

## Chapter 7

# *The Mitigation Measures Proposed to Minimize Significant Effects*

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### **7.1 Introduction and Overview**

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Section 15126.4 of the CEQA Guidelines identifies five key elements with respect to mitigation.

1. An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
2. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
3. Mitigation measures are not required for effects which are not found to be significant.
4. Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
  - (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
  - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
5. If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

### **7.2 Energy Impacts & Mitigation**

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Energy impacts of growth and development are addressed in Section 3.15 (Public Utility and Service Systems) of this document. Appendix "F" of the CEQA Guidelines state that the "potentially significant energy implications of a project should be considered in an EIR". These potential impacts include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction,

- operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
  3. The effects of the project on peak and base period demands for electricity and other forms of energy.
  4. The degree to which the project complies with existing energy standards.
  5. The effects of the project on energy resources.
  6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

***Global Climate Change:***

As discussed in Section 3.3 (Air Quality), Global Climate Change has been determined, by the scientific community, to be the result of man's activities on the planet Earth. In recent years, the passage of AB 1493, AB 32, SB 1368 and the Governor's Executive Order S-3-05 have focused the State's regulatory resources on the problem of reducing the state's "carbon footprint". This, in turn, has resulted in State agencies, such as the CSU System, in the position to find opportunities to reduce transportation and energy use. Electrical power generation and the burning of fossil fuels in cars and trucks are the two largest contributors to the States "carbon footprint".

***CSU Stanislaus Physical Master Plan Policies:***

The CSU Stanislaus Physical Master Plan "Utilities" section addresses the long-term strategy of the Campus with respect to reducing energy consumption. This strategy includes repair and/or replacement of older utility infrastructure (heating and cooling) with newer energy efficient equipment. The design of new buildings will emphasize energy conservation with respect to placement, design and utilities.

As specific development projects, included in the CSU Stanislaus Physical Master Plan Update, are expected to include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal during the project design phase.
2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

These potential considerations for new building and facility development can be incorporated into the normal Campus design and construction contract management process. It should be noted that new construction and development must comply with the energy conservation standards found in the State Building Code and the Uniform Building Code.

### ***7.3 Project Mitigation***

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As required by law, the development of the CSU Stanislaus Physical Master Plan Update and the preparation of the environmental analysis for the Plan were developed in a coordinated fashion to assure that environmental aspects of the project were addressed in planning policy.

Impacts to Aesthetics, Air Quality, Biological Resources, Noise and Transportation & Traffic were determined to be potentially significant without mitigation. All feasible means of reducing the impacts of the project on these five areas of environmental concern have been implemented in the form of policy and standards in the Plan. Every feasible mitigation measure, that can be applied to reduce the expected project impacts, have been incorporated into the Physical Master Plan and/or the Program Environmental Impact Report with respect to these identified areas of environmental concern.

Other areas of environmental concern have policies and standards within the Physical Master Plan that guides growth and development of the Campus in a manner so as to reduce potential impacts to a level that will not result in “significant” environmental impacts.