fire hazard severity zones in unincorporated areas, as identified by the California Department of Forestry and Fire Protection. Intensified residential development would not be consistent with the Plan’s growth geographies. However, as noted in</p> | <p>N/A</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | <p>the Final EIR, approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. MTC and ABAG will work with local partners on housing and resilience in the years ahead, providing maps, data, and other resources to assist with consistency determinations.</p> | |
| <p>5. Comments suggest a requirement for the provision of private insurance or an applicant-funded plan for all hazards.</p> | <p>As noted above, the Plan growth geographies exclude areas in very high fire hazard severity zones, as well as high fire hazard severity zones in unincorporated areas, as identified by the California Department of Forestry and Fire Protection. Provision of and requirements for private insurance are a private business decision made by homeowners and/or mortgage holders. This requirement would encourage rebuilding in at-risk areas, which is not consistent with the Plan focus to exclude these areas from Plan growth geographies.</p> | <p>See revised MM HAZ-7, above.</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | Mitigation Measure HAZ-7 has been revised to reflect the provision of education about insurance options and limitations. | |
| 6. The comment suggests additional requirements for new residential or commercial development to help reduce wildfire risk and impacts of wildfires. | Mitigation Measure HAZ-7 has been revised to incorporate suggestions from the commenter. | See revised MM HAZ-7, above. |
| 7. The comment suggests retrofitting existing high-risk homes. | Mitigation Measure HAZ-7 has been revised to incorporate suggestions from the commenter. | See revised MM HAZ-7, above. |
| Comments addressing greenhouse gas emissions and climate change | | |
| 8. The comment suggests updating mitigation language to include mandates for all future projects that require the adoption of all feasible mitigation measures. | Regarding the authority to mitigate impacts identified in an EIR, the CEQA Guidelines states that a lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the | N/A |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | <p>environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (see CEQA Guidelines section 15041). MTC and ABAG have prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code section 21081.6 and CEQA Guidelines section 15097. Future projects and lead agencies completing CEQA review and tiering from the Plan Bay Area EIR have an obligation under current State requirements to comply with applicable CEQA Statute and Guidelines sections regarding mitigation.</p> | |
| <p>9. The comment suggests revision to Plan strategy T06 to exclude all capacity increasing highway widenings.</p> | <p>The redirection of funds from highway and/or express lane expansion projects is inconsistent with project priorities in voter-approved county sales tax measure</p> | <p>N/A</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | <p>expenditure plans. Based on MTC’s and ABAG’s collaboration with county transportation agencies, transit operators and local jurisdictions to identify local needs and priorities during the Plan development process, the Commission and Board find that removal of all capacity increasing highway widenings from the transportation project list would be infeasible. It should be noted that funding of Strategy TO6 accounts for only two percent of the total transportation funding.</p> | |
| <p>10. The comment suggests that the Plan include mandated onsite or local mitigation measure associated with any habitat loss, even within the urban core.</p> | <p>The EIR mitigation measures related to loss of habitat would apply to future projects, regardless of their location within or outside an urban core.</p> | <p>N/A</p> |
| <p>11. The comment includes suggestions for GHG</p> | <p>Mitigation Measure GHG-3 has been revised to incorporate</p> | <p>Mitigation Measure GHG-3 Consistent with the recommendations in the 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement the</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| mitigation measures, including onsite mitigation. | suggestions from the commenter. See next column. | <p>following, where feasible and necessary based on project- and site-specific considerations:</p> <ul style="list-style-type: none"> <p>▲ 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). <u>Examples of actions and programs that should be considered in these local plans include: restrictions on offsite GHG mitigation measures to local offsets after onsite mitigation opportunities have been maximized; and any offsets relied on must be considered by CARB to be real, permanent, quantifiable, verifiable, and enforceable.</u> 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 MMTCO₂e 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 MMTCO₂e, 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.</p> <p>▲ 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</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | | <p>construction standards, such as updated Title 24 energy standards, and including ZNE in new construction. <u>Examples of other actions and programs include: participation in the US Green Building Council’s Leadership in Energy and Environmental Design (LEED) rating and certification system; implementation of technology into parks planning and construction to use technology to achieve equitable access safety, resiliency, and water and energy efficiency (e.g., SMART Parks).</u> These programs and other measures supported by MTC and ABAG may be included so long as the additional 33 MMTCO₂e 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.</p> <p>▲ 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.</p> |
| Comments related to open space and parks | | |
| 12. The comment addresses potential loss of open space. | The comment suggests that provision of a map showing proposed overlap of development and open space would allow suggestions for site specific mitigation measures, which would | N/A |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | <p>ensure mitigation measures are mandated. See response to comment labeled #8, above, regarding the authority to mitigate impacts identified in an EIR.</p> | |
| <p>13. The comment includes suggestions for additional mitigation measures related to open space and parks.</p> | <p>See response to comment labeled #8, above, regarding the CEQA requirements for mitigation measures related to proportionality and a nexus to the impact related to the EIR’s standards of significance. General loss of open space related to ecological use, or cultural and community benefits are not identified as a significant impact requiring mitigation.</p> <p>Regarding suggestions for SMART Parks, see the revision to Mitigation Measure GHG-3 under response to comment #11, above.</p> <p>It should also be noted that the Plan includes strategy EN06 to modernize and expand parks, trails,</p> | <p>See revised MM GHG-3, above.</p> |

| Comment Summary | Response | Proposed Mitigation Measure Text Change (if applicable) |
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| | <p>and creation facilities. As noted in the Draft EIR Project Description, the Plan includes approximately \$30 billion towards this strategy. The Plan Bay Area 2050 Technical Assumptions Report includes details on existing conditions related to parks and publicly accessible protected areas and describes how Strategy EN06 would provide access, support a robust network or regional trails, and maintain trails, regional open space, and community parks and recreation areas. Implementation of EN06 is expected to result in 1,500 acres of new community parks and 136,080 acres of regional open space parks, for a total of 137,560 acres of new parks.</p> | |

Attachment B

Revisions to CEQA Findings

The following pages list the text revisions to the CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations (CEQA Findings), included as Attachment A of MTC Resolution No. 4484 and ABAG Resolution No. 08-2021. Each text revision lists the Draft EIR page number(s) where the revision is being made. New text is underlined and deleted text is shown in ~~strikeout~~.

SECTION 2.2, FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

Page 12 -- The following text is added after the third paragraph on page 35 of the CEQA Findings:

In addition, on October 19, 2021, MTC/ABAG received a comment letter from the Center for Biological Diversity providing further comments on the Final EIR and suggesting several additional changes to mitigation measures. In response, several changes to existing mitigation measures in the EIR have been incorporated into these Findings and the MMRP. These additional changes to mitigation further clarify and increase the effectiveness of the previously identified measures and do not alter the conclusions with respect to the significance of any environmental impact.

Page 12 -- The text in the bulleted list of Mitigation Measures, on page 12 of the CEQA Findings, is revised as follows:

- ▲ Mitigation Measure AES-1
- ▲ Mitigation Measure AQ-3(b)
- ▲ Mitigation Measure BIO-1(a)
- ▲ Mitigation Measure BIO-2
- ▲ Mitigation Measure BIO-3(a)
- ▲ Mitigation Measure GHG-3
- ▲ Mitigation Measure HAZ-7

- ▲ Mitigation Measure NOISE-1
- ▲ Mitigation Measure NOISE-2(a)
- ▲ Mitigation Measure NOISE-2(b)

Page 13 -- The text in the second full paragraph, on page 12 of the CEQA Findings, is revised as follows:

Further, the changes to the Draft EIR described in the Final EIR and in these Findings 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.

SECTION 2.4, FINDINGS REGARDING SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Page 35 -- The text in the thirteenth bulleted item under Mitigation Measure BIO-1(a), on page 35 of the CEQA Findings, is revised as follows:

- ▲ Mitigation Measure NOISE-1 and NOISE-2(a), (b), and (c) shall be implemented when permanent or temporary noise has been identified as a potential impact on wildlife.

Page 49 -- The text in the two bulleted items under Mitigation Measure GHG-3, on pages 49 and 50 of the CEQA Findings, is revised as follows:

- ▲ 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). Examples of actions and programs that should be considered in these local plans include: restrictions on offsite GHG mitigation measures to local offsets after onsite mitigation opportunities have been maximized; and any offsets relied on must be considered by CARB to be real, permanent, quantifiable, verifiable, and enforceable. 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 MMTCO₂e 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 MMTCO₂e, 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. Examples of other actions and programs include: participation in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) rating and certification system; implementation of technology into parks planning and construction to use technology to achieve equitable access safety, resiliency, and water and energy efficiency (e.g., SMART Parks). These programs and other measures supported by MTC and ABAG may be included so long as the additional 33 MMTCO₂e 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.

Page 65 -- The text in the third, fourth, fifth, sixth and ninth bulleted items under Mitigation Measure HAZ-7, on page 65 of the CEQA Findings, is revised as follows:

- ▲ Enforce defensible space regulations, which for new construction may include irrigated defensible space within 100 feet of structures and external sprinklers with an independent water source, 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, private insurance options and limitations, 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, in consultation with the appropriate regulatory agencies and following a public review and comment process, and applicable environmental review.

- ▲ Develop a regulatory mechanism for permitting an aggressive hazardous fuels management program in consultation with the appropriate regulatory agency and following a public review and comment process, and applicable environmental review.
- ▲ 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 through use of ember-resistant roofs and vents, installation of clean energy microgrids including rooftop solar, or replacement of natural gas appliances with electric; emergency services; emergency evacuation plans; and reviewing building safety codes.

Page 73 -- The text in the fifth bulleted item under Mitigation Measure NOISE-1, on page 73 of the CEQA Findings, is revised as follows:

- ▲ Properly maintain construction equipment per manufacturers' specifications and outfit construction equipment with the best available noise suppression devices (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.

Page 75 -- The text in the second bulleted item under Mitigation Measure NOISE-2(a), on page 75 of the CEQA Findings, is revised as follows:

- ▲ Use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, ~~and~~ traffic-calming measures, and sound-attenuating features such as outdoor barriers, sound walls, buildings, or earth berms in the design of transportation improvements.

Page 76 -- The text in the second bulleted item under Mitigation Measure NOISE-2(b), on page 76 of the CEQA Findings, is revised as follows:

- ▲ 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 the use of permanent noise barriers (e.g., outdoor barriers, sound walls, buildings, or earth berms) and sound-attenuating features and appropriate setback distances, to the extent practical, from the noise and existing sensitive receptors to minimize noise exposure.

Attachment C

The following pages list the text revisions to the Mitigation Monitoring and Reporting Program, included as Attachment A/Exhibit 2 of MTC Resolution No. 4485 and ABAG Resolution No. 09-2021. Each text revision lists the Draft EIR page number(s) where the revision is being made. New text is underlined and deleted text is shown in ~~strikeout~~.

TABLE A-1, SUMMARY OF IMPACTS AND MITIGATION MEASURES

Page 14 -- The text in the thirteenth bulleted item under Mitigation Measure BIO-1(a), first column, on page 14 of the MMRP, is revised as follows:

- Mitigation Measure NOISE-1 and NOISE-2(a), (b), and (c) shall be implemented when permanent or temporary noise has been identified as a potential impact on wildlife.

Page 22 -- The text in the two bulleted items under Mitigation Measure GHG-3, first column, on pages 22 and 23 of the MMRP, is revised as follows:

- 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). Examples of actions and programs that should be considered in these local plans include: restrictions on offsite GHG mitigation measures to local offsets after onsite mitigation opportunities have been maximized; and any offsets relied on must be considered by CARB to be real, permanent, quantifiable, verifiable, and enforceable. 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_{2e} 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_{2e}, 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. Examples of other actions and programs include: participation in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) rating and certification system; implementation of technology into parks planning and construction to use technology to achieve equitable access safety, resiliency, and water and energy efficiency (e.g., SMART Parks). These programs and other measures supported by MTC and ABAG may be included so long as the additional 33 MMTCO₂e 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.

Page 30 -- The text in the two bulleted items under Mitigation Measure HAZ-7, first column, on pages 30 and 31 of the MMRP, are revised as follows:

- ▲ Enforce defensible space regulations, which for new construction may include irrigated defensible space within 100 feet of structures and external sprinklers with an independent water source, 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, private insurance options and limitations, 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, in consultation with the appropriate regulatory agencies and following a public review and comment process, and applicable environmental review.
- ▲ Develop a regulatory mechanism for permitting an aggressive hazardous fuels management program in consultation with the appropriate regulatory agency and following a public review and comment process, and applicable environmental review.
- ▲ 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 through use of ember-resistant roofs and vents, installation of clean energy microgrids including rooftop solar, or replacement of natural gas appliances with electric; emergency services; emergency evacuation plans; and reviewing building safety codes.

Page 33 -- The text in the fifth bulleted item under Mitigation Measure NOISE-1, first column, on page 33 of the MMRP, is revised as follows:

- ▲ Properly maintain construction equipment per manufacturers' specifications and outfit construction equipment with the best available noise suppression devices (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.

Page 34 -- The text in the second bulleted item under Mitigation Measure NOISE-2(a), first column, on page 34 of the CEQA Findings, is revised as follows:

- ▲ Use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, ~~and~~ traffic-calming measures, and sound-attenuating features such as outdoor barriers, sound walls, buildings, or earth berms in the design of transportation improvements.

Page 34 -- The text in the second bulleted item under Mitigation Measure NOISE-2(b), first column, on pages 34 and 35 of the MMRP, is revised as follows:

- ▲ 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 the use of permanent noise barriers (e.g., outdoor barriers, sound walls, buildings, or earth berms) and sound-attenuating features and appropriate setback distances, to the extent practical, from the noise and existing sensitive receptors to minimize noise exposure.

