RESOLUTION
SAN JOAQUIN COUNCIL OF GOVERNMENTS

R-18-52


WHEREAS, the San Joaquin Council of Governments is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, Senate Bill (SB) 375 (Steinberg, 2008) requires that Metropolitan Planning Organizations prepare a Sustainable Communities Strategy (SCS) as part of the 2018 RTP that demonstrates how the region will reduce the greenhouse gas emissions (GHG) from automobiles and light trucks to achieve, if there is a feasible way to do so, the applicable greenhouse gas emission reduction targets approved by the California Air Resources Board (ARB), and

WHEREAS, pursuant to SB 375, the applicable ARB per capita GHG emission reduction targets for the San Joaquin Valley region are 5% below 2005 per capita emissions levels by 2020 and 10% below 2005 per capita emissions levels by 2035; and

WHEREAS, the state law requires that the RTP/SCS land-use development pattern is consistent with the Regional Housing Needs Assessment (RHNA); and

WHEREAS, the 2018 RTP/SCS has been prepared in accordance with state guidelines adopted by the California Transportation Commission and;

WHEREAS, a 2018 RTP/SCS has been prepared in full compliance with federal guidance; and

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a short range Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, projects submitted in the 2019 FTIP must be financially constrained and the financial plan affirms that funding is available; and
WHEREAS, the 2019 FTIP has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the San Joaquin Council of Governments forum and general public involvement; and

WHEREAS, the 2019 FTIP program listing is consistent with: 1) the 2018 RTP/SCS; 2) the 2018 State Transportation Improvement Program; and 3) the Corresponding Conformity Analysis; and

WHEREAS, the 2019 FTIP contains the MPO’s certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the 2019 FTIP meets all applicable transportation planning requirements per 23 Code of Federal Regulations (CFR) Part 450; and

WHEREAS, San Joaquin Council of Governments has established performance targets that address the performance standards per 23 CFR Part 490, 49 United States Code (U.S.C.) 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the MPO; and

WHEREAS, The San Joaquin Council of Governments has integrated into its metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation, required as part of a performance-based program; and

WHEREAS, the MPO must demonstrate conformity per 40 CFR Part 93 for the 2018 RTP/SCS and 2019 FTIP; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP includes a new Conformity Analysis; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP conforms to the applicable SIPs; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, the documents have been widely circulated and reviewed by the San Joaquin Council of Governments advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal;
representatives of special interest groups; representatives of the private business sector; and residents of San Joaquin County consistent with the public participation process adopted by the San Joaquin Council of Governments; and

WHEREAS, a public hearing was conducted on April 26, 2018 to hear and consider comments on the 2018 RTP/SCS, 2019 FTIP, and Corresponding Conformity Analysis; an additional public hearing on the 2018 RTP/SCS was conducted on April 4, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the San Joaquin Council of Governments adopts the 2018 RTP/SCS, 2019 FTIP, and Corresponding Conformity Analysis.

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments finds that the 2018 RTP/SCS and 2019 FTIP are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments also finds that the 2018 RTP/SCS meets the SB 375 GHG reduction targets of 5% below 2005 per capita emissions levels by 2020 and 10% below 2005 per capita emissions levels by 2035.

THE FOREGOING RESOLUTION was passed and adopted by the San Joaquin Council of Governments this 28th day of June 2018.

AYES: Councilman Andrade, Stockton; Councilman Dresser, Lathrop; VM Holman, Stockton; Councilman Kuehne, Lodi; Councilmember Lofthus, Stockton; Supervisor Miller, SJC; Councilman Murken, Escalon; Councilmember Young, Tracy; VM Zuber, Ripon.

NOES: Supervisor Winn, SJC.

ABSENT: Mayor DeBrum, Manteca; Supervisor Elliott, SJC.

KATHERINE MILLER
CHAIR
I hereby certify that the foregoing is a true copy of a resolution of the San Joaquin Council of Governments duly adopted at a regular meeting thereof held on the 28th day of June 2018.

Signed:
Andrew T. Chesley
Executive Director
RESOLUTION
SAN JOAQUIN COUNCIL OF GOVERNMENTS

R-18-46

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING CEQA FINDINGS AND STATEMENT OF OVERIDING CONSIDERATIONS FOR THE SJCOG 2018 REGIONAL TRANSPORTATION PLAN

WHEREAS, the San Joaquin Council of Governments (SJCOG) is the designated Metropolitan Planning Organization (MPO) comprised of eight member agencies: San Joaquin County, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy; and

WHEREAS, SJCOG is the agency responsible for maintaining a continuing, cooperative, and comprehensive transportation planning process which will result in a Regional Transportation Plan pursuant to 23 U.S.C. 134(a) and (g), 49 U.S.C. §5303(f); 23 C.F.R. §450, and 49 C.F.R. §613; and

WHEREAS, SJCOG is the Lead Agency in preparing the SJCOG 2018 Regional Transportation Plan/Sustainable Communities Strategy (“RTP”) and is required to comply with the California Environmental Quality Act (“CEQA”) [Cal. Pub. Res. Code § 21000 et seq.]; and

WHEREAS, pursuant to CEQA Guidelines Section 15002(f), an Environmental Impact Report (“EIR”) is the public document used by a governmental agency to analyze the environmental effects of a proposed project, to identify alternatives, and to disclose feasible ways to reduce or avoid the potential environmental impacts; and

WHEREAS, CEQA Guidelines Section 15168 specifies that a Program EIR (PEIR) can be prepared on a series of actions that can be characterized as one large project related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory regulatory authority and having generally similar environmental effects which can be mitigated in similar ways; and

WHEREAS, SJCOG has determined that a Program EIR is appropriate to assess the environmental impact of the SJCOG 2018 RTP; and
WHEREAS, the PEIR analyzes environmental impacts of the SJCOG 2018 RTP on a broad planning level, while presenting as much detailed information about the individual RTP projects that is available at this time; and

WHEREAS, project-specific impacts of the individual RTP project should be analyzed in detail by the implementing agencies as the individual projects are designed, engineered, and considered for approval at a later date; and

WHEREAS, pursuant to CEQA Guidelines Section 15086, SJCOG consulted with and requested comments on the Draft EIR from responsible agencies, trustee agencies with resources affected by the project; and other state, federal, and local agencies which exercise authority over resources which may be affected by the SJCOG 2018 RTP; and

WHEREAS, SJCOG circulated a Notice of Preparation (NOP) of a PEIR for the proposed project and an Initial Study on March 10, 2017 to trustee and responsible agencies, the State Clearinghouse (SCH# 2017032042), and the public; and

WHEREAS, a public scoping meeting was held on March 30, 2017 at 4:00 PM at SJCOG office, 555 E. Weber Avenue, Stockton, CA, to solicit concerns and issues relative to the SJCOG 2018 RTP and Notice of Preparation; and

WHEREAS, concerns raised in response to the NOP were considered during preparation of the Draft PEIR; and

WHEREAS, on March 13, 2018, SJCOG released a public notice of availability (NOA) indicating the Draft PEIR would be available on March 13, 2018, inviting comments from the general public, agencies, organizations, and other interested parties; and

WHEREAS, two public hearings were held to solicit concerns and issues relative to the SJCOG Draft EIR. One was held on April 4, 2018 at 12:00 p.m. at the Lathrop City Council Chambers, 390 Towne Center Drive, Lathrop, CA and the other was held on April 26, 2014 at 4:00 p.m. at 555 East Weber Avenue, Stockton, CA; and

WHEREAS, the Draft PEIR was available for public review from March 13, 2018 through April 30, 2018; the public hearings and public comments periods were publicly noticed on March 2, 2018; and

WHEREAS, pursuant to CEQA Guidelines Section 15088(a), SJCOG, as the Lead Agency, must evaluate comments on significant environmental issues received from persons who review the Draft EIR and must prepare a written response thereto; and

WHEREAS, SJCOG received written comment letters during the comment period and oral testimony at the April 4, 2018 and April 26, 2018 public hearings regarding the Draft PEIR; and
WHEREAS, in accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received, and

WHEREAS, the Final PEIR document and the Draft PEIR, as amended by the Final PEIR, constitute the Final PEIR; and

WHEREAS, when making the findings pursuant to CEQA Guidelines Section 15091(a)(1), the agency must also adopt a program for reporting on or monitoring the changes which have been either required in the project or made a condition of approval to avoid or substantially lessen significant effects, and which are fully enforceable through permit conditions, agreements, or other measures, as required by CEQA Guidelines Section 15091(d); and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to outline the procedures for implementing all mitigation measures identified in the EIR; and

WHEREAS, SJCOG has prepared the required CEQA Findings (attached); and

WHEREAS, according to CEQA Guidelines Section 15093(b), where the decision of the public agency allows the occurrence of significant effects which are identified in the Final PEIR but are not avoided or substantially lessened, the agency must issue a Statement of Overriding Considerations setting forth the specific reasons to support its actions based on the Final PEIR or other information in the record; and

WHEREAS, CEQA Guidelines Section 15093(c) provides that if an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

NOW, THEREFORE, BE IT RESOLVED, that the San Joaquin Council of Governments finds as follows:

(a) that the Final Environmental Impact Report (EIR) prepared for the 2018 Regional Transportation Plan/Sustainable Communities Strategy, was completed in compliance with the California Environmental Quality Act; and

(b) that the Final EIR was presented to SJCOG’s decision making body, the SJCOG Board; and

(c) that the SJCOG Board has independently reviewed and considered information contained in the Final EIR; and
(d) that the Final EIR reflects SJCOG's independent judgment and analysis; and

(e) that the Final EIR consists of the Draft EIR and the Final EIR, which includes a Mitigation Monitoring and Reporting Program; and

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments does hereby adopt the Findings and Statement of Overriding Considerations for the 2018 RTP PEIR, attached hereto and incorporated by reference; and

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments does hereby adopt the Mitigation Monitoring and Reporting Program included in the Final PEIR; and

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments based on and incorporating all of the foregoing recitals and supported by substantial evidence in the whole of the record does hereby certify the Final PEIR for the SJCOG 2018 Regional Transportation Plan/Sustainable Communities Strategy.

AND PASSED AND ADOPTED this 28th Day of June 2018 by the following vote of the San Joaquin Council of Governments, to wit:

AYES: Councilman Andrade, Stockton; Councilman Dresser, Lathrop; VM Holman, Stockton; Councilman Kuehne, Lodi; Councilmember Lofthus, Stockton; Supervisor Miller, SJC; Councilman Murken, Escalon; Councilmember Young, Tracy; VM Zuber, Ripon.

NOES: Supervisor Winn, SJC.

ABSENT: Mayor DeBrum, Manteca; Supervisor Elliott, SJC.

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KATHERINE MILLER
Chair
I hereby certify that the foregoing is a true copy of a resolution of the San Joaquin Council of Governments duly adopted at a regular meeting thereof held on the 28th day of June 2018.

Signed:

Andrew T. Chesley
Executive Director
CEQA Findings of Fact and Statement of Overriding Considerations,  
for the  
2018 Regional Transportation Plan/Sustainable Communities Strategy Final EIR;  
State Clearinghouse No. 2017032042

I. INTRODUCTION TO CEQA FINDINGS

These findings 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 San Joaquin Council of Governments (SJCOG), as the lead agency for the 2018 Regional Transportation Plan/Sustainable Communities Strategy (“2018 RTP/SCS,” or the “Project”). These findings pertain to the Final Environmental Impact Report (“FEIR”) SCH # 2017032042.

A. PROJECT DESCRIPTION SUMMARY

The 2018 RTP/SCS covers the entire San Joaquin County region and includes the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy, as well as unincorporated areas within the County.

The proposed project, the 2018 RTP/SCS, is a long-range comprehensive plan for the region’s multi-modal transportation system. As a Metropolitan Planning Organization (MPO), preparing an RTP is one of San Joaquin Council of Governments’ (SJCOG) primary statutory responsibilities under federal and state law. Implementation of an RTP is the mechanism used in California by both MPOs and Regional Transportation Planning Agencies (RTPAs) to conduct long-range planning (at least 20-years in to the future) in their regions. SJCOG must adopt an updated RTP every four years, or more frequently, if the region is to receive federal and state transportation dollars for public transit, streets/roads, and bicycle and pedestrian improvements. SJCOG adopted the 2014 RTP in June 2014; it provides a long-range plan for transportation in San Joaquin County. In 2008, California enacted the Sustainable Communities and Climate Protection Act, also known as Senate Bill 375 (SB 375), which requires MPOs to include a Sustainable Communities Strategy (SCS) element in their RTP updates. The 2014 RTP was the first SJCOG plan to include the SCS. The California Air Resources Board (CARB) provided greenhouse gas reductions targets for the preparation of the 2014 RTP, setting the targets at a 5 percent per capita reduction by 2020 and 10 percent per capita reduction by 2035 from year 2005 levels. The 2014 RTP/SCS met those targets. For San Joaquin County, the current per-capita emission reduction targets set by CARB are a five percent reduction relative to 2005 levels by 2020, and a 10 percent reduction from 2005 levels by 2035.

B. TYPE OF EIR

The 2018 RTP/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 will 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. INCORPORATION OF FINAL EIR BY REFERENCE**

The Final EIR, consisting of: (1) the Draft Program EIR (DEIR); (2) all appendices to the Draft Program EIR (Appendices A-E); and (3) the Final Program EIR (FEIR) that includes corrections and additions to the DEIR (Chapter 2), comments received and responses to those comments on the DEIR (Chapter 3), and a Mitigation Monitoring and Reporting Program (MMRP). The FEIR, specifically Chapter 3, includes SJCOG’s written responses to comments; a list of persons, organizations, and public agencies commenting on the Draft Program EIR; SJCOG’s written responses to specific comments on significant environmental points raised in the review and consultation process; and copies of comments, as required by CEQA Guidelines Section 15132. The Final Program EIR consisting of the aforementioned components is hereby incorporated by reference into these Findings.

**D. 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.))

SJCOG has made one or more of these specific written findings regarding each significant impact associated with the 2018 RTP/SCS. Those findings are presented below, along with a presentation of facts in support of the findings. SJCOG 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 SJCOG, including but not limited to the FEIR “supporting evidence” cited herein.
II. LOCATION OF AND CUSTODIAN FOR THE RECORD

The documents and other materials that constitute the record of proceedings on which SJCOG’s Findings of Fact are based are located at 555 East Weber Avenue, Stockton, California, 95202. The custodian of these documents is Kim Anderson. 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, the Record of Proceedings for the Project includes but is not limited to the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by SJCOG 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 SJCOG with respect to the Project.
- The MMRP for the Project.
- All Findings and resolutions adopted by SJCOG 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 Consultants, Inc., consultants to SJCOG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the Project.
- All documents and information submitted to SJCOG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date SJCOG approved the Project.
- Meeting notes and other available documentation of all information sessions, public meetings, and public hearings held by SJCOG, in connection with the Project.
- Any documentary or other evidence submitted to SJCOG at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to SJCOG, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).
III. FINDINGS FOR IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. SJCOG hereby finds that the following environmental impacts of the RTP/SCS either have no impact or are less than significant. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR. 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 DEIR 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 found to be less than significant.

Less than Significant Environmental Factors. The following possible effects were determined not to be significant and therefore have no impact. Supportive evidence can be found in Section 4.16 of the DEIR.

Geology and Soils: Use of septic tanks or alternative waste water disposal systems.

Mineral Resources: Impact the extraction of mineral resources.

Noise: Projects located within airport noise contour.

Population and Housing: Increase population or housing beyond anticipated growth in the region.

Public Services: Generate demand for police or fire services, schools, parks, or other public facilities.

Recreation: Generate demand for parks or recreation resources.

Utilities and Service Systems: Lead to the construction of projects that include habitable residences, commercial buildings or other facilities that would generate permanent sources of new wastewater that requires treatment.

A. AIR QUALITY

1. Impact AQ-3. Implementation of the 2018 RTP/SCS would reduce long-term emissions of diesel particulate matter (DPM) from mobile sources. Impacts would be less than significant.

   a. Mitigation – No mitigation is required.

   b. Findings – The operational impacts of the 2018 RTP/SCS on long-term emissions of diesel particulate matter (DPM) from mobile sources are less than significant.

   c. Supportive Evidence - Please refer to Impact AQ-3 in the DEIR.

2. Impact AQ-5. The 2018 RTP/SCS would conform with emission budgets for criteria pollutants established in the SIP for the SJVAB. The project would be consistent with the SIP. There would be no impact.
a. Mitigation – No mitigation is required.

b. Findings – The 2018 RTP/SCS would conform with emission budgets for criteria pollutants established in the SIP for the SJVAB, therefore there would be no impact.

c. Supportive Evidence - Please refer to Impact AQ-5 in the DEIR.

B. BIOLOGY

1. Impact BIO-4: Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy. Impacts would be less than significant.

a. Mitigation – No mitigation is required.

b. Findings – Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS would not conflict with any local policies or ordinances protecting biological resources, therefore are less than significant.

c. Supportive Evidence - Please refer to Impact BIO-4 in the DEIR.

C. CULTURAL RESOURCES

1. Impact CR-4: Implementation of proposed transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS could result in damage to or destruction of human burials; however, required compliance with existing regulations would reduce impacts to a less than significant level.

a. Mitigation – No mitigation is required.

b. Findings – Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS could result in damage to or destruction of human burials; however, required compliance with existing regulations would reduce impacts to a less than significant level.

c. Supportive Evidence - Please refer to Impact CR-4 in the DEIR.

D. ENERGY

1. Impact E-1. Transportation improvement projects and implementation of the land use scenario envisioned by the 2018 RTP/SCS would increase demand for energy beyond existing conditions. However, the 2018 RTP/SCS would not result in inefficient, unnecessary, or wasteful direct or indirect consumption of energy, and would be consistent with applicable federal, state, and local energy conservation policies. Impacts would be less than significant.

a. Mitigation – No Mitigation Measures are required.
b. **Findings** – The 2018 RTP/SCS would not result in inefficient, unnecessary, or wasteful direct or indirect consumption of energy, and would be consistent with applicable federal, state, and local energy conservation policies, therefore impacts would be less than significant.

c. **Supportive Evidence** – Please refer to Impact E-1 in the DEIR.

2. **Impact E-2.** Implementation of the 2018 RTP/SCS would not generate energy demands that would require the construction of new energy facilities or the expansion of existing facilities. *Impacts would be less than significant.*

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

b. **Findings** – Implementation of the 2018 RTP/SCS would not generate energy demands that would require the construction of new energy facilities or the expansion of existing facilities, therefore impacts would be less than significant.

c. **Supportive Evidence** – Please refer to Impact E-2 in the DEIR.

**E. ENVIRONMENTAL JUSTICE**

1. **Impact EJ-1.** Implementation of the projects contained in the 2018 RTP/SCS may cause adverse effects on a minority of low-income population; however, these potential impacts would not be disproportionately high as per Executive Order 12898 regarding environmental justice. *Impacts would be less than significant.*

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

b. **Findings** – Implementation of the projects contained in the 2018 RTP/SCS may cause adverse effects on a minority or low-income population; however, these potential impacts would not be disproportionately high as per Executive Order 12898 regarding environmental justice, therefore impacts would be less than significant.

c. **Supportive Evidence** - Please refer to Impact EJ-1 in the DEIR.

2. **Impact EJ-2.** The mobility benefits derived from 2018 RTP/SCS in terms of accessibility by transit, single-occupancy vehicles, bicycling or walking would not be substantially less for minority populations, low-income populations, low community engagement populations, and populations with low mobility in the SJC region than for the population as a whole. *Impacts would be less than significant.*

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

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1 Environmental justice impacts are socioeconomic impacts for which EIR analysis and CEQA findings are not required. (See CEQA Guidelines Sections 15064(e), 15131.) Environmental justice discussions are included in the 2018 RTP/SCS EIR and findings document for informational purposes only.
b. **Findings** – The mobility benefits derived from 2018 RTP/SCS in terms of travel times and accessibility by transit, single-occupancy vehicles, bicycling or walking would not be substantially less for minority populations, low-income populations, low community engagement populations, and populations with low mobility in the SJCOG region than for the population as a whole, therefore impacts would be less than significant.

c. **Supportive Evidence** - Please refer to Impact EJ-2 in the DEIR.

**F. GEOLOGY**

1. **Impact GEO-2**: Grading associated with transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could cause soil erosion. However, compliance with applicable ordinance codes would ensure that impacts would remain *less than significant*.

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

   b. **Findings** – Grading associated with transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could cause soil erosion. However, compliance with applicable ordinance codes would ensure that impacts would remain less than significant, therefore impacts would be less than significant.

   c. **Supportive Evidence** - Please refer to Impact GEO-2 in the DEIR.

2. **Impact GEO-3**: Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could be located on potentially unstable soils, or in areas of high liquefaction potential. However, adherence to existing regulatory requirements would reduce this impact to *less than significant*.

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

   b. **Findings** – Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could be located on potentially unstable soils, or in areas of high liquefaction potential. However, adherence to existing regulatory requirements would reduce this impact to less than significant, and therefore impacts would be less than significant.

   c. **Supportive Evidence** - Please refer to Impact GEO-3 in the DEIR.

**G. GREENHOUSE GAS EMISSIONS**

1. **Impact GHG-1**: Implementation of the 2018 RTP/SCS would result in a net decrease in regional long-term GHG emissions as compared to existing 2015 conditions and would not exceed statewide per-capita targets for 2030 and 2050. *Impacts would be less than significant.*
a. Mitigation – No mitigation is required.

b. Findings – Implementation of the 2018 RTP/SCS would not interfere with the achievement of statewide GHG reduction targets encoded in AB 32 and SB 32, therefore there would be no impact.

c. Supporting Evidence – Please refer to Impact GHG-1 in the DEIR.

2. Impact GHG-3. Implementation of the 2018 RTP/SCS would not interfere with the achievement of statewide GHG reduction targets encoded in AB 32 and SB 32. There would be no impact.

a. Mitigation – No mitigation is required.

b. Findings – Implementation of the 2018 RTP/SCS would help the region achieve its SB 375 GHG emissions reduction targets and would not conflict with local GHG reduction plans and policies, therefore there would be no impact.

c. Supporting Evidence – Please refer to Impact GHG-3 in the DEIR.

3. Impact GHG-4. The 2018 RTP/SCS supports compact, transit-oriented growth, includes transit and active transportation projects, as well as initiatives to further support regional GHG reductions and climate change adaptation. Therefore, the project would not conflict with local GHG reduction plans and policies. There would be no impact.

a. Mitigation – No mitigation is required.

b. Findings – Impacts are less than significant.

c. Supporting Evidence – Please refer to Impact GHG-4 in the DEIR.

H. HAZARDS AND HAZARDOUS MATERIALS)

1. Impact HAZ-1: Proposed transportation improvement projects and land use patterns included in the 2018 RTP/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. Impacts would be less than significant.

a. Mitigation – No mitigation is required.

b. Findings – Proposed transportation improvement projects and land use patterns included in the 2018 RTP/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, therefore impacts would be less than significant.

c. **Supportive Evidence** – Please refer to Impact HAZ-1 in the DEIR.

2. **Impact HAZ-2**: Proposed transportation improvement projects and land use patterns included in the 2018 RTP/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. *Impacts would be less than significant.*

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

b. **Findings** – Proposed transportation improvement projects and land use patterns included in the 2018 RTP/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, therefore impacts would be less than significant.

c. **Supportive Evidence** – Please refer to Impact HAZ-2 in the DEIR.

3. **Impact HAZ-4**: Transportation improvement projects and land use scenario envisioned by the 2018 RTP/SCS may be located at or 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. *Impacts would be less than significant.*

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

b. **Findings** – Transportation improvement projects and land use scenario envisioned by the 2018 RTP/SCS may be located at or 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, therefore impacts would be less than significant.

c. **Supportive Evidence** – Please refer to Impact HAZ-4 in the DEIR.

4. **Impact HAZ-5**: Transportation improvement projects and the land use scenario envisioned by the 2018 RTP/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 would be less than significant.*

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

b. **Findings** – Transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS could interfere with existing emergency and evacuation. However, required regular updates to emergency response and evacuation plans
would account for development and projects, therefore impacts would be less than significant.

c. Supportive Evidence – Please refer to Impact HAZ-5 in the DEIR.

5. Impact HAZ-6. The 2018 RTP/SCS includes transportation projects within areas of moderate fire hazard. Infill development emphasized in the 2018 RTP/SCS and existing regulations and programs would reduce the vulnerability of people and structures to wildland fire. Impacts would be less than significant.

a. Mitigation – No mitigation is required.

b. Findings – The 2018 RTP/SCS includes transportation projects within areas of moderate fire hazard. Infill development emphasized in the 2018 RTP/SCS and existing regulations and programs would reduce the vulnerability of people and structures to wildland fire, therefore impacts would be less than significant.

c. Supportive Evidence – Please refer to Impact HAZ-6 in the DEIR.

I. HYDROLOGY AND WATER QUALITY

1. Impact W-5: Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS would incrementally increase stormwater flows in the SJCOG region. Impacts would be less than significant.

a. Mitigation – No mitigation is required.

b. Findings – Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS would incrementally increase stormwater flows in the SJCOG region; however, planned transportation projects would be designed to comply with existing jurisdictions’ requirements 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, therefore impacts would be less than significant.

c. Supportive Evidence – Please refer to Impact W-5 in the DEIR.

J. LAND USE

1. Impact LU-1. Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS would not physically divide existing established communities. This impact would be less than significant.

a. Mitigation – No mitigation is required.
b. **Findings** – Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS would not divide existing established communities, therefore impacts are less than significant.

c. **Supportive Evidence** – Please refer to Impact LU-1 in the DEIR.

2. **Impact LU-2.** The 2018 RTP/SCS would be consistent with applicable adopted state and local goals, policies, and regulations. *Impacts would be less than significant.*

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

   b. **Findings** – The 2018 RTP/SCS would be consistent with applicable adopted state and local goals, policies, and regulations, therefore impacts would be less than significant.

   c. **Supportive Evidence** – Please refer to Impact LU-2 in the DEIR.

K. **TRANSPORTATION AND CIRCULATION**

1. **Impact T-4.** Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS could result in congestion which would result in emergency access conflicts. *Impacts are less than significant.*

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

   b. **Findings** – Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS could result in congestion which would result in emergency access conflicts but local agencies would use subsequent analyses to ensure adequate access for emergency and public safety vehicles in the design of individual RTP projects and the standards set forth in the California Manual of Uniform Traffic Control Devices would be required by Caltrans, therefore impacts would be less than significant.

   c. **Supporting Evidence** – Please refer to Impact T-4 in the DEIR.

2. **Impact T-5.** Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS provides funding for active transportation projects in the SJCOC planning area to improve performance and safety of such facilities. *Impacts would be less than significant.*

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

   b. **Findings** – Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS provides funding for active transportation projects in the SJCOC planning area to improve performance and safety of such facilities, therefore, impacts would be less than significant.

   c. **Supporting Evidence** – Please refer to Impact T-5 in the DEIR.
IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

SJCOG hereby finds that mitigation measures have been identified in the DEIR that will avoid or substantially lessen the following environmental impacts to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR, as well as relevant responses to comments in the Final EIR. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows.

Class II impacts are those which are significant but can be mitigated to less than significant by implementation of mitigation measures.

A. AESTHETICS

1. Impact AES-3: Transportation improvement projects and land use patterns envisioned in the 2018 RTP/SCS would result in increased lighting from new lightpoles, security lighting, landscape and structure lighting, and lights on vehicles. Land use projects envisioned in the 2018 RTP/SCS would also introduce new or intensified sources of lighting. This lighting may adversely affect views in the area. Impacts would be significant but mitigable.

   a. Mitigation – The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in air quality impacts. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response 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 back shields, 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, project sponsors 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, municipal code regulations, city 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** – With the implementation of the above mitigation, impacts related to increased lighting from new lightpoles, security lighting, landscape and structure lighting, and lights on vehicles, and land use projects envisioned in the 2018 RTP/SCS that could introduce new or intensified sources of lighting would be less than significant.

c. **Supportive Evidence** – Please refer to Impact AES-3 in the DEIR.

**B. AIR QUALITY**

1. **Impact AQ-1.** Implementation of the 2018 RTP/SCS would reduce ozone precursor and PM$_{2.5}$ emissions from mobile sources compared to 2015 existing conditions. However, the 2018 RTP/SCS would result in increased PM$_{10}$ emissions relative to existing conditions. **Impacts would be significant but mitigable.**

a. **Mitigation** – The following mitigation measure is recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in air quality impacts. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.
AQ-1: Long-term PM$_{10}$ Emission Reductions. SJCOG recommends that implementing and local agencies require project proponents to demonstrate compliance with SJVAPCD Rules 9510 and 9410, if applicable, prior to the issuance of grading/building permits for individual projects. In addition, SJCOG recommends that implementing and local agencies require projects that would exceed SJVAPCD significance thresholds for operational PM$_{10}$ emissions after implementation of applicable rules to enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD to reduce PM$_{10}$ emissions to below threshold levels, as described in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects by the SJVAPCD.

b. **Findings** — With the implementation of the above mitigation, impacts from ozone precursor and PM$_{2.5}$ emissions from mobile sources would be less than significant.

c. **Supportive Evidence** — Please refer to Impact AQ-1 in the DEIR.

2. Impact AQ-2. Implementation of the transportation projects and land use pattern envisioned in the 2018 RTP/SCS would involve construction activities that would generate short-term emissions of criteria pollutants. *Impacts would be significant but mitigable.*

a. **Mitigation** — The following mitigation measure is recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in air quality impacts. Project-specific environmental impacts may require this mitigation measure be revised or expanded in response to site-specific conditions.

AQ-2: Short-term Criteria Pollutant Emission Reductions. SJCOG recommends that implementing and local agencies require project proponents to demonstrate that they have obtained all required permits from the SJVAPCD prior to the issuance of grading/building permits for individual projects and that all construction activities will continuously comply with applicable regulatory standards, including, but not limited to SJVAPCD Regulation VIII, “Control Measures for Construction Emissions of PM$_{10}$,” and ISR. In addition, SJCOG recommends that implementing and local agencies require projects that would exceed SJVAPCD significance thresholds for construction emissions to enter into a VERA with the SJVAPCD, as described in the SJVAPCD’s GAMAQI.

b. **Findings** — With the implementation of the above mitigation, impacts from construction activities that would generate short-term emissions of criteria pollutants would be less than significant.

c. **Supportive Evidence** — Please refer to Impact AQ-2 in the DEIR.
3. Impact AQ-4. Implementation of the 2018 RTP/SCS may result in increased exposure of sensitive receptors to diesel particulate matter (DPM) from mobile sources. *Impacts would be significant but mitigable.*

a. Mitigation – The following mitigation measure is recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in health risk impacts. Project-specific environmental impacts may require this mitigation measure be revised or expanded in response to site-specific conditions.

**AQ-4: Health Risk Reduction Measures.** Consistent with the general guidance contained in CARB’s *Air Quality and Land Use Handbook*, 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 DPM, 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 project sponsor 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, railway, or other source of TACs.
- 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.
- Avoid locating 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.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least four air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour 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.
- Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to stationary air quality polluters prior to issuance of a demolition, grading, or building permit. Project sponsors shall implement HRA recommendations to a level which would not result in exposure of sensitive receptors to substantial pollutant concentrations (pursuant to the State CEQA Guidelines).

b. **Findings** – With the implementation of the above mitigation, impacts related to potential increased exposure of sensitive receptors to diesel particulate matter (DPM) from mobile sources would be less than significant.

c. **Supportive Evidence** – Please refer to Impact AQ-4 in the DEIR.

C. BIOLOGICAL RESOURCES

1. **Impact BIO-2.** Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS may result in impacts to sensitive habitats, including federally protected wetlands. *This impact is significant and unavoidable.*

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could result in impacts to sensitive habitats, including federally protected wetlands.

   Implementing agencies that choose to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) can reduce impacts to biological resources resulting from a proposed project to a level of less-than-significant if the proposed project is consistent with the SJMSCP.

**BIO-2(a): Jurisdictional Delineation.** If the results of measure BIO-1(a) indicates projects implemented under the 2018 RTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and RWQCB, 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, and CDFW 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 BIO-2(f).

**BIO-2(b): Wetlands, Drainage, and Riparian Habitat Restoration.** Impacts to jurisdictional drainages, wetlands and riparian habitat shall be mitigated in accordance with the SJMSCP at a minimum ratio of 2:1 preservation plus 1:1 creation for natural lands (vernal pools) and 1:1 creation plus 2:1 preservation for natural lands (wetlands other than vernal pools) (acres of habitat restored to acres impacted), 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 in accordance with the restoration plan component requirements in mitigation measure BIO-1(c) above and shall be implemented for no less than five years after construction of the segment, or until the implementing agency and/or the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.

**BIO-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.

**BIO-2(d): Landscaping Plan.** If the results of measure BIO-1(a) indicates projects implemented under the 2018 RTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, persons, materials, or equipment shall be allowed in protected areas.

If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or off-site at a ratio of 1:1 for permanently impacted sensitive communities (habitat restored for habitat lost). Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist. The restoration plan shall be implemented for a period of not less than five years. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the same components in accordance with the restoration plan component requirements in mitigation measure BIO-1(c) above.

**BIO-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 project sponsor, 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 native 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 hydromulched with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydromulching 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 hydromulching, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

**BIO-2(f): Wetlands, Drainages, and Riparian Habitat Best Management Practices.**

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.
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- 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** – With implementation of the above mitigation measures, potential impacts to sensitive habitats, including federally protected wetlands, would be reduced, but this impact would remain significant and unavoidable.

c. **Supportive Evidence** – Please refer to Impact BIO-2 in the DEIR.

2. **Impact BIO-5.** Implementation of the transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts would be significant but mitigable.

a. **Mitigation** – The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in biological impacts. Project-specific environmental impacts may require this mitigation measure be revised or expanded in response to site-specific conditions.

**Implementing agencies that choose to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) can reduce impacts to biological resources resulting from a proposed project to a level of less-than-significant if the proposed project is consistent with the SJMSCP.**

Implementation of Mitigation Measures BIO-1 through BIO-3 are required (See mitigation measures listed under Impacts BIO-1, BIO-2, and BIO-3 in the DEIR).

b. **Findings** – Compliance with the above mitigation measures would reduce impacts to a less than significant level, including participation in the SJMSCP.

c. **Supportive Evidence** – Please refer to Impact BIO-5 in the DEIR.

D. **CULTURAL RESOURCES**

1. **Impact CR-2** – Implementation of proposed transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS could cause a substantial adverse change in or disturb known and unknown archeological resources as defined in CEQA Guidelines Section 15064.5. Impacts would be significant but mitigable.
a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could cause a substantial adverse change in or disturb known and unknown archaeological resources as defined in CEQA Guidelines Section 15064.5.

**CR-2: Archaeological Resources Impact Minimization.** Before construction activities, project sponsors 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, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include, 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.

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 sherd, 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 a historical resource or a unique archaeological resource), the archaeologist shall work with the project sponsor 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.

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

b. **Findings** – Implementation of the above measures would reduce potential impacts to archeological resources. However, because a project could still cause a substantial adverse change in or disturb known and unknown archeological resources as defined in CEQA Guidelines Section 15064.5, this impact would remain **significant and unavoidable.**

c. **Supportive Evidence** – Please refer to Impact CR-2 of the DEIR.
2. Impact CR-3: Implementation of proposed transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS could cause a substantial adverse change in or disturb known and unknown paleontological resources as defined in CEQA Guidelines Section 15064.5. Impacts would be significant but mitigable.

a. Mitigation – The following mitigation measure is recommended by SJCOC to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in biological impacts. Project-specific environmental impacts may require this mitigation measure be revised or expanded in response to site-specific conditions.

CR-3: Paleontological Resources Impact Minimization. The project sponsor of a 2018 RTP/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 disturbed 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** – Implementation of the above measures would reduce potential impacts to archaeological and paleontological resources to a less than significant level.

c. **Supportive Evidence** – Please refer to Impact CR-3 in the DEIR.

### E. GEOLOGY AND SOILS

1. **Impact GEO-1.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could be subject to seismic hazards, including fault rupture, ground-shaking, liquefaction, and landsliding, that could expose people or structures to substantial adverse effects. *Impacts would be significant but mitigable impact.*

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for all transportation projects developed pursuant to the 2018 RTP/SCS that would result in seismic impacts.

      **GEO-1: Geotechnical Analysis.** Project sponsors shall complete site-specific geotechnical reports 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. 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** – Implementation of the above measure would reduce potential impacts to a less than significant level.

   c. **Supportive Evidence** – Please refer to Impact GEO-1 in the DEIR.
E. GREENHOUSE GAS EMISSIONS

1. Impact GHG-2. Implementation of the 2018 RTP/SCS would result in short-term mobile GHG emissions related to construction activities. Impacts would be significant but mitigable.

a. Mitigation – The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects to minimize GHG emissions. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.

GHG-2: Construction GHG Reduction Measures. The project sponsor shall require the construction contractor to incorporate the most recent GHG reduction measures and/or technologies for reducing diesel particulate and NOx emissions measures for off-road construction vehicles. The required measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. Current GHG-reducing measures include, but are not limited to, 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;
- 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;
- Use of materials sources from local suppliers, as feasible; and
- Recycling of at least 50 percent of construction waste materials.

b. Findings – With the implementation of the above mitigation, impacts related to short-term GHG emissions would be less than significant.

c. Supportive Evidence – Please refer to Impact GHG-2 in the DEIR.
F. HAZARDS AND HAZARDOUS MATERIALS

1. **Impact HAZ-3**: The 2018 RTP/SCS includes land use patterns 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 hazard to the public or environment. **Impacts would be significant but mitigable.**

   a. **Mitigation** – The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects to minimize GHG emissions. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.

   **HAZ-1: Site Remediation:** If an individual project included in the 2018 RTP/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 project sponsor shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials’ E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. 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** – With the implementation of the above mitigation, impacts related to hazardous material sites would be less than significant.

   c. **Supportive Evidence** – Please refer to Impact HAZ-3 in the DEIR.

G. HYDROLOGY AND WATER RESOURCES

1. **Impact W-1.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could result in substantial eroded sediments and contaminants in runoff, as well as changes in drainage patterns which could degrade surface and ground water quality. **Impacts would be significant but mitigable.**

   a. **Mitigation** – The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid significant adverse environmental impacts related to
changes in drainage patterns which could degrade surface and ground water quality. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in potential impacts to water supplies:

**W-1(a): Fertilizer/Pesticide Application Plan.** The project sponsor of a 2018 RTP/SCS project shall ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of contaminants. The plans shall specify the use of products that are safe for use in and around aquatic environments.

**W-1(b): Runoff Capture.** The project sponsor of a 2018 RTP/SCS project involving construction of a new roadway, or widening or extension of an existing roadway, shall ensure that the improvement directs runoff into subsurface percolation basins and traps which would allow for the removal of urban pollutants, fertilizers, pesticides, and other chemicals.

b. **Findings** – Implementation of the above measures would reduce potential impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to Impact W-1 in the DEIR.

2. **Impact W-3.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS could be subject to flood hazards, dam failure, or tsunami, which may expose people or structures to a significant risk of loss, injury, or death. Impacts would be significant but mitigable.

a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for all transportation projects developed pursuant to the 2018 RTP/SCS that would result in impacts from flooding.

**W-3(a): Project-Specific Hydrology Studies.** Project sponsors conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with applicable federal, state, and local agency flood-control regulations. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows to levels consistent with federal, state, and local regulations and laws related to development in the floodplain.

**W-3(b): Development In Flood Hazard Areas.** Project sponsors shall, to the extent feasible and appropriate, prevent development in flood hazard areas that do not have appropriate protections.

**W-3(c): Elevated Structures In Flood Zones.** If a 2018 RTP/SCS project is in an area with high flooding potential, project sponsors shall ensure that the structure is elevated at least one foot above the 100-year flood zone elevation and that bank stabilization and erosion control measures are implemented along creek crossings, where applicable.

b. **Findings** – Implementation of the above mitigation measures would reduce potential impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to Impact W-3 in the DEIR.
II. TRANSPORTATION

1. Impact T-3: Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS could generate new design feature hazards in the SJCOG planning area. Impacts would be significant but mitigable.

   a. Mitigation – The following mitigation measure is recommended by SJCOG to reduce design feature hazards in transportation projects. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects:

      T-3: Safety Measures. Implementing and local agencies should make safety a prime objective in the design of RTP projects, and should plan to avoid, remedy, or mitigate such impacts in the course of project-level development and environmental review, including when incorporating active transportation and transit features into roadway projects.

   b. Findings – Land use compatibility impacts and related transportation design hazards would be less than significant with implementation of mitigation measures referenced above.

   c. Supportive Evidence – Please refer to Impact T-3 in the DEIR.

I. TRIBAL CULTURAL RESOURCES

1. Impact TCR-1: Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS have the potential to impact tribal cultural resources. Impacts would be significant but mitigable.

   a. Mitigation – The following mitigation measure is recommended by SJCOG to reduce potential impacts to tribal cultural resources. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects:

      TCR-1: Tribal Cultural Resources Impact Minimization. If the project sponsor determines that a project may cause a substantial adverse change to a tribal cultural resource, identified through project-specific AB 52 consultation, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, project sponsors shall implement the following measures where feasible and necessary to address site-specific impacts to avoid or minimize the 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
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- 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.

b. **Findings** – With implementation of proposed mitigation above, impacts would be reduced to a less than significant level.

c. **Supportive Evidence** – Please refer to Impact TCR-1 in the DEIR.
V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

SJCOG hereby finds that mitigation measures that have been identified in the DEIR that will lessen the following significant environmental impacts but not to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the DEIR as well as relevant responses to comments in the FEIR.

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 patterns envisioned by the 2018 RTP/SCS may impair public views along designated scenic corridors, including state scenic highways. This would be a significant and unavoidable impact.

   a. Mitigation – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects. These measures can and should also be implemented for all transportation projects developed pursuant to the 2018 RTP/SCS that would alter the County’s rural character.

AES-1(a): Regional Planning Efforts. Impacts to aesthetic resources shall be minimized through cooperation, information sharing, and SJCOG’s ongoing regional planning efforts.

AES-1(b): Alternative Design. Project sponsors shall identify and protect panoramic views and significant landscape features or landforms and implement project-specific mitigation as applicable. If it is determined that a project would significantly obstruct scenic views, implementing and local agencies can and should consider alternative designs that seek to avoid and/or minimize obstruction of scenic views to the extent feasible. Project-specific design measures may include reduction in height of improvements or width of improvements to reduce obstruction of views, or relocation of improvements to reduce obstruction of views. Implementing local agencies can and should consider taking the following (or equivalent) actions:

- Require that the scale and massing of new development in higher-density areas provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods that have lower development intensities and building heights; ensure building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect scenic views;
- Avoid siting electric towers, solar power facilities, wind power facilities, communication transmission facilities and/or above ground lines along scenic roadways and routes, to the maximum feasible extent;
- Prohibit projects and activities that would obscure, detract from, or negatively affect the quality of views from designated scenic roadways or scenic highways; and comply with
other local general plan policies and local control related to the protection of panoramic or scenic views or views of significant landscape features or landforms.

b. **Findings** – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the incremental alteration of the area’s current rural or semi-rural character to a more suburban environment is considered a significant and unavoidable impact.

c. **Supportive Evidence** – Please refer to Impact AES-1 in the DEIR.

2. **Impact AES-2.** Proposed transportation improvement projects and land use patterns envisioned by the 2018 RTP/SCS may substantially degrade existing visual character in the SJCOG region. *This would be a significant and unavoidable impact.*

a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects. These measures can and should also be implemented for all transportation projects developed pursuant to the 2018 RTP/SCS that could degrade the existing visual character in the SJCOG region.

**AES-2: Design Measures for Visual Compatibility.** The project sponsor shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include but are not limited to:

- 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** – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the potential incremental alteration of the area’s existing visual character in the SJCOG region is considered a significant and unavoidable impact.

c. **Supportive Evidence** – Please refer to Impact AES-2 in the DEIR.
B. AGRICULTURE

1. Impact AG-1: Proposed transportation improvements and land use patterns envisioned by the 2018 RTP/SCS could result in the conversion of important farmland to nonagricultural use, and/or conflict with existing zoning for agriculture.

   a. Mitigation – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS. This measure can and should be implemented to reduce the conversion of important farmland to nonagricultural use, and/or conflict with existing zoning for agriculture.

AG-1: Impact Avoidance and Minimization. Project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to those identified below.

   ▪ Require project relocation or corridor realignment, where feasible, to avoid Prime Farmland, Unique Farmland, or Farmland of Statewide Importance;
   ▪ Compensatory mitigation at a minimum 1:1 (impacted: replaced) acreage ratio with Important Farmland of equivalent or better quality may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies;
   ▪ Require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of 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 – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the potential loss of important farmland in the SJCOG region is considered a significant and unavoidable impact.

   c. Supportive Evidence – Please refer to Impact AG-1 in the DEIR.

2. Impact AG-2: Proposed transportation improvements and land use patterns envisioned by the 2018 RTP/SCS could result in conflicts with existing zoning or land use designations for agriculture; or a Williamson Act contract.

   a. Mitigation – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS. This measure can and should be implemented to reduce conflicts with existing zoning or land use designations for agriculture; or a Williamson Act contract.

   Implementation of AG-1: Impact Avoidance and Minimization, as described above.
b. **Findings** – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the potential conflict with existing zoning or land use designations for agriculture, or a Williamson Act contract in the SJCOG region is considered a significant and unavoidable impact.

c. **Supportive Evidence** – Please refer to Impact AG-2 in the DEIR.

3. **Impact AG-3**: Proposed transportation improvement projects and land use patterns envisioned by the 2018 RTP/SCS would result in a conflict with or loss of forest or timberland.

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS. This measure can and should be implemented to result in a conflict with or loss of forest or timberland.

   **AG-2: Preservation Ratios.** Project sponsors shall establish preservation ratios to minimize loss of forest land, and timberland, such as one acre of unprotected forest land and timber land to be permanently conserved for each acre of open space developed as a result of individual projects.

   **AG-3: Design Features.** Project sponsors shall implement design features in RTP/SCS projects to minimize development impacts on existing forest land. Project sponsors shall consider corridor realignment, buffer zones and setbacks, and berms and fencing where feasible, to avoid forest lands and timberlands and to reduce conflicts between transportation uses and forest and timberlands.

   b. **Findings** – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the potential conflict with or loss of forest or timberland contract in the SJCOG region is considered a significant and unavoidable impact.

   c. **Supportive Evidence** – Please refer to Impact AG-3 in the DEIR.

**C. BIOLOGICAL RESOURCES**

1. **Impact BIO-1.** Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS may result in impacts to special-status plant and animal species. *This impact is significant and unavoidable.*

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could result in impacts to special-status plant and animal species.

   **Implementing agencies that choose to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) can reduce impacts**
to biological resources resulting from a proposed project to a level of less-than-significant if the proposed project is consistent with the SJMSCP.

**BIO-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. Pending 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. If the project cannot be designed without complete avoidance, the sponsor agency shall coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFW, USACE) to obtain regulatory permits and implement project - specific mitigation prior to any construction activities. The following mitigation measures [BIO-1(b) through BIO-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.

**BIO-1(b): Special-status Plant Species Survey.** 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 two years prior to project implementation. 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. A report of the survey results shall be submitted to the implementing agency for review. If special-status plant species are identified, mitigation measure BIO-1(c) shall apply.

**BIO-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 BIO-1(b)], then the project shall be re-designed to avoid impacting these plant species to the maximum extent feasible. Occurrences of these species that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at
least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm. 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 2018 RTP/SCS, all impacts shall be mitigated at a minimum ratio of 1:1 (number of acres or individuals restored to number of acres or individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to SJCOG, and/or the local jurisdiction overseeing the project for approval. The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to include numeric criteria to be selected based on the scale of the restoration effort and the restoration technique used:
  - At least 80 percent survival of container plants, and/or
  - Successful establishment the required number of individuals planted from seed to meet required replacement ratios; and/or
  - Sampling-based recruitment/survival criteria to achieve vegetative cover or total number of surviving individuals equal to at least 70 percent of the equivalent metric in reference sites for the same habitat type; sampling-based criteria must use a scientifically valid vegetation sampling method;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**BIO-1(d): Endangered/Threatened Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened 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 BIO-1(e) shall apply.

**BIO-1(e): Endangered/Threatened 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. Disturbance limits shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a qualified biologist, to protect the habitat. 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, and/or CDFW approved conservation bank 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 the following ratio’s for permanent impacts in accordance with the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP 2000)*of not less than 1:1 (area mitigated: area impacted) for agricultural habitat lands and 3:1 for natural lands (non-wetland). 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 the implementing agency establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for federal and/or state listed species habitat impacts, compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder. In addition, 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. If restoration is required on the conservation site, the HMMP shall contain the restoration components outlined under the Restoration Plan listed in measure BIO-1(c). The HMMP shall be submitted to the implementing agency for approval.

**BIO-1(f): Endangered/Threatened Species Avoidance and Minimization.** The following measures shall be applied to aquatic and terrestrial species, where appropriate. Project sponsors 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 BIO-1[a]).

- Preconstruction 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 USFWS, NMFS
  and/or CDFW should be consulted to determine the appropriate course of action. 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 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 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 preactivity clearance surveys for endangered/threatened species.
  Alternatively, and upon approval of the CDFW and/or USFWS 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.

- 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 the USFWS, NMFS and/or CDFW shall be
  consulted to determine the appropriate course of action, or the appropriate measures
  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.
- 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.
- If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline.
- 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.

**BIO-1(g): Non-Listed Special-status Animal Species Avoidance and Minimization.**
Depending on the species identified in the BRA, measures shall be selected from among the following to reduce the potential for impacts to non-listed special-status animal species:
- Preconstruction 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 preconstruction 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 preconstruction 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.

BIO-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.

BIO-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** – With implementation of the above mitigation measures, potential impacts to special-status plant and animal species would be reduced, but this impact would remain *significant and unavoidable*.

c. **Supportive Evidence** – Please refer to Impact BIO-1 in the DEIR.

2. **Impact BIO-3.** Implementation of transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS may result in impacts to sensitive habitats, including federally protected wetlands. *This impact is significant and unavoidable.*

a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could result in impacts to wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery.

Implementing agencies that choose to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) can reduce impacts to biological resources resulting from a proposed project to a level of less-than-significant if the proposed project is consistent with the SJMSCP.

**BIO-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)

**BIO-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

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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 SJCOG 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.

**BIO-3(c): Project Design for Wildlife Connectivity.** The following construction 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.
- Daily 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**—With implementation of the above mitigation measures, potential impacts to wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery, would be reduced but this impact would remain significant and unavoidable.

c. **Supportive Evidence**—Please refer to Impact BIO-3 in the DEIR.

**D. CULTURAL RESOURCES**

1. **Impact CR-1**—Implementation of proposed transportation improvements and the land use scenario envisioned by the 2018 RTP/SCS could cause a substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5. *Impacts would be significant and unavoidable.*

a. **Mitigation**—SJCOG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could cause a substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5.

**CR-1: Historical Resources Impact Minimization.** Prior to individual project permit issuance, the project sponsor of a 2018 RTP/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:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.
- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

b. **Findings** – Implementation of the above measures would reduce potential impacts to archeological resources. However, because a project could still cause a substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5, this impact would remain *significant and unavoidable*.

c. **Supportive Evidence** – Please refer to Impact CR-1 of the DEIR.

**E. HYDROLOGY AND WATER QUALITY**

1. **Impact W-2.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2018 RTP/SCS would incrementally increase water demand above and beyond existing use in the SJCOG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities. *This impact is significant and unavoidable.***

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could incrementally increase water demand above and beyond existing use in the SJCOG region

   W-2(a): **Monitoring Systems, Long-Term Administrative Procedures, and Uniform Building Code For Dewatering Facilities.** Project sponsors shall ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents
degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Construction designs can and should comply with appropriate building codes and standard practices including the Uniform Building Code.

W-2(b): Maximize Permeable Surface Areas. Implementing and local agencies shall maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. New impervious surfaces can and should be minimized to the greatest extent possible, including the use of in-lieu fees and off-site mitigation. Implementing and local agencies should avoid development in groundwater recharge areas. Where feasible, transportation facilities should not be sited in groundwater recharge areas, to prevent conversion of those areas to impervious surface.

W-2(c): Avoid Development In Groundwater Recharge Areas. Project sponsors shall avoid development in groundwater recharge areas. To the extent practicable, transportation facilities shall be sited away from areas of groundwater recharge in order to prevent impervious surface creation.

W-2(d): Reduce Hardscape To Facilitate Groundwater Recharge. As appropriate, project sponsors shall reduce hardscape to the extent feasible in order to facilitate groundwater recharge.

W-2(e): Bioswale Installation. The project sponsor of a 2018 RTP/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.

W-2(f): Porous Pavement. Projects that involve streetscaping, parking, transit, and land use improvements shall ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.

W-2(g): Construction Dust Suppression. Ensure that sponsored 2018 RTP/SCS projects, where economically feasible and available, utilize 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.

b. Findings – Although the above measures would reduce water demand, demand would still incrementally increase above and beyond existing use in the SJCOC region. This demand may potentially require new or expanded water supplies, entitlements, or facilities and therefore are considered significant and unavoidable.

c. Supportive Evidence - Please refer to Impact W-2 of the DEIR.

2. Impact W-4. Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2018 RTP/SCS would increase water demand in the SJCOG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities. This impact is significant and unavoidable.
a. Mitigation: SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could incrementally increase water demand above and beyond existing use in the SJCOG region

W-4(a): Coordinated Development And Support Of Sustainable Policies In Accommodating Growth. SJCOG, in coordination with regional water agencies and other stakeholders, shall encourage the kind of regional coordination throughout California that develops and supports sustainable policies in accommodating growth.

W-4(b): Reduce Exterior Uses Of Water And Promote Reductions In Water Consumption. Project sponsors shall reduce exterior uses of water in public areas, and promote reductions in private homes and businesses by shifting to drought-tolerant native landscape plantings, using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives. Local jurisdictions should work with local water retailers to promote the availability of drought resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.

W-4(c): Minimize Future Impacts To Water Supply. Future impacts to water supply shall be minimized through cooperation, information sharing, and program development as part of the SJCOG’s ongoing regional planning efforts, in-coordination with regional water agencies, and other stakeholders.

W-4(d): Water Demand/Pressure Requirements. Project sponsors shall coordinate with the local water provider to ensure that existing and/or planned water supply and water conveyance facilities are capable of meeting water demand/pressure requirements. In accordance with state law, a water supply assessment can and should be required for projects that meet the size requirements specified in the regulations. In coordination with the local water provider, each project sponsor will identify specific on- and off-site improvements needed to ensure that impacts related to water supply and conveyance demand/pressure requirements are addressed prior to issuance of a certificate of occupancy. Water supply and conveyance demand/pressure clearance from the local water provider will be required at the time that a water connection permit application is submitted.

W-4(e): Water Conservation Measures In New Development. Project sponsors shall implement water conservation measures in new development that should include but not be limited to the following:
- High efficiency toilets
- Restroom faucets with automatic shut-off
- High efficiency clothes washers
- High efficiency dishwashers
- Use of reclaimed water for appropriate uses
- Water saving irrigation measures including: weather-based irrigation controller with rain shut-off.

W-4(f): Identify Feasible and Reasonable Measures To Reduce Water Consumption. Project sponsors shall consult with the local water provider to identify feasible and reasonable measures to reduce water consumption, including, but not limited to, systems to use reclaimed water for landscaping, drip irrigation,
re-circulating hot water systems, water conserving landscape techniques (such as mulching, installation of drip irrigation systems, landscape design to group plants of similar water demand, soil moisture sensors, automatic irrigation systems, clustered landscaped areas to maximize the efficiency of the irrigation system), water conserving kitchen and bathroom fixtures and appliances, thermostatically controlled mixing valves for baths and showers, and insulated hot water lines.

b. **Findings** – Although the above measures would reduce water demand, demand would still incrementally increase above and beyond existing use in the SJCOG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities and therefore are considered **significant and unavoidable**.

c. **Supportive Evidence** - Please refer to Impact W-4 of the DEIR.

**F. NOISE**

1. **Impact N-1.** Construction and operational activities from the proposed transportation improvement projects and the land use scenario envisioned in the 2018 RTP/SCS would create temporary and permanent noise level increases that exceed applicable thresholds in locations throughout the SJCOG region. *This impact is significant and unavoidable.*

   a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could create temporary and permanent noise level increases that exceed applicable thresholds in locations throughout the SJCOG region.

**N-1: Noise Reduction Practices.** Project sponsors shall assess and mitigate to the extent feasible short- and long-term noise impacts in accordance with applicable regulations and to implement site-specific noise reduction measures. Reduction measures include, but are not limited to, the following:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Except as may be exempted by the Lead Agency (or other appropriate government agency), impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler can lower noise levels from the exhaust by up to about 10 dB(A). External jackets on the tools themselves should be used, if such jackets are commercially available and this could achieve a reduction of 5 dB(A). Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- Stationary noise sources shall be located as far from adjacent sensitive receptors as possible and they should be muffled and enclosed within temporary sheds,
incorporate insulation barriers, or use other measures as determined by the Lead Agency (or other appropriate government agency) to provide equivalent noise reduction.

- A procedure and phone numbers shall be provided for notifying the Lead Agency staff and local Police Department; (during regular construction hours and off-hours);
- A sign shall be posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign should also include a listing of both the Lead Agency and construction contractor’s telephone numbers (during regular construction hours and off-hours);
- An on-site construction complaint and enforcement manager for the project shall be designated;
- Neighbors and occupants within 300 feet of the project construction area shall be notified at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity.
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
- Portable barriers shall be used in the vicinity of sensitive receptors during construction.
- Projects that require pile driving or other construction noise above 90 dB(A) in proximity to sensitive receptors, shall reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dB(A), a set of site-specific noise attenuation measures should be completed under the supervision of a qualified acoustical consultant.
- The feasibility of noise control shall be evaluated at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and such measures shall be implemented if such measures are feasible and would noticeably reduce noise impacts.
- The effectiveness of noise attenuation measures shall be monitored by taking noise measurements.
- Material stockpiles shall be strategically placed between the operation and the affected dwelling to minimize noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence.
- Sound reducing barriers shall be constructed between noise sources and noise-sensitive land uses.
- Implement, to the extent feasible and practicable, speed limits and limits on hours of operation of rail and transit systems, where such limits may reduce noise impacts.
- Locate transit-related passenger stations, central maintenance facilities, decentralized maintenance facilities, and electric substations away from sensitive receptors to the maximum extent feasible.

b. **Findings** – Although the above measures would reduce Construction and operational noise from proposed transportation improvement projects and the land use scenario envisioned in the 2018 RTP/SCS in the SJCOC region, these temporary and permanent noise level increases could still exceed applicable thresholds in locations
throughout the SJCOG region and therefore are considered significant and unavoidable.

c. **Supportive Evidence** - Please refer to Impact N-1 of the DEIR.

2. **Impact N-2.** Construction and operational activities from the proposed transportation improvement projects and the land use scenario envisioned in the 2018 RTP/SCS would create temporary and permanent vibration level increases that exceed applicable thresholds in locations throughout the SJCOG region. This impact is significant and unavoidable.

a. **Mitigation** –: SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could create temporary and permanent vibration level increases that exceed applicable thresholds in locations throughout the SJCOG region.

**N-2: Vibration Mitigation for Transportation Projects.** Project sponsors of 2018 RTP/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 flattening 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 noise barriers
  - Use noise reducing tires and wheel construction on bus wheels
  - Use vehicle skirts (partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

b. **Findings** – Although the above measures would reduce Construction and operational vibration from proposed transportation improvement projects and the land use scenario envisioned in the 2018 RTP/SCS in the SJCOG region, these temporary and permanent noise level increases could still exceed applicable thresholds in locations throughout the SJCOG region and therefore are considered significant and unavoidable.
c. **Supportive Evidence** - Please refer to Impact N-2 of the DEIR.

G. TRANSPORTATION

1. **Impact T-1.** Daily hours of vehicle delay and total peak period congested VMT in the SJCOG region would increase between future baseline 2015 conditions and 2042 conditions with implementation of the 2018 RTP/SCS. *This impact is significant and unavoidable.*

a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that could create daily hours of vehicle delay and total peak period congested VMT in the SJCOG region to increase between future baseline 2015 conditions and 2042 conditions.

**T-1(a): Reduced Vehicle Travel.** In addition to the current Tier 1 RTP projects, SJCOG should continue to explore potential measures to reduce vehicular travel. Such measures can include, but are not limited to land-use strategies to reduce VMT, car-sharing programs, additional car and vanpool programs, and additional bicycle programs.

**T-1(b): Evaluation of VMT.** Implementing and local agencies should evaluate VMT as part of project specific review and identify and implement measures that reduce VMT including mixed use land uses and inclusion of alternative and active transportation facilities (bike racks, transit stops, and pedestrian amenities).

b. **Findings** – Although the above measures would reduce daily hours of vehicle delay and total peak period congested VMT in the SJCOG region, the increase between future baseline 2015 conditions and 2042 conditions could still occur and therefore is considered *significant and unavoidable.*

c. **Supportive Evidence** - Please refer to Impact T-1 of the DEIR.

2. **Impact T-2.** Implementation of the transportation improvement projects and the land use scenario envisioned by the 2018 RTP/SCS could conflict with applicable congestion management plan programs by decreasing the levels of service of roadway operations in the SJCOG Planning Area. *This impact is significant and unavoidable.*

a. **Mitigation** – SJCOG shall implement and sponsor agencies can and should implement the following mitigation measure for transportation projects and land use patterns envisioned by the 2018 RTP/SCS that conflict with applicable congestion management plan programs by decreasing the levels of service of roadway operations in the SJCOG Planning Area.

**T-2 LOS Deficient Roadways - Reduced Congestion and Alternatives.** SJCOG should inform jurisdictions with projected LOS E and F roadway segments under the Plan of the potential need to develop a Deficiency Plan under the San Joaquin Regional Congestion Management Program at some point before 2042. SJCOG
should work with these agencies to identify and encourage changes that would increase use of alternative transportation and other means to reduce congestion.

b. **Findings** – Although the above measures would reduce conflict with applicable congestion management plan programs, the levels of service of roadway operations in the SJCOG Planning Area could still decrease and therefore is considered *significant and unavoidable*.

c. **Supportive Evidence** - Please refer to Impact T-2 of the DEIR.
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 DEIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an DEIR, the DEIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the DEIR preparers which may or may not be adopted by lead agency decisionmakers. When CEQA findings are made after FEIR certification, the lead agency decisionmaking body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (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, Chapter 6 of the DEIR 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 RTP/SCS alternatives were selected for review in the DEIR because of their potential to avoid or substantially lessen 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 2018 RTP/SCS DEIR and Appendices thereto.

Three alternatives are considered for the proposed 2018 RTP/SCS: Alternative 1: 2042 No-Build Scenario (No Project), Alternative 2: Business As Usual, and Alternative 3: Compact Development,
B. FINDINGS ON ALTERNATIVES

The following project alternatives identified in the Environmental Impact Report are rejected for the following reasons. Evidence supporting the below analysis is presented in the DEIR, Chapter 6.

The environmental analysis contained in this DEIR determined that the proposed project would result in 14 significant and unavoidable impacts and several potentially significant but mitigable environmental impacts. The No Project Alternative (Alternative 1) could be considered environmentally superior overall, as it would entail the fewest projects and therefore result in the fewest construction-related impacts and ground disturbance-related impacts. However, as identified in Error! Reference source not found., the No Project Alternative has greater impacts overall, including several categories compared to the proposed project; agriculture, biology, environmental justice, hazards, hydrology, and land use. The No Project alternative would also not result in several transportation improvements and the infill and TOD projects envisioned in 2018 RTP/SCS, thereby not meeting the goals set by SJCOG for this project.

The environmentally superior project is Alternative 3: Compact Development. This alternative has been evaluated to result in fewer impacts in seven categories and greater impacts in four categories compared to the proposed project as shown in Error! Reference source not found. of the DEIR. Compared to the proposed Plan, environmental justice households under Alternative 3 have a greater potential of being located within 500 feet of a highway, which increases their exposure to certain air pollutants. Under hazards, Alternative 3 would maximize urban centers and focus on urban infill. This would increase the potential for disturbance of contaminated sites, as there is a greater likelihood for urban redevelopment sites to be previously exposed to hazardous materials. Also, Alternative 3 would result in much more focused growth patterns concentrating growth and trips in urban areas, which would lead to greater noise levels in urban areas. Although this project has been determined to be environmentally superior, this alternative would require limiting single-family housing as a percentage of new growth to 51 percent (as opposed to 61 percent under the 2018 RTP/SCS) and the highest level of ACE expansion and Bus Rapid Transit Corridors in urbanized areas. These more aggressive densities and transit focus were not selected as the preferred scenario by the SJCOG Board.
VII. FINDINGS ON CUMULATIVE IMPACTS

A. INTRODUCTION

Chapter 4 of the DEIR includes an analysis of both project-specific and cumulative impacts of the proposed project, as required by CEQA. This DEIR is a Program DEIR that analyzes the effects of cumulative buildout of the 2018 RTP/SCS. The proposed 2018 RTP/SCS considers probable future projects included in the range of transportation projects designed to meet the plan goals and current and projected future needs, and the FEIR analyzes the cumulative impacts of these projects. The cumulative effects of all probable future circulation system improvements are included in the analysis of the proposed project’s impacts.

In Chapter 4.0, 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.4th 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 also are feasible options 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, SJCOG hereby finds that in Section IV of these findings, mitigation measures have been identified in the DEIR 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 AQ-1; Mitigation Measure AQ-1
- Impact AQ-2; Mitigation Measure AQ-2
- Impact AQ-4; Mitigation Measure AQ-4
- Impact BIO-2; Mitigation Measures BIO-2(a)-(f)
- Impact BIO-5; Mitigation Measures BIO-1 through BIO-3
- Impact CR-2; Mitigation Measure CR-2
- Impact CR-3; Mitigation Measure CR-3
- Impact GEO-1; Mitigation Measure GEO-1
- Impact GHG-2; Mitigation Measure GHG-2
- Impact HAZ-3; Mitigation Measures HAZ-3
- Impact W-1; Mitigation Measures W-1(a)-(b)
- Impact W-3; Mitigation Measure W-3(a)-(c)
- Impact T-3; Mitigation Measure T-3
Impact TCR-1; Mitigation Measure TCR-1

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, SJCOG hereby finds that in Section V of these findings, mitigation measures have been identified in the DEIR 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 are as follows:

- Impact AES-1; Mitigation Measures AES-1(a)-(b)
- Impact AES-2; Mitigation Measures AES-2
- Impact AG-1; Mitigation Measure AG-1
- Impact AG-2; Mitigation Measure AG-1
- Impact AG-3; Mitigation Measures AG-2, AG-3
- Impact BIO-1; Mitigation Measures BIO-1(a)-(i)
- Impact BIO-3; Mitigation Measures BIO-3(a)-(c)
- Impact CR-1 (for historic structures); Mitigation Measure CR-1
- Impact W-2; Mitigation Measures W-2 (a)-(g)
- Impact W-4; Mitigation Measures W-4 (a)-(f)
- Impact N-1; Mitigation Measure N-1
- Impact N-2; Mitigation Measure N-2
- Impact T-1; Mitigation Measures T-1(a)(b)
- Impact T-2; Mitigation Measure T-2

Impact GHG Cumulative - Due to the uncertainty associated with project emissions and future statewide emission reductions, as well as the gap identified by the Scoping Plan for achieving reductions from SB 375 sufficient to meet statewide targets, the project would have a potentially significant cumulative impact related to GHG emissions. The following mitigation measures are recommended by SJCOG to reduce, minimize or avoid cumulative GHG emissions impacts.

Cumulative GHG Mitigation. To support GHG reductions on a regional level, as well as address the gap between SB 375 and needed reductions from the transportation and land use sectors to achieve statewide targets, SJCOG shall take the following actions, as feasible (the following measures have been adapted from Appendix C of the 2017 Scoping Plan):

- Explore and develop financing and tools to support more efficient and more equitable development, including reducing barriers to housing development in infill areas; promoting infill development and necessary infrastructure in existing communities; and implementing strategies to ensure that long-time residents can stay in place as neighborhoods improve.
Support transportation policies such as priced express lanes, reduced parking requirements for development, and transit commuter incentives that promote infill development and reduce vehicle miles traveled.

- Explore transit pass subsidies or other ways to reduce transit fares, particularly for disadvantaged communities, students, seniors, the disabled, and other transit-dependent users.

- Support expansion and improvement of active transportation infrastructure to help meet the California Transportation Plan goal of quadrupling active transportation mode share by 2040.

- Explore ways to expand access to car share, bike share, and ride share services.

- Explore ways to increase use of lower-carbon construction materials for transportation infrastructure projects.

- Implement sustainable landscaping practices for transportation infrastructure projects that contribute to the enhancement of a multi-modal transportation system.

- Explore ways to:
  - Promote teleworking and alternative work schedules.
  - Incentivize use of transit and active transportation for commuting.
  - Increase ride sharing to work to help meet the California Transportation Plan goal of increasing carpool vehicles by 15% by 2040.

SJCOG and member agencies shall promote the use of dibs (formerly Commute Connection), a program of SJCOG serving San Joaquin, Stanislaus, and Merced counties. dibs promotes and encourages smart travel through carpooling, vanpooling, riding transit, walking, & biking. The program's core focus is to reduce single occupant vehicle commutes, thus reducing congestion and GHG emissions, and improving air quality. Information on Dibs can be found here: https://www.dibsmart.com/
VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

SJCOG 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 DEIR has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, SJCOG 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 DEIR, most 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 2018 RTP/SCS would contribute to the alteration of the SJCOG region’s public views along designated scenic corridors, including state scenic highways. (Impact AES-1)
2. Implementation of the 2018 RTP/SCS would contribute to the alteration of the SJCOG region’s aesthetic character. (Impact AES-2)
3. Implementation of the 2018 RTP/SCS would contribute to conversion of important farmland to nonagricultural use, and/or conflict with existing zoning for agriculture. (Impact AG-1)
4. Implementation of the 2018 RTP/SCS would contribute to conflicts with existing zoning or land use designations for agriculture; or a Williamson Act contract. (Impact AG-2)
5. Implementation of the 2018 RTP/SCS would contribute to conflicts with or loss of forest or timberland. (Impact AG-3)
6. Implementation of the 2018 RTP/SCS would contribute to impacts to special-status plant and animal species. (Impact BIO-1)
7. Implementation of the 2018 RTP/SCS would contribute to impacts to wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. (Impact BIO-3)
8. Implementation of the 2018 RTP/SCS would contribute to substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5. (Impact CR-1)
9. Implementation of the 2018 RTP/SCS would contribute to incrementally increase water demand above and beyond existing use in the SJCOG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities. (Impact W-2)
10. Implementation of the 2018 RTP/SCS would contribute to increased water demand in the SJCOG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities. (Impact W-4)
11. Implementation of the 2018 RTP/SCS would contribute to temporary and permanent noise level increases that exceed applicable thresholds in locations throughout the SJCOG region. (Impact N-1)
12. Implementation of the 2018 RTP/SCS would contribute to generating substantial vibration levels throughout the SJCOG region. (Impact N-2)
13. Implementation of the 2018 RTP/SCS would contribute to daily hours of vehicle delay and total peak period congested VMT in the SJCOG region between future baseline 2015 conditions and 2042 conditions. (Impact T-1)
14. Implementation of the 2018 RTP/SCS would contribute to conflicts with applicable congestion management plan programs by decreasing the levels of service of roadway operations in the SJCOG Planning Area. (Impact T-2)
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, SJCOG 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 2018 RTP/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.

b. The project will improve transportation mobility and accessibility in the county.

c. The project will improve air quality by reducing emissions of ozone precursors compared to future No Project conditions.

d. The SCS will contribute to a reduction in greenhouse gas (GHG) emissions from passenger vehicles and light trucks, helping the San Joaquin County area to achieve the regional GHG reduction targets set by the California Air Resources Board (ARB).

e. The project will promote consistency between the California Transportation Plan 2040, the 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.

f. The construction of transportation projects will result in both short-term and long-term economic benefits to the San Joaquin County area and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The RTP/SCS program includes $11.461 billion of transportation investments in the SJC region (Draft RTP/SCS Table ES.3, page ES-7).
IX. MITIGATION MONITORING AND REPORTING PROGRAM

SJCOG finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2018 RTP/SCS has been prepared for the project and has been adopted concurrently with these Findings (Public Resources Code, § 21081.6(a)(1)). The MMRP is described in the following sections.

A. PURPOSE AND INTENDED USE OF THE MMRP

The California Environmental Quality Act (CEQA) requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures. This MMRP 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 this MMRP is to ensure the adopted mitigation measures adopted in the findings of fact for the RTP/SCS are implemented, in accordance with CEQA requirements. The findings adopt feasible mitigation measures to reduce the significant environmental impacts of the RTP/SCS. This MMRP clarifies the process for SJCOG and sponsor agencies to ensure these mitigation measures are implemented, and designates responsibility for implementing, monitoring, and reporting mitigation.

B. MITIGATION MEASURES ADOPTED WITH THE 2018 RTP/SCS

The mitigation measures adopted in the 2018 RTP/SCS FEIR findings are listed in Sections III, IV, and V of these findings. Each mitigation measure identifies the parties responsible for implementation.

C. ENFORCEMENT

CEQA requires mitigation measures to be “fully enforceable” through the use of permit conditions, agreements, or other measures within each Lead Agency’s authority (Public Resources Code 21081.6(b)). The adopted mitigation measures are programmatic first-tier mitigation that can and should be implemented by other sponsor agencies during future project-specific design and environmental review. The Lead Agency for each future project is responsible for assuring the project-specific mitigation measures it adopts are enforceable.

D. IMPLEMENTATION AND REPORTING

SJCOG shall designate a staff person (Deputy Executive Officer of SJCOG) to serve as Coordinator for overall implementation and administration of this MMRP, and its application to future projects. The Coordinator will prepare an annual progress report on mitigation measure implementation. Mitigation measures will typically occur at, or prior to, the following milestones:

- **During individual environmental review.** These are measures that need undertaking during individual project-level environmental review of RTP transportation projects. These measures include items such as assessment of identification of specific project level noise reduction measures, and measures to reduce impacts on biological resources.

- **Prior to issuance of a grading permit.** These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
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- *During project construction.* These measures are those that need to occur as the project is being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

- *Following construction.* These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).