1.0 INTRODUCTION

SUMMARY

The Southern California Association of Governments (SCAG) prepared this Program Environmental Impact Report (PEIR), pursuant to the California Environmental Quality Act (CEQA), for the 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy (2012-2035 RTP/SCS, Plan or Project). The 2012-2035 RTP/SCS is a long-range regional transportation plan that provides a blueprint to help achieve a coordinated regional transportation system by creating a vision for transportation investment throughout the region and identifying regional transportation and land use strategies to address mobility needs. The 2012-2035 RTP/SCS includes a policy element that is shaped by goals, policies and performance indicators, an action element that identifies specific projects, programs and implementation, and a description of regional growth trends that identifies future needs for travel and goods movement. The PEIR for the 2012-2035 RTP/SCS serves as an informational document to inform decision-makers and the public of the potential environmental consequences of approving the proposed Plan. The PEIR includes mitigation measures designed to help avoid or minimize significant environmental impacts.

Individual transportation projects are preliminarily identified in the 2012-2035 RTP/SCS; however, this PEIR analyzes potential environmental impacts from a regional perspective and is programmatic in nature. As such, it does not specifically analyze these individual projects. Project-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 proposed projects. Project-specific analysis will be undertaken by the appropriate implementing agency prior to individual projects being considered for adoption.

For purposes of analysis, SCAG has developed a land use distribution pattern and land use scenarios to address actions and strategies included in the Sustainable Communities Strategy (SCS) portion of the 2012-2035 RTP/SCS. This PEIR programmatically analyzes this land use distribution pattern (as part of the project analysis) as well as alternative land use distribution patterns (in the alternatives chapter).

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.

SCOPE AND METHODOLOGY

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 the projects, programs and policies included in the 2012-2035 RTP/SCS (including the new SCS portion of the Plan). 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." (CEQA Guidelines §15168). A PEIR provides a regional consideration of cumulative effects and includes broad policy

alternatives and program mitigation measures that are equally broad in scope. This PEIR provides a regional scale analysis and a framework of mitigation measures for subsequent, site-specific environmental review documents prepared by lead agencies in the region as individual planning, development and transportation projects are identified, designed and move through the planning, review and decision-making process.

A PEIR may serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the PEIR. As discussed by the California Supreme Court, "it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the…program, leaving project-specific details to subsequent EIRs when specific projects are considered." (*In re Bay Delta* (2008) 43 Cal. 4th 1143, 1174).

As such, 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 highway, arterial goods movement, and transit 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 Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). This Draft 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 2035.

CEQA Guidelines §15146(b) provides that an EIR prepared for the adoption of a local general plan should focus on the secondary environmental effects to be expected following adoption, but that the EIR need not be as detailed as one prepared for the specific construction projects that follow. Further, CEQA Guidelines §15152(c) state that when a lead agency is using the tiering process for a large scale planning approval such as a general plan, the development of detailed site-specific information may not be feasible and can be deferred to project-specific CEQA documents. Since the 2012-2035 RTP/SCS is even broader in scope and has a longer time horizon than many general plans, such detail is not required.

The geographic scope and complexity of the 2012-2035 RTP/SCS played an important role in determining the appropriate level of detail to include in this PEIR. The SCAG region encompasses more than 38,000 square miles and includes six counties, 14 subregional entities and 191 cities. The SCAG region has more than 18 million residents. As a result, the 2012-2035 RTP/SCS is very complicated and highly diverse, consisting of many transit, highway, and phased arterial projects, as well as a comprehensive SCS.

Potential significant environmental effects of the 2012-2035 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 freeway, rail and transit projects on resource categories such as land use, biological/open space and water resources. Transportation, noise and air quality simulation models were used to estimate the transportation, noise and air quality impacts. Project and policy elements of the 2012-2035 RTP/SCS and alternatives were incorporated into the modeling analysis and the socioeconomic projections. The specific techniques used to

evaluate each potential environmental effect are described in each resource/issue section in Chapter 3.0 of this document.

BASELINE FOR DETERMINING SIGNIFICANCE

The PEIR must identify significant impacts that would be expected to result from implementation of the 2012-2035 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 Chapter 3.0 of this document, and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 3.0 of this document.

THRESHOLDS OF SIGNIFICANCE

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).*

COMPARISON WITH THE NO PROJECT ALTERNATIVE

It is important to emphasize that the urbanization in the SCAG region will increase substantially by 2035, with or without implementation of the 2012-2035 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, the analysis for each resource category also includes a direct comparison between the expected future conditions with the Plan and the expected future conditions if no Plan were adopted. This evaluation is not included in the determination of significant impacts; however, it provides a meaningful perspective on the effects of implementing the 2012-2035 RTP/SCS. A direct comparison between the Plan and the No Project Alternative (described below) is included in each resource section of Chapter 3.0 of this document.

PROPOSED RTP/SCS AND ALTERNATIVES TO THE 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.)*

This Draft PEIR evaluates a reasonable range of alternatives to the 2012-2035 RTP/SCS that brackets the range of potential impacts that could occur under a spectrum of changes to individual components of the 2012-2035 RTP/SCS. These alternatives are briefly described below. More detailed information about each of these alternatives is presented in Chapter 4.0.

1. The **Proposed 2012-2035 RTP/SCS** provides land use and transportation recommendations to help achieve a coordinated balance of land uses and transportations such that vehicle trips and vehicle trip lengths are reduced and land is used efficiently and sustainably, thereby minimizing energy and water consumption. The 2012-2035 RTP/SCS contains transportation and urban form strategies that encourage compact growth, increased jobs/housing balance and transit-oriented development, where feasible, in all parts of the region. The 2012-2035 RTP/SCS is described in the Project Description (Chapter 2.0).

2. The **No Project Alternative** includes only those transportation projects that are included in the first year of the previously conforming transportation plan and/or Transportation Improvement Plan (TIP), or have completed environmental review by December 2010. The No Project Alternative also includes projects undergoing right-of-way acquisition or under construction. These reasonably foreseeable projects fulfill the definition of the mandated CEQA No Project Alternative (CEQA Guidelines § 15126.6(e)).

3. The **2008 Modified RTP Alternative** is an update of the adopted 2008 RTP to reflect the most recent growth estimates and transportation planning decisions and assumptions. This alternative does not include the urban form strategies included within the 2012-2035 RTP/SCS.

4. The **Envision 2 Alternative** builds on the enhanced density and transit orientation of the SCS and goes further. It includes more aggressive densities than the 2012-2035 RTP/SCS and limits the single-family housing that would be built in the region.

The Plan and each alternative maintain a constant total for population, households and jobs for the region in 2035. The year 2035 growth projections for each alternative differ only in the distribution of people, households and jobs such that some counties have higher totals for a given alternative while other counties will have lower totals. The alternatives differ in terms of this distribution because the different transportation investments and urban form 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 Chapter 4). 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.)

GROWTH PATTERNS

The 2012-2035 SCS/RTP includes an SCS that encourages a more compact landform, with growth focused at transit nodes, centers and in areas designed to balance out the ratio of jobs to housing. This growth pattern results in substantially less consumption of vacant, open space/recreation and agricultural land (334 square miles or 213,800 acres under the Plan compared to up to 742 square miles or 474,900 acres under the No Project condition) compared to the No Project (referred to as Baseline growth forecast, in the 2012-2035 RTP/SCS). This PEIR analyzes the impacts of the 2012-2035 RTP/SCS growth forecast as well as the No Project growth forecast in addition to impacts from the 2012-2035 RTP/SCS transportation projects.

Analysis of the land use distribution pattern (and alternate land use scenarios) necessarily includes analysis of the growth distribution and anticipated land use development necessary to accommodate the 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

If 2012-2035 RTP/SCS transportation projects were combined with the No Project growth forecast, impacts would fall within the range of impacts analyzed in this document, or in the case of some of the modeled parameters (traffic, noise, air quality) within the error margins (estimated to be anywhere between 5 percent and 15 percent) of the analytical tools (GIS and computer models) used to prepare the analyses contained herein.

MITIGATION MEASURES

General Description and Legal Requirements

Mitigation Measures proposed in this PEIR can be incorporated as policies in the Final 2012-2035 RTP/SCS and will help ensure that feasible mitigation measures are implemented at the project level. The implementing agencies and local lead agencies shall be responsible for ensuring adherence to the mitigation measures as 2012-2035 RTP/SCS projects are considered for approval over time. Lead agencies shall provide SCAG with documentation of compliance with mitigation measures through SCAG's monitoring efforts, including SCAG's Intergovernmental Review (IGR) process.

In general, the terms "local agency," "project sponsor" and "project implementing agency" are used throughout this PEIR to identify agencies, organizations, companies and individuals that will act as lead agencies or project applicants for different types of individual projects. Individual projects that are

anticipated to occur pursuant to the 2012-2035 RTP/SCS consist of planning projects (general plans, specific plans, climate action plans, etc.), development projects (including Transit Priority Projects (TPPs) and other similar projects), and transportation projects.

In general, "local agency" is used to refer to a public agency that would propose a planning project or a public infrastructure project and/or an agency that would be lead agency for individual projects. "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 an agency responsible for implementing a project. In this document, project-implementing agencies are those that are responsible for carrying out (reviewing, approving, constructing) transportation projects.

This PEIR represents 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 that would be implemented by SCAG or other agencies with broad-scale planning jurisdiction. Mitigation measures are stated as "SCAG shall" and "other local agencies (project sponsors, implementing agencies) can and should."

CEQA provides that an EIR can include feasible mitigation measures that are within the responsibility and jurisdiction of another agency. The appropriate CEQA finding in such instances is that such mitigation measures have been or "can and should be" adopted. (Public Resources Code §21081(a)(2); CEQA Guidelines §15092(a)(2).) When this finding is made, there is no further requirement that SCAG find that mitigation measures that are within the responsibility and jurisdiction of another agency have been incorporated into the project. That latter finding is reserved for mitigation measures within SCAG's responsibility and jurisdiction. Nevertheless, it is reasonable to expect that the other agencies will actually implement the mitigation measures assigned to them (see discussions below of transportation and land use planning and development projects).

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 2012-2035 RTP/SCS PEIR addresses a large-scale region with a variety of projects spread over more than 20 years. This Draft PEIR presents program-wide mitigation measures that largely will be implemented by SCAG and other agencies 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 Draft 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.

While the Draft PEIR strives to provide as 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*.)

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]; see also, *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 p. 1028-1029 [deferral of agency's selection among several alternatives based on performance criteria was appropriate]).

This Draft PEIR presents regional performance measures for some mitigation measures, e.g., transportation. For many others, e.g., biological resource mitigation measures, selection of appropriate project-specific performance standards is appropriately deferred to project-specific CEQA documents, since the circumstances of individual transportation and land use projects will vary widely.

Transportation Project Mitigation

SCAG has limited authority to approve individual second-tier transportation network improvement projects in the RTP. Most individual transportation projects in the RTP will be implemented by Caltrans, county transportation commissions, local transit agencies, and local governments. These agencies routinely implement the types of mitigation measures identified in this Draft PEIR during project design, CEQA review, and/or project construction. This Draft PEIR has made a preliminary determination that the proposed mitigation measures are feasible and effective. Therefore, it is reasonable to expect that these agencies will actually implement them.

Land Use Planning and Development Project Mitigation

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 below, 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 land use plans and policies, including general plans, to be consistent with an RTP/SCS. (Government Code §65080(b)(2)(K). Local governments are the main agencies responsible for mitigation of the impacts of land use plans and projects that implement the RTP/SCS, and SCAG has no concurrent authority to mitigate the impacts of land use plans and projects. Local governments routinely implement the types of mitigation measures identified in this Draft PEIR during project design, CEQA review, and/or project construction. This Draft PEIR has made a preliminary determination that these mitigation measures are feasible and effective. Therefore, it is reasonable to expect that local governments will actually implement them.

RTP/SCS PUBLIC PARTICIPATION PROCESS

In compliance with federal and state requirements, SCAG uses a Public Participation Plan to guide effective public involvement in developing its regional transportation plans and programs. The Public Participation Plan provided the direction for public engagement activities related to the development of the 2012-2035 RTP/SCS. The Public Participation Plan outlines the processes and strategies SCAG uses to reach out to a broad range of stakeholders and gain their input. SCAG's Public Participation Plan was amended in 2009 (Amendment No. 2) primarily to address new public participation requirements of SB 375. A third amendment to the Public Participation Plan is scheduled for adoption by the SCAG Regional Council in January 2012, and intended to provide minor revisions and clarifications related to the detailed outreach activities of the 2012-2035 RTP/SCS.

The Public Participation Plan identifies numerous activities to help SCAG ensure that the public has ready access to information and materials, as well as opportunities to provide feedback during the development of regional plans and programs. A large number of outreach materials were produced throughout the development of the Draft 2012-2035 RTP/SCS, including PowerPoint presentations, fact sheets, surveys, brochures, and maps. The SCAG website was enhanced to include an interactive RTP/SCS component, with easily accessible content.

From January through March 2011, SCAG conducted eleven (11) Subregional Planning Sessions with local cities and the County Transportation Commissions to gather input on projected population, household and employment growth throughout the region. Using this input, SCAG developed four planning scenarios for presentation and discussion at a series of 18 public workshops held between June and September of 2011. These RTP/SCS workshops were held throughout the SCAG region, with over 700 residents, elected officials, representatives of public agencies, community organizations, and environmental, housing and business stakeholders in attendance. At each workshop, participants engaged in discussions of objectives and priorities for the Draft 2012-2035 RTP/SCS, addressing a variety of issues including mobility, environment, health, modes of travel, the economy, safety, equity, and housing.

SCAG also broadened its participation activities in the development of the Draft 2012-2035 RTP/SCS to engage a more extensive group of stakeholders in its planning and programming processes. SCAG held Environmental Justice workshops in June 2010 and June 2011with approximately 30 and 60 participants in attendance, respectively. The participants included residents and representatives of local community organizations, as well as federal and state agencies. These workshops provided SCAG with valuable insight on important community issues such as gentrification and health impacts near transportation corridors during the planning stage of the Draft 2012-2035 RTP/SCS. SCAG also utilized a managed Wiki website to allow bicycle advocacy groups, county transportation officials and other stakeholders to author and provide direct feedback on a key component of the Draft 2012-2035 RTP/SCS — the Active Transportation Plan. As of November 2011, the Bicycle/Pedestrian Wiki has over 1,000 registered users and has received approximately 100 comments during the planning process.

In addressing the requirements of SAFETEA-LU, SCAG has expanded its overall public outreach strategy to include a broader and more diverse range of stakeholders. Current stakeholders include, but are not limited to, bicycle users and advocates; citizens; educational institutions; environmental groups; ethnic and minority groups; freight shippers; freight transportation service providers; non-profit organizations; older and retired persons; pedestrians; businesses; private transportation providers; public transit users; representatives of the disabled; special-interest non-profit agencies; transportation advocates; urban and rural advocacy groups; Native American tribes; and women's organizations. SCAG has endeavored to ensure that the voices of traditionally underrepresented and/or underserved audiences are heard during the development of the Draft 2012-2035 RTP/SCS. In addition, on November 30, 2011, SCAG staff held a Resource Agency Consultation Workshop attended by representatives from U.S. Environmental Protection Agency, National Resources Defense Council, local public agencies, environmental groups and public health agencies. This workshop focused on the proposed environmental mitigation program for this Plan, how the 2012-2035 RTP/SCS will address environmental justice and Title VI requirements, and the extent to which public health issues are being discussed in the 2012-2035 RTP/SCS.

The Draft 2012-2035 RTP/SCS was released by the Regional Council on December 1, 2011. SCAG plans to engage in additional public participation activities during the 55-day public review and comment period on the Draft RTP/SCS, which commenced on December 20, 2011 (after the full Draft RTP/SCS with appendices was released). To help further inform the region's stakeholders on the elements of the 2012 Draft 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 and Chinese; placed ads and public service announcements in newspapers, government access cable television stations, and e-newsletters; and sent announcements of public presentations to media, including the ethnic press.

During January and February 2012, SCAG will hold two workshops and one public hearing in each county within the region. 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 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 2012-2035 Draft RTP/SCS, SCAG will unveil a new interactive RTP/SCS website that provides for easy navigation through the various sections of the Plan and allows visitors to submit comments from almost any page of the site. SCAG will continue to accept public input through mailings, email correspondence, and at presentations and meetings.

Comments received during the 55-day public review period of the 2012-2035 Draft RTP/SCS will be considered and included along with SCAG's responses to comments in the 2012-2035 Final RTP/SCS document. In addition, the 2012-2035 Draft RTP/SCS PEIR is being released for a 45-day public comment period. Formal written responses will be prepared and incorporated into the Final PEIR to address all written comments submitted on the PEIR.

Public engagement and participation have become an organizational-wide valued activity, and SCAG is committed to continually evaluate its strategies and approaches to enhance public participation. For more information on the Public Participation Plan and public comments, please see Chapter 6 of the 2012Draft RTP/SCS and Appendix XVI.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines § 15082, the Notice of Preparation (NOP) for the 2012-2035 RTP/SCS was released on May 10, 2011 and circulated for a 30-day comment period ending June 8, 2011. SCAG convened two PEIR scoping meetings at SCAG's regional offices on May 26, 2011 (2:00 p.m. to 4:00 p.m. and 4:00 p.m. to 6:00 p.m.). A copy of the NOP is included in Appendix A, along with copies of letters received in response to the NOP. SCAG received 24 written comments on the NOP.

CEQA STREAMLINING AND SB 375

SB 375 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. For more information on the CEQA incentive, please see Chapter 4, Sustainable Communities Strategy, of the Draft 2012-2035 RTP/SCS.

The following is a summary of the CEQA streamlining provisions in SB 375.

Transit Priority Project

A TPP is eligible for four types of CEQA relief: (1) Sustainable Communities Project CEQA Exemption; (2) Sustainable Communities Environmental Assessment, or (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 use designation, density, building intensity and applicable policies in a Sustainable Communities Strategy (SCS) accepted by the State Air Resources Board. The TPP must also:

- 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; and
- Be within 0.5 miles of a major transit stop[1] or high-quality transit corridor[2] included in the RTP.

(1) Sustainable Communities Project Exemption

The Sustainable Communities Project (SCP) is a TPP, which is consistent with the SCS that meets the following criteria:

i. The project and approved projects can be served by utilities, and project will pay applicable in-lieu or development fees;
ii. Does not include wildlife habitat of significant value or protected species;
iii. Is not contaminated (site is not on Cortese list);
iv. 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;
v. Would not significantly effect an historic resource;
vi. 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;
vii. The site is not located on developed open space; and
viii. 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 the following:

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

The project must meet at least one of the following:

a) 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;

[1]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.

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

b) 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; and
c) 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.

(2) 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.

(3) 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, 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 2008 RTP 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.

(4) 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

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); and

- 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:

(1) growth inducing impacts; and
(2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network.

SCAG'S 2012-2035 RTP/SCS PEIR

CEQA Incentive

As previously discussed, SB 375 provides incentives in the form of CEQA streamlining to encourage community design that supports reduction in per capita GHG emissions. The land use input for SCAG's SCS was created with the use of Traffic Analysis Zones (TAZ) and Development Types. "Development Types" were made at the TAZ level of geography (with an average size of 160 acres) to offer local jurisdictions adequate information and flexibility to make appropriate consistency findings for projects eligible to receive CEQA streamlining benefits.

The Development Types used in the SCS do not represent detailed, parcel-level land use designations such as those found within a local jurisdiction's General Plan, but rather represent the aggregation of multiple land uses, densities and intensities that are expected to preponderate or average out within a neighborhood-sized area by 2035. Each Development Type is comprised of various characteristics related to employment and housing density, urban design, mix of land uses, and transportation options. Details describing the characteristics contained within each Development Type are available in Appendix: SCS Background Documentation. The lead agency, not SCAG, will be responsible for making the determination of consistency for CEQA streamlining purposes, pursuant to the provisions of SB 375, for any given proposed

project. See Govt. Code § 65080(b)(2). One way of determining consistency is if a proposed residential/mixed use or TPP conforms to the Development Type designated for a TAZ.

The Development Types are expressed in terms of use designations, densities and building intensities; and, for any given type, there is one residential density indicated. For example, the "Town Center" Development Type reflects an estimated average density of 22 residential units per acre. However, it is important to note that the designation is a potential ultimate average for the TAZ -- and is not an absolute project-specific requirement that must be met in order to determine consistency with the SCS. In other words, the SCS was not developed with the intent that each project to be located within any given TAZ must exactly equal the density and relative use designations that are indicated by the SCS Development Type in order for the project to be found consistent with the SCS's use designation, density, building intensity and applicable policies. Instead, any given project, having satisfied all of the statutory requirements of either a residential/mixed-use project or TPP as described above, may be deemed by the lead agency to be consistent with the SCS so long as the project does not prevent achieving the estimated average use designations, densities and building intensities indicated by the Development Type within the TAZ, assuming that the TAZ will be built-out under reasonable local planning and zoning assumptions.

SCAG's growth projection data is available on its website for lead agencies to use to determine whether projects are consistent with the SCS.

ORGANIZATION OF THE PEIR

This document is organized into eight chapters, plus an Executive Summary. The Executive Summary contains a review of the expected environmental impacts resulting from implementation of the proposed 2012-2035 RTP/SCS and the measures recommended to mitigate those impacts. The summary also includes a comparison of the expected environmental effects of each RTP alternative.

Chapter 1.0: Introduction. This chapter is comprised of this introduction and the PEIR analytical approach. It describes the purpose, scope and methodology of the PEIR, the environmental review process, and an overview of the contents of the PEIR.

Chapter 2.0: Project Description. In this chapter the background and location of the Plan is given, including a review of state and federal legislation that guides the process of developing an RTP. A discussion of the purpose and need for the 2012-2035 RTP/SCS is presented with the projected growth in the region. An overview of the major components of the 2012-2035 RTP/SCS is also presented.

Chapter 3.0: Environmental Settings, Impacts and Mitigation Measures. This chapter identifies the setting for the 2012-2035 RTP/SCS and provides a programmatic analysis of the 2012-2035 RTP/SCS for the region. The following resource categories are analyzed in this section: Aesthetics and Views; Air Quality; Biological Resources (including Open Space); Cultural Resources; Geology, Soils and Mineral Resources; Greenhouse Gases; Hazardous Materials; Land Use and Agricultural Resources; Noise; Population, Employment and Housing; Public Services and Utilities (including Energy); Transportation (including Security), and Water Resources. For each of these environmental areas, the analysis addresses Environmental Setting, Regulatory Setting, Methodology, Significance Criteria, Impacts and Mitigation Measures. As required by CEQA the determination of impacts is based on a comparison of the proposed plan to existing conditions. A discussion of the proposed plan compared to the No Project Alternative is also provided for informational purposes.

Chapter 4.0: Comparison of Alternatives. In this chapter the Alternatives are evaluated and compared to the 2012-2035 RTP/SCS for each resource/issue area identified above.

Chapter 5.0: Long Term Effects. This chapter identifies the significant unavoidable environmental changes, significant irreversible impacts, growth inducing impacts and cumulative impacts of the 2012-2035 RTP.

Chapter 6.0: Report Authors, Organizations and Persons Consulted. This chapter lists the contributors to the preparation of this PEIR.

Chapter 7.0: Glossary. This chapter includes the acronyms used in the document.

Chapter 8.0: Map Chapter (separate document). This chapter includes all of the maps referenced throughout the PEIR.

Technical Appendices. The PEIR appendices include: the Notice of Preparation, Responses to Notice of Preparation, 2012-2035 RTP/SCS Project List, Screening-level Health Risk Assessment (HRA), Greenhouse Gas assumptions, Biological Resource Tables (large-scale protected areas in the SCAG region), Cultural Resources table including sites in the SCAG Region Listed on the Natural Register of Historic Places, National Historic Landmarks and California Points of Historic Interest.