

Before the Board of Supervisors in and for the  
County of Monterey, State of California

**Resolution No: 08 – 171**

Approve the Findings, Statement of Overriding )  
Considerations, and Mitigation Monitoring Program )  
pursuant to California Environmental Quality Act for the )  
Regional Development Impact Fee Program. )

This resolution is made with reference to the following facts:

RBCITALS

1. The County of Monterey is a member of the Association of Monterey Bay Area Governments (AMBAG) and participates in the Transportation Agency for Monterey County (TAMC) by appointment of members of the TAMC governing board.
2. TAMC prepared a Regional Transportation Plan which identifies regional transportation needs resulting from growth and development anticipated to occur throughout Monterey County. The Plan recognizes how transportation impacts of projects in one jurisdiction affect the transportation network in other jurisdictions throughout the County.
3. TAMC commissioned and approved the "Regional Impact Fee Nexus Study" (dated March 26, 2008) which identified specific regional transportation projects necessary to mitigate the impacts of new development in the region which impact the regional transportation network, the costs of these projects, and a share of costs attributable to new development, in support of the adoption by each of the member jurisdictions of TAMC of a Regional Development Impact Fee (RDIF).
4. On May 20, 2008 the Board of Supervisors introduced, waived the reading, and set June 3, 2008, at 10:30 a.m., for a public hearing to consider adoption of an Ordinance adding Chapter 12.90 to the Monterey County Code to establish a Regional Development Impact Fee Program.
5. On June 3, 2008, the Board of Supervisors will consider a set of actions to establish the Regional Development Impact Fee Program. These actions include: approval of a Joint Powers Agreement among the County and at least eight member cities of TAMC to create the Monterey County Regional Development Impact Fee Agency ("RDIF Agency") to administer the Regional Development Impact Fees; adoption of an ordinance to establish the Regional Development Impact Fee program; and adoption of a resolution to establish the base amount of the Regional Development Impact Fee. The fee will not take effect unless, on or before December 31, 2008, the County and at least eight member cities of TAMC have approved the creation of the RDIF Agency and approved the Regional Development Impact Fees.
6. In addition to the Regional Development Impact Fee program, TAMC has presented to the cities of Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina,

Monterey, Pacific Grove, Salinas, Sand City, Seaside, Soledad and the County of Monterey a proposal to place before the voters a one half of one percent (1/2%) sales tax for 25 years to fund projects and programs included in the transportation expenditure plan titled "Investment Plan for Transportation Sales Taxes in Monterey County." A majority of the cities representing a majority of the population, and the County, must approve the Investment Plan for Transportation Sales Taxes in Monterey County before TAMC may approve the Investment Plan and request the Board of Supervisors of the County of Monterey to place before the voters on a future ballot a countywide 25-year one-half of one percent (1/2%) sales tax to fund the projects and programs described in the Investment Plan. On April 15, 2008, the County Board of Supervisors approved the Investment Plan for Transportation Sales Tax in Monterey County.

7. Pursuant to the California Environmental Quality Act (CEQA), on May 25, 2005, TAMC, acting as Lead Agency, certified an Environmental Impact Report ("final EIR") for the 2005 Monterey County Regional Transportation Plan and, on January 23, 2008, adopted an Addendum evaluating the environmental effects associated with the implementation of the Investment Plan for Transportation Sales Tax in Monterey County and the Development Impact Fee Program.

8. As a Responsible Agency under CEQA, the County has reviewed and considered the environmental effects of the Regional Development Impact Fee program as shown in the EIR and Addendum, and prior to taking the actions to establish the Regional Development Impact Fee program, the Board of Supervisors makes the findings and adopts the statement of overriding considerations contained herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Monterey hereby finds as follows:

- a. The County has considered the environmental effects of the Regional Development Impact Fee program as shown in the certified Environmental Impact Report for the 2005 Monterey County Regional Transportation Plan and the Addendum.
- b. The County finds that the act of approving the Regional Development Impact Fee program itself will have no impact on the environment but that the applicable lead agencies' future discretionary implementation of the transportation projects partially funded through the Regional Development Impact Fees could potentially lead to one or more significant environmental effects and that the lead agencies for such projects will have responsibility to impose such mitigation measures or make such changes or alterations as are within their responsibility and jurisdiction to mitigate identified impacts on the environment to the extent feasible.
- c. The County finds, with regard to each significant environmental effect that has been identified and as more fully set out and explained in TAMC's CEQA Findings, attached hereto as Exhibit 1 and incorporated herein by reference, that: 1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR; 2) such changes or alterations are within the responsibility and jurisdiction of another public agency and

not the County of Monterey and such changes can and should be approved by such other agencies; or 3) specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

- d. The County finds that the economic, legal, social, technological, and other benefits of the Regional Development Impact Fee program—including increased safety, congestion reduction, meeting identified community priorities and other benefits as set out in Exhibit 2 attached hereto and incorporated herein by reference, outweigh the significant unavoidable environmental impacts of the project which TAMC as lead agency identified, and the County accordingly approves this Statement of Overriding Considerations.
- e. To the extent the County of Monterey will be the lead agency to implement individual transportation system improvement projects that are partially funded through the Regional Development Impact Fee program, the County approves the Mitigation Monitoring Program attached hereto as Exhibit 3 which includes mitigation measures to be implemented in connection with the processing, consideration, and implementation of specific improvement projects.

PASSED AND ADOPTED on this 3<sup>rd</sup> day of June, 2008, upon motion of Supervisor Potter, seconded by Supervisor Salinas, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Mettee-McCutchon, Potter  
 NOES: None  
 ABSENT: None

I, Denise Pennell, Interim Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 74 for the meeting on June 3, 2008.

Dated: June 5, 2008

Denise Pennell, Interim Clerk of the Board of Supervisors  
 County of Monterey, State of California

By     D. Pennell      
 Deputy

## LOCAL TRANSPORTATION SALES TAX EXPENDITURE PLAN AND DEVELOPMENT IMPACT FEE PROGRAM CEQA FINDINGS

These findings are adopted by the Transportation Agency for Monterey County (TAMC) Board of Directors as they consider adoption of the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. The Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program will provide funding to implement projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. An EIR was certified for the 2005 Monterey County Regional Transportation Plan (RTP) in 2005. An EIR Addendum has been prepared and adopted for the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program.

The California Environmental Quality Act Guidelines provides that when an agency approves a project that may have significant effects on the environment it must make findings describing the disposition of each of those effects. (Guidelines Section 15091) As the lead agency for the EIR Addendum for the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program, TAMC must make one or more findings for each of the significant effects identified in the EIR Addendum. (Guidelines Section 15163) The possible findings are as follows:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each of the effects listed below was identified as potentially having a significant effect on the environment. In most instances, the EIR Addendum identified specific measures that allow the effects to be reduced below the level of significance. When that is not the case, the following findings note that the mitigation measures do not fully avoid a significant effect. The significant and unavoidable impacts that would result from the project are addressed in

the separate statement of overriding considerations that will be adopted pursuant to Section 15093 of the CEQA Guidelines.

As provided under Section 15164 of the CEQA Guidelines, the EIR Addendum examined the various potential effects of the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program to determine whether there were new or more severe impacts that had not been previously identified and examined in the 2005 RTP EIR. No new significant impacts, or significant and unavoidable impacts, were identified in the EIR Addendum.

The mitigation measures that are listed below are based on those presented in the 2005 RTP EIR, modified slightly to address Monterey County projects only (since the 2005 RTP EIR was prepared as the environmental review document for the 2005 Monterey Bay Area Metropolitan Transportation Plan, the 2005 Santa Cruz County regional Transportation Plan, and the 2005 Monterey County Regional Transportation Plan).

### ***AESTHETICS***

**IMPACT 1.1: Substantial Adverse Effects on Scenic Vistas:** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may result in a substantial change in existing scenic vistas along roadways that are included in the California Scenic Highway System (e.g., US 101 between SR 68 and the San Luis Obispo County line, SR 156, SR 68 between SR 1 and the Salinas River), that are eligible for inclusion in the California Scenic Highway System (e.g., SR 1 from SR 68 to the Santa Cruz County line, US 101 between SR 156 and the San Benito County line), or that have been identified as Scenic Roadways/Scenic Highways/Scenic Roads by Monterey County (e.g., US 101 between SR 68 and the San Luis Obispo County line, SR 156, and SR 68 between SR 1 and the Salinas River). This could represent a potentially significant environmental impact associated with the implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects on scenic vistas, when implemented. The Board adopts findings (2); and (3), as described above. Implementation of the mitigation measures from the 2005 RTP EIR will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some of the projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

### **MITIGATION MEASURE 1.1: Visual/Scenic Resources Analysis**

Implementing agencies shall, where appropriate, conduct a detailed visual assessment during the environmental review process and mitigate for significant visual impacts, where feasible.

Visual assessments for improvement projects related to roadways that have been designated as part of the California Scenic Highway System shall, where appropriate, be prepared in consultation with Caltrans. Proposed median barriers and soundwalls should be carefully studied to determine if they are really needed, what alternatives may be available, and what mitigation measures (i.e., landscaping) may be appropriate.

**IMPACT 1.2: Substantial Damage to Scenic Resources.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may result in substantial damage to scenic resources, particularly in the vicinity of roadways that are included in the California Scenic Highway System (e.g., US 101 between SR 68 and the San Luis Obispo County line, SR 156, SR 68 between SR 1 and the Salinas River), that are eligible for inclusion in the California Scenic Highway System (e.g., SR 1 from SR 68 to the Santa Cruz County line, US 101 between SR 156 and the San Benito County line), or that have been identified as Scenic Roadways/Scenic Highways/Scenic Roads by Monterey County (e.g., US 101 between SR 68 and the San Luis Obispo County line, SR 156, and SR 68 between SR 1 and the Salinas River). In addition, construction of individual projects may result in the short-term blockage of views of scenic resources by construction equipment and staging areas, disruption of views by temporary signage, exposure of slopes and removal of vegetation. This could represent a potentially significant environmental impact associated with the implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects on scenic resources when implemented. The Board adopts findings (2), and (3), as described above. Implementation of the mitigation measures from the 2005 RTP EIR will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some of the projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 1.2: Scenic Resource Avoidance by Design**

A. Implementing agencies shall, where appropriate, ensure that any project that may affect scenic resources (particularly along a Scenic Roadway, Scenic Highway or Scenic Road) be designed to have the minimum possible impact on existing vegetation, landscape architecture and natural scenic views, and to avoid or minimize the removal of significant stands of trees and damage to rock outcroppings to the maximum extent possible.

B. Implementing agencies shall, where appropriate, design transportation project alignments to avoid ridgelines or slopes of 30 percent or greater, and to avoid or minimize substantial physical alteration of the land, due to large amounts of cut and fill. Where a particular improvement project would affect adjacent landforms, the implementing agency shall, where appropriate, ensure that recontouring provides a smooth and gradual transition between

modified landforms and existing grade. Where hillsides cannot be totally avoided, consideration shall, where appropriate, be given to dividing the roadway to better fit the topography, or to lengthening the alignment to follow existing contours, where appropriate. Where significant cuts and fills cannot be avoided, plans should be developed and implemented to mitigate identified impacts to the surrounding scenic resources (e.g., extensive landscaping with mature plants, rounding natural portions of cut and fill areas, regrading to the approximate previous visual grade, and design and placement of landscaping and signs to preserve and create scenic views for the motorist). Visual disruption shall, where appropriate, be minimized by re-grading to the approximate natural grades, rounding natural portions of cut and fills, and using retaining walls where appropriate and compatible with existing surrounding land uses.

C. Implementing agencies shall, where appropriate, prepare grading plans which minimize the removal of scenic resources such as trees, rock outcroppings and historic buildings.

D. Implementing agencies shall, where appropriate, design roadway alignments to avoid or minimize removal of significant mature trees. Where the retention of significant mature trees is not feasible, tree replanting shall, where appropriate, be undertaken using compatible native species in rural areas and appropriate street trees in urban areas at the completion of the construction process.

E. Implementing agencies shall, where appropriate, ensure that native, drought-tolerant plants and other landscape materials enhance landform variation, provide erosion control and blend with the surrounding natural setting. To ensure compliance with approved landscape plans, the implementing agency shall, where appropriate, provide a monetary performance security equal to the value of the landscaping/irrigation installation.

F. Where the use of soundwalls or other architectural features that could block views of scenic resources may be necessary to mitigate potential noise effects associated with specific projects, implementing agencies shall, where appropriate, ensure that such features incorporate offsets, accents and landscaping to prevent monotony, and that they be designed in accordance with the architectural review requirements of the local jurisdiction.

**IMPACT 1.3: Substantial Degradation of Visual Character.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may result in substantial degradation of the existing visual character or quality of project sites and/or surroundings, particularly in areas which are currently rural in character. This could represent a potentially significant environmental impact associated with the implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects on visual character when implemented. The Board adopts findings (2), and (3), as described above. Implementation of the mitigation measures from the 2005 RTP EIR will be the

responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some of the projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 1.3: Visual/Scenic Resources Analysis**

A. Implementing agencies shall, where appropriate, prepare a visual assessment for any proposed project which may result in substantial degradation of the visual character of the project site and/or surroundings. Through this process of analysis and evaluation, it may be possible to identify mitigation measures or alternatives which would reduce project-specific visual impacts.

B. Implementing agencies shall, where appropriate, ensure that transportation system improvement projects are designed to minimize visual impacts through project siting and design, including minimizing vegetation removal.

C. Implementing agencies shall, where appropriate, avoid the removal of existing mature trees associated with transportation system improvement projects to the extent possible. Any trees lost shall, where appropriate, be replaced at a minimum 2:1 basis with native trees (or consistent with tree replacement ratios of the local jurisdictions in which impacts could occur) and incorporated into the landscaping design for the project.

D. Implementing agencies shall, where appropriate, minimize roadway lighting to the extent possible, and shall, where appropriate, not allow lighting fixtures to exceed the maximum height limits set by the local jurisdiction in which such projects would occur.

E. Implementing agencies shall, where appropriate, ensure that bus shelters and other ancillary transportation facilities are designed and constructed in accordance with the architectural review requirements of the local jurisdiction.

**IMPACT 1.4: Increased Light and Glare.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may result in the creation of a new source of substantial light or glare which could adversely affect daytime or nighttime views in the immediate vicinity of the project sites. This could represent a potentially significant environmental impact associated with the implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible. The Board adopts finding (2), as described above. The mitigation measure will effectively mitigate significant adverse effects associated with increased light and glare to a less than significant level. Implementation of the mitigation measure will be



the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 1.4: Minimize Intrusion of Lighting**

Implementing agencies shall, where appropriate, ensure that all lighting associated with transportation system improvement projects is designed to minimize intrusion onto adjacent properties and meets the architectural review and lighting requirements of the local jurisdiction in which the improvements would occur. Lighting that accompanies any proposed project should be minimized to the extent possible, consistent with safety requirements. Plans for individual projects should incorporate design features, such as hooded light shields (to direct lighting to the ground or toward the facility and away from adjacent residential and other uses), the use of dense landscaping to block light and glare from spilling over into adjacent uses, the use of unobtrusive signage that does not reflect light or glare onto nearby occupied properties, and the use of white reflective paint in lieu of reflective materials to the extent possible.

**AGRICULTURAL RESOURCES**

**IMPACT 2.1: Conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance.** Construction of several of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in the conversion of prime farmlands, unique farmlands or farmlands of statewide importance to non-agricultural uses. In addition, the widening of existing roadways and the construction of new roadways have the potential to induce (or accommodate) growth in the surrounding areas by providing improved access, which could result in the conversion of additional farmland. This could represent a potentially significant environmental impact associated with implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will partially mitigate significant adverse effects on agricultural resources, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 2.1: Design Modifications**

In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, avoid the conversion of prime farmland, unique farmland and

farmland of statewide importance to the maximum extent feasible, and shall, where appropriate, consider alternative alignments that reduce or avoid the conversion of such farmlands. Where avoidance is not feasible, such projects shall, where appropriate, be designed to minimize the conversion of such farmlands. Implementing agencies will be required to evaluate the possible conversion of farmland during site-specific environmental review for each project. The Land Evaluation and Site Assessment Model (LESA) from the California Department of Conservation shall, where appropriate, be utilized to identify the potentially significant project-related impacts resulting from changes in agricultural land use. Implementing agencies should consider the use of agricultural land conservation easements where project-related conversion of farmland is determined to be unavoidable.

**IMPACT 2.2: Potential Conflict with Existing Zoning for Agricultural Use.** In some jurisdictions, construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may conflict with existing zoning which is intended to protect land for agricultural use. This could represent a potentially significant environmental impact associated with implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects related to possible conflicts with existing zoning for agricultural use to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 2.2: Project-Related Variances**

In those instances where approval of a project could conflict with existing zoning intended to protect agricultural uses, the implementing agencies shall, where appropriate, first ensure that any appropriate variance is obtained.

**IMPACT 2.3: Potential Conflicts with Williamson Act Contracts.** In some jurisdictions, construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may be built on lands which are currently under Williamson Act contracts. As long as these contracts remain in force, this could represent a potentially significant environmental impact associated with implementation of these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with the loss of Williamson Act property, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP

EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 2.3: Avoidance/Cancellation of Contracts**

In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, avoid the cancellation of Williamson Act contracts to the maximum extent feasible. Where avoidance is not feasible, such projects shall, where appropriate, be designed to minimize the number of Williamson Act contracts that would need to be canceled. Implementing agencies will be required to evaluate the possible cancellation of Williamson Act contracts during site-specific environmental review for each project.

**IMPACT 2.4: Fragmentation of Agricultural Lands and Changes in Land Uses Adjacent to Agricultural Lands.** Construction of several of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in major changes in existing land uses adjacent to land currently in agricultural uses or in the fragmentation of existing agricultural operations, which could also result in land use conflicts that might ultimately cause the agricultural operators to abandon their agricultural operations. For example, the improved access which would be provided through the construction of a new roadway in an area adjacent to land which is in active agricultural use could also result in increased trespass or vandalism on these farmlands, which might discourage the continued use of that land for agricultural purposes. This could represent a potentially significant environmental impact associated with implementation of this type of project.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with the fragmentation of agricultural lands and changes in land uses adjacent to agricultural lands, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 2.4: Project-Specific Agricultural Protection**

A. In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, ensure that rural roadway alignments follow property lines to the maximum extent feasible, to minimize impacts to the agricultural production value of any specific property. Farmers shall, where appropriate, be compensated for the loss of agricultural production at the margins of lost property, based on the amount of land deeded as road right-of-way, as a function of the total amount of production on the property.

B. In those instances where projects are proposed in areas adjacent to lands currently in agricultural uses (particularly lands which have been designated as prime farmland, unique farmland or farmland of statewide importance), implementing agencies shall, where appropriate, incorporate project-specific design features which would provide adequate protection for the farmland adjacent to the project site (fencing, warning notices, buffers, etc.).

### ***AIR QUALITY***

**IMPACT 3.1: Construction-Related Emissions.** Construction associated with most of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in emissions from construction equipment, additional emissions from delayed vehicles, and fugitive dust. Construction projects using typical construction equipment (e.g., dump trucks, scrapers, bulldozers, compactors and front-end loaders) which temporarily emit precursors of ozone (i.e., VOC and NO<sub>x</sub>) are accommodated in the emission inventories of State- and federally-required air plans, and would not have a significant impact on the attainment and maintenance of ozone AAQS. Using the potential thresholds identified in the MBUAPCD CEQA Air Quality Guidelines (June 2004, page 5-3, Table 5-2), construction sites involving minimal earthmoving over an area of 8.1 acres or more per day, or involving grading and excavation over an area of 2.2 acres or more per day would be expected to entail potentially significant effects associated with the generation of PM<sub>10</sub>. This could represent a potentially significant environmental impact associated with those projects which involve construction activity.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with construction-related emissions to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

### **MITIGATION MEASURE 3.1: Construction Emission Control Measures/Scheduling**

A. Implementing agencies shall, where appropriate, apply MBUAPCD-recommended measures for reducing construction emissions for specific transportation system improvement

projects involving minimal earthmoving over an area of 8.1 acres or more per day, or involving grading and excavation over an area of 2.2 acres or more per day. Specific measures shall, where appropriate, be approved by the MBUAPCD as part of the permitting process, and shall, where appropriate, include (but not be limited to) the following, as appropriate:

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

B. Implementing agencies shall, where appropriate, ensure that ground disturbance is phased to the extent possible to minimize the creation of fugitive dust.

C. If the use of non-typical construction equipment (e.g., grinders and portable equipment) is contemplated, implementing agencies shall, where appropriate, consult with the MBUAPCD, and shall, where appropriate, ensure that the Best Available Control Technology (BACT) is implemented to reduce short-term NO<sub>x</sub> emissions during construction activity, where appropriate. BACT measures shall, where appropriate, include two-degree timing retard, high

pressure fuel injectors and reformulated diesel fuel, if available. These measures shall, where appropriate, be noted on all construction plans, and the local jurisdiction shall, where appropriate, perform periodic site inspections.

**IMPACT 3.2: Carbon Monoxide Emissions.** Individual roadway improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may have an adverse effect on local carbon monoxide levels. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with carbon monoxide emissions to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 3.2: Prevention of Carbon Monoxide Hot Spots**

Where implementing agencies propose transportation system improvement projects that may cause an exceedance of MBUAPCD thresholds for CO modeling, the local jurisdiction shall, where appropriate, improve the circulation system in which the project is proposed such that all roadways and intersections affected by the project maintain an acceptable level of service, or shall, where appropriate, conduct CO modeling to demonstrate that the concentration of CO will remain below the relevant CO AAQS. This may involve a reduction in the size of the project, relocation of the project or a reconfiguration of project elements.

**IMPACT 3.3: Toxic Air Contaminant Emissions.** Implementation of some transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in increased exposure of sensitive receptors to toxic air contaminants (TACs) associated with the construction and operation of these improvements, including (but not limited to) the particulate fraction of diesel exhaust. Diesel exhaust from construction activity may have chronic and/or acute risks, depending on the duration of construction activity, proximity to sensitive receptors, and the amount and type of construction equipment to be used. The health risks associated with exposure to diesel exhaust is greatest for children, the elderly and the chronically or acutely ill, and an increase in the exposure of sensitive receptors to TACs could represent a potentially significant environmental impact that might be associated with projects that involve construction involving diesel-powered equipment, an increase in the use of diesel-fueled vehicles within a limited area, or along roadways that could experience an increase in diesel-fueled vehicle traffic as a result of the implementation of transportation system improvement projects. Such projects could include those involving earth-moving or the use of diesel-powered construction equipment, as well as projects that would increase roadway capacities.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with toxic air contaminant emissions, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

### **MITIGATION MEASURE 3.3: Reduction in Diesel Emissions**

Individual transportation system improvement projects that involve construction activity requiring the use of diesel-powered equipment, or increased diesel-fueled traffic shall, where appropriate, be subject to a screening level risk assessment by the implementing agency, then to a full risk assessment where warranted following the screening risk assessment. If these project-specific assessment procedures (outlined in the MBUAPCD CEQA Guidelines, Appendix C) indicate that a project would exceed the MBUAPCD's cancer risk threshold of 10 per million, or the chronic hazard index is above one, then the following mitigation measures should be applied to such projects, where appropriate:

#### Construction-Related Diesel Exhaust

- Prior to initiating construction activity, the implementing agency should consult with the MBUAPCD to identify the types of grading, demolition and construction equipment that will be used for the project. Once the characteristics of specific equipment to be used have been identified, the MBUAPCD should provide recommendations for measures that can be implemented to reduce diesel emissions associated with such equipment (e.g., the substitution of diesel-powered equipment with non-diesel-powered equipment, the installation of exhaust controls, staggering construction activity at the project site, etc.).

**IMPACT 3.4: Increased Exposure to Diesel Exhaust Fumes.** Implementation of some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program involving an increase in diesel exhaust levels at construction sites, or along roadways that could experience an increase in diesel-fueled vehicle traffic as a result of the implementation of transportation system improvement projects could result in potential exposure of sensitive receptors to objectionable odors. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with the exposure to diesel exhaust fumes, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

### **MITIGATION MEASURE 3.3: Reduction in Diesel Emissions**

Individual transportation system improvement projects that involve construction activity requiring the use of diesel-powered equipment, or increased diesel-fueled traffic shall, where appropriate, be subject to a screening level risk assessment by the implementing agency, then to a full risk assessment where warranted following the screening risk assessment. If these project-specific assessment procedures (outlined in the MBUAPCD CEQA Guidelines, Appendix C) indicate that a project would exceed the MBUAPCD's cancer risk threshold of 10 per million, or the chronic hazard index is above one, then the following mitigation measures should be applied to such projects, where appropriate:

#### Construction-Related Diesel Exhaust

- Prior to initiating construction activity, the implementing agency should consult with the MBUAPCD to identify the types of grading, demolition and construction equipment that will be used for the project. Once the characteristics of specific equipment to be used have been identified, the MBUAPCD should provide recommendations for measures that can be implemented to reduce diesel emissions associated with such equipment (e.g., the substitution of diesel-powered equipment with non-diesel-powered equipment, the installation of exhaust controls, staggering construction activity at the project site, etc.).

### ***BIOLOGICAL RESOURCES***

**IMPACT 4.1: Modification of Habitat.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in the modification of areas which currently provide habitat for candidate, sensitive, or special status species, and could interfere with the movement of resident or migratory fish or wildlife species. This could represent a potentially significant environmental impact associated with these types of projects.



**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with the modification of habitat, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

#### **MITIGATION MEASURE 4.1: Avoidance and Design Modification**

For each project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program where habitat modification may be anticipated, the following measures may be used by the implementing agency to reduce modification of areas which currently provide habitat for candidate, sensitive, or special status species, and interference with the movement of resident or migratory fish or wildlife species:

A. Prior to the finalization of project design, the area in which the project is proposed should be thoroughly surveyed to determine the presence or absence of habitat for candidate, sensitive, or special status species, and to determine the extent to which project construction may interfere with the movement of any resident or migratory fish or wildlife species. If special status species are known to occur or have the potential to occur, appropriate resource agency contacts shall, where appropriate, be made and mitigation developed in consultation with a qualified biologist and the resource agencies.

B. If initial biological assessments for a proposed project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program determine the presence or potential presence of a state or federally listed species on the site, the implementing agency shall, where appropriate, consult with the California Department of Fish and Game (CDFG) or the U.S. Fish and Wildlife Service (USFWS), respectively, for guidance on whether or not the project can avoid impacts to the species. The project shall, where appropriate, avoid impacts through re-design or realignment, wherever possible.

C. During site-specific environmental review, implementing agencies shall, where appropriate, evaluate the effects of project-related noise, light and activity on any environmentally sensitive habitat areas, both during and after construction, and shall, where appropriate, identify appropriate mitigation measures, where feasible.

D. In those instances where it is not possible to avoid sensitive habitat areas through design measures, the USFWS and the CDFG may need to be contacted in order to achieve

compliance with the appropriate endangered species protection regulations through the implementation of site-specific mitigation measures prior to project approval.

**IMPACT 4.2: Modification of Riparian Areas/Wetlands.** Construction of some projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in the modification of riparian areas or wetlands. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with the modification of riparian areas or wetlands, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 4.2: Avoidance/Permitting/Precautions During Construction**

The following measures may be used by the implementing agencies to reduce modification of riparian areas or wetlands:

A. The proposed projects should be designed to avoid construction in riparian areas or wetlands to the extent practicable.

B. In those instances where it is not possible to avoid riparian areas or wetlands through design measures, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the California Department of Fish and Game shall, where appropriate, be contacted in order to achieve compliance with the appropriate regulations and to obtain all required permits prior to project approval. The granting of the required permits may be conditional on the implementation of site-specific measures designed to mitigate any modification of riparian areas or wetlands which may result from construction of the projects.

C. Implementing agencies shall, where appropriate, ensure that all removed and excess material is disposed of off-site and away from the flood plain, outside areas subject to U.S. Army Corps of Engineers jurisdiction.

D. Implementing agencies shall, where appropriate, ensure that construction activities in drainages occur during the dry season when channels are at low flow.

E. Implementing agencies shall, where appropriate, ensure that no fueling or maintenance of equipment takes place in any channel. Mechanical equipment shall, where appropriate, be serviced in designated staging areas located outside of any creek bed and associated wetland habitat. Water from equipment washing or concrete wash down shall, where appropriate, be prevented from entering any channel.

F. Implementing agencies shall, where appropriate, ensure that any equipment adjacent to any channel is checked and maintained daily, to prevent leaks of materials that if (eventually) introduced to water could be deleterious to aquatic life. Petroleum products and other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil and/or entering the adjacent waters. The California Department of Fish and Game shall, where appropriate, be notified immediately of any spills, and shall, where appropriate, be consulted regarding clean-up procedures.

G. Implementing agencies shall, where appropriate, ensure that construction activities minimize increases in turbidity to the maximum extent possible.

H. Implementing agencies shall, where appropriate, ensure that following construction, disturbed banks are re-vegetated using locally-occurring, drought-resistant native species and erosion control grass seed, in consultation with a qualified biologist.

**IMPACT 4.3: Interference with Wildlife Movement.** Development of projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program involving the construction of a new roadway located in previously undeveloped areas (e.g., Westside Salinas to Marina Connector, Salinas Eastside Connector) has the potential to substantially interfere with wildlife movement if established wildlife movement corridors are located within or in the vicinity of the proposed roadway improvements. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with interference with wildlife movement, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 4.3: Avoidance and Design Modification**

During site-specific environmental review for projects located in wildlife movement corridors, implementing agencies shall, where appropriate, conduct biological field investigations to document existing conditions and assess site-specific impacts upon wildlife that may be affected by the project. Implementing agencies shall, where appropriate, develop new roadway alignments and extensions to avoid or minimize disturbance of wildlife movement corridors to the maximum extent feasible. If impacts cannot be avoided, project-specific mitigation measures shall, where appropriate, be developed in consultation with responsible agencies (USFWS and/or CDFG, as appropriate).

**IMPACT 4.4: Conflicts with Protective Ordinances and Policies.** Depending on the specific features of local ordinances and policies which are designed to protect biological resources within each jurisdiction, it is possible that implementation of some projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could conflict with such ordinances and policies. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with possible conflicts with ordinances and policies intended to protect biological resources, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 4.4: Modify Design to Achieve Compliance/Tree Replacement/Tree Protection Plans**

A. Where it is clear that the implementation of a specific project would result in a conflict with local ordinances or policies intended to protect biological resources, the appropriate agency responsible for the actual implementation of the proposed project should modify the design of the project to achieve compliance with the applicable ordinances or policies, where feasible.

B. Implementing agencies shall, where appropriate, ensure that trees that are removed for construction of specific projects are replaced with native tree species at a minimum 2:1 ratio, under the direction of a certified arborist. Special status trees or trees located in sensitive habitats may require higher replacement ratios to mitigate the specific function and value

impacted. Tree replacement ratios shall, where appropriate, be consistent with the local jurisdictions in which impacts occur. As part of the overall revegetation and monitoring plan, these replacement tree plantings shall, where appropriate, be monitored over time based on the recommendations of a qualified revegetation specialist.

C. Implementing agencies shall, where appropriate, ensure that a tree protection plan is required for construction around trees. The plan may include (but need not be limited to) setbacks for trees, use of protective fencing, restrictions regarding grading and paving near trees, directions regarding pruning and restrictions regarding digging/trenching within root zones of trees.

**IMPACT 4.5: Conflicts with Habitat Conservation Plans.** It is possible that implementation of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could conflict with the provisions of approved local, regional, or state habitat conservation plans. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with possible conflicts with habitat conservation plans to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 4.5: Modify Design to Achieve Compliance**

For projects located within the boundaries of an HCP, the appropriate jurisdiction shall, where appropriate, ensure that the project is reviewed for consistency with the HCP, and that specific mitigation measures and/or alternative alignments are identified to avoid conflicts with the HCP and its protected species and habitats.

**CULTURAL RESOURCES**

**IMPACT 5.1: Disturbance of Cultural Resources.** Construction of some projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in the disturbance of, or in damage to, prehistoric or historic cultural resources. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with the possible disturbance of cultural resources to a level of less than significant when

implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

#### **MITIGATION MEASURE 5.1: Cultural Resource Surveys/Modifications**

The implementing agency for a project involving substantial earth disturbance, the removal or disturbance of existing buildings, or the construction of permanent above-ground structures or roadways shall ensure that the following elements are included in the project's environmental review:

- A. A map defining the Area of Potential Effects (APE) shall, where appropriate, be prepared for transportation system improvements that involve substantial earth disturbance, the removal or disturbance of existing buildings, or construction of permanent above-ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known cultural resources are located within the impact zone.
- B. A preliminary study of each project area, as defined in the APE, shall, where appropriate, be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.
- C. If the results of the preliminary studies indicate additional studies are necessary, development of field studies and/or other documentary research shall, where appropriate, be completed (Phase I studies). Negative results would result in no additional studies for the project area.
- D. Based on positive results of the Phase I studies, an evaluation of identified resources shall, where appropriate, be completed to determine the potential eligibility/significance of the resources (Phase II studies).
- E. Phase III mitigation studies shall, where appropriate, be coordinated with the Office of Historic Preservation, as the research design will require review and approval from OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of the Native American population shall, where appropriate, be contacted and permitted to respond to the testing/mitigation programs.
- F. If development of a specific project requires the presence of an archaeological monitor, the implementing agency shall, where appropriate, ensure that a certified archaeologist/paleontologist monitors the grading and/or other ground altering activities. The schedule and extent of monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

G. The implementing agency shall, where appropriate, ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled and curated at an approved or recognized repository. This requirement can be accomplished through placement of appropriate conditions on the project by the local jurisdiction during individual environmental review.

H. Implementing agencies shall, where appropriate, ensure that mitigation for potential adverse impacts to significant cultural resources includes one or more of the following:

- Realignment of the project right-of-way (avoidance - the most preferable method);
- Capping of the site and leaving it undisturbed;
- Addressing structural remains with respect to NRHP guidelines (Phase III studies);
- Relocating structures per NRHP guidelines;
- Creation of interpretive facilities; and/or
- Development of measures to prevent vandalism.

I. A qualified archaeologist shall, where appropriate, monitor all earth moving activities within native soil. In the event that archaeological and historic artifacts are encountered during project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (if necessary) is implemented.

J. As required under CEQA Guidelines Section 15064.5, to prepare for the possibility of an accidental discovery of significant buried cultural resources during transportation system improvement project construction, the following measures shall, where appropriate, be taken:

- Due to the possibility that significant buried cultural resources might be found during construction, the following language shall, where appropriate, be included in any permits issued for the project site, including (but not limited to) building permits for future development, subject to the review and approval of the implementing agency: "If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."
- Due to the possibility that an accidental discovery or recognition of human remains in a location other than a dedicated cemetery may occur, the implementing agency shall, where appropriate, ensure that this language is included in all permits in accordance with CEQA Guidelines Section 15064.5(e): "If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the

County Coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating and disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

## ***GEOLOGY AND SOILS***

**IMPACT 6.1: Increased Exposure to Seismic Hazards.** In those instances where projects are proposed in proximity to known earthquake faults (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), construction of some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in the increased exposure of people or structures to the risk of loss, injury or death involving fault rupture or other seismic hazards. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with increased exposure to seismic hazards to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

### **MITIGATION MEASURE 6.1: Building Code Compliance/Avoidance of Known Earthquake Faults**

Implementing agencies shall, where appropriate, ensure that all structures, including (but not limited to) roadway improvements, are designed and constructed to the latest geotechnical standards (including the UBC Zone 4 guidelines) to limit potential hazards to the public after



project completion. In most cases, this will necessitate site-specific geologic and soils engineering investigations to exceed the code for high groundshaking zones.

**IMPACT 6.2: Increased Exposure to Landslides.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in the increased exposure of people or structures to the risk of loss, injury or death involving landslides. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with increased exposure to landslides to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 6.2: Project-Specific Geotechnical Investigations:**

A. The implementing agency shall, where appropriate, require that design-level geotechnical analyses are prepared for all transportation system improvement projects; and that all recommendations contained in the geotechnical reports are incorporated into project design.

B. If a particular transportation system improvement project involves cut slopes over 20 feet in height, or is located in an area of bedded or jointed bedrock, the implementing agency shall, where appropriate, ensure that specific slope stabilization studies are conducted. Possible stabilization methods include buttresses, retaining walls and soldier piles.

**IMPACT 6.3: Increased Erosion and Loss of Topsoil During Construction:** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in increased soil erosion and loss of topsoil during construction. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with increased erosion and loss of topsoil to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 6.3: Grading and Erosion Control Plans**

If a particular transportation system improvement project involving deep foundations or underground areas is located in an area of moderate or high erosion potential, the

implementing agency shall, where appropriate, prepare a grading and erosion control plan that minimizes erosion and sedimentation prior to the issuance of grading permits. The grading and erosion control plan must include the following:

- A. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales and sand bags shall, where appropriate, be used to minimize erosion on slopes and siltation into waterways during grading and construction activities.
- B. Graded areas shall, where appropriate, be revegetated within four weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall, where appropriate, be used, if necessary, to hold slope soils until vegetation is established.
- C. Exposed areas shall, where appropriate, be stabilized to prevent wind and water erosion using methods approved by the MBUAPCD. These methods may include the importation of topsoil to be spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay mixture is to be used to stabilize wind-erodible soils.
- D. Landscaped areas adjacent to structures shall, where appropriate, be graded so that drainage is away from structures.
- E. Grading on slope steeper than 5:1 shall, where appropriate, be designed to minimize surface water runoff.
- F. Fills placed on slopes steeper than 5:1 shall, where appropriate, be properly benched prior to placement of fill.
- G. Brow ditches and/or berms shall, where appropriate, be constructed and maintained above all cut and fill slopes, respectively.
- H. Cut and fill benches shall, where appropriate, be constructed at regular intervals.
- I. Retaining walls shall, where appropriate, be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between the base of the proposed structure and adjacent lots.
- J. Excavation and grading shall, where appropriate, be limited to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless an approved erosion control plan is in place and all measures identified therein are in effect.

Additional measures which may be applied to reduce erosion during the construction of transportation system improvement projects include (but are not limited to) the following:

- K. Limiting disturbance of soils and vegetation removal to the minimum area necessary for access and construction.
- L. Confining all vehicular traffic associated with construction to the right-of-way or to designated access roads.
- M. Limiting access routes and stabilizing access points.
- N. Adhering to construction schedules designed to avoid periods of heavy precipitation or high winds.
- O. Ensuring that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods.
- P. Stabilizing denuded areas as soon as possible with seeding, mulching or other effective methods.
- Q. Protecting adjacent properties with vegetative buffer strips, sediment barriers or other effective methods.
- R. Delineating clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.
- S. Stabilizing and preventing erosion from temporary conveyance channels and outlets.
- T. Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction.
- U. Informing construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the grading and erosion control plans.

**IMPACT 6.4: Construction on Unstable Soils.** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program on soils that are unstable (or that could become unstable as a result of such construction) could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, possibly resulting in substantial risks to life and property. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with construction on unstable soils to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 6.4: Project-Specific Soils Analysis**

A. If a particular transportation system improvement project is located in an area of moderate to high liquefaction potential, the implementing agency shall, where appropriate, ensure that such improvements are designed based upon appropriate soil studies. Possible design measures include deep foundations, removal of liquefiable materials and dewatering.

B. If a particular transportation system improvement project is located in an area of highly expansive, collapsible or compressible soils, the implementing agency shall, where appropriate, ensure that a site-specific investigation and appropriate design factors are implemented.

C. If a particular transportation system improvement project involving deep foundations or underground areas is located in an area of high groundwater potential, the implementing agency shall, where appropriate, ensure that appropriate construction techniques (i.e., dewatering, special water proofing and deeper foundations) are included in the design of the facility.

***HAZARDS AND HAZARDOUS MATERIALS***

**IMPACT 7.1: Potential to Create a Significant Hazard to the Public or Environment.**

The development of some transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may have the potential to be affected by Department of Toxic Substances Control (DTSC) Calsites, aerial deposited lead, naturally occurring asbestos and other hazardous materials. In the absence of appropriate precautions and/or cleanup efforts, such projects may create the potential for exposing construction workers, the public or the environment to hazardous materials, a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with possible exposure to hazardous materials to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 7.1: Site-Specific Analysis for Hazardous Materials/Remediation/Cleanup**

Implementing agencies shall, where appropriate, investigate the potential for transportation system improvement projects to be located at, or in the vicinity of, identified Department of Toxic Substances Control (DTSC) hazardous material sites, or to be located in areas that contain aerial deposited lead, naturally occurring asbestos or other hazardous materials. Site-specific evaluation should include a historical assessment of past uses, and soil sampling should be conducted when determined appropriate by the implementing agency. In those instances where a specific project site is found to be contaminated by hazardous materials, the site shall, where appropriate, be cleaned up to the standards of the appropriate regulatory agency, and appropriate remediation measures to ensure worker safety during construction shall, where appropriate, be identified prior to the commencement of earthmoving activities, subject to the review and approval of DTSC.

**IMPACT 7.2: Potential Hazards Associated with Roadway Design and the Transport of Hazardous Materials.** Although the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program would generally be expected to improve roadway safety for the transport of hazardous materials, proper design of roadway improvements is necessary to minimize potential safety impacts associated with the transport of hazardous materials. The possible effects of unsafe roadway design on hazardous material transport could be considered a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with roadway design as it relates to the transportation of hazardous materials to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 7.2: Design Roadway Improvements along Designated Hazardous Materials Transfer Routes for Enhanced Safety**

For roadway improvements along designated hazardous materials transfer routes, implementing agencies shall, where appropriate, ensure that such projects are designed to allow for safe traveling, merging and passing of hazardous materials haul trucks. Design considerations should include: wider "slow" lanes, longer approach ramps and merger lanes, and more gradually-inclined interchanges.

***HYDROLOGY AND WATER QUALITY***

**IMPACT 8.1: Construction-Related and Operational Water Quality Effects.** During construction, some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may introduce pollutants to local bodies of water and groundwater through storm water runoff. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with water quality to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 8.1: Water Pollution Prevention Measures**

A. Prior to final design approval, implementing agencies shall, where appropriate, evaluate potential increases in surface water runoff volume for each transportation system improvement project with the potential to have significant effects on drainage ways. If it is found that increased runoff volumes will significantly affect drainage capacities or increase flood hazards, site-specific measures to control runoff (i.e., the use of detention or retention basins, french drains, vegetated swales and medians, or other techniques designed to delay peak flows) should be implemented.

B. Implementing agencies shall, where appropriate, ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of chemicals.

C. Implementing agencies shall, where appropriate, ensure that transportation system improvement projects direct runoff into subsurface percolation basins and traps which would allow for the removal of sediment, urban pollutants, fertilizers, pesticides and other chemicals.

D. For transportation system improvement projects that would disturb at least one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall, where appropriate, be developed by the implementing agency prior to the initiation of grading. The measures identified in the SWPPP shall, where appropriate, be implemented for all construction activity on the project site. The SWPPP shall, where appropriate, include specific BMPs to control the discharge of materials from the site and into creeks and local storm drains. BMP methods may include (but would not be limited to) the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets, soil stabilizers and native erosion control grass seed.

**IMPACT 8.2: Depletion of Groundwater Supplies and Interference with Groundwater Recharge.** Construction and maintenance of transportation system improvement projects

identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could incrementally increase demand for water within Monterey County, and several of the projects could be expected to reduce groundwater recharge. Since many local water supply systems are reliant on groundwater resources, and since many local groundwater basins are being overdrafted, increased water demand combined with reduced groundwater recharge capability could be considered a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with groundwater to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 8.2: Reduce Water Demand/Increase Permeability**

- A. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities.
- B. Implementing agencies shall, where appropriate, ensure that low water use landscaping (i.e., drought-tolerant plants and drip irrigation) is installed.
- C. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, landscaping associated with transportation system improvement projects is maintained using reclaimed and/or desalinated water.
- D. Implementing agencies shall, where appropriate, ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.

**IMPACT 8.3: Increased Impervious Surface/Storm Water Runoff:** Construction of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in an increase in the area of impervious surface and/or modifications in local drainage/groundwater recharge patterns, which could result in increased flood risk on- or off-site. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with storm water runoff, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development

Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.



**MITIGATION MEASURE 8.3: Evaluation/Design/Permitting**

The following measures may be used by implementing agencies to limit the area of impervious surface and/or modifications in local drainage/groundwater recharge patterns resulting from project construction:

- A. Prior to the finalization of project design, the drainage and groundwater recharge characteristics of the area for which the project is proposed should be thoroughly evaluated. In those instances where the capacity of the existing or planned storm water drainage systems may be exceeded, it will be necessary to identify appropriate site-specific measures to control surface runoff, and to detain surface water runoff on-site, if possible.
- B. Implementing agencies shall, where appropriate, ensure that adequate drainage infrastructure is in place to accommodate runoff from each transportation system improvement project prior to the issuance of grading permits. If adequate drainage infrastructure is not available, the implementing agency shall, where appropriate, pay utility mitigation fees or otherwise provide improvements to the drainage facilities of the jurisdiction in which the project is located such that drainage facilities affected by the project in question maintain an acceptable level of service.
- C. Based on the results of the drainage/groundwater recharge evaluation, the proposed project should be designed to minimize the area of impervious surface and to maintain existing drainage/groundwater recharge patterns to the extent practicable.
- D. In those instances where a streambed would be altered as a result of project construction, it will be necessary to enter into a Streambed Alteration Agreement with the California Department of Fish and Game prior to the start of construction.

**IMPACT 8.4: Increased Exposure to Flood Hazards.** Some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may be located in low-lying areas that could be subject to flood hazards. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with flooding to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 8.4: All Structures Above the 100-Year Flood Zone Elevation/Stabilization Along Creek Crossings/Avoid Encroachment of Designated Flood Areas**

A. If a particular transportation system improvement project is located in an area with high flooding potential, the implementing agency shall, where appropriate, ensure that the structure is elevated at least one foot above the 100-year flood zone elevation, is designed to minimize damage to the physical improvement and ensure public safety, and that feasible stabilization and erosion control measures are implemented along creek crossings.

B. Implementing agencies shall, where appropriate, ensure that projects located in areas with high flooding potential are designed to keep designated floodways free from encroachment as much as possible. Encroachment into the flood plain can be accommodated with proper design, planning and mitigation, as long as the resulting shift of flood waters does not increase adjacent floodways or flood plains.

### **LAND USE AND PLANNING**

**IMPACT 9.1: Potential Land Use Conflicts.** Construction and operation of some transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in potential land use conflicts with existing sensitive uses such as residences, schools, parks, etc. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with potential land use conflicts to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

### **MITIGATION MEASURE 9.1: Enhancing Land Use Compatibility**

A. In order to minimize safety hazards, implementing agencies shall, where appropriate, require adequate traffic controls such as signs, striping, crosswalks and warning lights to slow traffic on streets in residential, school or park areas where new roadways are proposed, or where projected traffic volumes will substantially increase, to reduce safety and noise impacts.

B. Implementing agencies shall, where appropriate, ensure that roadways and other transportation system improvements are designed to minimize potential impacts to pedestrians and bicyclists, particularly those living in adjacent residential areas, or attending schools.

C. Street lighting, where necessary, shall, where appropriate, be minimized to the extent possible in areas adjacent to sensitive land uses. Street lights shall be shielded, and oriented away from residential development. No street light shall exceed the maximum height limit established by Caltrans or local ordinance, as applicable.

D. Implementing agencies shall, where appropriate, require that all transportation system improvement projects provide appropriate setbacks, barriers, fences or other appropriate means of buffering proposed improvements with the potential to generate land use conflicts from adjacent sensitive land uses.

**IMPACT 9.2: Conflicts with Land Use Plans/Policies/Regulations.** It is possible that implementation of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project that have been adopted for the purpose of avoiding or mitigating an environmental impact. This could represent a potentially significant adverse environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with possible conflicts with land use plans, policies and regulations, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 9.2: Design Modifications to Achieve Consistency**

Where it is clear that the implementation of a specific project could result in a conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project which have been adopted for the purpose of avoiding or mitigating an environmental impact, the implementing agency should modify the design of the project to achieve consistency with the applicable plans, policies or regulations.

**NOISE**

**IMPACT 11.1: Increased Noise Related to Increased Traffic Volumes.** Major roadway widenings which increase capacity, or transportation system improvements which create new roadways in previously unaffected areas, may permanently affect ambient noise levels by substantially increasing traffic volumes, possibly exceeding established standards for noise exposure. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with increased traffic-related noise, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 11.1: Acoustical Analysis/Site-Specific Mitigation**

A. Acoustical analyses shall, where appropriate, be conducted by the implementing agency as part of new roadway construction and/or widening projects for existing roads. The noise study shall, where appropriate, identify existing noise sensitive receptors, determine existing ambient noise levels, project future noise levels, make appropriate findings with respect to appropriate criteria, and recommend mitigation/abatement measures. Specific noise mitigation or abatement measures to be considered include alternative alignments, sound barrier walls and earthen berms where space is available. Determination of appropriate noise attenuation or abatement measures shall, where appropriate, be assessed on a case-by-case basis pursuant to the regulations of the applicable agency.

B. Various sound attenuation techniques shall, where appropriate, be considered where transportation system improvement projects are found to expose sensitive receptors to noise exceeding normally acceptable levels. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials, where feasible. In instances where the use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable agency.

**IMPACT 11.3: Construction-Related Noise.** Construction activity associated with some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could temporarily result in noise levels which might exceed established standards for noise exposure. This could represent a potentially significant environmental impact associated with those projects which involve construction activity.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with construction-related noise to a level of less than significant when implemented. The Board

adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

### **MITIGATION MEASURE 11.3: Noise Abatement**

In order to reduce potential construction-related noise impacts, the implementing agency shall, where appropriate, ensure that, where residences or other noise sensitive uses are located adjacent to construction sites, appropriate measures shall be implemented, where appropriate, to ensure consistency with local noise ordinance requirements relating to construction activity. Specific techniques may include (but are not limited to) restrictions on construction timing, the use of sound blankets on construction equipment, and the use of temporary noise walls and noise barriers to block and deflect noise. All construction equipment in active use at project sites should be appropriately muffled and properly maintained. Limiting truck access routes and establishing maximum allowable noise limits for construction equipment should also be considered as measures which would reduce construction-related noise at specific sites.

**IMPACT 11.4: Exposure to Excessive Groundborne Noise/Vibration.** Construction associated with some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program might involve activities (such as pile-driving) which could result in the temporary exposure of persons living or working near the construction area to excessive groundborne noise and/or vibration during construction activity. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with excessive groundborne noise and vibration to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

### **MITIGATION MEASURE 11.4: Restrictions on Construction Activities**

In order to reduce the potential noise and/or vibration impacts associated with certain construction activities such as pile-driving, the implementing agency shall, where appropriate, ensure that, to the maximum extent feasible, all such activity which would take place in the vicinity of sensitive receptors be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. If a particular project located adjacent to sensitive receptors requires pile driving, the local jurisdiction may require the use of pile driving techniques that would reduce physical impacts and associated noise generation from such activity.

## **POPULATION AND HOUSING**

**IMPACT 12.1: Indirect Growth Inducement.** Implementation of some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could indirectly induce growth within Monterey County by increasing transportation system capacity. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with indirect growth inducement, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

### **MITIGATION MEASURE 12.1: Prioritization of Transportation System Improvement Projects**

To minimize possible growth inducement, implementing agencies should prioritize transportation system improvement projects by deemphasizing pursuit of those projects that would allow land development to occur in areas where such development has not yet been planned for, or where such development is not anticipated to occur in the future.

**IMPACT 12.2: Permanent Displacement of People and/or Existing Housing Units/Businesses.** Implementation of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program might result in the permanent displacement of people and/or existing housing units, as well as business enterprises. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to displace people or existing housing units or businesses. In those cases where such displacement would be regarded as substantial, this could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with displacement of people and/or housing units/businesses to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 12.2: Avoidance/Relocation**

A. Implementing agencies shall, where appropriate, assure that project-specific environmental reviews for transportation system improvement projects with the potential to permanently displace existing residences and businesses consider alternative alignments that avoid or minimize impacts to nearby residences and businesses.

B. Where project-specific reviews identify unavoidable displacement impacts, the implementing agency shall, where appropriate, ensure that appropriate relocation programs are used to assist eligible persons to relocate, in accordance with local, state and federal requirements. Owners shall, where appropriate, be compensated for acquired property based on fair market values. In addition, implementing agencies shall, where appropriate, review and, if necessary, modify construction schedules to ensure that adequate time is provided to allow affected businesses to find and relocate to other sites.

***PUBLIC SERVICES***

**IMPACT 13.1: Temporary Interference with School Access.** Proposed roadway construction and other transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could temporarily impede access to public school facilities, and could create pedestrian traffic hazards. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to interfere with access to schools. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with interference with school access to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 13.1: Notification/Designated Detours**

A. If construction is to take place in the vicinity of a school, or on roadways that could affect access to a school facility, then the implementing agency shall, where appropriate, notify the school district superintendent or other appropriate representative of the affected school district prior to any road construction and road closures. School officials shall also be consulted, where appropriate, to determine if any critical access routes would be affected, or if construction would create specific safety problems.

B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100

feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. Adequate access to all schools shall be maintained, where appropriate, during school hours throughout the construction period. During implementation of transportation system improvements that necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around improvement areas with appropriate signage shall be provided, where appropriate.

**IMPACT 13.2: Temporary Interference with Park/Recreation Access.** Although implementation of some transportation system improvements would ultimately result in enhanced access to parks and recreational facilities within Monterey County, implementation of several of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could temporarily affect access to park and recreational facilities if road construction or other activities were to occur in the vicinity of these facilities. Road construction could also generate noise that could disrupt the quiet atmosphere of parklands, which could detract from the recreational experience of visitors. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to interfere with access to parks or recreational facilities. These could represent potentially significant adverse environmental impacts associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with interference with park/recreation access to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 13.2: Consultation/Site-Specific Mitigation**

A. Although potential impacts to recreational facilities which may be associated with the implementation of projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program are not generally expected to be significant, park authorities shall be consulted, where appropriate, if construction is to occur in the vicinity of park or recreational facilities. The implementing agency and park authorities shall, where appropriate, jointly participate in project planning to include measures to reduce project-related impacts to park-users, when possible.

B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100 feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. During implementation of transportation system improvements that



necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around-improvement areas with appropriate signage shall be provided, where appropriate.

**IMPACT 13.3: Increased Transportation System Maintenance.** The completion of transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program would increase maintenance demands. Due to uncertainties regarding the availability of adequate maintenance staffing and equipment to address increased maintenance needs, this is considered a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with the need for increased transportation system maintenance to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 13.3: Adequate Maintenance Funding**

The implementing agency shall, where appropriate, ensure that adequate funds are budgeted to maintain proposed transportation facilities as well as existing transportation facilities.

**TRANSPORTATION/TRAFFIC**

**IMPACT 15.1: Deterioration in Traffic Operations.** Although they would likely reduce traffic congestion in Monterey County, implementation of some projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in localized traffic congestion. This could represent a potentially significant environmental impact associated with this type of project.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with a deterioration in traffic operations, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP and EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 15.1: Project-Specific Traffic Studies/Mitigation**

A. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, design such projects so that impacts are reduced or eliminated. Project-specific mitigation should provide a range of mitigation options, including (but not limited to) the following:

- Reduction in project size;
- Relocation of project route or alignment;
- Modification of project to provide additional lane capacity;
- Modification of project to provide additional turning lanes;
- Provision of additional transit services in lieu of, or in addition to, roadway capacity increases;
- Designation of Peak Hour HOV lanes in lieu of mixed-flow lanes;
- Additional carpool and vanpool incentives;
- Expanded intermodal transportation facilities, including secure bicycle parking, bicycle carriers on buses, and Park & Ride lots; and
- Use of Transportation Demand Management (TDM) measures to reduce traffic demand instead of increasing roadway capacity.

B. If physical changes to such projects are not feasible due to physical, economic, technological or other constraints, the implementing agencies may be required to pay in lieu traffic mitigation fees such that roadways and/or intersections affected by these projects maintain acceptable levels of service.

C. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, incorporate facilities that encourage the use of alternative forms of transportation (e.g., provision of bike storage facilities, pedestrian facilities, etc.) into the design of the projects, as feasible. In addition, such facilities shall, where appropriate, provide additional carpool or vanpool incentives, as feasible.

**IMPACT 15.2: Temporary Increase in Traffic Congestion during Construction.**

Construction associated with the implementation of some transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could be expected to result in temporary lane closures, equipment maneuvering and rerouting, which could result in temporary traffic congestion and other access restrictions that could disrupt existing homes, businesses and pedestrian, bicycle and transit routes. This could represent a potentially significant environmental impact.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate most, but not all, significant adverse effects associated with increased traffic congestion during construction, when implemented. The Board adopts findings (2), and (3), as described above. The mitigation measure identified in the 2005 RTP EIR will be responsibility of the individual lead agencies to adopt at such time as they undertake the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district. Despite the application of the mitigation measure, implementation of some projects identified in the Plan and/or Program could result in a significant, unavoidable impact. The infeasibility of the project alternative is discussed separately at the end of these findings.

**MITIGATION MEASURE 15.2: Development of Detour and Access Plans**

Implementing agencies shall, where appropriate, ensure that transportation system improvement projects that could affect traffic flow and access prepare detour and access plans, subject to review and approval by the permitting agency. In addition, signs and safety measures shall be installed during construction, where appropriate, to ensure continued safe access for affected cyclists, pedestrians, businesses and homes.

**IMPACT 15.3: Hazardous Design Features.** Although some projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program are aimed at reducing existing hazardous features, in the absence of project-specific designs, it is possible that some of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program might incorporate design features which could result in a substantial increase in hazards (e.g., sharp curves or dangerous intersections). As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to create such hazards. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with potentially hazardous design features to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 15.3: Project-Specific Safety Review/Mitigation**

As part of the environmental review for each proposed project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program, a comprehensive safety analysis should be conducted by the implementing agency to ensure

that implementation of the project as proposed would not result in any significant increase in hazards. If potential project-related hazards are identified, appropriate mitigation should be implemented to reduce or eliminate the potentially hazardous situation as part of the project design process. This may involve realignment, redesign or reconfiguration of roadway improvements.

**IMPACT 15.4: Temporary Interference with Emergency Access.** Proposed roadway construction and other transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could temporarily interrupt traffic, and could impede emergency access in some instances. Emergency response vehicles could be delayed as a result of proposed construction activities. A review of the projects currently listed in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program failed to identify any project which would definitely interfere with emergency access. However, as the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to interfere with emergency access. This could represent a potentially significant environmental impact associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with temporary interference with emergency access to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

#### **MITIGATION MEASURE 15.4: Notification/Designated Detours**

Emergency access to major critical transportation facilities (e.g., state or federal highway) or other critical facilities (e.g., hospitals, fire stations, etc.) should not be disrupted without first coordinating with the Monterey County Office of Emergency Preparedness. Prior to construction, the appropriate agency responsible for the actual implementation of each individual project listed in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program should notify all public safety agencies and affected property owners of any pending road construction activities and road closures. Detours should be designated and adequate access and circulation provided at construction sites to permit emergency vehicles to safely and effectively navigate in these areas, even during construction activity.

#### **UTILITIES AND SERVICE SYSTEMS**

**IMPACT 16.1: Temporary Disruption of Utility Services/Installation.** Proposed roadway construction and other transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could

result in short-term, temporary disruption of utility services and/or could conflict with planned utility installation. Construction activities could disrupt services through both accidental and scheduled interruption of services. In addition, utility installation could disrupt newly constructed or resurfaced roadways if not properly coordinated between the agency responsible for the implementation of the proposed transportation system improvement and the local public works department or utility provider. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to have the potential to disrupt utility services. These disruptions could represent potentially significant environmental impacts associated with these types of projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the following mitigation measure is feasible and will effectively mitigate significant adverse effects associated with the temporary disruption of utility services/installation to a level of less than significant when implemented. The Board adopts finding (2), as described above. Implementation of the mitigation measure will be the responsibility of the lead agency for each project. Lead agencies may include Caltrans, Monterey County, cities, and the Monterey-Salinas Transit district.

**MITIGATION MEASURE 16.1: Consultation/Notice/USA**

Prior to construction, the appropriate agency responsible for the actual implementation of individual projects should consult with affected utility companies to ensure adequate protection of all existing utilities. Advance notice should be given to affected residents and businesses of any scheduled utility disruption. Underground Service Alert (USA) should be contacted at least one week prior to the initiation of any construction activities, to allow utility companies and affected agencies adequate response time.

**ALTERNATIVES**

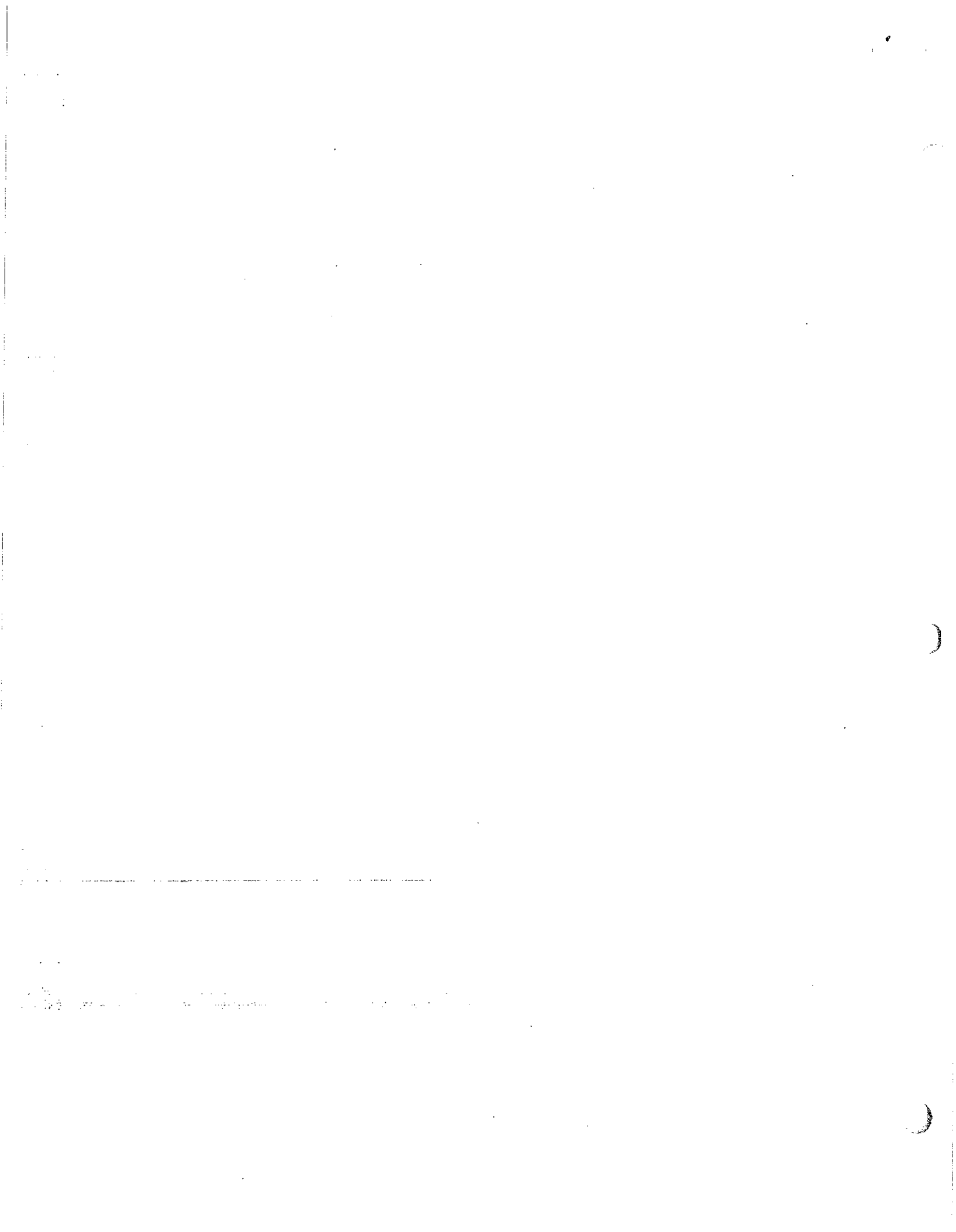
**No New Revenues Alternative**

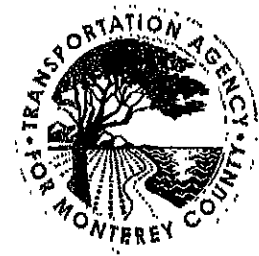
Under the No New Revenues Alternative, no funds would be generated either through the proposed sales tax or the proposed development impact fee, and implementation of a number of listed projects in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program would be delayed or postponed indefinitely. Unless additional funding is secured, this alternative would scale back or postpone projects identified in the Plan and/or Program.

While the types of potential environmental impacts associated with this alternative would be identical to those associated with the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program (which assumes new revenues will become available), delays in transportation system improvement project implementation could be expected to result in fewer major projects being pursued at any given time in Monterey County. This might be expected to result in some reduction in the potential cumulative environmental

impacts associated with project-specific construction activity when listed projects might otherwise be expected to be completed simultaneously within the same general areas (e.g., construction-related water quality impacts, construction-related air quality impacts, construction-related noise impacts, etc.). However, any delays in anticipated project completions resulting from funding constraints in the absence of the new revenues could also be expected to result in some delays in obtaining the anticipated traffic congestion relief and related air quality benefits that may be associated with such projects.

**Findings of Fact.** The TAMC Board of Directors hereby finds that the "No New Revenues Alternative" is infeasible because it would maintain the shortfall in funding that would be required to fully implement those projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. This would delay or preclude implementation of many of the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program. These projects include highway and road improvements, traffic safety improvements, and enhanced transit services. As a result, unacceptably high levels of traffic congestion would result, future traffic safety would be compromised, and the region would be unable to fill its unmet transit needs.





Regional Transportation Planning Agency • Congestion Management Planning  
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

## RESOLUTION NO. 2008-02

### **RESOLUTION TO ADOPT THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT - 2005 MONTEREY COUNTY REGIONAL TRANSPORTATION PLAN PREPARED FOR THE EVALUATION OF ENVIRONMENTAL IMPACTS ASSOCIATED WITH IMPLEMENTATION OF THE LOCAL TRANSPORTATION SALES TAX EXPENDITURE PLAN AND THE DEVELOPMENT IMPACT FEE PROGRAM**

**WHEREAS**, the Transportation Agency for Monterey County is the state-designated Regional Transportation Planning Agency (RTPA) for Monterey County;

**WHEREAS**, a Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) for the 2005 AMBAG Monterey Bay Metropolitan Transportation Plan, 2005 Santa Cruz County Regional Transportation Plan, and 2005 Monterey County Regional Transportation Plan (RTP) that identified, in general terms, the possible significant or potentially significant environmental effects of the RTP on a regional, system-wide basis (rather than on a project-by-project basis) as shown in the Executive Summary Chart of the EIR;

**WHEREAS**, TAMC certified the 2005 RTP FEIR as adequate and complete in May, 2005, and subsequently adopted the 2005 RTP;

**WHEREAS**, TAMC has developed a Local Transportation Sales Tax Expenditure Plan and a Development Impact Fee Program intended to provide funds to be used, in combination with existing fees, and state and/or federal funds, to complete a "Balanced Program" of transportation system improvement projects in Monterey County;

**WHEREAS**, under CEQA Guidelines, Section 15164, a Lead Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR have occurred;



**WHEREAS**, under CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative;

**WHEREAS**, an EIR Addendum need not be circulated for public review, but can be included in or attached to the FINAL EIR (CEQA Guidelines, Section 15164 [c]). The EIR Addendum is meant to provide an objective, impartial source of information to be used by the Lead Agency, as well as by members of the public, in their considerations regarding the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program;

**WHEREAS**, TAMC has determined that preparation of an Addendum to the 2005 RTP FEIR to provide a "program-level" evaluation the types of environmental effects associated with the implementation of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program would meet the requirements of CEQA Guidelines Section 15164, since no substantive changes in the program-level discussion of the types of environmental effects and mitigation measures identified in the previously-certified EIR for the 2005 RTP would be required to address those projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program;

**WHEREAS**, TAMC acknowledges that implementation of specific programs and projects included within the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program by state and local implementing agencies other than TAMC might result in significant or potentially significant environmental impacts;

**WHEREAS**, the nature of the action being taken by TAMC (adoption of the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program) would not, in and of itself, directly cause any of the significant environmental impacts just noted, since the action of adopting the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program alone does not enable any of the programs and projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program to proceed;

**WHEREAS**, for identified mitigation measures, TAMC prepared a mitigation monitoring program (Exhibit A) meeting the requirements of Section 21081.6 of the Public Resources Code;

**WHEREAS**, the EIR Addendum assessed the "program-level" environmental impacts associated with implementation of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program versus one alternative: a No New Revenue Alternative;

**WHEREAS**, the EIR Addendum reports that the No New Revenue Alternative would not be regarded as the environmentally superior alternative, since it would delay implementation of the transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program;

**WHEREAS**, the TAMC Board of Directors selects the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program as the environmentally superior alternative;

**WHEREAS**, the EIR Addendum reports that the following eighteen potentially significant impacts associated with implementation of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program may be found by the implementing agencies responsible for individual projects or programs to not be subject to feasible mitigation:

- **IMPACT 1.1: Substantial Adverse Effects on Scenic Vistas.** Through a process of

assessment, for most projects it may be possible for implementing agencies to identify mitigation measures or alternatives, which could reduce project-specific impacts on scenic vistas to a level of less than significant for most projects. However, even with the implementation of the mitigation measures, impacts associated with a few projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program may remain significant and unavoidable.

- **IMPACT 1.2: Substantial Damage to Scenic Resources.** Possible mitigation includes design modifications, revision of grading plans and landscaping. The effective application of this type of mitigation by the implementing agencies could reduce impacts to scenic resources to a level of less than significant for most projects. However, even with the implementation of these mitigation measures, impacts associated with a few projects may remain significant and unavoidable.
- **IMPACT 1.3: Substantial Degradation of Visual Character.** Possible mitigation includes a visual assessment for any proposed project which may result in substantial degradation of the visual character of the project site and/or surroundings, design modifications, avoidance of the removal of trees and tree replacement, minimization of roadway lighting and compliance with the architectural review requirements of the local jurisdiction. The effective application of this type of mitigation by the implementing agencies could reduce impacts to scenic resources to a level of less than significant for most projects. However, even with the implementation of these mitigation measures, impacts associated with a few projects may remain significant and unavoidable.
- **IMPACT 2.1: Conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance.** Although most projects could be designed by the implementing agencies to reduce the conversion of prime farmland, unique farmland or farmland of statewide importance to non-agricultural uses to a level of less than significant, implementation of a few of the projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program could result in an undetermined extent of such conversion which could not be effectively mitigated. In such cases, this impact could remain significant and unavoidable.
- **IMPACT 2.3: Potential Conflicts with Williamson Act Contracts.** Where the cancellation of current Williamson Act contracts can be avoided, potential impacts would be reduced to a level of less than significant. In those instances where project modifications to avoid cancellation of Williamson Act contracts cannot be made by the implementing agency, it may be necessary for the jurisdiction which is a party to such contracts to take action to cancel them prior to project approval. In a few such cases, the impact could remain significant and unavoidable.

- **IMPACT 2.4: Fragmentation of Agricultural Lands and Changes in Land Uses Adjacent to Agricultural Lands.** Possible mitigation includes design modifications, compensation for the loss of agricultural production at the margins of lost property, and implementation of project-specific design features, which would provide adequate protection for farmland adjacent to project sites (fencing, warning notices, buffers, etc.). The effective application of this type of mitigation by the implementing agencies could reduce changes in land use adjacent to land in agricultural uses to a level of less than significant for most projects. However, even with the implementation of these mitigation measures, impacts associated with project-related fragmentation of parcels currently in agricultural uses may remain significant and unavoidable for a few projects.
  
- **IMPACT 3.3: Toxic Air Contaminant Emissions.** Where individual transportation system improvement projects involve construction activity requiring the use of diesel-powered equipment, or increased diesel-fueled traffic shall, implementing agencies, where appropriate, should conduct a screening level risk assessment and, if warranted, a full risk assessment. If these project-specific assessment procedures (outlined in the MBUAPCD CEQA Guidelines, Appendix C) indicate that a project would exceed the MBUAPCD's cancer risk threshold of 10 per million, or the chronic hazard index is above one, then the prior to initiating construction activity, the implementing agency should consult with the MBUAPCD to identify the types of grading, demolition and construction equipment that will be used for the project. Once the characteristics of specific equipment to be used have been identified, the MBUAPCD should provide recommendations for measures that can be implemented to reduce diesel emissions associated with such equipment (e.g., the substitution of diesel-powered equipment with non-diesel-powered equipment, the installation of exhaust controls, staggering construction activity at the project site, etc. Depending on the project-specific diesel emission characteristics, this mitigation measure could be expected to reduce diesel particulate material emissions which may be associated with the implementation of specific transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program to some extent, most often to a level of less than significant. However, for a few projects where identified measures intended to reduce diesel particulate material emissions cannot be effectively implemented to reduce these emissions to a level below the MBUAPCD's cancer risk threshold or to obtain a chronic hazard index of one or less, this impact could remain significant and unavoidable.

- **IMPACT 3.4: Increased Exposure to Diesel Exhaust Fumes.** Depending on the project-specific diesel emission characteristics, the effective implementation of mitigation measures associated with **IMPACT 3.3** could be expected to reduce odors associated with project-specific diesel emissions to some extent, most often to a level of less than significant. However, for a few projects where identified measures intended to reduce diesel particulate material emissions cannot be effectively implemented to reduce these emissions to a level below the MBUAPCD's cancer risk threshold or to obtain a chronic hazard index of one or less, this impact could remain significant and unavoidable.
  
- **IMPACT 4.1: Modification of Habitat.** Possible mitigation would include surveying to determine the presence or absence of habitat for candidate, sensitive, or special status species, to determine the extent to which project construction may interfere with the movement of any resident or migratory fish or wildlife species. If special status species are known to occur or have the potential to occur, mitigation developed in consultation with a qualified biologist and the resource agencies should be implemented. Project redesign and/or realignment is also a possible mitigation. In those instances where it is not possible to avoid sensitive habitat areas through design measures, the USFWS and the CDFG may need to be contacted in order to achieve compliance with the appropriate endangered species protection regulations through the implementation of site-specific mitigation measures prior to project approval. Avoiding completely those areas identified as habitat for candidate, sensitive, or special status species of plants and animals, or those areas which are important in providing free movement for resident or migratory fish or wildlife species, would reduce this potential impact to a level of less than significant for most projects. However, depending on the location, character and purpose of a proposed project, it may not be possible to design it in such a way so as to completely avoid these areas. In these instances, this potential impact would need to be mitigated to the satisfaction of the appropriate regulatory agencies prior to the issuance of the permits necessary to allow project construction to proceed, although impacts associated with a few projects could be expected to remain significant and unavoidable.
  
- **IMPACT 4.2: Modification of Riparian Areas/Wetlands.** Possible mitigation would include design to avoid construction in riparian areas or wetlands to the extent practicable. In those instances where it is not possible to avoid riparian areas or wetlands through design measures, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the California Department of Fish and Game shall, where appropriate, be contacted in order to achieve compliance with the appropriate regulations and to obtain all required permits prior to project approval. The granting of the required permits may be conditional on the implementation of site-specific measures designed to mitigate any modification of riparian areas or wetlands which may result from construction of the projects. Avoiding completely riparian areas or wetlands through design measures would reduce this potential impact to a level of less than significant for most projects. However, depending on the character and purpose of a proposed project, it may not

be possible to design it in such a way as to completely avoid these areas. In these instances, this potential impact would need to be mitigated to the satisfaction of the appropriate regulatory agencies prior to the issuance of the permits necessary to allow project construction to proceed, although impacts associated with a few projects could be expected to remain significant and unavoidable.

- **IMPACT 4.3: Interference with Wildlife Movement.** Possible mitigation would include biological field investigations to document existing conditions and assess site-specific impacts upon wildlife that may be affected by the project and development of new roadway alignments and extensions to avoid or minimize disturbance of wildlife movement corridors to the maximum extent feasible. If impacts cannot be avoided, project-specific mitigation measures shall, where appropriate, be developed in consultation with responsible agencies (USFWS and/or CDFG, as appropriate). Avoiding completely wildlife movement corridors through design measures would reduce this potential impact to a level of less than significant for most projects. However, depending on the character and purpose of a proposed project, it may not be possible to design it in such a way as to completely avoid these areas. In these instances, this potential impact would need to be mitigated to the satisfaction of the appropriate regulatory agencies prior to the issuance of the permits necessary to allow project construction to proceed, although impacts associated with a few projects could be expected to remain significant and unavoidable.
  
- **IMPACT 4.4: Conflicts with Protective Ordinances and Policies.** Possible mitigation would include modification of the design of the project to achieve compliance with the applicable ordinances or policies, where feasible, and ensuring that trees that are removed for construction of specific projects are replaced with native tree species at a minimum 2:1 ratio, under the direction of a certified arborist, consistent with the local jurisdictions in which impacts occur. Depending on the character and purpose of a proposed project, it may not be possible to modify it in such a way as to completely avoid disturbing protected trees or other biological resources that may be protected within a specific local jurisdiction. In these instances, this potential impact would need to be mitigated to the satisfaction of the appropriate local jurisdiction prior to the issuance of the permits necessary to allow project construction to proceed, although impacts associated with a few projects could be expected to remain significant and unavoidable.

- **IMPACT 8.3: Increased Impervious Surface/Storm Water Runoff.** Possible mitigation includes evaluation of the drainage and groundwater recharge characteristics of the area, and identification of appropriate site-specific measures to control surface runoff, and to detain surface water runoff on-site, if possible. Implementing agencies shall, where appropriate, ensure that adequate drainage infrastructure is in place to accommodate runoff from each transportation system improvement project prior to the issuance of grading permits. If adequate drainage infrastructure is not available, the implementing agency shall, where appropriate, pay utility mitigation fees or otherwise provide improvements to the drainage facilities of the jurisdiction in which the project is located such that drainage facilities affected by the project in question maintain an acceptable level of service. Projects should be designed to minimize the area of impervious surface and to maintain existing drainage/groundwater recharge patterns to the extent practicable. In those instances where a streambed would be altered as a result of project construction, it will be necessary to enter into a Streambed Alteration Agreement with the California Department of Fish and Game prior to the start of construction. Although it may be possible to limit the area of impervious surface associated with roadway improvement projects to some extent, it will generally not be possible to avoid increasing impervious surfaces as new roadways are built or as existing roadways are widened, and this potential impact could remain significant and unavoidable in those cases. It may not be possible to design some projects in such a way so as to completely avoid significant alteration of existing drainage/ groundwater recharge patterns, and in such cases these potential impacts could remain significant and unavoidable. In those instances where a specific project would require a Streambed Alteration Agreement, compliance with the conditions of such an agreement could be expected to reduce streambed impacts to a level of less than significant.
  
- **IMPACT 9.2: Conflict with Land Use Plans/Policies/Regulations.** Where it is clear that the implementation of a specific project could result in a conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project which have been adopted for the purpose of avoiding or mitigating an environmental impact, the implementing agency should modify the design of the project to achieve consistency with the applicable plans, policies or regulations. In those instances where it would be possible to modify the design of a transportation system improvement project to meet the intent of plans, policies or regulations of the jurisdictions where such projects are proposed, this mitigation measure could reduce the impact to a level of less than significant for most projects. However, for a few projects, it may not be possible to make such design changes and still achieve the project objectives. In these cases, the potential conflict with established plans, policies and regulations could remain significant and unavoidable.

- **IMPACT 11.1: Increased Noise Related to Increased Traffic Volumes.** Possible mitigation includes acoustical analyses to identify existing noise sensitive receptors, determine existing ambient noise levels, project future noise levels, make appropriate findings with respect to appropriate criteria, and recommend mitigation/abatement measures. Specific noise mitigation or abatement measures to be considered include alternative alignments, sound barrier walls and earthen berms where space is available. Determination of appropriate noise attenuation or abatement measures shall, where appropriate, be assessed on a case-by-case basis pursuant to the regulations of the applicable agency. Various sound attenuation techniques shall, where appropriate, be considered where transportation system improvement projects are found to expose sensitive receptors to noise exceeding normally acceptable levels. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials, where feasible. In instances where the use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable agency. Although noise mitigation or abatement measures may be expected to reduce potential traffic noise impacts to a level of less than significant in most instances, this impact may not be mitigable in a few cases, resulting in an environmental impact that could remain significant and unavoidable.
  
- **IMPACT 12.1: Indirect Growth Inducement.** To minimize possible growth inducement, implementing agencies should prioritize transportation system improvement projects by deemphasizing pursuit of those projects that would allow land development to occur in areas where such development has not yet been planned for, or where such development is not anticipated to occur in the future. This approach could reduce the growth-inducing potential of the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program. However, to the extent that the increases in transportation system capacity associated with projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program may indirectly contribute to population growth within Monterey County, this impact could remain significant and unavoidable.



- **IMPACT 15.1: Deterioration in Traffic Operations.** Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, design such projects so that impacts are reduced or eliminated. Project-specific mitigation should provide a range of mitigation options, including (but not limited to) the following:
- Reduction in project size;
  - Relocation of project route or alignment;
  - Modification of project to provide additional lane capacity;
  - Modification of project to provide additional turning lanes;
  - Provision of additional transit services in lieu of, or in addition to, roadway capacity increases;
  - Designation of Peak Hour HOV lanes in lieu of mixed-flow lanes;
  - Additional carpool and vanpool incentives;
  - Expanded intermodal transportation facilities, including secure bicycle parking, bicycle carriers on buses, and Park & Ride lots; and
  - Use of Transportation Demand Management (TDM) measures to reduce traffic demand instead of increasing roadway capacity.

If physical changes to such projects are not feasible due to physical, economic, technological or other constraints, the implementing agencies may be required to pay in lieu traffic mitigation fees such that roadways and/or intersections affected by these projects maintain acceptable levels of service. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, incorporate facilities that encourage the use of alternative forms of transportation (e.g., provision of bike storage facilities, pedestrian facilities, etc.) into the design of the projects, as feasible. In addition, such facilities shall, where appropriate, provide additional carpool or vanpool incentives, as feasible. Depending on the outcome of project-specific traffic analysis, implementation of some combination of these and/or other traffic mitigations could be expected to reduce this impact to a level of less than significant in most cases. However, in a few instances, such mitigation may not be feasible, and impacts could be expected to remain significant and unavoidable.

- **IMPACT 15.2: Temporary Increase in Traffic Congestion during Construction.** Implementing agencies shall, where appropriate, ensure that transportation system improvement projects that could affect traffic flow and access prepare detour and access plans, subject to review and approval by the permitting agency. In addition, signs and safety measures shall be installed during construction, where appropriate, to ensure continued safe access for affected cyclists, pedestrians, businesses and homes. The implementation of this mitigation measure could reduce potential impacts to a level of less than significant in most instances, although in a few cases these impacts could remain significant and unavoidable;

**WHEREAS**, the EIR Addendum reports that the following 25 potentially significant impacts associated with implementation of some of the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program may be found by the implementing agencies responsible for individual projects or programs to be subject to feasible mitigation which could reduce these impacts to a level of less than significant:

- **IMPACT 1.4: Increased Light and Glare**
- **IMPACT 2.2: Potential Conflict with Existing Zoning for Agricultural Use**
- **IMPACT 3.1: Construction-Related Emissions**
- **IMPACT 3.2: Carbon Monoxide Emissions**
- **IMPACT 4.5: Conflicts with Habitat Conservation Plans**
- **IMPACT 5.1: Disturbance of Cultural Resources**
- **IMPACT 6.1: Increased Exposure to Seismic Hazards**
- **IMPACT 6.2: Increased Exposure to Landslides**
- **IMPACT 6.3: Increased Erosion and Loss of Topsoil During Construction**
- **IMPACT 6.4: Construction on Unstable Soils**
- **IMPACT 7.1: Potential to Create a Significant Hazard to the Public or Environment**
- **IMPACT 7.2: Potential Hazards Associated with Roadway Design and the Transport of Hazardous Materials**
- **IMPACT 8.1: Construction-Related and Operational Water Quality Effects**
- **IMPACT 8.2: Depletion of Groundwater Supplies and Interference with**

### **Groundwater Recharge**

- ❑ **IMPACT 8.4: Increased Exposure to Flood Hazards**
- ❑ **IMPACT 9.1: Potential Land Use Conflicts**
- ❑ **IMPACT 11.3: Construction-Related Noise**
- ❑ **IMPACT 11.4: Exposure to Excessive Groundborne Noise/Vibration**
- ❑ **IMPACT 12.2: Permanent Displacement of People and/or Existing Housing Units/Businesses**
- ❑ **IMPACT 13.1: Temporary Interference with School Access**
- ❑ **IMPACT 13.2: Temporary Interference with Park/Recreation Access**
- ❑ **IMPACT 13.3: Increased Transportation System Maintenance**
- ❑ **IMPACT 15.3: Hazardous Design Features**
- ❑ **IMPACT 15.4: Temporary Interference with Emergency Access**
- ❑ **IMPACT 16.1: Temporary Disruption of Utility Services/Installation**

WHEREAS, TAMC determines that the potential significant and unavoidable impacts associated with implementation of the projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program are acceptable when weighed against the safety, congestion reduction, identified community priorities and other benefits resulting from the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program, also recognizing that individual implementing agencies, when they review specific projects for implementation, may have to make findings of overriding considerations where project-specific, potentially significant unmitigated adverse impacts may be identified,

**NOW, THEREFORE, BE IT RESOLVED THAT:** the Board of Directors of the Transportation Agency for Monterey County has:

- a) Found the EIR Addendum to be completed in compliance with CEQA;
- b) Reviewed and considered the information contained in the EIR Addendum and found it adequate and complete based on the Board of Directors' independent judgment and analysis;
- c) Noted that the act of adopting the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program itself will have no impact on the environment but that the future discretionary implementation of the transportation projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program by the applicable projects lead agencies could potentially lead to one or more significant environmental effects and that these changes or alterations will be within the responsibility and jurisdiction of the applicable projects lead agencies whom hold the responsibility for adequately mitigating identified impacts on the environment; and

**AND BE IT FURTHER RESOLVED THAT:** the Board of Directors of the Transportation Agency for Monterey County hereby:

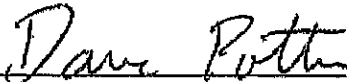
- a) Adopts the EIR Addendum to the 2005 Monterey County Regional Transportation Plan prepared for the Evaluation of Environmental Effects Associated with the Implementation of the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program;
- b) Finds that a mitigation monitoring/reporting program meeting the requirements of Section 21081.6 of the Public Resource Code either will be, or can and should be, adopted by those agencies responsible for the implementation of specific programs and projects identified in the Local Transportation Sales Tax Expenditure Plan and Development Impact Fee Program, as needed, prior to final construction or implementation approval for such programs and projects; and adopts the Mitigation Monitoring Program for this EIR Addendum to the 2005 Monterey County Regional Transportation Plan (attached as Exhibit A); and
- c) Adopts applicable CEQA findings (attached as Exhibit B); and directs staff to file a Notice of Determination per CEQA Section 21152 and distribute this document in accordance with applicable laws and regulations.

January 23, 2008

**AYES:** F. Armenta, H. Gowin, J. Edelen, S. Kleber, M. Orozco  
S. Miller, C. Link, K. Morgan, R. Ortiz, D. Potter, F. Sollecito,  
R. Rubio, S. Villegas, S. Salinas, K. Sharp, G. Wilmot

**NOES:**

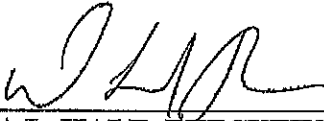
**ABSENT:** J. Huerta



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**DAVID POTTER, CHAIR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

**ATTEST:**



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**DEBRA L. HALE, EXECUTIVE DIRECTOR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

## MITIGATION MONITORING PROGRAM

### Local Transportation Sales Tax Expenditure Plan & Development Impact Fee Program

#### STAUTORY REQUIREMENT

This Mitigation Monitoring Program (MMP) for the Transportation Agency for Monterey County's Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program EIR Addendum has been developed in accordance with Section 21081.6 of the Public Resources Code, which requires a Lead Agency that approves or carries out a project, where significant environmental impacts have been identified, to adopt a reporting and monitoring program. The EIR Addendum on the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program is an addendum to the 2005 Monterey County Regional Transportation Plan EIR, which was certified by TAMC in May, 2005. The Transportation Agency for Monterey County (TAMC) is the Lead Agency that must adopt the mitigation monitoring program for the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program if the Plan and the Program are approved.

Section 21069 of the CEQA statutes defines Responsible Agency as a public agency, other than the Lead Agency, which has the responsibility of carrying out or approving a project. TAMC finds that the implementation of the mitigation measures listed on the following pages are not within its jurisdiction, and can and should be implemented and monitored by agencies responsible for implementing individual transportation system improvement projects that are included in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program, including, but not limited to, the following: cities within Monterey County, the County of Monterey, the California Department of Transportation (Caltrans), Monterey-Salinas Transit (MST), and other Responsible Agencies (e.g., California Department of Fish and Game, U.S. Fish and Wildlife Service). In this Mitigation Monitoring Program, these are identified as "Implementing Agencies".

CEQA statutes and the CEQA Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency (TAMC) and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), "each agency has the discretion to choose its own approach to monitoring and reporting; and each agency has its own special expertise." This discretion will be exercised by Implementing Agencies at the time they undertake any of the individual transportation system improvement projects identified in the EIR Addendum for the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program.

## ADMINISTRATION OF THE MITIGATION MONITORING PROGRAM

Mitigation Measures listed in this Mitigation Monitoring Program will be implemented by one or more responsible or implementing agencies when those agencies undertake individual transportation system improvement projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program.

The Mitigation Monitoring Program consists of the following components:

- Mitigation Measures identified in the EIR Addendum;
- Identification of Responsible Party;
- Description of Mitigation Measure timing; and
- Identification of monitoring agency.

This Mitigation Monitoring Program shall be maintained in the TAMC files for the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program.

## MITIGATION MEASURES

### *AESTHETICS*

#### **MITIGATION MEASURE 1.1: Visual/Scenic Resources Analysis**

Implementing agencies shall, where appropriate, conduct a detailed visual assessment during the environmental review process and mitigate for significant visual impacts, where feasible. Visual assessments for improvement projects related to roadways that have been designated as part of the California Scenic Highway System shall, where appropriate, be prepared in consultation with Caltrans. Proposed median barriers and soundwalls should be carefully studied to determine if they are really needed, what alternatives may be available, and what mitigation measures (i.e., landscaping) may be appropriate.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review and project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

## MITIGATION MEASURE 1.2: Scenic Resource Avoidance by Design

- A. Implementing agencies shall, where appropriate, ensure that any project that may affect scenic resources (particularly along a Scenic Roadway, Scenic Highway or Scenic Road) be designed to have the minimum possible impact on existing vegetation, landscape architecture and natural scenic views, and to avoid or minimize the removal of significant stands of trees and damage to rock outcroppings to the maximum extent possible.
- B. Implementing agencies shall, where appropriate, design transportation project alignments to avoid ridgelines or slopes of 30 percent or greater, and to avoid or minimize substantial physical alteration of the land, due to large amounts of cut and fill. Where a particular improvement project would affect adjacent landforms, the implementing agency shall, where appropriate, ensure that recontouring provides a smooth and gradual transition between modified landforms and existing grade. Where hillsides cannot be totally avoided, consideration shall, where appropriate, be given to dividing the roadway to better fit the topography, or to lengthening the alignment to follow existing contours, where appropriate. Where significant cuts and fills cannot be avoided, plans should be developed and implemented to mitigate identified impacts to the surrounding scenic resources (e.g., extensive landscaping with mature plants, rounding natural portions of cut and fill areas, regrading to the approximate previous visual grade, and design and placement of landscaping and signs to preserve and create scenic views for the motorist). Visual disruption shall, where appropriate, be minimized by re-grading to the approximate natural grades, rounding natural portions of cut and fills, and using retaining walls where appropriate and compatible with existing surrounding land uses.
- C. Implementing agencies shall, where appropriate, prepare grading plans which minimize the removal of scenic resources such as trees, rock outcroppings and historic buildings.
- D. Implementing agencies shall, where appropriate, design roadway alignments to avoid or minimize removal of significant mature trees. Where the retention of significant mature trees is not feasible, tree replanting shall, where appropriate, be undertaken using compatible native species in rural areas and appropriate street trees in urban areas at the completion of the construction process.
- E. Implementing agencies shall, where appropriate, ensure that native, drought-tolerant plants and other landscape materials enhance landform variation, provide erosion control and blend with the surrounding natural setting. To ensure compliance with approved landscape plans, the implementing agency shall, where appropriate, provide a monetary performance security equal to the value of the landscaping/irrigation installation.
- F. Where the use of soundwalls or other architectural features that could block views of scenic resources may be necessary to mitigate potential noise effects associated with specific projects, implementing agencies shall, where appropriate, ensure that such features incorporate offsets,



accents and landscaping to prevent monotony, and that they be designed in accordance with the architectural review requirements of the local jurisdiction.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### **MITIGATION MEASURE 1.3: Visual/Scenic Resources Analysis**

A. Implementing agencies shall, where appropriate, prepare a visual assessment for any proposed project which may result in substantial degradation of the visual character of the project site and/or surroundings. Through this process of analysis and evaluation, it may be possible to identify mitigation measures or alternatives which would reduce project-specific visual impacts.

B. Implementing agencies shall, where appropriate, ensure that transportation system improvement projects are designed to minimize visual impacts through project siting and design, including minimizing vegetation removal.

C. Implementing agencies shall, where appropriate, avoid the removal of existing mature trees associated with transportation system improvement projects to the extent possible. Any trees lost shall, where appropriate, be replaced at a minimum 2:1 basis with native trees (or consistent with tree replacement ratios of the local jurisdictions in which impacts could occur) and incorporated into the landscaping design for the project.

D. Implementing agencies shall, where appropriate, minimize roadway lighting to the extent possible, and shall, where appropriate, not allow lighting fixtures to exceed the maximum height limits set by the local jurisdiction in which such projects would occur.

E. Implementing agencies shall, where appropriate, ensure that bus shelters and other ancillary transportation facilities are designed and constructed in accordance with the architectural review requirements of the local jurisdiction.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review, project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 1.4: Minimize Intrusion of Lighting**

Implementing agencies shall, where appropriate, ensure that all lighting associated with transportation system improvement projects is designed to minimize intrusion onto adjacent properties and meets the architectural review and lighting requirements of the local jurisdiction in which the improvements would occur. Lighting that accompanies any proposed project should be minimized to the extent possible, consistent with safety requirements. Plans for individual projects should incorporate design features, such as hooded light shields (to direct lighting to the ground or toward the facility and away from adjacent residential and other uses), the use of dense landscaping to block light and glare from spilling over into adjacent uses, the use of unobtrusive signage that does not reflect light or glare onto nearby occupied properties, and the use of white reflective paint in lieu of reflective materials to the extent possible.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### ***AGRICULTURAL RESOURCES***

#### **MITIGATION MEASURE 2.1: Design Modifications**

In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, avoid the conversion of prime farmland, unique farmland and farmland of statewide importance to the maximum extent feasible, and shall, where appropriate, consider alternative alignments that reduce or avoid the conversion of such farmlands. Where avoidance is not feasible, such projects shall, where appropriate, be designed to minimize the conversion of such farmlands. Implementing agencies will be required to evaluate the possible conversion of farmland during site-specific environmental review for each project. The Land Evaluation and Site Assessment Model (LESA) from the California Department of Conservation shall, where appropriate, be utilized to identify the potentially significant project-related impacts resulting from changes in agricultural land use. Implementing agencies should consider the use of agricultural land conservation easements where project-related conversion of farmland is determined to be unavoidable.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies:

**MITIGATION MEASURE 2.2: Project-Related Variances**

In those instances where approval of a project could conflict with existing zoning intended to protect agricultural uses, the implementing agencies shall, where appropriate, first ensure that any appropriate variance is obtained.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies:

**When Mitigation Measures are to be implemented:** During project review by Implementing Agencies, prior to project implementation.

**Responsibility for Monitoring Implementation:** Implementing Agencies:

**MITIGATION MEASURE 2.3: Avoidance/Cancellation of Contracts**

In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, avoid the cancellation of Williamson Act contracts to the maximum extent feasible. Where avoidance is not feasible, such projects shall, where appropriate, be designed to minimize the number of Williamson Act contracts that would need to be canceled. Implementing agencies will be required to evaluate the possible cancellation of Williamson Act contracts during site-specific environmental review for each project.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies:

**When Mitigation Measures are to be implemented:** During project design and site-specific environmental review by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies:

**MITIGATION MEASURE 2.4: Project-Specific Agricultural Protection**

A. In designing specific transportation system improvement projects, implementing agencies shall, where appropriate, ensure that rural roadway alignments follow property lines to the maximum extent feasible, to minimize impacts to the agricultural production value of any specific property. Farmers shall, where appropriate, be compensated for the loss of agricultural production at the margins of lost property, based on the amount of land deeded as road right-of-way, as a function of the total amount of production on the property.

B. In those instances where projects are proposed in areas adjacent to lands currently in agricultural uses (particularly lands which have been designated as prime farmland, unique

farmland or farmland of statewide importance), implementing agencies shall, where appropriate, incorporate project-specific design features which would provide adequate protection for the farmland adjacent to the project site (fencing, warning notices, buffers, etc.).

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### *AIR QUALITY*

#### **MITIGATION MEASURE 3.1: Construction Emission Control Measures/Scheduling**

A. Implementing agencies shall, where appropriate, apply MBUAPCD-recommended measures for reducing construction emissions for specific transportation system improvement projects involving minimal earthmoving over an area of 8.1 acres or more per day, or involving grading and excavation over an area of 2.2 acres or more per day. Specific measures shall, where appropriate, be approved by the MBUAPCD as part of the permitting process, and shall, where appropriate, include (but not be limited to) the following, as appropriate:

- Water all construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure;
- Prohibit all grading activities during periods of high winds (over 15 MPH);
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Haul trucks shall, where appropriate, maintain at least two feet of freeboard;
- Cover all trucks hauling dirt, sand and/or loose materials;
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land;
- Plant vegetative cover in disturbed areas as soon as possible;
- Cover inactive storage piles;
- Install wheel washers at the entrance to construction sites for all exiting trucks;
- Pave all roads on construction sites;

- Sweep street if visible soil material is carried out from the construction site;
- Post a visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air-Pollution Control District shall, where appropriate, be visible to ensure compliance with Rule 402 (Nuisance); and/or
- Limit the area under construction at any one time.

B. Implementing agencies shall, where appropriate, ensure that ground disturbance is phased to the extent possible to minimize the creation of fugitive dust.

C. If the use of non-typical construction equipment (e.g., grinders and portable equipment) is contemplated; implementing agencies shall, where appropriate, consult with the MBUAPCD, and shall, where appropriate, ensure that the Best Available Control Technology (BACT) is implemented to reduce short-term NOx emissions during construction activity, where appropriate. BACT measures shall, where appropriate, include two-degree timing retard, high-pressure fuel injectors and reformulated diesel fuel, if available. These measures shall, where appropriate, be noted on all construction plans, and the local jurisdiction shall, where appropriate, perform periodic site inspections.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies.**

**When Mitigation Measures are to be implemented:** Implementing Agency consultation with MBUAPCD prior to construction (if necessary), and mitigation implementation during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation: Implementing Agencies.**

**MITIGATION MEASURE 3.2: Prevention of Carbon Monoxide Hot Spots**

Where implementing agencies propose transportation system improvement projects that may cause an exceedance of MBUAPCD thresholds for CO modeling, the local jurisdiction shall, where appropriate, improve the circulation system in which the project is proposed such that all roadways and intersections affected by the project maintain an acceptable level of service, or shall, where appropriate, conduct CO modeling to demonstrate that the concentration of CO will remain below the relevant CO AAQS. This may involve a reduction in the size of the project, relocation of the project or a reconfiguration of project elements.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies.**

**When Mitigation Measures are to be implemented:** During site-specific environmental review, project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### **MITIGATION MEASURE 3.3: Reduction in Diesel Emissions**

Individual transportation system improvement projects that involve construction activity requiring the use of diesel-powered equipment, or increased diesel-fueled traffic shall, where appropriate, be subject to a screening level risk assessment by the implementing agency, then to a full risk assessment where warranted following the screening risk assessment. If these project-specific assessment procedures (outlined in the MBUAPCD CEQA Guidelines, Appendix C) indicate that a project would exceed the MBUAPCD's cancer risk threshold of 10 per million, or the chronic hazard index is above one, then the following mitigation measures should be applied to such projects, where appropriate:

#### Construction-Related Diesel Exhaust

- Prior to initiating construction activity, the implementing agency should consult with the MBUAPCD to identify the types of grading, demolition and construction equipment that will be used for the project. Once the characteristics of specific equipment to be used have been identified, the MBUAPCD should provide recommendations for measures that can be implemented to reduce diesel emissions associated with such equipment (e.g., the substitution of diesel-powered equipment with non-diesel-powered equipment, the installation of exhaust controls, staggering construction activity at the project site, etc.).

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** Implementing Agency consultation with MBUAPCD prior to construction (if necessary), and mitigation implementation during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

## ***BIOLOGICAL RESOURCES***

### **MITIGATION MEASURE 4.1: Avoidance and Design Modification**

For each project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program where habitat modification may be anticipated, the following measures may be used by the implementing agency to reduce modification of areas which

currently provide habitat for candidate, sensitive, or special status species, and interference with the movement of resident or migratory fish or wildlife species:

A. Prior to the finalization of project design, the area in which the project is proposed should be thoroughly surveyed to determine the presence or absence of habitat for candidate, sensitive, or special status species, and to determine the extent to which project construction may interfere with the movement of any resident or migratory fish or wildlife species. If special status species are known to occur or have the potential to occur, appropriate resource agency contacts shall, where appropriate, be made and mitigation developed in consultation with a qualified biologist and the resource agencies.

B. If initial biological assessments for a proposed project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program determine the presence or potential presence of a state or federally listed species on the site, the implementing agency shall, where appropriate, consult with the California Department of Fish and Game (CDFG) or the U.S. Fish and Wildlife Service (USFWS), respectively, for guidance on whether or not the project can avoid impacts to the species. The project shall, where appropriate, avoid impacts through re-design or realignment, wherever possible.

C. During site-specific environmental review, implementing agencies shall, where appropriate, evaluate the effects of project-related noise, light and activity on any environmentally sensitive habitat areas, both during and after construction, and shall, where appropriate, identify appropriate mitigation measures, where feasible.

D. In those instances where it is not possible to avoid sensitive habitat areas through design measures, the USFWS and the CDFG may need to be contacted in order to achieve compliance with the appropriate endangered species protection regulations through the implementation of site-specific mitigation measures prior to project approval.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies:**

**When Mitigation Measures are to be implemented:** During site-specific environmental review and project design by Implementing Agencies.

**Responsibility for Monitoring Implementation: Implementing Agencies:**

**MITIGATION MEASURE 4.2: Avoidance/Permitting/Precautions During Construction**

The following measures may be used by the implementing agencies to reduce modification of riparian areas or wetlands:

- A. The proposed projects should be designed to avoid construction in riparian areas or wetlands to the extent practicable.
- B. In those instances where it is not possible to avoid riparian areas or wetlands through design measures, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the California Department of Fish and Game shall, where appropriate, be contacted in order to achieve compliance with the appropriate regulations and to obtain all required permits prior to project approval. The granting of the required permits may be conditional on the implementation of site-specific measures designed to mitigate any modification of riparian areas or wetlands which may result from construction of the projects.
- C. Implementing agencies shall, where appropriate, ensure that all removed and excess material is disposed of off-site and away from the flood plain, outside areas subject to U.S. Army Corps of Engineers jurisdiction.
- D. Implementing agencies shall, where appropriate, ensure that construction activities in drainages occur during the dry season when channels are at low flow.
- E. Implementing agencies shall, where appropriate, ensure that no fueling or maintenance of equipment takes place in any channel. Mechanical equipment shall, where appropriate, be serviced in designated staging areas located outside of any creek bed and associated wetland habitat. Water from equipment washing or concrete wash down shall, where appropriate, be prevented from entering any channel.
- F. Implementing agencies shall, where appropriate, ensure that any equipment adjacent to any channel is checked and maintained daily, to prevent leaks of materials that if (eventually) introduced to water could be deleterious to aquatic life. Petroleum products and other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil and/or entering the adjacent waters. The California Department of Fish and Game shall, where appropriate, be notified immediately of any spills, and shall, where appropriate, be consulted regarding clean-up procedures.
- G. Implementing agencies shall, where appropriate, ensure that construction activities minimize increases in turbidity to the maximum extent possible.
- H. Implementing agencies shall, where appropriate, ensure that following construction, disturbed banks are re-vegetated using locally-occurring, drought-resistant native species and erosion control grass seed, in consultation with a qualified biologist.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies.**



**When Mitigation Measures are to be implemented:** During site-specific environmental review, project design and construction, and following construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 4.3: Avoidance and Design Modification**

During site-specific environmental review for projects located in wildlife movement corridors, implementing agencies shall, where appropriate, conduct biological field investigations to document existing conditions and assess site-specific impacts upon wildlife that may be affected by the project. Implementing agencies shall, where appropriate, develop new roadway alignments and extensions to avoid or minimize disturbance of wildlife movement corridors to the maximum extent feasible. If impacts cannot be avoided, project-specific mitigation measures shall, where appropriate, be developed in consultation with responsible agencies (USFWS and/or CDFG, as appropriate).

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review and project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 4.4: Modify Design to Achieve Compliance/Tree Replacement/Tree Protection Plans**

A. Where it is clear that the implementation of a specific project would result in a conflict with local ordinances or policies intended to protect biological resources, the appropriate agency responsible for the actual implementation of the proposed project should modify the design of the project to achieve compliance with the applicable ordinances or policies, where feasible.

B. Implementing agencies shall, where appropriate, ensure that trees that are removed for construction of specific projects are replaced with native tree species at a minimum 2:1 ratio, under the direction of a certified arborist. Special status trees or trees located in sensitive habitats may require higher replacement ratios to mitigate the specific function and value impacted. Tree replacement ratios shall, where appropriate, be consistent with the local jurisdictions in which impacts occur. As part of the overall revegetation and monitoring plan, these replacement tree plantings shall, where appropriate, be monitored over time based on the recommendations of a qualified revegetation specialist.

C. Implementing agencies shall, where appropriate, ensure that a tree protection plan is required for construction around trees. The plan may include (but need not be limited to) setbacks for

trees, use of protective fencing, restrictions regarding grading and paving near trees, directions regarding pruning and restrictions regarding digging/trenching within root zones of trees.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 4.5: Modify Design to Achieve Compliance**

For projects located within the boundaries of an HCP, the appropriate jurisdiction shall, where appropriate, ensure that the project is reviewed for consistency with the HCP, and that specific mitigation measures and/or alternative alignments are identified to avoid conflicts with the HCP and its protected species and habitats.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### ***CULTURAL RESOURCES***

#### **MITIGATION MEASURE 5.1: Cultural Resource Surveys/Modifications**

The implementing agency for a project involving substantial earth disturbance, the removal or disturbance of existing buildings, or the construction of permanent above-ground structures or roadways shall ensure that the following elements are included in the project's environmental review:

A. A map defining the Area of Potential Effects (APE) shall, where appropriate, be prepared for transportation system improvements that involve substantial earth disturbance, the removal or disturbance of existing buildings, or construction of permanent above-ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known cultural resources are located within the impact zone.

B. A preliminary study of each project area, as defined in the APE, shall, where appropriate, be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.

C. If the results of the preliminary studies indicate additional studies are necessary, development of field studies and/or other documentary research shall, where appropriate, be completed (Phase I studies). Negative results would result in no additional studies for the project area.

D. Based on positive results of the Phase I studies, an evaluation of identified resources shall, where appropriate, be completed to determine the potential eligibility/significance of the resources (Phase II studies).

E. Phase III mitigation studies shall, where appropriate, be coordinated with the Office of Historic Preservation, as the research design will require review and approval from OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of the Native American population shall, where appropriate, be contacted and permitted to respond to the testing/mitigation programs.

F. If development of a specific project requires the presence of an archaeological monitor, the implementing agency shall, where appropriate, ensure that a certified archaeologist/paleontologist monitors the grading and/or other ground altering activities. The schedule and extent of monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

G. The implementing agency shall, where appropriate, ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled and curated at a recognized repository. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

H. Implementing agencies shall, where appropriate, ensure that mitigation for potential impacts to significant cultural resources includes on or more of the following:

- Realignment of the project right-of-way (avoidance - the most preferable method);
- Capping of the site and leaving it undisturbed;
- Addressing structural remains with respect to NRHP guidelines (Phase III studies);
- Relocating structures per NRHP guidelines;
- Creation of interpretive facilities; and/or
- Development of measures to prevent vandalism.

I. A qualified archaeologist shall, where appropriate, monitor all earth moving activities within native soil. In the event that archaeological and historic artifacts are encountered during project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (if necessary) is implemented.

J. As required under CEQA Guidelines Section 15064.5, to prepare for the possibility of an accidental discovery of significant buried cultural resources during transportation system improvement project construction, the following measures shall, where appropriate, be taken:

- Due to the possibility that significant buried cultural resources might be found during construction, the following language shall, where appropriate, be included in any permits issued for the project site, including (but not limited to) building permits for future development, subject to the review and approval of the implementing agency: "If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."
- Due to the possibility that an accidental discovery or recognition of human remains in a location other than a dedicated cemetery may occur, the implementing agency shall, where appropriate, ensure that this language is included in all permits in accordance with CEQA Guidelines Section 15064.5(e): "If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating and disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design, site-specific environmental review, and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### *GEOLOGY AND SOILS*

#### **MITIGATION MEASURE 6.1: Building Code Compliance/Avoidance of Known Earthquake Faults**

Implementing agencies shall, where appropriate, ensure that all structures, including (but not limited to) roadway improvements, are designed and constructed to the latest geotechnical standards (including the UBC Zone 4 guidelines) to limit potential hazards to the public after project completion. In most cases, this will necessitate site-specific geologic and soils engineering investigations to exceed the code for high groundshaking zones.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 6.2: Project-Specific Geotechnical Investigations**

A. The implementing agency shall, where appropriate, require that design-level geotechnical analyses are prepared for all transportation system improvement projects, and that all recommendations contained in the geotechnical reports are incorporated into project design.

B. If a particular transportation system improvement project involves cut slopes over 20 feet in height, or is located in an area of bedded or jointed bedrock, the implementing agency shall, where appropriate, ensure that specific slope stabilization studies are conducted. Possible stabilization methods include buttresses, retaining walls and soldier piles.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### MITIGATION MEASURE 6.3: Grading and Erosion Control Plans

If a particular transportation system improvement project involving deep foundations or underground areas is located in an area of moderate or high erosion potential, the implementing agency shall, where appropriate, prepare a grading and erosion control plan that minimizes erosion and sedimentation prior to the issuance of grading permits. The grading and erosion control plan must include the following:

- A. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales and sand bags shall, where appropriate, be used to minimize erosion on slopes and siltation into waterways during grading and construction activities.
- B. Graded areas shall, where appropriate, be revegetated within four weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall, where appropriate, be used, if necessary, to hold slope soils until vegetation is established.
- C. Exposed areas shall, where appropriate, be stabilized to prevent wind and water erosion using methods approved by the MBUAPCD. These methods may include the importation of topsoil to be spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay mixture is to be used to stabilize wind-erodible soils.
- D. Landscaped areas adjacent to structures shall, where appropriate, be graded so that drainage is away from structures.
- E. Grading on slope steeper than 5:1 shall, where appropriate, be designed to minimize surface water runoff.
- F. Fills placed on slopes steeper than 5:1 shall, where appropriate, be properly benched prior to placement of fill.
- G. Brow ditches and/or berms shall, where appropriate, be constructed and maintained above all cut and fill slopes, respectively.
- H. Cut and fill benches shall, where appropriate, be constructed at regular intervals.
- I. Retaining walls shall, where appropriate, be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between the base of the proposed structure and adjacent lots.

J. Excavation and grading shall, where appropriate, be limited to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless an approved erosion control plan is in place and all measures identified therein are in effect.

Additional measures which may be applied to reduce erosion during the construction of transportation system improvement projects include (but are not limited to) the following:

K. Limiting disturbance of soils and vegetation removal to the minimum area necessary for access and construction.

L. Confining all vehicular traffic associated with construction to the right-of-way or to designated access roads.

M. Limiting access routes and stabilizing access points.

N. Adhering to construction schedules designed to avoid periods of heavy precipitation or high winds.

O. Ensuring that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods.

P. Stabilizing denuded areas as soon as possible with seeding, mulching or other effective methods.

Q. Protecting adjacent properties with vegetative buffer strips, sediment barriers or other effective methods.

R. Delineating clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.

S. Stabilizing and preventing erosion from temporary conveyance channels and outlets.

T. Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction.

U. Informing construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the grading and erosion control plans.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies.**

**When Mitigation Measures are to be implemented:** During project design, prior to initiating construction, and during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 6.4: Project-Specific Soils Analysis**

A. If a particular transportation system improvement project is located in an area of moderate to high liquefaction potential, the implementing agency shall, where appropriate, ensure that such improvements are designed based upon appropriate soil studies. Possible design measures include deep foundations, removal of liquefiable materials and dewatering.

B. If a particular transportation system improvement project is located in an area of highly expansive, collapsible or compressible soils, the implementing agency shall, where appropriate, ensure that a site-specific investigation and appropriate design factors are implemented.

C. If a particular transportation system improvement project involving deep foundations or underground areas is located in an area of high groundwater potential, the implementing agency shall, where appropriate, ensure that appropriate construction techniques (i.e., dewatering, special water proofing and deeper foundations) are included in the design of the facility.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### ***HAZARDS AND HAZARDOUS MATERIALS***

#### **MITIGATION MEASURE 7.1: Site-Specific Analysis for Hazardous Materials/Remediation/Cleanup**

Implementing agencies shall, where appropriate, investigate the potential for transportation system improvement projects to be located at, or in the vicinity of, identified Department of Toxic Substances Control (DTSC) hazardous material sites, or to be located in areas that contain aerial deposited lead, naturally occurring asbestos or other hazardous materials. Site-specific evaluation should include a historical assessment of past uses, and soil sampling should be conducted when determined appropriate by the implementing agency. In those instances where a specific project site is found to be contaminated by hazardous materials, the site shall, where appropriate, be cleaned up to the standards of the appropriate regulatory agency, and appropriate remediation measures to ensure worker safety during construction shall, where appropriate, be



identified prior to the commencement of earthmoving activities; subject to the review and approval of DTSC.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review and prior to initiating project construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 7.2: Design Roadway Improvements along Designated Hazardous Materials Transfer Routes for Enhanced Safety**

For roadway improvements along designated hazardous materials transfer routes, implementing agencies shall, where appropriate, ensure that such projects are designed to allow for safe traveling, merging and passing of hazardous materials haul trucks. Design considerations should include: wider "slow" lanes, longer approach ramps and merger lanes, and more gradually inclined interchanges.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**HYDROLOGY AND WATER QUALITY**

**MITIGATION MEASURE 8.1: Water Pollution Prevention Measures**

A. Prior to final design approval, implementing agencies shall, where appropriate, evaluate potential increases in surface water runoff volume for each transportation system improvement project with the potential to have significant effects on drainage ways. If it is found that increased runoff volumes will significantly affect drainage capacities or increase flood hazards, site-specific measures to control runoff (i.e., the use of detention or retention basins, french drains, vegetated swales and medians, or other techniques designed to delay peak flows) should be implemented.

B. Implementing agencies shall, where appropriate, ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of chemicals.

C. Implementing agencies shall, where appropriate, ensure that transportation system improvement projects direct runoff into subsurface percolation basins and traps which would allow for the removal of sediment, urban pollutants, fertilizers, pesticides and other chemicals.

D. For transportation system improvement projects that would disturb at least one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall, where appropriate, be developed by the implementing agency prior to the initiation of grading. The measures identified in the SWPPP shall, where appropriate, be implemented for all construction activity on the project site. The SWPPP shall, where appropriate, include specific BMPs to control the discharge of materials from the site and into creeks and local storm drains. BMP methods may include (but would not be limited to) the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets, soil stabilizers and native erosion control grass seed.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review, prior to grading (development of SWPPP), during construction, and on an on-going basis (landscape and BMP maintenance) by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 8.2: Reduce Water Demand/Increase Permeability**

A. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities.

B. Implementing agencies shall, where appropriate, ensure that low water use landscaping (i.e., drought-tolerant plants and drip irrigation) is installed.

C. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, landscaping associated with transportation system improvement projects is maintained using reclaimed and/or desalinated water.

D. Implementing agencies shall, where appropriate, ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and on an on-going basis (landscape maintenance) by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 8.3: Evaluation/Design/Permitting.**

The following measures may be used by implementing agencies to limit the area of impervious surface and/or modifications in local drainage/groundwater recharge patterns resulting from project construction:

A. Prior to the finalization of project design, the drainage and groundwater recharge characteristics of the area for which the project is proposed should be thoroughly evaluated. In those instances where the capacity of the existing or planned storm water drainage systems may be exceeded, it will be necessary to identify appropriate site-specific measures to control surface runoff, and to detain surface water runoff on-site, if possible.

B. Implementing agencies shall, where appropriate, ensure that adequate drainage infrastructure is in place to accommodate runoff from each transportation system improvement project prior to the issuance of grading permits. If adequate drainage infrastructure is not available, the implementing agency shall, where appropriate, pay utility mitigation fees or otherwise provide improvements to the drainage facilities of the jurisdiction in which the project is located such that drainage facilities affected by the project in question maintain an acceptable level of service.

C. Based on the results of the drainage/groundwater recharge evaluation, the proposed project should be designed to minimize the area of impervious surface and to maintain existing drainage/groundwater recharge patterns to the extent practicable.

D. In those instances where a streambed would be altered as a result of project construction, it will be necessary to enter into a Streambed Alteration Agreement with the California Department of Fish and Game prior to the start of construction.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review, project design, and prior to initiating grading (Streambed Alteration Agreement and payment of applicable utility mitigation fees, if necessary) by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 8.4: All Structures Above the 100-Year Flood Zone Elevation/Stabilization Along Creek Crossings/Avoid Encroachment of Designated Flood Areas**

A. If a particular transportation system improvement project is located in an area with high flooding potential, the implementing agency shall, where appropriate, ensure that the structure is elevated at least one foot above the 100-year flood zone elevation, is designed to minimize damage to the physical improvement and ensure public safety, and that feasible stabilization and erosion control measures are implemented along creek crossings.

B. Implementing agencies shall, where appropriate, ensure that projects located in areas with high flooding potential are designed to keep designated floodways free from encroachment as much as possible. Encroachment into the flood plain can be accommodated with proper design, planning and mitigation, as long as the resulting shift of flood waters does not increase adjacent floodways or flood plains.

**Responsibility for Implementation of Mitigation Measures: Implementing Agencies.**

**When Mitigation Measures are to be implemented: During project design by Implementing Agencies.**

**Responsibility for Monitoring Implementation: Implementing Agencies.**

### *LAND USE AND PLANNING*

#### **MITIGATION MEASURE 9.1: Enhancing Land Use Compatibility**

A. In order to minimize safety hazards, implementing agencies shall, where appropriate, require adequate traffic controls such as signs, striping, crosswalks and warning lights to slow traffic on streets in residential, school or park areas where new roadways are proposed, or where projected traffic volumes will substantially increase, to reduce safety and noise impacts.

B. Implementing agencies shall, where appropriate, ensure that roadways and other transportation system improvements are designed to minimize potential impacts to pedestrians and bicyclists, particularly those living in adjacent residential areas, or attending schools.

C. Street lighting, where necessary, shall, where appropriate, be minimized to the extent possible in areas adjacent to sensitive land uses. Street lights shall be shielded, and oriented away from residential development. No street light shall exceed the maximum height limit established by Caltrans or local ordinance, as applicable.

D. Implementing agencies shall, where appropriate, require that all transportation system improvement projects provide appropriate setbacks, barriers, fences or other appropriate means of buffering proposed improvements with the potential to generate land use conflicts from adjacent sensitive land uses.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.....

**When Mitigation Measures are to be implemented:** During project design and on an on-going basis (maintenance of adequate traffic controls such as signs, striping, crosswalks and warning lights to slow traffic on streets in residential, school or park areas) by Implementing Agencies.....

**Responsibility for Monitoring Implementation:** Implementing Agencies.....

**MITIGATION MEASURE 9.2: Design Modifications to Achieve Consistency**

Where it is clear that the implementation of a specific project could result in a conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project which have been adopted for the purpose of avoiding or mitigating an environmental impact, the implementing agency should modify the design of the project to achieve consistency with the applicable plans, policies or regulations.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.....

**When Mitigation Measures are to be implemented:** During project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.....

**NOISE**

**MITIGATION MEASURE 11.1: Acoustical Analysis/Site-Specific Mitigation**

A. Acoustical analyses shall, where appropriate, be conducted by the implementing agency as part of new roadway construction and/or widening projects for existing roads. The noise study shall, where appropriate, identify existing noise sensitive receptors, determine existing ambient noise levels, project future noise levels, make appropriate findings with respect to appropriate criteria, and recommend mitigation/abatement measures. Specific noise mitigation or abatement measures to be considered include alternative alignments, sound barrier walls and earthen berms where space is available. Determination of appropriate noise attenuation or abatement measures shall, where appropriate, be assessed on a case-by-case basis pursuant to the regulations of the applicable agency.

B. Various sound attenuation techniques shall, where appropriate, be considered where transportation system improvement projects are found to expose sensitive receptors to noise exceeding normally acceptable levels. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials, where feasible. In instances where

the use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable agency.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review and project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### **MITIGATION MEASURE 11.3: Noise Abatement**

In order to reduce potential construction-related noise impacts, the implementing agency shall, where appropriate, ensure that, where residences or other noise sensitive uses are located adjacent to construction sites, appropriate measures shall be implemented, where appropriate, to ensure consistency with local noise ordinance requirements relating to construction activity. Specific techniques may include (but are not limited to) restrictions on construction timing, the use of sound blankets on construction equipment, and the use of temporary noise walls and noise barriers to block and deflect noise. All construction equipment in active use at project sites should be appropriately muffled and properly maintained. Limiting truck access routes and establishing maximum allowable noise limits for construction equipment should also be considered as measures which would reduce construction-related noise at specific sites.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### **MITIGATION MEASURE 11.4: Restrictions on Construction Activities**

In order to reduce the potential noise and/or vibration impacts associated with certain construction activities such as pile-driving, the implementing agency shall, where appropriate, ensure that, to the maximum extent feasible, all such activity which would take place in the vicinity of sensitive receptors be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. If a particular project located adjacent to sensitive receptors requires pile driving, the local jurisdiction may require the use of pile driving techniques that would reduce physical impacts and associated noise generation from such activity.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### *POPULATION AND HOUSING*

#### **MITIGATION MEASURE 12.1: Prioritization of Transportation System Improvement Projects**

To minimize possible growth inducement, implementing agencies should prioritize transportation system improvement projects by deemphasizing pursuit of those projects that would allow land development to occur in areas where such development has not yet been planned for, or where such development is not anticipated to occur in the future.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project review by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 12.2: Avoidance/Relocation**

A. Implementing agencies shall, where appropriate, assure that project-specific environmental reviews for transportation system improvement projects with the potential to permanently displace existing residences and businesses consider alternative alignments that avoid or minimize impacts to nearby residences and businesses.

B. Where project-specific reviews identify unavoidable displacement impacts, the implementing agency shall, where appropriate, ensure that appropriate relocation programs are used to assist eligible persons to relocate, in accordance with local, state and federal requirements. Owners shall, where appropriate, be compensated for acquired property based on fair market values. In addition, implementing agencies shall, where appropriate, review and, if necessary, modify construction schedules to ensure that adequate time is provided to allow affected businesses to find and relocate to other sites.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review by Implementing Agencies, prior to initiating construction.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

### *PUBLIC SERVICES*

#### **MITIGATION MEASURE 13.1: Notification/Designated Detours**

A. If construction is to take place in the vicinity of a school, or on roadways that could affect access to a school facility, then the implementing agency shall, where appropriate, notify the school district superintendent or other appropriate representative of the affected school district prior to any road construction and road closures. School officials shall also be consulted, where appropriate, to determine if any critical access routes would be affected, or if construction would create specific safety problems.

B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100 feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. Adequate access to all schools shall be maintained, where appropriate, during school hours throughout the construction period. During implementation of transportation system improvements that necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around improvement areas with appropriate signage shall be provided, where appropriate.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** Prior to initiating project construction (notification) and during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 13.2: Consultation/Site-Specific Mitigation**

A. Although potential impacts to recreational facilities which may be associated with the implementation of projects identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program are not generally expected to be significant, park authorities shall be consulted, where appropriate, if construction is to occur in the vicinity of park or recreational facilities. The implementing agency and park authorities shall, where appropriate, jointly participate in project planning to include measures to reduce project-related impacts to park users, when possible.



B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100 feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. During implementation of transportation system improvements that necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around improvement areas with appropriate signage shall be provided, where appropriate.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** Prior to initiating project construction (consultation with park authorities) and during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 13.3: Adequate Maintenance Funding**

The implementing agency shall, where appropriate, ensure that adequate funds are budgeted to maintain proposed transportation facilities as well as existing transportation facilities.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** On an on-going basis by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**TRANSPORTATION/TRAFFIC**

**MITIGATION MEASURE 15.1: Project-Specific Traffic Studies/Mitigation**

A. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, design such projects so that impacts are reduced or eliminated. Project-specific mitigation should provide a range of mitigation options, including (but not limited to) the following:

- Reduction in project size;
- Relocation of project route or alignment;
- Modification of project to provide additional lane capacity;
- Modification of project to provide additional turning lanes;

- Provision of additional transit services in lieu of, or in addition to, roadway capacity increases;
- Designation of Peak Hour HOV lanes in lieu of mixed-flow lanes;
- Additional carpool and vanpool incentives;
- Expanded intermodal transportation facilities, including secure bicycle parking, bicycle carriers on buses, and Park & Ride lots; and
- Use of Transportation Demand Management (TDM) measures to reduce traffic demand instead of increasing roadway capacity.

B. If physical changes to such projects are not feasible due to physical, economic, technological or other constraints, the implementing agencies may be required to pay in lieu traffic mitigation fees such that roadways and/or intersections affected by these projects maintain acceptable levels of service.

C. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, incorporate facilities that encourage the use of alternative forms of transportation (e.g., provision of bike storage facilities, pedestrian facilities, etc.) into the design of the projects, as feasible. In addition, such facilities shall, where appropriate, provide additional carpool or vanpool incentives, as feasible.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review, project design and on an on-going basis (carpool or vanpool incentives, if appropriate) by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

#### **MITIGATION MEASURE 15.2: Development of Detour and Access Plans**

Implementing agencies shall, where appropriate, ensure that transportation system improvement projects that could affect traffic flow and access prepare detour and access plans, subject to review and approval by the permitting agency. In addition, signs and safety measures shall be installed during construction, where appropriate, to ensure continued safe access for affected cyclists, pedestrians, businesses and homes.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During project design and construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 15.3: Project-Specific Safety Review/Mitigation**

As part of the environmental review for each proposed project identified in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program, a comprehensive safety analysis should be conducted by the implementing agency to ensure that implementation of the project as proposed would not result in any significant increase in hazards. If potential project-related hazards are identified, appropriate mitigation should be implemented to reduce or eliminate the potentially hazardous situation as part of the project design process. This may involve realignment, redesign or reconfiguration of roadway improvements.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** During site-specific environmental review and project design by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.

**MITIGATION MEASURE 15.4: Notification/Designated Detours**

Emergency access to major critical transportation facilities (e.g., state or federal highway) or other critical facilities (e.g., hospitals, fire stations, etc.) should not be disrupted without first coordinating with the Monterey County Office of Emergency Preparedness. Prior to construction, the appropriate agency responsible for the actual implementation of each individual project listed in the Local Transportation Sales Tax Expenditure Plan and the Development Impact Fee Program should notify all public safety agencies and affected property owners of any pending road construction activities and road closures. Detours should be designated and adequate access and circulation provided at construction sites to permit emergency vehicles to safely and effectively navigate in these areas, even during construction activity.

**Responsibility for Implementation of Mitigation Measures:** Implementing Agencies.

**When Mitigation Measures are to be implemented:** Prior to initiating project construction (coordination) and during construction by Implementing Agencies.

**Responsibility for Monitoring Implementation:** Implementing Agencies.