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July 21, 2022

San Joaquin County Council of Governments
Attn: Kim Anderson, Deputy Director
555 East Weber Avenue
Stockton, CA 95202

Delivered via [email]:anderson@sjcog.org

RE: Comments on Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy and Draft Environmental Impact Report SCH# 2020120482

Dear Kim Anderson:

Thank you for the opportunity to review and comment on the San Joaquin County Council of Governments (SJCOG) Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy Project (2022 Draft RTP/SCS) and the associated Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) recognizes SJCOG's objective to prepare a regional transportation plan that links land use, air quality, and transportation needs to meet federal and state air quality standards. SJCOG's 2022 RTP/SCS provides a long-range plan for transportation in San Joaquin County and the cities of Stockton, Lodi, Manteca, Tracy, Ripon, Escalon, and Lathrop.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), which is codified in Division 35 of the California Water Code, sections 85000-85350. The Delta Reform Act charges

the Council with furthering California's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Cal. Water Code § 85054.) Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a legally enforceable management framework for achieving the coequal goals. (Cal. Water Code § 85001(c).)

The Delta Reform Act also requires the Council to review and provide advice and input to local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies. The Council's input shall include, but not be limited to, reviewing the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta and reviewing whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs (Cal. Water Code § 85212.). This letter constitutes the Council's review and advice on the Draft 2022 RTP/SCS pursuant to Water Code section 85212, as well as the Council's comments on the associated Draft EIR.

Delta Reform Act Requirements for Regional Transportation Plans and Sustainable Communities Strategies

The Delta Reform Act requires that metropolitan planning organizations preparing a regional transportation plan that includes land within the primary or secondary zones of the Delta consult with the Council early in the planning process. (Cal. Water Code § 85212.) Council staff and SJCOG staff met on September 6, 2021.

The Delta Reform Act also requires that the metropolitan planning organization provide a draft SCS and an alternative planning strategy, if any, to the Council, no later than 60 days prior to adoption of the final regional transportation plan, along with concurrent notice of the submission in the same manner as an agency filing a certification of consistency. (Cal, Water Cide § 85212.) SJCOG submitted its Draft 2022 RTP/SCS to the Council on June 24 2022,.

If the Council concludes that the draft sustainable communities strategy or alternative planning strategy is inconsistent with the Delta Plan, the Council is required to provide written notice of the claimed inconsistency to the metropolitan planning organization no later than 30 days prior to the adoption of the final regional transportation plan. If the Council provides timely notice of a claimed

inconsistency, the metropolitan planning organization's adoption of the final regional transportation plan shall include a detailed response to the Council's notice.

Council Review of and Input on the Draft 2022 RTP/SCS and Draft EIR

This section presents the Council's review of and input on the submitted Draft 2022 RTP/SCS pursuant to Water Code section 85212. It also presents the Council's comments on the Draft EIR.

1. Consistency with Ecosystem Restoration Needs and Sufficiency of Lands Set Aside

The Biological Resources chapter of the Draft EIR provides discussion and applicable mitigation regarding potential conflicts with applicable land use plans, policies, and regulations.

a. Consistency with Restoration Needs

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration (Delta Plan, Chapter 4, p. 136-138). Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007) states that significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated in these areas (depicted in Appendix 5:

<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%205.pdf>). Two

PHRAs are located partially within the 2022 RTP/SCS planning area: (1)

Consumnes/Mokelumne Confluence and (2) Lower San Joaquin River Floodplain.

The consistency of the RTP/SCS with the ecosystem restoration needs of the Delta is based on its potential to impact the opportunity to restore habitat in these PHRAs.

In its January 27, 2021 comments on the NOP, the Council requested that SJCOG's EIR for the project analyze whether the RTP/SCS would induce growth in these PHRAs. Such discussion was not provided in the growth-inducing impacts section of the Draft EIR. Nevertheless, the Draft EIR Biological Resources analysis in Section 4.3 identifies that growth projected within the 2022 RTP/SCS is concentrated primarily on development within existing urbanized areas. Therefore, the 2022 RTP/SCS would not accommodate urban growth in either of these PHRAs.

Council staff have reviewed the proposed land uses in the Draft 2022 RTP/SCS within and adjacent to the Delta, and has not identified any conflict between proposed uses and PHRAs depicted in Delta Plan Policy ER P3.

b. Sufficiency of Lands Set Aside

The Draft 2022 RTP/SCS does not specifically address setting aside lands for natural resource protection. The Draft EIR, Section 2.3.4 Sustainable Communities Strategy identifies that it is a prerogative of lead agencies to adopt land use plans and implement projects (i.e., city and county agencies, transit providers). However, SJCOG does incentivize natural resource protection by encouraging new growth to occur in existing population centers and by maximizing the efficiency of the existing transportation network. The Council appreciates that the Draft 2022 RTP/SCS Performance Metrics (compared to 2018 RTP/SCS) aim to achieve this by accommodating 5,196 acres less area of land developed, 3,735 less acres of Prime Farmland developed, a 9.9% increase in residential net density, a 42% share of multi-family housing, 50% less water used per household, and 8% less energy used by new growth. The Draft EIR assesses whether the RTP transportation projects and SCS land use pattern and strategies could conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This review focused on the process used by SJCOG to develop regional growth projections, the transportation network and programs, housing needs estimates, and the SCS land use strategies. The Draft 2022 RTP/SCS incentivizes natural resource protection by encouraging infill, mixed use, and transit-oriented development within existing urbanized areas.

Senate Bill 375 (Chapter 728, Statutes of 2008) provides California Environmental Quality Act (CEQA) streamlining benefits for certain projects that are consistent with the RTP/SCS land use and transportation pattern. The Draft 2022 RTP/SCS and associated Draft EIR aims to facilitate these CEQA streamlining benefits for qualifying residential, mixed-use, and transit priority projects that are consistent with the general use designation, density, building intensity and applicable policies specified in the SCS. The Draft 2022 RTP/SCS Executive Summary Highlighted Projects map illustrates the location of these areas. Based on the mapped locations, the 2022 RTP/SCS would not afford CEQA streamlining benefits to projects outside of existing city boundaries, within the Delta, or within any PHRA. Based on the locations of the high-frequency transit areas, the Draft 2022 RTP/SCS is not likely to incentivize development in areas within the Delta which are necessary to meet the Delta's ecosystem needs.

Finding: Based on review of the Draft 2022 RTP/SCS and the Draft EIR, in compliance with the Water Code section 85212, the Council has not identified that

lands set aside for conservation and restoration in the Draft 2022 RTP/SCS are inconsistent with the ecosystem restoration needs of the Delta.

2. Consistency with the Delta Plan

The Delta Reform Act requires the Council to review and provide timely advice to planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies, with the Delta Plan (Wat. Code § 85212).

a. Land Use Pattern

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. New residential, commercial, and industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013). This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

A state or local agency that proposes to carry out, approve, or fund an action that occurs in whole or in part in the Delta (a "covered action") is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Cal. Water Code § 85225.) The Delta Reform Act exempts from this requirement actions within the Secondary Zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable community strategy (or alternative planning strategy) and that the California Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets. (Cal. Water Code § 85057.5(b)(4).) SJCOG is the metropolitan planning organization for the San Joaquin County region, which contains portions of the Secondary Zone of the Delta. Thus, Water Code section 85057.5(b)(4) provides SJCOG with a significant role in shaping the State's Delta policy.

As previously stated, the 2022 RTP/SCS Performance Metrics (compared to 2018 RTP/SCS) would encourage infill, mixed use, and transit-oriented development within existing urban areas and aims to achieve this by accommodating a 9.9% increase in residential net density, and 42% share of multi-family housing . The 2022 RTP/SCS land use scenario would accommodate development within existing

communities, would not divide existing communities, would locate people closer to available employment, and would locate services within established communities. New transportation projects and new development envisioned within the land use scenario would occur along existing transportation corridors in urbanized areas. The Draft EIR includes a list of planned and programmed projects including local and regional capital improvements that have been anticipated or accounted for in local general plans which are summarized in Section 2.2, Project Description, Table 2-1: 2022 Planned and Programmed Projects . Therefore, the planned and programmed projects are not inconsistent with DP P1 because they fit within the exemption for planned development depicted in general plans set forth in DP P1. As such, the Draft 2022 RTP/SCS land use pattern would not promote development within the Secondary Zone of the Delta that is inconsistent with Delta Plan Policy DP P1.

Finding: Based on the review of the Draft 2022 RTP/SCS and associated Draft EIR, in compliance with Water Code section 85212, the Council has not identified any inconsistency of the Draft 2022 RTP/SCS with Delta Plan policy **DP P1**.

b. Transportation Investment

The recommended transportation projects in the Draft 2022 RTP/SCS (Chapter 4) include a variety of investments in urban areas located within the Legal Delta. These transportation projects would advance Delta Plan recommendation **DP R5**, which states that “The California Department of Transportation, local agencies, and utilities should plan infrastructure, such as roads and highways, to meet needs of development consistent with sustainable community strategies, local plans, the Delta Protection Commission’s Land Use and Resource Management Plan for the Primary Zone of the Delta, and the Delta Plan.” A number of planned transportation investments in the 2022 RTP/SCS would improve the capacity and safety of roads and highways in the Delta. The 2022 RTP/SCS includes multiple projects within the Delta, such as new and improved existing bicycle and pedestrian routes, construction and reconstruction of interchanges, widening and realignment of roadway lanes, reconstruction of the Delta-Mendota Canal and California Aqueduct bridges from I-205 to I-580 , and intersection signalization described in the Draft EIR Section 4.1 Visual Resources.

Finding: Based on review of the Draft 2022 RTP/SCS and associated Draft EIR, in compliance with Water Code section 85212, the Council has not identified any inconsistency of the recommended transportation projects identified in the 2022

RTP/SCS with Delta Plan policies and recommendations concerning transportation in the Delta.

Closing Comments

Pursuant to Water Code section 85212, the Council has reviewed and provided advice and input on the Draft PEIR 2022 RTP/SCS as outlined in the letter. The Council has not identified any inconsistency with the Delta Plan. [The following statement may be updated or expanded upon following Council consideration of the RTP/SCS.] The Council considered and approved the findings in this comment letter at its monthly meeting on July 28, 2022.

The Council invites you to continue to engage Council staff following the adoption of the 2022 RTP/SCS to coordinate implementation and subsequent updates. Please contact Pat Kelly at patricia.kelly@deltacouncil.ca.gov or (916-445-5511) with any additional questions.

Sincerely,

Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council