

1 Introduction

This document is an Environmental Impact Report (EIR) for the 2018 Regional Transportation Plan and Sustainable Communities Strategy (2018 RTP/SCS) proposed by the San Joaquin Council of Governments (SJCOG).

Section 21000 et seq. of the California Public Resources Code, commonly referred to as the California Environmental Quality Act of 1970 (CEQA), requires the evaluation of environmental impacts associated with all planning programs or development projects proposed. As such, this EIR is an informational document for use by SJCOG, other agencies, and the general public in their consideration and evaluation of the environmental consequences of implementing of the proposed 2018 RTP/SCS.

This section discusses (1) the purpose of this EIR; (2) 2018 RTP/SCS and EIR background; (3) the type of environmental document prepared for the 2018 RTP/SCS; (4) the content and format of the EIR; (5) the environmental review process required under the California Environmental Quality Act (CEQA); and (6) the lead, responsible, and trustee agencies. The proposed project is described in detail in Section 2.0, *Project Description*.

1.1 Statement of Purpose

This EIR has been prepared in compliance with the CEQA Statutes and Guidelines. In general, the purpose of an EIR is to:

- Analyze the potential environmental effects of the adoption and implementation of the Plan;
- Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the Plan;
- Recommend a set of measures to mitigate significant adverse impacts; and
- Analyze a range of reasonable alternatives to the proposed Plan.

The Final EIR will include a Mitigation, Monitoring, and Reporting Program that identifies who will be responsible for implementing identified mitigation measures and the required timing for implementation. As the lead agency for preparing this EIR, SJCOG will rely on the EIR analysis of potential environmental effects in their review and consideration of the proposed 2018 RTP/SCS prior to approval.

As discussed in further detail below in Section 1.3.1, *CEQA Streamlining Opportunities*, SB 375 provides streamlining benefits for certain transit-oriented projects consistent with an adopted SCS. Pursuant to these provisions of SB 375, this EIR has also been prepared to allow qualifying projects to streamline their environmental review.

1.2 Project Background

The proposed project, the 2018 RTP/SCS, is a long-range comprehensive plan for the region's multi-modal transportation system. As a Metropolitan Planning Organization (MPO), preparing an RTP is

one of San Joaquin Council of Governments' (SJCOG) primary statutory responsibilities under federal and state law. Implementation of an RTP is the mechanism used in California by both MPOs and Regional Transportation Planning Agencies (RTPAs) to conduct long-range planning (at least 20-years in to the future) in their regions. SJCOG must adopt an updated RTP every four years, or more frequently, if the region is to receive federal and state transportation dollars for public transit, streets/roads, and bicycle and pedestrian improvements. SJCOG adopted the 2014 RTP in June 2014; it provides a long-range plan for transportation in San Joaquin County. In 2008, California enacted the Sustainable Communities and Climate Protection Act, also known as Senate Bill 375 (SB 375), which requires MPOs to include a Sustainable Communities Strategy (SCS) element in their RTP updates. The 2014 RTP was the first SJCOG plan to include the SCS. The California Air Resources Board (CARB) provided greenhouse gas reductions targets for the preparation of the 2014 RTP, setting the targets at a 5 percent per capita reduction by 2020 and 10 percent per capita reduction by 2035 from year 2005 levels. The 2014 RTP/SCS met those targets. For San Joaquin County, the current per-capita emission reduction targets set by CARB are a five (5) percent reduction relative to 2005 levels by 2020, and a 10 percent reduction from 2005 levels by 2035.

In compliance with the CEQA Guidelines (Section 15063), SJCOG, as the Lead Agency responsible for the 2018 RTP/SCS, solicited preliminary public agency comments on the project through distribution of a Notice of Preparation (Appendix A) and receipt of public comments during a scoping meeting held at the following location:

- Stockton, California, on March 30, 2017 from 4:00 PM to 7:30 PM at the San Joaquin Council of Governments office, 555 East Weber Avenue
- **Adriana Lopez and Mary Meninga.** The commenters discussed the heavy truck traffic on Lathrop Road and concern over the potential designation of Lathrop Road as a Surface Transportation Assistance Act (STAA) truck route. [STAA trucks are longer than California legal trucks and therefore have specific designated routes in California.]

SJCOG received several comment letters on the NOP. A copy of each letter is provided in Appendix A and the letters are summarized below. In addition to the summaries below, SJCOG received a letter from the State Clearinghouse stating that SJCOG completed the NOP environmental review process.

- **Adriana Lopez and Mary Meninga.** The commenters discuss their concerns relating to the existing conditions of Lathrop Road, and the potential impacts from future road widening or proposed STAA truck designation for Lathrop Road from I-5 to Highway 99. The commenters concerns, as specified in the letter, pertain to the following issues: safety, police enforcement, hazardous emissions, noise and vibrations, and available alternate routes.
- **Mary Meninga.** The commenter's letter is a follow up to the joint letter summarized above. The commenter further discusses safety risks regarding the STAA designation of Lathrop Road. In addition, the commenter mentions schools, community activity centers/facilities that may be adversely affected.
- **Delta Stewardship Council (DSC).** The DSC indicated their desire to provide input regarding consistency of the 2018 RTP/SCS with the Delta Plan. Pursuant to the Water Code Section 85212, the DSC will be required to review the RTP/SCS for consistency with the Delta Plan. The DSC also suggested the RTP/SCS promote coequal goals of the plans by addressing water supply reliability, and provided guidance on protecting the Delta as a place. The letter specifically references environmental issue areas such as land use and planning, biological resources, and hydrology and water quality.

- **Margaret Luevano.** The commenter stated their concerns with safety and congestion issues with Lathrop Road.
- **Native American Heritage Commission.** The Commission outlines the AB 52 and SB 18 consultation requirements, as they relate to the CEQA review process. The Commission indicated that the 2018 RTP/SCS is subject to both AB 52 and SB 18 requirements.
- **Central Valley Regional Water Quality Control Board.** The Central Valley Water Board provided comments related to water protection processes. Specifically, the letter provided the requirements for Construction Storm Water General Permits, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permits, Clean Water Act Section 404 Permits, Clean Water Act Section 401 Permits, Dewatering Permits, Irrigated Lands Regulatory Program, and Waste Discharge.

1.3 Type of Environmental Document

This document is a Program EIR. Section 15168(a) of the CEQA Guidelines states that:

“A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.”

As a programmatic document, this EIR presents a countywide assessment of the impacts of the proposed 2018 RTP/SCS. Analysis of site-specific impacts of individual projects is not the intended use of a program EIR. Many specific projects are not currently defined to the level that would allow for such an analysis. Individual specific environmental analysis of each project will be undertaken as necessary by the appropriate implementing agency prior to each project being considered for approval. Because the act of adopting the 2018 RTP/SCS would not, in itself, result in the implementation of transportation system improvements projects or programs identified in this document, no environmental impacts would be directly associated with this action. This program EIR serves as a first-tier environmental document under CEQA supporting second-tier environmental documents for:

- Transportation projects developed during the engineering design process; and
- Residential or mixed use projects and transit priority projects consistent with the SCS.

Project sponsors implementing subsequent projects would undertake future environmental review for projects in the proposed 2018 RTP/SCS. These agencies would include the San Joaquin County and the cities and local jurisdictions within the County. Other project implementing agencies may include public transit providers, and other public agencies such as the California Department of Transportation (Caltrans), among others. All of these agencies, as well as the SJCOG member agencies, would be able to prepare subsequent environmental documents that incorporate by reference the appropriate information from this program EIR regarding secondary effects, cumulative impacts, broad alternatives, and other relevant factors. If the lead agency finds that implementation of a later activity would have no new effects and that no new mitigation measures would be required, that activity would require no additional CEQA review. Where subsequent

environmental review is required, such review would focus on project-specific significant effects peculiar to the project, or its site, that have not been considered in this program EIR.

Section 15151 of the CEQA Guidelines provides the following standards related to the adequacy of an Environmental Impact Report:

“An Environmental Impact Report should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.”

Section 15146 of the CEQA Guidelines further provides the following additional standards related to the adequacy of an Environmental Impact Report:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

1.3.1 CEQA Streamlining Opportunities

If the 2018 RTP/SCS is adopted and the program EIR is certified by SJCOG, the California Air Resources Board (CARB) must then confirm that the RTP/SCS, if implemented, would achieve the greenhouse gas emission reduction targets required by AB 32 and SB 375. Upon making this determination, a number of streamlining benefits may become available to lead agencies that carry out or approve future projects contemplated by the 2018 RTP/SCS.

For a lead agency to take advantage of many of the potential streamlining benefits associated with the SCS, it must be considered a Transit Priority Project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the SCS and meets the other statutory requirements outlined in Pub. Res. Code §§ 21155 et seq.

1.3.1.1 Streamlining Under SB 375

SB 375 provides streamlining benefits for Transit Priority Projects (TPP). A TPP is a project that meets all of the criteria summarized below. For the purposes of this EIR, geographic areas that meet the TPP requirements are referred to as Transit Priority Areas (TPAs).

- Consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS;
- Located within half a mile of a major transit stop or high-quality transit corridor;

- Comprised of at least 50 percent residential use based on total building square footage, or as little as 26 percent residential use if the project has a floor area ratio of not less than 0.75; and
- Built out with a minimum of 20 dwelling units per acre (PRC § 21155).

One of three potential streamlining benefits may apply to a TPP pursuant to SB 375, as described below.

First, TPPs that meet a detailed list of criteria set forth in PRC Section 21155.1 are statutorily exempt from CEQA. Due to the extensive list of criteria that must be met to achieve this exemption, the exemption may only be available in limited circumstances.

Second, a TPP that does not qualify for the statutory exemption may be eligible to comply with CEQA using a Sustainable Communities Environmental Assessment (SCEA). An SCEA is similar to a streamlined negative declaration or mitigated negative declaration that requires a 30-day public review period (rather than the otherwise available 20-day public review period). An SCEA is available for a TPP that does not result in any potentially significant environmental impacts after mitigation and that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable EIRs including the EIR for the RTP/SCS. An SCEA is not required to discuss (1) growth inducing impacts, or (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network (PRC Sections 21155.2 (b)(1), 21159.28 (a)). Additionally, unlike a negative declaration or mitigated negative declaration, a lead agency's decision to approve a TPP based on an SCEA is reviewed, if challenged, by a court under the substantial evidence standard (PRC Section 21155.2(b)(7)).

Third, a TPP that will result in one or more potentially significant impacts after mitigation may be reviewed using a tiered TPP EIR as established by PRC Section 21155.2(c). A tiered TPP EIR is only required to address the significant or potentially significant effects of the TPP on the environment and is not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light duty truck trips generated by the project on global warming or the regional transportation network, (3) cumulative effects that have been adequately addressed and mitigated in prior applicable certified EIRs, (4) off-site alternatives, or (5) a reduced density alternative to address effects of car and light truck trips generated by the TPP (PRC Sections 21155.2 (c), 21159.28(a) and (b)).

In addition to the benefits provided for TPPs, SB 375 provides streamlining benefits for residential or mixed use residential projects, as defined in PRC Section 21159.28(d), that are consistent with the use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Projects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR if it is certified by SJCOG. EIRs for qualifying residential or mixed-use residential projects are not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, or (3) a reduced density alternative to address effects of car and light truck trips generated by the project (PRC Section 21159.28 (a)-(b)).

Projects that qualify to use the SB 375 CEQA streamlining benefits would still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements. The streamlining only applies to the CEQA

processing of a project. Other development projects that do not fall into any of these categories could still use this EIR for other CEQA tiering benefits, as described in Section 1.3.1.5, *Other Tiering Opportunities*.

1.3.1.2 Streamlining Under SB 226

In 2011, the legislature enacted SB 226 to establish additional streamlining benefits applicable to infill projects that are consistent with the requirements set forth in CEQA Guidelines section 15183.3 (PRC Sections 21094.5 (c), 21094.5.5). Residential, commercial and retail, public office buildings, transit stations, and schools are eligible for this streamlining provided they meet the following requirements: (1) are located in an urban area on a site that has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; (2) satisfy the performance standards provided in Appendix M of the CEQA Guidelines; and, (3) are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, with some exceptions.

For these projects, more significant effects, or if uniformly applicable, development standards, would substantially mitigate such effects. If this is not the case, then a Mitigated Declaration or, for TPPs, an SCEA may be prepared. If impacts cannot be mitigated through project changes, then an "Infill EIR" is prepared. An Infill EIR is only required to analyze effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in a prior planning level EIR unless new information shows the effects will be more significant than described in the prior EIR (PRC Section 21094.5 (a)(1)). Moreover, an Infill EIR is not required to consider potentially significant environmental effects of the project that may be reduced to a less-than-significant level by applying uniformly applicable development policies or standards adopted by the city, county, or the lead agency (PRC Section 21094.5 (a)(2)). The Infill EIR is not required to discuss (1) alternative locations, project densities, and building intensities, or (2) growth inducing impacts.

Unlike the CEQA streamlining benefits established by SB 375, the benefits created by SB 226 may apply to non-residential projects including qualifying commercial, retail, transit station, school, or public office building projects (CEQA Guidelines, Section 15183.3 (f)(1)).

1.3.1.3 Streamlining Under SB 743

SB 743 (2013) (PRC Section 21099 and 2155.4) created an exemption from CEQA for certain projects that are consistent with a Specific Plan (see Public Resources Code Section 21155.4.) A Specific Plan is a local plan that contains specific policies and development regulations for a defined area such as a downtown core or along a transit corridor. The exemption applies if a project meets all of the following criteria:

1. It is a residential, employment center, or mixed use project;
2. It is located within a transit priority area;
3. The project is consistent with a specific plan for which an environmental impact report was certified; and
4. It is consistent with an adopted SCS or alternative planning strategy.

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

SB 743 also specifies that aesthetic and parking impacts of residential, mixed-use residential, or employment center uses on infill sites within a TPA shall not be considered significant effects on the environment (see Public Resources Code Section 21099(d).)

1.3.1.4 *Other Tiering Opportunities*

Finally, for all other types of projects proposed to be carried out or approved by a lead agency within the region, the lead agency may utilize this EIR for the purposes of other allowed CEQA tiering (PRC Sections 21068.5, 21093-21094, CEQA Guidelines 15152, 15385). Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program or ordinance are relied upon by a narrower second-tier or site-specific EIR (PRC Section 21068.5). Moreover, by tiering from this EIR (if certified by SJCPG), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, (2) were examined at a sufficient level of detail in this EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project, or (3) constitute cumulative effects and were adequately addressed in this EIR (PRC Section 21094).

1.4 EIR Content and Format

This document includes discussions of environmental impacts related to several issue areas. The analysis of environmental impacts identifies impacts by category: significant and unavoidable, significant but mitigable, less than significant, and beneficial. It proposes mitigation measures, where feasible, for identified significant environmental impacts to reduce project impacts, identifying when impacts can be reduced to a less than significant level. The responsible agency for the each mitigation measure is also identified, as further described in Section 4.0. This EIR has been organized into seven sections. These include:

- 1.0 **Introduction.** Provides the project background, description of the type of environmental document and CEQA streamlining opportunities, and information about the EIR content and format.
- 2.0 **Project Description.** Presents and discusses the project objectives, project location, and specific project characteristics.
- 3.0 **Environmental Setting.** Provides a description of the existing physical setting of the SJCOG region, including a description of the regional transportation system, and discusses the EIR baseline and approach to direct and cumulative analyses.
- 4.0 **Analysis of Environmental Issues.** Describes existing conditions found in the project area and assesses potential environmental impacts that may be generated by implementing the proposed plan, including cumulative development in the region. These potential project impacts are compared to “thresholds of significance” in order to determine the nature and severity of the direct and indirect impacts. Mitigation measures, intended to reduce adverse, significant impacts below threshold levels, are proposed where feasible. Impacts that cannot be eliminated or mitigated to less-than-significant levels are also identified.
- 5.0 **Other Statutory Considerations.** Identifies the spatial, economic, or population growth impacts that may result from implementation of the proposed project, as well as long-term effects of the project and significant irreversible environmental changes.
- 6.0 **Alternatives.** Presents and assesses the potential environmental impacts of alternatives analyzed in addition to implementation of the proposed 2018 RTP/SCS.

- 7.0 **References and Preparers.** Lists all published materials, federal, State, and local agencies, and other organizations and individuals consulted during the preparation of this EIR. It also lists the EIR preparers.

1.5 CEQA Review Process

SJCOG as the CEQA Lead Agency is preparing this EIR to satisfy all requirements under CEQA and follow all process requirements including public review, response to comments, identification of significant and unavoidable impacts, and preparing a Statement of Overriding Consideration as necessary for the unavoidable impacts. This document is a Program EIR. Section 15168(a) of the *State CEQA Guidelines* states that:

“A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.”

The analysis in this EIR follows the below described process, as required under CEQA and shown in Figure 1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) and Initial Study.** following state guidelines, SJCOG submitted a NOP to the State Clearinghouse who publicly released it on March 14, 2017 for a 30-day review period that ended on April 12, 2017. A scoping meeting was also held on March 21, 2017 at the SJCOG office.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion (NOC).** SJCOG, as the lead agency, has filed an NOC with the State Clearinghouse noticing agencies and the public that it has completed a Draft EIR and prepared a Public Notice of Availability of this Draft EIR as required under CEQA. As the lead agency, SJCOG will solicit input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The public review period will be a minimum of 45 days.
4. **Final EIR.** SJCOG will prepare a Final EIR that includes: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, SJCOG will certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or

should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

7. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
8. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
9. **Notice of Determination (NOD).** SJCOG will file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). SJCOG will file the NOD with the applicable County Clerks to be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD will start 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

1.6 Lead and Responsible Agencies

The *CEQA Guidelines* define lead and responsible, and trustee agencies. A lead agency is the public agency with principal responsibility for carrying out or approving a project; the lead agency prepares the CEQA document (*CEQA Guidelines* Section 15367). A responsible agency is an agency other than the lead agency with responsibility for carrying out or approving a project, and uses the lead agency's CEQA document in its decision-making (*CEQA Guidelines* Section 15381).

SJCOG is the lead agency for the 2018 RTP/SCS because it holds principal responsibility for approving the 2018 RTP/SCS. While no Responsible Agencies or Trustee Agencies are responsible for approvals associated with adoption of the RTP/SCS, implementation of projects identified in the RTP/SCS will require permits and approvals from Lead, Trustee, and Responsible Agencies, which may include the following:

- County of San Joaquin
- City of Escalon
- City of Lathrop
- City of Lodi
- City of Manteca
- City of Ripon
- City of Stockton
- City of Tracy
- San Joaquin Valley Air Pollution Control District
- California Transportation Commission
- California Department of Transportation
- California Department of Fish and Wildlife
- California Department of Conservation
- Regional Water Quality Control Board
- Native American Heritage Commission
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- Delta Stewardship Council

Figure 1 CEQA Environmental Review Process

