

1 Introduction

This document is an Environmental Impact Report (EIR) for a proposed 2040 Metropolitan Transportation Plan-Sustainable Communities Strategy (2040 MTP/SCS) proposed by the Association of Monterey Bay Area Governments (AMBAG) and the Regional Transportation Plans (RTPs) for the counties of Monterey, San Benito and Santa Cruz.

Section 21000 et seq. of the California Public Resources Code, commonly referred to as the California Environmental Quality Act of 1970 (CEQA), requires the evaluation of environmental impacts associated with all planning programs or development projects proposed. As such, this EIR is an informational document for use by AMBAG, other agencies and the general public in their consideration and evaluation of the environmental consequences of implementing of the proposed 2040 MTP/SCS and RTPs for the counties of Monterey, San Benito and Santa Cruz.

This section discusses (1) the purpose of this EIR; (2) 2040 MTP/SCS and EIR background; (3) the type of environmental document prepared for the 2040 MTP/SCS; (4) the content and format of the EIR; (5) the environmental review process required under CEQA; and (6) the lead, responsible and trustee agencies. The proposed project is described in detail in Section 2.0, *Project Description*.

1.1 Statement of Purpose

This EIR has been prepared in compliance with the CEQA Statutes and Guidelines. In general, the purpose of an EIR is to (see CEQA Guidelines Section 15121(a)):

- Analyze the environmental effects of the adoption and implementation of the Plan;
- Inform decision-makers, responsible and trustee agencies and members of the public as to the range of the environmental impacts of the Plan;
- Recommend a set of measures to mitigate significant adverse impacts; and
- Analyze a range of reasonable alternatives to the proposed Plan.

As the lead agency for preparing this EIR, AMBAG will rely on the EIR analysis of environmental effects in their review and consideration of the proposed 2040 MTP/SCS prior to approval.

As discussed in further detail below in Section 1.3.1, *CEQA Streamlining Opportunities*, SB 375 provides streamlining benefits for certain transit oriented projects consistent with an adopted SCS. Pursuant to these provisions of SB 375, this EIR has also been prepared to allow qualifying projects to streamline their environmental review.

1.2 Project Background

The Transportation Agency for Monterey County (TAMC), the Council of San Benito County Governments (SBtCOG) and the Santa Cruz County Regional Transportation Commission (SCRTC) are the state-designated Regional Transportation Planning Agencies (RTPAs) for Monterey, San Benito and Santa Cruz counties, respectively. Each RTPA prepares a county-level long-range Regional Transportation Plan (RTP).

As the metropolitan planning organization (MPO) for the tri-county region of Monterey, San Benito and Santa Cruz counties, AMBAG is charged with developing a Monterey Bay Area Metropolitan Transportation Plan and the Sustainable Communities Strategy, the 2040 MTP/SCS, in compliance with SB 375 (Chapter 728, Statutes of 2008). The MTP is the metropolitan long-range transportation plan for the three counties and is a compilation of the transportation projects included in the Monterey County Regional Transportation Plan (2040 MC-RTP), the 2040 San Benito County Regional Transportation Plan (2040 SBC-RTP) and the 2040 Santa Cruz County Regional Transportation Plan (2040 SCC-RTP). The most recent MTP/SCS was adopted by AMBAG in June 2014. A program environmental impact report (EIR) was prepared for the 2035 MTP/SCS. This EIR will serve as the Program EIR for the Monterey Bay 2040 MTP/SCS and the RTPs prepared by the Monterey, San Benito and Santa Cruz County RTPAs.

The 2035 MTP/SCS programmed available transportation funding to 2035 and included lists of programmed and planned transportation projects to improve the transportation system during the 2011-2035 planning period. Among these listed projects were highway, road and street projects, pedestrian and bikeway projects, aviation projects, rail projects and transit projects, as well as programs for transportation demand management and intelligent transportation systems. Although a number of projects from the 2035 MTP/SCS have been completed, many have not. Additionally, new projects have been incorporated into the 2040 MTP/SCS from the RTPs prepared by the Monterey, San Benito and Santa Cruz RTPAs.

In compliance with the CEQA Guidelines (Section 15063), AMBAG, as the Lead Agency responsible for the 2040 MTP/SCS, solicited preliminary public agency comments on the project through distribution of a Notice of Preparation (Appendix A) and receipt of public comments during three scoping meetings held at the following locations:

- Hollister, California, on January 11, 2016 from 6:00 PM to 7:30 PM at the County of San Benito Board of Supervisors Chambers, 481 Fourth Street;
- Aptos, California, on January 27, 2016 from 6:30 PM to 8:00 PM at the Aptos Library, 7695 Soquel Drive; and
- Salinas, California, on January 28, 2017 from 6:00 PM to 7:30 PM at the Cesar Chavez Library, 615 Williams Road.

1.3 Type of Environmental Document

This document is a Program EIR. Section 15168(a) of the CEQA Guidelines states that:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

As a programmatic document, this EIR presents a regionwide assessment of the impacts of the proposed 2040 MTP/SCS and the RTPs prepared by the Monterey, San Benito and Santa Cruz RTPAs. Analysis of site-specific impacts of individual projects is not required in a program EIR. Many specific projects are not currently defined to the level that would allow for such an analysis. Individual specific environmental analysis of each project will be undertaken as necessary by the appropriate

implementing agency prior to each project being considered for approval. This program EIR serves as a first-tier environmental document under CEQA supporting second-tier environmental documents for:

- Transportation projects developed during the engineering design process; and
- Land use and development projects, including residential or mixed use projects and transit priority projects consistent with the SCS.

Agencies implementing subsequent projects (“implementing agencies”) would undertake future environmental review for projects in the proposed 2040 MTP/SCS. Implementing agencies, as referred to in this document, are the three counties and RTPAs making up AMBAG (Monterey, Santa Cruz and San Benito), the cities within those counties, and other implementing agencies within the tri-county region. Agencies that would implement a project are also referred to herein as sponsor agencies in this EIR. This would include Caltrans, Amtrak and transit agencies operating in the region, among others. All of these agencies, as well as the AMBAG member agencies, would be able to prepare subsequent environmental documents that incorporate by reference the appropriate information from this program EIR regarding secondary effects, cumulative impacts, broad alternatives and other relevant factors. If the lead agency finds that implementation of a later activity would have no new effects and that no new mitigation measures would be required, that activity would require no additional CEQA review. Where subsequent environmental review is required, such review would focus on project-specific significant effects peculiar to the project, or its site, that have not been considered in this program EIR (CEQA Guidelines Section 15168).

Section 15151 of the CEQA Guidelines provides the following standards related to the adequacy of an Environmental Impact Report:

An Environmental Impact Report should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have looked not for perfection; but for adequacy, completeness and a good faith effort at full disclosure.

Section 15146 of the CEQA Guidelines further provides the following additional standards related to the adequacy of an Environmental Impact Report:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

1.3.1 CEQA Streamlining Opportunities

If the 2040 MTP/SCS is adopted and the program EIR is certified by AMBAG, the California Air Resources Board (CARB) must then confirm that the MTP/SCS, if implemented, would achieve the greenhouse gas emission reduction targets required by SB 375. Upon making this determination, a number of streamlining benefits may become available to lead agencies that carry out or approve future projects consistent with the 2040 MTP/SCS.

For a lead agency to take advantage of many of the potential streamlining benefits associated with the SCS, it must be considered a Transit Priority Project that is consistent with the general use designation, density, building intensity and applicable policies specified for the project area in the SCS and meets the other statutory requirements outlined in Pub. Res. Code §§ 21155 et seq.

1.3.1.1 Streamlining Under SB 375

SB 375 provides streamlining benefits for Transit Priority Projects (TPP) and certain mixed use projects. (See PRC Sections 21155 et seq.) For details, see the Governor's Office of Planning and Research's flow charts on SB 375 streamlining (Governor's Office of Planning and Research 2011). A TPP is a project that meets all of the criteria summarized below. For the purposes of this EIR, geographic areas that meet the TPP requirements are referred to as Transit Priority Areas (TPAs).

- Consistent with the general land use designation, density, building intensity and applicable policies specified for the project area in the SCS;
- Located within half a mile of a major transit stop or high-quality transit corridor;
- Comprised of at least 50 percent residential use based on total building square footage, or as little as 26 percent residential use if the project has a floor area ratio of not less than 0.75; and
- Built out with a minimum of 20 dwelling units per acre (PRC § 21155).

One of three potential streamlining benefits may apply to a TPP pursuant to SB 375, as described below.

First, TPPs that meet a detailed list of criteria set forth in PRC Section 21155.1 are termed Sustainable Communities Projects and are statutorily exempt from CEQA. Due to the extensive list of criteria that must be met to achieve this exemption, the exemption may only be available in limited circumstances.

Second, a TPP that does not qualify for the statutory exemption may be eligible to comply with CEQA using a Sustainable Communities Environmental Assessment (SCEA). An SCEA is similar to a streamlined negative declaration or mitigated negative declaration that requires a 30-day public review period (rather than the otherwise available 20-day public review period). An SCEA is available for a TPP that does not result in any potentially significant environmental impacts after mitigation and that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable EIRs including the EIR for the MTP/SCS. An SCEA is not required to discuss (1) growth inducing impacts, or (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network (PRC Sections 21155.2 (b)(1), 21159.28 (a)). Additionally, unlike a negative declaration or mitigated negative declaration, a lead agency's decision to approve a TPP based on an SCEA is reviewed, if challenged, by a court under the substantial evidence standard (PRC Section 21155.2(b)(7)).

Third, a TPP that will result in one or more significant impacts after mitigation may be reviewed using a tiered TPP EIR as established by PRC Section 21155.2(c). A tiered TPP EIR is only required to address the significant or potentially significant effects of the TPP on the environment and is not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light duty truck trips generated by the project on global warming or the regional transportation network, (3) cumulative effects that have been adequately addressed and mitigated in prior applicable certified EIRs, (4) off-site alternatives, or (5) a reduced density alternative to address effects of car and light truck trips generated by the TPP (PRC Sections 21155.2 (c), 21159.28(a) and (b)).

In addition to the benefits provided for TPPs, SB 375 provides streamlining benefits for residential or mixed use residential projects, as defined in PRC Section 21159.28(d), that are consistent with the use designation, density, building intensity and applicable policies specified for the project area in the SCS but do not meet the criteria for TPPs. Projects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR after it is certified by AMBAG. EIRs for qualifying residential or mixed use residential projects are not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, or (3) a reduced density alternative to address effects of car and light truck trips generated by the project (PRC Section 21159.28 (a)-(b)).

Projects that qualify to use the SB 375 CEQA streamlining benefits would still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits and other local code requirements. The streamlining only applies to the CEQA processing of a project. Other development projects that do not fall into any of these categories could still use this EIR for other CEQA tiering benefits, as described in Section 1.3.1.5, *Other Tiering Opportunities*.

1.3.1.2 Streamlining Under SB 226

In 2011, the legislature enacted SB 226 to establish additional streamlining benefits applicable to infill projects that are consistent with the requirements set forth in CEQA Guidelines section 15183.3 (PRC Sections 21094.5 (c), 21094.5.5). Residential, commercial and retail, public office buildings, transit stations and schools are eligible for this streamlining provided they meet the following requirements: (1) are located in an urban area on a site that has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; (2) satisfy the performance standards provided in Appendix M of the CEQA Guidelines; and, (3) are consistent with the general use designation, density, building intensity and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, with some exceptions.

For these projects, more significant effects, or if uniformly applicable, development standards, would substantially mitigate such effects. If this is not the case, then a Mitigated Negative Declaration or, for TPPs, an SCEA may be prepared. If impacts cannot be mitigated through project changes, then an "Infill EIR" is prepared. An Infill EIR is only required to analyze effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in a prior planning level EIR unless new information shows the effects will be more significant than described in the prior EIR (PRC Section 21094.5 (a)(1)). Moreover, an Infill EIR is not required to consider potentially significant environmental effects of the project that may be

reduced to a less-than-significant level by applying uniformly applicable development policies or standards adopted by the city, county, or the lead agency (PRC Section 21094.5 (a)(2)). The Infill EIR is not required to discuss (1) alternative locations, project densities and building intensities, or (2) growth inducing impacts.

Unlike the CEQA streamlining benefits established by SB 375, the benefits created by SB 226 may apply to non-residential projects including qualifying commercial, retail, transit station, school, or public office building projects (CEQA Guidelines, Section 15183.3 (f)(1)).

1.3.1.3 Streamlining Under SB 743

SB 743 (2013) (PRC Section 21099 and 21555.4) created an exemption from CEQA for certain residential, employment center and mixed use development projects that are consistent with a Specific Plan (see Public Resources Code Section 21155.4.) (A Specific Plan implements a General Plan within a smaller geographic area, such as a downtown core or along a transit corridor; see Government Code Section 65450 et seq.). The exemption applies if a project meets all of the following criteria:

1. It is located within a transit priority area;
2. The project is consistent with a specific plan for which an environmental impact report was certified; and
3. It is consistent with an adopted SCS or alternative planning strategy.

The exemption cannot be applied if circumstances requiring preparation of a Subsequent or Supplemental EIR occur, for example if the project would cause new or worse significant environmental impacts compared to what was analyzed in the environmental impact report for the specific plan.

SB 743 also specifies that aesthetic and parking impacts of residential, mixed use residential, or employment center uses on infill sites within a TPA shall not be considered significant effects on the environment (see Public Resources Code Section 21099(d).)

1.3.1.4 Other Tiering Opportunities

Finally, for all other types of projects proposed to be carried out or approved by a lead agency within the region, the lead agency may utilize this EIR for the purposes of other allowed CEQA tiering (PRC Sections 21068.5, 21093-21094, CEQA Guidelines 15152, 15385). Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program or ordinance are relied upon by a narrower second-tier or site-specific EIR (PRC Section 21068.5). Moreover, by tiering from this EIR (if certified by AMBAG), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, (2) were examined at a sufficient level of detail in this EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21094).

1.4 EIR Content and Format

This document includes discussions of environmental impacts related to several issue areas. The analysis of environmental impacts identifies impacts by category: significant and unavoidable, significant but mitigable, less than significant, and beneficial. It proposes mitigation measures,

where feasible, for identified significant environmental impacts to reduce project impacts, identifying when impacts can be reduced to a less than significant level. The responsible agency for each mitigation measure is also identified, as further described in Section 3.4.1.

This EIR has been organized into eight sections. These include:

- 1.0 **Introduction.** Provides the project background, description of the type of environmental document and CEQA streamlining opportunities, and information about the EIR content and format.
- 2.0 **Project Description.** Presents and discusses the project objectives, project location and specific project characteristics.
- 3.0 **Environmental Setting and Impact Analysis Approach.** Provides a description of the existing physical setting of the AMBAG region, including a description of the regional transportation system, and discusses the EIR baseline and approach to direct and cumulative analyses.
- 4.0 **Analysis of Environmental Issues.** Describes existing conditions found in the project area and assesses environmental impacts that may be generated by implementing the proposed project. These project impacts are compared to “thresholds of significance” in order to determine the nature and severity of the direct and indirect impacts. Mitigation measures, intended to reduce adverse, significant impacts below threshold levels, are proposed where feasible. Impacts that cannot be eliminated or mitigated to less-than-significant levels are also identified.
- 5.0 **MTP Consistency with Other Plans Analysis.** Describes consistency with other local and regional plans.
- 6.0 **Other Statutory Considerations.** Identifies growth inducing impacts that may result from implementation of the proposed project, as well as long-term effects of the project and significant irreversible environmental changes.
- 7.0 **Alternatives.** Describes alternatives to the proposed project, and compares their impacts to the proposed project’s.
- 8.0 **References and Preparers.** Lists all published materials, federal, State and local agencies and other organizations and individuals consulted during the preparation of this EIR. It also lists the EIR preparers.

1.5 CEQA Review Process

AMBAG, as the CEQA Lead Agency, is preparing this EIR to satisfy all requirements under CEQA for review and approval of the 2040 MTP/SCS. This document is a Program EIR. Section 15168(a) of the *State CEQA Guidelines* states that:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The CEQA process for this EIR is as follows:

1. **Notice of Preparation (NOP) and Initial Study.** AMBAG, following CEQA Guidelines section 15082(a), submitted a NOP to the State Clearinghouse which publicly released it on December 15, 2015 for an extended review period that ended on January 29, 2016.
2. **Draft EIR Prepared.** This Draft EIR contains the following required elements: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion (NOC) and Public Review.** AMBAG, as the lead agency, has filed an NOC with the State Clearinghouse noticing agencies and the public that it has completed a Draft EIR and prepared a Public Notice of Availability of this Draft EIR as required under CEQA. As the lead agency, AMBAG is soliciting input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The public review period will be a minimum of 45 days.
4. **Final EIR.** AMBAG will prepare a Final EIR that includes: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, AMBAG will certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, AMBAG will find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision. (*CEQA Guidelines* Section 15092).
7. **Mitigation Monitoring Reporting Program.** If AMBAG is required to make findings on significant effects identified in the EIR, it shall adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
8. **Lead Agency Project Decision.** AMBAG, as the lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if a statement of overriding considerations is adopted (*CEQA Guidelines* Sections 15092).
9. **Notice of Determination (NOD).** AMBAG will file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). AMBAG will file the NOD with the applicable County Clerks to be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD will start 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

1.6 Lead and Responsible Agencies

The *CEQA Guidelines* define lead and responsible and trustee agencies. A lead agency is the public agency with principal responsibility for carrying out or approving a project; the lead agency prepares the CEQA document (CEQA Guidelines Section 15367). A responsible agency is an agency other than the lead agency with responsibility for carrying out or approving a project, and uses the lead agency's CEQA document in its decision-making (CEQA Guidelines Section 15381).

AMBAG is the lead agency for the 2040 MTP/SCS because it holds principal responsibility for approving the 2040 MTP/SCS. TAMC, SBtCOG and SCCRTC, are responsible agencies for the 2040 MTP/SCS and lead agencies for adopting their own RTPs. Project sponsors for individual projects analyzed in this program EIR may include: TAMC, SBtCOG and SCCRTC; Caltrans; Monterey, San Benito and Santa Cruz counties; cities within the AMBAG region; transit agencies; and other project sponsors who may implement any of the projects listed in the 2040 MTP/SCS. These agencies are considered responsible agencies for the 2040 MTP/SCS, but may be lead agencies for individual transportation or land use projects.

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