

3.15 PUBLIC SERVICES

This section of the Program Environmental Impact Report (PEIR) describes the existing public services within the SCAG region, identifies the regulatory framework with respect to laws and regulations that affect public services, and analyzes the potential impacts of the Connect SoCal Plan (“Connect SoCal”; “Plan”). In addition, this PEIR provides regional-scale mitigation measures as well as project-level mitigation measures to be considered by lead agencies for subsequent, site-specific environmental review to reduce identified impacts as appropriate and feasible. Other fire protection considerations are addressed in **Section 3.20, Wildfire**, in addition emergency access is addressed in **Section 3.17, Transportation, Traffic, and Safety**, and emergency response and evacuation plans are addressed in **Section 3.9, Hazards and Hazardous Materials**.

3.15.1 DEFINITIONS

County Offices of Emergency Services (OES): The County OESs provide emergency management and preparedness services to the unincorporated areas of the six counties within the SCAG region. Each OES is responsible for alerting and notifying appropriate agencies when disaster strikes, coordinating all agencies that respond, ensuring resources are available and mobilized in times of disaster, developing plans and procedures for response to and recovery from disasters, and developing and providing preparedness materials for the public. These responders include fire departments, police and sheriff department, hospitals, ambulance services, and transportation agencies. Coordination among public and private agencies within various cities and counties make the most use of all available resources in the event of any emergency. While each city and county has its own security procedures, the policies are generally similar. Mutual Aid agreements between cities, counties, and private organizations help to maximize resources and reduce the human suffering associated with disaster situations.

Federal Emergency Management Agency (FEMA): FEMA is a federal agency that has served America since 1979 to support U.S. citizens and first responders to ensure that the nation works together to build, sustain, and improve its capacity to prepare for, protect against, respond to, recover from, and mitigate all hazards.¹ FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror. FEMA is part of the DHS.

Governor’s Office of Emergency Services (Cal OES): Cal OES is the state agency charged with the responsibility to assist local government in preparing for and responding to any type of natural or

¹ Federal Emergency Management Agency. *About the Agency*. Available online at: <http://www.fema.gov/about-agency>, accessed March 27, 2019.

manmade disaster in California. Cal OES protects the lives and property, build capabilities, and supports communities for a resilient California. Cal OES has six goals relevant to public services: (1) anticipate and enhance prevention and detection capabilities to protect the state from all hazards and threats; (2) strengthen California's ability to plan, prepare for, and provide resources to mitigate the impacts of disasters, emergencies, crimes, and terrorist events; (3) effectively respond to and recover from both human-caused and natural disasters; (4) enhance the administration and delivery of all state and federal funding, and maintain fiscal and program integrity; (5) develop a united and innovative workforce that is trained, experienced, knowledgeable, and ready to adapt and respond; and (6) strengthen capabilities in public safety communication services and technology enhancements.²

Joint Field Office (JFO): A temporary Federal facility established locally to provide a central point for Federal, State, local, and tribal executives with responsibility for incident oversight, direction, and/or assistance to effectively coordinate protection, prevention, preparedness, response, and recovery actions. In the event of multiple incidents, multiple JFOs may be established at the discretion of the Secretary of Homeland Security.

Master Mutual Aid Agreements (MAA): FEMA encourages federal, state, local, and tribal governments to enter into agreements to assist one another. Immediately following the 1994 Northridge earthquake, city and county emergency managers in the CalOES coastal, southern, and inland regions developed a coordinated emergency management concept called the Emergency Managers Mutual Aid (EMMA) system. The purpose of EMMA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel from unaffected areas to support local jurisdictions, Operational Areas, and regional emergency operations during proclaimed emergencies; providing a system, including an organization, information, and forms necessary to coordinate the formal request, reception, assignment, and training of assigned personnel; establishing a structure to maintain this document (the Emergency Managers Mutual Aid Plan) and its procedures; providing for the coordination of training for emergency managers, including Standardized Emergency Management System (SEMS/NIMS) training, emergency management course work, exercises, and disaster response procedures; and promoting professionalism in emergency management.³

² Governor's Office of Emergency Services. *About Cal OES*. Available online at: <https://www.caloes.ca.gov/Cal-OES-Divisions/About-Cal-OES>, accessed August 20, 2019.

³ Governor's Office of Emergency Services. 2012. *State of California Emergency Management Mutual Aid Plan*. Available online at: <https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/EMMA%20PlanAnnexes%20A-F,%202012.pdf>, accessed August 20, 2019.

National Incident Management System/Standardized Emergency Management System (NIMS): The NIMS is a tool for states, counties and local jurisdictions to respond to catastrophic events through better communication and coordination. NIMS provides a consistent nationwide template to enable federal, state, local, and tribal governments and private sector and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity, including acts of catastrophic terrorism.⁴

National Preparedness System (NPS): The NPS, also a part of FEMA, is a part of NIM. The NPS is intended to be used by individuals, families, communities, the private and nonprofit sectors, faith-based organizations, and local, state, tribal, territorial, insular area, and federal governments to achieve the National Preparedness Goal.⁵

Transportation Management Centers (TMCs): The California Department of Transportation (Caltrans), in conjunction with the California Highway Patrol (CHP), has created TMCs to rapidly detect and respond to incidents while managing the resulting congestion. For the SCAG region, Caltrans Districts 7, 8, 11, and 12 all have TMCs.⁶

Transportation Security Administration (TSA): The TSA is a component of the DHS and is responsible for security of the nation's transportation systems. The TSA is responsible for security at airports in the SCAG region. With state, local, and regional partners, the TSA oversees security for highways, railroads, buses, mass transit systems, and ports.⁷ A vast majority of its resources are dedicated to aviation security and is primarily tasked with screening passengers and baggage.

Unified Coordination Group (UCG): Unified Coordination Group (UCG) is a temporary federal multi-agency coordination center established locally to facilitate field-level domestic incident management activities related to prevention, preparedness, response and recovery when activated by the Secretary of Homeland Security. The JFO provides a central location for coordination of federal, state, local, tribal, nongovernmental and private-sector organizations with primary responsibility for activities associated with threat response and incident support.⁸

⁴ FEMA. 2017. *National Incident Management System*. Available online at: https://www.fema.gov/media-library-data/1508151197225-ced8c60378c3936adb92c1a3ee6f6564/FINAL_NIMS_2017.pdf, accessed August 20, 2019.

⁵ FEMA. 2019. *National Mitigation Framework*. Available online at: <https://www.fema.gov/national-mitigation-framework>, accessed August 20, 2019.

⁶ Caltrans. *Caltrans Near Me*. Available online at: <https://dot.ca.gov/caltrans-near-me>, accessed August 20, 2019.

⁷ Transportation Security Administration. *Surface Transportation*. Available online at: <https://www.tsa.gov/for-industry/surface-transportation>

⁸ FEMA. *Glossary*. Available online at: <https://emilms.fema.gov/IS822/glossary.htm#U>, accessed August 20, 2019.

United States Coast Guard: The Coast Guard is both a federal law enforcement agency and a military force that operates as part of the DHS in times of peace to enforce the nation’s laws at sea, protecting the marine environment, guarding the nation’s vast coastlines and ports, and performing vital lifesaving missions. In times of war, or at the direction of the president, the Coast Guard serves as part of the Navy Department, defending the nation against terrorism and foreign threats. Since September 2001, the United States Coast Guard has assumed a dynamic role in protecting major ports. In addition, more than 3,500 volunteer Coast Guard Auxiliary members assist in many Coast Guard mission areas, including Boating Safety and Search and Rescue.⁹

United States Department of Defense (DOD): In the case of a large-scale emergency, the DOD is authorized to provide resources when response and recovery requirements are beyond the capabilities of civilian authorities and these efforts do not interfere with the DOD’s core mission or ability to respond to operational contingencies. Requests for Defense Support to Civilian Authorities (DSCA) are made through the local, county, and state authorities as a request for assistance to the federal coordinating official in the appropriate lead federal agency and is normally accompanied by, or submitted after a request from the governor for a disaster declaration from the president. The California National Guard may be activated as part of the DSCA and can provide law enforcement support, crisis management, and consequence management services. Activation of the National Guard for local support during emergencies is done by the governor via CalOES.¹⁰

United States Department of Homeland Security (DHS): The DHS was established after the September 11, 2001, terrorist attacks as an office to oversee and coordinate a comprehensive national strategy to safeguard the country against terrorism and respond to any future attacks.¹¹ In 2003, DHS formally became a Cabinet-level department to further coordinate and unify national homeland security efforts. The vision of DHS is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards.

⁹ U.S. Coast Guard. *The Coast Guard: America’s Oldest Maritime Defenders*. Available online at: <https://www.gocostguard.com/about-the-coast-guard/learn-the-history>, accessed August 20, 2019.

¹⁰ U.S. Army Reserve. *Defense Support of Civil Authorities: Inside the Army Reserve*. Available online at: <https://www.usar.army.mil/DSCA/>, accessed August 20, 2019.

¹¹ U.S. Department of Homeland Security. *Creation of the Department of Homeland Security*. Available online at: <http://www.dhs.gov/creation-department-homeland-security>, accessed March 27, 2019.

3.15.1.1 ENVIRONMENTAL SETTING

3.15.1.1.1 Fire Protection Services

Fire protection within the SCAG region includes a variety of federal, state, county, city and local fire protection agencies. The primary fire protection services occur at the community level with city and county fire departments and fire protection districts providing this service. Also serving as fire protection services are a variety of volunteer fire companies. In addition, there are fire protection agencies that provide fire protection services within state and federal lands. These agencies include but are not limited to federal fire agencies (Bureau of Land Management, National Park Service, National Forest Service, Department of Defense, etc.), state forestry department, airport and harbor fire departments, and in some instances business sponsored fire departments (i.e., refineries). Each agency provides fire protection services within their own area of responsibilities, but they can call upon other agencies for fire support through mutual aid agreements. Generally, fire departments take proactive and preventative measures to provide fire suppression and emergency response services for all private, institutional, and public facilities within their area of responsibility.

Wildfires

Section 3.20, Wildfire, discusses in more detail the wildfire hazards and existing conditions within the SCAG region, as well as identifies the regulatory framework with respect to regulations that address wildfire and evaluates the significance of impacts that could result from the proposed Plan.

The wildfire season in southern California typically lasts six to eight months from summer to fall (although climate change has resulted in drier, hotter weather and longer fire seasons). Hazards arise from a combination of hot weather, the accumulation of dried vegetation, and low moisture content in the air. These conditions, if coupled with high winds and drought, can compound the risk and potential impact of a fire. Fires are usually classified as either urban fires or wildland fires. However, growth into rural areas has increased the number of people living in heavily-vegetated areas where wildlands meet urban development, also referred to as the wildland-urban interface. This trend is spawning a third classification of fires: the urban wildfire. A fire along the wildland-urban interface (as was seen recently in Ventura and Los Angeles counties with the Woolsey Fire) can result in major losses of property and structures.

Three major factors sustain wildfires and allow for predictions of a given area's potential to burn. These factors include fuel, topography, and weather. Certain areas in and surrounding the region are extremely

vulnerable to fires as a result of dense, grassy vegetation combined with a growing number of structures being built near and within rural areas. CAL FIRE has developed maps indicating fire hazard severity zones in each county across California.

Urban Fires

Urban fires occur in developed areas and include structural, chemical, and vehicular-related fires. Structural fires can result from mechanical failures, accidental occurrences, or arson. The building materials used in various structures can limit or be a catalyst for the spread of structural fires. Although structural fires can occur in any developed area, non-sprinklered commercial buildings in downtown areas and dwelling units in lower socio-economic areas appear to be more susceptible to fires, namely due to the age of the structures. Older structures are more susceptible to fire because they were built under older building standards and fire codes, are made from non-fire-resistive construction materials, and do not have internal sprinklers or other fire safety systems.

Urban-Wildland Fire

CAL FIRE has compiled a list of cities with Very High Fire Hazard Severity zones and has developed recommendations to local agencies for proper fire management within those areas. Within the SCAG region, Los Angeles County has 38 cities with such zones, Riverside County has 22, Orange County has 20, San Bernardino County has 15 and Ventura County has eight cities that CAL FIRE has recommended establishing Very High Fire Hazard Severity zones.¹

Fire Protection Agencies

Fire suppression is the responsibility of various fire departments and districts, which often also employ paramedics for emergency medical services. The SCAG region has more than 100 county, city, or independent fire entities that provide fire prevention/suppression and emergency services throughout the area. Response times vary amongst the agencies, however urban areas usually maintain a standard around 6-minutes or less while response times in rural areas are around 10 minutes. County service covers unincorporated areas, independent fire districts, and municipalities that contract for fire protection and emergency services.

¹ CAL FIRE. 2019. *Fire Hazard Severity Zones Maps*. Available online at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/> , accessed August 20, 2019.

Bureau of Land Management

The Bureau of Land Management (BLM) is a federal agency that manages the nation's subsurface mineral resources under the U.S. Department of the Interior. The land and minerals under BLM authority include, but are not limited to, forests, mountains, and rangelands.

BLM operates the Fire and Aviation program which works with state and field offices to provide a fire and aviation management program. BLM provides coordination with state offices to provide effective interagency activities and policy through the National Interagency Fire Center (NIFC) in Boise, Idaho. BLM's fire and aviation program has three organizational levels: (1) the national office which provides leadership and oversight, and develops policy, procedures and budgets for the fire and aviation program; (2) state offices which are responsible for coordinating policies and interagency activities within their state; and (3) field offices which are responsible for on-the-ground fire management and aviation activities, often partnering with other agencies to maximize rapid initial attack.²

BLM plays a primary role in the nation's wildland fire management efforts and undertakes a broad range of activities to protect the public, natural landscape, wildlife habitat, and recreational areas. BLM trains firefighters in fire suppression, preparedness, predictive services, vegetative fuels management, prescribed fire, community assistance and protection, and education.³

National Park Service

The National Park Service (NPS), a federal agency under the U.S. Department of the Interior, helps manage wildland fires in designated National Parks, such as Joshua Tree National Park. The NPS finds wildfires beneficial to ecosystems, but NPS fire staff are trained and equipped to aggressively put out an unwanted fire when it is necessary for resource protection or public safety.⁴

U.S. Forest Service

The National Forest Service (USFS) is a federal agency under the U.S. Department of Agriculture. Similarly, to the National Park Service, the USFS works with other agencies to manage wildland fires that

² U.S. Bureau of Land Management (BLM). *Fire and Aviation Program*. Available online at: <https://www.blm.gov/programs/public-safety-and-fire/fire-and-aviation>, accessed December 17, 2018.

³ Ibid.

⁴ National Park Service (NPS). 2018. About Us. Available online at: <https://www.nps.gov/aboutus/index.htm>, accessed December 17, 2018.

threaten lives, homes, communities, and natural and cultural resources.⁵ The USFS provides assistance with fire protective services in wildland areas, including Angeles National Forest.

California Department of Forestry and Fire Protection (CAL FIRE)

CAL FIRE is an emergency response and resource protection department that protects lives, property, and natural resources from fire; responds to emergencies of all types, and protects and preserves timberlands, wildlands, and urban forests throughout the State of California, through cooperative efforts via contracts and agreements between state, federal, and local agencies to respond to emergencies including wildland and structure fires, earthquakes, floods, hazardous material spills, medical aids, and terrorist attacks.⁶ CAL FIRE provides fire protection services to California's privately-owned wildlands and works in collaboration with counties and local governments to provide emergency services. CAL FIRE responds to medical aids; hazardous material spills; swiftwater rescues; search and rescue missions; civil disturbances; train wrecks; floods; earthquakes and more.⁷

Office of Emergency Services (OES)

The OES leads the Department of the Interior's emergency management efforts. The OES develops guidelines for emergency preparedness, response, recovery and mitigation to natural, man-made and technological disasters. The State of California has its own OES (Cal OES), which allows for similar efforts of emergency management on a relatively smaller scale.

CAL OES has three administrative regions, Inland, Coastal, and Southern. All of the counties within the SCAG region are located within the Southern Region. Cal OES coordinates disaster response between state agencies and local governments, and offers guidance and assistance for emergency preparedness, response and recovery. In addition, Cal OES manages Emergency Operations Centers (EOC) in various counties across the state and assists local governments in developing emergency plans.⁸

⁵ U.S. Department of Agriculture (USDA). 2018. *U.S. Forest Service*. Available online at: <https://www.fs.fed.us/>, accessed January 5, 2018.

⁶ California Department of Forestry and Fire Protection (CAL FIRE). 2018. *What is CAL FIRE?* Available online at: <https://www.fire.ca.gov/media/4925/whatiscalefire.pdf>, accessed March 22, 2019.

⁷ California Department of Forestry and Fire Protection (CAL FIRE). *CAL FIRE Fire and Emergency Response*. Available online at: <https://www.fire.ca.gov/media/4932/fireandemergencyresponse.pdf>, accessed August 20, 2019.

⁸ California Office of Emergency Services (CAL OES). 2018. *Regional Operations*. Available online at: <https://www.caloes.ca.gov/cal-oes-divisions/regional-operations>, accessed January 5, 2019.

SCAG County Agencies

Imperial County

Fire protection in Imperial County is managed by the Imperial County Fire Department and OES. The County Fire Department maintains eight stations; these stations are located in the communities of Heber, Seeley, Ocotillo, Palo Verde, Niland, Winterhaven, and the City of the Imperial. Additionally, it contracts fire service with the cities of Brawley, Calipatria, Holtville, Westmorland, Salton City and Salton Sea Beach. Each County station is staffed with a captain, firefighter, and reserve firefighter, and has at least a Type I engine. Average response times are between 8 and 10 minutes.⁹ In addition, the OES provides emergency management services for the County/Operational Area including its seven cities/towns and special districts.¹⁰ Six cities in the county maintain their own fire departments.¹¹

Los Angeles County

The Los Angeles County Fire Department (LACoFD) serves unincorporated areas of the County as well as 59 cities. In addition to emergency response, the LACoFD also conducts field and business inspections, maintains prevention data systems, reviews new plans and projects, and even serves filming and special events industries. The County is divided into three regions, further split into nine divisions and 22 battalions.¹² Response time goals for LACoFD are five minutes or less for urban areas, 8 minutes for suburban areas, and 12 minutes for rural areas. In addition to the County Fire Department, 20 cities in the County maintain their own fire departments.¹³

Orange County

The Orange County Fire Authority (OCFA) was created in 1995, under a Joint Power Authority established among the cities of Buena Park, Cypress, Dana Point, Irvine, Laguna Hills, Laguna Niguel, Lake Forest, La Palma, Los Alamos, Mission Viejo, Placentia, San Clemente, San Juan Capistrano, Seal beach, Stanton, Tustin, Villa Park, and Yorba Linda to provide fire prevention and emergency services to them and unincorporated areas within the County. The cities of Westminster, Laguna Woods, Rancho

⁹ Imperial County. 1992. *General Plan Update Draft Environmental Impact Report*.

¹⁰ Imperial County. 2018. *Fire Department and Office of Emergency Services*. Available online at: <http://www.co.imperial.ca.us/firedept/>, accessed December 19, 2018.

¹¹ FireDepartment.net. 2018. *California Fire Departments*. Available online at: <https://beta.firedepartment.net/directory/california/>, accessed December 19, 2018.

¹² Los Angeles County. 2014. *2035 General Plan Update Draft Environmental Impact Report*. June. Available online at: <http://planning.lacounty.gov/generalplan/ceqa>, accessed August 20, 2019.

¹³ Ibid.

Santa Margarita, and Aliso Viejo also contract with the OCFA. There are 79 OCFA stations across the County and 12 cities maintain their own departments.^{14,15}

Riverside County

Riverside County contracts with CAL FIRE for management of the Riverside County Fire Department (RCFD). The RCFD operates 94 fire stations across six service areas including 21 cities, although more than half of the stations are located in unincorporated areas. Additionally, the CalFire Riverside Unit serves portions of San Diego and Orange counties, and also operates 18 city fire departments and one community services district (CSD) fire department within Riverside County. The RCFD also assists various cities and communities under mutual and automatic aid agreements.¹⁶

San Bernardino County

The San Bernardino County Fire Department has a service area of more than 19,000 square miles and provides fire services to all 24 incorporated cities. The Fire Department maintains 65 active stations across six divisions and provides emergency response and fire protection and prevention services. The San Bernardino County Fire Department also manages hazardous waste programs, performs inspections and plan reviews, and assists with safety procedures at special events. The department is comprised of more than 1,000 personnel and maintains a variety of equipment such as boats, ambulances, Snow Cats, and a helicopter.¹⁷

Ventura County

The Ventura County Fire Protection District (VCFPD) provides fire prevention and suppression and rescue services. The VCFPD serves Camarillo, Moorpark, Ojai, Port Hueneme, Simi Valley and Thousand Oaks, as well as the unincorporated regions, including 860 square miles of forest reserve. The VCFPD is divided into four battalion areas and operates 31 fire stations across the County. The goal for average

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- 14 Orange County Fire Authority (OCFA). 2018. About Us. Available online at: <https://www.ocfa.org/AboutUs/AboutOCFA.aspx#briefhistory>, accessed December 19, 2018.
- 15 Orange County. 2018. *Fire Departments*. Available online at: <http://www.ocgov.com/residents/law/safety/fire>, accessed December 19, 2018.
- 16 County of Riverside. 2015. *General Plan Draft Environmental Impact Report*. January. Available online at: <https://planning.rctlma.org/Zoning-Information/General-Plan/General-Plan-Amendment-No-960-EIRNo-521-CAP-March-2014/Draft-Environmental-Impact-Report-No-521>, accessed August 20, 2019.
- 17 County of San Bernardino. 2018. *Annual Report*. Available online at: <https://www.sbctfire.org/Portals/58/Documents/About/2017-18AnnualReport.pdf>, accessed December 20, 2018.

response time for the District is under five minutes in urban areas and under seven minutes in rural areas.¹⁸

3.15.1.2 REGULATORY FRAMEWORK

3.15.1.2.1 Federal

Federal Emergency Management Act (FEMA)

FEMA's mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.¹⁹

Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 (42 U.S.C. § 5121 note) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 U.S.C. §5121-5207). Among other things, this new legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide, and is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities. Some of the major provisions of the Act include:

- funding pre-disaster mitigation activities;
- developing experimental multi-hazard maps to better understand risk;
- establishing state and local government infrastructure mitigation planning requirements;
- defining how states can assume more responsibility in managing the Hazard Mitigation Grant Program (HMGP); and
- adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in Section 322 of the Act establish performance based standards for mitigation plans and requires states to have a public assistance program (Advance Infrastructure Mitigation—AIM) to develop county government plans. The consequence for counties that

¹⁸ Ventura County. 2005. *Draft Environmental Impact Report for Focused General Plan Update*. June. Available online at: <https://www.cityofventura.ca.gov/DocumentCenter/View/2303/Final-EIR-for-the-2005-General-Plan-PDF?bidId=> accessed August 20, 2019.

¹⁹ FEMA. *About the Agency*. Available online at: <https://www.fema.gov/about-agency>, accessed August 20, 2019.

fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding ten-year period by the same type of event.²⁰

3.15.1.2.2 State

California Constitution Article XIII Section 35

Section 35 of Article III of the California Constitution at subdivision (a)(2) provides: “The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.” Public safety services include fire protection. Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. Proposition 172 directed the proceeds of a 0.50 percent sales tax to be used exclusively for local public safety services. California Government Code (CGC) Sections 30051-30056 provide rules to implement Proposition 172. Section 30056 provides that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992-93 fiscal year. Therefore, an agency is required to use Proposition 172 to supplement its local funds used on fire protection, as well as other public safety services. In *City of Hayward v. Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that, Section 35 of Article XIII of the California Constitution requires local agencies to provide fire services and that it is reasonable to conclude that a lead agency will comply with that provision and ensure that public services are provided. (See *City of Hayward v. Trustee of California State University* [2015] 242 Cal. App. 4th 833, 847, stating “the city has a constitutional obligation to provide adequate fire protection services”.)

California Fire Code

Title 24, Part 9 of the California Code of Regulations (CCR) is the California Fire Code. Title 24, Part 9 of the CCR sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. The 2019 California Fire Code is the incorporation of the 2018 International Fire Code of the International Code Council with necessary California amendments. Development under the proposed project would be subject to applicable regulations of the California Fire Code.²¹

²⁰ FEMA. 2000. *Disaster Mitigation Act of 2000*. Available online at: <https://www.fema.gov/media-library-data/20130726-1524-20490-1678/dma2000.txt>, accessed August 20, 2019.

²¹ International Code Council. *2019 California Fire Code, Title 24, Part 9*. Available online at: <https://codes.iccsafe.org/content/CAFC2019>, accessed August 20, 2019.

Title 8 California Code of Regulations Sections 1270 and 6773. In accordance with C.C.R., Title 8 Sections 1270 “Fire Prevention” and 6773 “Fire Protection and Fire Equipment,” the California Occupational Safety and Health Administration (Cal OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.²²

Title 14 California Code of Regulations Division 1.5. These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in state recreation areas. Title 14 regulates that the future design and construction of structures, subdivisions, and developments in a state recreation area shall provide for basic emergency access and perimeter wildfire protection measures.²³

Uniform Fire Code

The Uniform Fire Code (UFC) contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 *et seq.* of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code), fire protection and notification systems, fire protection devices, and fire suppression training.²⁴

²² State of California Department of Industrial Relations. §6773. Fire Protection and Fire Fighting Equipment. Available online at: <https://www.dir.ca.gov/title8/6773.html>, accessed August 20, 2019.

²³ Board of Forestry. *SRA Fire Safe Regulations, 2020: 14 CCR Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5. SRA Fire Safe Regulations.* Available online at: https://bofdata.fire.ca.gov/media/8001/rule_plead.pdf, accessed August 20, 2019.

²⁴ California Legislative Information. *Division 12. Fires and Fire Protection.* Available online at: https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=12.&title=&part=&chapter=&article=, accessed August 20, 2019.

Mutual Aid Agreements (MAA)

The Emergency Managers Mutual Aid (EMMA) system is a collaborated effort between city and county emergency managers in the OES in the coastal, southern, and inland regions of the state. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center (REOC), local Emergency Operations Centers (EOCs), the Disaster Field Office (DFO), and community service centers. The purpose of EMMA is to support disaster operations in affected in affected jurisdictions by providing professional emergency management personnel. In accordance with the Master Mutual Aid Agreement, local and state emergency managers have responded in support of each other under a variety of plans and procedures.²⁵

California Code of Regulations Division 2 Section 16

The State of California passed legislation creating the California Emergency Management Agency (Cal EMA) and authorizing it to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Cal EMA serves as the lead state agency for emergency management in the state. Cal EMA coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as they are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system. In California, the Standardized Emergency Management System (SEMS) provides the mechanism by which local government requests assistance. Cal EMA serves as the lead agency for mobilizing the state's resources and obtaining federal resources; it also maintains oversight of the state's mutual aid system.²⁶

²⁵ Governor's Office of Emergency Services. 2012. *State of California Emergency Management Mutual Aid Plan*. Available online at: <https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/EMMA%20PlanAnnexes%20A-F,%202012.pdf>, accessed August 20, 2019.

²⁶ California Code of Regulations. *Chapter 1. Standardized Emergency Management System (SEMS)*. Available online at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB04B06CEEA354CF78940961DF532ECAA&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB04B06CEEA354CF78940961DF532ECAA&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)), accessed August 20, 2019.

2018 Strategic Fire Plan for California

Strategic Fire Plans in California have been developed since the 1930s by the Board of Forestry and Fire Protection. The Plan is periodically updated to guide CAL FIRE in providing statewide fire protection of state responsibility areas. The 2018 Plan, an update to the 2010 Plan, reflects the effects of climate change and other environmental changes in the State. The 2018 Plan focuses on fire prevention and suppression, natural resource management, and the collaboration of fire protection and emergency service providers.²⁷

California Vehicle Code 21806 VC

California Vehicle Code 21806 VC states that drivers in California must yield to emergency vehicles when they are using sirens and have at least one visible red light. This is to ensure that emergency vehicles safe and timely access for emergency vehicles as they respond to emergency calls.

3.15.1.2.3 Local

County and City General Plan Safety Elements and Public Services and Facilities Elements

In addition to federal and state regulations, cities and counties in the SCAG region also provide regulatory protection and advisement regarding public safety and associated public services. California law requires that a general plan include seven elements (land use, open space, conservation, housing, circulation, noise, and safety). Many jurisdictions incorporate policies related to public services into the Safety Element. Other jurisdictions choose to prepare a separate (optional) element dealing with public services and facilities issues.

California Code of Regulation Section 65302(g) specifically provides that a city may adopt the county's safety element if the county's element "is sufficiently detailed containing appropriate policies and programs for adoption by a city." The safety element must include methods to reduce the potential risk of fires, floods, earthquakes, landslides, and other hazards. Other locally relevant safety issues, such as emergency response, hazardous materials spills, and crime reduction, may also be included.²⁸ Some local jurisdictions have also incorporated their hazardous waste management plans into their safety elements. In addition, the safety element may be used to establish programs and policies that promote

²⁷ State Board of Forestry and Fire Protection. 2018. *2018 Strategic Fire Plan for California*. Available online at: https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf, accessed August 20, 2019.

²⁸ California Legislative Information. 1965. *ARTICLE 5. Authority for and Scope of General Plan [65300-65303.4]*.

neighborhood, institutional, governmental, and business safety. The safety element must identify and map urban fringe and rural-residential areas that are prone to wildfires, adequate evacuation routes and peak load water supplies to reduce fire hazards. The policies of the safety element form the basis of adopted fire safe ordinances and strategic fire defense system zoning. Several jurisdictions have also adopted a Public Services and Facilities Element that establishes goals, objectives, policies and standards for public services and utilities, including emergency response standards.

The safety elements and public services and facilities elements of the county general plans within the six-county SCAG region establish the following fire protection service standards at a County level:

Imperial County

Fire Response Standards: The Imperial County General Plan does not establish fire response standards for unincorporated areas.²⁹ Incorporated cities within Imperial County have established fire response standards. For instance, the City of El Centro's standard fire response time is approximately 7 to 10 minutes for emergencies and 10 to 15 minutes for non-emergencies.³⁰

Los Angeles County

Fire Response Standards: According to the Safety Element of the Santa Clarita Valley Area Plan, the Los Angeles County Fire Department (LACFD) has adopted a goal of responding to calls in urban areas within five minutes, in suburban areas within eight minutes, and in rural areas within 12 minutes (Policy S3.3.1).³¹ Incorporated cities within Los Angeles County have also established fire response standards.

Orange County

Fire Response Standards: In accordance with the Insurance Services Office (ISO) suggested standards, ultimate fire protection rating shall be maintained by Orange County's General Plan land use categories as follows: (1) ISO 3 for all urban developments including Residential (1C and 1B), Commercial (2A and 2B), Employment (3.0) and Public Facilities (4.0) which are within 5 miles from a fire station and less than 1,000 feet from a hydrant; and (2) ISO 4 for Rural Residential (1A) which are within 5 miles from a fire station and less than 100 feet from a hydrant. For areas greater than 5 miles or 1,000 feet, the ISO

²⁹ County of Imperial Planning & Development Services. *General Plan: Seismic and Public Safety Element*. Available at: <http://www.icpds.com/?pid=837>, accessed November 5, 2018.

³⁰ City of El Centro. *El Centro General Plan: Safety Element*. Available at: <http://www.cityofelcentro.org/userfiles/file/SafetyElement.pdf>, accessed November 5, 2018.

³¹ County of Los Angeles Department of Regional Planning. *Santa Clarita Valley Area Plan, 2012*. Available at: http://planning.lacounty.gov/assets/upl/data/pd_santa-clarita-area-plan-2012.pdf, accessed November 5, 2018.

suggested standard is 9. Fire/paramedic facilities shall be sited in locations so as to assure efficient fire rescue and paramedic response for the service area. General criteria for site selection shall include:³²

- Call response time: for 80 percent of the service area, first fire engine to reach the emergency scene within 5 minutes and paramedic to reach the scene within 8 minutes
- Land use compatibility: stations shall be located in commercial or industrial, or open space zones in order to avoid disturbance to residential areas wherever possible
- Street access: stations shall be located adjacent to arterial highways with controlled traffic signalization

Incorporated cities within Orange County have also established fire response standards.

Riverside County

Fire Response Standards: According to the Riverside County Fire Department Strategic Plan 2009-2029, the Riverside County Fire Department considers National Fire Protection Association (NFPA) Standard 1710 as a guideline for fire station location methodology, which calls for an engine company within 4 minutes of travel time to fire incidents and EMS calls, and a full first-alarm group within 8 minutes, all for a minimum of 90 percent of annual incidents.³³ Incorporated cities within Riverside County have also established fire response standards.

San Bernardino County

Fire Response Standards: The San Bernardino County Fire Department established fire response standards for unincorporated areas, depending on service area type. For example, the response goal for urban areas is less than 4 minutes for the first arriving unit and for rural areas the response goal is 10 minutes for the first arriving unit.³⁴ Incorporated cities within San Bernardino County have established fire response standards.

³² OC Development Services. *Orange County General Plan: Chapter V. Public Services & Facilities Element*. Available at: <http://www.ocpublicworks.com/ds/planning/generalplan>, accessed November 5, 2018.

³³ Management Partners, Incorporated. *Riverside County Fire Department Strategic Plan 2009- 2029*. Available at: <http://www.rvcfire.org/stationsAndFunctions/AdminSppt/StrategicPlanning/Documents/StrategicPlan2009.pdf>, accessed November 5, 2018.

³⁴ San Bernardino County Fire Department. 2009. *Service Level and Deployment Goal Report*.

Ventura County

Fire Response Standards: The Ventura County Fire Protection District's goal is to maintain an average emergency response time under five minutes in urban areas and under seven minutes in rural areas.³⁵ Incorporated cities within Ventura County have also established fire response standards.

3.15.1.3 ENVIRONMENTAL IMPACTS

3.15.1.3.1 Thresholds of Significance

For the purposes of this PEIR, SCAG has determined that adoption and/or implementation of the Connect SoCal Plan would result in significant impacts to fire protection services, if the following could occur:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

3.15.1.3.2 Methodology

The methodology for determining the significance of impacts on fire services compares existing conditions to the expected future use of fire service under the Plan. The criteria above were applied to compare current conditions to future 2045 Plan conditions. The analysis of these impacts is programmatic at the regional level.

The need for or deficiency in adequate fire and emergency response services in and of itself is not a CEQA impact, but a social or economic impact. (*City of Hayward v. B'd of Trustees* (2015) 242 Cal.App. 4th 833, 843. In accordance with CEQA, this PEIR analysis focuses on the extent to which the Plan promotes growth patterns resulting in a need for additional fire protection services that results in the construction of new facilities or additions to existing facilities. The impact from that construction and/or facilities operation would result in a potential impact to the environment. An increase in population, by itself, would not increase demand for fire protection services and associated facilities. Fire protection service needs are dependent on various factors, including the size of the service population and the geographic area served, the number and types of calls for service, the characteristics of a project and its surrounding community as well as available existing facilities and staffing in an area. This PEIR, analyzes the potential for the Plan to result in the need for new fire protection service facilities (i.e., fire stations) and

³⁵ Ventura County Planning Division. *Ventura County General Plan: Public Facilities & Services Appendix*. Available at: <https://cdm16255.contentdm.oclc.org/digital/collection/p266301ccp2/id/546>, accessed November 5, 2018.

the associated potential for construction and subsequent operation of such facilities to cause physical environmental impacts.

The mitigation measures in the PEIR are divided into two categories: SCAG mitigation and project-level mitigation measures. SCAG mitigation measures shall be implemented by SCAG over the lifetime of the Plan. For projects proposing to streamline environmental review pursuant to SB 375, SB 743 or SB 226 (as described in **Chapter 1.0, Introduction**), or for projects otherwise tiering off this PEIR, the project-level mitigation measures described below (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 implementing agencies to adopt mitigation, and it is ultimately the responsibility of the implementing agency to determine and adopt project-specific mitigation.

3.15.1.3.3 Impacts and Mitigation Measures

Impact PSF-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

Significant and Unavoidable Impacts - Mitigation Required.

Impacts to fire protection services are associated with the physical impacts that would occur as a result of construction and operation of new facilities. Service ratios and response times are tools jurisdictions use to determine the need for such facilities, but do not necessarily indicate a significant impact under CEQA. The ability to provide adequate fire protection services is dependent on numerous factors including staffing levels, mutual aid agreements, deployment strategies, and technological advances in equipment. In conformance with California Constitution Article XIII Section 35(a)(2), existing policies, procedures, and practices related to fire protection and emergency services, fire departments would maintain acceptable emergency response times through the provision of additional personnel and equipment as needed, as well as potentially constructing new or expanding existing fire and emergency response facilities.

As described above, fire and emergency services in the SCAG region are provided by numerous agencies within multiple jurisdictions. Depending upon the timing, location, and duration of construction activities, several of the proposed projects, including grade crossings, arterials, interchanges, and

auxiliary lanes, as well as development project construction could delay emergency vehicle response times or otherwise disrupt delivery of emergency services.

Each jurisdiction has a methodology for determining appropriate response times, service ratios and needed facilities. As transportation projects and development projects are constructed, depending upon the timing, location, and duration of construction activities, projects, including grade crossings, arterials, interchanges, widenings, HOV and HOT lanes, as well as development projects could result in temporary changes in demand for fire services and fire vehicle response times.

The transportation projects included in the Plan that involve transit, passenger rail, and active transportation are concentrated in urban and suburban areas, including Palm Springs, Riverside, San Bernardino, Anaheim, Irvine, the Los Angeles Basin, the San Gabriel Valley, the San Fernando Valley, Santa Clarita, Palmdale, and Lancaster. As these urban and suburban areas increase in density, additional fire protection and emergency response services and associated facilities would be required to meet emergency response standards. Such increased density in these areas would have the potential to exceed the capacity of existing fire stations to provide adequate response, thus requiring either the expansion of existing stations to accommodate additional equipment and greater number of personnel or the construction of new stations, which are more strategically located and capable of reducing response time within a denser urban pattern of development. In addition, fire protection and emergency response services may need to be able to expand where development occurs in the wildland/urban interface in response to increased wildfire risk.

Construction activities associated with transportation and development projects may temporarily increase demand on fire protection and emergency medical services. Construction activities could potentially expose combustible materials (e.g., wood, plastics, sawdust, coverings, and coatings) to fire risks from machinery and equipment sparks, exposed electrical lines, chemical reactions in combustible materials and coatings and lighted cigarettes. However, in compliance with Cal-OSHA requirements, construction managers and personnel for individual development projects would be trained in emergency response and fire safety operations. Additionally, fire suppression equipment (e.g., fire extinguishers) specific to construction are required to be maintained on individual development sites.

By closing off one or more lanes of a roadway, response times could temporarily and intermittently increase as fire vehicles take longer routes due to construction activity. The closure of lanes could also potentially cause traffic delays and inhibit access when responding to service calls. Generally, impacts to emergency response vehicles during construction activities are reduced through adherence to roadway encroachment permits. Traffic control plans are typically required to further reduce impacts on traffic which would also reduce impacts to fire and emergency response vehicles. Refer to **Section 3.17**,

Transportation, Traffic, and Safety, for Mitigation Measures **SMM-TRA-1**, **PMM-TRA-1**, and **PMM-TRA-2**, which pertain to issues of this nature. These impacts would be brief in nature and would be unlikely to result in a determination by a jurisdiction that new facilities would be required. Therefore, construction impacts would be less than significant.

By 2045, the Plan area would grow by approximately 3.2 million people with 60 percent of new homes and 73 percent of new jobs in Growth Priority Areas which are primarily areas that are currently developed. As such, existing facilities and services could become overburdened during the lifetime of the Plan.

While the Plan would increase traffic on local roadways, there is no direct relationship between increased travel delay and emergency response times; California State law requires that drivers yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicles have passed (CVC 21806). The impact on response times and overall fire service is not proportional to increasing traffic (see **Section 3.17, Transportation, Traffic and Safety**). Generally, multi-lane arterial roadways allow emergency vehicles to travel at higher speeds and permit other traffic to maneuver out of the path of the emergency vehicle. On congested roadways, multi-lane arterial roadways with continuous center left-turn lanes facilitate emergency access when the thru lanes experience delays.

In some cases, depending on the pattern of development, it could be necessary to construct new facilities to maintain adequate response times, equipment, and personnel. While construction of fire protection facilities does not typically result in substantial environmental impacts,³⁶ the location, size, design, and proximity to sensitive receptors of new facilities are currently unknown. Construction and operation of fire stations could have impacts similar to other development projects analyzed throughout this PEIR, including impacts to aesthetics, air quality, noise, cultural resources, and utilities. Noise impacts of emergency service provider facilities, which are unique to this type of operation, can affect nearby sensitive receptors but such impacts are unpredictable at this time. In any event, construction of these facilities would comply with all applicable laws, regulations, and ordinances, and mitigation measures would be required to address any potentially significant impacts.

³⁶ Fire protection facilities are generally anticipated to be located on infill lots that are between 0.5 and 1 acre in size. In urbanized areas new facilities would not involve expansion of the urban sphere beyond current boundaries and, thus, there would be no need for new or expanded infrastructure. As an example, in the City of Los Angeles, there are four basic configurations for fire stations, the typical standard fire/paramedic station consists of a 15,250-square foot building on a parcel that is approximately one acre. Based on the urban location and the relatively small size of typical facilities, the construction of a new fire facility or expansion of an existing facility would likely qualify for an infill exemption or result in less-than-significant impacts with standard regulatory compliance measures and design features.

While the PEIR analyzes anticipated effects of regional transportation projects and growth related to air quality, noise, traffic, utilities, and other environmental impact areas, given the increased growth as well as densified development (e.g., more families living and/or working there), implementation of Connect SoCal could affect the need for construction of new or physically altered fire protection and emergency response facilities in order to maintain acceptable service ratios. Although the location and size of such facilities is not yet known, impacts could occur, requiring the consideration of mitigation measures.

Mitigation Measures

SCAG Mitigation Measures

See SMM PSP-1 through SMM PSP-4.

SMM PSF-1): SCAG shall assist planners, first responders, and recovery teams in a supporting role, in three key areas, before a major emergency and during the recovery period:

- Provide a policy forum to help develop regional consensus and education on security policies and emergency responses.
- Assist in expediting the planning and programming of transportation infrastructure repairs from major disasters.
- Encourage integration of transportation security measures into transportation projects early in the project development process by leveraging SCAG's relevant plans, programs, and processes, including regional ITS architecture. An example includes SCAG's participation in the development of the Southern California Catastrophic Earthquake Preparedness Plan.³⁷

SMM PSF-2: SCAG shall facilitate minimizing future impacts to fire protection services through information sharing regarding Fire-wise Land Management (data regarding fire-resistant vegetation, fire-resistant materials, locations where development is potentially hazardous in regard to wildfire, and management of brush and other fire risks in the immediate vicinity of development in areas with high fire threat) with county and city planning departments.

³⁷ California Emergency Management Agency, *Southern California Catastrophic Earthquake Response Plan*, December 2010
[https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/SoCalCatastrophicConops\(Public\)2010.pdf](https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/SoCalCatastrophicConops(Public)2010.pdf),
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Project Mitigation Measures

See PMM-PSP-1.

Level of Significance After Mitigation

As discussed above, regulations and policies would reduce impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and the lack of project specific-detail, including project components and locations, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts related to the need for new or physically altered fire protection facilities could be significant and unavoidable even with implementation of mitigation.

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3.15.2 Police Protection

3.15.2.1 ENVIRONMENTAL SETTING

3.15.2.1.1 Police Protection Services

Law enforcement is provided by a variety of federal, state, county, city, and other local law enforcement agencies. Primary law enforcement is at the community level, with city police and County Sheriff's departments providing this service. Additionally, there are more specialized law enforcement agencies that assist in law enforcement at the community or resource level. These specialized agencies include, but are not limited to State Highway Patrol, School Police, Airport Police, Transit Police, Park Rangers (federal, state, County, and City), and a wide variety of federal agencies (FBI, ATF, etc.). In general, law enforcement agencies provide first response to all emergencies, perform preliminary investigations, and provide basic patrol services in their service area.

California Highway Patrol (CHP)

The California Highway Patrol (CHP) is a statewide law enforcement agency with jurisdiction over all highways and city roads. CHP officers are responsible for responding to car crashes, disabled vehicles, and other impediments to traffic flow. Although its primary mission is related to transportation, the CHP has broad enforcement power over state law.

Imperial County

Imperial County receives police protection from the Imperial County Sheriff's Office (ICSO), headquartered in El Centro. Substations are located in Niland, Ocotillo, Palo Verde, Salton City, and Winterhaven. The ICSO employs approximately 125 sworn officers and 95 personnel for an officer-to-resident ratio of about 1.5 sworn officers per 1,000 persons. The response time for priority and non-priority calls is approximately 10 to 12 minutes.¹ Additionally, each city in the County maintains its own police departments to serve their incorporated areas.

Los Angeles County

Law enforcement in Los Angeles County is provided by the Los Angeles Sheriff's Department (LASD), which is headquartered in the City of Los Angeles. With nearly 18,000 employees, LASD is the largest

¹ Imperial County. 1993. *Imperial County General Plan Environmental Impact Report*. Available at: <http://www.icpds.com/CMS/Media/I-References,-Persons,-Agencies-Consulted.pdf>, accessed September 18, 2019.

sheriff's department in the U.S. LASD provides general law enforcement services to unincorporated Los Angeles County as well as contracted cities. Of the County's 88 municipalities, 42 contract with LASD for local police protection. LASD also provides services to 216 facilities, hospitals, and clinics, nine community college, the Metropolitan Transit Authority, and 37 Superior Courts. LASD desired officer-to-population ratio is one officer per 1,000 residents. The LASD's goal response time for emergency calls is 10 minutes or less.²

Orange County

The Orange County Sheriff-Coroner Department (OCSD) provides police services to unincorporated areas of Orange County as well as contracting cities of Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Stanton and Villa Park. The OCSD headquarters are located in the City of Santa Ana. The department is split into five divisions: North, South, and West Operations Divisions, the Airport Division, and the Harbor Patrol division. The OCSD is a large, multi-faceted law enforcement agency served by approximately 3,800 sworn and professional staff members and over 800 reserve personnel.³ The OCSD provides first responder patrol services and hazardous devices services to all law enforcement agencies in the County.

Riverside County

The Riverside County Sheriff's Department provides community policing and operates the County's correctional facilities. The Department is headquartered in the City of Riverside and provides services to the unincorporated areas of the County as well as the cities of Calimesa, Canyon Lake, Coachella, Eastvale, Indian Wells, Jurupa Valley, Lake Elsinore, La Quinta, Menifee, Moreno Valley, Morongo Indian Reserve, Norco, Palm Desert, Perris, Rancho Mirage, San Jacinto, Temecula, Wildomar. The Department employs approximately 4,500 people, roughly 2,300 of which are sworn personnel. There are nine Sheriff Department stations throughout the County and five adult correction or detention centers. The Department has established a staffing requirement of one sworn officer per 1,000 population.⁴

² Los Angeles County. 2014. *General Plan Update Draft Environmental Impact Report*. Available at: http://planning.lacounty.gov/assets/upl/project/gp_2035_deir.pdf, accessed September 9, 2019.

³ Orange County Sheriff's Department. *About OCSD*. Available online at: http://www.ocsd.org/about_ocsd, accessed September 18, 2019.

⁴ County of Riverside. 2014. *County of Riverside Environmental Impact Report for the 2014 General Plan*. March.

San Bernardino County

The San Bernardino County Sheriff's Department (SBCSD) polices the largest geographical county in the nation. It serves over 2.1 million residents across 15 patrol stations. SBCSD employs over 3,800 employees and utilizes over 1,800 volunteers. The SBCSD also maintains three correctional facilities: the West Valley Detention Center in Rancho Cucamonga; the Glen Helen Rehabilitation Center, a two unit, male and female-inmate facility in Devore; and, the Central Rehabilitation Center that houses federal inmates for the United States Marshall Service located in the City of San Bernardino.⁵

Ventura County

The Ventura County Sheriff's Office provides primary law enforcement services in unincorporated areas of Ventura County and the contract cities of Ojai, Thousand Oaks, Camarillo, Moorpark and Fillmore. This jurisdiction makes up almost 95 percent of the County's land area and approximately half of the population. The Department is divided into seven divisions, based on location, and is headquartered at 800 South Victoria Avenue in the City of Ventura. The Sheriff's Office employees approximately 1,250 personnel, including allocations for more than 740 sworn positions.

3.15.2.2 REGULATORY FRAMEWORK

3.15.2.2.1 State

All law enforcement agencies within the State of California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for peace officers. Under state law, all sworn municipal and county officers are state peace officers.

California Constitution, Article XIII Section 35.

Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. It directed the proceeds of a 0.50 percent sales tax to be used exclusively for local public safety services, including police. CGC §§30051-30056 provide rules to implement Proposition 172. Section 30056 provides that a city is not allowed to spend less of its own financial resources on its combined public safety services in any given year compared to its 1992-93 fiscal year. Therefore, an agency is required to use Proposition 172 to supplement its local funds used on police protection, as well as other

⁵ San Bernardino County Sheriff's Department. 2017. *2017 Annual Report* Available online at: http://wp.sbcounty.gov/sheriff/wp-content/uploads/sites/17/2017-annual-report_reduced.pdf, accessed August 28, 2019.

public safety services. As discussed in the Regulatory Framework” for Fire Protection and Emergency Services, in the *City of Hayward v. Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that, Section 35 of Article XIII of the California Constitution requires local agencies to provide fire services and that it is reasonable to conclude that a lead agency will comply with that provision and ensure that public services are provided. It is reasonable to analogize that a similar analysis would apply to police services as Section 35 of Article XIII includes a responsibility for cities to give priority to public safety services, which includes police services. See the “Regulatory Framework” for Fire Protection and Emergency Services, above, for further discussion.

California Penal Code

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for peace officers. Under state law, all sworn municipal and county officers are state peace officers.

California Emergency Services Act

In 2008, Governor Schwarzenegger signed AB 38, the California Emergency Services Act, which merged the duties, powers, purposes, and responsibilities of the Governor’s Office of Emergency Services and the Governor’s Office of Homeland Security into a new cabinet-level agency, the California Emergency Management Agency (Cal EMA).⁶ Cal EMA is responsible for assuring the state’s readiness to respond to and recover from natural, human-made, and war-caused emergencies, and for assisting local governments in their emergency preparedness, response, and recovery efforts. The legislation authorizes Cal EMA to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters.⁷ Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Cal EMA serves as the central contact point in the state for any emergency or imminent disaster. It coordinates the notification of appropriate state administering agencies that may be required to respond, as well as the emergency activities of all state agencies in the event of an emergency. In doing so, Cal EMA does not focus on security specifically, but rather more broadly on addressing all potential incidents

⁶ California Legislative Information. *Assembly Bill No. 38*.

⁷ California Emergency Management Agency. *SEMS Guidelines*. Available online at: <https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/12%20SEMS%20Guidelines%20Complete.pdf>, accessed August 28, 2019.

that could impact the state, such as earthquakes, fires, floods, and terrorist attacks. Furthermore, Cal EMA coordinates with federal agencies, such as the DHS and FEMA, as well as other state and local agencies such as the CHP. California’s vision, mission, and principles for emergency management, as well as goals and objectives are located in its publication “Strategic Plan 2010-2015 – Keeping California Safe.”⁸

While Cal EMA serves as the lead State agency for emergency management and coordinates the State response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. SEMS provides the mechanism by which local government requests assistance from Cal EMA, and as such, Cal EMA maintains oversight of the State’s mutual aid system. Cal EMA may task State agencies to perform work outside their day-to-day and statutory responsibilities and serves as the lead agency for obtaining federal resources.

13 California Code Regulations Division 2

Division 2 of Title 13 of the California Code Regulations (CCR) governs the operations of the California Highway Patrol.⁹

California Vehicle Code 21806 VC

California Vehicle Code 21806 VC states that drivers in California must yield to emergency vehicles when they are using sirens and have at least one visible red light. This is to ensure that emergency vehicles safe and timely access for emergency vehicles as they respond to emergency calls.

3.15.2.2.2 Local

County and Cities General Plan and Safety Elements

Local planning policies related to public services and recreation are established in each jurisdiction’s general plan. In general, jurisdictions have policies in place that state that public services must be provided at the same time (or in advance of) need for that service. In addition to these general policies,

⁸ California Emergency Management Agency. 2015. *Strategic Plan 2014-2018*. Available online at: [https://www.caloes.ca.gov/NewsMediaSite/Documents/Cal%20OES%20Strategic%20Plan%20Summary%20Booklet%20\(FINAL\).pdf](https://www.caloes.ca.gov/NewsMediaSite/Documents/Cal%20OES%20Strategic%20Plan%20Summary%20Booklet%20(FINAL).pdf), accessed March 22, 2019.

⁹ California Code of Regulations. *Division 2. Department of the California Highway Patrol*. Available online at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDC5A8260D46811DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDC5A8260D46811DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)), accessed August 28, 2019.

jurisdictions may have more specific policies tailored to performance objectives, such as those outlined below.

Policies and strategies for police protection services generally include language pertaining to the development of law enforcement programs to reduce and control crime, the planning of future law enforcement facilities concurrently with growth, and the prevention of crime through education. Many jurisdictions also have specific goals, such as a maintaining a certain ratio of sworn officers to citizens, reducing response times, or reducing the overall number of crimes in the community.

Applicable County General Plan elements regarding police protection are identified below.

Imperial County

Police Response Standards: The Imperial County General Plan does not establish police response standards for unincorporated areas.¹⁰ However, individual jurisdictions have set standards, for instance, the El Centro Police Department's goal is to have 1.75 police officers per 1,000 population.¹¹

Los Angeles County

Police Response Standards: To effectively and efficiently fulfill all of its functions, the Sheriff's Department requires a staff level of one deputy sheriff per each 1,000 population.¹² Incorporated cities within Los Angeles County have also established police response standards.

Orange County

Police Response Standards: The adequacy of Sheriff service for land use proposals is determined through the Environmental Impact Report (EIR), Fiscal Impact Report (FIR), and Annual Monitoring Report (AMR) review processes.¹³ Incorporated cities within Orange County have also established police response standards.

¹⁰ County of Imperial Planning & Development Services. *General Plan: Seismic and Public Safety Element*. Available online at: <http://www.icpds.com/?pid=837>, accessed November 5, 2018.

¹¹ City of El Centro. *El Centro General Plan: Safety Element*. Available online at: <http://www.cityofelcentro.org/userfiles/file/SafetyElement.pdf>, accessed November 5, 2018.

¹² County of Los Angeles Department of Regional Planning. *General Plan: Chapter 12: Safety Element*. Available online at: http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan-ch12.pdf, accessed November 5, 2018.

¹³ OC Development Services. *Orange County General Plan: Chapter V. Public Services & Facilities Element*. Available online at: <http://www.ocpublicworks.com/ds/planning/generalplan>, accessed November 5, 2018.

Riverside County

Police Response Standards: The Riverside County Sheriff's Department has established a goal of maintaining 1.5 sworn officers per 1,000 population, as recommended by the International City Managers' Association (Riverside County Integrated Project (RCIP)).^{14,15} According to EIR No. 441 for the 2003 RCIP General Plan, the Riverside County Sheriff's Department has established the following criteria for its staffing requirements in unincorporated areas of Riverside County:¹⁶

- One sworn officer per 1,000 population (Mitigation Measure 4.15.C for EIR No. 441 specifies the use of a 1.5-officer per 1,000 population standard for new development mitigation purposes)
- One supervisor and one support staff employee per seven officers
- One patrol vehicle per three sworn officers
- One school resource officer per school

Incorporated cities within Riverside County have also established police response standards. For instance, the City of Riverside endeavors to provide minimum response times of seven minutes on all Priority 1 calls and 12 minutes on all Priority 2 calls (Policy PS-7.5).¹⁷

San Bernardino County

Police Response Standards: The San Bernardino County General Plan does not establish police response standards for unincorporated areas.¹⁸ Incorporated cities within San Bernardino County have established police response standards. For example, the City of Redlands desires a response time of 4-5 minutes.¹⁹

¹⁴ California Public Utilities Commission. *Devers-Mirage 115 kV Subtransmission System Split Project (A.08-01-029) Draft Environmental Impact Report*. Available online at: <https://www.cpuc.ca.gov/Environment/info/esa/devers-mirage/deir/Devers-MirageDEIR.pdf>, accessed November 5, 2018.

¹⁵ Riverside County Integrated Project. 2003. *General Plan Final Program Environmental Impact Report*. State Clearinghouse No. 2002051143. Available online at: <http://planning.rctlma.org/Portals/0/genplan/content/eir/volume1.html>, accessed November 5, 2018.

¹⁶ Ibid.

¹⁷ City of Riverside. *Riverside General Plan 2025: Public Safety Element*. Available online at: http://www.riversideca.gov/planning/gp2025program/GP/10_Public_Safety_Element.pdf, accessed August 28, 2019.

¹⁸ County of San Bernardino Land Use Services Division. 2007. *County of San Bernardino 2007 General Plan*. Available online at: <http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf>, accessed November 5, 2018.

¹⁹ City of Redlands. 2017. *City of Redlands General Plan 2035*. Available online at: <https://www.cityofredlands.org/sites/main/files/file-attachments/gp2035.pdf>, accessed September 9, 2019.

Ventura County

Police Response Standards: The Ventura County General Plan does not establish police response standards for unincorporated areas.²⁰ Incorporated cities within Ventura County have established police response standards. For instance, the City of Fillmore has established a desired level of one patrol officer per 1,000 population.²¹

3.15.2.3 ENVIRONMENTAL IMPACTS

3.15.2.3.1 Thresholds of Significance

For the purposes of this PEIR, SCAG has determined that adoption and/or implementation of the Plan would result in significant impacts to police protection services, if any of the following would occur:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

3.15.2.3.2 Methodology

The methodology for determining the significance of impacts on public services compares existing conditions to the expected future use of police services under the Plan. A review of existing police facilities was conducted to determine the potential need for new or expanded facilities. This analysis was undertaken at the regional level and appropriately does not include details for each jurisdiction within the region. The criteria above were applied to compare current conditions to future 2045 Plan conditions. The analysis of these impacts is programmatic at the regional level.

The need for or deficiency in adequate police services in and of itself is not a CEQA impact, but a social or economic impact (*City of Hayward v. B'd of Trustees* [2015] 242 Cal.App. 4th 833, 843). In accordance with CEQA, this PEIR analysis focuses on the extent to which the Plan promotes growth patterns resulting in a need for additional police services that results in the construction of new facilities or additions to existing facilities. The impact from that construction and/or facilities operation would result in a potential impact to the environment. An increase in population, by itself, would not increase demand for police protection

²⁰ Ventura County Planning Division. 2015. *Ventura County General Plan: Public Facilities & Services Appendix*. Available online at: <https://docs.vcrma.org/images/pdf/planning/plans/GENERAL-PLAN-Public-Facilities-Services-Appendix.pdf>, accessed November 5, 2018

²¹ City of Fillmore, California. 1998. *General Plan 1988-2010 – Chapter VII: Public Facilities Element*. Available at: <http://www.fillmoreca.com/home/showdocument?id=187>, accessed November 5, 2018.

services and associated facilities. Police service needs are dependent on various factors, including the size of the service population and the geographic area served, the number and types of calls for service, the characteristics of a project and its surrounding community as well as available existing facilities and staffing in an area. This PEIR, analyzes the potential for the Plan to result in the need for new police protection facilities (i.e., police stations) and the associated potential for construction and subsequent operation of such facilities to cause physical environmental impacts.

The mitigation measures in the PEIR are categorized into two categories: SCAG mitigation and project-level mitigation measures. SCAG mitigation measures shall be implemented by SCAG over the lifetime of the Plan. For projects proposing to streamline environmental review pursuant to SB 375, SB 743 or SB 226 (as described in Section 1.0 Introduction), or for projects otherwise tiering off this PEIR, the project-level mitigation measures described below (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 implementing agencies to adopt mitigation, and it is ultimately the responsibility of the implementing agency to determine and adopt project-specific mitigation.

3.15.2.3.3 Impact and Mitigation Measures

Impact PSP-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

Significant and Unavoidable Impacts - Mitigation Required.

Impacts to police protection services are associated with the physical impacts that could occur as a result of construction and operation of new facilities. Service ratios and response times are one tool jurisdictions use to determine the need for such facilities, but do not necessarily indicate a significant impact under CEQA.

New LRT and commuter rail routes/extensions in Los Angeles, Orange, Riverside, and San Bernardino counties, as well as transit-related projects, would involve the development of new transit stations. Operation of these new transit stations would require public protective security services. In some cases, such as with Metro, the governing transit authority, provides security as an element of the project, which would reduce the need for public protective security services. Overall, the Plan's strategies to encourage increased transit use could also result in an increased need for protective security services.

The Plan also includes transportation projects and land use strategies that focus new growth in HQTAs and encourage more walkable, mixed-use communities. According to the Plan, it is projected that approximately 48 percent of the new household growth and 59 percent of the new employment growth would be planned in HQTAs. These HQTAs are concentrated in suburban and urban areas, including Palm Springs, Riverside, San Bernardino, Anaheim, Irvine, the Los Angeles Basin, the San Gabriel Valley, the San Fernando Valley, Santa Clarita, Palmdale, and Lancaster. As these areas experience more people working and living there, additional police services would be required. As a result, the Plan would have a potential to increase the need for public protective services, usually in proportion to densified environment. This would likely increase the staffing of sworn officers and create a potential need to construct new stations to ensure acceptable levels of service that would have the potential to result in physical alterations and related significant effects on the environment. As discussed in **Section 3.15.1 Public Services, Fire**, it is also the case that the construction of police protection facilities does not typically result in substantial environmental impacts, however the location, size, design, and proximity to sensitive receptors of new facilities are currently unknown.

Police services are provided by several agencies within multiple jurisdictions. Local agencies are required to determine the degree of impact to police services and comply with county and city requirements to protect public safety.

While the Plan would increase traffic on local roadways, there is not a direct relationship between predicted travel delay and emergency response times as California State law requires that drivers yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicles have passed (CVC 21806). Generally, multi-lane arterial roadways allow emergency vehicles to travel at higher speeds and permit other traffic to maneuver out of the path of the emergency vehicle. On congested roadways, multi-lane arterial roadways with continuous center left-turn lanes facilitate emergency access when the thru lanes experience delays. Additionally, several jurisdictions can re-signal timing remotely for police operations during planned events, such as special events.

In some cases, depending on the pattern of development, it could be necessary to construct new facilities to maintain adequate response times, equipment, and personnel. Construction of police protection facilities themselves may not result in environmental impacts (depending on the size of the facility). In planning new facilities, local jurisdictions take in to account growth projections.

Construction sites can pose an attractive nuisance with respect to vandalism and theft. Depending upon the timing, location, and duration of construction activities, several of the proposed transportation projects, including grade crossings, arterials, interchanges, HOT lanes, HOV lanes, and auxiliary lanes, as well as development project construction, could delay police vehicle response times or otherwise delay

the response of police services. By closing off one or more lanes of a roadway, response times could temporarily and intermittently increase as police vehicles take longer routes due to construction activity. The closure of lanes could also potentially cause traffic delays and ultimately inhibit access when responding to service calls. Generally, police response times during project construction are reduced through adherence to road encroachment permits. Traffic control plans are typically required to further reduce impacts on traffic which would also reduce impacts to police response.

Noise impacts of police stations, which are unique to this type of operation, can affect nearby sensitive receptors but such impacts are unpredictable at this time since the location and design of new police stations, as well as the proximity to sensitive receptors, are currently unknown. In any event, construction of these facilities would comply with all applicable laws, regulations, and ordinances, and mitigation measures would be required to address any potentially significant impacts.

While the PEIR analyzes anticipated effects of regional transportation and growth related to air quality, noise, traffic, utilities, and other environmental impact areas, given the increased growth as well as densified development, the Plan could contribute to the need for construction of new or physically altered police facilities in order to maintain acceptable service ratios. Although the location and size of such facilities is not yet known, and impacts could occur, requiring the consideration of mitigation measures.

Mitigation Measures

SCAG Mitigation Measures

See **SMM PSF-1**.

SMM PSP-1 SCAG shall facilitate minimizing future impacts to library services through cooperation, information sharing, and regional program development as part of SCAG's ongoing regional planning efforts, such as web-based planning tools for local government including CA LOTS, and other GIS tools and data services, including, but not limited to Map Gallery, GIS library, and GIS applications, and promote acceptable service ratios regarding library services.

SMM PSP-2: SCAG shall help to enhance the region's ability to deter and respond to acts of terrorism, human-caused or natural disasters through regionally cooperative and collaborative strategies. SCAG shall work with local officials to develop regional consensus on regional transportation safety, security, and safety security policies.

SMM PSP-3: SCAG shall help to enhance the region's ability to deter and respond to terrorist incidents, human-caused or natural disasters by strengthening relationship and coordination with transportation. This will be accomplished by the following:

- SCAG shall work with local officials to develop regional consensus on regional transportation safety, security, and safety security policies.
- SCAG shall encourage all SCAG elected officials are educated in NIMS.
- SCAG shall work with partner agencies, federal, state and local jurisdictions to improve communications and interoperability and to find opportunities to leverage and effectively utilize transportation and public safety/security resources in support of this effort.

SMM PSP-4: SCAG shall encourage and provide a forum for local jurisdictions to develop mutual aid agreements for essential government services during any incident recovery.

Project Mitigation Measures

PMM PSP-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects of constructing new emergency response facilities, as applicable and feasible. Such measures may include the following or other comparable measures identified by the Lead Agency:

- a) Coordinate with emergency response agencies to ensure that there are adequate governmental facilities to maintain acceptable service ratios, response times or other performance objectives for emergency response services and that any required additional construction of buildings is incorporated in to the project description.
- b) Where current levels of services at the project site are found to be inadequate, provide fair share contributions towards infrastructure improvements, as appropriate and applicable, to mitigate identified CEQA impacts.
- c) Project sponsors can and should develop traffic control plans for individual projects. Traffic control plans should include information on lane closures and the anticipated flow of traffic during the construction period. The basic objective of each traffic control plan (TCP) is to permit the contractor to work within the public right of way efficiently and effectively while maintaining a safe, uniform flow of traffic. The construction work and the public traveling through the work zone in vehicles,

bicycles or as pedestrians must be given equal consideration when developing a traffic control plan.

Level of Significance After Mitigation

As discussed above, regulations and policies would reduce impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and SCAG's inability to require project-level mitigation measures, this PEIR finds impacts related to the need for new or physically altered police facilities could be significant and unavoidable even with implementation of mitigation.

3.15.2.4 SOURCES

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3.15.3.1 ENVIRONMENTAL SETTING

Counties and cities within the SCAG region provide public education facilities and services to residents including elementary schools, middle schools, secondary schools, postsecondary schools, and colleges/universities, as well as special and adult education. Additional discussion of schools is provided in **Sections 3.3, Air Quality**, and **3.11, Land Use and Planning**.

3.15.3.1.1 California Department of Education

The California Department of Education (CDE) oversees the state's public school system, which provides education to more than six million children and young adults in more than 10,000 schools. CDE and the State Superintendent of Public Instruction are responsible for enforcing education law and regulations; and for continuing to reform and improve public elementary school programs, secondary school programs, adult education, some preschool programs, and child care programs.

Although the California public school system is subject to state requirements, the CDE relies on local control for the management of school districts. In allocating resources among the schools of the district, school district governing boards and district administrators must follow the law, but also set the educational priorities for their schools. As of the 2018-2019 school year, there were more than 1,030 school districts in California.¹

3.15.3.1.2 Educational Facilities

According to the California Department of Education, there are approximately three million students enrolled in schools in the SCAG region, ranging from kindergarten to 12th grade, with over 141,000 teachers (see **Table 3.15.3-1, Kindergarten through Grade 12 Enrollment and Teachers in the SCAG Region for the 2017–2018 School Year**). The number of public K–12 school districts range from a low of 19 in Imperial County to a high of 80 in Los Angeles County, with a corresponding range of schools from a low of 74 in Imperial County to over 2,300 in Los Angeles County (see **Table 3.15.3-2, Public and Private Schools in the SCAG Region**). Three counties have University of California campuses, and all but one county have one or more California State University campuses (see **Table 3.15.3-2**).

¹ California Department of Education. 2019. *Fingertip Facts on Education in California*. Available online at: <https://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>, accessed August 28, 2019.

Table 3.15.3-1
Kindergarten through Grade 12 Enrollment and Teachers in the SCAG Region for the 2017–2018
School Year

County	Enrollment K–12	Teachers
Imperial	37,716	1,763
Los Angeles	1,492,652	73,737
Orange	485,835	21,438
Riverside	428,992	19,301
San Bernardino	403,137	18,680
Ventura	137,758	6,502
SCAG Region	2,986,090	141,421
California	6,220,413	306,261

Source:

California Department of Education. 2019. *Data Quest*. Available online at: <https://dq.cde.ca.gov/dataquest/>, accessed January 14, 2019.

Table 3.15.3-2
Public and Private Schools in the SCAG Region

County	Public Schools ¹		UC System ²	Cal State System ³	Private Schools (Active)	
	Districts	Schools			K–12	College
Imperial	19	74	—	—	11	—
Los Angeles	80	2,315	1	5	264	61
Orange	27	634	1	1	91	25
Riverside	23	515	1	—	69	5
San Bernardino	35	542	—	1	78	9
Ventura	20	210	—	1	34	4
SCAG Total	204	4,290	3	8	547	104

Source:

1 California Department of Education. 2019. *California School Directory*. Available online at: <https://www.cde.ca.gov/SchoolDirectory/>, accessed January 14, 2019.

2 University of California. 2018. *Campuses*. Available online at: <http://www.universityofcalifornia.edu/campuses/welcome.html>, accessed January 14, 2019.

3 California State University. Accessed August 2019. *The 23 Outstanding Campuses of the CSU*. Available at: <https://www2.calstate.edu/attend/campuses>, accessed August 28, 2019.

Imperial County

Imperial County has 19 school districts, 11 private schools, three charter academies, and a community college, Imperial Valley College. Enrollment within the districts ranges from 9,200 students to 81 students. Within the County, 11 school districts have recently passed bond measures that will support new gymnasiums, classrooms, science labs, swimming pools, and three entirely new schools.² Additionally, San Diego State University has a satellite campus in Imperial County, located in Calexico.

Los Angeles County

Los Angeles County Office of Education is the largest regional education agency in the U.S. and serves as an intermediary between the local school districts and the California Department of Education. The County is served by 80 school districts.³ As with all of California, the districts operate independently of the County government and elected governing school boards are responsible for budgeting and decision-making.

Orange County

The Orange County Department of Education is comprised of 27 K-12 school districts, four community college districts, one alternative school, and a special education school. There are more than 600 public schools and 20,000 educators serving more than 500,000 students. Although almost all of the Orange County schools are experiencing growth, the fastest growing districts are within South County: Saddleback Valley Unified School District and Capistrano Unified School District. The Orange County Department of Education also promotes a childcare program, offering before- and after school care for children of working parents, as well as youth and teen programs.⁴

Riverside County

Within Riverside County, the Riverside County Office of Education (RCOE) provides educational and administrative support services to the 23 school districts and nearly 430,000 students living in the County. Beyond acting as an intermediary between the State and local school districts, the RCOE also supports or directly provides a variety of specialized needs, such as Special Education for the severely handicapped,

² Imperial County Office of Education (ICOE). 2018. *2017- 2018 ICOE Annual Yearbook*. Available online at: <https://indd.adobe.com/view/147cbdb7-1874-432c-8a96-3fd7f03f81ed>, accessed March 27, 2019.

³ Los Angeles County Office of Education. *Public Schools Directory, Los Angeles County School Districts*. Available online at: <https://schooldirectory.lacoe.edu/los-angeles-county-public-schools-directory.aspx>, accessed August 28, 2019.

⁴ Orange County Department of Education. *About OCDE*. Available online at: <https://ocde.us/AboutOCDE/Pages/default.aspx>, accessed August 28, 2019.

Head Start, Migrant Education, Alternative Education through independent study, Community Schools and Juvenile Court Schools and Career Technical Education programs designed to teach workforce skills aiding future employment. The RCOE reports 515 school sites, including 18 charter schools, and employs approximately 19,000 teachers and non-teaching school employees.⁵

San Bernardino County

The San Bernardino County Superintendent of Schools manages approximately 403,000 students across more than 500 schools in 35 districts.^{6,7,8} The County also has six Special Education Local Plan Areas, and five regional occupational programs.^{9,10} The County Board of Supervisors exercises direct control over the County School System, which is under the jurisdiction of the State Board of Education.

Ventura County

The Ventura County Office of Education (VCOE) oversees the County's 20 public school districts, which serve nearly 138,000 K-12 students. The VCOE also promotes court and community schools, as well as special education facilities. The primary role of the office is to promote quality educational services to all students by providing leadership, support, assistance, and coordination to school districts and County operated programs through the provisions of administrative, educational, fiscal and clerical services. In addition, the District provides professional development opportunities for teaching staff and hosts countywide academic competitions including the spelling bee, mock trial, and academic decathlon.¹¹

⁵ Riverside County Office of Education. 2019. *2019 Report to the Community*. Available online at: https://www.rcoe.us/content/uploads/2019/03/Community-Annual-Report_2019.pdf, accessed August 28, 2019.

⁶ Education Data Partnership. *San Bernardino County*. Available online at: <https://www.ed-data.org/county/San-Bernardino/>, accessed August 28, 2019.

⁷ National Center for Educational Statistics. *Search for Public Schools*. Available online at: https://nces.ed.gov/ccd/schoolsearch/school_list.asp?Search=1&InstName=&SchoolID=&Address=&City=&State=&Zip=&Miles=&County=San+Bernardino&PhoneAreaCode=&Phone=&DistrictName=&DistrictID=&SchoolType=1&SchoolType=2&SchoolType=3&SchoolType=4&SpecificSchlTypes=all&IncGrade=-1&LoGrade=-1&HiGrade=-1, accessed August 28, 2019.

⁸ San Bernardino County Superintendent of Schools. *School Districts Information*. Available online at: <https://www.sbcss.k12.ca.us/index.php/2011-10-26-18-00-05>, accessed August 28, 2019.

⁹ California Department of Education. 2019. *California Special Education Local Plan Areas*. Available online at: <https://www.cde.ca.gov/sp/se/as/caselpas.asp>, accessed August 28, 2019.

¹⁰ Regional Occupational Program. *ROP Course Offerings*. Available online at: https://www.sbcrop.org/apps/pages/index.jsp?uREC_ID=427614&type=d&pREC_ID=933195, accessed August 28, 2019.

¹¹ Ventura County Office of Education. *Schools*. Available online at: <https://www.vcoe.org/Schools>, accessed August 28, 2018.

3.15.3.2 REGULATORY FRAMEWORK

3.15.3.2.1 Federal

Elementary and Secondary Education Act of 1965 (ESEA) and Every Student Succeeds Act (ESSA) of 2015

Since the Elementary and Secondary Education Act (ESEA) of 1965 (Public Law 89-10) was signed into law by President Lyndon B. Johnson, local school districts throughout the nation have received federal monies through grants to state educational agencies to improve the quality of elementary and secondary education. ESEA also offered new grants to districts serving low-income students and for text and library books, created special education centers, and created scholarships for low-income collect students. In 2002, Congress reauthorized ESEA and President George W. Bush signed the law under a new name: No Child Left Behind (NCLB). In 2015, President Obama reauthorized ESEA and improved upon the NCLB to focus on fully preparing all students for success in college and careers. The ESSA upholds critical protections for disadvantaged students, includes statewide assessments to measure progress, increases access to high-quality preschool and furthers goals to close achievement gaps and increase equity and positive outcomes for all students.¹²

3.15.3.2.2 State

California Government Code Section 65995

California Government Code Section 65995 is found in Title 7, Chapter 4.9 of the California Government Code. California Government Code Section 65995 authorizes school districts to collect impact fees from developers of new residential and commercial/industrial building space. Senate Bill 50 (SB 50) amended Government Code Section 65995 in 1998. Under the provisions of SB 50 schools can collect fees to offset costs associated with increasing school capacity as a result of development. The development that would occur within the SCAG region between now and 2044 would be subject to applicable fees determined by the local school districts per California Government Code Section 65995. The local school districts determine fees in accordance with California Government Code Section 65995 which can be adjusted every two years. The maximum fees authorized under SB 50 apply to zone changes, general plan amendments, zoning permits and subdivisions. The provisions of SB 50 are deemed to provide full and

¹² Social Welfare History Project. *Elementary and Secondary Education Act of 1965*. Available online at: <https://socialwelfare.library.vcu.edu/programs/education/elementary-and-secondary-education-act-of-1965/>, accessed August 28, 2019.

complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local laws.¹³

Assembly Bill 2926

In 1986, Assembly Bill No. 2926 (Statutes of 1986, ch. 887) (AB 2926) authorized the levy of statutory development fees, as well as placed a cap on the number of fees that could be levied, on new residential and commercial/industrial development in order to pay for school facilities. Its overall purpose was to enable school districts to impose developer fees to pay for new school construction (Government Code 53080).¹⁴

California Education Code

School facilities and services are subject to the rules and regulations of the California Education Code and governance of the State Board of Education (SBE). The SBE is the 11-member governing and policymaking body of the California Department of Education (CDE) that sets K–12 education policy in the areas of standards, instructional materials, assessment, and accountability.¹⁵ The CDE and the State Superintendent of Public Instruction are responsible for enforcing education law and regulations; and for continuing to reform and improve public elementary school, secondary school, and childcare programs, as well as adult education and some preschool programs. The CDE’s mission is to provide leadership, assistance, oversight, and resources so that every Californian has access to an education that meets world-class standards. The core purpose of the CDE is to lead and support the continuous improvement of student achievement, with a specific focus on closing achievement gaps.¹⁶

California Department of Education

The CDE is the government agency responsible for public education throughout the state. The department oversees funding, and student testing and achievement levels for all state schools. A sector of the CDE, the California State Board of Education is the governing and policy making sector

¹³ California Legislative Information. *Chapter 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995-65998], Section 65995*. Available online at: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65995, accessed August 28, 2019.

¹⁴ California Legislative Information. *Article 4. Miscellaneous [53060-53087.8], Section 53080*. Available online at: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=53080, accessed August 28, 2019.

¹⁵ California State Board of Education. *State Board of Education*. Available online at: <https://www.cde.ca.gov/be/>, accessed August 28, 2019.

¹⁶ California State Board of Education. *Vision, Mission, and Goals*. Available online at: <https://www.cde.ca.gov/be/ag/ag/vmgoals.asp>, accessed August 28, 2019.

responsible for education policies regarding standards, instructional materials, assessment, and accountability. CDE's mission is to provide leadership, assistance, oversight, and resources so that every Californian has access to an education that meets world-class standards. The core purpose of CDE is to lead and support the continuous improvement of student achievement, with a specific focus on closing achievement gaps.

Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998

Proposition 1A, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998 (Ed. Code, §§ 100400–100405) is a school construction funding measure that was approved by the voters on the November 3, 1998 ballot. The Act created the School Facility Program where eligible school districts may obtain state bond funds.¹⁷

Leroy Greene School Facilities Act of 1998

The Leroy Greene School Facilities Act of 1998 (Ed. Code, §§ 17070.10-17079.30) eliminated the ability of cities and counties to require full mitigation of school impacts and replaced it with the ability for school districts to assess fees directly to offset the costs associated with increasing school capacity as a result of new development. The Act states that payment of developer fees is “deemed to be complete and full mitigation” of the impacts of new development.¹⁸

Community Facilities Act of 1982, as amended

The Community Facilities Act of 1982 (Section 53324 of the Government Code), also commonly known as the Mello-Roos Act, enables certain public agencies to designate a Mello-Roos Community Facilities District, which allows for the financing of public improvements and services. These include basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums, and other cultural facilities. Mello-Roos Community Facilities Districts are usually created to finance improvements and services when no other funding sources are available and require a two-thirds majority vote of residents living within the proposed boundaries. They are used especially often (but not exclusively) in new development areas. Upon approval, a special tax lien is placed against each property

¹⁷ Legislative Analyst's Office. 1998. *Proposition 1A Class Size Reduction Kindergarten – University Public Education Facilities Bond Act of 1998*. Available online at: https://lao.ca.gov/ballot/1998/1A_11_1998.htm, accessed August 28, 2019.

¹⁸ California Legislative Information. *Chapter 12.5. Leroy F. Greene School Facilities Act of 1998*. Available online at: https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=1.&title=1.&part=10.&chapter=12.5.&article=, accessed August 28, 2019.

in the district, and residents pay a special tax each year. This tax is not based on property value, but on formulas that take into account physical characteristics such as square footage and structure size.¹⁹

3.15.3.2.3 Local

School Districts

Although the California public school system is under the policy direction of the Legislature, the California Department of Education relies on local control for the management of school districts. In allocating resources among the schools of the district, school district governing boards and district administrators must follow the law, but also set the educational priorities for their schools. In addition, some jurisdictions issue bonds to finance school construction.

General Plans

Local planning policies related to education services are established in each jurisdiction's general plan. In general, jurisdictions have policies in place that state that public services must be provided at the same time (or in advance of) need for that service. In addition to these general policies, jurisdictions may have more specific policies tailored to performance objectives.

3.15.3.3 ENVIRONMENTAL IMPACTS

3.15.3.3.1 Thresholds of Significance

For the purposes of this PEIR, SCAG has determined that adoption and/or implementation of the proposed Plan would result in significant impacts to educational facilities, if the following could occur:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other educational performance factors.

3.15.3.3.2 Methodology

The methodology for determining the significance of impacts on public services compares existing conditions to the expected future use of schools under the Plan. The criteria above were applied to compare current conditions to future 2045 Plan conditions. The analysis of these impacts is programmatic at the regional level, as such impacts for individual schools or school districts is not determined.

¹⁹ California Tax Data. *What is Mello-Roos?* Available online at: <https://www.californiataxdata.com/pdf/Mello-Roos2.pdf>, accessed November 5, 2018.

In *Goleta Union School District v Regents of University of California* (1995) 37 CA 4th 1025, the court held that school overcrowding is a social impact and does not require analysis in an EIR and mitigation, unless the overcrowding is linked to physical environmental effects (such as new school construction). However, the law is somewhat unclear on how to analyze impacts from school facilities. The legal practice guide, "Practice under the California Environmental Quality Act" by the Continuing Education of the Bar, provides the following discussion on impacts to schools:

State and local agencies may not deny either legislative or adjudicative approvals on the basis of a refusal to pay fees in excess of those limits (Government Code Section 65995).

The statutes also significantly limit the application of CEQA to school facilities impact issues. The fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 5996(a)).

Because the statute states that the statutory fees are the exclusive means of considering, as well as mitigating, school impacts, it limits not only the mitigation that may be required but also the scope of impact review in CEQA documents and the findings for school impacts.

In *Chawanakee Unified School District v County of Madera* (2011) 196 CA 4th 1016, the court held that because the methods in the statute are the exclusive means of "considering" impacts on schools, an EIR need not describe and analyze a development's impacts on schools. Consistent with this view:

- Once the statutory fee is imposed, the impact should be determined to be mitigated because of the provision that the statutory fees constitute full and complete mitigation (Government Code Section 65995(b)); and
- It should not be necessary to adopt a statement of overriding considerations for school facilities impacts when the statutory fee is assessed, because the impact is deemed as a matter of law to be adequately mitigated (Government Code Section 65995(b)).

The *Chawanakee* court also ruled that the reach of the statute is limited to impacts "on" schools and does not extend to impacts on the non-school physical environment, even though they may be "related" to schools in some way. The implications of this ruling are uncertain, however, because the court did not consider the effect of Government Code Section 65995(b), which states that the statute provides full school facilities mitigation notwithstanding CEQA, or of Government Code Section 65995(c), which defines a school facility as "any school-related consideration relating to a school district's ability to accommodate enrollment."

Based on the above and the uncertainty created by the *Chawanakee* decision related to impacts to non-school property from the construction of school facilities, for purposes of this PEIR, an impact on schools would occur if the Plan promotes growth patterns resulting in the need for and/or the provision of new or physically altered public school facilities, the construction of which would cause significant environmental impacts in order to maintain classroom sizes or other performance objectives. The determination of whether there is a significant impact related to schools is based on whether a significant impact would result from the construction of new or expanded school facilities on non-school property. This PEIR analyzes the potential for the Plan to result in the need for new school facilities and the associated potential for construction and subsequent operation of such facilities to cause physical environmental impacts.

The mitigation measures in the PEIR are divided into two categories: SCAG mitigation and project-level mitigation measures. SCAG mitigation measures shall be implemented by SCAG over the lifetime of the Plan. For projects proposing to streamline environmental review pursuant to SB 375, SB 743 or SB 226 (as described in Section 1.0 Introduction), or for projects otherwise tiering off this PEIR, the project-level mitigation measures described below (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 implementing agencies to adopt mitigation, and it is ultimately the responsibility of the implementing agency to determine and adopt project-specific mitigation.

3.15.3.3.3 Impact and Mitigation Measures

Impact PSS-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered educational facilities, need for new or physically altered educational facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

Significant and Unavoidable Impacts - Mitigation Required.

Population is anticipated to increase by approximately 3.2 million people over the lifetime of the Plan (with or without the Plan); some of this population increase would include school age children.²⁰

²⁰ Southern California Association of Governments. Profiles of Imperial County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and Ventura County. Available at: <http://www.scag.ca.gov/DataAndTools/Pages/LocalProfiles.aspx>

According to SCAG's Demographics and Growth Technical Report, the share of children will decline by 2.48 percent, but school age children will continue to make up a large share of the overall population.

Based on the 2018 enrollment of approximately 3 million students in the SCAG region (approximately 16 percent of an overall 2018 population of 19.1 million), and considering the projected growth scenario for 2045, the number of children enrolled in K-12 schools is anticipated to increase by approximately 558,000 students.^{21,22} The land use strategies included in the Plan direct new growth to existing urbanized communities within the SCAG region. For example, as projected by the Plan, HQTAs are planned to accommodate 48 percent of the region's future housing unit growth. It is anticipated that this increase in population and households in existing communities and HQTAs would require construction or expansion of new schools in the region to accommodate the increased growth and densified development (e.g., more families living and/or working there). However, it is important to note that some public schools have experienced declines in enrollment as a result of changing demographics and/or as a result of parents choosing a private education. For example, according to the Superintendent's 2019-20 Final Budget Report, the largest district in the region, Los Angeles Unified School District (LAUSD), is expecting enrollment to decrease across its schools; LAUSD states that this is due to several factors, including the reduced birth rate in Los Angeles County and the increasing cost of living, including housing, in southern California.²³

School standards, performance measures, and related policies are set for public schools in school district long-range plans. To meet increased demand, existing schools would likely need additional facilities and other resources to maintain adequate educational standards. In some cases, depending on the pattern of development, it could be necessary to construct new schools as has been the case in Orange County's Saddleback Valley Unified School District. Such construction could have impacts on aesthetics, air quality, cultural resources, noise, transportation, as well as public services and utilities.

It is assumed that if new or expanded schools are determined to be necessary at some point in the future, such facilities could occur in proximity to residential uses.²⁴ Depending on the location of new schools, if

²¹ Southern California Association of Governments. Profiles of Imperial County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and Ventura County. Available at: <http://www.scag.ca.gov/DataAndTools/Pages/LocalProfiles.aspx>

²² Assuming the percent of school age children within the SCAG region remains constant at 15.5 percent, the increase in the number of students would be approximately 558,000 students, or 15.5 percent of the anticipated increase of 3.6 million people for the SCAG region over the lifetime of the Plan.

²³ Los Angeles Unified School District. 2019. *2019-20 Superintendent's Final Budget*. Available at: https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/123/19_2019-20%20District%20Enrollment%20Trends%2005-17-19%20combined%20rev.pdf, accessed October 30, 2019.

²⁴ As allowed under Section 53094 of the California Government Code, the LAUSD Board of Education has, by resolution, exempted many schools from complying with local zoning regulations.

they are determined to be needed, impacts related to particular locations could occur; however, such impacts are too speculative to assess without information as to design, location and proximity to the population to be served. Further, any significant impacts that could result from the unique characteristics of a specific project site, or specific characteristics of a given school (e.g. night lighting and performance spaces) would be speculative at this time. The construction of these facilities would be subject to project-specific CEQA review. While the PEIR analyzes anticipated effects of regional transportation and growth related to air quality, noise, traffic, utilities, and other environmental impact areas, given the increased growth as well as densified development the Plan could contribute to substantial adverse physical impacts associated with the construction and subsequent operation of new or physically altered school facilities in order to maintain acceptable service ratios. Although the location and size of such facilities is not yet known, impacts could occur, requiring the consideration of mitigation measures.

Mitigation Measures

SCAG Mitigation Measure

SMM PSS-1: SCAG shall facilitate minimizing future impacts to school services through cooperation, information sharing, and regional program development as part of SCAG's ongoing regional planning efforts, such as web-based planning tools for local government including CA LOTS, and other GIS tools and data services, including, but not limited to, Map Gallery, GIS library, and GIS applications, and direct technical assistance efforts to promote school planning efforts.

Project Mitigation Measures

PMM PSS-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the State CEQA Guidelines, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects of constructing new or physically altered school facilities, as applicable and feasible. Such measures may include the following or other comparable measures identified by the Lead Agency:

- a) Where construction or expansion of school facilities is required to meet public school service ratios, require school district fees, as applicable.

Level of Significance After Mitigation

As discussed above, regulations and policies would reduce impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing

regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and the lack of project specific-detail, including project components and locations, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts related to the need for new or physically altered school facilities could be significant and unavoidable even with implementation of mitigation.

3.15.3.4 SOURCES

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3.15.4.1 ENVIRONMENTAL SETTING

American Library Association

In the mid 1960's, the American Library Association (ALA) established library standards for public libraries. The ALA recommends service criteria of 0.5 square feet of library space and 2.5 volumes per capita. Many jurisdictions have not identified individual service criteria and utilize the ALA recommendations to meet the demand for library services in an area.

Imperial County

The County of the Imperial Free Library was founded in 1912 and serves County residents in unincorporated areas, as well as in the cities of Calipatria, Holtville, and Westmorland. There are currently four branches located in Salton City, Calipatria, Heber, and Holtville. The library facilities offer services for children and teens, such as homework assistance, education games, and college scholarship databases.¹ Many incorporated cities within Imperial County also provide library services.

Los Angeles County

The County of Los Angeles Public Library is one of the largest public library systems in the U.S. The system maintains 86 libraries across seven library planning areas. The system is equipped with 7.5 million books, in addition to magazines, newspapers, government publications, reference materials, audio-visual media, adult, teen and children programs, downloadable e-books, computers, and internet access. The County guidelines regarding facilities are a minimum of 0.5 gross square foot and 2.75 items (books and other library materials) per capita.² Many incorporated cities within Los Angeles County also provide their own library services.

Orange County

The Orange County Public Library provides library service to the unincorporated areas of Orange County plus the cities of Aliso Viejo, Brea, Costa Mesa, Cypress, Dana Point, Fountain Valley, Garden Grove, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, La Habra, La Palma, Los Alamitos, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Seal Beach, Stanton,

¹ Imperial County, California. *Welcome to the Imperial County Free Library*. Available online at: <https://www.co.imperial.ca.us/Library/>, accessed August 28, 2019.

² County of Los Angeles. 2015. *Los Angeles County General Plan*. Available at: http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan.pdf, accessed September 9, 2019.

Tustin, Villa Park, and Westminster. The library system operates 33 branch library facilities, which contain approximately 2.5 million volumes, as well as periodicals, pamphlets, audio and video recordings, graphics, maps, etc. The library system has determined a service standard of 0.2 square foot of library space per capita and it strives to locate facilities within a three mile radius of the communities they serve.³ Within Orange County, many incorporated cities also provide library services.

Riverside County

Riverside County operates a library system of 36 libraries, two book mobiles, and a county museum. Library management offices are located in the City of Riverside while the bookmobiles travel to serve unincorporated communities in the Coachella Valley and in western Riverside County. In Fiscal Year 2018/2019, the County library had approximately 3.752 million visitors and issued 43,700 library cards.⁴ Many incorporated cities within Riverside County also provide library services.

San Bernardino County

The San Bernardino County Library System (SBCL) maintains 32 branches, two book mobiles, and has an administration building in the City of San Bernardino.⁵ The SBCL provides library resources such as books, internet, youth and adult literacy services, and braille institute services. The SBCL is available to unincorporated communities as well as 25 incorporated communities within the County. Combined, the branch facilities and administrative office total over 358,000 square feet of building area.⁶ In addition, many incorporated cities within San Bernardino provide library services.

Ventura County

The Ventura County Library maintains 12 community branches across the County. The various branches provide services such as book and document loans, computer labs, meeting rooms, homework assistance, and STEAM events. The County Library also provides an adult literacy program and tutors, as well as an eLibrary.⁷ The Ventura County Library maintains over 300,000 print books, as well as a variety of music,

³ Orange County. *General Plan Chapter V: Public Services & Facilities Element*. Available at: <https://www.ocgov.com/civicax/filebank/blobdload.aspx?blobid=8639>, accessed September 9, 2019.

⁴ County of Riverside. *Fiscal Year 2019/19 Recommended Budget*. Available online at: https://countyofriverside.us/Portals/0/Government/Budget%20Information/18-19/FY18-19_Recommended_Budget_@2018-05-25_ELECTRONIC_VERSION.pdf, accessed August 28, 2019.

⁵ San Bernardino County. *Library About Us*. Available online at: <http://www.sbclib.org/Information.aspx>, accessed August 28, 2019.

⁶ County of San Bernardino. *San Bernardino Countywide Plan Draft Environmental Impact Report*. Available online at: http://countywideplan.com/wp-content/uploads/2019/06/Ch_000_TITLE-PAGE.pdf, accessed September 18, 2019.

movies, TV shows, magazines, toys, instruments, and sketch books.⁸ In the Fiscal Year 2018-2019, the County Library circulated over 554,000 physical and digital items, issued 12,000 library cards, and held over 5,000 events.⁹ Library services are also provided by many incorporated cities within Ventura County.

3.15.4.2 REGULATORY FRAMEWORK

3.15.4.2.1 State

Community Facilities Act of 1982, as amended

The Community Facilities Act of 1982 (Section 53324 of the Government Code), also commonly known as the Mello-Roos Act, enables certain public agencies to designate a Mello-Roos Community Facilities District, which allows for the financing of public improvements and services. These include basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums, and other cultural facilities. Mello-Roos Community Facilities Districts are usually created to finance improvements and services when no other funding sources are available, and require a two-thirds majority vote of residents living within the proposed boundaries. They are used especially often (but not exclusively) in new development areas. Upon approval, a special tax lien is placed against each property in the district, and residents pay a special tax each year. This tax is not based on property value, but on formulas that take into account physical characteristics such as square footage and structure size.¹⁰

3.15.4.2.2 Local

Developer Impact Fees

One primary source for financing library facilities within the SCAG region and across the state is developer impact fees. These fees reduce impacts of residential developments; generally, developers can construct new library facilities or pay impact fees to the library to mitigate the impacts from a specific project. Fees vary depending on the jurisdiction in which the project is located.

⁷ Ventura County Library. 2019. *Services Available*. Available online at: <https://www.vencolibrary.org/services>, accessed August 28, 2019.

⁸ Ventura County Library. 2019. *System-Wide Stats*. Available online at: <https://www.vencolibrary.org/stats>, accessed August 28, 2019.

⁹ Ventura County Library. *Fiscal Year 2018-2019*. Available online at: https://www.vencolibrary.org/sites/default/files/VCLCanva_Infographic_FY18-19.png, accessed August 28, 2019.

¹⁰ California Tax Data. *What is Mello-Roos?* Available online at: <https://www.californiataxdata.com/pdf/Mello-Roos2.pdf>, accessed November 5, 2018.

3.15.4.3 IMPACTS AND MITIGATION MEASURES

3.15.4.3.1 Thresholds of Significance

For the purposes of this PEIR, SCAG has determined that adoption and/or implementation of the proposed Plan would result in significant impacts to library facilities, if the following could occur:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, need for new or physically altered library facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

3.15.4.3.2 Methodology

The methodology for determining the significance of impacts on public services compares existing conditions to the expected future use of libraries under the Plan. The criteria above were applied to compare current conditions to future 2045 Plan conditions. Due to the size of the region, a detailed analysis of individual libraries and their capacity is not feasible. As such, the analysis focuses on region wide capacity and impacts. The analysis of these impacts is programmatic at the regional level.

The need for, or deficiency in, library facilities to serve residents is not in and of itself a CEQA impact, but a social or economic impact. (*City of Hayward v. B'd of Trustees* (2015) 242 Cal.App. 4th 833, 843). In accordance with CEQA, this PEIR analysis focuses on the extent to which the Plan's growth patterns result in a need for additional library facilities and the associated potential for construction and subsequent operation of such facilities to cause physical environmental impacts.

The mitigation measures in the PEIR are divided into two categories: SCAG mitigation and project-level mitigation measures. SCAG mitigation measures shall be implemented by SCAG over the lifetime of the Plan. For projects proposing to streamline environmental review pursuant to SB 375, SB 743 or SB 226 (as described in Section 1.0 Introduction), or for projects otherwise tiering off this PEIR, the project-level mitigation measures described below (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 implementing agencies to adopt mitigation, and it is ultimately the responsibility of the implementing agency to determine and adopt project-specific mitigation.

3.15.4.3.3 Impact and Mitigation Measures

Impact PSL-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, need for new or physically altered library facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

Significant and Unavoidable Impacts - Mitigation Required.

Population in the SCAG region is anticipated to increase by approximately 3.2 million people over the next 25 years, with or without the Plan. As discussed above, the counties within the SCAG region all have different service criteria for library services, with some counties not having set any at the time of this PEIR. Across the nation, public libraries have experienced significant growth in programming since 2012. The number of public programs offered per capita has jumped 27.5% while the number of programs attended per capita has risen 16.9%. The Public Library Association (PLA) is responding to this trend by offering relevant initiatives designed to help public libraries offer targeted programs around issues that matter most to patrons, including access to on-line resources and e-books. Currently, 100% of public libraries offer access to the internet; 98% offer free Wi-Fi; 90% help patrons with basic internet skills; 97% help people complete online government forms; 90% offer access to e-books.¹¹

New transportation facilities, especially those in urban areas, could facilitate access to libraries and result in increased use of some libraries. In addition, the anticipated growth in population and households would increase the demand for library facilities, which may result in a need for new and/or expanded library facilities. As communities grow, the need for library facilities would be assessed by each local jurisdiction and additional facilities would be constructed as needed. Depending on the location of new libraries, if they are determined to be needed, impacts related to locations could occur; however, without information as to design, location and proximity to the population to be served, such impacts are too speculative to assess. The construction of these facilities would be subject to project-specific CEQA review. While the PEIR analyzes anticipated effects of regional transportation and growth related to air quality, noise, traffic, utilities, and other environmental impact areas, given the increased growth as well as densified development (e.g., more families living and/or working there), the Plan could contribute to substantial adverse physical impacts associated with the construction of library facilities in order to maintain acceptable service ratios. Although the location and size of such facilities is not yet known, impacts could occur, requiring the consideration of mitigation measures.

¹¹ American Library Association, State of America's Libraries Report 2019, website: <http://www.ala.org/news/state-americas-libraries-report-2019/public-libraries>, accessed October 30, 2019.

Mitigation Measures

SCAG Mitigation Measure

SMM PSL-1 SCAG shall facilitate minimizing future impacts to library services through cooperation, information sharing, and regional program development as part of SCAG's ongoing regional planning efforts, such as web-based planning tools for local government including CA LOTS, and other GIS tools and data services, including, but not limited to Map Gallery, GIS library, and GIS applications, and promote acceptable service ratios regarding library services.

Project Mitigation Measure

PMM PSL-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects of construction of new or altered library facilities, as applicable and feasible. Such measures may include the following or other comparable measures identified by the Lead Agency:

- a) Where construction or expansion of library facilities is required to meet public library service ratios, require library fees, as appropriate and applicable, to mitigate identified CEQA impacts.

Level of Significance After Mitigation

As discussed above, regulations and policies would reduce impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and the lack of project specific-detail, including project components and locations, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts related to the need for new or physically altered library facilities could be significant and unavoidable even with implementation of mitigation.

3.15.4.4 SOURCES

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