

Notice of Determination

Appendix D

To:

[X] Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

[X] County Clerk
County of: San Luis Obispo
Address: Government Center, 1055 Monterey Street San Luis Obispo, CA 93408

From:

Public Agency: SLOCOG
Address: 1114 Marsh St. San Luis Obispo, CA 93401
Contact: Pete Rogers, Executive Director
Phone: 805-781-5712

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2018011015

Project Title: SLOCOG 2019 Regional Transportation Plan - Connecting Communities

Project Applicant: San Luis Obispo Council of Governments (SLOCOG)

Project Location (include county): Project is Countywide - San Luis Obispo County

Project Description:

Regional Transportation Plan is a long-range plan covering the San Luis Obispo Count region, including; multi modal transportation policy objectives and strategies, conceptual programs and projects, and a Sustainable Communities Strategy (SCS) designed to achieve the State's greenhouse gas (GHG) reduction targets.

This is to advise that the San Luis Obispo Council of Governments (SLOCOG) has approved the above (X) Lead Agency or ( ) Responsible Agency

described project on June 5th, 2019 and has made the following determinations regarding the above described project.

- 1. The project [X] will [ ] will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [ ] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [ ] was not] adopted for this project.
5. A statement of Overriding Considerations [X] was [ ] was not] adopted for this project.
6. Findings [X] were [ ] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

SLOCOG, 1114 Marsh St. San Luis Obispo, CA 93401

Signature (Public Agency): Peter Rodge Title: Executive Director Governor's Office of Planning & Research

Date: June 5th, 2019 Date Received for filing at OPR:

JUN 10 2019

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

STATE CLEARINGHOUSE Revised 2011

ATTACHMENT A

San Luis Obispo Council of Governments  
Resolution No. 19-05

CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2019 REGIONAL  
TRANSPORTATION PLAN; ADOPTION OF THE CEQA FINDINGS OF FACT; ADOPTION OF  
STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTION OF MITIGATION MONITORING  
PROGRAM

The following resolution is now offered and read:

**WHEREAS**, the San Luis Obispo Council of Governments (SLOCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designations; and

**WHEREAS**, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan for their region; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code §21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., Tit 14, §15000 et seq.), SLOCOG is the Lead Agency responsible for preparing the Final Program Environmental Impact Report (EIR) for the 2019 Regional Transportation Plan/Sustainable Communities Strategy (2019 RTP);

**WHEREAS**, an EIR is the public document used by governmental agencies to analyze the significant environmental impacts of a project. CEQA Guidelines §15168 specifies that a Program EIR can be prepared on a series of actions that can be characterized as one large project related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory regulatory authority and having generally similar environmental effects which can be mitigated in similar ways;

**WHEREAS**, the Program EIR (PEIR) for the 2019 RTP (also referred to as 'the project') is a programmatic document that provides a region-wide assessment of the potential significant environmental effects of implementing the projects, programs and policies included in the 2019 RTP (including the SCS portion of the Plan);

**WHEREAS**, SLOCOG has determined that the PEIR is appropriate to assess the environmental impacts of the 2019 RTP;

**WHEREAS**, the PEIR identifies feasible mitigation measures necessary to avoid or substantially lessen significant impacts of the 2019 RTP and a reasonable range of alternatives capable of eliminating or reducing these effects in accordance with CEQA Guidelines Sections 15126.4 and 15126.6;

**WHEREAS**, the PEIR is a program level document which analyzes environmental impacts of the 2019 RTP constrained plan on a regional/programmatic level, and does not analyze project-specific impacts. These impacts should be analyzed in detail by project proponents at the local jurisdiction level;

**WHEREAS**, SLOCOG filed a Notice of Preparation (NOP) of the Draft PEIR on January 9, 2018, and circulated the NOP for a period of 30 days pursuant to CEQA Guidelines §§15082(a), 15103 and 15375;

**WHEREAS**, pursuant to CEQA Guidelines Section 15082 and Government Code Section 65080(b) et seq., on January 22, 2018, SLOCOG held one publicly noticed scoping meeting for the purpose of inviting comments from responsible and trustee agencies, regulatory agencies, interested persons, and others on the scope and content of the environmental information to be addressed in the PEIR;

**WHEREAS**, once the Draft PEIR was completed on February 28, 2019, SLOCOG filed a Notice of Completion with the State Office of Planning and Research (OPR) in the manner prescribed by CEQA Guidelines Section 15085;

**WHEREAS**, on February 14, 2019, SLOCOG initiated the 55-day public review and comment period on the 2019 RTP, and March 5<sup>th</sup>, 2019 initiated the 45-day public review and comment period on the Program Environmental Impact Report; and Public Hearing Notices were published in newspapers of general circulation. In addition, SLOCOG staff announced the documents availability at meetings of each City Council and at County

Advisory Committees, and SLOCOG placed paper copies of the Draft PEIR in its offices and at the main public libraries in San Luis Obispo, Arroyo Grande, Morro Bay, Atascadero, and Paso Robles, and posted an electronic copy of the Draft PEIR on the SLOCOG website;

**WHEREAS**, on March 6<sup>th</sup> 2019 and April 3<sup>rd</sup> 2019, SLOCOG held public hearings to receive public comment on the Draft 2019 RTP and the Draft PEIR;

**WHEREAS**, the 55-day and 45-day public review and comment period ended on April 22, 2019 in compliance with CEQA Guidelines Section 15105;

**WHEREAS**, Seven (7) written comment letters on the Draft PEIR, in addition to the oral comments at public hearings, were received by SLOCOG during the comment period;

**WHEREAS**, pursuant to CEQA Guidelines §15088(a), SLOCOG evaluated comments on environmental issues received from persons who reviewed the Draft PEIR and provided a written response to each substantive comment related to an environmental issue which are included in the Final PEIR;

**WHEREAS**, the "Final PEIR" consists of: (1) the Draft PEIR; (2) all appendices to the Draft PEIR; (3) Response to Comments; (4) Mitigation Monitoring and Reporting Program;

**WHEREAS**, the changes to the Draft PEIR in response to comments received and the corrections and additions included in the Final 2019 RTP and Final PEIR, have not produced significant new information requiring recirculation or additional environmental review under CEQA Guidelines Section 15088.5;

**WHEREAS**, SLOCOG has no authority to impose mitigation measures on individual projects for which it is not the lead agency. As such, all project-level mitigation measures in the Final PEIR are subject to a city or county's independent discretion as to whether measures are applicable to projects in their respective jurisdictions. Lead agencies may use, amend, or not use measures identified in the Final PEIR as appropriate to address project-specific conditions. The determination of significance and identification of appropriate mitigation is solely the responsibility of the lead agency;

**WHEREAS**, SLOCOG has prepared CEQA Findings of Fact (Findings), attached hereto and incorporated herein as "Exhibit 1," for every significant environmental impact of the 2019 RTP identified in the PEIR and for each alternative evaluated in the PEIR, including an explanation of the rationale for each finding, in compliance with Public Resources Code §§21081 and 21081.5 and CEQA Guidelines § 15091;

**WHEREAS**, implementation of the 2019 RTP will result in significant environmental impacts that cannot be fully mitigated to less than significant, and SLOCOG has issued a Statement of Overriding Considerations, attached hereto and incorporated herein as "Exhibit 1," setting forth specific economic, legal, social, technological, and other benefits of the 2019 RTP that outweigh the significant and unavoidable environmental impacts identified in the PEIR, pursuant to CEQA Guidelines Section 15093(b);

**WHEREAS**, when making the Findings, the agency must also adopt a mitigation monitoring program to ensure compliance with the mitigation measures identified in the PEIR which avoid or substantially lessen significant effects, and which are fully enforceable through permit conditions, agreements, or other measures, as required by CEQA Guidelines Section 15091 (d);

**WHEREAS**, SLOCOG has adopted a Mitigation Monitoring and Reporting Program in compliance with CEQA Guidelines Section 15091(d), which is incorporated into the Final EIR as Appendix B;

**WHEREAS**, SLOCOG made the proposed Final PEIR, publicly available on its website on May 24, 2019;

**WHEREAS**, pursuant to Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088, SLOCOG provided proposed written responses to all agencies who submitted comments on the Draft PEIR at least 10 days prior to certification of the PEIR;

**WHEREAS**, pursuant to CEQA Guidelines §15089(a), SLOCOG, as the Lead Agency, must prepare and certify a Final PEIR before approving the Final 2019 RTP; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred;

**NOW THEREFORE, BE IT RESOLVED** the Final PEIR prepared for the 2019 RTP was completed in compliance with CEQA; and

**BE IT FURTHER RESOLVED** that the PEIR for the 2019 Regional Transportation Plan has been presented to the SLOCOG Board as the decision-making body of the Lead Agency prior to approving the 2019 RTP, and

that SLOCOG has independently reviewed and evaluated the information contained in both the Draft and Final EIR and written and oral testimony; and

**BE IT FURTHER RESOLVED** that SLOCOG, as the decision-making body for the Lead Agency, hereby certifies that the EIR for the 2019 Regional Transportation Plan has been completed in compliance with CEQA and CEQA Guidelines; and

**BE IT FURTHER RESOLVED** that SLOCOG finds that certain changes or mitigation measures that will substantially lessen or avoid potentially significant effects of individual projects are not under the jurisdiction of SLOCOG and that such measures would be imposed as appropriate, and at the discretion of, individual local agencies on projects seeking to tier from the PEIR; and

**BE IT FURTHER RESOLVED** that certain unavoidable significant environmental effects, resulting from Plan implementation even with mitigation measures to reduce these effects, have been identified in the EIR, but it is infeasible to avoid or substantially lessen these effects because of specific economic, social or other considerations; and

**BE IT FURTHER RESOLVED** that as required by CEQA, SLOCOG has balanced the benefits of the Plan against unavoidable significant environmental effects in determining whether to approve the Plan, and SLOCOG has independently determined that the benefits of the Plan outweigh the unavoidable significant environmental effects for the reasons stated in the Statement of Overriding Considerations; and

**BE IT FURTHER RESOLVED** that SLOCOG adopts the CEQA Findings and Statement of Overriding Considerations (Exhibit 1); and the Mitigation Monitoring and Reporting Program (Appendix B of the Final PEIR).

**PASSED AND ADOPTED** this Fifth day of June 2019, at a regular meeting of the Board of the San Luis Obispo Council of Governments by the following vote:

**AYES:** Arnold, Davis, Gibson, Hill, Moreno, Pease, Paulding, Peschong, Strong, and Waage

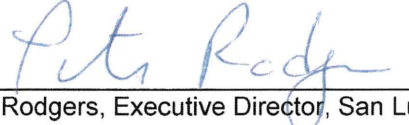
**NOES:** None

**ABSENT:** Compton and Lee


**ABSTAIN:** None

 6-5-19  
Fred Strong, President, San Luis Obispo Council of Governments

**ATTEST:**

 6/3/19  
Peter Rodgers, Executive Director, San Luis Obispo Council of Governments

**APPROVED AS TO FORM AND LEGAL EFFECT:**

  
Nina Negranti, SLOCOG Legal Counsel

Governor's Office of Planning & Research  
JUN 10 2019  
STATE CLEARINGHOUSE