

1.0 INTRODUCTION

The Southern California Association of Governments (SCAG) prepared this Program Environmental Impact Report (PEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed, 2016 Regional Transportation Plan/Sustainable Communities Strategy (“2016 RTP/SCS,” “Plan,” or “Project”). SCAG is a six-county region that includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, and 191 cities. SCAG is the Metropolitan Planning Organization (MPO) for the region, designated pursuant to Title 23, United States Code (USC) 134(d)(1), and has the primary responsibility, through its Regional Council, for consideration of the 2016 RTP/SCS for approval, and thus serves as the Lead Agency under CEQA. SCAG published a Notice of Preparation (NOP) for this PEIR, pursuant to Section 21080.4 and CEQA Guidelines Section 15082 and 15375 on March 9, 2015.¹ Based on the analysis undertaken in the 2012 PEIR for the 2012-2035 RTP/SCS (2012 RTP/SCS),² SCAG determined that it is appropriate to prepare a PEIR for the 2016 RTP/SCS.

The 2016 RTP/SCS is a long-range regional transportation plan that provides a vision for regional transportation investments, integrated with land use strategies, over a 20-year period. The 2016 RTP/SCS includes a land use and transportation strategy element that is shaped by the vision, goals, guiding policies, and performance measures and by the changes that the region has been facing since the adoption of the 2012 RTP/SCS. Other major components of the 2016 RTP/SCS include: a list of projects that identifies transportation projects; a description of programs and public participation process; a description of regional growth trends that identifies future needs for travel and goods movement; a financial plan that identifies the amount of funding that is reasonably expected to be available to build, operate, and maintain the region’s surface transportation system through the forecast horizon year of 2040; and a strategic plan that provides a vision for regional improvements beyond committed, available, or reasonably available funding sources. As part of the Draft RTP/SCS, SCAG has utilized a bottom-up local planning process to develop a policy growth forecast (PGF). Following the guiding principles approved by SCAG’s Community, Economic, and Human Development Committee, the PGF was developed to serve as the foundation for the region’s policy growth scenario and land use distribution patterns, which are incorporated as part of the SCS portion of the Plan.

Although not required to do so, local jurisdictions are encouraged by SCAG to consider the proposed actions and strategies provided in Chapter 4, Sustainable Communities Strategy, of the Plan including strategies addressing land use, the transportation network, Transportation Demand Management (TDM), Transportation Systems Management (TSM) and clean vehicle technology. More information about the 2016 RTP/SCS is set forth in subsections 2.3.4 and 2.3.5 of **Section 2.0, Project Description**, of this PEIR.

This PEIR fulfills the requirements of CEQA. It is a programmatic document that provides a region-wide assessment of the potential significant environmental effects of implementing policies, strategies,

¹ Southern California Association of Governments. 9 March 2015. *Notice of Preparation of a Program Environmental Impact for the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*. Available at: <http://scagrtpscsc.net/Pages/PEIR.aspx>

² Southern California Association of Governments. April 2012. *Certified 2012 PEIR*. Available at: <http://scagrtpscsc.net/Pages/CertifiedPEIR.aspx>

projects, and programs included in the 2016 RTP/SCS. As specified in Section 15168 of the State CEQA Guidelines, a PEIR “may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically, (2) as logical parts of the chain of contemplated actions, (3) in connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.” A PEIR provides a regional consideration of cumulative effects, and includes land use policy alternatives and performance standards based mitigation measures that are capable of avoiding, reducing, and compensating for the significant impacts of the elements of the 2016 RTP/SCS to the maximum extent practicable. This PEIR programmatically analyzes the land use distribution patterns set forth in the SCS component of the Plan (as part of the Project analysis) as well as alternative land use distribution patterns (in **Section 4.0, Alternatives**).

Individual transportation projects are preliminarily identified in the 2016 RTP/SCS; however, this PEIR analyzes potential environmental impacts from a regional perspective and is programmatic in nature. As such, lead agencies for these individual projects will determine the level of environmental review required at the subsequent project-level evaluation of individual projects. This PEIR provides a first-tier, programmatic environmental analysis, for a long-range, regional-scale plan document that will support local agencies in the evaluation of subsequent projects, and facilitate avoidance, reduction, and minimization of direct and indirect impacts, growth-inducing impacts, and cumulative environmental impacts with respect to local projects. The project proponent seeking to construct and operate individual properties will need to identify the public agency who will have the primary discretionary land use decision with respect to second tier projects. Consistent with the provisions of Section 15050(a) of the State CEQA Guidelines, the determination of the appropriate second-tier level of environmental review will be determined by the lead agency with primary discretion and decision-making authority for subsequent projects being considered for approval that is subject to CEQA. Where a project involves a federal action, there may a federal lead agency under the National Environmental Policy Act (NEPA), or joint federal and state lead agency where the activity is both a project under CEQA and an action under NEPA. Project- and site-specific planning and implementation undertaken by each implementing agency will depend on a number of issues, including: policies, programs, and projects adopted at the local level; restrictions on federal, state and local transportation funds; the results of feasibility studies for particular corridors; and further environmental review of projects.

1.1 SCAG REGION AND AUTHORITY

SCAG is the federally designated MPO under Title 23, United States Code (USC) 134(d)(1), for the six-county region that includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, and 191 cities. To the north of the SCAG region are the counties of Kern and Inyo; to the east are the State of Nevada and State of Arizona; to the south is the U.S.-Mexico border; to the west is the county of San Diego; and to the northwest is the Pacific Ocean. The SCAG region also consists of 15 subregional entities that have been recognized by the Regional Council, SCAG’s governing body, as partners in the regional policy planning process. There are 16 federally recognized tribal sovereign nations located within the SCAG region.

SCAG is one of the 18 MPOs in the State of California. The total area of the SCAG region is approximately 38,000 square miles. The region includes the county with the largest land area in the nation, San Bernardino County, as well as the county with the highest population in the nation, Los

Angeles County. The SCAG region is home to approximately 19 million people, or 49 percent of California's population, representing the largest and most diverse region in the country.

In addition to the federal designation as an MPO, SCAG is designated under California state law as the Multicounty Designated Transportation Planning Agency and Council of Governments (COG) for the six-county region. Founded in 1965, SCAG is a Joint Powers Authority, established as a voluntary association of local governments and agencies.

SCAG serves as the regional forum for cooperative decision making by local government elected officials and its primary responsibilities in fulfillment of federal and state requirements include the development of the RTP/SCS; the Federal Transportation Improvement Program (FTIP); the annual Overall Work Program; and transportation-related portions of local air quality management plans. SCAG's other major functions include determining the regional transportation plans and programs are in conformity with state air quality plans; periodic preparation of a Regional Housing Needs Assessment (RHNA); and intergovernmental review of regionally significant projects.

The Regional Council is SCAG's governing body. It consists of 86 elected officials, representing cities, counties, county transportation commissions, transportation corridor agencies, tribal governments, and air districts in the region. The Regional Council has general authority to conduct the affairs of SCAG and directs the actions of the agency throughout the year. Additionally, the Regional Council implements the policy direction provided at the annual General Assembly of the membership, acts upon policy recommendations from SCAG's standing policy committees and external agencies, and appoints standing or ad-hoc subcommittees to study specific programs or issues.

Regional Cooperation and Subregions

SCAG places great importance on local input in the regional planning process. SCAG seeks feedback from local elected officials and their staff through the subregional organizations that have been recognized by the Regional Council as partners in the regional policy planning process. The subregional organizations represent various parts of the SCAG region that have identified themselves as having common interests and concerns. The subregions vary according to geographical size, number of local member jurisdictions, staffing, decision-making structure, and legal status.

SCAG provides opportunities to participate in regional planning through collaboration and participation in regional programs and dialogs. Responsible for regional policy direction and review, standing committees at SCAG include the Executive/Administration Committee, the Transportation Committee, the Community, Economic & Human Development Committee, the Energy & Environmental Committee, and Legislative/Communication & Membership Committee. In addition to the standing committees, there are various subcommittees, technical advisory committees, working groups, and task forces that report to the standing committees, while other groups are established on an ad hoc basis to assist with specific projects or address specific regional policy.

2016 Regional Transportation Plan/Sustainable Communities Strategy

Regional Transportation Plan and Federal Transportation Improvement Plan

SCAG is required to adopt and update a long-range RTP every four years, in accordance with federal and state transportation planning laws. The RTP is used to guide the development of the FTIP as well as other transportation programming documents and plans. The RTP outlines the region's goals and policies for meeting current and future mobility needs, providing a foundation for transportation decisions by local, regional, and state officials that are ultimately aimed at achieving a coordinated and balanced transportation system. The RTP identifies the region's transportation needs and issues; sets forth actions, programs, and a plan of projects to address the needs consistent with adopted regional policies and goals; and documents the financial resources needed to implement the RTP.

Transportation investments in the SCAG region that receive funding for which federal approval is required must be consistent with the RTP/SCS and must be included in SCAG's FTIP when funded. The FTIP covers six years and is updated biennially on an even-year cycle. It represents the immediate, near-term commitments of the RTP. SCAG does not implement individual projects in the RTP, as these projects will be implemented by local and state jurisdictions, and other agencies. In order to continue receiving funding for which federal approval is required, the SCAG region must have an RTP/SCS with an approved transportation conformity determination in accordance with federal air quality requirements, approved by June 2016. **Subsections 2.3.4 and 2.3.5 of Section 2.0, Project Description**, of this PEIR, provide additional detail on the 2016 RTP/SCS.

Moving Ahead for Progress in the 21st Century Act

Moving Ahead for Progress in the 21st Century Act (MAP-21; Public Law 112-141), enacted into law on July 6, 2012, sets forth a performance-based approach requiring the state and MPOs to set performance targets and track their progress in achieving those targets relative to past system performance. SCAG utilized a performance-based approach in preparing the 2016 RTP/SCS.

Further, MAP-21 continues to require, as under prior planning law, that "a long-range transportation plan shall include a discussion of the types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan" (23 USC § 134(i)(2)(B)). Consultation and public outreach activities have been undertaken in conjunction with the 2016 RTP/SCS and PEIR development processes, and will be undertaken to the maximum extent practicable and feasible. SCAG is coordinating efforts to comply with MAP-21 planning requirements with efforts undertaken through the CEQA process. As such, the RTP/SCS has placed emphasis on these planning requirements, including those that prescribe coordinated planning and consideration of environmental resources.

Section 65080 of the California Government Code

SCAG is also required to prepare an RTP pursuant to Section 65080 of the California Government Code. The state requirements largely mirror the federal requirements and require each transportation planning agency in urban areas to adopt and submit an updated RTP to the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) every four years. To ensure a degree of statewide consistency in the development of RTPs, the CTC under Government Code

Section 14522 prepared RTP Guidelines. The adopted guidelines include a requirement for program level performance measures, which include objective criteria that reflect the goals and objectives of the RTP. In addition, the initial years of the plan must be consistent with the FTIP.

Sustainable Communities and Climate Protection Act of 2008

State planning law further requires, pursuant to the Sustainable Communities and Climate Protection Act of 2008, Senate Bill (SB) 375 (Chapter 728, Statutes of 2008) that the RTP include an SCS component to reduce greenhouse gas (GHG) emissions from passenger vehicles (automobiles and light-duty trucks). SB 375 is part of California's overall strategy to reach GHG emissions reduction goals required by Assembly Bill (AB) 32, by promoting integrated transportation planning with the goal of creating more sustainable communities.

Pursuant to SB 375, the SCS prepared by SCAG is required to meet reduction targets for greenhouse gas (GHG) emissions by 8 percent per capita by 2020 and 13 percent per capita by 2035 compared to 2005, as set by the California Air Resources Board (CARB). According to Section 65080(b)(2)(B) of the California Government Code, the SCS must:

- Identify existing land use.
- Identify areas to accommodate long-term housing needs.
- Identify areas to accommodate an eight-year projection of regional housing needs.
- Identify transportation needs and the planned transportation network.
- Consider resource areas and farmland.
- Consider state housing goals and objectives.
- Set forth a forecasted growth and development pattern.
- Comply with federal law for developing an RTP.

The SCS outlines SCAG's plan for attaining the GHG emissions reductions targets set forth by the CARB, by integrating the transportation network and land use strategies with forecasted land use pattern that responds to projected growth, housing needs and changing demographics, and transportation demands.

In addition, SCAG is required to submit to CARB the SCS developed as part of the RTP for the purpose of determining whether the GHG emissions reduction targets have been met. Furthermore, the Act specifically states that the SCS developed as part of the RTP cannot dictate local General Plan policies. Rather, the Act is intended to provide a regional policy foundation that local government may build upon if they so choose and generally includes the quantitative growth projections from each city and county in the region going forward. Qualifying projects that meet criteria established by SB 375, and are consistent with the SCS are eligible for streamlined environmental review under CEQA.³

National Environmental Policy Act

Adoption of the 2016 RTP/SCS is solely at the discretion of SCAG's Regional Council and does not require approval by any Federal agency, therefore it not subject to NEPA (Public Law 91-190). However, SCAG

³ CEQA streamlining provisions are also available for eligible projects meeting the criteria established by Senate Bill 226, CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) and for eligible projects meeting the criteria established by Senate Bill 743 (Steinberg, 2013), Public Resources Code Section 21155.4 (Exemptions).

recognizes that lead agencies that pursue construction and operation of the transportation projects that are included in the 2016 RTP/SCS may seek federal funding; federal permits; federal approvals; or authorization to cross over lands administered by an agency of the federal government that would constitute a federal action, thus triggering the procedural provisions of NEPA. Therefore, SCAG has chosen to include a statement of purpose and need to enable proponents of individual projects included in the 2016 RTP/SCS to use this PEIR in full or in a part to serve as a functional equivalent environmental review for individual projects that may involve a subsequent federal action triggering the procedural provisions of NEPA. Activities that constitute a federal action, include but are not limited to use of federal funds, right-of-way permits on federal lands, federal leases, and discretionary permits issued by federal agencies.

Federal regulations (40 CFR §1502.13) require the preparation of a statement of purpose and need in conjunction with environmental documents prepared to meet the requirements of NEPA. Consistent with the protocols established in NEPA, this statement of Purpose and Need has been included to facilitate the use of this PEIR, as a functional equivalent to environmental review required pursuant to NEPA, to the extent that the proposed action is adequately characterized, analyzed, and sufficient mitigation measures have been considered to avoid or reduce the anticipated adverse direct, indirect and cumulative effects of the proposed federal action.

Existing and Proposed Revisions to the State CEQA Guidelines

Assembly Bill (AB) 52, *Native Americans: California Environmental Quality Act*, creates a new category of environmental resources that must be considered under CEQA: “tribal cultural resources.” AB 52 is applicable to a project for which an NOP is filed on or after July 1, 2015. The NOP for this PEIR was filed in March 2015, and is therefore not subject to the provisions of AB 52. However, this PEIR was prepared in recognition of the intent of AB 52. “Tribal cultural resources” are defined as either (1) “sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register. Recognizing that tribes may have special expertise concerning tribal cultural resources, AB 52 requires lead agencies to provide notification to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project and provide consultation if requested. Mitigation measures may be agreed upon to avoid a significant effect on a tribal cultural resource.

SCAG has reviewed the preliminary discussion draft of changes to the State CEQA Guidelines.⁴ The process of characterization of existing conditions, evaluation of impacts, and consideration of mitigation measures and alternatives undertaken in this PEIR would not be affected by the preliminary discussion draft of proposed changes to the State CEQA Guidelines. At the time of preparation of this PEIR, the Governor’s Office of Planning and Research (OPR) had invited input from the public in response to a preliminary discussion draft of changes to the State CEQA Guidelines. During the summer of 2013, OPR published a Solicitation for Input seeking suggestions from stakeholders and the public into what

⁴ Office of Planning and Research. 11 August 2015. *Preliminary Discussion Draft: Proposed Updates to the CEQA Guidelines*. Available: http://opr.ca.gov/docs/Preliminary_Discussion_Draft_Package_of_Amendments_to_the_CEQA_Guidelines_Aug_11_2015.pdf

changes, if any, should be made to update the CEQA Guidelines. OPR received input from a broad range of interested stakeholders. OPR and the Natural Resources Agency also conducted a public workshop on July 29, 2013. OPR and the Natural Resources Agency conducted a public workshop on the preliminary discussion draft on October 6, 2015, and requested comments on the preliminary discussion draft of proposed changes to the State CEQA Guidelines by October 12, 2015.

Senate Bill (SB) 32, proposed *California Global Warming Solutions Act of 2006: Emission Limit*, as amended on September 10, 2015, would require CARB to approve a statewide GHG emissions limit that is equivalent to 40 percent below the 1990 level to be achieved by 2030. SB 32 did not pass the 2015–2016 regular state legislative session on September 11, 2015, but could be considered again in the 2016–2017 session as a two-year bill. Because SB 32 is still pending, it was not used as a significance threshold in the PEIR. It was considered in the analysis due to the potential for such legislation to be adopted prior to the preparation of Tier 2 environmental review for individual transportation improvement projects.

1.2 PURPOSE AND SCOPE OF THE ENVIRONMENTAL IMPACT REPORT

SCAG has prepared this PEIR to support the fulfillment of the six major goals of CEQA:

- To disclose to the decision-makers and the public significant environmental effects of the proposed activities.
- To identify ways to avoid or reduce environmental damage.
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public reasons for agency approvals of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

Although the PEIR neither controls nor anticipates the ultimate decision on the 2016 RTP/SCS, SCAG (and other agencies that rely on this PEIR) must consider the information in the PEIR and make findings concerning each potentially significant impact identified.

Programmatic Level of Analysis

The focus of the environmental analysis in the PEIR is on regional-scale and cumulative impacts of implementation of the Plan and the alternatives. The long-range planning horizon of more than 20 years necessitates that many of the projects included in the Plan (and the alternatives) are identified at the conceptual level. This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines § 15145). This PEIR acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long term planning horizon.

The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines §15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines §§15151,

15204(a)). The activity being evaluated in this PEIR is the long-term RTP including the SCS. This PEIR strives to provide as much quantitative detail as feasible regarding the regional environmental impacts of the Plan. Not all impacts can be feasibly and/or accurately quantitatively analyzed at a regional level and/or up to the year 2040.

The geographic scope, consisting of over 38,000 square miles, and complexity represented by the diverse needs of six counties, 15 subregional areas, 191 cities, and 16 federally recognized tribes that comprise the SCAG region, that are addressed by the 2016 RTP/SCS, played an important role in determining the appropriate level of detail to include in this PEIR.

Potential significant environmental effects of the 2016 RTP/SCS were identified by employing multiple analytical methods, including spatial analysis, transportation, noise, land use and air quality modeling and other quantitative, ordinal, and qualitative techniques. Spatial analysis using geographic information systems (GIS) was employed to evaluate the potential effects of the major transportation projects on resource categories such as land use and biological and water resources. Transportation, noise, and air quality simulation models were used to estimate the transportation, noise, and air quality impacts. Transportation projects, anticipated growth distribution pattern, and policies and strategies of the 2016 RTP/SCS and alternatives were incorporated into the modeling analysis and the socioeconomic projections.

Limitations on the Scope of Analysis

For example, assessing the effects of global climate change impacts from regional GHG emissions is well beyond the scale of any other types of impacts considered under CEQA, such as regional conditions relating to air basins, streams or watersheds, or localized conditions such as cultural and biological resources. The global consequences of regional GHG emissions are also dependent on a wide range of factors such as the willingness of federal, state, regional and local governments in the United States and worldwide to adopt or implement meaningful measures to reduce their own GHG emissions; the development and deployment of technologies that reduce GHG emissions; and the many factors that affect the pricing and availability of fuels that result in GHG emissions such as war and taxes. On the other end of the CEQA analytical spectrum, many CEQA thresholds in most topical areas relate to localized environmental conditions and Plan impacts, such as:

- **Aesthetics** (e.g., degradation of existing visual character of the site and/or creation of new sources of light or glare that affect day or nighttime views)
- **Air quality** (e.g., localized air toxic pollutant effects from residential or other sensitive uses next to high utilization roadways such as transit corridors, and freeways)
- **Biological Resources** (e.g., conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance)
- **Cultural Resources** (e.g., change historic resources)
- **Geology and Soils** (e.g., exposing people or structures to seismic hazards)
- **Hazards and Hazardous Materials** (e.g., be located on a site with preexisting contamination conditions or within two miles from a public airport)
- **Hydrology and Water quality** (e.g., provide substantial additional sources of polluted runoff)
- **Land use** (e.g., conflict with adopted land use plans such as General Plans and zoning codes)

- **Noise** (e.g., cause a substantial permanent or even temporary increase in ambient noise above preexisting levels)
- **Population and Housing** (e.g., induce substantial population growth in an area, or displace substantial numbers of people and/or housing units)
- **Public Services** (e.g., cause a need for new or physically altered physical facilities to maintain acceptable service ratios for recreational parks, schools, and other public services)
- **Recreation** (e.g., result in an increase in the use of existing neighborhood and regional parks)
- **Transportation and Traffic** (e.g., conflict with applicable plans or standards for roadway effective performance metrics or conflict with a congestion management plan designed to achieve effective traffic flow)
- **Utilities and Service Systems** (e.g., require the construction of new wastewater and stormwater facilities)

These and other examples of CEQA thresholds are aimed at protecting the local environment in which projects occur. At the regional scale of the Plan and in this PEIR, it is not possible to identify with specificity any of these impacts. It is possible, however, to generally conclude that increasing density in developed or previously-developed urbanized areas within the region, above existing baseline levels would result in significant unavoidable adverse impacts under many of the foregoing thresholds. That is, when population and employment growth is held constant, many adverse environmental impacts will be significant and unavoidable for CEQA purposes regardless of whether the Plan or any of the alternatives is approved by SCAG.

1.3 BASELINE FOR DETERMINING SIGNIFICANCE AND THRESHOLDS OF SIGNIFICANCE

The PEIR must identify significant impacts that would be expected to result from implementation of the 2016 RTP/SCS. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code § 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines § 15126.2(a)). The existing setting is described in detail in each resource section of Section 3.0 of this document, and represents the most recent, reliable, and representative data to describe current regional conditions at the time of publication of the NOP for the PEIR, March 2015. In most instances, the most recent available data was for 2014. In some instances the most recently available data was 2012 ,in which case the 2012 data was projected to characterize 2014 conditions. Available data used to determine existing conditions will be specified in each resource section in Section 3.0 of this document.

CEQA gives the lead agency the responsibility to determine whether an adverse environmental effect identified in an EIR should be classified as “significant” or “less than significant” (CEQA Guidelines §15064(b)). Under Section 15064(b), “the significance of an activity may vary with the setting” and, as a result, an inflexible definition of what constitutes a significant effect is not always possible. The lead agency has discretion to set its own significance criteria, which requires the lead agency to make a policy judgment about how to distinguish impacts which are adverse, but significant, from impacts which are adverse, but not significant (*Eureka Citizens for Responsible Gov’t v. City of Eureka (2007) 147 Cal.App.4th 357*). A lead agency may select a standard of significance based on its judgment about an

appropriate standard of significance (*Sierra Club v. City of Orange (2008) 163 Cal.App.4th 523, 541*). The standards of significance used in an EIR may also rely upon policies adopted and implemented by the lead agency (*Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477*). The criteria for determining significance are included in each resource section in Section 3.0 of this document.

1.4 CONSIDERATION OF EFFECTS OF REGIONAL POPULATION GROWTH AND PATTERN OF GROWTH

It is important to emphasize that the urbanization in the SCAG region will increase substantially by 2040, with or without implementation of the 2016 RTP/SCS. The CEQA required environmental baseline of current conditions means that the impact assessment for many of the resource categories is cumulative in nature. Therefore, it is important to provide a meaningful perspective on the effects of implementing the proposed Project. As required by CEQA, a direct comparison in each resource category that is analyzed in Section 3.0 of this document between the expected future conditions with the Plan and the baseline conditions. The comparative analysis of the expected future conditions with the project and if no Plan were adopted (the No Project Alternative) is included in in **Section 4.0, Alternatives**, of this document.

Analysis of the growth distribution pattern (and alternate growth distribution pattern) includes an analysis of the anticipated land use development necessary to accommodate the policy forecasted growth. However, because locations, densities, orientation timing, and other site-sensitive factors related to development are not specified in the Plan, SCAG cannot reliably quantify the impacts from such anticipated development. SCAG can nevertheless programmatically analyze these impacts and provide mitigation measures to address them.

1.5 2016 RTP/SCS AND ALTERNATIVES TO THE 2016 RTP/SCS

When considering whether or not the range of alternatives to be evaluated in an EIR is adequate, several principles apply. The “discussion of alternatives need not be exhaustive,” and the requirement to discuss alternatives is “subject to a construction of reasonableness” (*Residents Ad Hoc Stadium Committee v. Board of Trustees (1979) 89 Cal.App.3d 274, 286*). “An EIR need not consider every conceivable alternative to a project” (CEQA Guidelines §15126.6(a)).

Under CEQA, perfection is not the standard governing a lead agency's proposed range of project alternatives. Rather, in preparing an EIR, a lead agency must make an objective, good faith effort to provide information permitting a reasonable choice of alternatives that would feasibly attain most of the basic objectives of the project, while avoiding or substantially lessening the project's significant adverse environmental impacts (*California Oak Foundation v. Regents of University of California (2010) 188 Cal.App. 4th 227, 275-276*).

The Plan and each alternative maintain a constant total for population, households, and jobs for the region in 2040. The year 2040 growth projections for each alternative differ only in the distribution of growth. The alternatives differ in terms of this distribution because the different transportation investments and land use strategies would be expected to support different regional distributions of population, households, and employment.

CEQA Guidelines (§15126.6(d)) require an EIR to include sufficient information about each alternative in order to allow meaningful evaluation, analysis, and comparison with the proposed project. They suggest the use of a matrix displaying each alternative’s significant environmental effects to summarize the comparison (see Section 4.0). When a large-scale program contains multiple, interrelated objectives, an alternative that does not meet all of those objectives may be excluded from detailed analysis (see *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162–1168). An EIR must discuss alternatives to a project in its entirety, but is not required to discuss alternatives to each particular component of a project (see *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App. 4th 227, 276–277). CEQA does not require an EIR to consider multiple variations on the alternatives analyzed. “What is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned” (*Village Laguna of Laguna Beach, Inc. v. 21 Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022).

1.6 MITIGATION MEASURES

General Description and Legal Requirements

CEQA requires that SCAG identify all feasible mitigation measures in the PEIR that will avoid or substantially lessen the significant environmental effects of the project. (Public Resource Code Sections 21002, 21081(a)(1); CEQA Guidelines Section 15126.4(a)). CEQA, however, does not require a lead agency to undertake identified mitigation measures, even if those measures are necessary to address a project’s significant environmental effects, if the agency finds that the measures “are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency” (Public Resource Code Section 21081(a)(2); *City of Marina v. Bd. of Trustees of the Calif. State Univ.* (2006) 39 Cal.4th 341, 366; see also *Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439). Under these circumstances, the lead agency may find that the measures “can and should” be implemented by the other agency or agencies said to have exclusive responsibility/jurisdiction over the measures (*City of Marina*, 39 Cal.4th at 366). As the CEQA Guidelines explain, the “finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives” (CEQA Guidelines Section 15091(c)).

SB 375 specifically provides that nothing in a SCS supersedes the land use authority of cities and counties, and that cities and counties are not required to change their land use policies and regulations, including their general plans, to be consistent with the SCS or an alternative planning strategy (Government Code Section 65080(b)(2)(K)). Moreover, cities and counties have plenary authority to regulate land use through their police powers granted by the California Constitution, art. XI, §7, and under several statutes, including the local planning law (Government Code Sections 65100–65763), the zoning law (Government Code Sections 65800–65912), and the Subdivision Map Act (Government Code Sections 66410–66499.37). As such, SCAG has no concurrent authority/jurisdiction to implement mitigation related to land use plans and projects that implement the RTP/SCS. With respect to the transportation projects in the RTP/SCS, these projects are to be implemented by Caltrans, county transportation commissions, local transit agencies, and local governments (i.e., cities and counties), and not SCAG. SCAG also has no authority/jurisdiction to require these agencies to implement project-specific mitigation measures.

CEQA case law has also held that deferral of the specifics of mitigation is permissible where the lead agency commits itself to mitigation and, in the mitigation measure, either describes performance standards to be met in future mitigation or provides a menu of alternative mitigation measures to be selected from in the future (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [the details of exactly how the required mitigation and its performance standards will be achieved can be deferred pending completion of a future study]; *Endangered Habitats League Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793 [deferred mitigation acceptable when performance standards are included]; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448–1450 [a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project’s impacts]; *Sacramento Old City Assn. v. City Council of Sacramento, supra*, 229 Cal.App.3d at 1028–1029 [deferral of agency’s selection among several alternatives based on performance criteria was appropriate]).⁵

Since mitigation measures are an important component of any EIR, they are subject to the same rules regarding level of detail appropriate to the EIR being prepared. In this case, the PEIR addresses a large-scale region with a variety of projects spread over more than 20 years. As such, this PEIR identifies programmatic mitigation that SCAG would carry out on a regional scale and provides examples of measures for local agencies to consider, as applicable and feasible, in subsequent project-specific design, CEQA review, and decision-making processes. As authorized by the CEQA Guidelines and case law, the mitigation measures included in this PEIR are less detailed than those that would be part of a project EIR and the selection of detailed mitigation measures is properly deferred to future project-specific CEQA reviews.

Since SCAG has no authority to require specific mitigation measures at the project level, and lead or responsible agencies have the discretion to determine which mitigation measures are applicable and feasible based on the location-specific circumstances. Identification of the performance standards along with project-level mitigation measures fulfill SCAG’s responsibility, that may be considered (among others) for implementation by lead, responsible, or trustee agencies in the region as applicable and feasible. Use of the word “may” or “should” in measures that include legal requirements, or measures that are otherwise committed to, should not be construed to mean that compliance with legal requirements and/or existing commitments is optional.

The mitigation measures based on performance standards used in this PEIR recognize the limits of SCAG’s authority; distinguish between SCAG commitments and project-level responsibilities and authorities; optimize flexibility for project implementation; and facilitate CEQA streamlining and tiering where appropriate on a project-by-project basis determined by each lead agency.

This PEIR presents a region-wide assessment of existing conditions and potential impacts associated with implementation of the 2012-2035 RTP/SCS. As such, this PEIR identifies programmatic mitigation measures for which SCAG would be responsible on a regional scale. While the PEIR strives to provide as

⁵ Note that in litigation challenging SANDAG’s adoption of its 2050 Regional Transportation Plan/Sustainable Communities Strategy, the California Court of Appeal found that “[a]n EIR may not defer the formulation of mitigation measures to a future time, but mitigation measures may specify performance standards which would mitigate the project’s significant effects and may be accomplished in more than one specified way.” *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2014) 231 Cal. App. 4th 1056, 1089. While this case has been appealed before the California Supreme Court, this issue is not under review.

much detail as possible in the mitigation measures, some flexibility must be maintained to present mitigation approaches for impacts occurring over a large geographic scope and caused by a wide variety of transportation and land use activities. CEQA case law provides that a first-tier EIR may contain generalized mitigation criteria (see, e.g., *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29). In addition, in each resource area, the PEIR identifies mitigation measures which include performance standards which lead, responsible, or trustee agencies “can and should” comply with in assessing and mitigating project-specific impacts. SCAG then identifies project-level mitigation measures that may be required by lead agencies, to meet the specified performance standards. Lead agencies may also identify other comparable measures capable of achieving the specified performance standards.

In sum, this performance standards-based mitigation approach includes three components: (1) SCAG programmatic-level mitigation measures; (2) a “catch-all” mitigation measure for each of the CEQA resource categories which sets forth performance standards specified in existing statutes, regulations, adopted general plans, and agreements; and (3) project-level mitigation measures which are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

In general, a “public agency” refers to any state or local agency, or other political subdivision. “Local agency” refers to any public agency other than a state agency that would undertake an activity and/or a public agency that would be lead agency for a private activity which must receive some discretionary approval (meaning that the public agency has the authority to deny the requested permit or approval for the private activity). “Project sponsor” is typically used to refer to an applicant (that could be public or private, an organization or an individual) that proposes a project. “Project implementing agency” is used to refer to a public agency responsible for implementing a project. In this document, project-implementing agencies are those that are responsible for carrying out (reviewing, approving, constructing, and/or operating) transportation projects included in the Project List appendix to the Draft 2016 RTP/SCS.

Transportation Project Mitigation

For individual transportation projects included in the 2016 RTP/SCS, SCAG has no authority to approve or implement such projects. Generally individual transportation projects in the 2016 RTP/SCS will be implemented by Caltrans, CTCs, local transit agencies, local governments or other public agencies. These agencies routinely implement the types of mitigation measures identified in this PEIR during project design, CEQA review, and/or project construction. The example measures directed at project sponsors and implementing agencies included in this PEIR are intended to be permissive and not mandatory. This PEIR has made a preliminary determination that it is feasible to meet performance standards set forth in the mitigation measures and that there are more than one specified way to accomplish the performance standards. However, local agencies retain the discretion to determine which mitigation measures are most applicable to each individual project and whether they are feasible under location-specific circumstances.

Land Use Planning and Development Project Mitigation

For land use plans and development projects, SCAG has no authority to adopt local land use plans or approve local land use projects that will implement the SCS. As described in the section above, SB 375 specifically provides that nothing in SB 375 supersedes the land use authority of cities and counties. In addition, cities and counties are not required to change their current or future land use plans and policies, including general plans, to be consistent with an RTP/SCS (Government Code §65080(b)(2)(K)). Generally, local governments are the lead agencies responsible for mitigation of the impacts of land use plans and development projects that implement the RTP/SCS, and SCAG has no concurrent authority to mitigate the impacts of land use plans and development projects. Local governments routinely implement the types of mitigation measures identified in this PEIR during project design, CEQA review, and/or project construction. This PEIR has made a preliminary determination it is feasible to meet performance standards set forth in the mitigation measures and that there are more than one specified way to accomplish the performance standards.

1.7 PUBLIC PARTICIPATION AND CONSULTATION FOR THE 2016 RTP/SCS

The 2016 RTP/SCS was developed with input from the public in accordance with the adopted Public Participation Plan. SCAG recognizes the need for early engagement during the development of the RTP/SCS. For members of the public, SCAG conducted public workshops between May and July 2015, with 23 open house events held across six counties.⁶ These events helped inform the public on the goals of the Plan, explore topics that would be included in the Plan, and gather input on the scenarios developed for the Plan as part of the scenario development and planning process. Four scenarios were developed to help facilitate discussion during the development of the Draft 2016 RTP/SCS and to evaluate how each scenarios would perform in terms of meeting the goals and guiding policies of the Plan and other performance metrics. SCAG also broadened its participation activities in the development of the 2016 RTP/SCS to engage a more extensive group of stakeholders in its planning and programming processes. By September 2015, SCAG has held five public workshops on environmental justice for the 2016 RTP/SCS.

The Draft 2016 RTP/SCS is planned for release by the Regional Council for a concurrent 60-day public comment and review period with the Draft PEIR for the Draft 2016 RTP/SCS. SCAG plans to engage in additional public participation activities during the 60-day public review and comment period on the Draft 2016 RTP/SCS and the Draft PEIR. The public review and comment period for both documents is expected to commence on December 4, 2015, and close on February 1, 2016. To help further inform local, state and federal agencies, and other interested agencies, organizations, and individuals ("Interested Parties") about the elements of the Draft 2016 RTP/SCS, SCAG has posted announcements and videos on its website, blog sites, and its social networking pages (Facebook, Twitter); prepared factsheets and other outreach materials in English, Spanish, Chinese, Korean and Vietnamese; and placed ads and public announcements in 12 newspapers, including the ethnic press.

⁶ Southern California Association of Governments. Accessed October 2015. *2016 RTP/SCS Open House Flyer in English*. Available at: http://scagrtpscsc.net/Documents/WorkshopFlyer_Letter_R17_ENGLISH.pdf

During the 60-day public review and comment period for the Draft 2016 RTP/SCS, SCAG will hold 14 public workshops within the region on the Plan. Although the informational workshops will be targeted towards public officials and agency representatives, they will be open to the public, and time will be allowed for public comment. SCAG will also conduct additional outreach activities, as appropriate, to the business community, ethnic groups, Native American tribes, and other stakeholders during the public review period. SCAG will use its videoconferencing technology to enable more people to participate in presentations and meetings, as applicable.

With the release of the Draft 2016 RTP/SCS, SCAG will make available the interactive RTP/SCS website that provides for easy navigation through the various sections of the Plan and allows visitors to submit comments through the online form. In addition to the online forum, SCAG will continue to accept public input through mailings, and at public workshops.

Comments received during the 60-day public review period of the Draft 2016 RTP/SCS will be considered and included along with SCAG's responses to comments in the Final 2016 RTP/SCS document.

1.8 PUBLIC PARTICIPATION AND CONSULTATION FOR THE PEIR

Pursuant to Public Resources Code Section § 21080.4 and CEQA Guidelines §§ 15082 and 15375, the NOP for the Draft 2016 RTP/SCS PEIR was released on March 9, 2015, and circulated for a 30-day comment period ending April 7, 2016. SCAG hosted two scoping meetings on March 17, 2015, and March 18, 2015. The meetings were convened in the SCAG's main office in Los Angeles, with videoconferencing available at SCAG regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. Videoconferencing was made available at two additional locations in the Cities of Palm Desert (Coachella Valley Association of Governments) and Palmdale. SCAG received over 20 letters of comment in response to the NOP. The scope and content of the Draft 2016 RTP/SCS PEIR were developed in light of the comments received in response to the NOP.

The NOP was sent to the State Clearinghouse on March 8, 2015; posted with the County Clerks for the six counties in the SCAG region; and distributed to various federal, state, regional and local government agencies, and other interested agencies, organizations, and individuals. The NOP was made available on SCAG's website at: <http://scagrtpscs.net/Pages/PEIR.aspx>. The NOP was published in 12 newspapers, including the *Los Angeles Times*, which has the greatest circulation in the SCAG region, and additional newspapers that address the large geographic reach and diverse population within the SCAG region:

- *Desert Sun*
- *Imperial Valley*
- *La Opinion*
- *Los Angeles Sentinel*
- *Los Angeles Times*
- *Nguoi Viet*
- *Press Enterprise*
- *San Bernardino County Sun*
- *The Korean Times*
- *The OC Register*
- *Ventura County Star*
- *World Journal (Chinese Daily News)*

The NOP was circulated primarily using electronic mail to over 2,700 interested parties, including 144 representatives of Native American tribes. The NOP was mailed directly to approximately 570 interested parties, including federal, state, regional and local agencies, organizations and major libraries in the region using the U.S. Postal Service certified mail service. The NOP was also posted at the following locations:

SCAG Main Office
818 West 7th Street, 12th Floor,
Los Angeles, CA 90017

SCAG Riverside County Regional Office
3403 10th Street, Suite 805
Riverside, CA 92501

SCAG Imperial County Regional Office
1405 N. Imperial Avenue, Suite 1
El Centro, CA 92243

SCAG San Bernardino County Regional Office
1170 West 3rd Street, Suite 140
San Bernardino, CA 92410

SCAG Orange County Regional Office
600 South Main Street, Suite 906
Orange, CA 92868

SCAG Ventura County Regional Office
950 County Square Drive, Suite 101
Ventura, CA 93003

The NOP provided notification of two public scoping meetings for interested parties to receive information on the 2016 RTP/SCS and the related CEQA process as well as providing an opportunity for the submittal of comments both by mail and electronically. **Appendix A** of the PEIR includes a copy of the NOP and written comments received in responses to the NOP.

The PEIR is not subject to the procedural provisions of AB 52 because the NOP was published prior to July 1, 2015, trigger date for compliance with AB 52. However, in recognition of the intent of AB 52, SCAG hosted two additional workshops to solicit input from representatives of the Native American community during preparation of the Draft 2016 RTP/SCS and Draft PEIR. The two workshops were held on October 14 and 19, 2015. The October 14 meeting was convened at the SCAG main office in Los Angeles, and made available through videoconferencing at the SCAG's regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. Videoconferencing was made available at two additional locations in the Cities of Palm Desert (Coachella Valley Association of Governments) and Palmdale. The second meeting on October 19, 2015, was convened at Office of the Coachella Valley Association of Governments.

Written comments on this Draft PEIR should be transmitted during the 60-day public review and comment period (by February 1, 2016, 5:00 p.m.) to the following address:

SCAG Main Office
Attn: Ms. Lijin Sun
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

Comments may also be submitted electronically to 2016PEIR@scag.ca.gov.

In addition, comments received during the 60-day public review period of the Draft 2016 RTP/SCS PEIR will be considered. Formal written responses will be prepared and incorporated into the Final PEIR for the 2016 RTP/SCS to address written comments submitted on the Draft PEIR.

Written comments provided by the interested parties will be evaluated. Written responses will be prepared for comments received during the comment period. Upon completion of the evaluation, a Final PEIR will be prepared and provided to the SCAG Regional Council for consideration for certification of compliance with CEQA, and for review and consideration as part of the decision-making process undertaken by the Regional Council for the 2016 RTP/SCS.

1.9 CEQA STREAMLINING

Sustainability Communities and Climate Protection Act of 2008 (SB 375) (Steinberg, 2008)

The Sustainable Communities and Climate Protection Act of 2008 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows a CEQA exemption for Sustainable Community Projects, as well as streamlined CEQA analysis for Transit Priority Projects (TPPs) and certain residential or mixed-use projects.

The purpose of the SCS is to develop strategies to meet the GHG emission reduction targets for the region, and qualifying projects that are consistent with the SCS will help meet this goal. Furthermore, because the potential impacts of the SCS are analyzed in this PEIR, the qualifying projects may take advantage of the CEQA streamlining provisions contained in SB 375. The intent of the CEQA streamlining provisions is not to undercut or circumvent CEQA requirements, but rather to reduce documentation and redundancy and to provide an incentive to support residential and transportation projects that are consistent with a larger effort to reduce GHG emissions.

The following is a summary of the CEQA streamlining provisions in SB 375. For the purpose of determining consistency for CEQA streamlining, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS.

A Transit Priority Project (TPP) is eligible for four types of CEQA relief: (1) Sustainable Communities Project CEQA Exemption, (2) Sustainable Communities Environmental Assessment, (3) a streamlined EIR, or (4) traffic mitigation measures. Different types of CEQA relief are associated with different criteria that are to be met.

As a threshold matter, to qualify as a TPP, a project must be consistent with the general land use designation, density, building intensity and applicable policies in an SCS accepted by the State Air Resources Board. The TPP must also meet four standards:

- Be at least 50 percent residential use based on area.
- Contain at least 20 dwelling units/acre.
- Have a floor area ratio for the commercial portion of the project at 0.75, if the project contains between 26 percent and 50 percent nonresidential uses.

- Be within 0.5 mile of a major transit stop⁷ or high-quality transit corridor⁸ included in the RTP.

Sustainable Communities Project Exemption

The Sustainable Communities Project (SCP) Exemption is a TPP, which is consistent with the SCS and meets nine criteria for eligibility for use of the exemption:

- The project and approved projects can be served by utilities, and project will pay applicable in-lieu or development fees.
- Does not include wildlife habitat of significant value or protected species.
- Is not contaminated (site is not on Cortese list).
- Site is subject to preliminary endangerment assessment regarding potential exposure to health hazards from nearby activities. Any hazards are to be mitigated to less than significant.
- Would not significantly affect an historic resource.
- The site is not subject to wildland fire hazard, unusually high risk of fire/explosion from materials on adjacent properties, health hazard, seismic risk, landslide, or flood plain.
- The site is not located on developed open space.
- The project would be 15 percent more efficient than Title 24, and landscaping would use 25 percent less water than the regional average household.

In addition, the project must meet seven additional parameters related to size, siting, and protection of affordable housing:

- The site is not more than 8 acres.
- The project does not contain more than 200 units.
- The project does not result in the net loss of affordable housing.
- No single level building that exceeds 75,000 square feet.
- Applicable mitigation, performance standards, criteria from prior EIRs will be incorporated in to the TPP.
- The project would not conflict with nearby operating industrial use.
- The project is located within 0.5 mile of rail transit station or ferry terminal included in RTP, or within 0.25 mile of a high-quality transit corridor.

The project must provide at least one of three specified community benefits:

- At least 20 percent of the housing will be for moderate income or 10 percent rented to low income, or not less than 5 percent rented to very low income, and developer provides commitment to ensure continued availability to these income groups for the period.

⁷ Defined as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

⁸ Defined as a corridor with fixed route bus service with 15-minute service intervals during peak commute hours.

- Developer pays in-lieu fees pursuant to local ordinance to result in an equivalent number of units that would otherwise be required in a) above.
- Project provides public open space 5 acres/1,000 residents.

After a public hearing where a legislative body finds that a TPP meets all the requirements, a project can be declared to be an SCP and can be exempted from CEQA.

Sustainable Communities Environmental Assessment

A TPP that does not meet the Sustainable Communities Project Exemption may nevertheless qualify for a Sustainable Communities Environmental Assessment (SCEA) if the project incorporates all feasible mitigation measures, performance standards, or criteria set forth in prior applicable certified environmental impact reports (including the RTP/SCS PEIR) (Pub. Res. Code § 21155.2(b)). An SCEA is comparable to a negative declaration since the lead agency must find that all potentially significant impacts of a project have been identified, adequately analyzed, and mitigated to a level of insignificance. However, unlike a negative declaration, the SCEA need not consider the cumulative effects of the project that have been adequately addressed and mitigated in prior EIRs. Also, growth-inducing impacts are not required to be referenced, described or addressed. Additionally, project specific or cumulative impacts from cars and light duty truck trips on global warming or the regional transportation network need not be referenced, described or discussed.

The SCEA will be circulated for 30 days, comments will be considered, and then the SCEA may be approved after a public hearing provided impacts are mitigated. The SCEA will be reviewed under the substantial evidence standard, which means a court will uphold an agency's decision if there is substantial evidence in light of the whole record to support its action. This is different from the normal CEQA fair argument standard, which is less deferential and states that an EIR must be prepared when after examining the entire record, there is substantial evidence to support a fair argument that the project may have a significant effect on the environment. The substantial evidence standard makes it more difficult for a petitioner to challenge an SCEA.

Transit Priority Project Streamlined Environmental Impact Report

Instead of an SCEA, a lead agency may choose to perform a streamlined EIR. If, after conducting an Initial Study (IS), the lead agency determines that an EIR is required, it only need address potentially significant impacts. Where a cumulative effect has been adequately addressed and mitigated in a previous EIR (such as the 2016 RTP/SCS EIR), that cumulative effect shall not be treated as cumulatively considerable.

The EIR is not required to analyze off-site alternatives to the TPP or discuss a reduced residential density alternative to address the effects of car and light duty truck trips generated by the project. Furthermore, the EIR is not required to include an analysis of growth inducing impacts or any project specific or cumulative impacts from cars and light duty trucks trips generated by the project on global warming or the regional transportation network. The IS must identify any cumulative effects that have been adequately addressed and mitigated in prior applicable certified EIRs and these cumulative effects are not to be treated as cumulatively considerable in the EIR.

Traffic Mitigation Measures

After a public hearing a legislative body or local jurisdiction may adopt traffic mitigation measures that apply to TPPs (such measures must be updated as necessary every five years), including requirements for the installation of traffic control improvements, street or road improvements, and contributions to road improvement or transit funds, transit passes for future residents, or other measures that will avoid or mitigate traffic impacts of TPPs. If such measures are adopted by a local jurisdiction, no additional traffic mitigation are required for TPPs (measures addressing public health and bicycle safety may still be imposed).

Other CEQA Streamlining within SB 375

SB 375 also provides for general CEQA streamlining for residential and mixed-use residential projects as well as TPPs. Pursuant to Section 21159.28 of the Public Resources Code, projects that meet the following requirements can be subject to streamlined CEQA review:

- A residential or mixed-use residential project (or a TPP) consistent with the designation, density, building intensity, and applicable policies specified for the project area in an accepted SCS (a residential or mixed-use residential project is a project where at least 75 percent of the total building square footage of the project consists of residential use or a project that is a transit priority project).
- Incorporates the mitigation measures required by an applicable prior environmental document.

If a project meets these requirements, any exemptions, negative declarations, mitigated negative declarations, SCEA, EIR or addenda prepared for the projects shall not be required to reference describe, or discuss two areas that are normally required:

- Growth inducing impacts.
- Any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network.

CEQA Streamlining for Infill Projects (SB 226) (Simitian, 2011)

SB 226 (Simitian) was signed into law by Governor Jerry Brown on September 14, 2011, and provides CEQA streamlining review of infill development projects under CEQA. SB 226 authorizes limited CEQA review for qualifying urban infill projects that address statewide priorities for infill projects, subsequent to the adoption of the guidelines in 2012.

SB 226 defines “infill project” as a project that (a) consists of one or a combination of the following uses: residential, retail/commercial (where no more than one-half of the project area is used for parking), transit station, school and public office building; and (b) is located within an urban area, and is either on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.

SB 226 allows limited CEQA review for certain infill projects through a process that resembles “tiering” of EIRs under CEQA. Tiering refers to environmental review of sequential actions, where general matters and environmental effects are examined in a broad EIR for a decision such as adoption of a policy, plan, program, or ordinance, and subsequent narrower or site-specific EIRs are prepared that incorporate by reference the prior EIR and concentrate on environmental effects that can be mitigated or that were not analyzed in the prior EIR. In such instances, the later narrow EIR “tiers” off the prior broad EIR.

SB 226 provides that if an EIR was certified for the enactment or amendment of a city or county general plan, community plan specific plan, or zoning code, CEQA review for approval of a qualifying SB 226 infill project is limited to (a) environmental effects that are specific to the project or project site and were not addressed as significant effects in the prior EIR, or (b) substantial new information showing that environmental effects will be more significant than described in the prior EIR. A lead agency's determination pursuant to new statutory provisions authorizing SB 226 limited CEQA review must be supported by substantial evidence.

Limited CEQA review under SB 226 is available for an infill project located within an MPO region if the project (a) is consistent with the general use designation, density, building intensity and applicable policies specified for the project area in the SCS, and (b) satisfies all applicable statewide performance standards contained in the Implementation Guidelines. However, SB 226 does not specify which agency is responsible for determining whether the project is consistent with relevant SCS policies. As stated above, SB 375 expressly states that an SCS does not regulate the use of land, and that nothing in an SCS shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region (CA Gov't Code § 65080(b)(2)(K)). Moreover, SB 375 does not require consistency between the SCS and city or county general plan, community plan, specific plan, or local zoning ordinance. As such, for purpose of determining consistency for CEQA streamlining, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS.

Environmental Quality: Transit Oriented Infill Project, Judicial Review Streamlining for Environmental Leadership Development Projects, and entertainment and sports center in the City of Sacramento (SB 743) (Steinberg, 2013)

SB 743 (Steinberg) was signed into law by Governor Jerry Brown on September 27, 2013, and provides opportunities for CEQA streamlining to facilitate transit-oriented development (TOD), which is to update the CEQA guidelines to include the vehicle miles traveled (VMT)–based transportation impact metric. Prior to SB 743, CEQA transportation impacts were assessed through “Level of Service” (LOS) analysis, which focused exclusively on motor vehicle delay. SB 743 seeks to encourage development of mixed-use, transit-oriented infill projects by: (1) establishing new CEQA exemptions for transit-oriented developments located in Transit Priority Areas that are consistent with an adopted Specific Plan; (2) eliminating the requirement to evaluate aesthetic and parking impacts in those targeted development areas; and (3) directing the OPR to develop an alternative metric to evaluate transportation-related impacts under CEQA.

OPR released a Preliminary Discussion Draft of recommendations for updating the CEQA Guidelines on August 6, 2014,⁹ which designates VMT as the alternative metric to replace LOS analysis. On May 1, 2015, OPR released a summary of feedbacks on Draft-VMT Guidelines.¹⁰

The initial implementation focus of the proposed modifications to the CEQA Guidelines being developed in response to SB 743 includes areas with excellent transit access, designated as Transit Priority Areas (TPAs). TPA refers to an area that is located within one-half mile of an existing or planned major transit stop. A “major transit stop” refers to a site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. To qualify as a TPA, a planned major transit stop needs to be scheduled for completion within the planning horizon included in the adopted FTIP or RTP. A TPA is a subset of the High Quality Transit Areas (HQTAs) described in the 2012 RTP/SCS (which will be updated through the 2016 RTP/SCS), excluding the one-half-mile buffer area along the high-quality transit corridors (which are corridors with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours).

For infill development, including TOD, SB 743 provides a rationale for the development of a new metric to evaluate CEQA transportation impacts, as the previous LOS practice focused only on motor vehicle delay, which often penalized infill and active transportation projects. SB 743 established that the new transportation impact analysis methodology should appropriately balance the needs of congestion management with statewide goals related to transit-oriented mixed-use infill development, promotion of public health through active transportation, and reduction of GHG emissions. These principles complement the goals and policies of the SCAG 2012 RTP/SCS¹¹ and the 2016 RTP/SCS outlined in **Section 2.0, Project Description**, of this PEIR.

While SB 743 did not include the substantive specifics of the new CEQA transportation impact analysis methodology, it directed the OPR to develop guidance for establishing an alternative metric for evaluating the transportation impact of projects located within TPAs to replace LOS analysis. The criteria provided by SB 743 for selecting an alternative methodology was that it must serve to promote reduction of GHG emissions, stimulate development of multimodal transportation networks, and encourage a diversity of land uses. OPR was also provided the option to extend application of the alternative metric for evaluating CEQA transportation impacts to locations outside of TPAs.

At the time of preparing this Draft PEIR (December 2015), OPR is preparing a Technical Advisory memorandum to provide advice and recommendations for implementing the VMT-based metric.

⁹ Governor’s Office of Planning and Research. 6 August 2014. *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013)*. Available at: http://opr.ca.gov/docs/Final_Preliminary_Discussion_Draft_of_Updates_Implementing_SB_743_080614.pdf

¹⁰ Governor’s Office of Planning and Research. 1 May 2015. *Summary of Feedback on Draft-VMT Guidelines (May 1, 2015)*. Available at: http://opr.ca.gov/s_sb743.php

¹¹ Southern California Association of Governments. Adopted April 2012. *The 2012-2035 RTP/SCS*. Available at: <http://scagrtpscsc.net/Pages/2012RTPSCS.aspx>

1.10 ORGANIZATION OF THE PEIR

This document is organized into seven sections, plus an Executive Summary.

Executive Summary: The Executive Summary contains an introduction, project summary, and a summary of the expected environmental impacts resulting from implementation of the 2016 RTP/SCS and the measures recommended to mitigate those impacts. The summary also includes a comparison of the expected environmental effects of each alternative to the 2016 RTP/SCS. The Executive Summary also includes areas of controversy, including issues raised by agencies and the public. The Executive Summary also includes issues to be resolved, including the choice among alternatives, and whether or how to mitigate the significant effects.

Section 1.0: Introduction. This section is composed of this introduction and the PEIR analytical approach. It describes the SCAG region and authority, purpose and scope of the PEIR; the characterization of baseline conditions; summary of the environmental review and public outreach process; provisions for CEQA for streamlining opportunities; consideration of the potential subsequent, currently unspecified, review pursuant to NEPA; acknowledgement of pending approved and potential changes to the regulatory framework that may affect environmental review at the second tier of analysis; and an overview of the contents of the PEIR.

Section 2.0: Project Description. Consistent with the provision of Section 15124 of the State CEQA Guidelines, this section provides the location and boundaries of the 2016 RTP/SCS; states the plan's objectives; contains a general description of the technical, economic, and environmental characteristics of the 2016 RTP/SCS; and includes a statement briefly describing the intended uses of the PEIR. Although federal environmental review is not required, a discussion of purpose and need for the 2016 RTP/SCS will be included along with the CEQA-required project objectives.

Section 3.0: Environmental Setting, Impacts and Mitigation Measures. This section identifies the environmental setting for the 2016 RTP/SCS and provides a programmatic analysis of the 2016 RTP/SCS for the region. The following resource categories are analyzed in this section: Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Energy; Geology and Soils; Greenhouse Gas Emissions and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality, Land Use and Planning; Mineral Resources; Noise; Population, Housing, and Employment; Public Services; Recreation; Transportation, Traffic, and Safety; and Utilities and Service Systems. For each of these resources categories, the analysis addresses: Regulatory Framework, Existing Conditions, Methodology, Thresholds of Significance, Impact Analysis, Cumulative Impacts, Mitigation Measures, and Level of Significance after Mitigation. As required by CEQA, the determination of impacts is based on a comparison of the future proposed Plan condition to the existing conditions (CEQA Guidelines § 15126(a)). This section includes figures that geographically depict spatial and quantitative data.

Section 4.0: Alternatives. This section describes a range of reasonable alternatives to the 2016 RTP/SCS, which would feasibly attain most of the basic objectives of the 2016 RTP/SCS but would avoid or substantially lessen any of the significant effects of the 2016 RTP/SCS at a programmatic and region-wide level. It includes a comparison of the 2016 RTP/SCS to the No Project Alternative, the 2012 RTP/SCS Updated with Local Input Alternative, and the Intensified Land Use Alternative. The Alternatives are evaluated and compared to the 2016 RTP/SCS for the resource categories evaluated for the Plan in Section 3.0.

Section 5.0: Long-Term Effects. This section identifies the significant unavoidable environmental effects, significant irreversible environmental effects, growth inducing impacts, and irreversible damage from environmental accidents of the 2016 RTP/SCS.

Section 6.0: Persons and Sources Consulted. This section lists the contributors to the preparation of this PEIR and the reference material used.

Section 7.0: Glossary. This section includes the acronyms used in the document.

Appendices. The Draft PEIR appendices include:

- Appendix A: Notice of Preparation and Comments on Notice of Preparation
- Appendix B: 2016 RTP/SCS Project List
- Appendix C: Air Quality and Greenhouse Gas Emissions and Climate Change Technical Report
- Appendix D: Health Risk Assessment Technical Report
- Appendix E: Biological Resources Technical Report
- Appendix F: Cultural Resources Technical Report