

APPENDIX B

MOUNTAIN HOUSE BUSINESS PARK FINDINGS REGARDING CEQA GUIDELINES SECTIONS 15177 AND 15179

I. The MEIR Provides Adequate Environmental Documentation for Subsequent Projects within the Scope of and Identified in the MEIR [CEQA Guidelines sections 15179 – limitations on the Use of the Master EIR/Master EIR Adequacy].

The Mountain House Master Plan Final Environmental Impact Report (“MEIR”) which was certified over 10 years ago on November 10, 1994, has been reviewed. The MEIR still provides an adequate analysis of the significant effects of the Master Plan and the Mountain House Business Park (the “Business Park”) and environmental review carried out for the Specific Plan I and Specific Plan II has also determined the MEIR analysis to remain adequate. There have been no substantial changes to the circumstances under which the MEIR was certified and no new information of substantial importance.

CEQA Requirements: Section 15179 of the CEQA Guidelines provides a five year limitation on Master EIRs unless the lead agency either:

- (a) *Reviews the Master EIR and finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new available information which was not known and could not have been known at the time the Master EIR was certified; or*
- (b) *Prepares a subsequent or supplemental EIR that updates or revises the Master EIR and which either (i) is incorporated into the previously certified Master EIR, or (ii) references any deletions, additions or other modifications to the previously certified Master EIR.*

Finding: The MEIR has been reviewed for adequacy as required once a project application is filed more than five years after MEIR certification.

Statement of Fact: The MEIR was certified on November 10, 1994. A complete application for the Mountain House Business Park subdivision and associated plan amendments was filed in 2004. An Initial Study including a traffic impact analysis update was prepared to evaluate the environmental impacts of the project application, and to determine whether there is any new information of substantial importance or any substantial changes in environmental circumstances under CEQA Guidelines Section 15179 (the “Business Park Initial Study”).

CEQA Requirements: To more clearly address the required findings of Guidelines section 15179 above, Guidelines Section 15162 is addressed below. This section deals with Subsequent EIRs and Negative Declarations but defines more clearly the issues of “substantial changes.”

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Finding: No substantial changes have occurred with respect to the circumstances under which the MEIR was certified.

Statement of Fact: San Joaquin County Community Development Department staff has reviewed the MEIR and has determined that while the MEIR was certified more than five years ago, no substantial changes have occurred with respect to the circumstances under which the MEIR was certified.

The Project Application proposes minor modifications to certain road configurations to facilitate improved traffic distribution and access and proposes relocating the park-and-ride lot from the northeast corner of Central Parkway/DeAnza Boulevard to the northwest corner of Mountain House Parkway/I-205 Interchange. The Business Park Initial Study finds that none of these minor modifications will result in significant environmental effects that were not discussed in the MEIR, nor would they make previously examined significant effects more severe than described in the MEIR.

No substantial changes are proposed in the Mountain House Business Park project for it contains land uses, densities and infrastructure that are substantially consistent with the Master Plan as evaluated by the MEIR and certified by the Lead Agency. Since the 1994 EIR was certified, only minor adjustments have occurred to the project buildout estimates for the Mountain House New Community. Minor adjustments have been made to Table 3.3 of the Mountain House Master Plan which addressed the Land Use Program. These adjustments were primarily made to account for more accurate measurements of land use areas, road right-of-ways and easements; and adjustments to neighborhood boundaries. For example, the total acreage has changed from 4,784 to 4,792, an 8 acre (0.2 percent) increase. The total projected population, based upon expected units, has changed from 41,413 to 41,762, a 0.8 percent increase. Estimated jobs have not changed. The total projected number of “expected” units has changed from 15,426 to 15,529, an increase of 103 units (0.7 percent). The traffic generated by the Mountain House Business Park project is less than or essentially similar to that documented in the MEIR. The minor adjustments made to the projected development of the Mountain House New Community represent refinements in calculations and measurements and not a substantial change to the overall project that was evaluated in the 1994 MEIR. [See the Business Park Initial Study comparing the land uses and densities evaluated in the MEIR to the proposed Mountain House Business Park project and the traffic report appendix to the Business Park Initial Study.]

No substantial changes have occurred with respect to the circumstances under which the project is undertaken under the MEIR. Land uses of the project site and surrounding properties, which are predominantly agricultural, have remained essentially the same as when the EIR was certified or have been developed as envisioned in the MEIR. There have been no substantial changes in other environmental conditions of the site or surrounding properties. Traffic improvements from 4 to 6 lanes on the nearby freeway, I-205, have occurred as projected. Development has generally proceeded within San Joaquin County and the Tracy area as anticipated, although at a slower overall rate than projected. Development within Mountain House has been initiated and is proceeding as planned. The only new circumstances identified are a few new regulations regarding environmental resources that may not have been applicable at the time of the 1994 Master EIR. Any relevant revised or new environmental regulations since 1994 are addressed in the Business Park Initial Study, and do not require substantial changes to the Master EIR. These new regulations do not give rise to new significant environmental effects that were not discussed in the MEIR, nor make previously examined significant effects more severe than shown in the MEIR. (See Business Park Initial Study.)

In terms of cumulative growth since 1994, a number of projects in the regional area of the Mountain House site that were discussed in the MEIR have either been completed or withdrawn from application. In addition, new projects have been proposed in the greater Tracy, Alameda County, and Contra Costa County areas. However, the focus of the MEIR was on the general 2010 buildout of San Joaquin County and neighboring counties rather than project specific buildouts. The MEIR cumulative impacts analysis also incorporated buildout of the entire Mountain House New Community including the Business Park. Therefore, conclusions of the “Cumulative Impacts” section of the 1994 EIR are not altered by the change in specific projects in the greater region, and the proposed project’s proportional contribution to cumulative impacts remains relatively unchanged.

No substantial changes have occurred in the cumulative traffic analysis which would require major revisions to the MEIR. Cumulative traffic impacts have been recalculated for 2010 and 2025 using the same accelerated buildout assumptions for Mountain House as the MEIR, but with current regional housing, employment and traffic projections. The traffic study found that projected cumulative traffic conditions are essentially of similar or lower overall volumes than documented for regional roads in the MEIR resulting in generally similar or lower cumulative traffic volumes. The Business Park Initial Study determined that under the 2025 buildout scenario, the Level of Service (LOS) “C” standard would be exceeded at only three of the 40 study intersections and no intersection would drop below the LOS “D” standard that is generally accepted as a reasonable peak hour operating condition at urban intersections. Regarding Freeway segments in the project area, Altamont Pass Road west of Grant Line Road and Byron Road west of Mountain House Road, the Initial Study concludes that residual LOS “F” conditions would exist under cumulative conditions. These conditions are the same as anticipated in the MEIR. The Business Park Initial Study concludes that there are no substantial changes with respect to the circumstances under which the MEIR was certified and no new available information of substantial importance, which was not known and could not have been known at the time the MEIR was certified that would require major revisions to the MEIR.

CEQA Requirements: To more clearly address the required CEQA findings on MEIRs, CEQA Guidelines Section 15162(a)(3) is addressed below. This section addresses Subsequent EIRs and Negative Declarations but defines more clearly the issues of “new available information of substantial importance.”

- (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 or negative declaration;*
 - (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.*

Finding: There is no new available information of substantial importance which was not known and could not have been known at the time the MEIR was certified.

Statement of Fact: The Business Park Initial Study identified no new significant effects that were not already discussed in the MEIR. The Business Park Initial Study evaluated the information, impacts and mitigation measures contained in the MEIR. The Initial Study identified two areas where there was new information, geology and cumulative growth. Studies were prepared for traffic thereby generating new information for this area and additional analysis was added to address geologic information. The new information identified below does not result in the need to prepare a subsequent or supplemental EIR.

When the MEIR was prepared, it was not known that there was the Great Valley Fault Zone one mile west of the project site beneath the east foothills of the Diablo Range. The rupture surface of the nearest segment of the Great Valley Fault Zone, a system of northwest-trending concealed (“blind”) thrust faults, lies at depth and does not usually extend to the ground surface. This fault system has only recently been recognized as a potential source of earthquakes. Nevertheless, the mitigation measures identified to reduce ground shaking and to minimize seismic risks, as identified in the MEIR, would still apply to the project. Seismic risks would not be significantly greater based on this new information.

The updated traffic study prepared as a part of the Business Park Initial Study incorporated newly generated information on cumulative growth related to residential buildout and employment for the 2010 analysis year of the MEIR. The new cumulative growth information was prepared in May, 2000 by the Community Development Department to address recent, updated San Joaquin

Council of Government (SJCOG) housing and employment projections. The new information showed lower increases in projected regional residential development and employment for 2010. As addressed in the statement of facts for Guidelines Section 15162, the new information does not result in significant effects relating to transportation/traffic or any other area not discussed within the MEIR, nor impacts that are substantially more severe.

The Business Park Initial Study has not identified any 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. Nor have any mitigation measures or alternatives which are considerably different from those analyzed in the previous MEIR been identified that would substantially reduce one or more significant effects on the environment.

II. The Proposed Project is Within the Scope of the Master EIR - Section 15177 of CEQA - Subsequent Projects Within the Scope of the MEIR

The proposed Mountain House Business Park is within the scope of the MEIR. More specifically, the Business Park and its proposed tentative map is a type of project specified in the MEIR, proposed land uses are within the minimum and maximum density and intensity anticipated by the MEIR and are within a location anticipated by the MEIR; and the schedule of anticipated infrastructure improvements is similar to what was evaluated in the MEIR.

CEQA Requirements: Section 15177(a) of CEQA states that: *After a Master EIR has been prepared and certified, subsequent projects which the lead agency determines as being within the scope of the Master EIR will be subject to only limited environmental review.*

Finding: The Project Application is within the scope of the 1994 MEIR as evaluated in the Business Park Initial Study.

Statement of Fact: The San Joaquin County Community Development Department prepared and distributed the Business Park Initial Study to determine whether the proposed Project Application is “within the scope” of the MEIR and to examine the continued adequacy of the MEIR. The Initial Study specifically analyzes whether the proposed project constitutes a “subsequent project” as described in the MEIR and whether the proposed project may cause any additional significant effects on the environment that were not previously analyzed in the MEIR. Section 2 of the Initial Study (Tables 2-1 to 2-4) describe the proposed uses and provides a basis for comparing them to those evaluated in the MEIR. The Initial Study concludes that while there are minor differences in land use densities and job generation between the MEIR and the Business Park, these differences are not substantial and the Business Park development proposed is within the scope of the 1994 MEIR.

CEQA Requirements: Section 15177 (b) of CEQA states that “*Except as provided in subsection (2) of this subdivision, neither a new environmental document nor the preparation of findings pursuant to section 15091 shall be required of a subsequent project when all the following requirements are met:*

- (1) The lead agency for the subsequent project is the lead agency or any responsible agency identified in the Master EIR.*
- (2) The lead agency for the subsequent project prepares an initial study on the proposal. The initial study shall analyze whether the subsequent project was described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the Master EIR.*
- (3) The lead agency for the subsequent project determines, on the basis of written findings, that no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required, and that the project is within the scope of the Master EIR. “Additional significant environmental effect” means any project-specific effect which was not addressed as a significant effect in the Master EIR.*

Finding: The San Joaquin County Community Development Department was the lead agency for the MEIR and is the lead agency for the proposed Project Application.

Statement of Fact: The San Joaquin County Community Development Department was the lead agency for the MEIR. The San Joaquin County Board of Supervisors certified the MEIR in November 1994. This Project Application is part of the second phase of the development identified in the MEIR. The San Joaquin County Community Development Department is the lead agency for the proposed Project Application.

Finding: The San Joaquin County Community Development Department prepared an Initial Study for the proposed Project Application that found that the Project Application is substantially consistent with that described in the MEIR and that the Project Application would not cause any additional significant effect that was not examined in the MEIR.

Statement of Fact: The San Joaquin County Community Development Department prepared and distributed the Business Park Initial Study to determine whether the proposed Project Application is substantially consistent with the planned uses for this area described in the MEIR and to examine the continued adequacy of the MEIR. The Initial Study specifically analyzes whether the proposed project constitutes a “subsequent project” as described in the MEIR and whether the proposed project may cause any additional significant effects on the environment that were not previously analyzed in the MEIR. The Initial Study concludes that while there are minor differences in land use densities and job generation between the MEIR and the Business

Park, these differences are not substantial and the Business Park development proposed is within the scope of the 1994 MEIR. The Initial Study specifically concludes that the MEIR adequately addresses all potentially significant impacts of the proposed Project Application and no mitigation measures were found to be necessary because of the measures incorporated into the Project Description of the Business Park Project Application or because potential impacts were adequately addressed in the MEIR.

CEQA Requirements: Section 15177 (c) of CEQA states: *Whether a subsequent project is within the scope of the Master EIR is a question of fact to be determined by the lead agency based upon a review of the initial study to determine whether there are additional significant effects or new additional mitigation measures or alternatives required for the subsequent project that are not already discussed in the Master EIR.*

Finding: The Business Park Initial Study finds that there are no additional significant effects or new additional mitigation measures or alternatives required for the proposed Project Application.

Statement of Fact: The San Joaquin County Community Development Department prepared and distributed the Business Park Initial Study to determine whether the proposed Project Application is substantially consistent with the planned uses for this area described in the MEIR and to examine the continued adequacy of the MEIR. The Initial Study specifically analyzes whether there are any additional significant effects or new additional mitigation measures or alternatives required for the proposed Project Application. The Initial Study specifically concludes that the MEIR adequately addresses all potentially significant impacts of the proposed Project Application and no mitigation measures were found to be necessary because of the measures incorporated into the Project Description of the Business Park Project Application or because potential impacts were adequately addressed in the MEIR. No additional alternatives beyond those already addressed in the MEIR were found necessary to be evaluated.

CEQA Requirements: Section 15177 (d) of CEQA states: *Prior to approval of the proposed subsequent project, the lead agency shall incorporate all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR and provide notice in the manner required by Section 15087.*

Finding: All feasible mitigation measures have been incorporated into the Project Application.

Statement of Fact: The San Joaquin County Community Development Department prepared and distributed the Business Park Initial Study to determine whether the proposed Project Application is substantially consistent with the planned uses for this area described in the MEIR and to examine the continued adequacy of the MEIR. The Initial Study specifically identifies the mitigation measures adopted as part of the MEIR that are applicable to the proposed project and analyzes whether there are any additional significant effects or new additional mitigation

measures or alternatives required for the proposed Project Application. The Initial Study specifically concludes that the MEIR adequately addresses all potentially significant impacts of the proposed Project Application and no mitigation measures were found to be necessary because of the measures incorporated into the Project Description of the Business Park Project Application or because potential impacts were adequately addressed in the MEIR.

CEQA Requirements: Section 15177 (e) of CEQA states: *When the lead agency approves a project pursuant to this section, the lead agency shall file a notice in the manner required by Section 15075.*

Finding: The San Joaquin County Community Development Department is the lead agency for the Business Park approvals and shall file the required notice.

Statement of Fact: The San Joaquin County Community Development Department is the lead agency for the project approvals. The San Joaquin County Community Development Department prepared and distributed the Business Park Initial Study that addressed the proposed Business Park Approvals. Upon approval of the project approvals, the Community Development Department will file the required notice.