

## **CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM**

### **I. INTRODUCTION TO CEQA FINDINGS**

These Findings of Fact are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the Board of Directors of Association of Monterey Bay Area Governments (AMBAG), as the lead agency for the 2040 Metropolitan Transportation Plan and Sustainable Communities Strategy (“2040 MTP/SCS,” or the “Project”). These Findings of Fact pertain to the Final Environmental Impact Report (“EIR”) SCH #2015121080.

#### **A. PROJECT DESCRIPTION SUMMARY**

The proposed Project by the Association of Monterey Bay Area Governments (AMBAG) is the Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS), which is a long-range planning document required by both State and Federal law and is an update of the 2035 AMBAG MTP/SCS. It contains a compilation of Regional Transportation Plans (RTPs) for Monterey, San Benito and Santa Cruz Counties and is used to achieve a coordinated and balanced regional transportation system. The plan is organized into seven chapters, plus an executive summary, as follows: Chapter 1-Vision, Chapter 2 – Transportation Investments, Chapter 3 – Financial Plan, Chapter 4 – Sustainable Communities Strategy, Chapter 5 – Performance Measures, Chapter 6 – Public Participation, Chapter 7 – Glossary. Of the seven chapters of the 2040 MTP/SCS, Chapters 1, 2, 3 and 4 are those with the potential to create physical changes to the environment.

AMBAG has prepared the Sustainable Communities Strategy (SCS) as part of the MTP, pursuant to the requirements of California Senate Bill 375 as adopted in 2008. The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, reduces greenhouse gas (GHG) emissions from passenger vehicles and light duty trucks to achieve the regional GHG reduction targets set by the California Air Resources Board (CARB).

The 2040 MTP/SCS is based on a preferred land use scenario that consists of an intensified land use distribution approach that concentrates the forecasted population and employment growth in urban areas. The transportation network includes additional highway, local street improvements, active transportation and transit investments to serve a more concentrated urban growth pattern. Transportation system improvement projects identified in the 2040 MTP/SCS include: highway/roadway projects; bus rapid transit and rail projects; active transportation (bicycle and pedestrian projects); transportation demand management, transportation system management and intelligent transportation system (ITS) projects; and aviation projects.

The 2040 MTP/SCS would be implemented with several other existing AMBAG programs designed to reduce adverse impacts to transportation resources, air quality, greenhouse gas (GHG) emissions and energy. These are described in Section 2.6 of the Final EIR, and include the Regional Vanpool Program, the AMBAG Energy Watch Program, Electric Vehicle Infrastructure Master Plan for the Monterey Bay Area, Complete Streets Planning and Design Guidelines, Rideshare, Bike to School Day and Bike to Work Day Program, Safe Route to Schools Program, Regional Ecological Framework Project, Zero Emission Electric Motorcycle Pilot Project, Freeway Service Patrol and Motorist Assistance Program and Seniors and Accessible Transportation Services.

## **B. TYPE OF EIR**

The 2040 MTP/SCS EIR is a Program EIR. A Program EIR is prepared for a series of actions that can be characterized as one project. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4).) The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews can focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (*In re Bay Delta* (2008) 43 Cal. 4th 1143, 1174).

## **C. PROCEDURAL COMPLIANCE WITH CEQA**

AMBAG published a Draft EIR on December 4, 2017, and a Final EIR on May 23, 2018, in compliance with CEQA requirements. AMBAG prepared the Draft and Final EIRs in accordance with CEQA and the CEQA Guidelines. As allowed for in CEQA Guidelines §15084(d)(2), AMBAG retained a consultant to assist with the preparation of the environmental documents. AMBAG, acting as lead agency, has directed, reviewed and edited as necessary all material prepared by the consultant, and such material reflects AMBAG’s independent judgment. In general, the preparation of the EIR included the following key steps and public notification efforts:

A 40-day scoping process began with AMBAG’s issuance of the Notice of Preparation (NOP) of an EIR on December 21, 2015. The NOP was filed with the State Clearinghouse on December 21, 2015, which started a 40-day comment period that ended January 29, 2016. AMBAG noticed and held three EIR scoping meetings during the 40-day comment period to receive perspective and input from agencies, organizations and individuals on the scope and content of the environmental information to be addressed in the EIR. EIR scoping meetings was held on January 11, 2016 in Hollister, January 27, 2016 in Aptos and January 28, 2016, in Salinas.

AMBAG issued the Draft EIR on December 4, 2017. The Notice of Availability for the Draft EIR was published in local newspapers (listed below) and distributed to a variety of government agencies, organizations and interested parties, including: local jurisdictions, tribal governments, state and federal agencies, resource agencies, water districts and boards, transportation agencies, community groups and organizations, business organizations, chambers of commerce, universities and school districts, senior/aging organizations, interested parties and members of the public. The Draft EIR was also posted on AMBAG’s website and available for review at the AMBAG Office.

### **Notice of Availability Published in Local Papers**

- Hollister Free Press – December 8, 2017
- Monterey Herald – December 6, 2017
- Santa Cruz Sentinel – December 6, 2017
- San Jose Mercury News – December 6, 2017
- Merced Sun-Star – December 5, 2017
- Fresno Bee – December 5, 2017
- Hanford Sentinel – December 7, 2017
- Bakersfield Californian – December 5, 2017
- San Luis Obispo Tribune – December 7, 2017
- Benito Link – December 1, 2017

The Notice of Completion for the Draft EIR was filed with the State Clearinghouse on December 4, 2017. The Draft EIR was available for a 64-day public review period starting December 4, 2017. AMBAG hosted open houses and public hearings on the Draft EIR and Draft 2040 MTP/SCS on January 11, 2018 in Hollister, January 22, 2018 in Gonzales, January 24, 2018 in Seaside and January 30, 2018 in Santa Cruz.

Following close of the public review period, AMBAG revised the Draft EIR in response to comments received during the public review period and provided written responses addressing all significant environmental issues raised. Revisions made to the Draft EIR are shown throughout the Final EIR in strikethrough and underline text.

AMBAG published the Final EIR on May 23, 2018. AMBAG provided written responses to all public agencies that commented on the Draft EIR on May 24, 2018, which is at least 10 days prior to certifying the EIR. The AMBAG Board of Directors held a public hearing on June 13, 2018, to consider certification of the Final EIR and approval of the Project.

#### **D. INCORPORATION OF FINAL EIR BY REFERENCE**

The Final EIR is hereby incorporated by reference into these Findings of Fact. The Final EIR consists of: (1) the Final EIR volume, which is a complete revision of the Draft EIR; and (2) all appendices to the Final EIR, including Appendix F which contains comments on the Draft EIR; a list of persons, organizations and public agencies commenting of the Draft EIR; and AMBAG's responses to significant environmental issues raised in Draft EIR comments.

#### **E. REQUIREMENTS FOR CEQA FINDINGS**

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.))

AMBAG has made one or more of these specific written findings regarding each significant impact associated with the 2040 MTP/SCS. Those findings are presented below, along with a presentation of facts in support of the findings. The AMBAG Board of Directors certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the

environmental issues identified and discussed. These findings are based on evidence contained in the totality of the administrative record before the AMBAG Board of Directors, including but not limited to the Final EIR “supporting evidence” cited herein.

## II. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which AMBAG's Findings of Fact are based are located at 24580 Silver Cloud Court, Monterey, California. The custodian of these documents is Heather Adamson. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs. § 15091(e).

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by AMBAG and in conjunction with the Project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR.
- All comments and correspondence submitted to AMBAG with respect to the Project.
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project.
- All Findings and resolutions adopted by AMBAG decision makers in connection with the Project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Rincon and Mintier Harnish, consultants to AMBAG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the Project.
- All documents and information submitted to AMBAG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date the AMBAG Board of Directors approved the Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by AMBAG, in connection with the Project.
- Any documentary or other evidence submitted to AMBAG at such information sessions, public meetings and public hearings.
- Matters of common knowledge to AMBAG, including, but not limited to federal, state and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).

### III. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the AMBAG Board of Directors hereby finds that the following environmental impacts of the 2040 MTP/SCS either have no impact or are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 4.16 of the EIR explains why certain impacts were not found to be significant and therefore were not discussed in detail in the EIR, pursuant to CEQA Guidelines Section 15128. In addition, ***the findings below are for impacts that were considered in detail in the EIR, but are less than significant. These findings are based on the detailed discussions of impacts in Chapter 4 of the EIR.***

#### A. AIR QUALITY AND HEALTH IMPACTS/RISKS

1. **Impact AQ-1.** Since the 2040 MTP/SCS would not conflict with the regional population forecast, and would reduce emissions of ozone precursors below 2015 baseline levels, it would not conflict with or obstruct implementation of the AQMP. Therefore, impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – The 2040 MTP/SCS would not conflict with or obstruct implementation of the Monterey Bay Air Resources District’s (MBARD) AQMD and impacts would be less than significant.
  - c. **Supportive Evidence** - Please refer to page 150 of the Final EIR.
  
2. **Impact AQ-5.** Re-entrained dust has the potential to increase airborne PM<sub>10</sub> and PM<sub>2.5</sub> levels in Monterey, San Benito and Santa Cruz Counties. The increase in growth expected through the 2040 MTP/SCS planning horizon would result in additional vehicle miles traveled compared to baseline conditions, which would add to the particulate emissions levels in the area. However, total re-entrained dust levels would be lower with implementation of the 2040 MTP/SCS than 2015 existing conditions. Implementation of MBARD control measures would further reduce such emissions. Therefore, impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – With implementation of planned MBARD control measures to reduce emissions of PM<sub>10</sub> and PM<sub>2.5</sub>, impacts would be less than significant.
  - c. **Supportive Evidence** - Please refer to pages 160 through 162 of the Final EIR.

#### B. BIOLOGICAL RESOURCES

1. **Impact B-4.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy. This impact would be less than significant.
  - a. **Mitigation** – No mitigation is required.

**b. Findings and Rationale** – Projects included in the 2040 MTP/SCS would impact biological resources but must comply with city and county development requirements, including compliance with local policies, ordinances and applicable permitting procedures related to protection biological resources. Impacts would be less than significant.

**c. Supportive Evidence** - Please refer to page 206 of the Final EIR.

### C. CULTURAL RESOURCES

**1. Impact CR-4.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could result in damage to or destruction of human burials. Impacts to human burials would be less than significant.

**a. Mitigation** – No mitigation is required.

**b. Findings and Rationale** – Impacts would be less than significant with mandatory compliance with existing State regulations and laws pertaining to human burials and remains.

**c. Supportive Evidence** – Please refer to page 229 of the Final EIR.

### D. ENERGY

**1. Impact E-1.** Future transportation improvement projects and implementation of the land use scenario envisioned by the 2040 MTP/SCS would increase demand for energy beyond existing conditions. However, the 2040 MTP/SCS would not result in inefficient, unnecessary, or wasteful direct or indirect consumption of energy and implementation, and would be consistent with applicable federal, state and local energy conservation policies. As such, this impact would be less than significant.

**a. Mitigation** – No mitigation is required.

**b. Findings and Rationale** – The 2040 MTP/SCS would be generally consistent with plans and policies pertaining to energy conservation, and impacts would be less than significant.

**c. Supportive Evidence** – Please refer to pages 245 through 248 of the Final EIR.

### E. GEOLOGY AND SOILS

**1. Impact GEO-2.** Grading associated with transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could cause soil erosion and loss of top soil. However, compliance with applicable regulations would ensure that impacts would remain less than significant.

**a. Mitigation** – No mitigation is required.

**b. Findings and Rationale** – Compliance with existing regulations and programs would prevent substantial erosion, and impacts would be less than significant.

**c. Supportive Evidence** - Please refer to pages 262 through 263 of the Final EIR.

## F. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. **Impact GHG-2.** Implementation of the 2040 MTP/SCS would not result in a significant increase in total GHG emissions from mobile and land use sources compared to 2015 baseline conditions. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – The 2040 MTP/SCS would result in decreased operational regional greenhouse gas (GHG) emissions compared to 2015 baseline conditions in 2040. Therefore, impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to page 284 of the Final EIR.
2. **Impact GHG-3.** Implementation of the 2040 MTP/SCS would not conflict with regional SB 375 per capita passenger vehicle CO<sub>2</sub> emission reduction targets. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Implementation of the 2040 MTP/SCS would achieve the region’s Senate Bill (SB) 375 emissions reduction targets. Therefore, impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to pages 285 through 286 of the Final EIR.

## G. HAZARDS AND HAZARDOUS MATERIALS

1. **Impact HAZ-1.** Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate the routine transport, use, or disposal of hazardous material, and may result in reasonably foreseeable upset and accident conditions. Mandatory compliance with existing regulations and programs would minimize the risk associated with these activities or accident conditions. Thus, hazards to the public or environment would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Mandatory compliance with existing regulations and programs would minimize the risk associated with these the routine transport, use and disposal of hazardous materials, as well as accident conditions related to these materials. Impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to pages 306 through 309 of the Final EIR.
2. **Impact HAZ-2.** Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate hazardous emissions or handling of acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Existing regulations and programs would reduce the risk to schools to acceptable levels. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – Mandatory compliance with existing regulations and laws would minimize the potential impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or potential future school. Impacts would be less than significant.
    - c. **Supporting Evidence** – Please refer to pages 309 through 310 of the Final EIR.
- 3. **Impact HAZ-4.** Transportation improvement projects and land use development included in the proposed 2040 MTP/SCS may be located near a public use airport or private airstrip. Existing regulations and regulatory oversight would reduce the inherent hazard of development near airports to safe levels, and impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Compliance with existing federal, state and local regulations and oversight in place that would effectively reduce the inherent hazard associated with development near airports to an acceptable and safe level. Impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to page 312 of the Final EIR.
- 4. **Impact HAZ-5.** Land use development and transportation projects included in the 2040 MTP/SCS could interfere with existing emergency and evacuation. However, required regular updates to emergency response and evacuation plans would account for development and projects. Impacts related to interference or impairment of an adopted emergency response plan or emergency evacuation plan would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Required regular updates to emergency response and evacuation plans would account for development and projects included in the 2040 MTP/SCS, and transportation projects have the potential to improve circulation, including during emergency response. Impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to pages 312 through 313 of the Final EIR.

## H. HYDROLOGY AND WATER QUALITY

- 1. **Impact W-1.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could result in substantial eroded sediments and contaminants in runoff, as well as changes in drainage patterns and increased wastewater effluent discharges that could degrade surface and ground water quality. However, compliance with federal, state and local regulations would prevent violations of permit requirements, substantial erosion and siltation and substantial degradation of water quality. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Construction of projects included in the 2040 MTP/SCS would be required to comply with the federal Clean Water Act, which requires that coverage under a

National Pollutant Discharge Elimination System (NPDES) stormwater permit be obtained for construction. Mandatory implementation of the SWPPP would prevent substantial erosion or pollutants from degrading water quality or violating wastewater discharge requirements during project construction. Mandatory compliance with existing stormwater regulations and permit programs would prevent discharge of pollutants from operation of projects. Impacts would be less than significant.

- c. Supporting Evidence** – Please refer to pages 338 through 340 of the Final EIR.
- 2. Impact W-3.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS would incrementally increase stormwater flows in the AMBAG region. Impacts would be less than significant.
- a. Mitigation** – No mitigation is required.
  - b. Findings and Rationale** – The transportation and land use projects included in the 2040 MTP/SCS would be designed to comply with existing State and local jurisdiction requirements, included applicable municipal code sections related to stormwater runoff and drainages, such as curb and gutter design, and would build drainage infrastructure to control and accommodate the increase in stormwater flows. Land use projects under the 2040 MTP/SCS would require drainage control post-construction measures required under the NPDES MS4 permit and would include implementation of low-impact development drainage control features. Thus, existing regulations provide adequate preventative measures to limit or avoid substantial runoff during project construction and operation. Based on compliance with these existing regulations, impacts would be less than significant.
  - c. Supporting Evidence** – Please refer to page 343 of the Final EIR.
- 3. Impact W-4.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could be subject to flood hazards, dam failure, or tsunamis. However, compliance with existing regulations, the 2040 MTP/SCS would not expose people or structures to a significant risk of loss, injury, or death associated with these hazards. Impacts would be less than significant.
- a. Mitigation** – No mitigation is required.
  - b. Findings and Rationale** – Compliance with existing regulations and programs would prevent placement of structures within 100-year floodplain that could redirect flood flows, would prevent development in 100-year floodplains and would prevent significant risks of loss, injury or death resulting from flooding or inundation. Impacts would be less than significant.
  - c. Supporting Evidence** – Please refer to pages 344 through 346 of the Final EIR.

## I. LAND USE

- 1. Impact LU-1.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS would not physically divide an established community. This impact would be less than significant.
- a. Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – The transportation projects included in the 2040 MTP/SCS generally include improvements to existing roads and transportation facilities, rather than new roads or rail lines through existing or established communities. The land use scenario envisioned in the 2040 MTP/SCS encourages infill development in existing communities, rather than new communities in rural areas where new roads would be required. Therefore, the 2040 MTP/SCS would not physically divide established communities, and impacts would be less than significant.
- c. **Supportive Evidence** – Please refer to pages 357 through 358 of the Final EIR.

## J. POPULATION AND HOUSING

- 1. **Impact PH-2.** Land use development included in the 2040 MTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, this displacement would be temporary and would be offset by a significant net increase in housing units by 2040. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – Land use development included in the 2040 MTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, in the long term, the 2040 MTP/SCS would result in a net increase in housing units in the AMBAG region. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to pages 394 through 395 of the Final EIR.

## K. TRANSPORTATION AND CIRCULATION

- 1. **Impact T-3.** The 2040 MTP/SCS includes transit projects that would improve and expand transit services in the region. The 2040 MTP/SCS would increase the percentage of jobs within proximity to transit stops and the percent of transit trips less than 30 minutes during peak period. Thus, the 2040 MTP/SCS would not substantially disrupt transit service and impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – The 2040 MTP/SCS would result in performance improvements in the transit system. Thus, impacts would be less than significant.
  - c. **Supporting Evidence** – Please refer to pages 419 through 420 of the Final EIR
- 2. **Impact T-4.** The 2040 MTP/SCS would improve conditions for bicycle and pedestrian travel in the AMBAG region, and bicycle and pedestrian facilities would not be substantially disrupted. Impacts would be less than significant.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings and Rationale** – The 2040 MTP/SCS would result in additional and improved facilities to accommodate pedestrian and bicycle travel modes, and would not substantially disrupt bicycle and pedestrian facilities. Impacts would be less than significant.

**c. Supporting Evidence** – Please refer to page 421 of the Final EIR.

#### IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The AMBAG Board of Directors hereby finds that the following mitigation measures identified in the EIR which will avoid or substantially lessen the following environmental impacts reducing them to a less than significant level, have been required in or incorporated into the Project. These findings are based on the discussion of impacts in the detailed impact analyses in Chapter 4 of the EIR, as well as relevant responses to comments in the Final EIR. *The findings below are for impacts where implementation of the Project may result in the following significant environmental impacts that will be reduced to less-than-significant levels following mitigation:*

##### A. AESTHETICS

1. **Impact AES-3.** Transportation projects envisioned in the 2040 MTP/SCS would result in increased lighting from security lighting, landscape and structure lighting and lights on vehicles. Land use projects envisioned in the 2040 MTP/SCS would also introduce new or intensified sources of lighting. Lighting and glare may adversely affect daytime and nighttime views in the area and this would be a significant but mitigable impact.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for transportation projects that would result in light and glare impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AES-3(a) Roadway Lighting.** Roadway lighting shall be minimized to the extent possible, consistent with safety and security objectives and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting and using as few lights as necessary to achieve the goals of the project.

**AES-3(b) Lighting Design Measures.** As part of planning, design and engineering for projects, implementing agencies shall ensure that projects proposed near light-sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:

- Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used.
- Lighting shall be directed away from habitat and open space areas adjacent to the project site.
- Light mountings shall be downcast and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and

undeveloped open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes.

- Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include landscaping to block light from sensitive land uses, such as residences.

**AES-3(c)**

**Glare Reduction Measures.** Implementing agencies shall minimize and control glare from transportation and infill development projects near glare-sensitive uses through the adoption of project design features such as:

- Planting trees along transportation corridors to reduce glare from the sun;
- Creating tree wells in existing sidewalks;
- Adding trees in new curb extensions and traffic circles;
- Adding trees to public parks and greenways;
- Landscaping off-street parking areas, loading areas and service areas;
- 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;
- Using low-reflective glass; and
- Complying with applicable general plan policies or local controls related to glare
- Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.

**b. Findings and Rationale** – Mitigation Measures AES-3(a)-(c) would minimize roadway lighting, limit the use of reflective building materials and the potential spillage of light both upward and onto adjacent properties from exterior lighting fixtures and minimize light and glare. As a result, in areas lacking existing dark sky ordinances or similar lighting regulations, or where such regulations are insufficient, the implementation of the identified mitigation measures would reduce impacts related to light and glare to a less-than-significant level. The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

**c. Supportive Evidence** – Please refer to pages 101 through 103 of the Final EIR.

**B. GEOLOGY AND SOILS**

- 1. Impact GEO-1.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to seismic hazards, including fault rupture, ground-shaking, liquefaction and landslides that could expose people or structures to substantial adverse effects. Impacts would be significant but mitigable.

- a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for applicable transportation projects that could expose people or structures to substantial adverse effects due to seismic hazards. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GEO-1**                    **Geotechnical Design.** If a 2040 MTP/SCS project is located in a zone of high potential ground-shaking intensity, implementing agencies can and should complete a site specific geotechnical report conducted by a qualified geotechnical expert. Any investigations shall comply with the California Geological Survey’s Guidelines for Evaluating and Mitigating Seismic Hazards in California and projects shall comply with the recommendations stated in the geotechnical analysis (California Geological Survey 2008). Recommendations may include, but are not limited to, the following: fill placement and compaction, isolated and continuous footing, site specific pipe bedding and site specific seismic design criteria.

- b. **Findings and Rationale** –Mitigation Measure GEO-1 would reduce impacts to a less than significant level because site-specific geotechnical engineering would be required consistent with existing regulations to ensure that proposed facilities and structures would be designed in such a way that seismic hazards, including fault rupture, ground-shaking, liquefaction and landslides, would not expose people or structures to substantial adverse effects. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

- c. **Supportive Evidence** – Please refer to pages 261 through 262 of the Final EIR.

2. **Impact GEO-3.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could be located on potentially unstable or expansive soils or in areas of lateral spreading, subsidence, or high liquefaction potential. Impacts would be significant but mitigable.

- a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could be located on unstable soils or in areas of high liquefaction potential. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GEO-3(a)**                    **Geotechnical Analysis.** If a 2040 MTP/SCS project is located in an area of moderate to high liquefaction, lateral spreading and/or subsidence potential or in underground areas located in an area of high groundwater potential,

the RTPAs shall ensure and sponsor agencies can and should ensure that these structures are designed based upon site specific geology, soils and earthquake engineering studies conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible design measures include, but would not be limited to: deep foundations, removal of liquefiable materials and dewatering.

**GEO-3(b) Hillside Stability Evaluation.** If a 2040 MTP/SCS project requires cut slopes over 20 feet in height or is located in areas of bedded or jointed bedrock, the implementing agency shall ensure that hillside stability evaluations and/or specific slope stabilization studies are conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible stabilization methods include buttresses, retaining walls and soldier piles. In addition, to sustain a functional long-term transportation system along the coast, the strategies identified in Caltrans' 2004 *Big Sur Coast Highway Management Plan* shall be implemented where appropriate and when feasible. Applicable *Big Sur Coast Highway Management Plan* measures may include, but are not limited to: adaptation to the fluid landform; separation of the highway from the moving landform; and, temporary or permanent rockfall catchments.

**GEO-3(c) Site Specific Geotechnical Evaluation.** If a 2040 MTP/SCS project is located in an area of highly expansive soils, the RTPAs shall and sponsors agencies can and should ensure that a site-specific geotechnical investigation is conducted. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

**b. Findings and Rationale** –Mitigation Measures GEO-3(a)-(c) would reduce impacts to a less than significant level because individual projects would require geotechnical analysis when located on potentially unstable or expansive soils or in areas of geologic hazards. Site specific geotechnical evaluations and hillside stability evaluations would identify feasible measures to address site specific issues related to unstable soils and geologic hazards and reduce soils and geologic hazards impacts to less than significant levels. The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

**c. Supportive Evidence** – Please refer to pages 263 through 265 of the Final EIR.

### **C. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE**

- 1. Impact GHG-1.** Construction of the transportation improvement projects and development within future land use projects envisioned by the 2040 MTP/SCS would generate temporary short-term GHG emissions that may have a significant effect. Impacts would be significant but mitigable.

- a. **Mitigation** – For all transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects generating construction GHG emissions. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-1 Construction GHG Reduction Measures.** The implementing agency shall incorporate the most recent GHG reduction measures and/or technologies for reducing diesel particulate and NOX emissions measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:

- Use of diesel construction equipment meeting CARB's Tier 4 certified engines wherever feasible for off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; where Tier 3 engines are not feasible, Tier 2 certified engines shall be used;
- Use of on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit;
- Use of electric powered equipment in place of diesel powered equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use of alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, in place of diesel powered equipment for 15 percent of the fleet; and Use of materials sources from local suppliers; and
- Recycling of at least 50 percent of construction waste materials.

- b. **Findings and Rationale** – Mitigation Measure GHG-1 would reduce construction GHG emissions from individual projects to the maximum extent feasible. Because construction activities generally result in annual GHGs emissions that represent a small proportion of total annual GHG emissions, and implementation of the 2040 MTP/SCS would result in a net reduction in GHG emissions in 2040 when compared to as compared to the 2015 baseline, GHG impacts associated with construction activity would be less than significant following mitigation. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.

- c. **Supportive Evidence** – Please refer to pages 282 through 283 of the Final EIR.

## D. HAZARDS AND HAZARDOUS MATERIALS

1. **Impact HAZ-3.** The 2040 MTP/SCS includes land use projects and transportation projects that could occur on previously unknown hazardous material sites or sites on the list compiled by Government Code Section 65962.5. Thus, construction of these projects could create a significant hazard to the public or environment. Impacts would be significant but mitigable.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in hazardous materials impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**HAZ-3**                      **Site Remediation.** If an individual project included in the 2040 MTP/SCS is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.

- b. **Findings and Rationale** – Mitigation Measure HAZ-3 would reduce impacts to less than significant because project sites with hazardous material contamination that are previously unknown or that are included on the list compiled by the Government Code Section 65962.5 would be identified prior to commencement of project construction. Additionally, prior to commencement of construction, measures to remediate contamination, such as containment and disposal of contaminated soil pursuant to federal and state regulations would be required. These measures would prevent significant hazards to the public or the environment. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.
  - c. **Supportive Evidence** – Please refer to pages 310 through 312 of the Final EIR.

## E. TRIBAL CULTURAL RESOURCES

1. **Impact TCR-1.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS have the potential to cause substantial adverse changes in the significance of tribal cultural resources. Impacts would be significant but mitigable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to tribal cultural resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

### TCR-1

**Tribal Cultural Resources Impact Minimization.** Implementing agencies shall comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:

- Avoidance and preservation of the resources in place, including, but not limited to: planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource
  - Protecting the traditional use of the resource
  - Protecting the confidentiality of the resource
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Native American monitoring by the appropriate tribe for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources.
- If potential tribal cultural resources are encountered during ground-disturbing activities; work in the immediate area must halt and the appropriate tribal representative(s), the implementing agency, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) must be contacted immediately to evaluate the find and determine the proper course of action.

- b. Findings and Rationale** – Mitigation Measure TCR-1 would require AB 52 compliance and would result in necessary mitigation cause substantial adverse changes in the significance of tribal cultural resources. These measures would protect the resource’s character, traditional use and confidentiality. Impacts to tribal cultural resources would be reduced to a less than significant level. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.
  
- c. Supportive Evidence** – Please refer to pages 428 through 429 of the Final EIR.

## V. FINDINGS FOR IMPACTS THAT ARE SIGNIFICANT AND UNAVOIDABLE

The AMBAG Board of Directors hereby finds that the following mitigation measures identified in the EIR that will lessen the following significant environmental impacts, but not to a less than significant level, have been required in or incorporated into the Project. These findings are based on the discussion of impacts in the detailed impact analyses in Chapter 4 of the EIR as well as relevant responses to comments in the Final EIR. *The findings below are for impacts where implementation of the Project may result in the following significant, unavoidable environmental impacts:*

### A. AESTHETICS

1. **Impact AES-1.** Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may affect public views of scenic vistas or substantially damage scenic resources along designated scenic corridors, including state scenic highways. This would be a significant and unavoidable impact.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would potentially degrade scenic vistas or scenic resources within a state scenic highway. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AES-1(a) Discouragement of Architectural Features that Block Scenic Views.** Implementing agencies shall design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. The use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features.

**AES-1(b) Tree Protection and Replacement.** New roadways and extensions and widenings of existing roadways shall avoid the removal of existing mature trees to the extent possible. The implementing agency of a particular 2040 MTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.

- b. **Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible

agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Although Mitigation Measure AES-1(a) and (b) would lessen impacts related to scenic vistas and state-designated scenic highway corridors and scenic resources, individual transportation infrastructure projects as well as land use development included in the 2040 MTP/SCS could still result in obstructions to panoramic views and views of important landscape features or landforms (mountains, oceans, rivers, bas, or important man-made structures) as seen from public viewing areas. Given the extent of planned land use development and the potential for site-specific visual obstructions from future land use and transportation projects, impacts related to the obstruction of scenic vistas from public viewing areas and impacts to state-designated scenic highway corridors and scenic resources would be significant and unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or Project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 97 through 99 of the Final EIR.

2. **Impact AES-2.** Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may substantially degrade existing visual character in the AMBAG region. This would be a significant and unavoidable impact.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the 2040 MTP/SCS program where applicable for transportation projects that would substantially degrade visual character. Cities and counties in the AMBAG region can and should implement this measure, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AES-2**

**Design Measures for Visual Compatibility.** The implementing agency shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include:

- Siting or designing projects to minimize their intrusion into important viewsheds;
- Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;
- Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade;
- Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements);
- Protecting or replacing trees in the project area;
- Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural

features along corridors where possible after widening, interchange modifications, re-alignment, or construction of ancillary facilities. The implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation to ensure compliance with landscaping plans; and

- Designing new structures to be compatible in scale, mass, character and architecture with existing structures.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure AES-2 would reduce project-specific impacts to the extent feasible, but the incremental alteration of current rural or semi-rural character to a more suburban environment is considered a significant and unavoidable impact. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 99 through 101 of the Final EIR.

## **B. AGRICULTURE AND FORESTRY RESOURCES**

**1. Impact AG-1.** Proposed transportation improvements and land use projects envisioned by the 2040 MTP/SCS could directly or indirectly result in the conversion of Important Farmland to nonagricultural use, or conflict with existing zoning for agriculture, or a Williamson Act contract. This would be a significant and unavoidable impact.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would result in impacts to Important Farmland. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

### **AG-1**

**Impact Avoidance and Minimization.** Implementing agencies shall implement measures, where feasible based on project-and site-specific considerations that include, but are not limited to those identified below.

- Require project relocation or corridor realignment, where feasible, to avoid Important Farmland, agriculturally-zoned land and/or land under Williamson Act contract;
- Compensatory mitigation at a minimum 1:1 (impacted: replaced) acreage ratio with Important Farmland of equivalent or better quality;

- Require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of Important Farmland; and/or
- Institute new protection of farmland in the project area or elsewhere through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure AG-1 would require avoidance or compensation for Important Farmland impacted by specific projects included in the 2040 MTP/SCS, thereby reducing the impact of conversion of Important Farmland to non-agriculture use and conflicts with agricultural zoning and Williamson Act contracts. However, is unlikely that all Important Farmland could be avoided, or that compensation would completely prevent the loss of Important Farmland. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 122 through 124 of the Final EIR.

**C. AIR QUALITY AND HEALTH IMPACTS/RISKS**

**1. Impact AQ-2.** Construction activities associated with transportation projects under the 2040 MTP/SCS, as well as the land use projects envisioned by the 2040 MTP/SCS, would create fugitive dust and ozone precursor emissions and could violate air quality standards, contribute substantially to existing or projected air quality violations, or result in a cumulatively considerable net increases in PM<sub>10</sub> or ozone precursor emissions. This impact would be significant and unavoidable.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in fugitive dust and ozone precursor emissions. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AQ-2(a) Application of MBARD Feasible Mitigation Measures.** For all projects, the implementing agency shall incorporate the most recent MBARD feasible mitigation measures and/or technologies for reducing inhalable particles based on analysis of individual sites and project circumstances. Current MBARD feasible mitigation measures include the following. Additional and/or modified measures may be adopted by MBARD prior to

implementation of individual projects under the 2040 MTP/SCS. The most current list of feasible mitigation measures at the time of project implementation shall be used.

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.
- Limit the area under construction at any one time.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).

**AQ-2(b) Diesel Equipment Emissions Standards.** The implementing agency shall ensure, to the maximum extent feasible, that diesel construction equipment meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is used. If use of Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections.

**AQ-2(c) Electric Construction Equipment.** The implementing agency shall ensure that to the extent possible, construction equipment utilizes electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Implementation of Mitigation Measures AQ-2(a)-(c) would reduce emissions related to short-term construction emissions from individual projects and thus reduce the severity of

impacts. However, because individual project circumstances will vary and these measures may not be feasible for individual projects, implementation of these measures would not guarantee that the impact would be reduced to less than significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 151 through 153 of the Final EIR.

2. **Impact AQ-3.** Implementation of the 2040 MTP/SCS would reduce ozone precursors compared to 2015 existing conditions. However, implementation of the 2040 MTP/SCS would increase PM<sub>10</sub> emissions compared to 2015 existing conditions, which could contribute substantially to a projected air quality violation. Long-term operational impacts related to PM<sub>10</sub> emissions would be significant and unavoidable.

a. **Mitigation** – For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following measures to reduce PM<sub>10</sub> emissions, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AQ-3**

**Project-Level PM<sub>10</sub> Emissions Reduction.** Implementing agencies shall evaluate PM<sub>10</sub> emissions as part of project-specific CEQA review and discretionary approval decisions for land use projects in the NCCAB. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce PM<sub>10</sub> emissions below MBARD standards to the extent feasible. PM<sub>10</sub> emissions reduction measures may include:

- Require new residential and commercial construction to apply dust suppressants, including water and non-toxic surfactants, and to comply with the maximum feasible dust and emissions control measures recommended by MBARD, to reduce particulate matter emissions from construction areas.
- Require new construction projects to use the newest available (Tier 3 or better) construction equipment, which generate lower emissions of diesel particulate matter when operating.
- Require new development to contribute mitigation fees to the MBARD Carl Moyer grant incentive programs that provide funding for regional PM<sub>10</sub>-reduction measures, including replacement of diesel engines in buses and other vehicles that reduce emissions of diesel particulate matter in the District.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation

project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure AQ-3 would reduce PM<sub>10</sub> emissions related to land use projects and thus reduce the severity of impacts. However, implementation of project-level daily PM<sub>10</sub>-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is unlikely that an increase in daily PM<sub>10</sub> emissions above existing conditions could be fully avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 153 through 156 of the Final EIR.

3. **Impact AQ-4.** Implementation of the 2040 MTP/SCS would not result in a significant regional increase in toxic air emissions or odorous compounds when compared to 2015 existing conditions. However, future growth and development facilitated by the 2040 MTP/SCS land use scenario could expose sensitive receptors to substantial hazardous air pollutant concentrations and objectionable odors. Impacts would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AQ-4**

**Health Risk Reduction Measures.** Transportation implementing agencies shall implement the following measures:

- During project-specific design and CEQA review, the potential localized particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) impacts and their health risks of shall be evaluated for the project using procedures and guidelines consistent with U.S. EPA 2015's Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM<sub>2.5</sub> and PM<sub>10</sub> Nonattainment and Maintenance Areas. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the 2015 Office of Environmental Health Hazard Assessment (OEHHA) threshold of 10 in one million. Per the U.S. EPA guidance (2015), potential mitigation measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones, and replacing older buses with cleaner buses. These measures can and

should be implemented to reduce localized particulate impacts as needed.

- Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations.
- If impacts result in increased risks to sensitive receptors above significance thresholds, Plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source. This measure would trap TACs emitted from pollution sources such as highways, reducing the amount of TACs to which residents and other sensitive populations would be exposed.

In addition, consistent with the general guidance contained in CARB's Air Quality and Land Use Handbook (April 2005) and Technical Advisory on Strategies to Reduce Air pollution Exposure Near High-Volume Roadways (April 2017), for land use projects, appropriate and feasible measures shall be incorporated into project building design for residential, school and other sensitive uses located within 500 feet, or other distance as determined by the lead agency, of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays (CARB 2005). The appropriate measures shall include one or more of the following methods, as determined by a qualified professional, as applicable. The implementing agency shall incorporate health risk reduction measures based on analysis of individual sites and project circumstances. These measures may include:

- Avoid siting new sensitive land uses within 500 feet of a freeway or railway.
- Require development projects for new sensitive land uses to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers.
- Do not locate sensitive receptors near the entry and exit points of a distribution center.
- Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from the freeway or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project.
- Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).
- Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system should 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 HEPA filters or ASHRAE 85% supply filters should be used. Ongoing maintenance should occur.

- Retain a qualified HV consultant or Home Energy Rating Systems (HERS) rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.
- Maintain positive pressure within the building.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least 4 air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.
- Require project owners to provide a disclosure statement to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway exhaust emissions.
- Implement feasible attenuation measures needed to reduce potential air quality impacts to sensitive receptors such as air filtration systems.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Although implementation of Mitigation Measure AQ-4 would reduce health risks, individual receptors may still be exposed to substantial hazardous air pollutant concentrations that would have significant health risk effects. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 156 through 160 of the Final EIR.

#### **D. BIOLOGICAL RESOURCES**

**1. Impact B-1.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may have substantial adverse impacts on special status plant and animal species, either directly or through habitat modifications. Impacts would be significant and unavoidable.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects identified in Appendix B. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- B-1(a) Biological Resources Screening and Assessment.** On a project-by-project basis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources. The biological resources assessment shall evaluate the potential for impacts to all biological resources including, but not limited to: special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitat, Essential Fish Habitat, and other resources judged to be sensitive by local, state and/or federal agencies. Depending on the results of the biological resources assessment, design alterations, further technical studies (i.e. protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state and federal agencies may be required. The following mitigation measures [B-1(b) through B-1(j)] shall be incorporated only as applicable into the biological resources assessment for projects where specific resources are present or may be present and impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the biological resources assessment where suitable habitat is present. The results of the biological resources screening and assessment shall be provided to the implementing agency for review and approval.
- B-1(b) Special Status Plant Species Surveys.** If completion of the project-specific biological resources assessment determines that special status plant species have potential to occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than one year prior to project implementation (annual grassland habitats may require yearly surveys). All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special status plant species are identified, mitigation measure B-1(c) shall apply.
- B-1(c) Special Status Plant Species Avoidance, Minimization and Mitigation.** If state- or federally listed and/or CRPR 1 and 2 species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species to the maximum extent feasible. If CRPR 3 and 4 species are found, the biologist

shall evaluate to determine if they meet criteria to be considered special status, and if so, the same process as identified for CRPR 1 and 2 species shall apply.

If special status plants species cannot be avoided and would be impacted by a project implemented under the 2040 MTP/SCS, all impacts shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to implementing agency overseeing the project for approval.

**B-1(d) Endangered/Threatened Animal Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened animal species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols prior to issuance of any construction permits/project approvals.

Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation and permitting, as applicable.

If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) shall apply.

**B-1(e) Endangered/Threatened Animal Species Avoidance and Compensatory Mitigation.** If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall re-design the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the maximum extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall provide the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals. The implementing agency shall purchase credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to federal and/or state listed species habitat.

Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.

If on and/or off site mitigation sites are identified the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. The HMMP shall be submitted to the agency overseeing the project for approval.

**B-1(f)**

**Endangered/Threatened Species Avoidance and Minimization During Construction.**

The following measures shall be applied to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence and the results of the biological resources screening and assessment (measure B-1[a]).

- Pre-construction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the BO or Habitat Conservation Plan (HCP)/Incidental Take Permit (ITP) issued by the USFWS/NMFS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction.
- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction Environmental Sensitive Area fencing installed between said area and the limits of disturbance.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed during the dry season, typically between April 1 and October 31, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of

the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.

- No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS/NMFS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point, a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. Alternatively, the appropriate measures shall be implemented in accordance with the BO or HCP/ITP issued by the USFWS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) and work can then continue as guided by those documents and the agencies as appropriate.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel other than equipment necessary to conduct approved dewatering activities required for project construction.
- All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

**B-1(g)**

**Non-Listed Special Status Animal Species Avoidance and Minimization.**

Depending on the species identified in the BRA, the following measures shall be selected from among the following to reduce the potential for impacts to non-listed special status animal species:

- Pre-construction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through

direct capture or through passive exclusion. A report of the pre-construction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction.

- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special status animal species unearthed by construction activities.
- Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.
- If special status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.
  - If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.
  - If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.
  - If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.

**B-1(h)**

**Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles, shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing and duration of the expected disturbance. The buffer shall be established between February 1 and August 31; however, buffers may be relaxed earlier than August 31 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged and the nest is no longer in use.

A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction.

**B-1(i) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

- b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Compliance with Mitigation Measure B-1(a)-(i) would reduce impacts to special status species and their habitat to less than significant levels because the mitigation measures require pre-project surveys and biological monitoring, focused biological surveys, avoidance or minimization of project-related disturbance or loss of special-status species, compensation for disturbed or loss of special status species habitat and coordination with permitting agencies, as required prior to project implementation. Although compliance with federal and state statutes

would be sufficient to prevent significant impacts to certain special status species and their habitats, these statutes would not protect other sensitive plant and wildlife species such as federal ESA candidate species, plant species determined to be rare by the CNPS or wildlife species classified as California Species of Special Concern. Also, these mitigation measures may not be feasible for individual projects to implement. Therefore, it cannot be guaranteed that all future project-level impacts to special status species can be mitigated to a less than significant level for all species, and impacts would remain significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or Project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 191 through 199 of the Final EIR.

**2. Impact B-2.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may result in substantial adverse impacts on natural communities and federally protected wetlands. This impact would be significant and unavoidable.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**B-2(a) Jurisdictional Delineation and Impact Avoidance.** If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, RWQCB and/or CCC, a qualified biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, CDFW and/or CCC, as appropriate, for review and approval, and the project shall be designed to minimize impacts to jurisdictional areas to the maximum extent feasible. The delineation shall serve as the basis to identify jurisdictional areas to be protected during construction, through implementation of the avoidance and minimization identified in measure B-2(f).

**B-2(b) Wetlands, Drainages and Riparian Habitat Restoration.** Impacts to jurisdictional drainages, wetlands and riparian habitat shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist, and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a qualified biologist and submittal to the agency overseeing the project for

approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.

**B-2(c) Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types.

**B-2(d) Sensitive Vegetation Community Avoidance and Mitigation.** If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications.

If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist. Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist and submitted to the agency overseeing the project for approval.

**B-2(e) Invasive Weed Prevention and Management Program.** Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and eradication.

The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:

- During construction, the project shall make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species.
- To minimize colonization of disturbed areas and the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction, or transport the topsoil to a permitted landfill for disposal.
- The erosion control/ restoration plans for the project must emphasize the use of sensitive species that are expected to occur in the area and that are considered suitable for use at the project site.

- All erosion control materials, including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species shall be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project
- All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

**B-2(f)**

**Wetlands, Drainages and Riparian Habitat Best Management Practices**

**During Construction.** The following best management practices shall be required for development within or adjacent to wetlands, drainages, or riparian habitat:

- Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All project-generated debris, building materials and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages or riparian habitat.
- All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

- b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Mitigation Measures B-2(a)-(f) would reduce impacts to sensitive communities and wetlands because the mitigation requires focused biological surveys, best management practices for avoidance or minimization of impacts, compensation for disturbed or loss of sensitive communities and wetlands and coordination with permitting agencies, as required prior to project implementation. However, not all sensitive habitats are protected by federal or state statutes. Also, these mitigation measures may not be feasible for individual projects to implement. Therefore, it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level for all sensitive habitats and impacts would remain significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
- c. Supportive Evidence** – Please refer to pages 199 through 203 of the Final EIR.
- 3. Impact B-3.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may substantially interfere with wildlife movement, including fish migration and/or impede the use of a native wildlife nursery. This impact would be significant and unavoidable.
- a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- B-3(a) Project Design for Wildlife Connectivity.** All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement by incorporating design features such as:
- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;
  - A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
  - If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement, or the

fence may be installed with the bottom at least 16 inches above the ground level.

- If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate.
- Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements).

**B-3(b)**

**Maintain Connectivity in Drainages.** No permanent structures shall be placed within any drainage or river that would impede wildlife movement (i.e., no hardened caps or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage).

In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.

If water is to be diverted around work sites, a diversion plan shall be submitted to AMBAG, RTPA and/or local jurisdiction for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.

**B-3(c)**

**Construction Best Management Practices to Minimize Disruption to Wildlife.** The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans in order to minimize temporary disruption of wildlife, which could hinder wildlife movement:

- Designation of a 20 mile per hour speed limit in all construction areas.
- Whenever feasible, construction work schedules shall be limited to daylight hours only.
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on project site during construction.

- b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Mitigation Measures B-3(a)-(c) would reduce impacts to wildlife movement by requiring projects to be designed in a way that maintains connectivity. In addition, projects located within habitat for fish species would be required to design and ensure projects do not impede passage

by these species as part of conditions of issuance of a Streambed Alteration Agreement or take authorization. However, it cannot be guaranteed that movement of terrestrial species will not be impeded at the regional scale due to the large scale of the 2040 MTP/SCS and these mitigation measures may not be feasible for individual projects to implement. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. Therefore, impacts would remain significant. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 203 through 205 of the Final EIR.

## E. CULTURAL RESOURCES

1. **Impact CR-1.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5. Impacts to historical resources would be significant and unavoidable.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to historic resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- |             |  |
|-------------|--|
| <b>CR-1</b> | <b>Historical Resources Impact Minimization.</b> Prior to individual project permit issuance, the implementing agency of a 2040 MTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the Area of Potential Effects (APE). This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a structure greater than 45 years in age is within the identified APE, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section 15064.5(b). Study recommendations shall be implemented, which may include, but would not be limited to, the following: <ul style="list-style-type: none"><li>• Realign or redesign projects to avoid impacts on known historic resources where possible.</li><li>• If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for</li></ul> |
|-------------|--|

alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.

- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. While implementation of Mitigation Measure CR-1 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 223 through 225 of the Final EIR.

**2. Impact CR-2.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown significant archaeological resources as defined in CEQA Guidelines Section 15064.5. Impacts to archaeological resources would be significant and unavoidable.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to archaeological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-2 Archaeological Resources Impact Minimization.** Before construction activities, implementing agencies shall retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and

preservation in place. Recommended mitigation measures will be consistent with CEQA Guidelines Section 15126.4(b)(3) recommendations.

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

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

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. While implementation of Mitigation Measure CR-2 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 225 through 227 of the Final EIR.

**2. Impact CR-3.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown paleontological resources as defined in CEQA Guidelines Section 15064.5. Impacts to paleontological resources would be significant and unavoidable.

- a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to paleontological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-3**

**Paleontological Resources Impact Minimization.** The implementing agency of a 2040 MTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work and other excavations) shall retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources, the following measures shall apply:

- **Paleontological Mitigation and Monitoring Program.** A qualified paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration (i.e., in what locations and at what depths paleontological monitoring shall be required), salvage and preparation of fossils, the final mitigation and monitoring report and paleontological staff qualifications.
- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of ground disturbance activity greater than two feet below existing grade, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
- **Paleontological Monitoring.** Ground disturbing activity with the potential to disturb geologic units with high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of such excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.
- **Salvage of Fossils.** If fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or

paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

- **Preparation and Curation of Recovered Fossils.** Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data and maps.
- **Final Paleontological Mitigation and Monitoring Report.** Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure CR-3 would reduce impacts to paleontological resources by requiring a Paleontological Resources Assessment for projects under the 2040 MTP/SCS that may impact sensitive paleontological resources. While implementation of Mitigation Measure CR-3 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 227 through 229 of the Final EIR.

## F. ENERGY

**1. Impact E-2.** Implementation of the 2040 MTP/SCS would generate energy demand that may require construction of new energy facilities or the expansion of such facilities, the construction of which could cause significant environmental effects. Impacts would be significant and unavoidable.

**a. Mitigation** – Pacific Gas & Electric and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities to adequately meet projected capacity needs can and should

implement Mitigation Measure E-2(a). In addition, cities and counties should implement Mitigation Measure E-2(b). Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**E-2(a) Mitigate Impacts of New or Expanded Energy Facilities.** During the planning, design and project-level CEQA review process, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce environmental impacts associated with, but not limited to: air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality and others that apply to specific construction or expansion of natural gas and electric facilities projects.

**E-2(b) Develop Energy Demand Calculations and Reduce Energy Demand.** During the planning, design and project-level CEQA review process for individual development projects, develop electricity and natural gas demand calculations for any project anticipated to require substantial energy consumption. Implementing agencies shall implement design and mitigation measures that reduce energy consumption and promote the use of on-site renewable energy. This may include, but would not be limited to: installing energy-reducing shading mechanisms for windows, porches, patios, etc.; installing energy-reducing day lighting systems (e.g., skylights); use of low-energy interior and street lighting; and/or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project's total energy demand.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the Pacific Gas & Electric and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities to adequately meet projected capacity, which can and should adopt Mitigation Measure E-2(a). In addition, cities and counties can and should implement Mitigation Measure E-2(b). Implementation of Mitigation Measures E-2(a) and (b) would reduce impacts associated with the construction of natural gas and electricity facilities by mitigating the impacts of new or expanded energy facilities and reducing energy demand. However, specific mitigation measures may not be feasible for some projects, and it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level. The AMBAG Board of Directors finds that no other mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 248 through 250 of the Final EIR.

## G. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. **Impact GHG-4.** Implementation of the 2040 MTP/SCS would conflict with the state’s ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG emission reduction goals. Impacts would be significant and unavoidable.

a. **Mitigation** – Cities and counties in the AMBAG region can and should implement Mitigation Measure E-2(b) and the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

### GHG-4

**Project-Level Energy Consumption and Water Use Reduction.** Implementing agencies shall evaluate energy consumption and water use as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce energy consumption and water use below local standards, or, in the absence of local standards, below MBARD-recommended standards. Examples of energy- and water-saving measures include:

- Require new residential and commercial construction to install solar energy systems or be solar-ready
- Require new residential and commercial development to install low-flow water fixtures
- Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch
- Require new development to exceed the applicable Title 24 energy-efficiency requirements

b. **Findings and Rationale** – The AMBAG Board of Directors finds this mitigation measure is within the responsibility and jurisdiction of cities and counties, which can and should adopt it. Implementation of Mitigation Measures E-2(b) and GHG-4 would reduce GHG emissions from land use projects by reducing energy and water demand. However, implementation of project-level GHG-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is unlikely that an increase in annual GHG emissions above existing conditions could be avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 286 through 289 of the Final EIR.

2. **Impact GHG-5.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to coastal flooding and sea level rise. Impacts would be significant and unavoidable.

- a. **Mitigation** – For all transportation projects under their jurisdiction, TAMC and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects located within a potential sea level rise inundation area. Coastal cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-5**

**Sea Level Rise Adaptation.** For projects located within a potential sea level rise inundation area, the implementing agency shall incorporate appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. Appropriate adaptation strategies will depend on project- and site-specific considerations, including proximity to the coastline, elevation and type of structure or facility proposed. Adaptation strategies may include, but would not be limited to:

- Project redesign to place structures and critical facilities outside of the potential sea level rise inundation area;
- Structural measures including drainage improvements, raising road surfaces or first floor elevations above the expected sea level rise inundation level, or strengthening structures to improve resiliency;
- Designing facilities to withstand periodic inundation and continue to function (i.e., waterproofing);
- Building a new levee or raising the elevation of an existing levee to protect the proposed building or structure, or construct engineered shoreline protection structures such as revetment and bulkheads; and/or
- Replenishment of sand from off-site locations to preserve beaches that are subject to erosion and land loss from rising sea levels (beach nourishment).

- b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure GHG-5 would reduce the impacts of sea level rise for some projects requiring appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. However, specific mitigation measures may not be feasible to implement for all projects. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 289 through 290 of the Final EIR.

## H. HAZARDS AND HAZARDOUS MATERIALS

1. **Impact HAZ-6.** The 2040 MTP/SCS includes land development and transportation projects within areas of moderate, high and very high fire hazard. Infill development emphasized in the 2040 MTP/SCS and existing regulations and programs would reduce the vulnerability of people and structures to wildland fire. However, not all projects and development included in the 2040 MTP/SCS would be infill projects in urbanized areas, and some projects would inevitably be located in areas at risk of wildland fires. Loss, injury or death from wildland fire would be possible given the fire hazard across much of the AMBAG region. Impacts would be significant and unavoidable.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts related to wildland fire. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- HAZ-6**      **Wildland Fire Risk Reduction.** If an individual project included in the 2040 MTP/SCS is located within the wildland-urban interface or areas favorable for wildland fires such that project-specific CEQA analysis finds a significant risk of loss, injury or death from fire, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:
- Avoid introducing new or expanded development such as residential subdivisions, schools and hospitals into fire-prone, fire-controlled ecologies (e.g., indigenous Monterey pine forest, Santa Cruz sand hills/knobcone pine forest, coastal maritime chaparral).
  - Require adherence to the local hazards mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildland fires through land use compatibility, training, sustainable development, brush management, public outreach and service standards for fire departments.
  - Encourage the use of fire-resistant vegetation native to the AMBAG region and/or the local microclimate of the project site, and discourage the use of fire-prone species especially non-native, invasive species such as pampas grass or giant reed.
  - Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project.
  - Prohibit certain project construction activities with potential to ignite wildland fires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that

should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.

- Require fire extinguishers to be onsite during construction of projects. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure HAZ-6 would reduce the risk of loss of structures and transportation infrastructure and the risk of injury or death due to wildland fire. This measure would avoid introducing development into fire-prone areas and make structures more fire resistant and less vulnerable to loss in the event of a wildland fire. This measure would also reduce the potential for construction of the 2040 MTP/SCS projects to inadvertently ignite a wildland fire. However, it is not possible to entirely prevent wildland fires or fully protect people and structures from the risks of wildland fires, despite implementation of mitigation. The AMBAG Board of Directors finds that no other mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 313 through 315 of the Final EIR.

## I. HYDROLOGY AND WATER QUALITY

**1. Impact W-2.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS would increase water demand in the AMBAG region. This demand may require new or expanded water supplies, entitlements, or facilities. Impacts would be significant and unavoidable.

**a. Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that have water supply impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**W-2(a) Construction Dust Suppression Water Supply.** The RTPAs shall and sponsor agencies can and should ensure that all 2040 MTP/SCS projects, where feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.

**W-2(b) Landscape Watering.** In jurisdictions that do not already have an appropriate local regulatory program related to landscape watering, 2040 MTP/SCS

projects that would include landscaping shall be designed with drought tolerant plants and drip irrigation. When feasible, native plant species shall be used. In addition, landscaping associated with proposed improvements shall be maintained using reclaimed and/or desalinated water when feasible.

**W-2(c) Porous Pavement.** In jurisdictions that do not already have an appropriate local regulatory program related to porous pavement, the sponsor of a 2040 MTP/SCS project that involves streetscaping, parking, transit and land use improvements shall ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.

**W-2(d) Water Infrastructure Improvements.** The sponsor of 2040 MTP/SCS projects that would require potable water service shall coordinate with water supply system operators to ensure that the existing water supply systems have the capacity to handle the increase. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility should be provided by the implementing agency.

**W-2(e) Bioswale Installation.** The sponsor of a 2040 MTP/SCS project, such as new roads or roadway extensions, that would substantially increase impervious surfaces shall ensure that bioswales are installed, where feasible, to facilitate groundwater recharge using stormwater runoff from the project site while improving water quality if not already required by the appropriate jurisdictions local regulatory programs.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. These mitigation measures would reduce project water demand and facilitate construction of water supply improvements when necessary to meet future demand. The land use scenario envisioned by the 2040 MTP/SCS along with 2040 MTP/SCS projects are water intensive and may result in the need for additional water supply, even with the implementation of mitigation measures listed above, some of which may not be feasible for some projects to implement. Given this, and the overdraft conditions of area groundwater basins and other regional water supply concerns, impacts would remain significant and unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 340 through 342 of the Final EIR.

## **J. LAND USE**

**1. Impact LU-2.** Because the 2040 MTP/SCS would result in significant and unavoidable impacts to several environmental issue areas, the 2040 MTP/SCS may not be consistent with every applicable

adopted State and local land use policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. This impact would be significant and unavoidable.

- a. **Mitigation** – Mitigation measures are provided for applicable resources throughout Chapter 4 of the EIR to reduce impacts. No other mitigation measures are feasible that would reduce this impact to less than significant levels.
- b. **Findings and Rationale** – Mitigation measures are provided for applicable resources throughout Chapter 4 of the EIR to reduce impacts. Because project circumstances vary, these mitigation measures may not be feasible for individual projects to implement. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
- c. **Supportive Evidence** – Please refer to pages 358 through 360 of the Final EIR.

## K. NOISE

- 1. **Impact N-1.** Construction activities associated with transportation projects and land use projects under the 2040 MTP/SCS would create temporary substantial noise and vibration level increases in discrete locations throughout the AMBAG region. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.
  - a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in construction noise impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**N-1(a) Measures to Ensure Compliance with Local Construction Noise and Vibration Regulations.** Implementing agencies of 2040 MTP/SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure compliance with local ordinance requirements relating to construction noise and vibration. Specific techniques may include, but are not limited to: restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.

**N-1(b) Pile Driving.** For any project within 800 feet of sensitive receptors that requires pilings, the implementing agencies shall require caisson drilling or sonic pile driving as opposed to impact pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.

- N-1(c) Construction Equipment Noise and Vibration Control.** Implementing agencies of 2040 MTP/SCS projects shall ensure that equipment and trucks used for project construction utilize the best available noise and vibration control techniques, including mufflers, intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds.
- N-1(d) Impact Equipment Noise Control.** Implementing agencies of 2040 MTP/SCS projects shall ensure that impact equipment (e.g., jack hammers, pavement breakers and rock drills) used for project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.
- N-1(e) Construction Activity Timing Restrictions.** The following timing restrictions shall apply to MTP/SCS project construction activities located within 2,500 feet of a dwelling unit, except where timing restrictions are already established in local codes or policies. Construction activities shall be limited to:
- Monday through Friday: 7 a.m. to 6 p.m.
  - Saturday: 9 a.m. to 5 p.m.
- N-1(f) Placement of Stationary Noise and Vibration Sources.** Implementing agencies of 2040 MTP/SCS projects shall locate stationary noise and vibration sources as far from sensitive receptors as feasible. Stationary noise sources that must be located near existing receptors will be adequately muffled.
- N-1(g) Physical Impacts Due to Vibration.** Implementing agencies of 2040 MTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for potential damage to buildings located on or off-site. If construction equipment would generate vibration levels exceeding the threshold criteria, a structural engineer or other appropriate professional shall be retained to ensure vibration levels do not exceed the thresholds during project construction. The structural engineer shall perform the following tasks, at minimum:
- Review the project’s demolition and construction plans
  - Survey the project site and vulnerable buildings, including geological testing, if necessary
  - Prepare and submit a report to the lead agency or other appropriate party containing the following, at minimum:
    - Any information obtained from the surveys identified above
    - Any modifications to the estimated vibration thresholds based on building conditions, soil conditions and planned demolition and

construction methods to ensure that vibration levels would remain below levels potentially damaging to vulnerable buildings

- Specific mitigation measures to be applied during construction to ensure vibration thresholds (or Caltrans guidelines, in lieu of specific limits) are not exceeded, including modeling to demonstrate the ability of mitigation measures to reduce vibration levels below set limits
- A monitoring plan to be implemented during demolition and construction that includes post-demolition and post-construction surveys of the vulnerable building(s) and documentation demonstrating that the mitigation measures identified in the report have been applied

Examples of mitigation that may be applied during demolition or construction include:

- Prohibiting of certain types of construction equipment
- Specifying lower-impact methods for demolition and construction, such as sawing concrete during demolition
- Phasing operations to avoid simultaneous vibration sources
- Installing vibration measure devices to guide decision-making

The implementing agency shall be responsible for implementing all the mitigation measures recommended in the report as detailed in the report's monitoring plan.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Implementation of Mitigation Measures N-1(a)-(g) would reduce impacts from construction noise, through promoting compliance with local regulations, controlling specific noise and vibration sources, restricting construction activity timing, and requiring vibration studies and mitigation measures. However, because project circumstances vary, specific mitigation measures may not be feasible for some projects and construction noise may not be reduced below applicable thresholds for all projects included in the 2040 MTP/SCS. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 373 through 378 of the Final EIR.

**2. Impact N-2.** Implementation of the 2040 MTP/SCS would potentially expose existing and future sensitive receptors to significant mobile source noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.

- a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the 2040 MTP/SCS program where applicable for transportation projects that result in significant mobile source noise levels. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

**N-2 Noise Assessment and Control for Mobile and Point Sources.** Sponsor agencies of 2040 MTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., FTA Transit Noise and Vibration Impact Assessment for rail and bus projects and the Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:

- Determines existing and projected noise levels
- Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards
- Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas
- If warranted, recommends methods for mitigating noise impacts, including:
  - Appropriate setbacks
  - Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials
  - Use of sound barriers (earthen berms, sound walls, or some combination of the two)

Where new or expanded roadways, rail, or transit projects are found to expose receptors to noise exceeding normally acceptable levels, the implementing agency shall implement techniques as recommended in the project-specific noise assessment. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) shall be considered. Long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements shall be used, including solid fences, walls and landscaped berms.

- b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors, which can and should adopt it. This mitigation measure would reduce mobile source noise impacts through requiring detailed noise assessments and mitigation measures for transportation projects consistent with applicable agency guidelines. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and mobile source noise from buildout of the 2040 MTP/SCS could continue to impact nearby noise sensitive receptors and exceed acceptable standards even with implementation of Mitigation Measure N-2. The AMBAG Board of Directors finds that no other

mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 378 through 382 of the Final EIR.

**3. Impact N-3.** The proposed 2040 MTP/SCS land use scenario would encourage infill development near transit and other transportation facilities, which may place sensitive receptors in areas with unacceptable noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.

**a. Mitigation** – Cities and counties in the AMBAG region can and should implement the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. The mitigation measure outlined below does not apply to transportation projects. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

**N-3 Noise Mitigation for Land Uses.** If a 2040 MTP/SCS land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set in applicable State and/or local standards. Such measures may include, but are not limited to: dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project's individual environmental review.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is within the responsibility and jurisdiction of the cities and counties in the AMBAG region, which can and should adopt it. This measure would reduce noise impacts through requiring noise studies and feasible mitigation measures for land use projects. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and transportation noise from buildout of the 2040 MTP/SCS could continue to impact nearby noise sensitive receptors and exceed acceptable standards even with implementation of Mitigation Measure N-3. The AMBAG Board of Directors finds that other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 382 through 383 of the Final EIR.

4. **Impact N-4.** The proposed 2040 MTP/SCS would result in new truck, bus and train traffic that could expose sensitive receptors and fragile buildings to excessive vibration levels. Impacts would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could generate excessive vibration impacts. These measures can and should also be implemented for future infill projects near transit pursuant to the 2040 MTP/SCS that would result in vibration impacts. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**N-4**                      **Vibration Mitigation for Transportation Projects.** Implementing agencies of 2040 MTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2006) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to:

- Rail Traffic
  - Maximizing the distance between tracks and sensitive uses
  - Conducting rail grinding on a regular basis to keep tracks smooth
  - Conducting wheel truing to re-contour wheels to provide a smooth running surface and removing wheel flats
  - Providing special track support systems such as floating slabs, resiliently supported ties, high-resilience fasteners and ballast mats;
  - Implementing operational changes such as limiting train speed and reducing nighttime operations.
- Bus and Truck Traffic
  - Constructing of noise barriers
  - Use noise reducing tires and wheel construction on bus wheels
  - Use vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. This measure would reduce vibration impacts through requiring vibration impact assessments and feasible mitigation measures for transportation projects. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and transportation vibration could exceed acceptable standards even with implementation of Mitigation Measure N-4. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers,

make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence** – Please refer to pages 383 through 384 of the Final EIR.

## L. POPULATION AND HOUSING

- 1. **Impact PH-1.** The 2040 MTP/SCS would result in substantial population growth in the AMBAG region. This impact is significant and unavoidable.

- a. **Mitigation** – No mitigation measures are feasible that would reduce this impact to less than significant levels.
- b. **Findings and Rationale** – Population growth in the AMBAG region would occur regardless of the potential implementation of the 2040 MTP/SCS. The AMBAG Board of Directors finds that no mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence** – Please refer to pages 391 through 394 of the Final EIR.

## M. TRANSPORTATION AND CIRCULATION

- 1. **Impact T-1.** Daily hours of vehicle delay and total peak period CVMT in the AMBAG region would increase between baseline 2015 conditions and 2040 conditions with implementation of the 2040 MTP/SCS. The percent of commuter trips that are 30 minutes or less would decrease in single- and high occupancy vehicles, but would increase for transit trips. Impacts would be significant and unavoidable.

- a. **Mitigation** – No mitigation measures are feasible that would reduce this impact to less than significant levels.
- b. **Findings and Rationale** – The 2040 MTP/SCS already includes policies, alternative transportation projects and transportation demand management projects, which would encourage the use of transportation modes other than passenger vehicles. Nonetheless, the daily hours of vehicle delay, total peak period CVMT and the percentage of commuter work trips exceeding 30 minutes in passenger vehicles would still increase in 2040 compared to the existing 2015 conditions. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. Therefore, this impact would remain significant and unavoidable. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 417 through 419 of the Final EIR.

2. **Impact T-5.** Daily VMT would increase between the baseline 2015 conditions and 2040 conditions. Thus, impacts from implementation of the 2040 MTP/SCS would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would increase the capacity of a roadway. For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following mitigation measure. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**T-5**

**Project-Level VMT Analysis and Reduction.** Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high occupancy vehicle lanes; and implementing or funding off-site travel demand management.

Implementing agencies shall evaluate VMT as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit oriented development, complete street programs, reduced parking requirements and providing alternative transportation facilities, such as bike lanes and transit stops.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of cities and counties in the AMBAG region, which can and should adopt it. Impacts would be reduced with implementation of Mitigation Measure T-1 because less VMT would be added to the AMBAG region. However, the implementation of project-level VMT-reducing measures – such as reduced VMT from projects that increase roadway capacity, mixed uses and transit oriented development (TOD) – may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is highly unlikely that an increase in daily VMT above existing conditions could be avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 421 through 423 of the Final EIR.

## VI. FINDINGS REGARDING ALTERNATIVES

### A. LEGAL REQUIREMENTS FOR ALTERNATIVES

Public Resources Code § 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.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, 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. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515.) Nevertheless, Section 7.0 of the Project EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Pub. Res. Code §§21002, 21002.1; CEQA Guidelines §15092.)

The proposed 2040 MTP/SCS alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen certain Project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The Project and alternatives are described in more detail in the 2040 MTP/SCS Final EIR and Appendices thereto.

The three alternatives considered for the proposed 2040 MTP/SCS are: Alternative 1, the “No Project” Alternative, which is comprised of a land use pattern that reflects existing land use trends and a transportation network comprised of transportation projects that are currently in construction or are funded in the short range Metropolitan Transportation Improvement Program (MTIP); Alternative 2: Livable Communities Alternative, which includes a land use pattern that further concentrates forecasted population and employment growth in urban areas with a focus on infill, mixed use and transit oriented development in

and around commercial corridors; and Alternative 3: Maintained Mobility Alternative, which includes a land use pattern comprised of existing land use plans and a transportation network that includes more transportation projects focused on mobility, rehabilitation and safety. Alternative 2 was determined to be environmentally superior to the proposed 2040 MTP/SCS. However, all of the alternatives are rejected for the reasons stated below in Section VI.C.

## **B. PROJECT OBJECTIVES**

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). The primary objective of the 2040 MTP/SCS is to comply with applicable regulatory requirements, including California Transportation Commission Guidelines and SB 375 regional GHG reduction targets. AMBAG's specific objectives for the 2040 MTP/SCS are to additionally ensure that the transportation system planned for the AMBAG region accomplishes the following:

- Serves regional goals, objectives, policies and plans.
- Responds to community and regional transportation needs.
- Promotes energy efficient, environmentally sound modes of travel and facilities and services.
- Promotes equity and efficiency in the distribution of transportation projects and services.

## **C. FINDINGS ON ALTERNATIVES**

### **1. No Project Alternative**

- Description** – The No Project Alternative is comprised of a land use pattern that reflects existing land use trends. In other words, this alternative assumes that current sub-regional growth trends would continue, but it updates the total growth to be consistent with the updated AMBAG 2018 Regional Growth Forecast. Rather than focusing on coordinating transportation projects that serve infill and transit oriented development, the transportation network would be comprised of committed transportation projects that are currently in construction or are funded in the short range Metropolitan Transportation Improvement Program (MTIP). Please refer to page 459 of the Final EIR.
- Findings and Rationale** – The No Project Alternative would result in a less dense development pattern compared to the 2040 MTP/SCS, with this alternative continuing existing land use trends. Because of the increased land development outside of existing urbanized areas, the No Project Alternative would result in more ground disturbance than the 2040 MTP/SCS. Consequently, compared to the 2040 MTP/SCS, the No Project Alternative would have greater overall impacts to agricultural resources, biological resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use, transportation and circulation and tribal cultural resources. It would have lower impacts on air quality and health risks, and population and housing, but would not reduce these impacts to a less than significant level. Please refer to pages 459 through 465 of the Final EIR.

The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the No Project Alternative infeasible and rejects this alternative for the following reasons. The No Project Alternative is legally infeasible because it would not meet federal and state legal requirements for RTPs, and would not meet the SB 375 requirement for preparation of an SCS. Also, it would not reduce any of the Project's significant impacts to less than

significant levels, and would not meet basic objectives of the proposed 2040 MTP/SCS listed in Section VI.B.

## 2. Livable Communities Alternative

- a. **Description** – The Liveable Communities Alternative includes a land use pattern that further concentrates forecasted population and employment growth in urban areas with a focus on mixed use and infill development along and adjacent to existing commercial corridors. Unlike the Project, under this alternative the density and intensity of infill development along commercial corridors would be increased regardless of the presence of high quality transit. The transportation network in this alternative includes additional transit investments in alternative modes intended to serve shorter, local trips given the more concentrated growth pattern. Specifically, active transportation investments such as bicycle facilities, sidewalks, traffic calming measures and intersection safety improvements would be prioritized. Under this alternative, investment would be focused on closing transit gaps by enhancing local transit bus service rather than interregional or long distance services. In addition, active transportation projects such as bicycle facilities, trails and pedestrian improvements are programmed throughout the region under this alternative. Please refer to pages 465 through 466 of the Final EIR.
- b. **Findings and Rationale** – The Liveable Communities Alternative is the environmentally superior alternative, assuming all environmental issue areas are weighted equally (please refer to pages 476 to 471 of the Final EIR). Under this alternative, land use patterns would further concentrate forecasted population and employment growth in urban areas with a focus on infill, mixed use and TOD in and around commercial corridors. This alternative is considered environmentally superior to the Project primarily because overall impacts to the following resources would be less: agricultural resources, biological resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, land use and transportation and circulation. However, this alternative would not reduce any of these impacts to less than significant levels. Please refer to pages 466 through 471 of the Final EIR.

The Liveable Communities Alternative would meet the objectives of the Project, including: complying with applicable regulatory requirements; serving regional goals, objectives, policies and plans; and responding to community and regional transportation needs. In addition, because the Liveable Communities Alternative would increase investments in alternative and active transportation modes, it would promote energy efficient, environmentally sound modes of travel to a greater extent than the Project. The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Livable Communities Alternative infeasible and rejects this alternative for the following reasons. This alternative is legally infeasible because AMBAG does not have land use authority and cannot require local agencies to make the changes to their General Plans and land use regulations that are required for this alternative to be implemented. Also, the land use changes required to implement this alternative may not be acceptable to local jurisdictions as to their development goals and objectives, making this alternative infeasible because it is undesirable from a policy standpoint. Also, the Livable Communities Alternative would not reduce any of the Project's significant impacts to less than significant levels.

### 3. Maintained Mobility Alternative

- a. Description** – The Maintained Mobility Alternative incorporates the AMBAG 2018 Regional Growth Forecast and includes a more traditional suburban land use pattern compared to the land development envisioned in the 2040 MTP/SCS. The suburban development included under this alternative is less concentrated in urbanized areas or within proximity to transit services, but instead allows for development of open or vacant parcels or parcels with very little existing development on the site, often outside of but near urbanized areas. The Maintained Mobility Alternative also includes a transportation network that consists of more traditional roadway and transit enhancements/projects focused on mobility and safety. More emphasis is given to operations, maintenance projects and long distance transit service options to increase mobility within the region, including new rail service. This alternative also includes many operations and maintenance projects that are intended to improve safety on the region’s local streets and roads. Please refer to page 471 of the Final EIR.
- b. Findings and Rationale** – The Maintained Mobility Alternative would result in a less dense development pattern than the Project. Because of the increased land development outside of existing urbanized areas, this alternative would result in more ground disturbance than the Project, and greater overall impacts to aesthetics/visual resources, agricultural resources, air quality, biological resources, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and tribal cultural resources. It would have lower impacts on population and housing, but would not reduce these impacts to a less than significant level. The total overall impact of the Maintained Mobility Alternative would be greater than the Project. Please refer to pages 472 through 476 of the Final EIR.

The Maintained Mobility Alternative would meet project objectives, but not to the extent of the 2040 MTP/SCS. It would include transportation investments and would adopt an SCS, thus meeting the fundamental objective of complying with applicable regulatory requirements. However, because development would be less focused on infill and TOD areas, and because fewer transportation improvements focused on alternative and active modes would be provided, it would not promote energy efficient, environmentally sound modes of travel, nor promote efficiency in the distribution of transportation projects and services, to the same extent as the 2040 MTP/SCS.

The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Maintained Mobility Alternative infeasible and rejects this alternative for the following reasons. This alternative would result in greater overall impacts compared to the Project, including GHG and land use impacts, which are major issue areas intended to be addressed by the 2040 MTP/SCS. Also, it would not reduce any of the Project’s significant impacts to less than significant levels. Finally, this alternative would not meet the project objectives to the same extent as the project, making this alternative infeasible because it is undesirable from a policy standpoint.

## VII. FINDINGS REGARDING MITIGATION MEASURES AND ALTERNATIVES PROPOSED IN DRAFT EIR COMMENTS.

Some comments on the Draft EIR suggested additional mitigation measures and/or alternatives to the Project. In response to Draft EIR comments, some mitigation measures were revised, including Mitigation Measures GEO-3(b), GHG-1, HAZ-6 and T-5.

However, where the suggestions requested minor modifications or variations in adequate mitigation measures or alternatives or components of alternatives analyzed in the Draft EIR, or requested mitigation measures or alternatives that were too vague or speculative to be addressed, these requests were declined as unnecessary. Similarly, suggestions that were specific to individual transportation improvement projects included in the 2040 MTP/SCS were declined because the EIR is a programmatic-level analysis of the 2040 MTP/SCS in its entirety, and individual projects would undergo separate future environmental review. The AMBAG Board of Directors adopts and incorporates by reference the specific reasons for declining such measures or alternatives contained in the responses to comments in the Final EIR as one ground for rejecting these measures. The responses to comments are provided as Appendix F to the Final EIR.

Additionally, certain alternatives suggested in comments could reduce impacts, but implementation of these mitigation measures and alternatives would be infeasible. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the following Project alternatives identified in the Final EIR, for the reasons explained below.

### A. SUGGESTED PROJECT ALTERNATIVES

#### 1. Campaign for Sensible Transportation: Comment 7.11

This comment states that alternatives to the Project that would conform with the State's ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG reduction goals should be considered. The comment also suggests an alternative that would eliminate highway widening projects in Santa Cruz County and Monterey County

**Findings and Rationale** – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative(s) to the Project suggested above. It is not possible for AMBAG to develop a feasible alternative to the proposed 2040 MTP/SCS that would achieve the GHG reductions goals of AB 32, SB 32 and EO-S-3-05. See Final EIR Response 7.11 for a detailed explanation of this finding, which is summarized below.

As shown in Table 32 on page 282 of the Draft EIR, the majority of GHG emissions in the AMBAG region in 2040, regardless of the potential implementation of the 2040 MTP/SCS, would be from emissions related to land development and growth. AMBAG has no authority to adopt local land use General Plans or land use regulations, or approve local land use projects that would further reduce GHG emissions. SB 375 specifically provides that nothing in SB 375 supersedes the land use authority of cities and counties, and that cities and counties are not required to change their land use plans and policies, including general plans, to be consistent with MTP/RTP or SCS (Government Code §65080(b)(2)(K)). Local governments are the main agencies responsible for mitigation of the impacts of land use plans and projects that implement the SCS, and AMBAG has no concurrent authority to mitigate the impacts of land use plans and projects, including GHG emissions impacts, as described on page 81 of the Draft EIR.

Regarding mobile source GHG emissions created by increased VMT, it is highly unlikely that any feasible alternative could avoid an increase in VMT above existing conditions in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. See Section V.M of these Findings of Fact. Therefore, it is highly unlikely that any feasible alternative could avoid an increase in mobile source GHG emissions above existing conditions in 2040. Implementation of an MTP/SCS alternative that substantially reduces mobile source GHG emissions is also considered infeasible because such an alternative would likely require major changes in land use policies, parking policies, transit funding, road pricing, and vehicle fuels and technology that are beyond AMBAG's ability to implement. See CARB's 2017 Scoping Plan (page 76).

Regarding an alternative that would eliminate highway widening projects in Santa Cruz County and Monterey County, the GHG emissions in 2040 are a combination of land use emissions (55%), and on-road emissions (45%). Because this suggested alternative would not reduce land use emissions, and only minimally reduce on-road emissions, significant impacts related to conflicts with the State's ability to achieve GHG reductions goals of AB 32, SB 32 and EO-S-3-05 would not be avoided. In addition, the suggested alternative is not required by CEQA because it presents an alternative to individual components of the MTP/SCS, rather than to the proposed MTP/SCS as a whole. An EIR is not required to consider alternatives to individual project components, but instead should consider alternatives to the project as a whole. See *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 276-277.

## **2. Brett Garrett: Comment 9.1**

This comment suggests an alternative based on Personal Rapid Transit in the region's larger cities, and where practical, connecting cities. This comment defines Personal Rapid Transit as podcars that provide on-demand service on dedicated guideways, typically elevated above traffic.

**Findings and Rationale** – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above. An EIR must discuss alternatives to a project in its entirety but is not required to discuss alternatives to each particular component of a project (see *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 276-277). Therefore, an alternative to the 2040 MTP/SCS that would address only highway transportation with replacement of vehicle travel for Personal Rapid Transit is not required by CEQA.

Also, Personal Rapid Transit is not considered a feasible alternative to the Project due to its low capacity. Personal Rapid Transit is more suited for small geographic areas with limited ridership, such as airport and campus transportation venues where a limited amount of guideway and number of stops/stations is required. However, cities such as Santa Cruz and Monterey are substantially larger than airports and college campuses and would require substantial amounts of guideway and stops for access to all neighborhoods and areas of the cities. The amount of Personal Rapid Transit guideway that would be required for access to the various areas of the cities in the AMBAG region, especially larger cities as the comment suggests, would not be feasible to implement.

## **3. Jack Nelson: Comment 10.3**

This comment suggests an alternative transportation plan that would work to transform transportation systems and resulting land uses to a more sustainable system.

**Findings and Rationale** – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above. An alternative transportation plan that would phase out vehicle and highway transportation for more sustainable modes of transportation, such as bicycles, would not be feasible because AMBAG does not have the legal authority to restrict or prevent vehicle travel in the region. Also, see Section VII.a1 of these Findings of Fact for an explanation as to why an MTP/SCS alternative that would achieve deep regional reductions in GHG emissions consistent with State GHG reduction goals is infeasible for AMBAG to implement.

## VIII. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE FINAL EIR

**Findings and Rationale** – Appendix F of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b). The Final EIR also incorporates information obtained and produced after the Draft EIR was completed, including additions, clarifications and modifications. The AMBAG Board of Directors has reviewed and considered the Final EIR and all of this information.

The AMBAG Board of Directors finds that responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify, amplify or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b). Revisions made to the Draft EIR are shown throughout the Final EIR in strikethrough and underline text.

## **IX. FINDINGS ON CUMULATIVE IMPACTS**

### **A. INTRODUCTION**

Chapter 4 of the EIR includes an analysis of direct, indirect and cumulative impacts of the proposed Project, as required by CEQA. Cumulative impacts are specifically addressed in the last section (d) of each resource topic analysis in Final EIR Sections 4.1 through 4.15.

The EIR is a Program EIR that analyzes the effects of cumulative buildout of the 2040 MTP/SCS and the RTPs prepared by the Monterey, San Benito and Santa Cruz RTPAs. The proposed 2040 MTP/SCS includes reasonably foreseeable probable future transportation and land use projects through 2040, and the Final EIR analyzes the cumulative impacts of these projects. The cumulative effects of reasonably foreseeable probable future transportation system improvements and land use projects in the region are included in the analysis of the proposed Project's impacts. However, the cumulative effects analysis in the Final EIR also considers the Project's impacts in combination with impacts from implementation of projected development for jurisdictions adjoining the AMBAG region.

In Chapter 4, thresholds of significance for cumulative impacts are the same as those for direct, Project-specific impacts, as authorized by CEQA case law. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4<sup>th</sup> 1059.) When Project-specific impacts are judged to be significant, they also by definition are considered "cumulatively considerable" incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).) Mitigation measures adopted for Project-specific impacts in Sections IV and V of these Findings of Fact also are feasible measures for mitigating the proposed Project's incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

### **B. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS**

For the following impacts, the AMBAG Board of Directors hereby finds that in Section IV of these Findings of Fact, mitigation measures have been identified in the EIR that will avoid or substantially lessen the proposed Project's incremental contribution to the following significant cumulative impacts to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

- Impact AES-3; Mitigation Measures AES-3(a)-(c)
- Impact GEO-1; Mitigation Measure GEO-1
- Impact GEO-3; Mitigation Measures GEO-3(a)-(c)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact HAZ-3; Mitigation Measure HAZ-3
- Impact TCR-1; Mitigation Measure TCR1

### **C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS NOT BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS**

For the following impacts, the AMBAG Board of Directors hereby finds that in Section V of these Findings of Fact, mitigation measures have been identified in the EIR that will reduce the proposed Project's incremental contribution to the following significant cumulative impacts, but not to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them, but not to a less than significant level are as follows:

- Impact AES-1; Mitigation Measures AES-1(a)-(b)

- Impact AES-2; Mitigation Measure AES-2
- Impact AG-1; Mitigation Measure AG-1
- Impact AQ-2; Mitigation Measures AQ-2(a)-(c)
- Impact AQ-3; Mitigation Measure AQ-3
- Impact AQ-4; Mitigation Measure AQ-4
- Impact B-1; Mitigation Measures B-1(a)-(i)
- Impact B-2; Mitigation Measures B-2(a)-(f)
- Impact B-3; Mitigation Measures B-3(a)-(c)
- Impact CR-1; Mitigation Measure CR-1
- Impact CR-2; Mitigation Measure CR-2
- Impact CR-3; Mitigation Measure CR-3
- Impact E-2; Mitigation Measures E-2(a)-(b)
- Impact GHG-4; Mitigation Measure GHG-4
- Impact GHG-5; Mitigation Measure GHG-5
- Impact HAZ-6; Mitigation Measure HAZ-6
- Impact W-2; Mitigation Measures W-2(a)-(e)
- Impact LU-2; All Mitigation Measures Throughout EIR
- Impact N-1; Mitigation Measures N-1(a)-(g)
- Impact N-2; Mitigation Measure N-2
- Impact N-3; Mitigation Measure N-3
- Impact N-4; Mitigation Measure N-4
- Impact PH-1; No Feasible Mitigation Measures
- Impact T-1; No Feasible Mitigation Measures
- Impact T-5; Mitigation Measure T-5

## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

The AMBAG Board adopts and makes this statement of overriding considerations concerning the Project's unavoidable significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts.

The Environmental Impact Report (EIR) has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, AMBAG has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the Project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, many of the Project's effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the Project will result in significant and unavoidable impacts as follows:

1. Implementation of the 2040 MTP/SCS would alter views of scenic vistas or substantially damage scenic resources along designated scenic corridors, including state scenic highways. (Impact AES-1)
2. Implementation of the 2040 MTP/SCS substantially degrade existing visual character in the AMBAG region. (Impact AES-2)
3. Implementation of the 2040 MTP/SCS could directly or indirectly convert Important Farmland to non-agricultural uses or conflict with agricultural zoning or Williamson Act contracts. (Impact AG-1)
4. Implementation of the 2040 MTP/SCS would create dust and ozone precursor emissions and violate air quality standards, contribute substantially to existing or projected air quality violations, or result in a cumulatively considerable net increases in PM<sub>10</sub> or ozone precursor emissions. (Impact AQ-2)
5. Implementation of the 2040 MTP/SCS would increase PM<sub>10</sub> emissions in the region, which could contribute substantially to a projected air quality violation. (Impact AQ-3)
6. Implementation of the 2040 MTP/SCS land use scenario could expose sensitive receptors to substantial hazardous air pollutant concentrations and objectionable odors. (Impact AQ-4)
7. Implementation of the 2040 MTP/SCS could adversely impact special-status plant and animal species, either directly or through habitat modifications. (Impact B-1)
8. Implementation of the 2040 MTP/SCS could adversely impact natural communities and federally protected wetlands. (Impact B-2)
9. Implementation of the 2040 MTP/SCS could impede wildlife movement, including fish migration and/or impede the use of a native wildlife nursery. (Impact B-3)
10. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown historical resources. (Impact CR-1)
11. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown archaeological resources. (Impact CR-2)
12. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown paleontological resources. (Impact CR-3)
13. Implementation of the 2040 MTP/SCS would generate energy demand that may require construction of new energy facilities or the expansion of such facilities, the construction of which could cause significant environmental effects. (Impact E-2)
14. Implementation of the 2040 MTP/SCS would conflict with the State's ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG emission reduction goals. (Impact GHG-4)
15. Implementation of the 2040 MTP/SCS could subject transportation improvements or the land use scenario envisioned in the 2040 MTP/SCS to coastal flooding and sea level rise. (Impact GHG-5)
16. Implementation of the 2040 MTP/SCS would locate transportation improvements and projects within

- areas at risk of wildland fire. (Impact HAZ-6)
17. Implementation of the 2040 MTP/SCS would increase water demand, which may require new or expanded water supplies, entitlements, or facilities. (Impact W-2)
  18. Because the 2040 MTP/SCS would result in significant and unavoidable impacts to several environmental issue areas, implementation of the 2040 MTP/SCS would not be consistent with every applicable adopted State and local land use policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. (Impact LU-2)
  19. Implementation of the 2040 MTP/SCS would create temporary substantial noise and vibration level increases in discrete locations throughout the AMBAG region. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-1)
  20. Implementation of the 2040 MTP/SCS would potentially expose existing and future sensitive receptors to significant mobile source noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-2)
  21. Implementation of the 2040 MTP/SCS could place sensitive receptors in areas near transit and transportation facilities where noise levels may be unacceptable. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-3)
  22. Implementation of the 2040 MTP/SCS could expose sensitive receptors and fragile buildings to excessive vibration levels. (Impact N-4)
  23. Implementation of the 2040 MTP/SCS would result in substantial population growth in the AMBAG region. (Impact PH-1)
  24. Implementation of the 2040 MTP/SCS would result in increased daily hours of vehicle delay, total peak period congested vehicle miles travelled and percentage of commuter trips exceeding 30 minutes in 2040. (Impact T-1)
  25. Implementation of the 2040 MTP/SCS would increase daily vehicle miles travelled between the baseline 2015 conditions and 2040 conditions. (Impact T-5)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the Project to the extent feasible, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the Board hereby finds that the following legal, economic, social and environmental benefits of the Project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact:

- a. The implementation of 2040 MTP/SCS transportation projects will provide for a comprehensive transportation system of facilities and services that meets the public's need for the movement of people and goods and that is consistent with the social, economic and environmental goals and policies of the region. (See Final EIR Section 2.0.)
- b. The project will improve transportation mobility and accessibility in the region compared to no project conditions. (See Final EIR Section 2.0 and Impact T-1.)
- c. The project will improve air quality by reducing emissions of ozone precursors compared to 2015 baseline and future no project conditions. (See Impact AQ-1.)
- d. The SCS will contribute to a reduction in per capita greenhouse gas (GHG) emissions from passenger vehicles and light trucks, helping the Monterey Bay region achieve the regional GHG reduction targets set by the California Air Resources Board (CARB). (See Impact GHG-3.)
- e. The Project will promote consistency between the California Transportation Plan 2040, the 2040 MTP/SCS, county-level regional transportation plan and other plans developed by cities, counties, districts, Native American tribal governments and state and federal agencies in responding to Statewide and interregional transportation issues and needs. (See Final EIR Section 5.0.)

- f. The construction of transportation projects will result in both short-term and long-term economic benefits to the Monterey Bay area and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The 2040 MTP/SCS program includes \$9.9 billion of transportation investments in the region (see 2040 MTP/SCS Table 3-1) which will result in direct and indirect employment benefits.

## **XI. MITIGATION MONITORING AND REPORTING PROGRAM**

The AMBAG Board of Directors finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2040 MTP/SCS has been prepared for the project and has been adopted concurrently with these Findings of Fact (Public Resources Code, § 21081.6(a)(1)).

CEQA requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures. The MMRP for the Project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the adopted mitigation measures adopted in the Findings of Fact for 2040 MTP/SCS are implemented, in accordance with CEQA requirements. The Findings of Fact adopt feasible mitigation measures to reduce the significant environmental impacts of the 2040 MTP/SCS. The mitigation measures adopted in the 2040 MTP/SCS EIR Findings are listed in Sections IV and V of these Findings of Fact.