

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 Connect SoCal (“Plan”).

SCAG’s jurisdiction comprises a six-county region that includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, as well as 191 cities. SCAG is the Metropolitan Planning Organization (MPO) for this 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 Connect SoCal 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 January 23, 2019.¹ Based on the analysis undertaken in the PEIR for the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategies (2016 RTP/SCS),² SCAG determined that it is appropriate to prepare a PEIR for Connect SoCal.

The Plan 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 Plan 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 2016 RTP/SCS. Other major components of Connect SoCal include: a list of 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 2045; and a strategic plan that provides a vision for regional improvements beyond committed, available, or reasonably available funding sources. As part of the Draft Plan, SCAG has utilized a bottom-up local input and envisioning process to form the basis for the 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.

¹ Southern California Association of Governments. Notice of Preparation of a Program Environmental Impact for the Connect SoCal Plan. Available at: <https://www.connectsocial.org/Documents/PEIR/NOP-PEIR-ConnectSoCal.pdf>

² Southern California Association of Governments. January 23, 2019. Certified Connect SoCal Plan PEIR. Available at: <http://scagrtpscs.net/Pages/Draft2016PEIR.aspx>

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 Plan is set forth in **Chapter 2.0, Project Description**, of this PEIR.

This PEIR fulfills the requirements of CEQA by providing a region-wide assessment of the potential significant environmental effects of implementing the projects, strategies, policies, and programs included in the Plan. 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 program-wide mitigation measures that are capable of avoiding, reducing, and compensating for the potentially significant impacts of the Plan.

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 (including planning projects, transportation projects and development projects), and facilitate avoidance, reduction, and minimization of direct and indirect impacts, growth-inducing impacts, and cumulative environmental impacts. That is, although individual transportation projects are primarily (conceptually) identified in the Plan, this PEIR analyzes potential environmental impacts of both transportation projects and land use development from a regional perspective and is programmatic in nature.

Lead agencies for individual projects are responsible for determining the appropriate level of environmental review for subsequent project-level evaluation of individual 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. Where a project involves only a federal action, there will be a federal lead agency under the National Environmental Policy Act (NEPA); where there is both a federal and state/local agency action there may be individual review under NEPA and CEQA or joint federal and state/local review.

Project- and site-specific planning and implementation undertaken by each implementing agency/project proponent 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 one of 18 MPOs in the State of California and is comprised of the following counties: Los Angeles, Riverside, San Bernardino, Orange, Imperial and Ventura. To the north of the SCAG region are the counties of Kern and Inyo; to the east are the States of Nevada and Arizona; to the south is the County of San Diego as well as the U.S.-Mexico border; and to the west 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.

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. The region is home to the two largest container ports in the Western Hemisphere (Los Angeles and Long Beach), and the world's fifth busiest airport system (Los Angeles World Airports).

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 Plan; 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. SCAG is just one part of a large body of governments and public organizations that collectively plan, construct, operate and maintain the region's transportation system. SCAG's work helps facilitate implementation, but the agency does not directly implement or construct 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.

1.1.1 Regional Cooperation and Subregions

SCAG places great importance on local input in the regional planning process and, therefore, 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.

1.1.2 Regional Transportation Plan / Sustainable Communities Strategy

Regional Transportation Plan and Federal Transportation Improvement Plan

As a metropolitan planning organization – the largest in the nation – SCAG is responsible for developing long-range transportation plans and sustainability strategies for the region. The centerpiece of that planning work is the Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) that contains both the federally required RTP and the state-required SCS (discussed below). The 2020–2045 RTP/SCS is referred to as Connect SoCal.

In accordance with federal and state transportation planning laws, SCAG is required to adopt and update a long-range RTP every four years. The RTP is used to guide the development of the Federal Transportation Improvement Plan (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 must include, among other things: the identification of transportation facilities such as major roadways, transit, intermodal facilities and connectors that function as an integrated metropolitan system over at least a 20 year forecast period; a financial plan demonstrating how the RTP can be implemented with “reasonably available” resources and additional financial approaches; strategies to improve existing facilities and relieve vehicular congestion and maximize the safety and mobility of people and goods; and environmental mitigation activities.

Transportation investments in the SCAG region that receive funding for which federal approval is required must be consistent with the Plan 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 Plan. SCAG does not implement individual projects in the Plan, 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 with an approved transportation conformity determination in accordance with federal air quality requirements, approved by the federal government by June 2020. **Section 2.0, Project Description**, provides additional detail on Connect SoCal.

Moving Ahead for Progress in the 21st Century Act

With the passage of the ‘Moving Ahead for Progress in the 21st Century’ (MAP-21) federal transportation authorization legislation in 2012, transportation system performance planning and monitoring also became a federal mandate.³ This commitment to a national performance management and reporting system was further solidified with the passage of the subsequent federal transportation authorization package (the ‘FAST Act’) in 2015. Starting with the 1998 Regional Transportation Plan, SCAG has been using quantitative performance measures to evaluate how well the RTP may achieve the regional goals established in the Plan.

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)).⁴ Consultation and

³ U.S. Department of Transportation. *MAP-21 – Moving Ahead for Progress in the 21st Century*. Available online at: <https://www.fhwa.dot.gov/map21/>, accessed August 23, 2019.

⁴ Federal Highway Administration. *Title 23, U.S.C.* Available online at: <https://www.fhwa.dot.gov/map21/docs/title23usc.pdf>, accessed August 23, 2019.

public outreach activities have been undertaken in conjunction with the Plan and PEIR development processes. SCAG is coordinating efforts to comply with MAP-21 planning requirements with efforts undertaken through the CEQA outreach process. As such, the Plan 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.⁵

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 an 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.⁶

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 19 percent per capita by 2035 compared to 2005, as set by the California Air Resources Board (CARB). The most recent targets were established by CARB in October 2018.⁷

According to Section 65080(b)(2)(B) of the California Government Code, the SCS must:⁸

⁵ California Legislative Information. *Chapter 2.5 Transportation Planning and Programming [65080-65086.5]*.

⁶ California Legislative Information. 2008. *Senate Bill No. 375, Chapter 728*.

⁷ California Air Resources Board. Available online at: <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>

⁸ California Legislative Information. *Chapter 2.5 Transportation Planning and Programming [65080-65086.5]*.

- 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 Plan outlines SCAG's plan for attaining the GHG emissions reductions targets set forth by 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 (along with associated required modeling), developed as part of the Plan 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.⁹

SB 32 (Statutes of 2016, Chapter 249), extended the state's GHG reduction target under AB 32, requiring achievement of a 40 percent reduction from 1990 levels of GHG emissions by 2030, as initially directed by Executive Order B-30-15. In California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), CARB, the state agency tasked with furthering the state toward its long-term GHG reduction targets, provides the framework for the state to achieve its 2030 target as mandated by SB 32. These statewide efforts extend to achieve the state's target of achieving an 80 percent reduction from 1990 levels by 2050 as established by Executive Order S-3-05. CARB identifies passenger vehicle-sourced GHGs as a sector where notable reductions are required, which can be partially achieved through implementation of the land use and transportation strategies in RTP/SCSs.

⁹ 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).

National Environmental Policy Act

Adoption of the Plan 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).¹⁰ However, SCAG recognizes that lead agencies that pursue construction and operation of the transportation projects that are included in the Plan 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 (see **Chapter 2.0, Project Description**) to enable proponents of individual projects included in the Plan to use this PEIR in full or in a part to serve as a functional equivalent environmental review, as appropriate, 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. 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.

Revisions to the State CEQA Guidelines

On December 28, 2018, the updated *CEQA Guidelines* were approved by the Office of Administrative Law. The revisions to the *CEQA Guidelines* apply to the CEQA process (*CEQA Guidelines*, § 15007, subd. (b).) The proposed updates include analyzing transportation impacts pursuant to Senate Bill 743, proposed updates to the analysis of greenhouse gas emissions, new checklist questions for wildfire and energy, and revised Section 15126.2(a) in response to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.¹¹ For the purposes of this analysis, the Connect SoCal Plan PEIR utilizes the updated *CEQA Guidelines* Appendix G Checklist.

1.2 PURPOSE AND SCOPE OF THE ENVIRONMENTAL IMPACT REPORT

SCAG has prepared this PEIR to fulfill the basic purposes of CEQA,¹² which are:

- To disclose to the decision-makers and the public significant environmental effects of the proposed activities.

¹⁰ U.S. Fish and Wildlife Services. *The National Environmental Policy of 1969*. Available online at: <https://www.fws.gov/r9esnepa/RelatedLegislativeAuthorities/nepa1969.PDF>, accessed August 23, 2019.

¹¹ Governor's Office of Planning and Research. *Current CEQA Guidelines Update*. Available online at: <http://opr.ca.gov/ceqa/updates/guidelines/>, accessed July 7, 2019.

¹² *CEQA Guidelines* § 15002.

- 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 of approval on the Plan, SCAG (and other agencies that rely on this PEIR) must consider the information in this PEIR and make findings concerning each potentially significant impact, as identified.

1.2.1 Programmatic Level of Analysis

The focus of the environmental analysis in the PEIR is on regional-scale impacts (which are inherently cumulative impacts as the analysis of the Plan includes a multitude of potential individual projects in the region) 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).¹³ 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).¹⁴ 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* §§15151,¹⁵ 15204(a)¹⁶). 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 2045.

¹³ *CEQA. Article 10. Considerations in Preparing EIRs and Negative Declarations..*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *CEQA. Article 13. Review and Evaluation of EIRs and Negative Declarations.*

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 tribes¹⁷ that comprise the SCAG region, that are addressed by the Plan, played an important role in determining the appropriate level of detail to include in this PEIR.

Potential significant environmental effects of the Plan were identified by employing multiple analytical methods, including 1) spatial analysis, 2) transportation, noise, land use and air quality modeling and 3) 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 Plan and alternatives were incorporated into the modeling analysis and the socioeconomic projections.

1.2.2 Limitations on the Scope of Analysis

While this PEIR analyzes potential impacts from the Plan utilizing all available sources of data and models, SCAG recognizes that there are limitations on the scope of analysis for the PEIR. 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 global conflict 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 construction)

¹⁷ *Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs*. Updated 02/01/2019. Available at: <https://www.federalregister.gov/d/2019-00897>, accessed September 13, 2019.

- 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., impacts to individual historical resources)
- Energy (e.g. inefficient use of energy)
- Geology and Soils (e.g., exacerbating, or making soil conditions more unstable)
- Hazards and Hazardous Materials (e.g., exacerbating existing hazards)
- 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)
- Mineral Resources (e.g. loss of known mineral resources)
- Noise (e.g., cause a substantial permanent or 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, the construction of which could cause impacts)
- Recreation (e.g., result in an increase in the use of existing neighborhood and regional parks resulting in a need for new parks, the construction of which could cause impacts)
- 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)
- Tribal Cultural Resources (e.g. cause substantial adverse change in the significance of a tribal cultural resources)
- Utilities and Service Systems (e.g., require the construction of facilities, the construction of which would cause significant impacts)
- Wildfire (e.g. expose people to wildfire risk)

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 difficult to identify with specificity any of these impacts. Nonetheless, each impact category is carefully analyzed in light of Plan components, both land use and transportation, to determine the potential for significance.

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 Plan. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code § 21068).¹⁸ 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)).¹⁹ 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, January 23, 2019. In most instances, the most recent available data was for 2018 or 2019. For population, land use and related modeling analyses (air quality, transportation and noise), base year information is collected every four years as part of the Plan. The base year for the Plan is 2016. For purposes of the PEIR, 2019 data has been estimated based on an interpolation of 2016 to 2045 projections. Available data that differs from this generalized explanation and used to determine existing conditions is 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.²⁰ 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

¹⁸ California Legislative Information. *Public Resources Code – PRC, Division 13. Environmental Quality, Chapter 2.5. Definitions* [21060-21074].

¹⁹ CEQA. *Article 9. Contents of Environmental Impact Reports.*

²⁰ CEQA. *Article 5. Preliminary Review of Projects and Conduct of Initial Study.*

significance are included in each resource section in **Section 3.0, Environmental Impact Analysis and Mitigation Measures**, of this PEIR.

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 2045, with or without implementation of the Plan. The CEQA required environmental baseline of current conditions means that the impact assessment for many of the resource categories is cumulative in nature. Specifically, the analysis assumes all the changes in land use and transportation within the region are attributed to the Plan. This is due to the fact that at the regional scale, it is difficult to parse out the effects of the Plan as compared to effects that would occur without the Plan (although this information is provided in the alternatives analysis as well as some of the sections of the PEIR). Therefore, it is important to provide a meaningful perspective on the effects of implementing the Plan. As required by CEQA, **Section 3.0** of this document provides a direct comparison for each resource category between the expected future conditions with the Plan and the baseline conditions. The comparative analysis of the expected future conditions with the Plan and if no Plan were adopted (the No Project Alternative) is included in some resource analyses and in **Section 4.0, Alternatives**, of this PEIR.

Analysis of the growth distribution pattern in Section 3 (and alternate growth distribution patterns in Section 4) includes an analysis of the anticipated land use development necessary to accommodate the forecasted population, housing and employment 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. In addition, a number of external factors (including energy and water efficiency requirements, air emission standards, etc.) affect the analyses. Without an understanding of how these parameters will change the analysis assumes conservative existing known factors. SCAG can therefore programmatically analyze impacts and provide mitigation measures to address them based on reasonable assumptions regarding transportation projects and growth and conservative assumptions regarding parameters that affect impacts.

1.5 CONNECT SOCAL PLAN AND ALTERNATIVES TO THE PLAN

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)).²¹

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).

CEQA Guidelines Section 15126.6(d)²² requires 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).

The Plan and each alternative maintain a constant total for population, households, and jobs for the region in 2045. The year 2045 growth projections for each alternative differ only in the distribution of growth.

The following alternatives are described and analyzed in **Chapter 4.0, Alternatives**:

- *No Project Alternative*- The No Project Alternative is required by Section 15126.6(e)(2) of the CEQA Guidelines and assumes that the Plan would not be implemented. The No Project Alternative considers continued implementation of the goals and policies of the adopted 2016 RTP/SCS. The No Project Alternative includes only those transportation projects that are in the first two years of the

²¹ CEQA. *Article 9. Contents of Environmental Impact Reports*. Available online at: <http://resources.ca.gov/ceqa/guidelines/art9.html>, accessed August 23, 2019.

²² *Ibid.*

previously conforming FTIP (i.e., 2018). The growth scenario included in the No Project Alternative, and all alternatives, includes the same regional totals for population, housing and employment.

- *Existing Plans-Local Input Alternative* - The Existing Plans-Local Input Alternative incorporates jurisdictional general plans and land use information to reflect the Plan’s population, household and employment growth estimates and land use development patterns in the region. This alternative includes policies and strategies in the 2016 RTP/SCS to the extent that they have been incorporated into local jurisdictional plans. This alternative does not include additional land use strategies described in the Plan that go beyond current local policy. This alternative includes projects planned by each County Transportation Commission (CTC).
- *Intensified Land Use Alternative* - The Intensified Land Use Alternative is based on the Plan’s transportation network and strategies. This alternative analyzes more aggressive densities and land use patterns than included in the Accelerated Tomorrow Scenario. The land use pattern builds on the land use strategies as described in the Connect SoCal Plan and beyond. Specifically, it increases densities and intensifies land use patterns of the Plan, especially around HQTAs to maximize transit opportunities. The growth pattern associated with this alternative optimizes urban areas and suburban town centers, transit-oriented developments (TODs), HQTAs, livable corridors, and neighborhood mobility areas. It also includes a greater progressive job-housing distribution optimized for TODs and infill in HQTAs.

1.6 MITIGATION MEASURES

1.6.1 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.^{23,24,25} 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”²⁶ *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

²³ California Legislative Information, *Chapter 1. Policy [21000-21006]*.

²⁴ California Legislative Information. *Chapter 2.6. General [21080-21098]*.

²⁵ CEQA. *Article 9. Contents of Environmental Impact Reports.*

²⁶ California Legislative Information. *Chapter 2.6. General [21080-21098]*.

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.”²⁷

Furthermore, SB 375 specifically provides that nothing in an 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.²⁸ 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,²⁹ the zoning law,³⁰ and the Subdivision Map Act.³¹ As such, SCAG has no concurrent authority/jurisdiction to implement mitigation related to land use plans and projects that implement the Plan. With respect to the transportation projects in the Plan, 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

²⁷ CEQA. Article 7. EIR Process.

²⁸ California Legislative Information. *Public Resources Code – PRC, Division 13. Environmental Quality, Chapter 2.5. Definitions* [21060-21074].

²⁹ California Legislative Information. *Chapter 3. Local Planning* 65100-65763.

³⁰ California Legislative Information. *Chapter 4. Zoning Regulations* 65800-65912.

³¹ California Legislative Information. *Division 2 Subdivisions* 66410-66499.38.

agency’s selection among several alternatives based on performance criteria was appropriate]).³² *CEQA Guidelines* section 15126.4(a)(1)(B) codifies this concept:

“Formulation of mitigation should not be deferred until some future time. However, measures may specify performance standard which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.”

Mitigation measures 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 program-wide measures for implementation by SCAG. In addition, the PEIR identifies project-level mitigation measures for lead agencies to consider, as applicable and feasible, in subsequent project-specific design, CEQA review, and decision-making processes. It is ultimately up to the lead agency to determine the appropriateness of the mitigation measure based on project-specific circumstances. As appropriate and authorized by the *CEQA Guidelines* and case law, the program-wide 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.

The project-level mitigation measures identified by SCAG (or comparable measures) “can and should” be considered by lead agencies in project-specific environmental review documents as appropriate and feasible. This language mirrors *CEQA Guidelines* section 15091(a)(2), and it is assumed that each lead agency for specific projects would have the ability to impose and enforce these measures (i.e., that they can implement them). Lead agencies for specific projects are responsible for developing project specific mitigation measures and ensuring adherence to such mitigation measures.

While the 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). In addition, in each resource area, the PEIR identifies mitigation measures which are performance standards-based, which lead, responsible, or trustee agencies “can and should” comply with in assessing and mitigating project-specific impacts. SCAG then identifies examples of project-level mitigation measures that may be required by lead agencies, to meet performance standards. Lead

³² 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 (partially reversed on other grounds by *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497).

agencies may also identify other comparable measures capable of reducing impacts below the specified threshold.

For projects proposing to streamline environmental review pursuant to SB 375, SB 743, or SB 226, or for projects otherwise tiering off this PEIR, the project-level mitigation measures described in this PEIR (or comparable measures) can and should be considered and implemented by lead agencies (and project sponsors) during the subsequent, project- or site-specific environmental reviews for transportation and development projects as applicable and feasible. However, SCAG cannot require lead agencies to adopt mitigation, and it is ultimately the responsibility of the lead agency to determine and adopt project-specific mitigation as appropriate and feasible for each project.

The performance standards-based mitigation measures 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.³³

1.6.2 Transportation Project Mitigation

SCAG's role is to prioritize and facilitate transportation projects consistent with federal and state transportation planning law. For individual transportation projects included in the Plan, SCAG has no authority to approve or implement such projects. In general, individual transportation projects in the Plan will be implemented by Caltrans, CTCs, local transit agencies, local governments or other public agencies.³⁴ 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 lead 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 reduce impacts in many cases and that there is more than one specified way to accomplish this through mitigation. However, lead agencies retain the discretion to

³³ Note that compliance with existing regulations, such as the Uniform Building Code and California Building Code, is not necessarily considered mitigation because compliance is already required. However, such regulations do reduce environmental impacts and are identified herein where appropriate, to provide additional information on the how potential impacts are reduced. In some cases, as indicated in the PEIR, regulatory compliance is sufficient to reduce impacts to a level of less than significance. In other cases, mitigation is proposed to ensure and/or specify the means of compliance with regulations that lack specificity.

³⁴ In this document, lead agencies for transportation projects are also referred to as project-implementing agencies as they are responsible for carrying out (reviewing, approving, constructing, and/or operating) transportation projects included in the Project List (See **Appendix 2.0, Plan Project List**) to the Draft Plan. Individual projects that are anticipated to occur pursuant to the Plan 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. Lead agencies for such projects are usually local governments and project sponsors are responsible for constructing and operating local development projects.

determine which mitigation measures are most applicable to each individual project and whether they are feasible under location-specific circumstances.

1.6.3 Land Use Planning and Development Project Mitigation

As discussed above, SCAG has no authority to approve or implement local land use projects resulting from land use strategies in the Plan. 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)).³⁵ Generally, local governments are the lead agencies responsible for mitigation of the impacts of land use plans and development projects that implement the Plan, 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 reduce impacts with mitigation measures and that there are more than one specified way to accomplish this.

1.7 PUBLIC PARTICIPATION AND CONSULTATION FOR THE PLAN

The Plan 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 28 open house workshops on the Plan between June and July 2019.³⁶ These goals of these events was to share the purpose of Connect SoCal, introduce and provide information on policies and strategies under consideration, describe the performance outcomes of the different policy choices and receive input from participants. Scenarios were developed to help facilitate discussion during the development of the Draft Plan and to evaluate how each scenario 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 Plan to engage a more extensive group of stakeholders in its planning and programming processes. SCAG held five public workshops on environmental justice for the Plan.

The Draft Plan was released by the Regional Council for a 70-day public comment and review period, while the Draft PEIR will undergo a 45-day public comment and review period. SCAG plans to engage in additional public participation activities during the 70-day public review and comment period on the

³⁵ California Legislative Information. *Public Resources Code – PRC, Division 13. Environmental Quality, Chapter 2.5. Definitions [21060-21074]*.

³⁶ Southern California Association of Governments, Public Participation and Consultation Report, November 2019

Draft Plan and the 45-day public review and comment period on the Draft PEIR. The public review and comment period for the Plan commenced on November 14, 2019 and will close on January 24, 2020. The public review and comment period will commence on December 9, 2019, and close on January 24, 2020. To help further inform local, state and federal agencies, and other interested agencies, organizations, and individuals (“Interested Parties”) about the elements of the Draft Plan, 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.

During public review and comment period for the Draft Plan, SCAG will hold public workshops related to the Plan and a separate workshop on the PEIR. 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, as needed.

With the release of the Draft Plan, SCAG will make available the interactive Plan 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 public review period of the Draft Plan will be considered and included along with SCAG’s responses to comments in the Final Plan 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 Plan was released on January 23, 2019, and circulated for a 30-day comment period ending February 22, 2019. SCAG hosted two scoping meetings on February 13, 2019 at 3:00 pm to 5:00 pm, and at 6:30 pm to 8:00 pm. The meetings were convened in the SCAG’s main office in Los Angeles, with videoconferencing available at SCAG regional offices in Imperial, Orange, Riverside, and San Bernardino Counties. Videoconferencing was made available at two additional locations in the Cities of Palm Desert (Coachella Valley Association of Governments) and Palmdale. SCAG received 25 comment letters in response to the NOP. The scope and content of the PEIR were developed in light of the comments received in response to the NOP.

The NOP was sent to the State Clearinghouse on January 23, 2019; 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 <https://www.connectsoocal.org/Documents/PEIR/NOP-PEIR-ConnectSoCal.pdf>. The NOP was published in 12 newspapers, including the Los Angeles Times, 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 500 interested parties, including representatives of Native American tribes. The NOP was mailed directly to approximately 100 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
900 Wilshire Boulevard, 17th Floor,
Los Angeles, CA 90017

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

SCAG Imperial County Regional Office
1503 N. Imperial Avenue, Suite 104
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 741
Orange, CA 92868

The NOP provided notification of the two public scoping meetings for interested parties to receive information on the Plan and the related CEQA process as well as providing an opportunity for the submittal of comments both by mail and electronically. **Appendix 1.0** of the PEIR includes a copy of the NOP and written comments received in responses to the NOP.

Written comments on this Draft PEIR should be transmitted during the 45-day public review and comment period (January 24, 5:00 p.m.) to the following address:

SCAG Main Office
Attn: Mr. Roland Ok
900 Wilshire Boulevard, 16th Floor
Los Angeles, CA 90017

Comments may also be submitted electronically to 2020PEIR@scag.ca.gov

Formal written responses will be prepared and incorporated into the Final PEIR for the Plan 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 Plan.

1.9 CEQA STREAMLINING

The CEQA process is often viewed as cumbersome and costly, particularly if the environmental reviews and project approvals are litigated. In order to minimize such delays and to streamline the CEQA environmental review process, the California Legislature signed into law, Senate Bill (SB) 375, SB 226, and SB 743. These laws provide for streamlined review of residential and mixed-use projects consistent with the SCS; modified review and analysis, through an expedited Sustainable Communities Environmental Assessment (SCEA), for Transit Priority Projects (TPPs) that are consistent with the SCS; and a complete CEQA exemption for TPPs that are consistent with the SCS and meet a specific list of other requirements. Infill and transit-oriented development projects at the local levels in particular, can proceed faster through the entitlement and environmental processes by relying on regional project CEQA approvals. Having a certified RTP/SCS PEIR allows for “tiering” for subsequent, individual projects. A regionally adopted EIR such as this PEIR, as a first-tier document, could lead to negative declarations (NDs),

mitigated negative declarations (MNDs), or even statutory or categorical exemptions for subsequent second-tier environmental documents.

1.9.1 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.³⁷

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 Plan.

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.

³⁷ California Legislative Information. *Senate Bill No. 375*.

- Be within 0.5 mile of a major transit stop³⁸ or high-quality transit corridor³⁹ 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.⁴⁰

- 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.

³⁸ 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.

³⁹ Defined as a corridor with fixed route bus service with 15-minute service intervals during peak commute hours.

⁴⁰ California Legislative Information. *Senate Bill No. 375*.

- 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.
- 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 Plan PEIR) (Pub. Res. Code § 21155.2(b)).⁴¹ 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.

⁴¹ California Legislative Information. *Chapter 4.2. Implementation of the Sustainable Communities Strategy [21155-21155.4]*.

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 Plan 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:⁴²

- 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.

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

The CEQA Streamlining for Infill Projects (SB 226) sets forth a streamlined review process for infill.⁴³ 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

⁴² California Legislative Information. 2002. *Article 6. Special Review of Housing Projects [21159.20-21159.28]*.

⁴³ *Senate Bill No. 226*.

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)).⁴⁴ 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 2020 RTP/SCS.

1.9.3 Transit-Oriented Infill Projects (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

⁴⁴ California Legislative Information. *Public Resources Code – PRC, Division 13. Environmental Quality, Chapter 2.5. Definitions [21060-21074]*.

areas; and (3) directing the OPR to develop an alternative metric to evaluate transportation-related impacts under CEQA.⁴⁵

SB 743 exempts from CEQA, residential, employment center, or mixed-use development projects, including any subdivision, or any zoning, change that meets all of the following criteria:

- 1) The project is proposed within a transit priority area.
- 2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.
- 3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy accepted by the State Air Resources Board.⁴⁶

The exemption cannot be applied if a project would cause new or worse significant environmental impacts compared to what was analyzed in the environmental impact report for the specific plan. In that case, supplemental environmental review must be prepared.

Furthermore, “[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.”⁴⁷ However, the exemption for aesthetic impacts does not include impacts to historic or cultural resources. Local governments retain their ability to regulate a project’s transportation, aesthetics, and parking impacts outside of the CEQA process pursuant to local design review ordinances or other discretionary powers.

A Transit Priority Area (TPA) is 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 Plan, 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).

⁴⁵ California Legislative Information. 2013. *Senate Bill No. 743*.

⁴⁶ See Pub. Res. Code § 21155.4.

⁴⁷ Pub. Res. Code § 21099(d).

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 Plan 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 also provided the option to extend application of the alternative metric for evaluating CEQA transportation impacts to locations outside of TPAs.

The updated *CEQA Guidelines* were approved by the Office of Administrative Law and the California Natural Resources Agency on December 28, 2018.⁴⁸ The *CEQA Guidelines* update package included changes to the Guidelines section implementing Senate Bill 743 (§ 15064.3).⁴⁹ OPR has also developed a Technical Advisory on Evaluating Transportation Impacts in CEQA which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.⁵⁰

The revised *CEQA Guidelines* state that vehicle level of service (LOS) and similar measures related to delay shall not be used as the sole basis for determining the significance of transportation impacts, and that as of July 1, 2020, this requirement shall apply statewide, but that until that date, lead agencies may elect to rely on VMT rather than LOS to analyze transportation impacts. (Although CEQA was updated as of January 1, 2019 to specify that VMT is the most appropriate basis for determining significance of transportation impacts.⁵¹) It should be noted that SCAG has traditionally undertaken VMT analysis as this metric is more-appropriate for a regional-scale document. While LOS analysis is useful in determining the efficiency of local intersections, it is not a useful tool in determining the efficiency of an

48 Governor's Office of Planning and Research. *Current CEQA Guidelines Update*. Available online at: <http://opr.ca.gov/ceqa/updates/guidelines/>, accessed July 7, 2019.

49 Governor's Office of Planning and Research. *Technical Advisory – On Evaluating Transportation Impacts in CEQA*. Available online at: <http://opr.ca.gov/ceqa/updates/sb-743/>, accessed July 25, 2019.

50 Governor's Office of Planning and Research. *Technical Advisory – On Evaluating Transportation Impacts in CEQA*. Available online at: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed July 25, 2019.

51 *CEQA Guidelines* § 15064.3

entire system such as the RTP. For these reasons, VMT is the most appropriate tool to understand overall performance of the regional transportation network.

To aid in SB 743 implementation, the following state guidance has been published:

- Technical Advisory on Evaluating Transportation Impacts in CEQA;⁵²
- The 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals;⁵³ and
- Local Development – Intergovernmental Review Program Interim Guidance, Implementing Caltrans Strategic Management Plan 2015-2020 Consistent with SB 743.⁵⁴

Discussion of the Plan’s relationship to these documents is provided in **Section 3.8 Greenhouse Gas Emissions** and **Section 3.17 Transportation, Traffic and Safety**.

1.9.4 Streamlining Greenhouse Gas Analyses

OPR has published guidance with respect to how to evaluate climate change as a whole, including analysis of transportation impacts (including consideration of SB 743) and how to evaluate different types of projects including transportation projects and land use plans, is provided in the following document:

- CEQA and Climate Change Advisory, Discussion Draft (OPR, December 2018).

This document summarizes relevant regulations and discusses different approaches (both quantitative and qualitative) to analyzing different types of projects. The document further discusses how the analysis of GHG for individual projects may be streamlined through the preparation of greenhouse gas emission reduction plans such as climate action plans. The document suggests that emissions from individual projects may best be analyzed and mitigated at the programmatic level in community or regional-level plans, policies, or measures focused on reduction of GHG emissions.⁵⁵

1.9.5 Summary

As provided above, there are multiple streamlining options for local jurisdictions. SCAG’s intent with this PEIR is to allow maximum flexibility and utility in the streamlining process. For these reasons, SCAG is

⁵² Office of Planning and Research, December 2018 http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

⁵³ California Air Resources Board, January 2019 https://ww2.arb.ca.gov/sites/default/files/2019-01/2017_sp_vmt_reductions_jan19.pdf

⁵⁴ Caltrans, November 2016 <http://www.dot.ca.gov/hq/tpp/documents/RevisedInterimGuidance11092016.pdf>

⁵⁵ Office of Planning and Research. 2019. *CEQA and Climate Change*. Available online at: http://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Advisory.pdf, accessed October 29, 2019.

not proposing any specific means of streamlining from this PEIR. Rather, each jurisdiction can use the methods that best fit within their planning framework. As described in the mitigation measures section above, it is the intent of SCAG to allow project sponsors to use mitigation measures identified or comparable measures (as determined by the project sponsor/local jurisdiction). SCAG encourages project sponsors to streamline documents using any of the methods described above and to use this PEIR as a means to do so.

1.10 ORGANIZATION OF THE PEIR

This document is organized into seven chapters, 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 Plan and the measures recommended to mitigate those impacts. The summary also includes a comparison of the expected environmental effects of each alternative to the Plan, as well as the areas of controversy, including issues raised by agencies and the public. Additionally, the Executive Summary includes issues to be resolved, including the choice among alternatives, and whether or how to mitigate the significant effects.

Chapter 1.0: Introduction. This section provides an overall introduction to the PEIR, the CEQA process, 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, if applicable; 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.

Chapter 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 Plan; states the plan's objectives; contains a general description of the technical, economic, and environmental characteristics of the Plan; 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 Plan is also included along with the CEQA-required project objectives.

Chapter 3.0: Environmental Setting, Impacts and Mitigation Measures. This section identifies the environmental setting for the Plan and provides a programmatic analysis of the Plan 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; Hazards and Hazardous Materials; Hydrology and Water Quality, Land Use and Planning; Mineral Resources; Noise; Population/Housing; Public Services; Recreation; Transportation; Tribal Cultural Resources; Utilities and Service Systems; Wildfire and cumulative impacts. For each of these resource 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 Plan conditions to the existing conditions (*CEQA Guidelines* § 15126(a)). This section includes figures that geographically depict spatial and quantitative data.

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

Chapter 5.0: Other CEQA Considerations. This section identifies the significant unavoidable environmental effects, significant irreversible environmental effects, growth inducing impacts, and irreversible damage from environmental accidents of the Plan.

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

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

Appendices. The Draft PEIR appendices include:

- **Appendix 1.0:** Notice of Preparation and Comments on Notice of Preparation
- **Appendix 2.0:** Plan Project List
- **Appendix 3.3:** Health Risk Assessment Technical Report
- **Appendix 3.4:** Biological Resources Technical Report
- **Appendix 3.5:** Cultural Resources Technical Report
- **Appendix 3.13:** Aviation Noise Technical Report

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