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Mill Valley, CA 94941

May 15, 2013

MTC-ABAG  
Plan Bay Area DEIR Public Comment  
101 8<sup>th</sup> Street  
Oakland, CA 94607

[info@OneBayArea.org](mailto:info@OneBayArea.org)

## Re: Public Comment on Plan Bay Area and Draft EIR for Plan Bay Area

- 1- I am a 34-year resident of Mill Valley, CA. Prior to moving to Marin, I worked at the Northwest Regional Educational Laboratory in Portland, Oregon to develop and implement local, regional, and statewide strategies to engage the public in decision-making.
  - 2- I am active in the community. In 2007, I co-founded Friends of Mill Valley in opposition to an ill-conceived Precise Plan. I was founding president and current VP of my neighborhood association. In 2010, I co-founded Citizen Marin, which encourages citizen activism from community groups throughout of Marin County.
  - 3- I am an elected member of the Democratic Central Committee.
  - 4- I am a proponent of affordable housing and raise funds on behalf of the Tenderloin Neighborhood Development Corporation. I am an Advisory Board member of the Social Justice Center of Marin, and I am a member of the Marin Environmental Housing Collaborative.
  - 5- I am a proponent of planning and support integrated short- and long-range planning for land use and transportation.
  - 6- I concur with the threat of global climate change and the importance of taking steps to reduce green house gas emissions, preserve the environment, and create a just and equitable environment for all citizens.
  - 7- The One Bay Area Plan, however, has significant flaws and the DEIR is inadequate.

*How you climb a mountain is more important than reaching the top.*  
Yvon Chouinard, Author,  
*Let My People Go Surfing: Education of a Reluctant Businessman*

- 8- The Executive Summary (ES-2) says: The purpose of the EIR is to: (1) Analyze the potential environmental effects of the adoption and implementation of the proposed plan; (2) Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the proposed Plan; (3) Recommend a set of feasible measures to mitigate any significant adverse impacts; and (4) Analyze a range of reasonable alternatives to the proposed Plan. C152-1

9- Re (1): The Plan fails to adequately analyze the potential environmental effects of the adoption and implementation of the proposed plan:

  - a. Re: the inadequacy of the Transportation-Air Quality Conformity Analysis, I refer you to the Comment Letter from Thomas A. Rubin.
  - b. Re: the inadequacy of the housing plans near transit, I refer you to the Comment Letter from Robert Silvestri.
  - c. Re: the inadequacy of health impacts, I refer you to the Comment Letter from Ann Spake.
  - d. Re: the inadequacy of water impacts, I refer you to the Comment Letters from Kerry Stoebner, Linda Rames, Liz Specht, and others.
  - e. Re: the inadequacy of the impacts on incorporated Marin, I refer you to the Comment Letter from Sharon Rushton.
  - f. Re: other inadequacies of projections and forecasts, I refer you to the numerous letters from citizens from around the 101 cities and nine counties of Bay Area.

10- My comments are focused on the inadequacy of the process ABAG / MTC has employed to get to the selection of *their* preferred alternative. Evidence: DEIR 3.1-5: *Alternative 2, proposed as the Jobs-Housing Connections in the NOP, was selected by MTC and ABAG as the preferred plan option for Plan Bay Area.* C152-2

11- Question: Since this is a tax-payer funded project, why don't the voters, not MTC and ABAG, get to vote to make the decision? C152-3

12- The process has been manipulated from the beginning and is based on questionable assumptions, faulty projections, inflated numbers, C152-4

79 and limited and controlled discussion with the public. ABAG/MTC  
80 has failed to engage the public and secure the knowledge and  
81 wisdom of an educated electorate. The DEIR is inadequate for its  
82 failure to engage the public.

- 83 13- Through letters to the editor and public comment periods, many  
84 assert that ABAG/MTC has lead the public through a sham process,  
85 having identified their own preferred scenario from the start and  
86 rigging a process that looks defendable on paper, but, in fact, has  
87 curtailed public participation.
- 88 14- Evidence of a sham process: "Compact for Sustainable Bay Area," a  
89 document released July 29, 1999 by the Bay Area Alliance for  
90 Sustainable Development, an agency run by ABAG/MTC, shows the  
91 basic policy components of One Bay Area are the same as those  
92 pushed by ABAG/MTC in 2011, which are almost identical to the ones  
93 in the DEIR in 2013.
- 94 15- The plan has been based on pre-determined scenarios and solutions.  
95 In the 11/23/10 Memo from Ken Kirkey to Planning Directors, he  
96 described pre-determined scenarios and claims, *By the early spring*  
97 *of 2011 the conversation between local governments and regional*  
98 *agencies will turn to the feasibility of achieving the Initial Vision*  
99 *Scenario by working on the Detailed Scenarios.*
- 100 16- Further Evidence of a manipulative process: In a 3/4/11 memo from  
101 ABAG and MTC Executive Directors to MTC Planning Committee,  
102 ABAG Administrative Committee claims, *The Initial Vision Scenario*  
103 *starts the conversation on the Sustainable Communities Strategy*  
104 *among local jurisdictions, regional agencies, and other interested*  
105 *stakeholders.* However, from a 11/23/10 memo, we have evidence  
106 that the conversation was already well underway through "intense  
107 information exchange with County-Corridors Work groups  
108 throughout the Bay Area." (p. 9)
- 109 17- Many members of the public maintain that ABAG/MTC has kept the  
110 public unaware of the One Bay Area Plan. ABAG/MTC produced  
111 internal documents with meeting dates and times, but they have  
112 failed to take systematic steps to actively inform, educate, engage,  
113 and then listen to the will of the people who are impacted by the  
114 decisions.
- 115 18- For example, ABAG/MTC scheduled a public meeting on the Initial  
116 Vision Scenario for Marin for May 11, 2011. ABAG distributed  
117 information to the insider agencies, but failed to adequately notify  
118 the public of the meetings or the content. Seeing that no elected

119 officials at the county or local level were informing the public about  
 120 the meeting, I wrote a Marin Voice article that was published in the  
 121 Marin Independent Journal on May 10, 2011.

- 122 19- May 11, 2011 ABAG/MTC hosted the Initial Vision Scenario  
 123 discussion in Marin, facilitated by MIG, Inc, for an audience who  
 124 challenged the contrived, manipulative session and asked for a  
 125 meaningful discussion about strategies to reduce green house gas  
 126 emissions and provide housing options, but without impact or  
 127 meaningful response from the event organizers.
- 128 20- Results on the May 11, 2011 meeting published on 5/17/2011 called  
 129 "Turning Graphical Results by Question", failed to point out that 30%  
 130 of the attendees protested the manipulative quality of the questions  
 131 and the limited choices by refusing to vote. Participation dropped  
 132 from 110 voters down to 70.
- 133 21- The 2010 Update Final Draft (12/3/10) Attachment A-page 68  
 134 identifies targeted performance describing the number of comments  
 135 logged, the number of meetings and logging 100% of the written  
 136 correspondence. In other others, ABAG/MTC counted all the  
 137 activities that could be counted, but failed to measure what really  
 138 counts. There was an inadequate effort to collect and report on the  
 139 issues and concerns of the people making comments, only the  
 140 number of people who commented. Thoughtful, qualitative input was  
 141 omitted and only the inconsequential items that can be counted are  
 142 included, thereby diminishing the value of the public outreach, and  
 143 giving further evidence that this process has not been carried out in  
 144 good faith.
- 145 22- A website posting re: Public Workshops April-May 2011 announces a  
 146 public outreach budget of \$325,000.
- 147 23- QUESTION: How much of the public outreach budget has paid for  
 148 facilitators, posters, travel and refreshments, and how much was used  
 149 to actually engage with the public? How much has ABAG/MTC spent  
 150 on public outreach between June 2011 and May 2013. What have the  
 151 expenditures been for?
- 152 24- The Plan and the DEIR Process has been inadequate in efforts to  
 153 inform the public. At the 5/10/13 ABAG/MTC ExCom meeting  
 154 there was reference to a sheet of pink paper than listed all the  
 155 outreach efforts. A list of dates, times, and locations on paper,  
 156 however, do not equate with engaging the public in meaningful  
 157 discussion about the problem that needs to be solved (reducing green  
 158 house gas emissions) or finding alternative solutions to handle the

C152-5

- 159 problem (high density housing near transit). It's like handing a  
160 nutritionally deficient community a list of nutritious food, as if the  
161 paper list provides healthy calories, but never serving real food.
- 162 25- After release of the DERI, ABAG/MTC published a brochure with  
163 the heading "Your invitation to **comment** on the Draft Plan Bay  
164 Area," displaying their intention to take comments, but not really  
165 consider, them.
- 166 26- Marin has three voting members on the ABAG/MTC Executive  
167 Committee, similar to the number of members from the other nine  
168 counties. The Marin Board of Supervisors selected Steve Kinsey and  
169 Katie Rice to represent the BOS on MTC and ABAG respectively. The  
170 Association of Marin Mayors and City Councilmembers selected  
171 Novato Mayor Pat Eklund to represent them. Citizens living in the  
172 101 cities and unincorporated areas of the Bay Area do not have  
173 direct representation.
- 174 27- There are at least three problems here, which give further evidence to  
175 the fact the ABAG/MTC process has been one of form, but lacking  
176 common sense and substance. The first is that the Draft EIR is 1,300+  
177 pages long, and few people had time to read it. The second is that just  
178 two meetings on a 25-year, \$289 BILLION dollar plan are not enough.  
179 And the third is that the meeting on the Draft EIR was at 10:00 am in  
180 Marin and at 1:00 pm in San Jose, times when most people are at  
181 work.
- 182 28- Further evidence of the disregard for public comment comes by the  
183 fact that in Marin, the April 16, 2013 meeting for comment on the  
184 DEIR, was scheduled at 10 am, in direct conflict with the regularly  
185 scheduled meeting time for the Marin Board of Supervisors. As a  
186 result, two of the three people who will vote on the project were  
187 unavailable to hear public comment about it.
- 188 29- Still further evidence of the shameful disregard for public input came  
189 at the Monday, April 29, 2013 Open House and Public Hearing when  
190 more than 200 people packed the Marin Center to comment on the  
191 plan to the 3 people from Marin who will vote on it. Rather than  
192 displaying planning skills for a two-hour timeframe to accommodate  
193 all the people who came to speak about the Plan, speaker time was  
194 cut from three minutes to two minutes and finally to just one minute  
195 for comments because our representatives didn't want to be  
196 inconvenienced by extending beyond the two -hour time limit. One  
197 woman spoke to the fact she spent 50 hours (!) of her weekend  
198 reading the 1,300 page DEIR and was now insulted with a demand  
199 she summarize her conclusions in just one minute! Disgraceful.

- 200 30- Further evidence of the failure to inform and engage the public  
201 comes from the fact the people who will vote on the plan failed to  
202 educate, initiate outreach, or engage in discussion. In Marin, as I  
203 hear is true in other counties, people serving on the ABAG/MTC  
204 ExCom have been passive, rather than provide leadership. They have  
205 responded, rather than initiate. For example in Marin:
- 206 1) May 9, 2013 Supervisor Rice moderated a panel presentation  
207 organized by a consortium of agencies, which provided a  
208 chance for select speakers to address elements of the plan,  
209 but didn't provide any opportunity for thoughtful  
210 discussion.
- 211 2) On May 30, Supervisor Kinsey is scheduled to participate in  
212 a debate on transportation. Like Rice, he is responding, not  
213 leading.
- 214 31- The ES-11 claims "the proposed Plan was developed through  
215 extensive coordination with local jurisdiction," however that is not  
216 true. Local City Council members elected two people to work with  
217 ABAG/MTC: one to serve on the Transportation Authority of Marin  
218 (and similar groups in the other 8-counties) and another to work with  
219 ABAG via Planning Directors. These well-intentioned electeds also  
220 failed to take initiative to inform, educate and engage the public  
221 about the complexity of the issues, the vocabulary of the discussion,  
222 the choices and the long-range impacts.
- 223 32- In frustration to the lack of leadership from electeds and the dearth of  
224 information, Citizen Marin, a grass-roots organization representing  
225 neighborhood, community and homeowner groups, responded by  
226 creating a Town Hall meeting on March 20. Rather than support and  
227 contribute to the effort, Supervisor Kinsey, who holds one of Marin's  
228 3 votes, stood on the side-lines with a group claiming the efforts to  
229 talk about the issues were racist, classist, NIMBY-ist, and supported  
230 apartheid, thereby discrediting attempts to have a conversation about  
231 the issues of Plan Bay Area.
- 232 33- The manipulative experience of the public is captured in an animated  
233 video called "Plan Bay Area Public Outreach Meeting." The video  
234 can be found at:  
235 [https://www.youtube.com/watch?v=51W2x1IZ95E&list=t=HL1367986727&feature=mh\\_lolz](https://www.youtube.com/watch?v=51W2x1IZ95E&list=t=HL1367986727&feature=mh_lolz).
- 236 34- We have witnessed a rush to judgment with flagrant, intentional  
237 disregard for the public, for citizen engagement and opinion, and for  
238 democratic discernment to clearly identify the problem the SCS is  
239 intended to solve; setting realistic goals, considering creative and

241 innovative alternatives that take 21<sup>st</sup> century technology into account  
 242 rather than relying on the thinking of the 20<sup>th</sup> century which created  
 243 the problems with the environment and poverty; and that weigh  
 244 alternatives against clearly identified criteria.

- 245 35- As a result of faulty and inadequate process and lack of authentic C152-6  
 246 engagement, the Plan fails to create a principled, realistic approach to  
 247 reduce green house gas emissions and meet the housing needs of  
 248 people living economically impoverished lives. In fact, re: Equitable  
 249 Access, the Plan concludes (Target 7, p. 108), "Plan moves in wrong  
 250 direction; the share of household income needed to cover  
 251 transportation and **housing costs is project to rise to 69% for low**  
 252 **income and lower-middle income residents** during the Plan Bay  
 253 Area period. HUD determines that if a household dedicates 30% or  
 254 ore of household income to housing, they are cost-burdened.
- 255 36- The Plan fails to recommend a set of feasible measures to mitigate C152-7  
 256 any significant adverse impacts. Claims that future Project EIRs will  
 257 address environmental impacts is reckless and puts the public at risk.
- 258 37- The program EIR reveals 5 significant, irreversible environment C152-8  
 259 changes, including the emission of greenhouse gases that will  
 260 contribute to global change, in direct violation of the stated goal of  
 261 the Plan. ABAG/MTC staff dismisses this finding claiming the  
 262 specific project EIRs will find mitigating measures.
- 263 38- The program EIR reveals 39 significant, unavoidable impacts in direct  
 264 violation of the stated goals of the plan, including:  
 265     a. Increase in per capita vehicle miles traveled;  
 266     b. Increased emissions of PM10 over existing conditions;  
 267     c. Residential or business disruption or displacement of substantial  
 268         numbers of existing population and housing;  
 269     d. Permanent alterations to an existing neighborhood or  
 270         community by separating residences from community facilities  
 271         an services, restricting access to commercial or residential areas,  
 272         or eliminating community amenities;  
 273     e. Net increase in transportation investments in areas regularly  
 274         inundated by sea level rise;  
 275     f. Increase in the number of people residing within areas regularly  
 276         inundated by sea level rise;  
 277     g. Affect visual resources by blocking panoramic views or views of  
 278         significant landscape features or landforms;

- 279                   h. Result in insufficient water supplies  
280                   i. Result in inadequate wastewater treatment capacity  
281                   j. Locate projects on a site which is included on a list of hazardous  
282                   materials site;  
283                   k. Result in increased use of existing neighborhood and regional  
284                   parts and other recreational facilities such that substantial  
285                   deterioration of the facility would occur or be accelerated.
- 286          39- QUESTION: Seeing how this “kick-the-can-down-the-road”  
287                   mentality hasn’t worked for environmental protection in the past,  
288                   and understanding ABAG/MTC doesn’t have the authority to  
289                   impose CEQA mitigation measures, and understanding that the 44  
290                   significant unmitigated impacts will only get cumulatively worse  
291                   with the addition of specific projects, what is the justification for  
292                   ABAG/MTC to find “overriding consideration”? C152-9
- 293          40- The DEIR demonstrates that the No Project alternative is the most  
294                   sound, serves the greatest number of citizens while doing the least  
295                   amount of harm to people or to the environment. C152-9
- 296          41- Question: What is the justification for ignoring the No Project  
297                   alternative which displays the least long-term negative impact and  
298                   the greatest long-term benefits? C152-10
- 299          42- Question: Where is the evidence of an authentic public information  
300                   and engagement campaign? C152-10
- 301          43- QUESTION: At an early age, we learn the American Revolution was  
302                   fought on the premise of *No Taxation Without Representation*. What is  
303                   the justification for going back on over 200 years of American  
304                   experience and allowing decisions with impact in perpetuity and a  
305                   budget of \$289 Billion from tax-payers to go forward without  
306                   representation and a vote? Why isn’t the public getting to vote on the  
307                   plan? C152-11
- 308          44- QUESTION: Who are the staff who read, compile, and respond to the  
309                   Comment Letters? What is the composition of the group to assure a  
310                   fair and unbiased assessment of the letters? What are the checks and  
311                   balances to give equal representation to the citizens? C152-12
- 312          45- Finally, I see I will submit these comments to OneBayArea.org, but  
313                   recently reference to the plan has shied away from that term in favor  
314                   of Plan Bay Area. Yet we know business and political leaders, with  
315                   financial funders, gathered in San Jose in February 2013, to discuss  
316                   advantages of merging the nine-county Bay Area into a single region. C152-13

317 Planners, we read, predict a booming economy if counties merge  
318 transit, police and fire services and city governments.

- 319 46- QUESTION: What are the political, corporate, financial, and other  
320 interests that overlap and link SB375, ABAG, MTC, Sustainable  
321 Communities Strategies, and Smart Growth in a long-term plan to  
322 dismantle local and county governments to become a unified One  
323 Bay Area government?

*Plans are of little importance, but planning is essential.*  
— Winston Churchill

327                           *People who must live with planning decisions,*  
328                           *should have the prevailing voice in making the decisions.*  
329                           — Anonymous

331 Respectfully submitted,

333 Susan Kirsch  
334 Mill Valley, CA

[REDACTED]  
Camp Sherman, Oregon 97730  
15 May 2013

MTC  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, California 94607

Dear People:

Please consider the attached comments in response to Plan Bay Area and the Plan Bay Area draft environmental impact report. I am submitting these comments as an expert on land-use planning issues, having done research on land-use planning for nearly 40 years.

Among other things, I have written four books on land-use and/or transportation issues along with numerous papers on these subjects. I am attaching four of these papers to my comments:

- "The Planning Tax": An analysis of the effects of growth-management planning on housing affordability;
- "How Urban Planners Caused the Housing Bubble": An analysis of the effects of growth-management planning on home price volatility;
- "Does Rail Transit Save Energy or Reduce Greenhouse Gas Emissions?"
- "The Myth of the Compact City: Why Compact Development Is Not the Way to Reduce Carbon Dioxide Emissions."

I am also attaching to my comments papers by UC Irvine economist David Brownstone; UC Berkeley engineers Mikhail Chester and Arpad Horvath; and San Jose State University economists Tom Means, Edward Stringham, and Edward Lopez.

Sincerely,



Randal O'Toole  
Senior Fellow  
Cato Institute

## Comments on Plan Bay Area by Randal O'Toole, Cato Institute

### Executive Summary

**C153-1** Implementation of Plan Bay Area will require the demolition of more than 169,000 single-family detached homes, or one out of every nine such homes in the region, according to table 2.3-2 of the draft environmental impact report. Any earthquake or other natural event that resulted in this much destruction would be counted as the greatest natural catastrophe in American history.

**C153-2** Planners say this reflects a change in demand and in 2040 only 39 percent of Bay Area households will want to live in single-family detached homes. In fact, most Americans, now and in the future, do and will prefer single-family homes. For Plan Bay Area to work without expanding the region's "urban footprint," these 169,000 homes must be replaced by 870,000 townhouses and multi-family dwellings. Though the plan admits

**C153-3** that only about a fifth of the region's land has been developed, planners did not even consider the option of making housing more affordable by developing more land.

**C153-4** Instead, planners' goal is to reduce greenhouse gas emissions by concentrating new housing along transit corridors and boosting rail transit service by more than 35 percent. This, they predict, will increase per capita transit ridership by 50 percent and reduce per capita driving by 6 percent. These predictions are highly optimistic considering that previous densification of the region and expansion of rail transit resulted in a 36 percent decline in per capita transit ridership and a 30 percent increase in per capita driving since 1982.

**C153-5** Even if planners' optimistic projections prove correct, data in the plan reveals that the twin policies of densification and rail transit will do little to meet state mandates to reduce greenhouse gas emissions and provide more affordable housing. A careful analysis of data in the draft environmental impact report reveals that these policies will reduce greenhouse gas emissions by less than 1 percent. Moreover, the plan itself admits

**C153-6** that it will make housing less, not more, affordable.

**C153-7** These failings are the result of a shoddy planning process in which the prescriptions were determined in advance of any analysis of whether they would be either effective or cost-effective at meeting the plan's goals. Although planners developed five alternatives, all of them contained some version of these same prescriptions, giving readers and decision makers little choice but to accept those prescriptions.

The two most important prescriptions predetermined for the plan were to *target selected neighborhoods for densification* and *expand the capacity of the region's rail transit system*. Every alternative except No Project targets selected neighborhoods for densification, and even No Project would densify the region without targeting specific neighborhoods. Every alternative except No Project increases rail transit capacities by more than 35 percent, which is more than any alternative would increase bus or highway capacities, and even No Project increases rail capacities by 20 percent.

When the prescriptions in a plan are determined in advance, without regard to their cost-effectiveness, trade-offs, or the personal preferences of current and future residents of the region, the result is not planning but tyranny. To avoid this tyranny, Plan Bay Area should be scrapped and the entire planning process replaced by one that devolves planning decisions to as a local a level as possible.

## Four Decades of Failed Plans

After World War II, the San Francisco Bay Area was one of the fastest-growing regions in the country. Between 1950 and 1970, the combined San Francisco-Oakland-San Jose urbanized areas grew twice as fast as the average large U.S. urban area (those with more than a million people in 1950), and faster than every other such urban area except Los Angeles and Washington, DC. The San Jose urbanized area alone was by far the nation's fastest-growing urbanized area, as its population nearly hextupled in two decades.

This rapid growth led to alarms in the 1960s about the costs of sprawl. Due to these concerns, most of the cities and counties in the Bay Area adopted urban-growth boundaries in the early 1970s. Outside the boundaries, development was heavily restricted; inside the boundaries, many cities passed zoning ordinances that limited increases in density.

These combined restrictions led to a rapid rise in the cost of developable land and housing. As of 1969, Bay Area housing was still very affordable, with median housing prices in the San Francisco-Oakland urban area less than 2.3 times median family incomes and in the San Jose urban area less than 2.2 times incomes. When a home is twice someone's income, they can dedicate 25 percent of their income to a mortgage and pay it off in less than 15 years.<sup>1</sup>

With the adoption of growth boundaries and other land-use restrictions, by 1979, median home prices in San Francisco-Oakland and San Jose were both more than 4.0 times median family incomes. Someone buying a home that costs four times their income would have to dedicate considerably more than 25 percent of their income to a mortgage to pay it off in 30 years.

By 1989, Bay Area price-to-income ratios were 5.4 in San Jose and 6.7 in San Francisco-Oakland; by 2006, they were 8.9 to 10.9. Even with the recent fall in median housing prices, they were still 6.3 to 7.1 times median family incomes in 2011. If someone buying a home that costs six or more times their income dedicated half their income to a mortgage at a 2.5 percent interest rate, they still would not be able to pay it off in 30 years.

It is doubtful that many who supported the urban-growth boundaries when they were first drawn in the 1970s intended or expected median housing prices to rise to 6 to 11 times median family incomes. This was an unintended consequence of the plans. Since residents who already owned their own homes benefitted from this rise in prices, there was little political pressure to fix the problem.

Land-use regulation not only made housing unaffordable, it made housing prices far more volatile. While housing prices in unregulated areas closely mirror median incomes, the above numbers show that Bay Area prices swing wildly, and the region has suffered at least three housing bubbles—one in the late 1970s, one in the late 1980s, and one in the mid-2000s—since imposing growth boundaries.

One reason for volatility is the lengthy permitting process imposed by cities that know developers have few alternative places to develop. This lengthy process means that developers are unable to meet demand when it increases, but can finally bring homes to the market about the time that demand declines. Volatility is good if you are lucky enough to buy low and sell high, but many people do not have a choice about when they buy and sell, which greatly increases the risk of homeownership.

While we have better data for housing than for other types of development, these same forces apply to retail, commercial, and other forms of development as well as housing. In combination, they make the Bay Area one of the least business-friendly regions of the country.

**C153-8** The Bay Area has a reputation of being a hotbed of innovation and business start-ups. Yet the reality is that the combination of growth boundaries, a glacial permitting process, and resistance to density within the boundaries slowed Bay Area growth; forced low- and even moderate-income people to move out; and discouraged businesses from moving to or expanding in the region. Yet Plan Bay Area would only make these problems worse by tightening urban-growth boundaries despite a projected 30 percent increase in population between 2010 and 2040.

At the same time as the Bay Area was making housing unaffordable, it was building a network of rail transit, including the BART system, Muni and VTA light rail, Caltrain, and the Altamont Commuter Express. Elsewhere, I estimate that the total capital costs for these rail lines was more than \$15 billion, yet they did little to improve the region's transportation system.<sup>2</sup>

In fact, Federal Transit Administration data reveal that, since at least 1982, the region's transit ridership has dramatically declined. Bay Area transit agencies carried more than 530 million trips in 1982, not counting what were probably around 6 million trips carried on Southern Pacific commuter trains (later taken over by CalTrain) as they weren't included in data published by the Federal Transit Administration. By 2011, they carried only 461 million trips.

An agency-by-agency comparison of ridership in 1982 and 2011 shows what happened. BART ridership increased by 52 million trips during this time. San Francisco light rail grew by 7 million trips and San Jose light rail carried 10 million trips in 2011 but none in 1982. In addition, CalTrain probably gained about 6 million trips over what Southern Pacific carried in 1982. The Altamont Commuter Express carries less than a million trips per year, for a total gain in rail ridership of about 76 million annual trips.

During the same period, however, Muni lost 79 million bus trips; A-C Transit lost 63 million bus trips (about 10 million of which were picked up by other agencies such as Central Contra Costa Transit); SamTrans lost 9 million trips; Santa Clara transit lost 6 million bus trips; and Golden Gate transit lost 4 million trips, for a total of 162 million lost trips. While a few bus agencies gained ridership, the net effect is a decline of about 75 million trips, depending on how many trips Southern Pacific carried in 1982. The apparent reason for the decline is that MTC has invested in BART and other rail transit at the expense of maintaining and improving the region's bus systems, a policy that led one critic to call BART a "vampire [that] sucks the lifeblood out of every transit agency with which it comes in contact."<sup>3</sup>

When taking the region's population growth into account, per capita transit trips declined from 100 in 1982 to 64 in 2011. Moreover, transit's share of commuting has also declined. The 1980 census found that 11.6 percent of Bay Area commuters took transit to work. In 1990 and 2000, it was only 10.1 percent. The 2010 census found a slight recovery to 10.6 percent. But between 1980 and 2010, the share of commuters who drive to work increased from 80.7 percent to 82.1 percent. At the same time, according to the Texas Transportation Institute, the cost of congestion more than octupled between 1982 and 2007. While the cost declined somewhat after 2007, that was only because of the recession, not to transit, whose ridership declined between 2007 and 2011.<sup>4</sup>

**C153-9** A 36 percent decline in per capita ridership and a loss of market share of commuters, transit's core market, has to be regarded as a huge failure. Yet Plan Bay Area blithely proposes to continue the same policy of expanding high-cost rail service at the expense of buses and highways.

## Plan Bay Area: A Continuation of Failure

As described in Table 3.1-1 of the draft environmental impact report (DEIR), to prepare Plan Bay Area, planners identified more than two dozen policies that could vary among the alternatives. These include:

- Zoning policies including existing, PDA focused, and TPP focused zoning;
- Growth boundaries including existing and stricter;
- Subsidies, including subsidies to PDAs, urban cores, and TPPs;
- Land-use incentives including OneBayArea grants, CEQA streamlining, and TPP redevelopment incentives;
- Road plans including the committed road network only, preferred network, preferred with reduces express lanes, and preferred with no high expansion;
- Transit plans including committed only, preferred, more funds for BART and AC transit, and more funds for all agencies except BART, Muni, and Caltrain;
- Fee policies including fees on high VMT areas, increased peak tolls on the Bay Bridge, and a VMT tax;
- Parking policies including no change and reducing minimum parking requirements;
- Climate initiatives, including public chargers for electric vehicles, electric vehicle purchase incentives, car sharing, vanpool incentives, clean vehicles feebates, smart driving strategy, and commuter benefits ordinance.

**C153-10** Planners' biases are revealed by several important policies that were not even considered. For example, although "existing" and "stricter" growth boundaries were considered, the option of less-restrictive boundaries was not. Although the options of MTC's preferred road network or less-extensive networks were considered, a more-extensive road network was not. Although 35 percent or more improvements to rail service were considered, the alternative of making similarly large improvements to bus service was not.

**C153-11** The next appropriate step in the planning process would be to estimate the cost of each of these policies and each policy's effects on greenhouse gas emissions, housing affordability, and other planning goals. Plan Bay Area planners, however, either skipped this step or failed to document it in the DEIR.

**C153-12** Instead, as described on pages ES-7 and ES-8 of the DEIR, they then combined these policies, almost at random, into five alternatives:

1. "No Project," meaning no changes in land-use patterns and no transportation improvements other than those already approved by May 1, 2011;
2. "Proposed Plan," which puts most housing and job growth in priority development areas (PDAs) and spends nearly 60 percent of funds available for transportation improvements on transit;
3. "Transit Priority Focus," which puts most housing and job growth in "transit priority project (TPP) areas" and spends even more on transit;
4. "Enhanced Network of Communities," in which "development is still generally focused around PDAs" and Bay Bridge tolls are increased to provide more money for transit;

5. "Environment, Equity, and Jobs" would emphasize development in both PDAs and in "jobs-rich, high-opportunity TPPs not currently identified as PDAs" and charge vehicle-mile fees to provide more money for transit.<sup>5</sup>

C153-13 While this might at first glance appear to be a wide range of alternatives, in fact, it is not.

- Table 3.1-1 shows that all alternatives except No Project make urban-growth boundaries even more restrictive than they are today and meet housing demand by targeting numerous neighborhoods for densification. They differ only in which neighborhoods they target. (No Project densifies within existing urban-growth boundaries but does not target specific neighborhoods.)
- According to table 3.1-7, all of the alternatives except No Project increase rail service by more than 35 percent (No Project is 20 percent), while the most any alternative increases bus service is 24 percent even though planners anticipate a 30 percent growth in the region's population.
- Also according to table 3.1-7, and in spite of the projected 30 percent growth in population, none of the alternatives contemplate more than a 3.3 percent increase in the region's road network (counting freeways, expressways, arterials, and collectors), or more than a 10 percent increase in the region's freeway lane miles.

Densification and rail transit are needed, planners say, to reduce greenhouse gas emissions. Not only is this highly debatable, the reality is that planners' biases towards densification and transit long preceded the issue of greenhouse gases.

## Plan Bay Area Is Biased Towards Density

Numerous surveys have shown that most Americans aspire to low-density housing and lifestyles.<sup>6</sup> Yet for decades, urban planners have believed that higher-density housing is somehow superior. Urban Land Institute researcher Douglas Porter describes this as a "gap between the daily mode of living desired by most Americans and the mode that most city planners . . . believe is most appropriate." While most Americans, Porter admits, "want a house on a large lot," planners believe such low densities are "expensive in terms of public and private infrastructure costs, quality of life, and environmental damage." The question Porter asked was: how do planners convince people to live the way planners think they should live? Porter's answer was regional plans like Plan Bay Area.<sup>7</sup>

Density is a solution in search of a problem. Before climate change was a concern, planners supported densification in order to improve people's sense of community; save energy; reduce air pollution; improve health and reduce obesity; protect farms and open space; and reduce traffic congestion. In fact, the correlation between density and any of these factors is weak and, in some cases, exactly the opposite of what planners think it is. Yet this hasn't changed planners' goal of increasing population densities.

Ironically, thanks to infill development since the establishment of urban-growth boundaries, San Francisco-Oakland is already the second-densest urban area in the country. According to the 2010 census, the densest is Los Angeles-Long Beach-Anaheim, at 7,000 people per square mile. San Francisco-Oakland is 6,266 people per square mile. San Jose, at 5,820 people per square mile, is third. New York-Newark, at 5,320 people per square mile, is only number five.<sup>8</sup> While New York City may be denser than San Francisco, the Bay Area has denser suburbs.

The 2010 density of all urban areas in the Bay Area is 4,743 people per square mile. This is almost exactly twice the average density of all U.S. urban areas (areas of more than

2,500 people).<sup>9</sup> The nation's largest urbanized areas that have maintained housing affordability, including Dallas-Ft. Worth, Houston, and San Antonio, have densities approaching 3,000 people per square mile. Some have lower densities, but densities above 3,000 people per square mile seem to be associated with unaffordable housing: in 2010, no urbanized area (areas of more than 50,000 people) denser than 3,000 people per square mile had median home prices less than 2.5 times median family incomes.<sup>10</sup>

Despite existing densities, Plan Bay Area calls for densifying the region still further. Under the plan, all non-agricultural development will take place "within the urban footprint (existing urban development and urban growth boundaries)."<sup>11</sup> Since the plan is projecting 30 percent more people by 2040, virtually all of whom will live in urban areas, 2040 urban densities will grow by about 30 percent.<sup>12</sup>

**C153-14** To accommodate 30 percent more people without increasing the area of developed land, table 2.3-2 of the DEIR indicates that, by 2040, there will be 169,100 fewer single-family detached homes, 380,000 more townhouses, and 489,100 more multi-family dwellings. In other words, one out of every nine single-family detached homes will be demolished and replaced with an average of 5.1 attached or multi-family homes.

Plan Bay Area also calls for 77 percent of new housing to locate in "priority development areas" (PDAs) located along major transit corridors. These PDAs occupy just 5 percent of the region's land area, but are also expected to provide 63 percent of new jobs.<sup>13</sup> To accommodate 77 percent of new residents, the PDAs would have to have average population densities of 4,700 people per square mile on top of whatever population they have today.

**C153-15** Plan Bay Area claims that the planned reduction of single-family detached homes from 56 percent to just 39 percent of the region's housing stock reflects changes in housing preferences. Supposedly, large numbers of retiring baby boomers and young households with no children will prefer to live in high-density, mixed-use areas rather than low-density suburbs. In support of this idea, they cite work by University of Utah planner Arthur Nelson.<sup>14</sup>

Nelson's work, however, is not credible. As described in a 2006 article on future housing preferences in the *Journal of the American Planning Association*, he based his projections of future demand "on interpretations of surveys" reported in a paper by urban planners Dowell Myers and Elizabeth Gearin.<sup>15</sup> In the same issue of the *Journal*, an article by University of North Carolina professor of urban planning Emil Malizia critiqued Nelson's claims.

Malizia pointed out that the surveys on which Nelson based his work "may not be terribly reliable" because the samples "are self selected rather than random" and may be "heavily influenced by the data collection method."<sup>16</sup> The surveys asked questions such as whether people would "approve of having townhouses built in their neighborhoods" and whether they might want to live in one. A mere 17 percent said they might to live in one, but since that was more than the share of Americans already living in townhouses, Nelson concluded there was a shortage of this type of housing.

Malizia also observed that Nelson advocated "financial incentives and concessions" to persuade developers to build high-density housing, a concept included in Plan Bay Area. Yet, Malizia pointed out, "If it is true that consumers prefer and can afford new forms of development, real estate developers and investors will respond; these markets are not that inefficient."<sup>17</sup>

C153-16 In other words, if it is true that there is a growing demand for high-density housing, then one way to meet that demand would be to reduce regulation and allow builders to build for the market. Plan Bay Area instead would mandate and subsidize construction of high-density housing whether there is a market for it or not.

Table 2.3-2 uses the term “demand” to imply that, by 2040, people won’t want those 169,000 single-family detached homes. This, however, betrays planners’ lack of understanding of fundamental economic concepts such as demand. Demand is not a point and cannot be expressed as a single number such as 1,365,900 (the number of single-family detached homes that the DEIR says Bay Area residents will “demand” in 2040). Demand is a line that shows the various quantities of something that people would buy at various prices. If the government artificially makes something very expensive, then the quantity that people will demand at that price will be low. But this doesn’t mean, as the DEIR and Arthur Nelson imply, that public preferences for single-family detached homes have changed.

Japan is one of the most crowded countries in the world, and also has an aging population that Nelson would predict would prefer living in multi-family housing. Yet 55 percent of Japanese households live in single-family detached homes.<sup>18</sup> In order to fit 30 percent more people inside of more restrictive urban-growth boundaries, Plan Bay Area planners know they have to reduce the share of Bay Area households living in single-family detached homes to just 39 percent, or 16 percent less than Japan. So they use the subterfuge of “demand” as an excuse to do so.

The reality is that, if housing were more affordable, a far greater share of Bay Area residents would prefer single-family detached homes. The fact that Plan Bay Area proposes to subsidize densification of PDAs shows that planners understand that, even at the Bay Area’s unaffordable housing prices, the demand for high-density housing is not sufficient to support the densification required by the plan.

Plan Bay Area’s policy of targeted densification was pioneered by planners in the Portland, Oregon, area. Like the Bay Area, Portland-area planners drew an urban-growth boundary in the 1970s. Unlike the Bay Area, Portland has a strong regional government, known as Metro, which in the mid-1990s gave population targets to each of 27 municipalities in the region and specifically targeted several dozen neighborhoods and numerous corridors for redevelopment at higher densities.<sup>19</sup>

Bay Area planners may believe that such targeted densification will help relieve the region’s housing affordability problems. After all, Portland housing is less unaffordable than the Bay Area’s: At the height of the recent housing bubble, Portland-area median home prices were about 4.5 times median family incomes, instead of 9 to 11 times as they were in the Bay Area.

A closer look suggests that Portland’s relative affordability has little to do with its densification policies. For one thing, the Portland urbanized area has only about 3,500 people per square mile—well under the Bay Area’s average of more than 4,700 people per square mile. Second, Portland’s densification programs started only recently, since the late 1970s Portland has always been more affordable than the Bay Area, so densification is probably less important than other factors.

The most important other factor is that Portland has “safety valves” in the form of less-regulated areas located nearby where Portland-area workers could buy homes at affordable prices. Clark County (Vancouver), Washington has far less land-use

regulation, and between 1990 and 2010 its population grew almost twice as fast as counties on the Oregon side of the Portland-Vancouver metro area. Salem, Oregon—45 miles south of Portland—has an urban-growth boundary but was never as strict as Portland, so its population also grew rapidly between 1990 and 2010, overtaking Eugene as Oregon's second-largest city.

By contrast, the Bay Area's "safety valves" are located in Modesto, Stockton, and other Central Valley cities some 80 to 90 miles away from most Bay Area employment centers. While these areas rapidly grew during the housing boom of the early 2000s, their distance from Bay Area jobs and the land-use regulation that they imposed on local developers meant that they had little effect on Bay Area housing prices. In short, there is little reason to believe that targeted densification will make Bay Area housing more affordable.

**C153-17** Plan Bay Area argues that one advantage of multi-family homes is that they use less energy than single-family. "Multi-family residential units, when compared to single family residential units, are 44 percent more efficient on a per unit basis in terms of consumption of electricity and 35 percent more efficient with natural gas consumption."<sup>20</sup> What the plan doesn't say, however, is that this is solely because multi-family units are smaller than single-family homes.

According to the U.S. Department of Energy, single-family detached homes use 30 percent *less* energy per square foot than multi-family homes. This is actually an underestimate because it doesn't count the energy needed to light, heat, and air condition hallways, lobbies, and other common areas in multi-family structures. In addition, household sizes in single-family homes average about 26 percent more than in multi-family, which on a per-person basis offsets most of the energy savings claimed by Plan Bay Area per household.<sup>21</sup>

**C153-18** Plan Bay Area's bias towards density is also based on an assumption that people living in higher densities drive less. Most studies of the relationship between driving and density measure the number of trips or vehicle miles of travel by household in areas of different densities. But households in higher density areas tend to be smaller, so differences in per capita driving among areas of differing densities are smaller than differences in per household driving.

Most of these studies also fail to take into account the self-selection problem, which is that people who prefer to drive less tend to live in higher density areas. This does not mean that increasing densities will lead other people to drive less.

In reviewing the literature of the relationship between the "built environment" and driving, economist David Brownstone of the University of California at Irvine found that most studies "make no attempt to control for self-selection." The ones that did typically found that the relationship between density and driving was small. Overall, "There is evidence that there is a statistically significant link between aspects of the built environment correlated with density and VMT," Brownstone concluded, but "the size of this link is too small to be useful" in saving energy or reducing greenhouse gas emissions.<sup>22</sup>

## Plan Bay Area Is Biased Towards Transit

**C153-19** Plan Bay Area would dedicate 62 percent of transportation funds to transit and 38 percent to roads even though transit carries only 3.5 percent of the region's passenger

travel and less than 11 percent of the region's commuters to work. The assumptions behind this split are that spending more money on transit will get people to take transit instead of driving and that transit emits significantly less greenhouse gases than cars. Neither assumption is true.

The DEIR projects 40 to 60 percent increases in per capita transit ridership under all alternatives except No Project, and even No Project projects a 25 percent increase.<sup>23</sup> Based on past performance, however, such increases are unlikely. As shown above, despite billions of dollars spent on transit over the past several decades, per capita transit ridership has declined by 36 percent since 1982.

**C153-20** Even if Plan Bay Area could increase per capita transit ridership, doing so is not likely to significantly reduce greenhouse gas emissions. While transit emits slightly less greenhouse gases than driving today, under the Pavley standards, cars will soon be greener than transit.

The Federal Transit Administration's National Transit Database indicates that transit operations consumed an average of 3,443 BTUs per passenger mile in 2010.<sup>24</sup> For the same year, the Department of Energy says that the average car consumed 3,447 BTUs per passenger mile.<sup>25</sup> The 0.12 percent difference between the two is less than the sampling error for these two numbers. Cars and transit also both emit about 250 grams of carbon-dioxide-equivalent greenhouse gases per passenger mile.

Light trucks consumed more energy, about 4,200 BTUs per passenger mile, which is about 300 grams of greenhouse gases per passenger mile. But there are several reasons to believe that both cars and light trucks will soon be more efficient and cleaner than transit.

First, while rail transit uses less energy per passenger mile than buses, the total lifecycle costs of rail transit are much larger, relative to the operational costs, than for highway transportation. According to an analysis by researchers at the University of California at Berkeley, "total life-cycle energy inputs and greenhouse gas emissions contribute an additional 63% for on road, 155% for rail, and 31% for air systems over vehicle tailpipe operation."<sup>26</sup> In other words, the full environmental costs of rail are 155 percent greater than the operational costs while the full environmental costs of highway transport are only 63 percent greater than the operational costs.

In 2010, rail transit operations, including light rail, heavy rail, and commuter rail, used 2,676 BTUs per passenger mile. This means the full, life-cycle energy costs of rail transit are more than 6,600 BTUs per passenger mile, while the full, life-cycle costs of driving a car are 5,600 BTUs per passenger mile. Rail transit still beats light trucks, but barely, as the latter consume 6,800 BTUs per passenger mile.

**C153-21** The second factor that must be considered is that cars and light trucks are rapidly becoming greener, while transit is improving slowly, if at all. Average auto fuel economy has improved by 40 percent in the last 40 years, while transit's fuel economy has actually gotten worse.<sup>27</sup>

Based on the DEIR's projections of miles of driving in table 3.1-8 and greenhouse gas emissions in table 3.1-28, the Pavley standards will reduce average per-mile emissions by 26 to 28 percent, which is roughly the same as improving fossil fuel economy by the same amount. This suggests the average automobile on the road in 2040, including both cars and light trucks will use only about 2,700 BTUs and emit about 190 grams per

passenger mile. Adding 63 percent to get the total life-cycle costs means that autos will use about 4,400 BTUs and emit about 310 grams of carbon dioxide per passenger mile, both of which are less than transit today.

While bus transit fuel economy might improve slightly between now and 2025, rail transit is not likely to get any better. This is because rail systems have long lifespans and, once a technology is selected, it is very expensive to replace with something that is more fuel-efficient. “Autos and buses have relatively short life cycles, modest capital costs and have autonomous vehicles independent from the guideway; thus, they can enable relatively rapid integration of state-of-the-art technologies,” says University of South Florida transit expert Steve Polzin. “Modes where the vehicle and guideways are integrated systems may be far more difficult or expensive to upgrade to newer, more efficient technologies.”<sup>28</sup>

## Plan Bay Area Is Not Cost Effective

C153-22 If reducing greenhouse gas emissions is really the high priority that SB 375 and the plan say it is, then it is equally critical to find the most cost-effective ways of achieving that goal. Any money spent on a less-than-cost-effective means of reducing emissions means less money available to reduce them using more cost-effective tools.

Plan Bay Area pays lip service to developing a “cost-effective” transportation system.<sup>29</sup> Yet there is nothing cost-effective about the current or proposed Bay Area transportation network. The high cost of rail is revealed by Plan Bay Area’s proposal to spend \$159 billion on transit maintenance and only \$94 million on road maintenance.<sup>30</sup> In 2010, about two-thirds of Bay Area transit maintenance spending was on rail transit, which suggests that about \$106 billion of transit maintenance is needed for rail systems.<sup>31</sup> The Bay Area has less than 700 directional route miles of rail lines but more than 20,000 lane miles of freeways, expressways, arterials, and collectors.<sup>32</sup> Yet Plan Bay Area proposes to spend less maintaining those 20,000 lane miles of roads than some 700 miles of track.

Thus, even if expanding the Bay Area’s transit systems could save a small amount of energy and slightly reduce greenhouse gas emissions, the high cost of doing so would not be worth it. A 2007 report from McKinsey & Company suggests that programs to abate greenhouse gas emissions are worthwhile only if they cost less than \$50 per ton of abated carbon dioxide.<sup>33</sup> Spending more money on transit, if it reduces greenhouse gas emissions at all, would do so at a cost of thousands of dollars per ton. Yet Plan Bay Area calls for spending \$21 billion on transit improvements compared with just \$15 billion on highway improvements.<sup>34</sup>

The McKinsey report suggests a variety of ways of cost-effectively reducing greenhouse gas emissions, yet none are contemplated in Plan Bay Area. My own analysis of densification and rail transit, the two central features of Plan Bay Area, are that they would cost thousands of dollars per ton, many times more than McKinsey’s \$50-per-ton cost-effectiveness threshold.<sup>35</sup>

A close analysis of table 3.1-29 in the DEIR reveals that Plan Bay Area is far from cost effective in reducing greenhouse gas emissions or meeting any other goal. This compares greenhouse gas emissions in 2010 with emissions in 2040 under each of the alternatives. Emissions are broken down by land-use and transportation sources.

C153-23 According to the table, the California Air Resources Board’s (ARB) 2008 scoping plan will reduce land-use related emissions by 9.6 billion tons per year under all the

alternatives. By comparison, the densification required by Plan Bay Area will reduce emissions by only 131 million tons. This doesn't mean the ARB's scoping plan is necessarily cost effective, but it is certainly far more effective than densification.

On the transportation side, improved fuel efficiency of cars, trucks, and buses is expected to reduce greenhouse gas emissions by 2.7 billion tons per year. (Emissions from "other vehicles," including trains and ferries, are expected to increase.) Full implementation of MTC's climate policy initiative is projected to reduce emissions by 1.6 billion tons. By comparison, Plan Bay Area's efforts to get people to drive less reduces emissions by only about 330 million tons. Again, this doesn't mean that all parts of MTC's climate policy initiative are necessarily cost effective, but the initiative is more than twice as effective as Plan Bay Area's densification and transit strategies at what is likely a far lower cost.

C153-24 The No-Project alternative, which assumes implementation of the ARB scoping plan, improved auto fuel economy, and only partial implementation of MTC's climate policy initiative, reduces greenhouse gas emissions by 12.2 percent. Adding full implementation of MTC's climate policy initiative would reduce greenhouse gas emissions by a total of 14.4 percent. Adding Plan Bay Area's densification strategy reduces emissions by only 0.3 percent more. Adding Plan Bay Area's efforts to get people to drive less reduces emissions by 0.7 percent more.

Strategy	Effectiveness of Greenhouse Gas Emissions Strategies	
	Billions of Tons	Change from 2010
2010 baseline	48,846	
No Project in 2040	42,895	-12.2%
No Project plus full MTC Climate Initiative	41,813	-14.4%
Plan Bay Area Land-Use Strategies	41,682	-14.7%
Plan Bay Area Transportation Strategies	41,344	-15.4%

In other words, although Plan Bay Area's preferred alternative reduces emissions by 15.4 percent below their 2010 levels, only 1 percent of that reduction is due to Plan Bay Area itself. To be fair, some of reduction in driving may be due to Plan Bay Area's densification strategy, but that only means that Plan Bay Area's transit investments are projected to be even less effective at reducing greenhouse gas emissions.

C153-25 All of these numbers are projections, of course, and there is little reason to suspect that they will be accurate. All of the alternatives except No Project project a 40 to 60 percent increase in per capita transit ridership, and even No Project projects a 25 percent increase. Yet past efforts by MTC and ABAG have failed to increase per capita transit ridership, reduce per capita driving, or increase transit's share of travel.

C153-26 It is entirely possible that Plan Bay Area could lead to greater emissions than a do-nothing alternative, rather than less. For example, concentrating 77 percent of new development in 5 percent of the region's land area is likely to significantly increase traffic congestion in the PDAs. Such increased congestion will waste fuel and produce more greenhouse gas emissions. Moreover, the emissions figures in table 3.1-29 only include the operational costs of transportation. As previously noted, the full life-cycle costs of rail transport are much greater than the operating costs, so table 3.1-29 underestimates the effects of rail expansions relative to highway expansions.

C153-27

Incidentally, Plan Bay Area's claim that the No Project alternative does not meet the state mandate for a 15 percent reduction in per capita car and light truck emissions is simply wrong. According to table 4 of Plan Bay Area, No Project reduces per capita auto emissions by 8 percent, while the preferred alternative reduces them by 18 percent. However, as described in table 3.1-28 of the DEIR, this conclusion was reached assuming that the Pavley fuel standards did not exist.

Table 3.1-29, which takes the Pavley standards into account, shows that per capita passenger vehicle emissions will fall by at least 37 percent under No Project and 41 percent under the preferred alternative. MTC's climate policy initiative will reduce vehicle emissions even further, though it isn't possible to assess how much of that reduction is due to passenger vehicles. But it is clear that all alternatives meet the state mandate. In any case, the main difference in emissions between the No Project alternative and the other four is that the No Project alternative only partially implements MTC's climate policy initiative, while most of the others fully implement it. Plan Bay Area's other land-use and transportation policies have relatively little effect on per capita greenhouse gas emissions.

## Plan Bay Area Fails to Make Housing Affordable

C153-28

Thanks to previous land-use planning efforts, the Bay Area is one of the least affordable housing markets in the world.<sup>36</sup> Though Plan Bay Area sets adequate housing as one of two mandatory targets, it fails to do more than tinker at the edges of the region's housing affordability problem.

The plan sets a target of reducing "by 10 percentage points (to 56 percent, from 66 percent) the share of low-income and lower-middle income residents' household income consumed by transportation and housing."<sup>37</sup> But it admits that it not only fails to reach this target, it "moves in the wrong direction" with the share of income needed to cover transportation and housing rising to 69 percent for low- and lower-middle-income residents.<sup>38</sup>

The plan's main tools to address this issue are targets for communities in the region to accept new housing and subsidies to low-income housing. But housing affordability is not just a problem for low- and lower-middle income families. At \$156,000, Palo Alto had the highest median family income of any city in the Bay Area in 2011, yet it also had median housing prices of more than \$1 million, or well over 6 times family incomes.<sup>39</sup>

Subsidies for low-income housing are not going to solve the region's housing problems. In fact, many subsidies and affordability mandates actually make those problems worse by driving up the overall cost of housing. For example, numerous Bay Area communities have imposed housing mandates requiring builders to sell or rent a specified portion of new housing for "affordable" rates. The result is less overall construction and higher prices for the non-affordable units that are built. When the affordability mandates push up the prices of new homes, the prices of used homes follow making housing less affordable for almost everyone.<sup>40</sup>

High-density housing won't solve the problem either. While some people, mainly young singles and childless couples—though not necessarily a majority of those—are attracted to dense, mixed-use developments, they are a small minority. For most new Bay Area residents, such high-density developments will be second-class housing: smaller, with less privacy, more noise, no room for expansion as families grow, and more subject to crime. This means they will continue to aspire to live in single-family homes that

planners have made unaffordable to most residents who are not fortunate enough to already own one.

While Plan Bay Area claims to meet the state mandate that 100 percent of residents can be housed within the region, this is just a numeric exercise of assigning density targets to each city in the region. Whether those targets can be reached is another matter entirely, especially if fewer than 538,000 households—the plan’s target for PDAs—are willing to live in such high-density areas.<sup>41</sup>

## Plan Bay Area Ignores Trade-Offs

C153-29 Bay Area residents have a wide range of needs, preferences, and priorities, and Plan Bay Area considers only a few of them. By failing to fully evaluate the more than two dozen policies being considered in the plan, Plan Bay Area ignores the trade offs between these policies, some of which may be more important to residents than they realize.

For example, Plan Bay Area takes it for granted that roughly 80 percent of land in the nine-county area should be preserved as open space. Currently, the plan says, only about 18 percent of the nine-county area is developed, and the plan calls for all new non-agricultural development to remain within this area.<sup>42</sup> The 2010 census found that 21 percent of the nine-county area is “urbanized”; the difference may be parks included in the Census Bureau’s definition of urbanized.<sup>43</sup>

The trade off of keeping all new development in a minimal area is that this policy has produced one of the world’s least affordable housing markets. If the region’s population density had been allowed to remain at 3,000 people per square mile—the density at which major urban areas still have affordable housing—the amount of developed land would have increased from Census Bureau’s 21 percent to just 33 percent. Even with population growth through 2040, densities could remain this low while still allowing well over half the region to remain as open space.

C153-30 Plan Bay Area claims that adequate housing is a “mandatory” target while open space preservation is a “voluntary” target. But in fact it treats open space as mandatory and trades off affordable housing in order to preserve that open space, failing to meet its target that low- to moderate-income people are able to reduce the shares of their income going for housing and transportation costs. This is unfair both to future homebuyers and the owners of land that is excluded from development.

C153-31 Plan Bay Area also ignores the trade offs between high-density housing and public safety. Contrary to popular belief, density itself does not lead to higher crime, but the design features associated with higher densities often can. Architect Oscar Newman’s 1973 book, *Defensible Space*, first identified the design features that make developments more susceptible to crime. He found that the most important factor in reducing property crime was to reduce what he called “permeability,” that is, the ability of strangers to enter properties.<sup>44</sup>

For example, a high-rise luxury apartment building with one entrance staffed by a security guard would have low permeability. But mid- and high-rise apartments built for low- or middle-income families often have multiple entrances and no security guards, making them very permeable. A neighborhood of homes with private backyards would be less permeable than one with alleys behind the homes, offering potential burglars more access points to the home. Mixed-use developments and developments with lots of common areas are more permeable than single-use developments with

mainly private property because it is not always easy to tell if a stranger in a mixed-use development or common area has a legitimate purpose in being there or not.

Unfortunately, most of the things planners want to build into PDAs and transit-oriented developments—such as mixed uses, alleys, and common areas—increase permeability and make those developments more subject to crime. A study of a “New Urban” development in Britain found that it had five times as much crime and cost police departments three times as much to keep secure as a development designed to minimize permeability.<sup>45</sup>

Crime is only one of many issues that influence people’s housing decisions. Others are the quality of schools; proximity to friends and relatives; access to transportation; and other neighborhood amenities. Ironically, considering that planners would prefer that everyone lived close to work, close proximity to work is *not* a major factor in people’s housing decisions. In fact, studies by University of California (Davis) researchers have found that people prefer to live some distance from work so they can adjust to a work or home mindset as they commute.<sup>46</sup>

**C153-32** By focusing mainly on planners’ desire to reduce per capita driving, Plan Bay Area oversimplifies the complexity of real life and the wide range of people’s personal tastes and preferences. The result is a plan that is intrusive and authoritarian without any redeeming values.

## Conclusions

**C153-33** Plan Bay Area considers more than two-dozen policies aimed at reducing greenhouse gas emissions and making housing more affordable. Yet the policies it adopts are not cost-effective at reducing emissions and are not effective at all in making housing affordable. Other policies that might have been more effective weren’t even considered. These failings can be traced directly to inadequacies in the planning process.

In a rational planning process, planners should identify, without prejudice, a wide range of policies that might contribute to the goals of the plan. They should then estimate the cost of each of the policies and their effects on emissions, affordability, and other issues. This would allow them to develop a plan by selecting a blend of the policies that are most cost-effective at meeting the key goals of the plan.

Instead, planners started out by assuming that the plan would adopt certain policies, including densification and a 35 percent increase in rail transit service, that may not contribute to the goals at all and are certainly unlikely to be cost-effective ways of reducing greenhouse gas emissions.

Although planners failed to do a cost-effectiveness analysis of these policies, it is possible to estimate from table 3.1-29 that densification and improved transit service together will reduce greenhouse gas emissions by less than 1 percent. The Plan also admits that it fails to make housing more affordable for low- and lower-middle-income people, which almost certainly means housing will be less affordable for everyone who does not already own a home.

How can planners justify an enormously expensive plan that disrupts numerous neighborhoods in the region in order to reduce greenhouse gases by 1 percent? The answer is that they cite a state law requiring a 15 percent reduction in per capita

emissions from automobiles—but then ignore another state law that mandates improvements in fuel economy that, by itself, will more than meet this goal.

C153-34

This means Plan Bay Area is not only poorly planned; it is dishonest. The entire plan should be scrapped and restarted, preferably at the local level rather than the regional level.

## Notes

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3. Belinda Griswold, "Tunnel Vision," San Francisco Bay Guardian, November 5, 1997.
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7. Douglas Porter, "Regional Governance of Metropolitan Form: The Missing Link in Relating Land Use and Transportation," in *Transportation, Urban Form, and the Environment* (Washington, DC: Transportation Research Board, 1991), p. 65.
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9. Calculations based on "Urban and Rural in 2010 by State and County," Bureau of the Census, 2012, [tinyurl.com/cn7st9j](http://tinyurl.com/cn7st9j).
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17. Ibid, p. 408.
18. *Japan Statistical Yearbook 2013* (Tokyo: Ministry of Internal Affairs and Communications, 2013), table 18-3, [tinyurl.com/avsu5sr](http://tinyurl.com/avsu5sr).
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22. David Brownstone, "Key Relationships Between the Build Environment and VMT," paper prepared for the Transportation Research Board, 2008, pp. 2, 7, [tinyurl.com/c97n7v6](http://tinyurl.com/c97n7v6).
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24. Calculated from the 2010 National Transit Database, "energy" and "service" spreadsheets
25. *Transportation Energy Data Book, Edition 31* (Oak Ridge, TN: Department of Energy, 2012), table 2-13. Based on the National Household Transportation Survey, occupancy rate for cars is assumed to average 1.6 and for light trucks assumed to be 1.72.
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38. Plan Bay Area, p. 102.
39. American Community Survey table B25077, Median Home Values, and B19113, Median Family Income. It is a measure of just how unaffordable the Bay Area is that the Census Bureau never contemplated that median home prices could exceed \$1 million, so did not allow for such large numbers to appear in its data tables, yet numerous California places have medians more than \$1 million in 2011, including Los Altos, Menlo Park, Palo Alto, and Sunnyvale, and many more did in the mid-2000s before the recent collapse of housing prices.
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46. Patricia Mokhtarian and Ilam Salomon, "Travel for the Fun of It," *Access* 15 (Fall 1999): 27.

## Curriculum Vitae for Randal O'Toole

Senior Fellow, Cato Institute; [REDACTED], Camp Sherman, Oregon 97730; [REDACTED]

### Books

- American Nightmare: How Government Undermines the Dream of Homeownership*, Cato Institute, 2012
- Gridlock: Why We're Stuck in Traffic and What to Do About It*, Cato Institute, 2010
- The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future*, Cato Institute, 2008
- The Vanishing Automobile and Other Urban Myths: How Smart Growth Harms American Cities*, Thoreau Institute, 2001
- Reforming the Forest Service*, Island Press, 1988

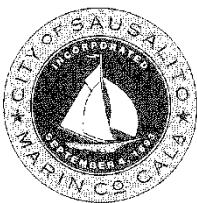
### Selected Other Publications

- "The Great Streetcar Conspiracy," Cato Institute Policy Analysis No. 699. June 14, 2012.
- "Ending Congestion by Refinancing Highways," Cato Institute Policy Analysis No. 695. May 15, 2012.
- "Crony Capitalism and Social Engineering: The Case against Tax-Increment Financing," Cato Institute Policy Analysis No. 676. May 18, 2011.
- "Defining Success: The Case against Rail Transit," Cato Institute Policy Analysis No. 663. March 24, 2010.
- "The Myth of the Compact City: Why Compact Development Is Not the Way to Reduce Carbon Dioxide Emissions," Cato Institute Policy Analysis No. 653. November 18, 2009.
- "How Urban Planners Caused the Housing Bubble," Cato Institute Policy Analysis No. 646. October 1, 2009.
- "High-Speed Rail: The Wrong Road for America," Cato Institute Policy Analysis No. 625. October 31, 2008.
- "Roadmap to Gridlock: The Failure of Long-Range Metropolitan Transportation Planning," Cato Institute Policy Analysis No. 617. May 27, 2008.
- "Does Rail Transit Save Energy or Reduce Greenhouse Gas Emissions?," Cato Institute Policy Analysis No. 615. April 14, 2008.
- "The Planning Tax: The Case against Regional Growth-Management Planning," Cato Institute Policy Analysis No. 606. December 6, 2007.
- "Do You Know the Way to L.A.? San Jose Shows How to Turn an Urban Area into Los Angeles in Three Stressful Decades," Cato Institute Policy Analysis No. 602. October 17, 2007.
- "Debunking Portland: The City That Doesn't Work," Cato Institute Policy Analysis No. 596. July 9, 2007.
- "The Greatest Invention: How Automobiles Made America Great," American Dream Coalition, September, 2006.

### Education

1977–1980: Graduate work in urban planning and economics at the University of Oregon; no degree.

1974: BS in Forestry and BS in Geology from Oregon State University.



Wed. May 15, 2013

To:

Metropolitan Transportation Commission  
Plan Bay Area / Draft EIR Public Comment  
101 Eighth Street  
Oakland, CA 94607

From:

Linda Pfeifer, Sausalito City Council  
[REDACTED]  
Sausalito, CA 94965

Subject: Comments on Plan Bay Area and Draft EIR

My name is Linda Pfeifer. I am a member of the Sausalito City Council.

I am submitting this letter as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am concerned that the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have embarked on a long-range land use plan based on unproven assumptions regarding greenhouse gas emission reductions, job and population growth, and environmental impact. This comment letter summarizes my concerns for your consideration.

C154-1 I. Plan Bay Area and Draft EIR Fails to Adequately Disclose, Analyze, and Mitigate Water Constraints

The Draft EIR fails to accurately assess water requirements for Plan Bay

Area. The Draft EIR does not assess the risk to federally endangered and protected species habitat, including creek, bay, wetlands, and overall habitat damage caused by water diversions, water draw-downs, altered stream flow, and other possible water use strategies to accommodate Plan Bay Area's proposed high density housing numbers and commercial development.

The fact that the Planned Development Areas and potential Planned Development Areas border sensitive eco-habitats near commercial and residential neighborhoods with antiquated storm drain, road, and sewer infrastructure, high traffic congestion, rising sea levels, coupled with Marin's water constraints, makes the lack of a water assessment plan in this DEIR unacceptable. The DEIR fails to assess the cumulative impact of water use diversion or other water mitigation strategies on wildlife habitat, and the ability of existing water resources to service the residential and commercial density proposed.

The failure to identify and analyze the quantities of water required for Plan Bay Area is a serious flaw in this Draft EIR. This Draft EIR is not a reasoned and good faith effort to inform the public, Marin leaders, and key decision-makers regarding the impact of Plan Bay Area on Marin County. The Draft EIR is in violation of key principals of California water law.

What quantity of water will be diverted by all water users in the watershed to accommodate Plan Bay Area?

What cumulative impact will water diversions from all sources have on wildlife? What water quantities will be needed to service current and future residents and commercial establishments?

What water levels and flows (e.g. river, creek, wetlands, bay flows) are necessary to sustain species habitat? And what constitutes a "safe" flow?

Why hasn't Plan Bay Area's EIR consider impacts to water constraints on habitat on a per-city basis and for unincorporated neighborhoods?

Without this information, how can ABAG, MTC, or the public be informed and predict the scope or magnitude of adverse impacts that would occur as a result of Plan Bay Area?

C154-2

II. Plan Bay Area Draft EIR uses flawed data in GHG projections that yield inaccurate findings and fail to inform the public, elected officials, and key decision-makers as to Plan Bay Area's true environmental impact.

I have been told that the “No Project” Alternative (#1) for Plan Bay Area is not an option because it does not reduce GHGs (Greenhouse Gasses). The fact is that the “No Project” Alternative can indeed be chosen, as it can be enhanced with various programs and strategies that will reduce GHGs.

In fact, the Draft EIR uses inaccurate data to support the other alternatives that purport to reduce GHGs.

The Draft EIR does not consider impacts of the new “Pavley” standards in California, already in effect, raising required mpg per mile and reducing GHGs (this is acknowledged in the notes of the DEIR).

The Draft EIR uses 2005 data in its projected future GHG emissions and GHG reductions. But this data does not include the impact of newly passed CAFÉ standards (e.g. 54.5 mpg for cars and light trucks). This will reduce car and light truck emissions more than any of Plan Bay Area’s Alternative Projects even if we do nothing (e.g., “No Project” Alternative #1). In other words, the Draft EIR assumptions for each Alternative are flawed. This analysis in the Draft EIR must be redone and updated to reflect accurate statistics for correct projections and assumptions.

In its current state, the Draft EIR fails to inform the public, elected leaders and key decisions makers as to Plan Bay Area’s true environmental impact. This part of the Draft EIR should be redone and revised and resubmitted for public review prior to any vote.

Why doesn’t the Draft EIR use new legislation, policies, and standards targeting GHG emission reduction in its GHG emission projections and analysis?

How can MTC justify its GHG findings and the subsequent proposals in the Plan when it has not even considered other less expensive, less

disruptive and more effective methods of achieving GHG reduction goals?

C154-3

### III. Plan Bay Area DEIR references flawed job and population growth projections

According to Plan Bay Area, Sausalito is projected to have a 23% job growth rate between 2010 and 2040. This projection is flawed and does not correlate with projections from other agencies. The State Dept. of Finance (DOF) projects lower job and population growth. Please reassess Sausalito's projected job and population growth rate, as well as the projected job and population growth rates of Marin County featured in Plan Bay Area, which are inflated and unrealistic.

For example, the Pitkin-Myers CDR 12 report item 1 ("Less Population Growth") notes... "Much lower population growth is foreseen" in these projections indicated by the official state population projections issued in 2007 by the State Dept. of Finance.

Why wasn't Pitkin-Myers data and other reliable data (e.g., DOF) used in the growth projections?

ABAG's RHNA factors in job and population growth projections. It is my understanding that ABAG's methodology for the 2014-2022 RHNA differs from the methodology used to generate the 2007-2014 RHNA. Was a new RHNA methodology created by ABAG because the prior RHNA methodology was flawed? Is so, what research did ABAG conduct to substantiate the accuracy, validity, and reliability of the new methodology? How did this new methodology factor in historically reliable data (e.g., Dept. of Finance, Pitkin-Myers), and if not, why not?

C154-4

### IV. CEQA Streamlining

CEQA streamlining for SB375, Plan Bay Area, or Housing Element allocations should not be permitted. Is the approval or denial of CEQA streamlining controlled at the local level? Local control regarding CEQA is paramount and should not be usurped.

Sausalito recently passed its Housing Element in compliance with its ABAG RHNA. An EIR was not performed for Sausalito's Housing

Element, despite clear constraints in the locations identified for potential housing allocations. These constraints include poor storm drains, traffic congestion, endangered and threatened species (Sausalito is surrounded by Richardson's Bay and the Golden Gate National Recreation Area), sea level rise, potential toxic waste, and EPA mandates and fines placed on Sausalito for its crumbling sewer infrastructure.

Without individual EIRs from cities, how reliable and accurate are the assumptions and data used in the cumulative Draft EIR for Marin regarding Plan Bay Area?

C154-5

V. Plan Bay Area Draft EIR Fails to Substantiate Assumptions, Claims, and Predictions regarding the reduction of GHGs.

Recent research indicates that the type of development proposed by Plan Bay Area will increase, not decrease, GHG emissions (Australian Conservation Foundation, 10/2007).

In fact, Plan Bay Area's alternative solutions for Marin County could produce 2.5 times the GHG emissions of single family home development and 3 times the GHG emissions of attached, single family townhouse development.

Research on the impact of TOD (Transit Oriented Development) on GHG emission reduction is open to interpretation (and misinterpretation), and the methodologies and scenario assumptions used in this research should be revisited and validated.

What meta-analysis did the Draft EIR conduct to substantiate its GHG emission claims and predictions, including current, past, and future GHGs?

What individual research was referenced? What criteria did the Draft EIR use in selecting the research?

If assumptions were made regarding applicability of selected research to Marin and Plan Bay Area, what criteria was used in these assumptions, and how was this criteria substantiated?

What primary research on real-world TOD projects, as opposed to only simulated scenarios and/or models based on assumptions, was used to assess the accuracy, reliability, and validity of the Plan Bay Area DEIR conclusions regarding GHG emissions?

## **Conclusion**

I was saddened to learn that, despite widespread requests from the public, community leaders, and elected officials, ABAG and MTC rejected an extension of the public comment deadline for the Plan Bay Area Draft EIR. Fifty-five days is too short a time for sufficient transparency and public review and comment.

I have reviewed the comments by the Transportation Authority of Marin. I do not agree with all the comments of the TAM letter.

C154-6

I urge ABAG and MTC to support the “No Project” Alternative #1 and to explore other strategies for GHG reduction.

I also ask ABAG and MTC to consider the issues and answer the questions raised in this comment letter.

Thank you for the opportunity to comment on Plan Bay Area and its Draft EIR.

Respectfully

Linda Pfeifer  
Sausalito City Council

cc: Ezra Rapport, Association of Bay Area  
Governments Transportation Authority  
of Marin  
Sausalito City Council Members  
Sausalito City Manager Adam Politzer

Ann Fromer Spake  
[REDACTED]  
Mill Valley, Ca. 94941

MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland, California 94607

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

This letter is submitted as public comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I was born in San Francisco and moved to Tamalpais Valley in Unincorporated Marin where I have raised my family and lived for the last 44 years. I am a retired professional in Early Childhood Development and Parent Education. I have been involved with community affairs since 1977 with my husband who was Co-chair of the Preserve Tam Valley Committee and an elected member of the Tamalpais Community Services District Board for 14 years. He served on the Advisory Committee of the Richardson Bay Special Area Plan (1984). He was appointed by the Marin County Board of Supervisors as a member-at-large with focus on open space to the Tamalpais Area Community Planning Committee from 1986 - 1992 and an appointed member of the Gateway Planning Committee since 2004 when established as an advisory committee to Marin County Supervisor Charles McGlashan. Both of us have been involved as members of the Tam/Almonte Task Force, providing input regarding impacts based on our knowledge of the Tamalpais Planning Area as the 2007 Countywide EIR and Plan was being developed. Since 2011 we have been working on the Tam Valley Community Plan Update Committee established by Supervisor McGlashan. As Board members of Sustainable Tam Almonte we have reviewed and commented on the Marin 2012 Draft Marin County Housing Element and its Draft Supplemental Environmental Impact Report (DSEIR). I was appointed by the Marin County Board of Supervisors in 2011 to the Health Council of Marin and have been President of the Health Council since 2012.

C155-1

## I. Impact Assessment:

1. *Projects taking advantage of CEQA Streamlining provisions of SB 375 must apply the mitigation measures described, as feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described, the impact would be less than significant with mitigation (LS-M).*

*MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU)*

2. Following the review of environmental issues the following statements italicized above are repeated which essentially state :

- that the conclusions from the Plan's EIR review are subject to site-specific feasibility
- such site-specific feasibility cannot be assessed by a program EIR such as this
- CEQA streamlining provisions of SB375 allow 'suggested mitigations' to reduce significance and ease environmental review
- however, MTC/ABAG cannot require and is not responsible for the mitigation measures
- there is no assurance whether or what mitigation will be determined or implemented by lead agency in specific cases or what will be understood when review is limited

"Section 15151 of the *State CEQA Guidelines* states that an EIR 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." However, the analysis in this DEIR lacks sufficient analysis to make "intelligent" and well-informed land use decisions, some of them irreversible and many significant and adverse, affecting people, other species and the sustainability of the environment for many decades to come.

**Conclusions cannot be made based on the above impact assessment as to whether environmental impacts are less than significant or significant and unavoidable.** The Plan Bay Area's DEIR is inadequate and cannot be relied on to approve the Project.

**C155-2**

**To define pollution areas by highways which are mislabeled on illustrative maps raises questions regarding the validity of other information. This is particularly significant as the purpose of an EIR is to adequately disclose, analyze and mitigate potentially significant health impacts. There could be no benefit from implementation of Plan Bay Area that would override thirty-nine significant unavoidable adverse environmental impacts which could result in severe environmental harm and serious illness, injury and loss of life.**

**C155-3**

**The DEIR's conclusions are not supported by substantial evidence. Analysis is inadequate due to the fact that an EIR must include mitigations that can be evaluated NOW as to whether or not they have merit. To propose to study, develop sea level rise scenarios or develop a plan in the future does not legally constitute mitigation. CEQA is not meant to be a post hoc rationalization of decisions that have already been made. Future analysis defers the public and planner's ability to ascertain whether or not and where feasible mitigations will exist to affect the extent of the impacts and therefore is insufficient. An example is the insufficient 'mitigation' of sea level rise.**

**C155-4**

## **II. Impact Significance Criteria :**

1. Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review.  
**"[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project."**

2. **The above statement illustrates a fundamental flaw in this planning process, EIR and CEQA review.**

If decision-making is to depend solely on information about the project or Plan's impact on the environment then we can't fully consider the impacts based on our interconnection/interdependence with that very environment. An example would be merely reviewing a building's impact on sea level rise rather than considering sea level rise's impact on a building and its residents.

Another example of this disconnect is that the effects on people and property of seismic occurrences due to preexisting environmental hazards can not be analyzed in this EIR even though proposed development may be located in high seismic risk areas.

**This makes such planning susceptible to unintended consequences.**

C155-6

**3. SB 375 amended the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) to ease environmental review of specific types of developments that are anticipated to reduce emissions. This would suggest that such review is not necessary although the other deleterious environmental impacts may be less speculative and more significant!**

C155-7

### **III. Implementation of PDA selection without assessment and public input.**

**1. To not distinguish the difference between 'potential' and 'priority' PDA's beyond the level of completion of the planning makes the assessment and decision-making regarding the appropriateness of PDAs selection unclear.**

**2. Priority Development Areas (PDAs) are nominated by local jurisdictions supposedly as appropriate places to concentrate future growth. As a result of this focused growth, under the proposed Plan about 99 percent of new housing would be within the region's existing urban footprint. Local jurisdictions have chosen a Place Type for each PDA (such as transit neighborhood), which provides a general set of guidelines for the character, scale, and density of future growth and best matches the community vision for the area.**

#### **3. The PROBLEM with this approach is :**

- that areas were nominated which were not appropriate such as in Almonte Tamalpais Valley in Marin and the 26% of PDAs in the C.A.R.E. communities in the Bay Area sited in the Pacific Institute 'Crossroads' Report**
- that areas have been nominated which will increase social injustice and health disparities**
- that areas have been nominated that should be buffer zones between TACs and residential development.**
- that areas are targeted which are semi-rural, not urban, and are being forced into urbanization inconsistent with their character, scale, density, community vision, public services and highly constrained conditions.**
- that areas have been nominated without local community knowledge and input which target and incentivize development without prior consideration of a multitude of significant adverse unmitigable impacts creating community stress, and wasted planning time at both public and private expense.**

- that the PDA doesn't make a distinction in Marin between a 'city-centered corridor' and a 'Highway 101 urban corridor'. The former would direct development into existing cities, an appropriate place for 'urban' development. The latter would suggest that semi-rural and rural areas *between cities* are 'urban' which they functionally and intentionally are *not*.
- that funding needed for transportation such as public transit, bike lanes and road safety improvements in semi-rural areas (which is supported by all of our tax dollars) would be unfairly denied unless these areas agree to convert to urban areas.

## Environmental Issue Areas :

### IV. Transportation Impact - Significant and Unavoidable Adverse Impacts

C155-8 As related to Almonte/Tamalpais Community PDA/TPP Area -

A. **Proposed Plan will cause increased per-trip travel time for commute and non-commute purposes, VMT and per-capita VMT** due to continuing service level F exacerbated by proposed increased population of residents having to travel outside our community for basic goods, services, schools and employment. **The Draft Plan Bay Area DEIR is insufficient because it fails to adequately analyze and mitigate Impact 2.1-3 on smaller busy highways with LOS "F".** With additional residential development precisely where the traffic is most obstructed and backed up, the LOS rating may only be considered F, i.e. the same by the EIR, because you have no G (growing worse) rating! This alone should advise against and eliminate proposed increased residential development.

C155-9 B. **Insufficient public transit both on and beyond the 101 corridor make continued auto use necessary.**

C. **Public transit is also inadequate to serve 'tools of the trade' for many lower income occupations, thereby creating equity issues** based on assumptions of new housing limiting parking and/or adding additional costs for such beyond rent.

C155-10 D. It is noteworthy that "**the proposed Plan assumes that in-commuting from outside the region will continue at 2010 levels**".

C155-11 E. Open space resources serve residents from throughout the region, so park

acreage in Marin is actually serving residents throughout the region and **implementation of the proposed Plan would increase the number of residents traveling from and through our PDA to make use of existing parkland.**

**C155-12 F. The congestion of this regional traffic combined with adjacent residents from Muir Beach, Muir Woods Park, and Mill Valley and local current and proposed community residents will create an unavoidable, significant, adverse impact, especially when all must pass through our narrow valley.**

G. The regional traffic referenced above is going to one of the world's largest urban national parks. Over 7 million people live within a 1-hour drive of GGNRA. The GGNRA is visited by about 17 million people each year from across the US and around the world. Muir Woods receives about 750,000 visitors annually through Tam Valley. Trips to GGNRA account for 50 percent of all visits to the 29 national parks in California. Muir Beach, and Muir Beach Overlook (with spectacular panoramic views in every direction) are 3 miles west of Muir Woods.

In addition, traffic destinations include Mount Tamalpais, Stinson Beach, Tennessee Valley, and Point Reyes National Seashore located along the west coast of Marin County approximately 30 miles north of the City of San Francisco. The Seashore draws visitors with both its shoreline and over 150 miles of hiking trails as well as attraction of Bolinas Ridge, Olema Valley and Tomales Bay. The Seashore averages over 2 million visitors each year who are drawn to the unique geography of the Point Reyes peninsula, the rich cultural and historic setting, and the dramatic natural environment, which is recognized locally, nationally, and globally as a center of biodiversity. As previously mentioned, the Seashore along with GGNRA, is part of the Golden Gate Biosphere Reserve designated by UNESCO as an area of global significance. **As such traffic is likely to continue to grow unavoidably, increases from additional housing will inevitably aggravate an already highly constrained condition and should not be allowed.**

## **C155-13 V. Air Quality Impact - Significant Unavoidable Adverse Impact**

As related to Almonte/Tamalpais Community PDA/TPP Area -

**In general, the closer one gets to a source of emissions, the higher the pollutant concentrations one will be exposed to. Ideally, sensitive land uses would be set back an appropriate distance such that sensitive receptors would not be exposed to TAC and PM<sub>2.5</sub> concentrations that could adversely affect their health.**

However, this is the CENTRAL ISSUE surrounding infill development, such as in TPPs and PDAs, where the objective is to locate jobs and housing in close proximity to each other to reduce automobile trips and therefore mobile source emissions. In doing so, sensitive receptors can be located too close to stationary or mobile sources and exposed to unhealthy levels of TACs and PM<sub>2.5</sub> concentrations!!!

**A. The Proposed Plan conflicts with air quality plans due to proposed development with sensitive receptors within 500' of existing and increasing toxic air contaminants due to both mobile and stationary sources.** The ARB 2005 Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) identifies the appropriate distances that sensitive receptors should be protected from these stationary and mobile sources including analysis within 1000' of source. For other stationary sources besides gas station and generators, where BAAQMD could not identify dispersion values, the cancer risk and PM<sub>2.5</sub> concentrations for each source were assumed to be the same at the source and up to 1,000 feet from the source.

**C155-14** B. 2.2-22 BAAQMD estimated cancer risk and PM<sub>2.5</sub> concentration data is for mobile sources located in and within 1,000 feet of TPP areas. Mobile sources include freeways (highways and high volume roadways) .

C. According to Geoffrey Hornek, an environmental air quality consultant who has evaluated the sites proposed in the Tamalpais/Almonte PDA, **all of the Tamalpais Junction sites are located within the zone of influence of a number of strong roadway and stationary TAC sources as identified in the BAAQMD's listings.** The current risk assessment is inadequate to assure that future residents of any housing units built on any of the Tamalpais Junction PDA sites would not be exposed to unacceptable TAC levels. Further, **there is no evidence that future, in-depth health risk assessments could assure that TAC exposures would meet BAAQMD standards.**

**C155-15** D. **There will be a net increase of emissions of criteria pollutants from on-road mobile sources due to the combination of increasing regional traffic** with more than a million recreational visitors a year going to Stinson Beach, Mount Tamalpais, Muir Woods, and the GGNRA in Tennessee Valley passing through our narrow valley.

**E. The convergence of major highways 1 and 101 next to the proposed development compounds the air quality impacts, especially with insufficient public transit available.**

**C155-16 F. The Plan's pollution map identifying specific highways in our area is inaccurately labelled thereby making the screening data on specific highways questionable.** The identification of actual mobile and stationary sources and their significant adverse impacts are accurately illustrated in a site-specific document by Mr. Hornek, an air quality expert, submitted in comments on the DEIR of the proposed Marin County Housing Element 2012.

**C155-17 G. The proposed Plan will create increased health disparities** to the extent that this PDA/TTP development is targeted for vulnerable populations, seniors, young children, pregnant mothers, individuals with compromised immune systems or low income residents.

**C155-18 H. The Healthy and Safe Communities performance targets for 2040 Plan Bay Area (Table 1.2-2) which aim to reduce premature deaths from exposure to particulate emissions will not be evidenced in our PDA as there will not be reductions in our highly impacted area.**

**C155-19 I. 2.2-19 Local Pollutant Impact Analysis -**  
**Serious adverse health impacts can result by locating sensitive receptors within close proximity to sources of TACs and PM2.5. The urbanized areas along these transit corridors typically contain a wide range of air pollution sources** including stationary and area sources (e.g., gas stations, manufacturing facilities, etc.) and mobile sources (e.g., cars, trucks, trains etc.) which generate TACs and PM2.5 that can create localized health risks to residents and other sensitive receptors from prolonged exposure to elevated concentrations.

#### **J. 2.2-3 Significant and Unavoidable**

**Implementation of the proposed Plan could cause a net increase in emissions of PM10 from on-road mobile sources compared to existing conditions.** As shown in Table 2.2-8, PM10 emissions from mobile sources would increase by 12 percent during the proposed Plan's timeframe compared to existing conditions. **The higher levels of PM10 emissions in 2040 conditions are due to the fact that these emissions are strongly influenced by the 20 percent growth in VMT (which**

directly affects entrained roadway dust), with some contributions from tire and brake wear and exhaust.

**C155-20** **K. 2.2-5 Significant and Unavoidable**

Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM2.5) concentrations result in a cancer risk greater than 100/million or a concentration of PM2.5 greater than 0.8 µg/m<sup>3</sup>. Regarding Impact 2.2.5(a) and 2.2.5(b), the Draft EIR fails to accurately disclose the severity of the significant cumulative health risks to sensitive receptors on sites within the zone of influence of collective TACs and PM2.5 emissions from several significant sources. For instance, Unincorporated Mill Valley sites located in the Transit Priority Project (TPP) corridor and located in the Hwy 101 Corridor Priority Development Area of the Draft Plan Bay Area are simultaneously subject to TACs and PM2.5 emissions from three or four of the following sources: Hwy 101 (LOS "F"), Hwy 1 (LOS "F"), two Dry Cleaners, three Gas Stations and the County of Marin Crest Marin Pump Station Generator.

**C155-21** **L. 2.2-6 Significant and Unavoidable**

Implementation of the proposed Plan could result in a localized larger increase or smaller decrease of TACs and or PM2.5 emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. These communities already experience significant health disparities and environmental injustice. The Pacific Institute study report indicated that almost half of the PDA areas in the CARE communities proposed for high density development are unhealthy and inappropriate for residential development. Non-residential buffer zones without additional TAC sources should be established there instead.

**C155-22** **M. The EIR states that it does not examine the effects on local or regional air quality from specific land use and transportation improvements in the proposed Plan. Without assessing the potential effects it can not plan for or provide assurances regarding the health of the population it will be impacting.**

**C155-23** **N. New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no**

**negative health effects are observed. Carcinogens are assumed to have no safe threshold below which health impacts would not occur.** Sources of TACs include industrial processes, commercial operations (e.g., gasoline stations and dry cleaners), and motor vehicle exhaust—particularly diesel-powered vehicles. The three most potent carcinogens come primarily from motor vehicles—diesel PM overall, and 1,3-butadiene and benzene as specific components of diesel PM. The remaining toxic air pollutants, such as hexavalent chromium and perchloroethylene, while not appearing to contribute as much to the overall risks, can present high risks to people living close to a source due to the highly localized concentration of TACs.

C155-24

**Destroying people's health is significant and avoidable** but not by assuming vehicles will improve someday or people will live indoors with perpetually adequately maintained air filters. We cannot assume that development will not include residents who need to use the outdoors or major tree vegetation will grow in saline soil. As an early childhood development specialist I am concerned that multi-family housing should foster growth and development of young children by providing active and ready access to healthy outdoor space. Increased outdoor use and exercise is also essential to address the national public health obesity crisis.

With limited access to some of our communities, the truck routes which currently avoid residential neighborhoods will now be moving through new residential developments if the TPP proposed plan is implemented in contrast with recommendations of BMP. According to the Tamalpais Area Community Plan the highway and major road through Tamalpais Valley are a main truck route to Mill Valley and parts of West Marin.

C155-25

**Overriding significant environmental impacts that cannot be feasibly avoided or substantially reduced through processes such as CEQA streamlining or exemption under SB375 and ignoring their adverse impacts is unsustainable and irresponsible and it doesn't make them less than significant to those impacted by them.** According to the EIR, MTC/ABAG cannot require or ensure that mitigation measures will be implemented and they indicate that there are site-specific conditions that preclude the reduction of impacts. **Avoiding such projects is the only sustainable alternative.**

C155-26

## VI. Land Use and Housing Impact -

**A. Proposed development will increase the conversion of natural habitat prioritized for open space by the Tamalpais Area Community Plan and essential in the future for protection from sea level rise and inundation as well as preservation of**

wildlife habitat and affected migratory and endangered species. (See 'G' below)

**C155-27** **B. This Urban Plan is supposed to direct development into cities (City-Centered Corridor) rather than adversely impacting semi-rural community areas which are supposed to be protected as part of the Baylands Corridor.**

**C155-28** **C. Regarding population growth - The Plan projects 13% population growth in Marin (32,914) representing growth of 11% in households which is equivalent to an additional city being placed in Marin with 38% of that growth targeted to go in PDAs (12,507 residents). The State Department Of Finance projects a population growth of 3% (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect realistic population growth based on DOF projections.**

**C155-29** **D. The assumption that there will be substantial job growth presumes business investments which are not identified or analyzed in the EIR . The assumption that if you build houses there will consequently be jobs is not a proven fact. The projected growth of employed residents doesn't seem consistent with Marin's population which has an increasing percentage of seniors who will not be employed. As Marin County is the largest employer in Marin and its departments have already been expected to cut their budgets by 10% there is no reasonable expectation that there will be adequate increased funding available for additional jobs, i.e. personnel and services. Many residents who can afford to live here are either self-employed, government employed or commuting to jobs outside Marin where jobs are more prevalent and offered at higher wages so the concept of jobs near housing is unlikely, especially in some of the PDA locations like Tamalpais Valley. To the extent that existing commercial uses are reduced by mixed use or replaced by 100% housing projects there will actually be a loss of jobs.**

**C155-30** **E. It is noted that affordable housing is the primary type of housing which is unavailable and needed rather than more market-rate, particularly in Marin. However, only 43% of the proposed housing in the Plan is for lower income residents and achieving it "assumes planning support, coordination of regulations, and increase in public funding" making this objective less likely to be attained. There is no discussion of the impact on these new residents of escalating costs of living, declining wages, continuing unemployment and the inability of planners to create jobs all of which impact the affordability of housing. EIR states that Plan does not alleviate the existing challenges of restricted housing supply or escalating housing costs.**

C155-31

F. Impacts of Land Use Projects on Local Authority - According to the EIR the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. This is misleading in that **local jurisdictions which perceive themselves dependent on the Plan's funding sources attempt to revise their policies to coincide in order to secure the funds (bribes)**. Therein they compromise their supposed independent local land use authority. Consistency with the 'Sustainable Community Strategy' is expected.

C155-32

#### **G. Impacts of Conversion to Land Use and Transportation Projects Significant and Unavoidable**

1. **Preservation of the environment reflects an understanding that we and other species are mutually interconnected and independent with our environment.** This is reflected in the land we have reserved for open space, agriculture and forests. These resources sustain us. The proposed Plan will potentially convert 2,022 acres of protected open space lands, 5,941 acres of agricultural land, of which 1,184 acres are identified as Prime or Unique Farmland or Farmland of Statewide Importance, 723 acres of Williamson Act lands, and 1,414 acres of forest land to urbanized land uses and transportation projects.

2. **Table 2.3-17 shows that in Marin there are 135 acres where proposed development overlaps with open space and 31 acres affected by transportation projects. Table 2.3-18 shows 255 acres of forest and timberland in Marin will be potentially affected by development which represents 19% of this impact in the 9 counties.**

3. **These losses represent depletion of resources and expansion of our ecological footprint which is not a sustainable future direction and negate community efforts to retain these areas. They also reflect no consideration of the impacts on other species for whom relocation to substitute habitats may not be feasible.**

## **VII. Energy Impact -**

C155-33

As related to Almonte/Tamalpais Community PDA/TPP Area -

A. **Proposed plan will increase our local per capita energy use as more people will need to travel beyond our community for basic needs, services, schools and employment. ( Elementary school is at capacity.)**

C155-34

B. **Increased traffic will make bicycle travel by young children more hazardous and therefore deter both biking and walking which will increase auto use and energy impacts.**

C155-35

C. It is noteworthy that "the proposed Plan assumes that in-commuting from outside the region will continue at 2010 levels" and regional recreational traffic with resulting GHG will increase with increased population.

C155-36

### VIII. Noise Impact -

A. Proposed plan will increase proximity of sensitive receptors who use both indoor and outdoor spaces to noise levels that exceed acceptable thresholds.

Current health studies indicate that excessive noise creates elevated cardiac risks for seniors, a targeted population for housing, who will not be restricted to (or protected by) indoor living in insulated units. Residential and mixed-use development would potentially be constructed adjacent to high volume noisy transportation corridors which could have adverse impacts on these uses. Mitigation measures, both indoor and outdoor would be necessary but MTC/ABAG can not require or ensure that these are possible or will occur. Ambient noise levels at the majority of sites in PDA in Tamalpais Valley exceed 55dB CNEL threshold as a result of traffic along local roadways.

C155-37

B. There is also no consideration of the additive noise levels on PDA from adjacent heliport with frequent recreational flights by GGNRA tourists. The Helicopter Tours fly over the Marin Headlands, and other landmarks in the Golden Gate Recreation Area. The FAA allows the helicopter company up to 2,900 flights per year and the sea plane company there to fly up to 2,190 flights. The assessment of commercial air tour operations on units of the national park system is different in many respects from other aviation assessments. Air tour aircraft operations differ from the average national air transportation system operations, occurring in most cases seasonally, and only during daylight hours thereby concentrating the occurrences of flights and noise impacts. Air tour aircraft are by nature flying low for sightseeing purposes, and in national parks are often operating relatively close to the ground in low ambient sound environments. These factors require specialized noise assessment. With millions of visitors wanting to experience the GGNRA, some of which by aircraft tours, the potential impacts of noise on adjacent development in concentrated periods of the day and year should be considered an adverse impact.

C155-38

C. Review of the maps of PDAs and PCAs in Appendix C of the Jobs-Housing Connection Strategy reveals that, generally, buffers are maintained between PDAs and PCAs. San Francisco and Marin County are two places, however, where this is not the case. The southernmost PDA in Marin County is designated as a Transit

**Neighborhood PDA near Highway 101 and has two designated PCAs adjacent or proximate to it subject to existing traffic noise.**

D. There appears to be no recognition of the **impact of additional noise on the PCA from increased human activity** because it is already experiencing an existing adverse impact from proximity to the highway. There also seems to be no understanding of the **noise levels during construction due to the necessity of having to go down over 80' through bay mud to find bedrock** while attempting to secure a structure.

E. 2.6-2 **Significant and Unavoidable**

Implementation of the proposed Plan could result in **increased traffic volumes that could result in roadside noise levels that approach or exceed the FHWA Noise Abatement Criteria.**

F. 2.6-3 **Significant and Unavoidable**

**Implementation of the proposed Plan could result in increased noise exposure from transit sources that exceed FTA exposure thresholds.**

**C155-39** IX. Geology and Seismicity - Potentially Significant

A. **Proposed plan would increase exposure of people and structures to the risk of property loss, injury, or death involving strong seismic ground shaking, effects of liquefaction, building on fill and bay mud, and projected inundation and sea level rise.** Over time, settlement of unconsolidated soils or soft compressible soils such as Bay Mud can also pose problems to facilities. creating substantial risks to life or property from on- or off-site landslide, lateral spreading, liquefaction, or collapse. In spite of mitigation suggested in the Bay Plan and the 2007 Marin Countywide Plan which might reduce adverse effects of mild-moderate seismic ground shaking, the risks from severe seismic ground shaking which is predicted remain a significant unavoidable project and cumulative impact.

**C155-40** B. The U.S. Geological Survey (USGS) Working Group on California Earthquake Probabilities has evaluated the probability of one or more earthquakes occurring in the Bay Area and concluded that **there is currently a 63 percent likelihood of a magnitude 6.7 or higher earthquake occurring in the Bay Area by 2037. The San Andreas and the Hayward faults are the two faults considered to have the highest probabilities of causing a significant seismic event in the Bay Area S.A. 7.9 and H. 7.1 Max. moment magnitude earthquake. The PDA in Tamalpais Valley is in close approximately of about 10 - 11 miles from these two faults.**

C155-41

C. Strong ground movement from a major earthquake could affect the Bay Area during the next 30 years. Ground shaking may affect areas hundreds of miles distant from the earthquake's epicenter. The intensity of ground movement during an earthquake can vary depending on the overall magnitude, distance from the fault, focus of earthquake energy, and type of geologic material. **Liquefaction potential is highest in areas underlain by shallow groundwater and Bay fills, Bay Mud, and unconsolidated alluvium. Figure 2.7-2 illustrates liquefaction susceptibility in the Bay Area. The Liquefaction Map on page 555 does not reflect Tamalpais Valley's high liquefaction (or subsidence).**

C155-42

#### D. Impact Significance Criteria (page 564)

**Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” To choose to intensify development in high seismic risk areas without EIR analysis of the significant effects of the environment shows no regard for the impacts of the environment on people and structures and illustrates illusions about our technological ability to manage and ignore the power of natural forces.**

C155-43

#### E. Implementation of the proposed Plan Bay Area would have a potentially significant adverse impact in Tam Valley PDA sites related to geology and seismicity based on the following -

Criterion 2: Increase exposure of people or structures to the risk of property loss, injury, or death involving strong seismic ground shaking.

Criterion 3: Increase exposure of people or structures to the risk of property loss, injury, or death involving seismic-related ground failure including liquefaction.

Criterion 6: Locate projects on a geologic unit or soil that is unstable or that would become unstable as a result of the project; on expansive soils (high shrink-swell potential), as defined in Section 1803A of the 2010 California Building Code (the most recent version of the California Building Code); or on weak, unconsolidated soils, creating substantial risks to life or property from on- or off-site landslide, lateral spreading, liquefaction, or collapse.

F. According to this regional data, approximately **14 percent of all the PDA land area is located above deposits considered to have a very high potential for liquefaction, 12 percent with high potential, 37 percent moderate, 18 percent low,**

and 18 percent with very low potential. “Map 2-11 Liquefaction Susceptibility Hazards in the 2007 Marin Countywide Plan illustrates areas of deep fill on bay mud, which are subject to high risks of liquefaction (and subsidence). (See also MCP's EIR) Many of these high liquefaction areas are located within the Transit Priority Project (TPP) corridor and the Hwy 101 Priority Development Area (PDA) of Plan Bay Area. Other land use projects outside of the PDAs in the Bay Plan are more widely dispersed and would be located in a range of differing liquefaction potential.

**G. The potential for adverse ground failure impacts related to land use changes from implementation of the proposed Plan at the regional and local level is considered potentially significant (PS).** The findings related to the impact of seismic-related ground failure, of the Marin Countywide Plan's EIR and the 2012 Draft Marin County Housing Element's SDEIR conflict with those of the Draft Plan Bay Area's DEIR indicating that even with mitigation the adverse potential impacts would remain significant, unavoidable and cumulative. The above SEIR states that "implementation of the mitigation policies and programs would not eliminate all structural damage, injuries, or death from seismic-related ground failures, especially for severe seismic events". We have an opportunity to avoid these by exercising the precautionary principle and not placing more residences in such hazardous areas within approximately 10 miles of 2 faults. Such areas include the Tamalpais area with landfill on top of bay mud with bedrock reached at depth of about 80-90 feet. It is already subject to subsidence, liquefaction and lateral displacement, conditions inappropriate and expensive for proposed housing development.

## X. Water Resources - Flood Hazards

C155-44 A. Proposed plan would place structures within Tam Valley's 100-year flood hazard area which is currently subject to flooding and resultant traffic impediment. This area is also projected to become more constrained with projected sea level rise. See BCDC inundation map. The proposed Plan could increase the amount of housing in flood hazard areas in the region.

B. To reduce the significant impacts the EIR says that specific hydrology studies must be made to show compliance with laws and regulations related to development in the floodplain; however this '**mitigation' does not speak to the limitation or avoidance of development in such areas, i.e. only the 'how' but not the 'whether' nor does it speak to the jeopardy that such development adds to communities from loss of wetlands.**

C. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program which provides subsidized flood insurance to communities that comply with FEMA regulations to limit development in floodplains. By designating new PDAs in floodplains the Plan does NOT limit such

**development and eliminates flood insurance subsidy opportunities thereby both increasing people at risk and increasing the cost of housing for current residents.** Figure 2.8-3 identifies federally designated 100-year storm event flood hazard zones in the Bay Area.

C155-45

D. The following two Executive Orders are consistent with Marin Countywide Plan which established the Baylands Corridor as an area for preservation and protection rather than development. **Part of the 101 Corridor PDA is located in this Baylands Corridor.**

1. Executive Order 11990 - Protection of Wetlands

This Executive Order is an overall wetlands policy for all agencies managing federal lands, sponsoring federal projects, or providing federal funds to state or local projects. **This Executive Order requires that when a construction project involves wetlands, a finding must be made by the federal agency that there is no practicable alternative to such construction. The practicable alternative is to avoid construction projects and protect wetlands so they can protect communities from sea level rise storm surge, king tides and flooding.**

2. Executive Order 11988 - Floodplain Management

Executive Order 11988 directs federal agencies to avoid to the extent practicable and feasible short- and long-term adverse impacts associated with the occupancy and modification of floodplains and to **avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Further, this Executive Order requires the prevention of uneconomic, hazardous, or incompatible use of floodplains; protection and preservation of the natural and beneficial floodplain values; and consistency with the standards and criteria of the National Flood Insurance Program (NFIP).**

E. Within California, approximately 95 percent of the state's historic wetlands have been converted to other land uses. Wetlands in California had been reduced to only 450,000 acres. **The loss of wetlands has been pronounced in the Bay Area because of urban development, intense diking and as a result of mining.**

F. In accordance with Corps, EPA, USFWS, RWQCB, and CDFW guidelines, a goal of “no net loss” of wetland acreage and value is required, wherever possible, through avoidance of the resource. **It is possible to avoid development in areas that adversely impact and jeopardize wetlands.**

C155-46

**G. 2.8-6: Impact - Implementation of the proposed Plan could increase rates and amounts of runoff due to additional impervious surfaces, higher runoff values for cut-and-fill slopes, or alterations to drainage systems that could cause potential flood hazards and effects on water quality.**

H. Because individual projects under the proposed Plan have the **potential to adversely affect capacity of existing drainage systems** at a project- specific level, these impacts are considered potentially significant (PS).

## XI. Sea Level Rise and Inundation :

### A. 2.5-6 Significant and unavoidable!

**Implementation of the proposed Plan may result in a net increase in the number of people residing within areas regularly inundated by sea level rise by midcentury.**

### B. 2.5-7

**Implementation of the proposed Plan may result in an increase in land use development within areas regularly inundated by sea level rise by midcentury.**

**C. According to the EIR, Bay Area employment within the PDAs and potentially inundated areas is projected to increase by 55% by 2040 and increase in the TPPs by 30% and the number of people employed throughout the S.F. Bay Area in inundated areas will increase by 30% indicating also an increase in commercial and industrial development in these areas.**

**D. Marin will see an increase in employment within PDAs of 15% within SLR zone, within TPPs 20%. Households within PDAs in SLR inundation zone will increase by 250% and LOW zone by 100% and within TPPs by 10%. This would put approximately almost new 2000 jobs and new 450 households at risk !**

Why would responsible planners consider and choose such a plan and presume there will be no significant consequences! This kind of audacity ignores reality at other people's peril.

**E. The Plan proposes to proceed with development when adaptation strategies, including planned retreat, have not yet been analyzed and climate**

**change and sea level rise issues have not been thoroughly investigated. The Precautionary Principle of avoidance of further shoreline development should be applied when such long-term knowledge is insufficient and existing knowledge indicates escalating risks.**

## XII. Biological Resources - Potentially Significant

C155-48

A. Proposed plan will potentially have an adverse effect on sensitive or endangered species, inhibit restoration of historic wetlands and preclude ability to allow for migration inland as sea level rises. Some of proposed development also falls within wetland (WCA) or stream (SCA) conservation areas.

“This community has become a high priority community for both state and federal resource agencies. In its *Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California*, the USFWS has included Mill Valley’s shoreline in the Central/South San Francisco Bay Recovery Unit. Major threats to these communities include climate change, habitat loss and degradation, and invasion by exotic species such as non-native cordgrass species. (Mill Valley General Plan Draft 2040)”

“The tidal-terrestrial transition zone (T-zone) occupies the gradient between the intertidal zone and terrestrial (i.e., levee faces, valleys, hillsides, alluvial fans, and bluffs) and/or fluvial (i.e., rivers and streams) environments. The T-zone provides a number of valuable ecosystem functions and services, and also serves as accommodation space for estuarine transgression and floodwater dispersal/storage as sea level rises in the future. The T-zone is also one of the most heavily impacted areas of the Bay ecosystem, and emerging plans call for the conservation and reconnection of a T-zone where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve. ” ([http://www.sfei.org/TZone\\_SouthSFBay](http://www.sfei.org/TZone_SouthSFBay). Downloaded 5/13/2003)

“San Francisco Bay wetland managers are looking landward for ways to accommodate accelerated sea level rise due to climate change. A major concern is that sea level rise will drown existing tidal marshes except for a narrow ring of marshland between the Bay and the built environment. This would eliminate many of the Bay’s ecological services, as well as many of the ecological connections to the terrestrial environment upon which these services depend. Emerging plans therefore call for the conservation and reconnection of a tidal-terrestrial transition zone (T-zone) where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve.” *An Assessment of*

*the South Bay Historical Tidal-Terrestrial Transition Zone* Erin Beller, Micha Salomon, Robin Grossinger • San Francisco Estuary Institute • Publication #693 • May 2013 produced for the U.S. Fish & Wildlife Service Coastal Program

When wetlands are defined in accordance with the federal definition, the wetlands themselves are "waters of the state." California Water Board - Draft Water Quality Control Policy for Wetland Area Protection and Dredged or fill Permitting. See 40 C.F.R. § 230.3(s)-(t) ("waters" include "wetlands"); Wat. Code, § 13050, subd. (e) (defining "waters of the state" more broadly than EPA defines "waters of the United States").

"Tidal marsh studies indicate that they are an important defense against sea level rise in vulnerable communities. "[T]he research forecasts that under faster sea-level rise rates, salt marshes could bury up to four times as much carbon as they do now." (United States Geological Survey 2012 *Salt Marshes May Slow Climate Warming . . . For A While* Categories: Ecosystems, Featured Posted on September 26, 2012 at 11:00 am. Last update 12:57 pm By: Catherine Puckett cpuckett@usgs.gov & Hannah Hamilton hhamilton@usgs.gov ).

Tidal marsh development depends upon healthy supplies of plant communities, nutrients and alluvial deposition. This would be immitigable and the negative and associative costs, to the environment and the community, of losing tidal marsh wetlands far exceeds benefits derived from the project.

Diverse Upland transition areas tidal-terrestrial transition zones (T zones) above wetlands, known as ecotones, would be absent without tidal marshes and would be impacted by sea level rise adversely should tidal marsh plant community accretion not keep pace with the rising sea level. Thus the project would ultimately make human communities more vulnerable to flooding, CO<sub>2</sub> release into the atmosphere, pollutants, loss of biodiversity and resilience. The T transition zone and habitat would be lost. Tidal marsh vegetation community regimes, sediment deposition from creeks, fluvial geomorphologic evolution and habitats would be unable to adapt to projected sea level rise conditions. This would damage and potentially obliterate remnant Endangered Species Act protected Critical Habitat should this project go through. Examples of this are occurring today and documented in Bothin Marsh and Coyote Creek's Richardson Bay terminus during the King tides of 2012/2013 (San Francisco Estuary Partnership, California Coastal Commission)

Wetlands (tidal marshes) and their ecosystem services are protected from having no net loss and Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) (Clean Water Act) to protect wetlands and riparian areas for water quality goals. With impacts of sea level rise already manifesting, mitigation of wetland losses may only be possible through tidal marsh natural enhancements (such as the horizontal levee (the Bay Institute 2013) and inland migration. Storm water run off currently filtered by the tidal marshes will flow straight into the bay off further impermeable hardscaping and pollute the Bay waters further as a result of this project. The proposed plan will significantly impact the tidal marsh by preventing adaptation of the tidal marsh through natural processes rendering compliance immittigable.” (Laura Chariton, MA Riparian Policy and Restoration)

Eelgrass beds in Richardson bay deprived of natural sediments and nutrients would be impacted. Eelgrass beds right off shore of the marshes are hatching grounds for keystone species of herring that support bird, fish and marine mammal populations.

Both Eelgrass beds and tidal marshes are considered important for habitat, food sources, biodiversity and carbon sequestration. Those significant functions would be significantly impacted by this project. Tidal marsh biodiversity and resilience would be lost from the disconnection of nutrient and natural sediment deposition. “ Upland erosion and construction activities can increase sedimentation which can smother eelgrass. Shoreline structures built over the water prevent eelgrass from getting enough light for growth. Excessive nutrients can accelerate algae growth on eelgrass blades, blocking out light. Within San Francisco Estuary, Richardson Bay stands out as a particularly unique location for eelgrass restoration. It harbors the second largest extant eelgrass bed in the estuary, and plants with the most genetic diversity of six beds sampled. Further, a model of environmental conditions in the estuary has identified Richardson Bay as the area with the greatest area suitable for restoration (Merkel and Associates 2004). Hence, Richardson Bay is highly valued both for its existing eelgrass resources and its potential for restoration.”(<http://richardsonbay.audubon.org/all-about-eelgrass>) <http://sfep.sfei.org/our-projects/fish-and-wildlife-recovery/eelgrasshabitat/> (Laura Chariton, M.A. Riparian Policy and Restoration)

B. 2.9-1a - Impact

**Implementation of the proposed Plan could have a substantial adverse effect**, either directly or through habitat modifications, **on species identified as candidate, sensitive, or special-status** in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and the National Audubon Society. "Impacted animals include steelhead, salt marsh harvest mouse, tide water goby, clapper rail, and Point Reyes bird's beak. Given the extensive list of species utilizing the subject property area it is advised to be certain that no other species is a candidate or listed species. The lessened observance of certain species would necessitate this comprehensive inquiry." (Laura Chariton, MA Riparian Policy and Restoration)

**Focused surveys to determine the locations and extent of special-status species populations have not been conducted in support of this programmatic EIR; detailed and site-specific surveys are more appropriately conducted when project level detail is available.** Analysis in this EIR therefore conservatively **assumes that special-status species would be present** within the impact footprint of regional growth/land use changes or a transportation project if the project is mapped as occurring within or transecting a known species occurrence.

C155-49 **C. The PDA and adjacent area in Tamalpais Valley include acres which are home to known Federally and State listed endangered species such as the Pt. Reyes Bird's Beak plant, Salt Marsh Harvest Mouse, Tide Water Goby (*Eucyclogobius newberryi*), Clapper Rail and listed threatened Steelhead (*Oncorhynchus Mykiss*) and provides habitat for both a resident and Pacific Flyway migratory bird population as well as many other species. Development in or adjacent to this habitat will have significant unavoidable adverse impacts.**

"The San Francisco Bay estuary, though severely fragmented and modified, represents the largest extent of tidal marsh in the western United States. Projected sea-level rise of 0.3-1.5m poses further threat to several endemic tidal marsh species such as the salt marsh harvest mouse, California clapper rail, and California black rail that are listed as federally endangered or state threatened species." (USGS website, <http://www.werc.usgs.gov/Project.aspx?ProjectID=88>, downloaded 5/13/2003)

Until and unless it is determined that each species does not carry potentially new information regarding endangered species status comprehensive biological studies need to occur.

The listed migration corridor includes (125 Birds Species, 75 Species of Butterfly.). Under the National Audubon Society, Bothin Marsh is also listed as an Important Bird Area. Greater and Lesser Scaup, Bufflehead and Ruddy Duck also are found during the migration period. Hundreds of shorebirds, especially Western Sandpiper, utilize the exposed mudflats of Bothin Marsh and the greater Richardson Bay daily during migration. “Bothin Marsh, is managed by Marin County Open Space District. This wetland, along with the wetlands of Corte Madera, represents the majority of the tidal marsh habitat of west-central San Francisco Bay. The estuarine wetlands of San Francisco (which includes Richardson) and San Pablo Bays are recognized together as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of Hemispheric Importance for shorebirds - the highest possible ranking.” (National Audubon Society website, <http://netapp.audubon.org/iba/Site/148>, downloaded 5/14/2003)

The U.S. Fish and Wildlife Service (USFWS) calls for the recovery of several species that depend on tidal marsh, including salt marsh harvest mouse (*Reithrodontomys raviventris*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), Samuel’s (San Pablo) song sparrow (*Melospiza melodia samuelis*), long-billed curlew (*Numenius americanus*), California sea-blite (*Suaeda californica*), and Pacific cordgrass (*Spartina foliosa*), green sturgeon (*Acipenser medirostris*) in Richardson Bay among others. In addition, the National Marine Fisheries Service (NMFS) has identified marsh habitat and its surrounding coastal waters as “essential fish habitat” and strives to protect this sensitive area for the fish species that depend on it for food and shelter.

Bothin Marsh Marin County Open Space area lists these species present that will be affected by environmental changes:

Bird Species:

Allen's Hummingbird, American Avocet, American coot, American Crow, American Kestrel, American Pipit, American White Pelican, American Wigeon, Anna's Hummingbird, Barn Owl, Barn Swallow, Barrow's Goldeneye, Belted kingfisher, Black Phoebe, Black Scoter, Black –bellied Plover, Black-crowned Night Heron, Black-necked Stilt, Blue winged Teal, Bonaparte's Gull, Brandt's cormorant, Brant, Brewer's Blackbirds, Brown Pelican, Brown-headed Cowbird, Bufflehead, Burrowing Owl, California Gull, Canada Goose, Canvasback, Caspian Tern, Cinnamon Teal, Clapper Rail, Clark's Grebe, Cliff Swallow, Common Goldeneye, Common Loon, Common Raven, Common Yellowthroat, Cooper's Hawk, Double –crested Cormorant, Dunlin, Eared Grebe, Eurasian Wigeon, European Starling, Forster's Tern, Gadwall, Glaucous-winged Gull, Golden-crowned Sparrow, Great Blue Heron, Great Egret, Greater Scaup, Greater White-fronted Goose, Greater yellowlegs, Green Heron, Green-winged Teal, Heermann's Gull, Herring Gull, Hooded Merganser, Horned Grebe, House Finch, House Sparrow, Killdeer, Least Sandpiper, Lesser Scaup, Lesser Yellowlegs, Lincoln's Sparrow, Loggerhead Shrike, Long-billed Curlew, Long-billed Dowitcher, Mallard, Marbled Godwit, Marsh Wren, Merlin, Mew Gull, Mourning dove, Northern Harrier, Northern Mockingbird, Northern Pintail, Northern Rough-winged Swallow, Northern Shoveler, Osprey, Pacific Loon, Peregrine Falcon, Pied-billed Grebe, Red Know, Red –breasted Merganser, Red-necked Grebe, Red-necked Phalarope, Red-tailed Hawk, Red –throated Loon, Red-winged Blackbird, Redhead, Ring-billed Gull, Ring-necked Duck, Rock Pigeon, Ruddy Duck, Ruddy Turnstone, Rufous Hummingbird, Sanderling, Savannah Sparrow, Say's Phoebe, Semi-palmated Plover, Semi-palmated Sandpiper, Sharp-shinned Hawk, Short-billed Dowitcher, Short-eared Owl, Snowy Egret, Song Sparrow, Sora, Surf Scoter, Tree Swallow, Turkey Vulture, Violet –green Swallow, Virginia Rail, Western Grebe, Western Gull, Western Meadowlark, Western Sandpiper, Whimbrel, White-crowned Sparrow, White-tailed Kite, White-throated Swift, White-winged Scoter, Willet

Butterfly Species:

Acmon Bue, American Lady, Anise Swallowtail, Arrowhead Blue, Blue Copper, Boisduval's Blue Bramble Hairstreak, Brown Elfin, Cabbage White, California Dogface, California Sister, California Tortoiseshell, Calliope Fritillary, Checkered White, Cloudless Sulphur, common Branded Skipper, Common Buckeye, Common Checkered-Skipper, common Ringlet, common Sootywing,

common Wood-Nymph, Coronis Fritillary, Dotted Blue, Eastern Tailed-Blue, Edith's Checkerspot, Eufala Skipper, Field Crescent, Fiery Skipper Gorgon Copper Gray Haristreak, Great Basin Wood-Nymph, Great Purple Hairstreak, Gulf Fritillary, Hoary Comma, Large Marble, Marin Blue, Milbert's Tortoiseshell, Monarch, Mormon Metalmark, Mountain Mahogany Haristreak, Mourful Duskywing, Mourning Cloak, Mylitta Crescent, Northern Checkerspot, Northern Cloudywing, Orange Sulphur, Pacuvius Duskywing, Painted Lady, Pale Swallowtail, Persius Duskywing, Pipevine Swallowtail, Propertius Duskywing, Purplish Copper, Red Admiral, Rural Skipper, Sachem, Sandhill Skipper, Sara Orangetip, Satyr Comma, Silver-spotted Skipper, Silvery Blue, Small Checkered Skipper, Spring Azure, Sylvan Hairstreak, Tailed Copper, Two-tailed Swallowtail, Umber Skipper, Variable Checkerspot, West Coast Lady, Western Pine Elfin, Western Pygmy-Blue, Western Tailed-Blue, Western Tiger Swallowtail, Woodland Skipper

Mammals:

Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum

Reptiles/ Amphibians – Pacific Tree Frog

Numerous Mollusks and Invertebrates

New sightings of Pacific Ocean Otters in the area need to also be considered.

Restoration of Oyster Beds and retention of Eel grass bed in the vicinity are critical.

**D. Potential regional effects on special-status species could occur as a result of habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and a resulting regional reduction in biological diversity. Potential localized effects on special-status species include the temporary and permanent removal or conversion of vegetation and habitat necessary for species breeding, feeding, dispersal or sheltering. Because land use changes under the proposed Plan may result in adverse effects on special-status plants and wildlife at the regional level, these impacts are considered potentially**

**significant (PS). Listed affected species would include:** salt marsh harvest mouse, California clapper rail, Tidewater Goby, Pt. Reyes Bird Beak and Steelhead.

**C155-51** E. Construction and/or ongoing operations could result in direct mortality of special-status plants and wildlife, entrapment in open trenches, and general disturbance "light pollution" due to noise or vibration during pile- driving, earthmoving, and other construction activities. Construction-generated fugitive dust accumulation on surrounding vegetation and construction-related erosion, runoff, and sedimentation could degrade the quality of adjacent vegetation communities, affecting their ability to support special- status plants and wildlife. "Affected species would include:

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum"

Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach

**C155-52** F. 2.9-3 Implementation of the proposed Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. Some of those impacted species may include: Bivalves/ Mollusks/ Invertebrates- native oysters, clams polychaete worms, sea snail (*Littorina planaxis*) bivalves

(*Macoma balthica*), (*Mya arenaria*) and (*Mytilus edulis*)

Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach.

Crustaceans – Crab (*Hemigrapsis oregonensis*)

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum

G. The fact stated in the EIR that many migratory corridors have already been fragmented or degraded to the point that their function as linkages is limited creates **an additional reason to protect existing corridors from continued degradation by Plan's proposed PDA development.**

"Most of the contiguous migration corridors have been lost to development. The remaining corridors are more critical than ever in supporting biologic and habitat processes to occur. Therefore, further degradation would be equivalent to a taking of species that rely on those corridors and violates of State and Federal Fish and Wildlife Codes. (Laura Chariton, M.A. Riparian Policy)

### XIII. Visual Resources -

C155-53 A. **Proposed plan with high density development in our semi-rural community will degrade the visual character of the gateway to our community and the GGNRA and obstruct the appropriate visual access to the adjacent open space which has been prioritized for a passive marshside park in our Tamalpais Area Community Plan.**

C155-54 B. **Priority Conservation Areas (PCAs) comprise significant open spaces for which there exists broad consensus for long-term protection but face nearer-term development pressure. The PCA designated in the proposed Plan for our area appears to be limited to Bothin Shoreline. However the adjacent area prioritized for preservation and protection as a buffer zone for the PCA (passive marshside park ) by local policies has now been included in the PDA.** As your EIR states PCAs play a particularly important role in the North Bay—where they are central to the character of many communities. (see 1.2-27)

### XIV. Public Utilities -

C155-55 A. At a time when we are working to live sustainably within our watershed utilizing conservation and limiting use of imported or engineered water, the increased population can strain our ability to achieve 'no net increase' which is an objective of our Countywide Plan.

B. Together, surface water and ground water currently supply approximately 31 percent of Bay Area water. **Surface water** from local rivers and streams (including the Delta) is an important source for all Bay Area water agencies, but **particularly so in the North Bay counties, where access to imported water is more limited due to infrastructure limitations. While numerous factors influence water demand overall**

**population growth is the most important factor.** Demand management and conservation programs helped limit the overall increase of water use in the Bay Area.

**C. 2.12-4 Significant and Unavoidable**

**Development under the proposed Plan could require and result in the construction of new or expanded water and wastewater treatment facilities, which could cause significant environmental impacts.** Criterion 4 : Implementation of Plan Bay Area would have a potentially significant adverse impact....

**D. Availability of actual , not paper, water is essential. Limits to growth are established in part by our ability to live within our watershed.**

**E. The EIR Fails To Adequately Disclose, Analyze and Mitigate Potentially Significant Impacts from insufficient water in more than one dry year which can adversely impact public health and safety through reductions of available water for residential and fire protection services.**

**C155-56** **F. Future energy conservation, which is supposedly a primary purpose of the Plan, requires avoidance of creating the necessity of constructing desalination facilities which are hugely energy consumptive and expensive.** Additionally, in Marin such a plant poses potential adverse health impacts from being sited in the most polluted water body in California across from the worst industrial polluter in California. Therefore **continued escalation of growth (projected 30% regionwide or 11% in Marin) is in itself an ecological problem.**

**C155-57** **G. Wastewater infrastructure is aging and periodically overwhelmed and failing causing sewage spills in our already compromised Bay.** Waste disposal agencies have different capacities and will probably experience differences in their ability to serve additional residential development. The costs of expanding service may be prohibitive on top of the expense of required maintenance of existing systems. **The Plan does not identify the financial resources required to expand the existing utilities at a time when public budgets are shrinking.**

## **XV. Public Services and Recreation**

**C155-58** **A. To maintain adequate levels of service overall service levels may need to grow. To meet increased demand for schools, library, and recreation facilities implementation of the proposed Plan would require additional facilities, personnel and equipment to ensure acceptable levels of service. (See 2.14-1 Significant and Unavoidable)**

**B. Impact Analysis - Potentially Significant Adverse Impact**

**Implementation of the proposed Plan would have a potentially significant adverse impact if it would:** Criterion 1: Result in the need for new or expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services as a result of Plan Bay Area.

**C. Potential construction related impacts of new public service facilities** could have impacts on aesthetics, air quality, cultural resources, geology, land use, noise, transportation, utilities, and other related impacts. Therefore, **impacts related to schools, emergency, police, fire, and park and recreation are considered potentially significant (PS).**

**D. Each general plan is required to have a safety element to reduce the possible risks related to death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards.** Included in the safety element is the emergency response section, which describes the service areas of emergency services, including fire, police, and ambulance, and an evaluation of the adequacy of the existing service and the demand for additional emergency services.

**E. The increases in total regional travel activity are expected to result in an increase in vehicle hours of delay (VHD) and increase in LOS F (see Chapter 2.1: Transportation).** This is already a very serious local problem! These delays are largely due to projected regional growth in population....Nonetheless, increases in congestion could impact service levels for fire and police services, thereby requiring additional facilities or staffing in order to meet service standards on congested roadways.

**F. Localized Impacts - Potentially Significant**

In order to support new development, improved (or new) infrastructure and services must be funded and maintained. For instance, additional fire service capacity may be needed to serve high rise development as compared to existing low and mid-rise development. **Our Tamalpais Area Community Plan states that increased population will require addition services to maintain service level.** The proposed Plan assumes an increase in public service facilities and personnel will be possible as the population increases. Whether there would be funds available for this from budgets in which services are being reduced is doubtful; therefore, there

**would likely be a decline in essential services such as fire and police.**

As a detailed assessment of local needs is infeasible at the regional scale. **Impacts at the regional and local levels are potentially significant (PS).**

**G. In the Tamalpais Valley community there is no more room for additional children at the school or room to further expand so even some of current residents are having to travel elsewhere expending more GHGs. New development will exacerbate this situation as the proposed plan would increase population which would exceed the capacity of local school.**

**C155-61 H. Open space resources serve residents from throughout the region, so park acreage in Marin is actually serving residents throughout the region. Implementation of the proposed Plan would increase the number of residents making use of existing parkland and could result in accelerated physical deterioration of parks and recreational facilities as well as the increased expense of services which are necessary to maintain them (park, police and fire).**

## XVI. Hazards -

### A. Materials -

**C155-62 1. Sites in our Tamalpais/Almonte community (PDA/TTP) are either on or impacted by identified hazardous materials according to expert , Mr. Matthew Hagemann, P.G.,C.Hg.,QSD,QSP. He has submitted comments to the Marin County Housing Element 2012 DEIR that identify the many hazardous sources in Tamalpais Valley PDA which create significant unmitigatable adverse impacts. Development of vacant or previously developed lots that have been impacted by petroleum hydrocarbons from leaking underground storage tanks or other chemical constituents could expose individuals to hazardous conditions at the site or on neighboring properties that involve the use of hazardous materials or hazardous wastes. Sites identified for residential development in Tamalpais Valley are contaminated from the past.**

**C155-63 2. Development of any of the Project's identified sites in Tamalpais Valley pose potentially significant health risks to construction workers and future residents through vapor intrusion, dermal contact and inhalation. These significant impacts were not adequately disclosed or analyzed in the Housing Element's DEIR and are not being considered in the analysis of the continued expectations of our PDA in the Bay Plan.**

C155-64

**3. The EIR fails to adequately disclose, analyze and mitigate potentially Significant Health Impacts from Soil and Groundwater Contamination**

C155-65

**4. The hazard impacts related to land use changes from the implementation of the proposed Plan at the regional and local level are considered potentially significant (PS) Impact 2.13-4.**

C155-66

**5. 2.13-4: Significant and Unavoidable Implementation of the proposed Plan could result in projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.**

C155-67

**6. EIR should require mitigation to reduce significant impacts to construction workers and residents to less than significant levels.**

C155-68

**7. However, *MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures. Therefore it cannot be ensured that the Plan's mitigation measures would be implemented in all cases, and therefore impacts described in this Plan remain significant and unavoidable (SU).***

## B. Heliport

C155-69

**1. With helicopters taking off and landing frequently at Heliport in Tamalpais Valley in close proximity to proposed PDA/TPP development sites there is the potential for safety risks to residents. The EIR does not disclose or analyze the impact of this Heliport.**

C155-70

**2. 2.13-5: Impact (see Plan's Criterion 5 page 840 ) Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, **within two miles of a public airport or public use airport**. CEQA Section 21096 requires that when preparing an environmental impact report for any project situated within an airport influence area as defined in an ALUC compatibility plan (or, if a compatibility plan has not been adopted, within two nautical miles of a public-use airport), lead agencies shall utilize the California Airport Land Use Planning Handbook as a technical resource with respect to airport noise and safety compatibility issues. **Identifying a resource does not disclose or ensure****

**feasible and compatible mitigation.**

### C. Emergency Access and Egress

**C155-71** 1. The added congestion from more development, particularly high density development, in an area already and inevitably constrained by F level traffic with one lane in and out between Highway 1 and 101 creates a serious unmitigatable adverse impact regarding access and egress in emergencies. This is particularly problematic with an increased senior resident population needing rapid response time due to medical emergencies.

2. There is significant risk of loss, injury, or death in the event of need for evacuation in a community such as Almonte and Tamalpais Valley which are both high seismic and high wildland fire risks as indicated on maps in the 2007 Marin Countywide Plan and the Plan's fire hazard area map, Figure 2.13-3.

**C155-72** 3. The potential for wildland fire hazard impacts related to land use changes from implementation of the proposed Plan at the regional and local level are considered potentially significant (PS).

Criterion 8 references impact concern - Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4. Development that has spread into less densely populated, often hilly 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. The 1991 Oakland Hills fire above Berkeley and Oakland is an example of an urban wildfire. A fire along the wildland-urban interface can result in major losses of property and structures.

5. Emergency Response Plan : Related to Criterion 7 (pg.840)

**C155-73** 2.13-7 None required (mitigation) - Less than significant !

Implementation of the proposed Plan could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

6. The assessment 2.13-7 above is seriously inadequate and reflects both a lack of understanding of planned sites and people's needs! The potential for

**adverse emergency services and emergency evacuation plan impacts related to land use changes from the implementation of the proposed Plan at the regional level should not be considered less than significant when pursuing potential PDAs in which modifications to accommodate growth are not possible such as in Tamalpais Valley.**

## XVII. Employment

**C155-74** 1. According to the EIR "under the proposed Plan, the overall ratio of jobs to employed residents will remain stable at the regional level from 2010 to 2040." This presumes that the planners know what economic conditions will exist in the next 30 years for which they provide only speculative and no substantive evidence. Predictability of the economy is limited as evidenced by the recent "severe national economic recession" (and past ones) and the variability of boom and bust in particular sectors (dot-com and construction) and levels of unemployment and therefore, this is not a sound basis for such extensive and expensive planning.

**C155-75** 2. According to the EIR under proposed Plan the "ratio of out-of-region workers remains constant with historic trends; therefore, as the overall number of jobs increases, the total number of in-commuting workers would be expected to increase proportionately. As indicated in Chapter 2.1 of this EIR, **overall mobility in the region will be more constrained in 2040 than it was in 2010**, even with implementation of the proposed Plan. There will be more peak period congestion and more total vehicle hours of delay. This means that the fundamental concern with insufficient proximity of jobs and housing has not been altered as a means to achieve reduction of GHG in spite of billions of dollars spent and increasing consumption of resources required for projects in the proposed Plan.

### 3. TABLE 3.2-5 : 2010 EMPLOYMENT BY COUNTY – NET IMPORTERS/EXPORTERS OF WORKERS AND JOBS/HOUSING BALANCE

**In Marin in 2010 the number of employed residents exceeds the number of jobs; the imports/exports of workers is considered 'equal'. (There are -7,700 jobs to employed residents.)**

### 4. TABLE 3.2-6: 2010 & 2040 EMPLOYED RESIDENTS AND JOBS BY COUNTY AND NET IMPORTERS/EXPORTERS OF WORKERS

**Table 3.2-6 shows that all nine counties will maintain their existing status as net importers or exporters of workers from 2010 to 2040 under the proposed Plan."**

5. In Marin the **number of employed residents projected** is 136,478 with no project (1040) and 136,476 with preferred plan (1940). **Between the no project alternative and the proposed Plan there is a projected difference of 2 employed residents!**

There is projected increase from 2010 of 18,043 employed residents by 2040. The number of jobs in Marin is predicted to be 126,343 with no project (1940) and 129,118 (preferred plan). This is an increase of 2775 jobs. However, **the number of import/export jobs is considered equal. Again , the tables show that the commute patterns have not been altered by the proposed Plan. The projected increases in employment are also questionable due to the unpredictability of the economy and the impacts of climate change.**

C155-76 6. Planning for a jobs-housing balance is based on the premise that the number of work trips by car, the overall number of vehicle trips, and the resultant vehicle miles traveled can be reduced when there are sufficient jobs available locally to balance the employment demands of the community. **According to this EIR these numbers are not going to change and this Plan has no direct power to create jobs locally which will result in an adverse impact on the areas where housing without jobs is being increased!** The EIR indicates increasing congestion overall could discourage new firms from locating in the Bay Area or cause some existing firms to consider relocating away from the region and there are limited fiscal resources for expansion of transportation system capacity. **The fact that there is another alternative identified specifically for jobs makes it evident that the proposed alternative is not the alternative preferred for promoting jobs.**

C155-77 7. **Table 3.2-2 FORECASTED GROWTH BY AGE GROUP AS A PERCENT OF THE TOTAL (2010-2040)**  
**0-24 years (25%) 25-44 years (17%) 45-64 years (1%) 65 years and over (137%) !!!**  
 "The population of the Bay Area is expected to increase across all age groups, but with the largest increase (137 percent) happening in the age bracket of 65 and over, and the smallest increase (1 percent) happening in the age bracket of 45 to 64 years, as shown in Table 3.2-2. This indicates a change in overall composition of Bay Area residents towards an aging population. Effects of the growing senior population are expected to include an increase in the amount of residential care facilities and a decline in the labor force."

8. ABAG projects that the Bay Area's **population will grow another 30 percent** from the 2010 level (over 2.1 million more residents), and **employment will**

**increase by 33 percent** (over 1.1 million additional jobs). This growth is summarized in Table 3.2-1. **Two major demographic changes shape these forecasts as they relate to household and job growth: the increase in the senior population and the increase in the Latino and Asian populations.**

**These facts do not correlate. The huge increase (%) in senior population will not represent increased employed residents. The increase in Latino and Asian populations culturally have lived and survived through multi-generational family household networks which will not be well-served by small units in high-rise apartments in close proximity to hazardous TACs from mobile transit or jeopardized by safety risks from seismic events, inundation, sea level rise and traffic congestion!**

**The fact that the proposed Plan indicated that in the future the costs for these families will rise to 69% for housing and transit further illustrates the inadequacy and inability of this Bay Plan to address the real needs of people living in the Bay Area! In fact, areas that have significant transit and high density development (as proposed in the Plan) like San Francisco have become increasing expensive and exclusive causing continued exodus and displacement of those who can't afford it. It is clear that densification has actually created more social injustice. The fact that the proposed plan is not the 'equity alternative' or the preferred 'environmental' plan is indicative of its inability to address these needs.**

## C155-78 XVIII. Growth-inducing Effects and Cumulative Impacts

1. "Over the next 30 years, with or without Plan Bay Area, the Bay Area population is anticipated to continue to grow, increasing by 30 percent. The proposed Plan is intended to help shape and accommodate this growth....It would be inaccurate to describe the Plan as growth-inducing as it was designed to accommodate, rather than to encourage, projected regional growth...." The EIR must examine the potential growth-inducing impacts of the proposed Plan. More specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly" (CEQA Guidelines Section 15126.2(d)).

2. According to the EIR this analysis includes consideration of "removal of obstacles to population growth" and development of new residential development in areas that are "currently only sparsely developed or underdeveloped". Infill development can also result in growth-inducing impacts when it exceeds existing infrastructure capacity in areas targeted by this Plan.

**3. This Plan is growth-inducing when its PDA and TPP structure targets specific areas which would not be likely to be developed, especially to the extent proposed, due to constraints and then facilitates their development with streamlining and overriding these conditions and creating incentives to attract their development . Instead of applying limits to growth based on infrastructure capacity, the Plan creates the necessity of exceeding our limits with accompanying adverse impacts. This reflects the growth-inducing impacts as growth would otherwise be limited.**

**4. These growth-inducing impacts are particularly egregious when the Plan cannot identify, analyze or enforce their mitigations to reduce the adverse cumulative impacts of incremental "individually limited but cumulatively significant projects. " "Cumulatively considerable means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines § 15065(a)(3)). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The EIR states that all of the impacts addressed in Part Two are considered cumulative.**

**5. Future environmental review would be subject to CEQA requirements applicable at that time. Current assumptions about review and mitigations may be altered rather than assured by new amendments, regulations, judicial decisions, impact thresholds, and increasing adverse environmental conditions. This can create unpredictable cumulative impacts which reflect inconsistency in incremental review.**

## **XIX. 3.2 CEQA Required Conclusions**

### **Regarding : The five Significant Irreversible Environmental Changes and thirty-nine Significant Unavoidable Impacts**

**C155-79**

**1. A Plan for the Bay Area needs to serve the needs of its residents without subjecting them to these impacts. It would not benefit people, other species or the environment to override these adverse impacts. Future planning should reflect accurate information about local conditions and constraints so that the health and safety of future residents will not be jeopardized. To create a realistic plan would require utilizing local public knowledge and input which is not evident in this Plan.**

2. Forecasting for 30 years will subject areas to development which can be undermined by uncertainties of changing climate and land conditions and economic variability. This can result in faulty short-sighted speculative land use decisions with long-range implications from adverse impacts such as those not fully considered in this EIR such as from sea level rise.

3. This Plan focuses on projects that intensify congestion without the ability to offset their cumulative effects. To proceed while ignoring the potential effects of the environment on these projects because we lack the knowledge to factor in this information at this time is irresponsible and furthers liability.

C155-80  
4. Therefore, I request that you not consign non-renewable resources to uses that future generations will probably be unable to reverse as required by this Plan. Further, I recommend that you do not recommend overriding the identified significant unavoidable adverse impacts and do not certify this insufficient EIR. Lastly in regard to these impacts stated in the CEQA Conclusions this Plan should not be approved.

Ann Fromer Spake  
[REDACTED]

Mill Valley, Ca. 94941

**Robert Silvestri**

[REDACTED]  
Mill Valley, CA 94941  
[REDACTED]

May 10, 2013

MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607

Re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029)

To Whom It May Concern:

This letter and the attached analysis are submitted as public comment on the Draft Bay Area Plan, the Plan Alternatives and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am submitting this letter as a 20 year resident of Mill Valley, CA, located in Marin County, and a former resident of San Francisco for two years prior to that. As a licensed architect and planner, and a former affordable housing developer, and someone who has been active in local planning affairs in my city, I am generally considered an expert in the area of planning and zoning in Marin.

I have also recently published a book, *The Best Laid Plans: Our Planning and Affordable Housing Challenges in Marin*, which discusses and analyzes growth, planning, housing and their social, economic and environmental impacts.

In addition to being an informed resident and author, a brief bio of my expertise in this field is attached as Attachment A.

Yours truly,

Robert Silvestri

1   **Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029):**  
2   **by Robert Silvestri, [REDACTED], Mill Valley, CA 94941; May 10, 2013: Housing**  
3   **Needs Not Addressed by Plan Bay Area**

4

5         This letter is submitted as public comment on the Draft Bay Area Plan  
6   (State Clearinghouse No. 2012062029) regarding high density, multifamily and  
7   other housing types.

8         **INTRODUCTION**

9         Per Senate Bill 375 (“SB375”), a statutory requirement of the Sustainable  
10   Communities Strategy (“SCS”) and Plan Bay Area and its Alternatives is to “*house*  
11   *the region’s projected growth by income level (very-low, low, moderate, above-*  
12   *moderate) without displacing current low-income residents in addition to*  
13   *providing adequate housing for anticipated regional growth.*” The Sustainable  
14   Communities Strategy requires all Metropolitan Planning Organizations (MPOs) to  
15   create transportation oriented development plans as a means of achieving those  
16   goals. However, a review of the Draft Bay Area Plan and the Plan Alternatives (the  
17   “Plan”) and the Draft Environmental Impact Report (the “DEIR”) for the proposed  
18   Plan indicates that the Plan fails to adequately establish reasonably proof of its  
19   efficacy in encouraging the development of affordable housing, and in particular  
20   the types of affordable housing and community development most needed in  
21   Marin County and other similar areas in the region covered by the Plan. In fact the  
22   Plan's proposals and implementation, as conceived, will work against achieving  
23   the goals of SB375.

C156-1

24         **1 – The Plan Will Not Address Our Actual Affordable Housing Needs in Marin  
25   County or Similar Bay Area Cities and Counties.**

26         As written, the Plan will contribute to the continuing loss of existing  
27   affordable housing and it will discourage and possibly preclude the types of  
28   affordable housing and community development that are actually most needed in

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29 Marin County and by most of the Bay Area cities and counties outside of the  
30 urban core areas (San Francisco, San Jose, Oakland). Please note the following  
31 comments to support this conclusion:

32 The Plan essentially promotes only one affordable housing and growth  
33 solution: high density, transit oriented, multifamily development. However, the  
34 Plan fails to address, consider or even acknowledge other types of housing or our  
35 real affordable housing needs in areas like Marin. Because of this, the Plan is likely  
36 to have a counterproductive effect on that type of development needed most in  
37 most ex-urban, suburban and rural communities covered by the Bay Area Plan.

38 The analysis that follows will show that rather than simply counting units,  
39 as the RHNA does, the Plan needs to analyze and facilitate the types of housing  
40 that are actually needed in each prototypical community in order to achieve its  
41 goals. For the purposes of this comment “prototypical community” is defined as  
42 each different type of community development pattern that is found in the nine  
43 county Bay Area, which will be impacted by the Plan.

44 Definitions used in this analysis:

45 “Urban” (San Francisco, San Jose, Oakland): Areas that have fully developed  
46 high density housing and public transportation systems in place.

47 “Ex-urban” (Walnut Creek, Burlingame, Berkeley): Areas that have a mix of  
48 developed high density housing and some significant public transportation  
49 systems in place (e.g. BART).

50 “Suburban” (Marin County cities, Danville, Saratoga): Areas that do not  
51 have significant high density housing development or significant public  
52 transportation systems in place and are unlikely to have significant public  
53 transportation systems in place in the foreseeable future.

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54        “Rural” (West Marin and many parts of Napa and Sonoma counties): Areas  
55      that have no high density housing development or significant public  
56      transportation systems in place and will not have significant public transportation  
57      systems in place in the foreseeable future.

58        Marin County Suburban / Rural Example:

59        Examination of the affordable housing needs of Marin County cities and its  
60      unincorporated areas results in a list of housing types that are not recognized or  
61      acknowledged by the Plan. Most of the actual affordable housing “opportunity  
62      sites” in small Marin communities are found in smaller, infill locations and not in  
63      larger land parcels located near our major freeway, Route 101 (the only actual  
64      transportation corridor in Marin County). This creates a disconnect between the  
65      solutions envisioned by the Plan and the reality that our county and cities have to  
66      work with when addressing the Regional Housing Needs Assessment quotas as  
67      prescribed in their Housing Elements. Infill and mixed-use, infill development  
68      opportunities will not benefit in any way from the methods or transportation  
69      oriented investments prescribed by the Plan.

70        Furthermore, in most Marin communities, social, economic and  
71      demographic trends show that there are significant under-served populations  
72      that need different types of affordable housing than the high density, multifamily  
73      housing contemplated by the Plan. However, every one of the types of housing  
74      described hereunder and the low income residents who need them will not  
75      benefit from any types of support, subsidy or investment noted in the Plan.

76        The types of housing needed in Marin County that are not supported or  
77      promoted by the Plan include:

- 78        • Low income housing integrated into existing communities: These would  
79      predominately include, small scaled, low density, mixed use, retail and

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80       residential, and stand-alone duplex, triplex and fourplex housing. These  
81       represent the vast majority of housing growth opportunity sites in Marin.

- 82       • Housing for the elderly and assisted living facilities: A rapidly growing need,  
83       these would include a variety of types that are either not addressed by the  
84       Plan or not recognized by RHNA as qualifying units.

- 85       • Housing for people with disabilities and special medical needs: This is a  
86       growing need that remains under-served. In light of well accepted data on  
87       health and pollution, it is not recommended that this demographic group  
88       live in proximity to major highways or other sources of air pollution. So  
89       even if multifamily housing was developed according to the guidelines on  
90       the Plan, it would be putting this population in harm's way. Please also note  
91       that this correlation between proximity to freeways or major rail lines (e.g.  
92       Marin's SMART train) also applies to anyone suffering from emphysema,  
93       asthma, heart conditions, cancer or other serious illnesses, and there is  
94       growing evidence that there is also a correlation with instances of autism.

- 95       • Homeless shelters and abused women's safe houses: This is another area  
96       where housing need is increasing that is under-served and largely  
97       unrecognized by the RHNA quota system since almost all shelters are  
98       communal living. This is an instance where Housing Element law and the  
99       RHNA quota system are in conflict with SB375, a conflict that remains  
100      unresolved in the Plan. In addition, shelters and safe house facilities are  
101      most advantageously located within existing communities, which in the  
102      case of Marin means they will not be in direct proximity to Highway 101 or  
103      significant public transportation, and not best suited for transportation  
104      oriented development.

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- 105     ● Live/work opportunities such as lofts and cooperative housing: There is an  
106         increasing demand and need for live / work housing opportunities and  
107         housing for those choosing or requiring alternative lifestyles. These units  
108         are typically only partially or sparsely finished and therefore by definition  
109         generally more affordable. The opportunities for these types of projects are  
110         typically on marginal land near suburban downtowns where there is little  
111         public transportation besides occasional bus routes.
- 112     ● Co-housing: Co-housing may be one of the biggest emerging trends in  
113         housing that is likely to impact the types of housing built over the next 20  
114         years, particularly in places like Marin County. In these situations residents  
115         design and/or operate their own housing solutions (typically a hybrid of  
116         multifamily, townhome and zero lot, single family homes) and share  
117         common grounds, supporting recreational facilities or gardens, and often  
118         communal cooking / kitchens and dining areas. It is also typically moderate  
119         density development. Ownership is either fee simple or a form of  
120         condominium or both. This very important housing type has significant  
121         advantages because it frees up larger existing housing (as older residents  
122         downsize and move to smaller co-housing), it conserves land use, reducing  
123         auto use for socializing, and is generally less energy intensive. However,  
124         under RHNA and therefore the Plan, the way units are “counted” against  
125         the RHNA quota, a 35 unit project with a communal kitchen would be  
126         counted as one living unit of housing. This would discourage any city from  
127         assisting in this type of development. In addition, these kinds of projects  
128         are almost always in suburban or rural locations which are preferred by the  
129         owner/developers. The Plan, as it is written, with its emphasis on transit  
130         oriented development, actually discourages this important housing trend.  
131         Some examples of co-housing applications include communities for active

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132 seniors, migrant and seasonal worker housing, homeless and family  
133 transition housing, young singles housing and micro unit complexes.

134 • Apartment building preservation, reconfiguration and substantial  
135 rehabilitation: Renovation and rehabilitation of existing market rate,  
136 affordable housing projects is probably the biggest need and the biggest  
137 impact opportunity in Marin County in terms of preserving communities,  
138 allowing existing affordable housing residents to remain in place, and  
139 improving the lives of those most in need of assistance (a required criteria  
140 under SB375). This is in evidence in areas such as the Canal District in San  
141 Rafael and Marin City. However, as written, the Plan does not in any way  
142 acknowledge or encourage this need. To continue to promote the  
143 construction of new, highly impactful, high density projects while allowing  
144 existing affordable housing to fall into disrepair or worse, disuse, makes no  
145 social or economic sense whatsoever.

146 • Loss of existing public affordable housing: A related category of affordable  
147 housing need would include existing public housing units that are falling out  
148 of service due to the expiration of Housing Assistance Payments (HAP)  
149 Contracts, loss of economic use due to aging structures and too much  
150 deferred maintenance, or the voluntary withdrawal from the Section 8  
151 program by the landlords. This is true throughout Marin and is evidenced  
152 by Marin County Housing Authority historical records. The annual loss of  
153 units in this category is a significant public housing problem in Marin and  
154 other Bay Area counties that the Plan does not address or acknowledge.  
155 The lack of federal or state funding (subsidies, tax credits or other financial  
156 incentives) to support the preservation of this essential affordable housing  
157 stock adds to the problem. Again, for the Plan to promote the construction  
158 of new, high impactful, high density projects while allowing existing

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159       affordable housing to fall into disrepair or worse, disuse, is a waste of  
160       public funds and makes no social or economic sense whatsoever.

161       • Building conversions from commercial to mixed use residential: Another  
162       major affordable housing opportunity throughout Marin, and places like it,  
163       are existing structures that lend themselves to conversion to residential  
164       and residential mixed use (commercial or retail) redevelopment. The Plan's  
165       single minded proposal to support only the development of new, high  
166       density, transit oriented development, ignores more economical and  
167       socially beneficial solutions.

168       • Sweat equity opportunities: The implementation of deed restricted, for  
169       sale housing as a sustainable affordable housing solution has been  
170       discredited over the past decades in many cities where it's been attempted  
171       (e.g. San Francisco). Deed restriction on for sale housing amounts to  
172       nothing more than a form of indentured servitude that is contrary to why  
173       anyone buys a home (for equity appreciation). Similar to the "live / work"  
174       opportunities described above, a better solution is "sweat equity"  
175       opportunities where low income owners can attain ownership or co-  
176       ownership with an equity partner, who they will share the appreciation  
177       upside with, or have the opportunity to pay off their equity partner / lender  
178       (equity plus interest) upon resale. However, they still get to directly benefit  
179       from the rewards of ownership and their hard work to improve and  
180       maintain their home. This method is effective for either new housing or  
181       existing housing purchase programs. However, because it does not  
182       generally create new housing units, it is ignored by RHNA and consequently  
183       ignored by the Plan.

184       • Very small starter rental and condo units: These include housing for singles,  
185       single parent households and young couples, often called "micro units,"

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186       and is another emerging housing type. However, in Marin, this again lends  
187       itself more to smaller scaled, infill, mixed use development that is atypical,  
188       both in location and proximity to significant public transportation options,  
189       than what is supported, analyzed and promoted by the Plan.

- 190       • Active elderly housing: Similar to micro units, these are smaller single  
191       family housing (condo or fee simple ownership) for the “active elderly”  
192       (partially retired and very active but not wanting any maintenance  
193       obligations). Similar to co-housing, these projects often have condominium  
194       shared spaces and shared amenities that are not aligned with RHNA, which  
195       deters cities from promoting their development. The Plan fails to consider  
196       this need.
- 197       • Second units: Marin and many other parts of the Bay Area would benefit  
198       from a more liberal and creative definition of second units. As it is, these  
199       are typically a battleground that pits small cities against HCD as to what  
200       does or does not qualify. The Plan does nothing to alleviate or clarify or  
201       help promote the construction of this critical category.

202       Conclusion:

203       The Plan, as written, with its single minded obsession with questionable high  
204       density multifamily housing as the only solution to the requirements of SB375 is  
205       both short-sighted and detrimental to promoting the types of affordable housing  
206       that are in critical need in Marin County and similar suburban and rural  
207       communities in the Bay Area. In fact the types of housing needs noted above  
208       would also apply to most ex-urban communities as well. The Plan seems to only  
209       be suited to urban areas, while ignoring feasibility in other areas impacted. How  
210       can the Plan justify its conclusions and proposals in light of the need for the many  
211       types of housing and affordable housing that it fails to consider or at all analyze?

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212 **2 - The Unintended Consequences of Plan Bay Area**

213 Because the Plan only emphasizes programs and investments that promote  
214 high density residential development, more creative mixed use and adaptive  
215 reuse, locally based solutions are essentially “crowded out” of the market. With  
216 local zoning and planning tools (zoning bonuses, density bonuses, site designation  
217 lists, fast track processing, etc.) and the present Low Income Housing Tax Credit  
218 allocation system being dramatically skewed to only support over-sized, high  
219 density, low income or in-lieu low income schemes in Marin, affordable housing  
220 development has become a game where those are the only projects that get  
221 considered by local planning departments, whether or not they make financial  
222 sense, community sense, common sense or there’s any real market demand for  
223 them. Note that “in lieu” housing projects typically have a mix of 80 percent high  
224 end, market rate housing, 10 percent “80 percent median income” housing, and  
225 10 percent low and very low income housing. These are the only types of projects  
226 that can be profitable with our high land costs in Marin.

227 As it is, creative capital investors have little incentive to even try to fill our real  
228 housing needs (as listed above) and even if we could get these kinds of projects  
229 built, most wouldn’t be counted against our RHNA quota requirements. The Plan  
230 only makes all of this worse. The Plan is a disincentive to private investment in  
231 affordable housing and other types of needed market rate housing.

232 The Plan ignores many unintended consequences of its policies and programs.  
233 The problem is that the Plan, as written, only promotes one interpretation of  
234 SB375 and the Housing Law: the one that most benefits big, nonprofit developer  
235 driven, urban development projects which are inappropriate and impossible to  
236 build in Marin and other counties and cities like it. Marin has many more  
237 opportunities for infill, mixed-use renovation projects with affordable units  
238 included than for “high density housing near public transportation.”

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239 Question:

240 How can the Plan justify its methods and goals in light of the fact presented  
241 above? If its charge is to create more affordable housing, how can it fail to  
242 acknowledge that its approach essentially excludes success in more than two  
243 thirds of the Bay Area impacted by the Plan? How can the Plan claim to have  
244 adequately analyzed and considered the actual housing needs and growth  
245 opportunities in Marin County or similar Bay Area communities, and arrived at the  
246 Plan in its present form?

247 **3 – Citations of SB375 Where the Plan Is Not In Conformance.**

248 The Plan and the Plan Alternatives are not in uniform compliance with the  
249 requirements of SB375.

250 Consider the following:

251 SB375 Citation: Section 4 (b)(2)(B) of SB375 states: "*Each metropolitan*  
252 *planning organization shall prepare a sustainable communities strategy, subject*  
253 *to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code*  
254 *of Federal Regulations, including the requirement to utilize the most recent*  
255 *planning assumptions considering local general plans and other factors. The*  
256 *sustainable communities strategy shall (i) identify the general location of uses,*  
257 *residential densities, and building intensities within the region;*"

258 Comment: The analysis presented above (item #1) indicates that the Plan has  
259 failed to accurately identify the general location of uses, residential densities and  
260 building intensities with regard to the actual needs and housing opportunities  
261 Marin County and other similar Bay Area locations. Howe can the Plan justify its  
262 claim to have adequately identified the general location of uses, residential  
263 densities and building intensities within Marin County and arrived at proposals

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264 that do not include so many types of housing actually needed in our  
265 communities?

266 **SB375 Citation:** Section 4(b)(1)(J) of SB375 states: "*Neither a sustainable*  
267 *communities strategy nor an alternative planning strategy regulates the use of*  
268 *land, nor, except as provided by subparagraph (I), shall either one be subject to*  
269 *any state approval; Nothing in a sustainable communities strategy shall be*  
270 *interpreted as superseding the exercise of the land use authority of cities and*  
271 *counties within the region; Nothing in this section shall require a city's or county's*  
272 *land use policies and regulations, including its general plan, to be consistent with*  
273 *the regional transportation plan or an alternative planning strategy.*"

C156-1.3

274 **Comment:** As demonstrated in the analysis presented above (item #1), the  
275 Plan's single-minded adherence to proposing high density, multifamily  
276 development forces cities and counties in Marin, for all practical purposes (by way  
277 of the Housing Element certification process at HCD), to rezone and adjust their  
278 planning to conform with the development of housing types that do not address  
279 their actual affordable or market rate housing needs, or reflect the realities of the  
280 opportunities available to do so.

281 **SB375 Citation:** Section (b)(2)(E)(i) of SB375 states that the MPO shall  
282 conduct: "*Outreach efforts to encourage the active participation of a broad range*  
283 *of stakeholder groups in the planning process, consistent with the agency's*  
284 *adopted Federal Public Participation Plan, including, but not limited to, affordable*  
285 *housing advocates, transportation advocates, neighborhood and community*  
286 *groups, environmental advocates, home builder representatives, broad-based*  
287 *business organizations, landowners, commercial property interests, and*  
288 *homeowner associations.*"

C156-1.5

289 **Comment:** Based on the analysis presented above (item #1), it is clear that in  
290 arriving at its conclusions the drafters of the Plan either did not adequately

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291 research or reach out to local landowners and property owners, smaller  
292 commercial property interests (which make up the vast majority of this group in  
293 Marin County) or homeowner associations in Marin County cities in developing  
294 the Plan, or chose to ignore the needs of these groups in favor of the needs or  
295 agendas of other groups such as affordable housing advocates, transportation  
296 advocates and development interests, the needs of which the Plan better  
297 addresses. However, as demonstrated in Item #1 above, if the needs of all  
298 impacted groups had been properly assessed and reflected, the Plan would have  
299 to have included all the actual opportunities and housing needs in Marin County,  
300 which it fails to do.

301       Question: In light of the lack of acknowledgment of the needs of all  
302 stakeholder groups noted in this comment and analysis, how does the Plan justify  
303 its conclusions, proposals and choices of Alternatives and options?

304       SB375 Citation: Section 5(b)(2) of SB375 defines terms for the regulation and  
305 adds definitions to Section 65080.01 of the Government Code, such as: "(c)  
306 *"Feasible" means capable of being accomplished in a successful manner within a*  
307 *reasonable period of time, taking into account economic, environmental, legal,*  
308 *social, and technological factors."*"

309       Comment: Based on the analysis presented above (item #1), it is clear that the  
310 Plan failed to adequately assess what kinds of housing solutions are or are not  
311 feasible in locations such as Marin County.

312       Question: How can the Plan justify its conclusions and bias toward transit  
313 oriented development based on a reasonable and complete assessment of the  
314 actual affordable and market rate housing opportunities and needs in Marin, as  
315 noted in Item #1 above?

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316        **SB375 Citation:** Section 7 amends Section 65583 of the Government Code is  
317        amended to read: "*The housing element shall consist of an identification and*  
318        *analysis of existing and projected housing needs and a statement of goals,*  
319        *policies, quantified objectives, financial resources, and scheduled programs for the*  
320        *preservation, improvement, and development of housing. The housing element*  
321        *shall identify adequate sites for housing, including rental housing, factory-built*  
322        *housing, mobile homes, and emergency shelters, and shall make adequate*  
323        *provision for the existing and projected needs of all economic segments of the*  
324        *community. The element shall contain all of the following: (a) An assessment of*  
325        *housing needs and an inventory of resources and constraints relevant to the*  
326        *meeting of these needs.*"

C156-1.9

327        **Comment:** Based on the analysis presented above (item #1), it is clear that the  
328        Plan failed to adequately inventory the resources and constraints relevant to  
329        meeting the needs for affordable and market rate housing in locations such as  
330        Marin County. Further, a reasonable assessment of the opportunities for  
331        preservation and improvement of existing housing (public and privately owned),  
332        and any reasonable assessment of Marin's actual housing needs (noted in Item #1  
333        above) and an inventory of its resources and constraints would have produced a  
334        greater variety of solutions to Marin's housing needs than just high density,  
335        multifamily, transit oriented development. Therefore, because the Plan is lacking  
336        this required assessment and analysis that is demonstrated in Item #1 of this  
337        comment, the Plan fails to be in conformance with either SB375 or the Housing  
338        Element law.

339        **SB375 Citation:** Section 7 (a)(6) of SB375 requires: "*An analysis of potential*  
340        *and actual nongovernmental constraints upon the maintenance, improvement, or*  
341        *development of housing for all income levels, including the availability of*  
342        *financing, the price of land, and the cost of construction; and (7) An analysis of*  
343        *any special housing needs, such as those of the elderly, persons with disabilities,*

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344 *large families, farmworkers, families with female heads of households, and*  
345 *families and persons in need of emergency shelter.”*

346     Comment: Based on the analysis presented above (item #1), it is clear that the  
347     Plan failed to adequately analyze the potential and actual nongovernmental  
348     constraints upon the maintenance, improvement, or development of housing to  
349     meet the actual needs for affordable and market rate housing in locations such as  
350     Marin County, or properly analyze the special housing needs of the groups noted  
351     in Section 7(a)(7) above. If it had done so, with its full knowledge of how the  
352     RHNA housing quota system “counts” qualifying housing units, it could not have  
353     possibly come up with the proposals contained in the Plan that ignore and  
354     exclude consideration of so many types of needed affordable housing (e.g.  
355     housing for the elderly, persons with disabilities, large families, farmworkers,  
356     families with female heads of households, and families and persons in need of  
357     emergency shelter). Further, the land cost and construction costs in Marin are  
358     some of the highest in the Bay Area yet they do not appear to have been factored  
359     into any reasonable analysis of feasibility, as required by law. Therefore, for the  
360     reasons cited here, the Plan is not in conformance with either SB375 or the  
361     Housing Element law.

362     SB375 Citation: Section 7 (a)(9)(B) of SB375 reads: “*The analysis shall estimate*  
363     *the total cost of producing new rental housing that is comparable in size and rent*  
364     *levels, to replace the units that could change from low-income use, and an*  
365     *estimated cost of preserving the assisted housing developments.*” In addition  
366     Section 7 (4) directs the SCS and Housing Element law to: “*Conserve and improve*  
367     *the condition of the existing affordable housing stock, which may include*  
368     *addressing ways to mitigate the loss of dwelling units demolished by public or*  
369     *private action.*”

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370        Comment: Based on the analysis and commentary presented above (item #1),  
371        it is clear that the Plan fails to adequately analyze or compare the relative costs or  
372        opportunities to preserve existing assisted housing developments in locations  
373        such as Marin County. If it had, it would have concluded that renovation and  
374        rehabilitation of existing affordable housing in Marin is of paramount importance  
375        and it financially more economical and socially equitable than building new, high  
376        density, multifamily development. In addition the Plan completely ignores this  
377        practical and economical solution and does not in any way address ways to  
378        mitigate the loss of dwelling units demolished, or lost from service. Therefore, the  
379        Plan is not in conformance with either SB375 or the Housing Element law.

380        **4 – The Plan Fails To Resolves Its “Known Controversies.”**

381        On page ES-11, the Plan acknowledges unresolved controversies, and  
382        continuing on page ES-12 it further acknowledges that only some of these are  
383        addressed in the Draft Environmental Impact Report (DEIR) for the Plan.

384        Among those not addressed in the DEIR are:

C156-2

385        *“(1) Whether the proposed Plan’s assumptions of future land use  
386        development patterns are feasible given that MTC and ABAG cannot regulate  
387        land uses at a regional or local level. ”*

388        Comment: Based on the analysis and commentary presented above, the Plan  
389        fails to adequately assess whether or not the Plan’s assumptions of future land  
390        use development patterns are feasible in Marin County and other similar  
391        locations. If the Plan had considered all factors, it would have to have concluded  
392        that its single-minded promotion of high density, multifamily development would  
393        not adequately address the actual and critical affordable housing needs in Marin  
394        or similar locations, and that the development of large, high density, multifamily  
395        housing projects in Marin would be in conflict with many of the existing plans and

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

396 regulations of Marin's local jurisdiction with regard to high limits, parking  
397 requirements, zoning density regulations and local general plans. An example of  
398 this kind of "conflict" with local regulations would be the proposed Planned  
399 Development Area (PDA) in San Rafael at the Civic Center where the Plan's  
400 proposed housing density is greatly in excess of the city's general plan proposed  
401 densities. The city's general plan calls for a maximum development density of 620  
402 units in that location that are two to three stories in height. MTC, in its grant  
403 agreement with the City of San Rafael, requires the recipient to "maximize  
404 housing," which resulted in a study by the city concluding that the general plan  
405 maximum could be raised to over 1,100 units in the PDA, despite providing no  
406 evidence of how the potential impacts would be mitigated and over the  
407 vociferous objections of the majority of residents who commented on the  
408 proposal. All public input suggests that this kind of proposed density is not  
409 economically, social or environmentally feasible, sustainable or desirable in  
410 Marin, yet there is no evidence of responsiveness to that in the Plan.

411        *"(2) Concerns about whether the degree and scale of growth proposed* C156-3  
412        *within existing communities would alter their appearance, quality of life, and*  
413        *affordability, and whether it would conflict with the existing plans and*  
414        *regulations of the local jurisdiction."*

415        Comment: Based on the analysis and commentary presented above, and the  
416 preponderance of public comment on the Plan, locally, it is clear that the Plan fails  
417 to adequately assess its assumptions about the impacts of the degree and scale of  
418 growth it proposes on existing communities in Marin County and other similar  
419 locations. The Plan's single-minded promotion of large scaled, high density,  
420 multifamily development will dramatically alter the appearance, quality of life,  
421 and by the Plan's own admission, the affordability of housing in all Marin  
422 communities that are typically one to three story development and generally  
423 suburban or rural in nature. In addition, the scale of development being proposed

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

424 would be detrimental to the quality of life, contradicting and ignoring the  
425 requirements of SB375 to be sensitive to this outcome.

426       *"(3) Concerns that increased concentrations of population in focused areas  
427 would overwhelm existing public services and utilities such as parks, police and  
428 fire services, water supply, etc."*

C156-4

429       Comment: The types of large scaled, high density, multifamily, low income  
430 projects that are proposed and analyzed in the Plan are inconsistent with the way  
431 sustainable planning and growth can succeed in Marin County, and since low  
432 income housing projects do not pay property taxes for vital city services, the Plan  
433 places an unsustainable financial burden on Marin's financially stretched small  
434 cities and unincorporated areas. The Plan offers no comment or solutions or  
435 financial mechanisms to assist small Marin County cities in dealing with these  
436 fiscal challenges and is therefore infeasible, as defined in SB375, and not in  
437 compliance with SB375's requirements for an accurate assessment of these  
438 impacts, or the California State Constitution's ban on unfunded mandates that  
439 can unfairly and without adequate compensation, financially burden cities. For  
440 example, as a result of the RHNA quota system and SB375, and as endorsed by  
441 the Plan, a proposed PDA development in the Marinwood neighborhood in San  
442 Rafael would increase primary school and middle school enrollment by more than  
443 40 percent. This places an impossible financial burden on one community that will  
444 ultimately be detrimental to all its residents of all income levels. These types of  
445 outcomes are evidence that the Plan fails to adequately resolve or consider  
446 development impacts that will overwhelm existing public services and utilities  
447 such as parks, police and fire services, water supply, etc., as required by SB375.

448       CONCLUSIONS:

449       The Plan and the Plan Alternatives are not in compliance or conformance with  
450 many of the requirements of SB375 or the State Housing Element Law. Building

C156-5

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

451 more and more housing without commensurate jobs growth first, places and  
452 unsustainable financial burden on Marin County cities and unincorporated areas  
453 which can lead to potential bankruptcy for small cities (e.g. Vallejo, Modesto and  
454 San Bernadino). The Plan ignores the local land use and social, economic and  
455 physical / natural constraints in Marin County and similar locations, as required  
456 under SB375. The Plan's planning approach and skewed incentives toward large  
457 scaled TOD will contradict local efforts to promote the development of the types  
458 of affordable housing actually needed in Marin County and similar locations. If the  
459 goal of our housing laws is to provide adequate affordable housing opportunities  
460 for all income groups and particularly for those most in need (as defined in each  
461 particular location) then the Plan, as written, fails in every way to achieve that.

462 Examination of the Bay Area Plan and the DEIR shows that the Plan fails to  
463 satisfy the requirements of SB375 because it fails to prove that the Plan or any of  
464 the Alternatives will actually achieve the goals of providing a significant amount of  
465 housing and affordable housing for future demographic needs. The analysis  
466 presented by the Plan is neither feasible nor reasonable to achieve Marin's future  
467 housing needs, and therefore fails to conform to the requirements of SB375 and  
468 state Housing Law.

469 The over-riding question is why have so many mandatory provisions of SB375  
470 and the State Housing Law, and so many considerations for feasibility, local  
471 quality of life, land constraints, economic realities and actual housing needs, been  
472 summarily ignored in the Plan's analysis and its proposals? In light of the  
473 comments and analysis noted herein, on what basis can the Plan justify its  
474 conclusions and proposals?

475 **Final Comments**

476 Although SB375 clearly separates its requirements from mandatory  
477 conformance by local governments in creating their general plans and making

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

478 local land use decisions, there is a stark difference between what is technically  
479 required and the reality created by the nexus of Housing Element Law, SB375's  
480 Sustainable Communities Strategy, the Plan, the RHNA quota process and the  
481 MTC / OBAG grant and transportation process. The Regional Transportation Plan  
482 ("Transportation 2035" is the Bay Area's RTP and allocates funding to  
483 regional transportation) contains an internal consistency requirement. This  
484 consistency requirement impacts cities and counties because the "Metropolitan  
485 Planning Organization" (MPO – MTC and ABAG) only award funding to projects  
486 that are consistent with the "Sustainable Communities Strategy"  
487 (SCS). Therefore, the incentive for cities to receive funding - or rather the threat  
488 of being denied funding - gives local governments a good reason to draft their  
489 general plans and zoning ordinances and land use regulations in ways that are  
490 consistent with the Plan and the SCS. Combine this with the fact that under the  
491 Regional Housing Needs Allocation (RHNA), state law and the process of  
492 certification from HCD, a local government is required to amend its Housing  
493 Element and rezone its land in order to accommodate the quantity of housing it is  
494 assigned under the RHNA. So in effect local government is being required to  
495 implement major aspects of the SCS, whether or not they want to or it makes any  
496 economic sense or addresses their actual affordable housing needs, and thereby  
497 losing local control of their planning and zoning despite the provisions of SB375  
498 that disclaim that responsibility. With this being the case, the Plan's strict  
499 conformance with all the provisions and requirements of SB375 and state Housing  
500 Law, as discussed in this comment, become even more critical.

501 As indicated in this comment letter, the Plan fails to conform to the  
502 requirements of SB375 in numerous areas, making its proposals and programs  
503 unsuitable for achieving the goals of that legislation for most ex-urban, suburban  
504 and rural communities impacted by the Plan in the Bay Area.

**From:** Athena McEwan <[REDACTED]>  
**To:** "ksears@marincounty.org" <ksears@marincounty.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "jarnold@marincounty.org" <jarnold@marincounty.org>, "info@OneBayArea.org" <info@OneBayArea.org>, "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "krice@marincounty.org" <krice@marincounty.org>, "novatocouncil@cityofnovato.com" <novatocouncil@cityofnovato.com>  
**CC:** Brad Breithaupt <bbreithaupt@marinij.com>  
**Date:** 5/11/2013 4:24 PM  
**Subject:** ABAG/MTC/County-Wide Plan totally debunked

This has been widely disseminated in Mill Valley, and has received strong citizen support, including me. From comments made publicly by Marin County Supervisors, it is clear that some, if not all, are not familiar with the proposed One Bay Area Plan in detail. With all due respect, many of us think it's time you started reading and analyzing.

Athena McEwan

> The Bay Area Plan Fails to Solve Our Affordable Housing Needs In Marin County  
> By Bob Silvestri  
> Posted on May 11, 2013 at 10:07 am  
>  
> The following letter was submitted to the Metropolitan Transportation Commission as a public comment on the Draft Bay Area Plan and its Alternatives. Please note that public comments must be submitted by no later than 4:00 PM, May 16th.  
> .....  
>  
> INTRODUCTION  
>  
> Per Senate Bill 375 ("SB375"), a statutory requirement of the Sustainable Communities Strategy ("SCS") and Plan Bay Area and its Alternatives is to "house the region's projected growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents in addition to providing adequate housing for anticipated regional growth." The Sustainable Communities Strategy requires all Metropolitan Planning Organizations (MPOs) to create transportation oriented development plans as a means of achieving those goals.  
>  
C157-1 > However, a review of the Draft Bay Area Plan and the Plan Alternatives (the "Plan") and the Draft Environmental Impact Report (the "DEIR") for the proposed Plan indicates that the Plan fails to adequately establish reasonably proof of its efficacy in encouraging the development of affordable housing, and in particular the types of affordable housing and community development most needed in Marin County and other similar areas in the region covered by the Plan. In fact the Plan's proposals and implementation, as conceived, will work against achieving the goals of SB375.  
>  
> 1 – The Plan Will Not Address Our Actual Affordable Housing Needs in Marin County or Similar Bay Area Cities and Counties.  
>  
> As written, the Plan will contribute to the continuing loss of existing affordable housing and it will discourage and possibly preclude the types of affordable housing and community development that are actually most needed in Marin County and by most of the Bay Area cities and counties outside of the urban core areas (San Francisco, San Jose, Oakland). Please note the following comments to support this conclusion:  
>  
> The Plan essentially promotes only one affordable housing and growth solution: high density, transit oriented, multifamily development. However, the Plan fails to address, consider or even acknowledge other types of housing or our real affordable housing needs in areas like Marin. Because of this, the Plan is likely to have a counterproductive effect on that type of development needed most in most ex-urban, suburban and rural communities covered by the Bay Area Plan.  
>  
> The analysis that follows will show that rather than simply counting units, as the RHNA does, the Plan needs to analyze and facilitate the types of housing that are actually needed in each prototypical community in order to achieve its goals. For the purposes of this comment "prototypical community" is defined as each different type of community development pattern that is found in the nine county Bay Area, which will be impacted by the Plan.  
>  
> Definitions used in this analysis:  
>  
> "Urban" (San Francisco, San Jose, Oakland): Areas that have fully developed high density housing and public transportation systems in place.  
>  
> "Ex-urban" (Walnut Creek, Burlingame, Berkeley): Areas that have a mix of developed high density housing and some significant public transportation systems in place (e.g. BART).  
>  
> "Suburban" (Marin County cities, Danville, Saratoga): Areas that do not have significant high density housing development or significant public transportation systems in place and are unlikely to have significant public transportation systems in place in the foreseeable future.  
>  
> "Rural" (West Marin and many parts of Napa and Sonoma counties): Areas that have no high density housing development or significant public transportation systems in place and will not have significant public transportation systems in place in the foreseeable future.  
>  
> Marin County Suburban / Rural Example:  
>  
> Examination of the affordable housing needs of Marin County cities and its unincorporated areas results in a list of housing types that are not recognized or acknowledged by the Plan. Most of the actual affordable housing "opportunity sites" in small Marin communities are found in smaller, infill locations and not in larger land parcels located near our major freeway, Route 101 (the only actual transportation corridor in Marin

County). This creates a disconnect between the solutions envisioned by the Plan and the reality that our county and cities have to work with when addressing the Regional Housing Needs Assessment quotas as prescribed in their Housing Elements.

- > Infill and mixed-use, infill development opportunities will not benefit in any way from the methods or transportation oriented investments prescribed by the Plan.
- > Furthermore, in most Marin communities, social, economic and demographic trends show that there are significant under-served populations that need different types of affordable housing than the high density, multifamily housing contemplated by the Plan. However, every one of the types of housing described hereunder and the low income residents who need them will not benefit from any types of support, subsidy or investment noted in the Plan.
- > The types of housing needed in Marin County that are not supported or promoted by the Plan include:
- > Low income housing integrated into existing communities: These would predominately include, small scaled, low density, mixed use, retail and residential, and stand-alone duplex, triplex and fourplex housing. These represent the vast majority of housing growth opportunity sites in Marin.
- > Housing for the elderly and assisted living facilities: A rapidly growing need, these would include a variety of types that are either not addressed by the Plan or not recognized by RHNA as qualifying units.
- > Housing for people with disabilities and special medical needs: This is a growing need that remains under-served. In light of well accepted data on health and pollution, it is not recommended that this demographic group live in proximity to major highways or other sources of air pollution. So even if multifamily housing was developed according to the guidelines on the Plan, it would be putting this population in harm's way. Please also note that this correlation between proximity to freeways or major rail lines (e.g. Marin's SMART train) also applies to anyone suffering from emphysema, asthma, heart conditions, cancer or other serious illnesses, and there is growing evidence that there is also a correlation with instances of autism.
- > Homeless shelters and abused women's safe houses: This is another area where housing need is increasing that is under-served and largely unrecognized by the RHNA quota system since almost all shelters are communal living. This is an instance where Housing Element law and the RHNA quota system are in conflict with SB375, a conflict that remains unresolved in the Plan. In addition, shelters and safe house facilities are most advantageously located within existing communities, which in the case of Marin means they will not be in direct proximity to Highway 101 or significant public transportation, and not best suited for transportation oriented development.
- > Live/work opportunities such as lofts and cooperative housing: There is an increasing demand and need for live / work housing opportunities and housing for those choosing or requiring alternative lifestyles. These units are typically only partially or sparsely finished and therefore by definition generally more affordable. The opportunities for these types of projects are typically on marginal land near suburban downtowns where there is little public transportation besides occasional bus routes.
- > Co-housing: Co-housing may be one of the biggest emerging trends in housing that is likely to impact the types of housing built over the next 20 years, particularly in places like Marin County. In these situations residents design and/or operate their own housing solutions (typically a hybrid of multifamily, townhome and zero lot, single family homes) and share common grounds, supporting recreational facilities or gardens, and often communal cooking / kitchens and dining areas. It is also typically moderate density development. Ownership is either fee simple or a form of condominium or both. This very important housing type has significant advantages because it frees up larger existing housing (as older residents downsize and move to smaller co-housing), it conserves land use, reducing auto use for socializing, and is generally less energy intensive. However, under RHNA and therefore the Plan, the way units are "counted" against the RHNA quota, a 35 unit project with a communal kitchen would be counted as one living unit of housing. This would discourage any city from assisting in this type of development. In addition, these kinds of projects are almost always in suburban or rural locations which are preferred by the owner/developers. The Plan, as it is written, with its emphasis on transit oriented development, actually discourages this important housing trend. Some examples of co-housing applications include communities for active seniors, migrant and seasonal worker housing, homeless and family transition housing, young singles housing and micro unit complexes.
- > Apartment building preservation, reconfiguration and substantial rehabilitation: Renovation and rehabilitation of existing market rate, affordable housing projects is probably the biggest need and the biggest impact opportunity in Marin County in terms of preserving communities, allowing existing affordable housing residents to remain in place, and improving the lives of those most in need of assistance (a required criteria under SB375). This is in evidence in areas such as the Canal District in San Rafael and Marin City. However, as written, the Plan does not in any way acknowledge or encourage this need. To continue to promote the construction of new, highly impactful, high density projects while allowing existing affordable housing to fall into disrepair or worse, disuse, makes no social or economic sense whatsoever.
- > Prevent the Loss of existing public affordable housing: A related category of affordable housing need would include existing public housing units that are falling out of service due to the expiration of Housing Assistance Payments (HAP) Contracts, loss of economic use due to aging structures and too much deferred maintenance, or the voluntary withdrawal from the Section 8 program by the landlords. This is true throughout Marin and is evidenced by Marin County Housing Authority historical records. The annual loss of units in this category is a significant public housing problem in Marin and other Bay Area counties that the Plan does not address or acknowledge. The lack of federal or state funding (subsidies, tax credits or other financial incentives) to support the preservation of this essential affordable housing stock adds to the problem. Again, for the Plan to promote the construction of new, high impactful, high density projects while allowing existing affordable housing to fall into disrepair or worse, disuse, is a waste of public funds and makes no social or economic sense whatsoever.
- > Building conversions from commercial to mixed use residential: Another major affordable housing opportunity throughout Marin, and places like it, are existing structures that lend themselves to conversion to residential and residential mixed use (commercial or retail) redevelopment. The Plan's single minded proposal to support only the development of new, high density, transit oriented development, ignores more economical and socially beneficial solutions.

- > Sweat equity opportunities: The implementation of deed restricted, for sale housing as a sustainable affordable housing solution has been discredited over the past decades in many cities where it's been attempted (e.g. San Francisco). Deed restriction on for sale housing amounts to nothing more than a form of indentured servitude that is contrary to why anyone buys a home (for equity appreciation). Similar to the "live / work" opportunities described above, a better solution is "sweat equity" opportunities where low income owners can attain ownership or co-ownership with an equity partner, who they will share the appreciation upside with, or have the opportunity to pay off their equity partner / lender (equity plus interest) upon resale. However, they still get to directly benefit from the rewards of ownership and their hard work to improve and maintain their home. This method is effective for either new housing or existing housing purchase programs. However, because it does not generally create new housing units, it is ignored by RHNA and consequently ignored by the Plan.
- > Very small starter rental and condo units: These include housing for singles, single parent households and young couples, often called "micro units," and is another emerging housing type. However, in Marin, this again lends itself more to smaller scaled, infill, mixed use development that is atypical, both in location and proximity to significant public transportation options, than what is supported, analyzed and promoted by the Plan.

Plan Bay Area 2040 Final Environmental Impact Report

**From:** barbara brookins [REDACTED] m>  
**To:** <info@OneBayArea.org>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/16/2013 4:50 PM  
**Subject:** concerns on One Bay Area....DEIR comments

Dear County Advisors....I have great concerns about issues that are not being discussed or allowed to be discussed in public forums.

They are:

C158-1

- . Unrealistic job and housing numbers
- . Inadequate evidence that high density housing near transit reduces green house gases (GHG)
- . Inadequate evidence that the transportation plan reduces GHG
- . Evidence that this plan increases costs for housing and transportation among low-income households
- . Inadequate information re: water supply, sea level rise, and support for infrastructure
- . 5 significant, irreversible environmental changes and 39 significant unavoidable impacts of the plan, identified in the EIR, should not be dismissed with findings of "overriding consideration."

I would appreciate a response and inclusion of this comment e-mail in your staff summary report

Thank you, B Brookins

**From:** James Campbell [REDACTED] m>  
**To:** barbara brookins <[REDACTED]>  
**CC:** <info@onebayarea.org>, <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/17/2013 7:31 AM  
**Subject:** Re: concerns on One Bay Area....DEIR comments

Hi Barbara,

Thank you for your interest in this issue. I wish you had come and spoke at City Council like some other members of the public. We made some comments on the draft EIR that are being presented from the city. I have attended two public hearings and the TAM meeting for Plan Bay Area ( seven hours almost as long as the longest planning commission meeting I attended) as well as the sustainable communities sub committee for Marin that I am a member of. I can tell you by and large no body is supporting this plan as is. All those comments will need to be addressed before anything moves forward. Some very basic and real issues have not been touched on, like the planned development in flood plains, the unrealistic growth projections, as well as the issue I raised, which is our limited water resources in Marin, we hardly have enough for our current population let alone and increase of 700,000, the current size of San Francisco.

C159-1  
I am very impressed you were able to get all of the EIR read in such a short time, I did not get through it, and have had to rely on many people smarter than me to explain what is going on so your input is greatly appreciated

Very Best,

James

On Thu, May 16, 2013 at 4:49 PM, barbara brookins <[REDACTED]> wrote:

> Dear County Advisors....I have great concerns about issues that are not  
> being discussed or allowed to be discussed in public forums.  
>  
> They are:  
>  
> .       Unrealistic job and housing numbers\*\*\*\*  
> .       Inadequate evidence that high density housing near transit  
> reduces green house gases (GHG)\*\*\*\*  
> .       Inadequate evidence that the transportation plan reduces GHG\*\*\*\*  
> .       Evidence that this plan \*increases\* costs for housing and  
> transportation among low-income households\*\*\*\*  
> .       Inadequate information re: water supply, sea level rise, and  
> support for infrastructure\*\*\*\*  
> .       5 significant, irreversible environmental changes and 39  
> significant unavoidable impacts of the plan, identified in the EIR, should  
> not be dismissed with findings of "overriding consideration."  
>  
> I would appreciate a response and inclusion of this comment e-mail in your  
> staff summary report  
>  
> Thank you, B Brookins  
>

--  
James Campbell  
[REDACTED]

\*  
\*

Plan Bay Area 2040 Final Environmental Impact Report

**From:** Kathi Ellick <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/17/2013 8:11 AM  
**Subject:** DEIR

I have just heard about the possible planning changes for the Los Ranchitos Area.  
I would like to submit my comments regarding this proposal

**C160-1** First of all, I would like to request an extension of the deadline for comments. I live in NY and depend on email contact. I didn't have time to respond until now.

The following points are important to review when presenting this proposal for Los Ranchitos:

There will be significant environmental changes and significant impacts that the EIR points out.

**C160-2** The proposal doesn't have a realistic job and housing numbers..These numbers that are imposed by the state , show inadequate evidence that high density housing near transit reduces green house gases.

**C160-3** There is inadequate evidence that the transportation plan reduces Green House Gases.

**C160-4** This plan increaseses costs for housing and transportation among low income households.

**C160-5** There is inadequate information about the water supply and how that will be impacted.

I'm sorry that I wasn't able to attend any meetings.

Kathi Ellick

[REDACTED]  
San Rafael

Think Green! Please do not print this e-mail unless necessary

**From:** Ronette King [REDACTED] >  
**To:** <info@onebayarea.org>  
**CC:** <sadams@marincounty.org>, <leyla.hill@gmail.com>, <skinssey@marincounty.org>, <krice@co.marin.ca.us>, <und@novato.org>  
**Date:** 5/16/2013 3:24 PM  
**Subject:** DEIR and SEIR

Dear Sirs,

I am a resident of Los Ranchitos .

Please see my comments below for both the DEIR and the SEIR .

**C161-1** Both of these reports are dense and enormous reading requiring far more time than the county has given us to understand them. In both cases I believe we need an adequate extension on there deadline.

**C161-1.5** It is very upsetting that no residents of Los Ranchitos were given any notice that their neighborhood was being considered for rezoning. Any densification of part of it affects all of it.

This is a peaceful, natural setting that was designed to offer a unique country setting free of the problems of dense housing. It's country way of life is one of a kind in Marin and is exactly what attracted us to buying here twenty years ago. Densifying los Ranchitos would destroy the last vestiges of what Marin County was meant to be.

As a former Design Review Board member for Larkspur, I am well aware of what the 30 units of housing per acre can look like...the opposite of our open, and natural setting! It will be a physical closure along Los Ranchitos facing the railroad tracks. The environmental impacts are a huge concern and will be for this entire neighborhood. This is to say nothing of the unpleasant bicycling, walking, and driving experience that los Ranchitos will provide..

**C161-2** Re the Plan Bay Area : The job and housing numbers imposes by California are unrealistic for our area. There is no huge jump in job growth here and hypothetical job growth is contingent on a wide variety of factors. There also is no adequate evidence that high density housing near public transit reduces green house gasses.

**C161-3** This plan may increase costs for housing and transportation among low- income housing and and there is insufficient information on environmental issues such as water supply and general support for infrastructure.

**C161-4** In all, there are significant environmental changes and unavoidable impacts of the plan identified in the EIR , that should be addressed regardless of findings of overriding considerations . With these proposals for such heavy density there is alot to be damaged and irreversibly spoiled for us all.

Sincerely,

Ronette King

[REDACTED]  
San Rafael, Ca.

**From:** <JLucas1099[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/21/2013 12:01 PM  
**Subject:** Draft EIR Plan Bay Area -April 2013 - SCH #2012062029

Association of Bay Area Governments  
Metropolitan Transportation Commission  
May 21, 2013

RE: SCH #2012062029 DEIR Plan Bay Area

Dear Commissioners,

Afraid I am no longer as adept at bean counting as I once was. In short am having trouble coordinating all the prospective project RTP ID contract numbers with affected locales, streams, wetlands and physical features.

**C162-1** My rough estimate is that affected streams, Waters of the US and wetlands constitute double the acreage allotted in this DEIR, though am still struggling to cite chapter and verse, and that there is no way ABAG and MTC can find commensurate mitigation habitat to compensate loss for Santa Clara County species affected.

Over past decades have witnessed irreversible impacts that your projects have had on anadromous fisheries and wetlands and ultimately have observed that mitigation sites have fallen into degraded, dysfunctional plots. Phone call queries to VTA and CalTrans are absorbed into the ether.

**C162-2** However, more basic still to Plan Bay Area is the vague or overblown assessment of water resources that are now or that will be available to Bay Area populations. Most of region's water supply lines and reservoirs are either adjacent to or on earthquake faults, and underground aquifers are equally susceptible to quake alteration along extensive foothills of the Santa Cruz Mountain Range.

PUC has attempted to place realistic caps on amounts of water supply that their customers can expect to receive and believe your plan needs to reflect such constraints. Calaveras Dam upgrade has encountered a problem with landslides so its ultimate capacity may fall short of expectations. San Francisco's reservoir system along San Andreas fault stood up admirably in Loma Prieta quake but quakes do differ dramatically.

**C162-3** In regards the diminished Sierra snow pack, this year may be only the forerunner of a drought cycle. Birds of the Pacific Flyway may be able to alter their migratory routes somewhat to survive unfavorable conditions in their food supply grasslands and marshes, but to move Bay Area human populations east to Missouri for a summer is not really an option. In short, do believe your population projections are overloading the camel.

**C162-4** At other end of the water issue is global warming with its attendant rise in ocean levels and storm intensity. Do not feel this element of inherent constraints of our San Francisco Bay Estuary is incorporated in highway upgrade priorities or in protection of future resident population densities. Where are updated FEMA maps? Shouldn't Highways #237 and #37 be upgraded as causeways above inevitable floodplains?

**C162-5** Considering the two dozen streams that your projects intercept in Santa Clara County, believe any increase in storm intensity and stream flows must alter hydrology, setback levees and the depth of riparian corridors. As believe may have stated earlier, you should be considering canals not clover leafs. Source of this thought is that when breached Guadalupe River levee emptied into underpass of #87 it saved downtown San Jose from more severe flooding. These contingencies are hard to plan for but should be at least a consideration.

In short, guess can only say that believe this plan is focused on retro housekeeping rather than realistically planning for future. Might add that extent of limits of our society in keeping up infrastructure is commented on in recent news items in SF Chronicle "tawdry ruination of terminals that make up New York's LaGuardia ..and then to drive into Manhattan over

potholed highways, past shoulders cluttered with trash and weeds, under bridges bristling with tangles of rusty rebar protruding from crumbling concrete hardly inspires confidence in our ongoing prowess." and "Bits of the old "Medea" cling to the rising waters of a climate change challenged new world"...Believe this is not just literary hyperbole but public consciousness of reality.

**C162-6**  
And then, in Palo Alto's Daily Post yesterday's headline reports 'Traffic mayhem' showdown in City Council meeting as 'Residents fight project that they fear will make streets even more unsafe'. With this in mind I would question wisdom of Project #240506 which widens El Camino Real adjacent to Palo Alto High School where countless students cross over to Town & Country Village for lunch and residents to Stanford athletic events and #21787 that enlarges CalTrain/Bus Transit Center at expense of parkland and Sequoia grove.

**C162-7**  
Quality of life, and neighborhoods with safe walking and cycling streets are of equal importance as regional concerns for commute traffic gridlock, if not more so. One Bay Area Plan needs consider that bigger is not better and certainly is not cheaper. (ie.HOV lanes are more democratic than pay as you go express lanes?)

Will transmit this now and hopefully appendices charts and comments will follow by regular mail today.

Libby Lucas

[REDACTED]  
Los Altos, CA 94022

PS: Might mention that once was sent to interview Robert Moses on what happened to 16 golf courses that used to be found in and around Manhattan and he described how each was needed for highways, shopping centers etc. Believe was supposed to generate a humorous piece but was never able to put pen to paper, as it made me so sad. This is why hope you can appreciate Chronicle article on defunct Long Island highways.

[REDACTED]  
San Jose, CA  
[REDACTED]

May 16, 2013

MTC  
Carolyn Clevenger  
101 Eighth Street  
Oakland, California 94607

Dear Ms. Clevenger:

I am writing in regards to the Plan Bay Area Draft EIR, specifically on air quality impacts.

I have the following questions:

- C163-1 1. Where in the air quality analysis does the DEIR include Children's Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 et seq.)?
- C163-2 2. In the DEIR, page 2.2-82: "According to BAAQMD, the dispersion modeling for San José is anticipated to be completed in spring 2013. ...." Where a proposed project is consistent with an adopted CRRP, the impact would be less than significant (LS).
  - a. Please provide an updated timeline for the City of San Jose's CRRP?
  - b. In addition, can you please provide impact analysis if the City of San Jose does not complete the CRRP or approved by decision-makers. What would be the significance levels without a CRRP?
- C163-3 3. Can the DEIR include a detailed environmental air quality setting for each county or at least for cities requiring a CRRP? Does this include the various topographical regions and microclimates? Many local jurisdictions lack the technical expertise in air quality to adequately review the magnitude of change from the existing environmental setting.
- C163-4 4. Can the DEIR include a summary table of health outcome from various air pollutants and sources such as shown on CA Air Resources Board's website <http://www.arb.ca.gov/research/health/fs/fs1/fs1.htm> ?
- C163-5 5. Where and to whom can the public contact with air quality and health questions for proposed projects? Which public health departments or other responsible agencies?
- C163-6 6. Can you please provide an impact analysis and explanation for each of the "Figures 2.2-4 through 2.2-21 which show GIS spatial analysis (p. 2.2-40). "In general, the figures show that areas over the threshold tend to occur along high traffic....." One sentence is inadequate to explain 17 maps and lacks rigor.
- C163-7 7. Appendix E: Air Quality Analysis Methodology: GIS Cumulative Analysis p. E-11. Can you please provide a full disclosure instead of only providing two paragraphs? Please document the rigor of the scientific methods: the factors, years, where the data was obtained, etc..

- C163-8 8. Why did the DIER not include a Health Impact Assessment? Can you include the California Communities Environmental Health Screening Tool  
[http://oehha.ca.gov/ej/ces042313.html?](http://oehha.ca.gov/ej/ces042313.html)
- C163-9 9. Can you please include "**Environmental Justice at the Local and Regional Level Legal Background**" and how these laws are applicable to this DEIR?  
<http://oag.ca.gov/environment/ceqa/planning>  
[http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf?](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)
- C163-10 10. Can you please include climate change's unequal impacts applicable to this DEIR?  
<http://oag.ca.gov/environment/climate-change/unequal-impacts>

Thank you,

Ada E. Márquez

## One Bay Area Plan - Comments on the Draft EIR

To all concerned

Did you know that the City of Berkeley had only a compact disk and no hard copy of the Plan Bay Areaa draft EIR in its Main Library for the people of Berkeley

The disk it difficult to read for this huge EIR as most readers would need to look back and forth at charts, maps, legal concepts, and definitions of the many uncommon acronyms.

I only heard about this PBA EIR document “through the grapevine” from an Albany resident last Thursday! .Since then I have talked to some 20 Berkeley activists, most who knew nothing about this very important subject. Some residents agreed to look at this (draft) EIR and try to comment on a topic. But most of these people, possibly all, have given up, confused by the all strange acrnyms, concepts, and the volume of this 1300 page report on line! This project need to be recirculated,advertised and comment period extended for avery reasonablelength of ltime.

C164-1

My question to you is - How come not one of those community leaders mentioned above, and from all over Berkeley - East, West- North, South and Central, had a clue about this Plan and deadline?

Berkeley is known all over the world as a city that cares and we certainly care about the environment and protection of our planet from Global Warming.

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## Comments on the EIR

C164-2

- 1.) I have a concern re your definition ( in your draft EIR Glossary) and your strategy for taxing VMT (Vehicle Miles Traveled) in Berkeley and other similar cities.

The glossary definition -

says essentially that the VMT tax on Berkeley's taxpayers will include charges for ALL cars entering and exiting the City of Berkeley. This therefore means the VMT tax will count cars that enter and exit Berkeley to visit, work at, or attend the University and The LABS, although the University will NOT be responsible for their share of this bill because the University is considered separate from Berkeley proper! So Berkeleyans will pay for the University and LABS share of cars entering and exiting Berkeley. And think about it, we do that already for road maintenance and more, much of the time.

And this tax on Berkeley citizens will continue to grow as UC and The Labs grow in population of commuters and visitors.

Furthermore, because Berkeley taxpayers have been steadily losing their parking lots and spaces in the city under city policies for the last 10 years, and often residents are ticketed with steep fines, those that must or choose to drive are being discouraged from shopping in Berkeley and are therefore encouraged to drive elsewhere where parking is easier for

shopping. But this increases driving and GHG and therefore the VMT taxes. as residents must drive in and out of Berkeley. This is not helping the GHG situation but making it ridiculous and worse.

Berkeley's parking strategy for residents (TDM— another little known acronym) deliberately eliminates resident parking and or makes it difficult for residents. But the TDM strategies remove resident parking while letting UC Berkeley which has over 6000 –some parking spaces of their own and yet is taking over and using more and more city of Berkeley parking, land, and buildings. This encourages UC vehicles to commute or visit UC via driving into Berkeley, and this encourages GHG and pollution, traffic jams and accidents in Berkeley.including danger to pedestrians, bikers.

Furthermore UC businesses rarely use restaurants, theaters, music and arts venue that residents patronize as UC has their own food services and entertainment. So as residents parking is steadily decreased and UCB is taking much of it (see CCTimes April 18 2013) residents will lose their movie theaters and favorite places,. and quality of life.

Already the promised Library Parking, validated parking for residents who pay a huge library tax every year, has been “forgotten”. The strategy we see here taxes residents increasingly while taking pools (2), schools (many), senior centers ((2), and so on, cumulatively and lets the University off the hook.

Meanwhile the walkability of our walkable green city is being increasingly paved and degraded, which causes Global Warming, but the paving over, cutting trees, shadowing and blocking cooling winds from existing buildings causes need for more heating and cooling causing more GHG from increased use of gas and electric.

## C164-3 2.) The Transportation strategy that concentrates big buses on main corridors.

and to be used for transportation for “the historically disadvantaged”. Buses on smaller streets will be eliminated. This will hurt hill residents and folks like seniors and disabled students and those who do not live near bus stops. Those who are forced or encouraged to drive will increase our GHG. They exit and reenter the city and increase our Carbon Tax. “The historically disadvantaged”. will live, work, and wait for buses on diesel polluted corridors getting disproportionately very high rates of asthma and illness.

## 3.) PCD

C164-4 Have been refused in Berkeley because Developers want the land-

A.) Strawberry Canyon ecol Study Area wildlife riparian Lenert A corridor between parks trees and grasslands sucking C and GHG etc from air fresh ox cooling planet providing habitat for endangered species. UCB wants to develop huge energy consuming polluting where they

## --B.)

Berkeley Waterfront Fishing Pier oysters burrowing owls bird flyway gentle nonpolluting water activities like wind surfing, sail boating Shorebird Park, his Lordship

City wants polluting diesel ferry which triggers cars galore huge parking paving, eliminating landscaping. If we are serious about preventing Global Warming we need to protect the Bay and landscaping. SF Bay is one of 5 huge estuaries on earth that have shallow sunlit water so when healthy the plankton are sucking Carbon from the air and releasing pure oxygen. The oysters the birds the gentle uses are good. Paving the earth and construction for diesel ferries and LBNL and other labs harm We can have a solar hydroplane ferry docking at existing facilities that will minimize damage to the environment.

Why has ABAG etc refused PCA and bay protection

Deals for developers: the University and the LBNL have huge earth paving water polluting Labs housing and office they are no invested in saving the earth the Bay and our Planet. Marshland healthy estuary prevents sea level rising. Transit Village

C164-5  
3.) Priority Conservation Areas: Berkeley's Avenues such as main corridors like S P, U Ave Shattuck are all designated PDA which allows for massive development and Streamlining CEQA—under this Plan (SB 375-) this will potentially and incrementally destroy our beautiful historical landmarks as well as beautiful mature trees , which actually suck CO<sub>2</sub> , methane and pollutants out of the polluted air an thy release pure fresh oxygen.

Since 35% of global warming gases are created by new construction—making cement , alumni windows etc

The demo and const causes badly polluted air

The tall buildings block sunshine and cooling breezes causing people to use more energy (natural gas and electricity with Gigs) to warm and cool their homes

What is gained green money in the pockets of developer, kickbacks to powers-that-be. Big Corp, Big buildings, Big buses, and a ruined planet Earth.

## COMMENTS ON THE PLAN BAY AREA (SCS) DEIR, May 2013

- C165-1** Some results in the Plan Bay Area DEIR are implausible. For example, it predicts a drop of over 90% in the growth rate of bicycling that we currently observe. This and other anomalies undermine confidence in the DEIR results and conclusions.
- C165-2** The San Francisco MTA (Metropolitan Transportation Agency) reports a 71% increase in bicycling over the last five years, a growth rate well over 10% per year. The DEIR (Table 2.1-13) forecasts that, commencing in 2010, bicycle trips would increase only 60% over 30 years. Half of that increase can be ascribed to a greater population. Absent the effect of population, the growth rate would be about 1%. The DEIR does not address the sudden collapse in cycling growth rate. Similarly, despite the observed decrease in driving by millennials and the SCS emphasis on PDAs, walking trips would only grow at 1%.
- C165-3** SB 375 anticipates that the SCS would shift trips from carbon-powered vehicles to modes that produce little or no GHG. Yet, under the proposed plan, observed shifts from driving to pedestrian and bicycle modes would practically cease, and would not resume. These are not credible outcomes. Perhaps the PDAs do not perform as hoped or the model is flawed. Whatever the case, we are prompted to ask what other DEIR results are questionable. In particular, are the carbon-dependent, driving numbers credible?
- C165-4** The proposed plan includes numerous highway capacity expansions (Table 2.1-11). The text implies that these are inconsequential. The numbers tell a different story. Enough pavement would be laid to construct a two-lane highway from San Jose to Los Angeles. This would be a significant investment in travel by automobile.
- C165-5** The increased capacity would invite more driving. Peer-reviewed studies show that capacity expansion facilitates land development and induces new traffic (latent demand). The pattern is consistent among metropolitan areas. The induced traffic means more VMT and more GHG. If the DEIR neglects induced traffic, its results for *Drive Alone* and *Carpooling* are not credible. They underestimate generation of GHG.
- C165-6** The impact on VMT and GHG of each highway expansion project should be scrutinized with a focus on induced traffic. Since environmental consequences are independent of traffic origins, the scrutiny must extend beyond the Bay Area counties. According to the DEIR, the current model does not do so. Nor does it take into account the recently observed flat or downward trend of driving throughout the United States.

If re-examination of the highway projects confirms excessive GHG growth, designation of the proposed plan as the preferred alternative should be reconsidered.

Respectfully submitted,

Robert R. Piper, PhD

[REDACTED] Berkeley, CA 94703.  
[REDACTED]

**THOMAS A. RUBIN, CPA, CMA, CMC, CIA, CGFM, CFM**

[REDACTED]  
[REDACTED]  
**Oakland, California 94602-1937**  
[REDACTED]  
[REDACTED]

e-mail: [tarubin@earthlink.net](mailto:tarubin@earthlink.net)

Metropolitan Transportation Commission  
Public Information Office  
101 Eighth St.  
Oakland, California 94607

May 16, 2013

*Re: Comments on ABAG's and MTC's Draft Plan Bay Area and Environmental Impact Report  
Plan Bay Area Draft*

Dear Sirs:

On behalf of Bay Area Citizens, I am pleased to submit: *A Population Forecast – The San Francisco Bay Area*, May 2013, prepared by Beacon Economics, attached.

This letter, and the Beacon Economics report, shall be included as comments on the Association of Bay Area Governments' (ABAG) and the Metropolitan Transportation Commission's (MTC) *Draft Plan Bay Area (Plan)*, March 2013, and *Environmental Impact Report Plan Bay Area Draft* (DEIR), April 2013, State Clearinghouse No. 2012062029.

C166-1

We at Bay Area Citizens have been concerned that population projections of the *Plan* and DEIR for 2040 appeared quite high to us. Since population projections have very significant impacts on many important elements of the *Plan* and DEIR, we asked Beacon Economics (Beacon) to perform an independent, unbiased analysis of the methodology utilized by the demographic consultant to ABAG who prepared the projection, with particular attention devoted to the projection of Bay Area jobs, which is one of the key drivers of such projections, particularly in the case of the projection utilized by ABAG's consultant in its 2040 projection. We also tasked Beacon with developing its own Bay Area 2040 population projection and with collecting and reporting projections made by other reputable entities that have prepared Bay Area population projections for 2040.

As documented in their report, Beacon does not concur with important aspects of the methodology utilized by ABAG's consultant. Its own 2040 population projection was significantly lower than that utilized by ABAG and MTC in the *Plan* and DEIR.

What is perhaps the most important finding of the report for the current purposes is that four entities, very experienced in making such projections, Beacon, the State of California Department of Finance, Caltrans, and IHS Global Insight, have projected Bay Area population growth to 2040 between 1.283 and 1.695 million, while the ABAG projection is growth of 2.077

MRW16  
2:23P

**Comments on ABAG's and MTC's *Draft Plan Bay Area and Environmental Impact Report***  
**Plan Bay Area Draft** Page 2

million to that date – 39% higher than the simple average of the four other projections, 1.499 million. The ABAG consultant's projection is the outlier, and by a considerable margin

From the Beacon report, and the other population projections prepared by other independent experts, we conclude:

- [C166-2] 1. The ABAG jobs and population projection are significantly higher than the range of estimates from well-recognized authorities.
- [C166-3] 2. Projecting significantly more jobs, and more people, than is likely to actually occur means more travel, than is likely to occur – and the vast majority of this extra travel will be taken on non-transit motor vehicles (expressed in Vehicle Miles Travelled [VMT]), resulting in a significant over-projection of the likely level of VMT in the Bay Area in 2040.
- [C166-4] 3. This resulting unwarranted over-projection of VMT will cause CO<sub>2</sub> and other emissions to appear to increase more than proportionally than the over-projected VMT because, as VMT increases and approaches and exceed road capacity, congestion increases rapidly, which significantly increases energy usage and all emissions per VMT.
- [C166-5] 4. Therefore, the over-projection of job and population growth in the *Plan* and DEIR results in significantly over-stated CO<sub>2</sub> and other emissions in the 2040 projection year. Since this outcome is not based on the best scientific knowledge and analysis, it must be rejected, and replaced by projections based on mainstream consensus.
- [C166-6] 5. Further, by overestimating population growth, the *Plan* and DEIR over-estimate household formation and the demand for new residences; this in turn means that the requirement for 80% of new residential units to be in PDA's will mean more PDA housing units being created and more people living in them, this will further detract from the utility of the outcomes of the land use and transportation model runs created as part of the preparation of the *Plan* and DEIR.

I have reviewed "Overview of the Regional Housing Need Determination, DOF Population Projections and Plan Bay Area Forecast," prepared by the California Housing and Community Development Department (HCD), the California Department of Finance (DOF), and the Association of Bay Area Governments (ABAG). This is a most strange document and includes a number of statements I find objectionable, including (my comments in ***bold italics***):

- 1. "HCD, DOF and ABAG agree that economic trends need to be addressed in Plan Bay Area. ABAG's 2.1 million population growth projection is directly tied to employment growth."
- [C166-7] *Agreed that ABAG's projection is directly tied to employment growth, and that is our major concern, as it appears that ABAG's projection is tied to an over-projection of such employment growth that we believe is very unlikely to occur.*
- 2. "DOF's 2013 projections do not take into account the high job, migration, and population growth from 2010 to 2012."

**Comments on ABAG's and MTC's *Draft Plan Bay Area and Environmental Impact Report***  
**Plan Bay Area Draft** Page 3

**C166-8**

*Two years a long-term trend do not make – particularly as these two years can be very fairly considered, in large part, as a recovery from a long period of very slow growth, and as largely a sharp, though only partial, rebound from the 290,000 jobs lost in the Bay Area in the preceding three years from 2008-2010. Proper economic projection procedure is to consider the 2010-2012 period, but as part of the longer term context. No competent economist or demographer would ever base a 27-year (2013 to 2040) projection on two years of history – it should be a factor, of course, but not a controlling one. Short-term trends can change very quickly – such as how the trend from 2008 to 2010 changed radically to that from 2010 to 2012. Any projection that assumes that a short-term trend will continue forever into the long-term should be discarded as flawed on its face.*

**C166-9**

3. "The DOF population projections depict only one possible course of future population change, i.e., the one reflecting assumed trends in fertility, mortality, and migration. The model does not consider employment, which is a major driver of migration. Thus, it is not a forecast of the most likely outcome. These projections do not necessarily show what is most desirable but rather what can be reasonably expected if recent historical trends continue until the year 2060."

*While it is certainly agreed that employment is a factor, the ABAG assumptions, including that the Bay Area has a permanent and inviolate advantage in technology that will assure that it always will have job growth higher than the national average, is highly questionable, for the following reasons:*

- *First, such advantages are fleeting, as plants, offices, and laboratories can and do relocate over time – including as new businesses in new areas learn to compete – and often win – over established technologies and companies and as newer technologies, and entire industries, move to the forefront.*
- *Second, California and the Bay Area are very vulnerable to loss of jobs, as we are consistently rated as one of, if not the, least business friendly states and regions in the nation.*
- *Third, we have very high taxes on both businesses and individuals, which tends to drive both established businesses and the start-ups that are so critical to job growth to places with lower taxes.*
- *Fourth, our cost of living is very high, which makes it more difficult for businesses to attract the high-quality people they need because the recruits find the cost of housing so high they cannot afford the type of housing they, and their family members, prefer (and the concept that this will be addressed by forcing the production of less preferred types of housing and changing consumer demand should not be accepted without significant reflection on the ability of governments to change consumer behavior by fiat).*

**Comments on ABAG's and MTC's *Draft Plan Bay Area and Environmental Impact Report***  
***Plan Bay Area Draft*** Page 4

- *And Fifth, and perhaps most tellingly, the ABAG population forecast is based upon the subsidiary assumption that jobs will grow in the Bay Area at much faster rates over the next three decades than jobs have grown in the Bay Area over the past two decades because the Bay Area will take share of national jobs because of its comparative advantage in technology relative to the rest of the country. But ABAG cannot satisfactorily explain how the next three decades will be so different than the past two decades—a period in which the Bay Area indisputably had the comparative advantage in technology that ABAG projects will persist over the next three decades, and yet job growth was sluggish and the Bay Area lost share of national jobs during the past two decades.*

*The one explanation we've heard for why "this time it's different" and why the sluggish job growth over the past two decades is not predictive of the future is that the Bay Area saw three recessions over the past two decades. Recessions of course are an inevitable part of the economic cycle, but this rationale is perhaps why the Plan itself states on p. 31 as the first, and presumably most important of its economic assumptions that [t]he Bay Area and national economies will be healthy, with an average unemployment rate of 5 percent or less. A thirty year economic forecast without any major recessions is an appealing and hopeful outlook indeed, and certainly supportive of ABAG's population model which assumes outsized growth in jobs over the next thirty years, much greater than that over the past twenty years, but perhaps such an assumption may be a bit untethered to historical experience to underlie the population and economic forecasts of a regional plan with as many consequences and implications as Plan Bay Area.*

*While the DOF population projection may not be "the most likely outcome," there is no reason to believe that the ABAG projection will prove superior; in fact, it appears to be an outlier from the economic/demographic mainstream. We have not noted that DOF has admitted that its projection is incorrect and will be revised. Although it is highly unlikely we will ever get an answer to this question, we do wonder how much of this document was the outcome of professional discussion and how much was the result of political pressure.*

4. "Job growth is the main determinant of population growth in the ABAG regional growth forecast as in all major regional forecast modeling in California and around the nation. ABAG job growth to 2040 is estimated as a share of U.S. projected job growth, based on an assessment of regional competitiveness by major industry sectors."

C166-10

*While we do agree that "job growth is the main determinant of population growth in the ABAG regional growth forecast," we do not agree that it is the same "in all major regional forecast modeling in California and around the nation." Yes, it is almost always a major factor, but there are many other major factors commonly utilized, including "natural" population change (births and deaths). In California over the past few decades, the major*

**Comments on ABAG's and MTC's *Draft Plan Bay Area and Environmental Impact Report*  
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*reduction in birth rates, particularly for Hispanic females, has been a very major factor; arguably, the most important. Not all migration is based on job prospects, including the large number of immigrants to California from certain Central and South American and Asian nations that are political refugees. However, even if it is agreed that job growth is the most important factor, it is still vital to make a projection of job growth based on proper analysis – and we find that ABAG's controlling assumption that the Bay Area will maintain a permanent advantage over the rest of the U.S., and the world, in technology jobs to be highly questionable – and not concurred with in the projections made by other respected economists and demographers, as included in the Beacon report.*

Sincerely,



Thomas A. Rubin  
Advisory Board  
Bay Area Citizens

Attachment (*A Population Forecast – The San Francisco Bay Area*)

**From:** susan k <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@onebayarea.org>  
**Date:** 5/16/2013 3:01 PM  
**Subject:** RE: Plan Bay Area

From: [REDACTED]  
To: apolitzer@ci.sausalito.ca.us; jgraves@ci.sausalito.ca.us; hweiner@ci.sausalito.ca.us  
CC: ttheodores@ci.sausalito.ca.us; lpfeifer@ci.sausalito.ca.us; jleone@ci.sausalito.ca.us; rwirthy@ci.sausalito.ca.us  
Subject: Plan Bay Area  
Date: Thu, 16 May 2013 21:58:23 +0000

- C167-1** I find the Plan Bay Area to be a disturbing and ill defined project based on obvious false projections.  
The job projections for Sausalito relative to the rest of Marin is especially hard to believe.  
I request that the jobs and housing growth projections be reconciled with the Department of Finance projections.
- C167-2** Any projects should be under the authority of local jurisdictions and not be 'streamlined' through state law. Marin and the bay area is a collection of individual communities and uniformity should not be assumed or encouraged.
- C167-3** I recommend increased focus on alternative methods of reducing green house gases such as Marin Clean Energy, electric vehicles etc. The reduced environmental impact relative to high density building seems obvious however a more detailed analysis would be appreciated.
- C167-4** Many of the conclusions of the EIR suggest considerable environmental damage and I would advocate to discourage growth in Marin county and the bay area as a result.
- C167-5** The No Project alternative has been largely ignored however I would like to see this more thoroughly explored rather than automatically rejected.  
Susan Samols [REDACTED] AvenueSausalito, CA 94965

**From:** Judy Schriebman <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**CC:** Steve Kinsey <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>, Susan Adams <SAdams@marincounty.org>, Leyla Hill <[REDACTED]>  
**Date:** 5/16/2013 3:57 PM  
**Subject:** Comments on DEIR for Plan Bay Area

**C168-1** I respectfully request more time and an official extension of 6 months. There are numerous inadequacies, oversights, incorrect assumptions and lack of true public engagement in the plan. It doesn't even meet its goal of reducing greenhouse gases. While I applaud its goals of increasing affordable housing and transportation alternatives and reducing sprawl, I believe you have it backwards.

Reliable, good public transportation that easily gets people to their destination is needed first. Right now, and still in the plan, there is NO good way to get to the East Bay from Marin and vice versa. The one bus per hour that leaves Richmond BART occasionally leave ahead of schedule, stranding passengers who expect it to be there. The lack of integrated bus passes, getting better w/the Clipper card but still woefully inadequate, HAS to be addressed. The buses HAVE to go to more places where people want to go. I cannot get to Steinhart Aquarium or Golden Gate Park in any convenient fashion from Marin. This integration needs to be developed first, before loading up housing near the SMART train station which will serve only a very small proportion of just commuters.

The lack of transparency and inability for public comment and legitimate questions to actually be incorporated in this plan makes it a farce. This is a done deal, and that is what people are reacting to. There has been no real outreach, with the goal of addresses concerns. This plan is a first draft. Treat it as such, bring it back with good changes, and the scenery could shift.

Marin is also rural/suburban, and any housing numbers should be based on that designation.

Sincerely,

Judy Schriebman  
San Rafael, CA 94903

May 15, 2013

MTC, Plan Bay Area Public Comment  
101 Eighth Street  
Oakland Ca 94607

C169-1 I would like you to VOTE for the “No Project” Alternative because of the many flaws in the DEIR.

C169-2 The DEIR is in error in its projection about future Green House Gases (GHS) and job growth. The DEIR is using data from 2005!

The DEIR must be brought up to date and a revised DEIR needs to be completed.

As a voter in Novato, I request this aspect of the DEIR be revised and those results be publicly vetted before any voting can take place.

Sincerely,



Jim Shroyer

Novato Ca 94947



Thomas J. & Christine B. Smith

[REDACTED]  
Orinda, CA 94563

May 12, 2013

MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607

Re: Opposition to Draft Bay Area Plan and DEIR affecting Orinda

Ladies and Gentlemen:

The purpose of this letter is to plead wholeheartedly with you, as we are doing with the Orinda City Council, to carefully consider our opposition to the Draft Bay Area Plan and Draft Environmental Impact Report promulgated by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), as well as to the procedures surrounding public comments and voting on the drafts. We will both be out of town on May 13, 2013, and are thus submitting our comments in writing.

We moved to Orinda from Southern California in 1997 and have lived in Sleepy Hollow for 16 years. One of us is a former Realtor and retired attorney who practiced with a large, respected law firm, representing clients including The Irvine Company and other real estate developers and litigating matters of property tax law, foreclosures, and partnership law. The other began his career as a builder and real estate developer, then became involved in city planning and redevelopment for a Rouse Company subsidiary, large-scale residential development and finance in Southern California, ran several small operating businesses, and currently is a principal in a successful San Francisco-based private equity firm. We raised two children in Orinda, investing a great deal of effort not only in fundraising for the Orinda schools but also in advocating for students with special educational needs. We have been active with Orinda Newcomers, an Orinda swim team, an Orinda church, OYA and traveling soccer and lacrosse, and Miramonte sports. We have always paid far above average property taxes here, and now the state has imposed new taxes on "the rich," which of course hits Orinda disproportionately because of its above average income levels -- at the same time as there are proposals pending to reduce the state's per pupil funding for Orinda schools. And then this Plan comes along, with huge costs and likely tax breaks and/or subsidies for some. Ironically,

our now adult children (who are teachers) can't afford to live in either San Francisco or in Orinda, but would not be the least interested in living in low- or moderate-income housing in a suburban Orinda downtown as they are nature lovers and they'd feel out of place in a largely affluent community. So, despite the inferior school system our grandson is in, they live in Oakland and Berkeley where they have lots of socioeconomic peers, gardens, chickens, and a yard.

C170-1 In 2012, we both attended an open Orinda City Council meeting because we heard that the council was considering adopting a new master plan that would have allowed 5-story buildings in the village and downtown. The public was allowed a few minutes per person to address a vaguely outlined zoning proposal, and we did not hear anything about ABAG or MTC or about Orinda's plan being part of a regional plan with a low-cost housing component or transit village or carbon reduction. In fact, we were baffled at why this was being presented and who the parties of interest were, especially since we didn't hear of any pending submittals for development approval or any customary drawings one would expect as part of a master plan amendment. The city advanced an argument involving retail sales tax, but it was apparently all a ruse. Someone suggested that the town commission an EIR and/or retail feasibility study, and the city refused on a budgetary excuse. The tone of the meeting was that the Council was annoyed at the public expressing their concerns. Only this year did we hear from Orinda Watch about ABAG, MTC, and the proposed plan. We then realized that's what had been behind the earlier discussion at the City Council meeting, and we felt we'd been intentionally misled, the Council having purposely omitted crucial background information as to why 5-story buildings in downtown Orinda were even being discussed.

We aren't allowed to so much as cut down one of the many oaks in our yard without getting Orinda's approval; so how can Orinda revise its master plan, change its downtown with potentially significant effects on our roads, traffic, environment, and schools, and yield to regional agencies' asserted authority or control without getting informed input and approval from a majority or at least a broad consensus of Orinda's and other affected cities' voters?

C170-2 Today, the threshold substantive question is: Is the overall ABAG/MTC proposal the most efficient, most predictable, and least intrusive way of achieving the primary goal, which we understand to be reducing greenhouse gases to meet the state's target? However, apparently you are more concerned with form and procedures than with substance, and these, too, are amiss.

It would seem highly unlikely to us, as professionals, that a plan as complex as proposed--involving extensive changes in property rights and expenditures approaching many billions of dollars over several decades--would produce the intended result without creating a staggering assortment of unintended consequences and unforeseen costs. At best, this is a risky venture capital deal at public expense!

Moreover, it would seem that the greenhouse gas reduction goals can be achieved simply by addressing auto emissions, mileage ratings, animal husbandry practices, and increased use of electric buses or other such innovations, without entering into massively complex and disruptive rezoning, subsidizing, and behavioral modification programs that compromise private property rights, require the use of eminent domain and/or massive public subsidy. Indeed, we just reduced our family's greenhouse gas emissions by roughly 80% by trading in a big SUV for a smaller, more efficient vehicle. This involved no subsidy, and we are saving money on gas as well as improving the environment!

When we were professionally involved in the various aspects of real estate, especially development and finance, we would never have presented or financed a project based on assumptions that human behavior would change in certain desired ways, nor would we have presented misleading descriptions distorting the differences between alternative development options by using a scale that didn't begin at zero in order to portray a tiny difference as if it were a huge difference (see Orinda Watch letter to Mayor Amy Worth and the Orinda City Council, dated May 10, 2013, at pp. 15-16). Nor would we have compared alternatives where in one case we assumed whatever zoning changes advanced our agenda against the existing (or "No Project") scenario where we assumed no zoning changes for the next 30 years. How can these manipulations be tolerated? Has there ever been a historical period in which the Bay Area's 101 cities and towns made no zoning changes and/or granted no zoning variances over a 30-year period? Have these cities and towns ever accurately predicted their housing demands, not only in numbers but in desired locations and price ranges, over a period of a decade, let alone three decades? If not, then ABAG/MTC's assumptions are unsupportable. Have statistical regression analyses been run to see how various economic and social factors correlate with housing demand, city by city, income level by income level? That is how we are accustomed to strategic planning in the corporate and financial worlds. And in law, we are accustomed to supporting our arguments with proven facts, not assumptions. Have the ABAG/MTC Plan and DEIR met with any such level of objective scrutiny and due diligence?

C170-3

Moreover, in the business world we are prepared to take the risk of being wrong and having to pay for the consequences of our mistakes and seek other solutions. What will you do if this plan is adopted and then doesn't work? What will you do if greenhouse gas issues are resolved another way, making this plan unnecessary or obsolete? Will the ABAG/MTC plan then be unwound? What if we, the City and its taxpayers, can't afford it? What if demographics change?

C170-4

If reducing greenhouse gases is the desired end, then what does it even matter what the income levels are of the residents in the closer-to-transit housing units? Indeed, the higher the income, the more likely the cars they drive would be newer and therefore more fuel efficient, or they might be retired and not working, thus expending fewer emissions on commuting to a job.

C170-5

We are not able to address the Draft Plan and Draft EIR point by point, due to time constraints and complexity. We assert, rather, that the Draft Plan and DEIR have not been properly communicated to the public, so the public has not yet had the opportunity to let the City Council members know how to best represent their constituency. Therefore, Orinda should strongly advocate for an extension of the deadline for commentary (both to Orinda itself and to ABAG/MTC) while the City Council solicits broader public "informed consent" and at the same time inquires objectively into whether the Plan and the EIR have valid factual and analytic support. By "informed consent" we mean that the city council should take action to disseminate the facts, not as a policy or foregone conclusion, but as a proposal that likely to affect the city, for better or worse, in ways one may or may not anticipate. For example, we have heard that low-income housing in Dublin resulted in adding 3.7 children per unit to the local public schools, though the city had only anticipated about 2 children per unit. What assumptions have been made that might be equally unpredictable or wrong concerning Orinda? Does the plan take into account the greenhouse gas effect of a downtown with restricted automobiles and more people moving to downtown Orinda who will have to find jobs outside Orinda? Orinda is not now a hub of employment, and with some of its businesses being closed to make way for redevelopment of the downtown, and some of the convenience services like dry cleaners perhaps not located in the future where one could just drive up, run in and out, many may not come back -- and Orindans may have to drive -- more miles -- to Lafayette for these services now purchased in Orinda. New downtown residents may have to drive or take BART to a job outside Orinda (perhaps a job closer to where they now live). If they drive, that is added vehicle miles. BART is already overcrowded. It's impossible to get a seat during commuting hours between Orinda and San Francisco's

Embarcadero station, so more people who now ride BART may decide to drive, adding vehicle miles. Yes, we know that some of the ABAG allocations will be met with senior housing, and that's good, but let's let Orinda decide what Orinda wants and needs, not unelected regional agencies.

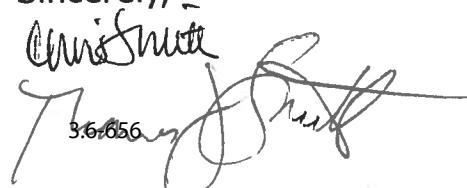
We assert that the leadership of Orinda's Mayor on the MTC board is in itself an unacceptable conflict of interest that taints the Orinda City Council's whole approach to this matter. It appears unlikely that Ms. Worth can serve two masters well -- an unelected agency as well as Orinda citizens who elected her to preserve and protect the character of Orinda, its city plan, the property rights, property values, and lifestyle of its residents.

Coupled with previous public discussions that have not been forthright in letting Orindans know what its council was considering (as we described our own experience, above), council members seem to have been purposely misleading -- or at least obfuscating or dissembling -- and this requires rectification through a longer comment period and more honest communications going forward.

C170-6 Are the Plan and the DEIR supported by valid facts, assumptions, projections, charts, and analysis? They have not been before the public with sufficient time for the public (who have families and jobs) to be able to read the full draft plan, the complete draft EIR, the supporting documents and analysis, as well as time to digest what they mean, do additional research or analysis as the individual citizens may deem necessary in order to then prepare a reasonable written commentary to submit on time to ABAG, the MTC, as well as to the Orinda City Council. We submit that the 1,460 pages of the Plan and EIR and huge number of supported or referenced documents can't possibly be responded to fully by tomorrow or by May 16, 2013, especially when most Orindans don't even know there is a pending plan. We are certain that, with time, there could and should be more input on the impact of the draft Plan and DEIR on Orinda's schools and traffic circulation, and perhaps its property values, lifestyle, and its current business owners and customers who frequent those businesses, as well as clarifying MTC goals.

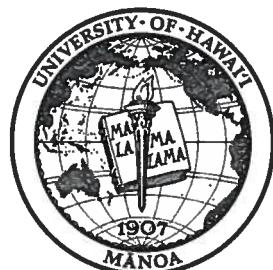
We urge you to grant an extension of time for the comment period for this monumental undertaking. We urge Amy Worth to select which she represents, MTC or the citizens of Orinda. And we urge you to vote no on the draft Plan and DEIR as we do not believe they are the least intrusive or best solution to the greenhouse gas emissions goals of the State.

Sincerely,

  
Chris Shultz  
3.6.056

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May 7, 2013

Metropolitan Transportation Commission  
Public Information Office  
101 Eighth Street  
Oakland, California 94607

**Re: Comments on Model One and UrbanSim utilized in the preparation of PLAN BAY AREA  
DRAFT ENVIRONMENTAL IMPACT REPORT—April 2013**

Dear Sir/Madam:

This letter provides my comments on the models used in the Draft EIR referenced above.

My comments are summarized starting on page 2 and detailed justification is appended. My qualifications, in brief, are provided below.

Dr. Panos Prevedouros, author of this submission, is professor of transportation engineering at the University of Hawaii at Manoa. Dr. Prevedouros earned his PhD in 1990 and his M.S. in 1987, both in Civil Engineering from Northwestern University, Evanston, IL (1987), and his Diploma in Engineering from Aristotle University, Greece (1986.) He is a registered Professional Engineer in the European Union.

Dr. Prevedouros is subcommittee chair of TRB in the area of traffic simulation (freeway operations) since 2006. Dr. Prevedouros was member of Oahu MPO Technical Advisory Committee in the late-1990s and is the principal investigator of several transportation research projects funded by Hawaii DOT, US DOT, OMPO and DOI.

Dr. Prevedouros has expertise in urban planning, traffic flow analysis and optimization, ITS, demand forecasting and evaluation of transportation alternatives, and sustainable infrastructure with emphasis on energy and impacts.

Dr. Prevedouros has published over 100 technical articles and reports, and co-authored the 2nd and 3rd editions of internationally adopted textbook *Transportation Engineering and Planning* (Prentice Hall, 1993 and 2001.)

Dr. Prevedouros has received several awards including Best Paper award on transportation noise, TRB, 1995 • Outstanding Faculty award, ASCE-Hawaii, 1996 • Van Wagoner award, ITE, 2005 • Freeway Operations Service award, TRB in 2009. • Honolulu Star Bulletin's one of the "10 People Who Made a Difference in Hawaii in 2008" • 2011 Sustainability Paper award, World Road Association • 2012 Honor Certificate for Public Service, Council of the City and County of Honolulu.

## Summary of comments

The state of the art in modeling in urban planning is lagging the state of the art in traffic engineering. The lesson learned from traffic simulation is that high-fidelity traffic simulation models are wonderful at the local level but ungainly and impractical for regional scenario analysis. Worse yet, their errors become intractable and the uncertainty (confidence intervals) of mean estimates are too large. As a result, since the turn of the millennium there has been a stronger emphasis on mesoscopic models that preserve critical micro-level mechanisms and simplify the processing of transportation flows on large and complex networks.

MPOs need to learn from this experience from traffic engineering and apply microsimulation for useful case studies such as SF-CHAMP [42]. For their long large regional plans, they need to C171-1 develop more robust mesoscopic models. Very few, if any of the UrbanSim/Model One outputs for 2040 are reliable or significantly different from each other among alternatives. If properly applied, statistical tests would not allow for the identification of the locally preferred plan at a reasonable level of confidence. For example, the minutes from the Bay Area Regional Modeling Working Group meeting on October 3, 2012 reveal that "There was considerable interest in model calibration and validation issues. Chris asked about the model's margin of error, which David [Ory] indicated was large at this point."

Given that MTC and ABAG chose to base multibillion dollar public expenditures on the long range application of the microsimulation model UrbanSim, my UrbanSim-specific comments are as follows.

All my comments are based on literature published in 2010 or later that directly cites the software UrbanSim as a reference or basis of comparison of the work presented. Only recent works were reviewed to minimize old criticisms that have potentially been rectified in recent versions of the model.

UrbanSim is complex multi-component land use and transportation software that needs to be operated by a team of analysts over a period of years in order to provide estimates for a large metropolitan area. The workings of UrbanSim, as described by experts including its developers, are summarized in [Appendix A](#). It is clear to me that each application of UrbanSim in a specific urban area requires customization and enormous data sets. UrbanSim has six main models (not counting Model One that provides transportation input.) In the words of a user: "For example, the Household Location Choice Model of the application described here has more than 50 setting options, with a similar number for other models." [22]

In their 2007 Assessment of Integrated Land Use/Transportation Models for the Southern California Association of Governments, Fehr & Peers observe that "UrbanSim integrates with a

travel demand model at the input and output level. Current users of UrbanSim include the MPOs for Salt Lake City, Houston, Seattle, Detroit, and Honolulu<sup>1</sup>.” [61]

Many published uses of UrbanSim are exploratory research, case studies or incomplete applications given that the model has been available in a comprehensive form for less than 10 years. Several sample applications of UrbanSim since 2010 are summarized in Appendix B. The limitations of UrbanSim applications and testing are clear; Many of the published works simply try to establish a base case or address one aspect of land use. Zurich is a telling case: “Within the project, the land use model UrbanSim were adapted and implemented for the Greater Zürich area. However, validation work revealed that there is more need for calibration.” [17] The subject of calibration and validation is critical; it is discussed later on. “At present a first running environment that forms a very basic ‘super simplified’ simulation environment [of Zurich] has been realised. This includes very reduced household location choice and employment location choice models.”[68]

An evaluation at the Department of Geography, University of Potsdam, Germany [34] assessed model suitability to geosimulate housing market conditions. “...45 points is the highest possible score, meaning that a simulation system is perfectly suitable for the suggested simulation framework. UrbanSim received the highest score (33).” In other words, in just one examined dimension out of six dimensions involved in urban area modeling, UrbanSim scored comparatively well, but its ability to cover this dimension is only about 73%. This is part of the positive assessments of UrbanSim summarized in Appendix C.

Appendix D lists a number of weaknesses of UrbanSim identified in recent publications. In recent years several jurisdictions and researchers evaluated UrbanSim and chose not to use it for their planning needs (e.g., [7, 16, 63]) mostly on the grounds of complexity and data requirements. However, once UrbanSim is chosen, there are several specific concerns such as:

- “The insignificance of the public transport accessibility coefficient creates a major limitation of the model.” [17]
- “Even drastic accessibility changes have little impact on construction activity or population growth.”[19]
- “Inertia in income distribution and prices seems to be strong, with little variation in an eight year simulation period.” [22]
- “Current practice in UrbanSim modeling treats developer behavior and the emergence of land prices as independent processes. This assumes that land prices are exogenous to the interaction between buyers and sellers—an assumption hard to sustain in urban economics and real estate research.” [59]
- Large models are “vulnerable to the trends contained in the historical data they use, especially recent trends.” [63]

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<sup>1</sup> Oahu MPO informed me that the Honolulu Department of Planning and Permitting is working towards some deployment of UrbanSim and when DPP is finished with its geographic representation, OMPO plans to adopt it into their TransCAD based modeling framework. OMPO does not use UrbanSim currently for its routine tasks.

- “As there are multiple secondary reasons that might obfuscate the model estimation process, it is recommended that UrbanSim model estimation results are compared against standard econometric software to make sure that the data and underlying assumptions made by UrbanSim are indeed understood correctly.” [26]

It should be made clear that the concerns above are mostly out of case study or research applications. These substantial weaknesses are not based on model outputs that are subsequently used to approve hundreds of billions of dollars in public expenditures.

Calibration of UrbanSim is a difficult process. Some have deployed “response surfaces and metamodels to mathematically approximate intractable, simulation-based processes.” [03] The uncertainty involved in these processes notwithstanding, there is no good reason why the parameters calibrated to match 2005 or 2010 conditions are applicable in 2035 or 2040.

Dr. Paul Waddell, chief modeler of UrbanSim stated that “Computational performance and inability to validate integrated microsimulation models due to stochastic variation and instability, were raised as very legitimate concerns. We need to take uncertainty in models seriously.” [37] Yet the application of UrbanSim in this EIR clearly did not involve a validation and uncertainty analysis effort commensurate to the public policy implications of the model's results.

Critical assumptions in the model’s logic are violated, such as this major conclusion from a Purdue University study for the Indiana DOT: “Based on a review of the research literature, **transportation infrastructure appears to be a necessary, but not sufficient, condition for generating economic development.**” [63] Plan Bay Area heavily relies on the false hypothesis that the development of PDAs and TODs bestowed with good transit access generates economic development.

Furthermore, “MTC and ABAG also have a large body of detailed published documentation regarding the integrated travel demand and land use model. This data and other documents can be obtained from the Plan Bay Area website at [www.onebayarea.org](http://www.onebayarea.org).” [EIR, Page 1.2-18]

However, searching for UrbanSim finds the chapters and appendices of the EIR but no detailed documents that address the integration of UrbanSim and Model One. MTC’s David Ory responded to an inquiry by Peter Singleton as follows: **The integration is straightforward: UrbanSim passes TAZ data<sup>2</sup> to the travel model and the travel model passes accessibility data to UrbanSim (see \accessibility in the scenario folders).** This is discussed on page 9 of the **Predicted Land Use Appendix<sup>3</sup>**. In fact Mr. Ory is pointing to one half page of “explanations” titled Travel Model Interaction on “page 9”:

<sup>2</sup> <http://analytics.mtc.ca.gov/foswiki/Main/TazData>

<sup>3</sup> [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Land\\_Use\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Land_Use_Responses.pdf)

"Bay Area UrbanSim and the Travel Model work as a system to capture the interaction between transportation and land use. **Accessibility to a variety of urban features is a key driver in both household and business location choice.** For instance, households often prefer locations near employment, retail, and similar households but avoid other features such as industrial land use. Business preferences vary by sector with some firms looking for locations popular with similar firms (e.g. Silicon Valley) while others desire locations near an airport or university. In all cases, the accessibility between a given location in the region (defined as a Transportation Analysis Zone or TAZ) and all other locations/TAZs is provided to UrbanSim by the Travel Model. These files represent overall regional accessibility for future years considering changing infrastructure. Updated skims were provided to UrbanSim in the projection years 2018 and 2025 based on projects expected to be in place in 2020 and 2035, respectively.

Moving in the other direction, UrbanSim provides the Travel Model with a projected land use pattern and spatial distribution of activities for each year into the future. This pattern includes the location of housing, jobs, and other activities that serve as the start and end locations for trips predicted by the Travel Model. This information was provided to the Travel Model at a TAZ level aggregation for each future year examined. Overall, the linkages between the two models allow land use patterns to evolve in relation to changes in the transportation system and for future travel patterns to reflect dynamic shifts in land use."

The skimpy information above reveals that a major assumption in the model does not hold water: "A general critique of integrated land use and transport simulations is that often the notion of integration is reduced to the principle that the calculated accessibility or travel time measures serve as one of the explanatory variables of the residential choice module.

Timmermans states that "**the literature on residential location choice behavior has systematically shown that accessibility plays a marginal role in the residential choice decision.** According to him, structural attributes of the house and physical and social characteristics of the neighborhood are more important." [17]

Another likely weakness on Model One affects UrbanSim and is not addressed in the EIR: "Travel models, including activity-based travel models developed in recent years, still generally use traffic analysis zones and ignore local streets in their network representation. In short, they ignore walking scale access and movements. This is a well-known and very problematic limitation in current travel models, and by extension, in integrated land use and transportation models, even if the land use models are at a parcel level." [04]

UrbanSim's intended use, assumptions and limitations in its application for this EIR are described by the model's developer and consultant to MTC and ABAG in Appendix E. A basic critique of these assumptions is as follows. Numbering corresponds to the list in the EIR which is also copied in Appendix E:

- C171-3** 1. “**Interactions with adjacent areas are ignored.**” It is unclear how this limitation affects Alternative 4 which has interactions with the counties surrounding the 9-county area of the Plan.
- C171-4** 2. “**A project that is inconsistent with current land use regulations cannot get a waiver.**” This assumption is both impractical and unsupportable over 30 years.
- C171-5** 3. “**...needs to be determined by a combination of sensitivity testing, experience from use, and common sense.**” However, none of these are applicable to a 30 year horizon given that the model is barely 10 years old. There are barely any sensitivity and uncertainty studies available, let alone proof that sensitivity and uncertainty ranges are small.
- C171-6** 4. “**...there was not sufficient time or resources to thoroughly address all data problems encountered, including some extreme values, missing values, and inconsistencies within and among data sources.**” Indeed this appears to be a rushed application on a very large area. The amount of built-in errors is likely substantial.
- C171-7** 5. “**One of the most common assumptions in models, and one rarely acknowledged, is that behavioral patterns will not change dramatically over time.**” A look in the 30 years between 1980 and 2010 suggests that this assumption will certainly be violated. For instance HOT lanes, cordon pricing, and telecommuting (now accounting for more trips than all forms of rail in the US) were basically unknown in 1980. (Starting at 2010 and looking back 30 years takes us to 1980; looking forward takes us to 2040.) Assuming technological and behavioral stagnation between 2010 and 2040 is necessary and convenient for the modelers, but it is not defensible.

My conclusion below is in accord with experts in the field, as highlighted by the excerpts in Appendix F. It should be clear that the activity and land use modeling frameworks are far from being mature and are not reliable for long range forecasts. The result of all this modeling sophistication applied over huge dimensions such as a time horizon of 30 years, a geographic area of nine counties and covering the activities of seven to nine million people is sky-high uncertainty that is never revealed but renders all 2040 results practically useless.

Sincerely,



Panos D. Prevedouros, PhD  
Professor of Civil Engineering

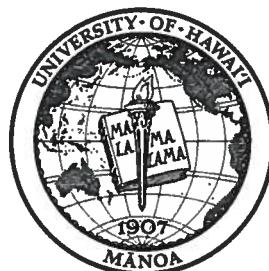
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MAY 16

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May 13, 2013



Metropolitan Transportation Commission  
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 101 Eighth Street  
 Oakland, California 94607

**Re: Comments on Transportation Related Analysis and Results of PLAN BAY AREA  
 DRAFT ENVIRONMENTAL IMPACT REPORT—April 2013**

Dear Sir/Madam:

This letter provides my comments on the transportation options and results presented in the Draft EIR referenced above. My comments are summarized starting on page 2. My qualifications, in brief, are provided below.

Dr. Panos Prevedouros, author of this submission, is professor of transportation engineering at the University of Hawaii at Manoa. Dr. Prevedouros earned his PhD in 1990 and his M.S. in 1987, both in Civil Engineering from Northwestern University, Evanston, IL (1987), and his Diploma in Engineering from Aristotle University, Greece (1986.) He is a registered Professional Engineer in the European Union.

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The Executive Summary of the Draft EIR states that "... the land use strategy is to enhance mobility and economic growth by linking housing/jobs with **transit**, thus offering a more efficient land use pattern around **transit** and a great return on existing and planned **transit** investments."

C172-1 Based on this the reader should understand that this planning effort sought to establish a transit-based "environmentally superior" alternative instead of seeking the most cost-effective alternative or the alternative providing the fastest, most-economically productive set of systems that meet environmental limits. As a result, **Plan Bay Area** is the **10% Plan**.

The plan's disproportional reliance on transit has predictable consequences; it is expected to yield many significant and unavoidable impacts such as substantial increase on roadway facilities already operating at the worst level of service (LOS=F)<sup>1</sup> as in conclusion 2.1-3; loss of forest land to non-forest use, conversion of substantial amounts of important agricultural lands and open space to non-agricultural use as in conclusions 2.3-4 and 2.3-5; increase in the number of people residing within areas regularly inundated by sea level rise by mid-century, as in conclusion 2.5-6; noise levels from transit sources that exceed FTA exposure thresholds as in conclusion 2.6-3, etc.

In the following pages I highlight passages and exhibits in the Draft EIR that are cause for major concern. All text in "quotes" is excerpted from the EIR. **Bolded** words in the quotes are mine.

C172-2 Table 1.2-1: The population and employment projections are likely overstated. Such demand balloons are common in pro-transit and pro-rail plans as various analyses by Oxford University professor Bent Flyvbjerg have discovered in the last two decades of his investigation of mega-project planning studies.<sup>2</sup> In addition Dr. Flyvbjerg's recent work has discovered the inertia of the US planning profession to acknowledge these biases and exaggerations. His data-supported criticisms are summarized in Appendix A.

In addition, the current enabling environment is much different than the past 30 years due to persistent low growth, large unemployment and huge city, state and national debts that will undoubtedly manifest themselves in increasingly heavier taxation. Indeed, Yogi Berra's "the future isn't what it used to be" must be the guiding principle for planners, executives and

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<sup>1</sup> The quality of traffic flow on freeway, highways and other roadways is determined used the 2010 edition of the Highway Capacity Manual published by the Transportation Research Board (TRB). Based on scientific estimates of delay, density and other properties, the quality of traffic flow is ranked from A to F which, similar to school grades, depict excellent flow conditions at LOS=A and unacceptably poor flow conditions at LOS=F. For most US counties, the lowest acceptable LOS for permitting new development and similar purposes is D or E.

<sup>2</sup> Bent Flyvbjerg, Nils Bruzelius and Werner Rothengatter, *Megaprojects and Risk: An Anatomy of Ambition*, Cambridge University Press, 2003. ["Megaprojects" are infrastructure projects costing over one billion dollars.]

decision makers. However, this study does not even provide lip service to these important population and employment retardants.

**C172-3** Page 1.2-9: “The analysis for the most recent regional transportation plan, Transportation 2035, suggested that the region’s transit system is not sustainable based on current projections of transit costs and reasonably anticipated revenues. **Transportation 2035 identified a region-wide transit capital deficit of \$17 billion and operating budget deficits of \$8 billion over the next 25 years.**”

These are staggering deficits for a transportation mode used by 10% of commuters and less than that by non-commuters. Planners acknowledge that these deficits are not sustainable for the community. Yet Plan Bay Area calls for more deficit-making transit. Of all transportation expenditures in the plan, 62% is allocated to fund the mode that provides 10% or less of the transportation in the area.

**C172-4** Page 1.2-17: “The MTC travel demand model, Travel Model One, is a regional activity-based travel model for the San Francisco Bay Area. This model is actually a set of individual models that perform different functions, leading to projections of future Bay Area travel. The models were developed from a database that consists of the MTC 2000 Bay Area Household Travel Survey (BATS 2000) and traffic and transit counts that are used to validate the model results. The model was re-validated using available American Community Survey 2005 data to reflect updated demographics; **since 2010 Census data was not yet available at the beginning of this planning and modeling cycle, the model was used to forecast transportation trends to the baseline year of 2010.**”

There have been several concerns with ACS and its limited sampling nature to such extent that Hawaii paid for this data but does not use it. Not using Census 2010 data is a major missed opportunity. Nowhere in this report is clearly stated whether actual, finalized U.S. Census 2010 population, employment and related data by tract or block were used in the projections and the models. It is my understanding that the analysts of the EIR developed projections to 2010. Then these projections were used as the basis to develop projections to 2040. One of the results of this projection-upon-projection methodology is that error propagation renders long term projections practically useless. It comes as no surprise that the EIR does not provide variances and confidence intervals for the forecast outputs.

**C172-5** Page 2.1-1: “Together, these roadway facilities accommodate nearly **17 million vehicle trips a day.**” At a typical occupancy of about 1.2, this translates into 20.4 people trips. Page 2.1-5: “Transit in the Bay Area accommodates almost **1.6 million boardings** a day, primarily through

four major operators (Muni, BART, AC Transit, and VTA).” Putting these two together allow for some informative comparisons, as follows.

- 1.6 million boardings are about 1.23 million person trips assuming that one transit trip needs 1.3 transit boardings.<sup>3</sup>
- The **road-to-transit** ratio of person trips is 20.4 to 1.23 or approximately **17:1**. In other words for every **18** trips made in the 9-county Bay Area only 1 is by transit. Based on the plan’s allocation, “1” or “transit” gets 62% of the funds, and “17” or “the roads” gets 38% of the funds and shoulders the burden of accommodating road-going transit such as bus, express bus, BRT and streetcars!
- This ratio, 17:1, is flattering to transit because the length of transit trips is shorter than the length of road trips. On a passenger-mile basis this ratio is over 20:1.
- The roads also carry all the freight, services and emergency response. Therefore this proposed allocation causes roadway overburdening which delays people, goods, services and emergency response.
- In general the report is ignorant of freight flows, emergency response and other non-commuter uses of roadways.

C172-6

Page 2.1-10, Table 2.1-3: The table calculates delays thanks to well established highway flow models that keep highway performance accountable. Nothing similar is attempted for transit. A trip that is 40 minutes long by transit is delay-free. A similar trip by car is 20 minutes long (including all congestion delays) and it is recorded as delayed by 4.6 minutes. (Approximate travel times quoted from Table 2.1-14.) Apparently transit travels on ether and its users experience no delays. The table is oblivious to the fact that people not vehicles suffer the delays.

C172-7

Page 2.1-15, Table 2.1-6: The manifested travel behavior is that between 1970 and 2010 the transit share has been stuck at 10% despite the dozens of billions of dollars invested in Bay Area transit. This suggests that many more billions will be needed just to maintain the 10% share in commuting trips, and that there is no basis for expecting any growth.

C172-8

Page 2.1-21: “Senate Bill 375 (SB 375) requires MPOs to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets through integrated land use, housing and transportation planning.” Unlike Plan Bay

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<sup>3</sup> Unlinked Passenger Trips is the number of times passengers board public transportation vehicles. Passengers are counted each time they board vehicles no matter how many vehicles they use to travel from their origin to their destination and regardless of whether they pay a fare, use a pass or transfer, ride for free, or pay in some other way. Also called boardings. [<http://www.apta.com/resources/statistics/Pages/glossary.aspx>]

Area, SB 375 does not have a pro-transit bias. The specific pollution reductions can be achieved with technological improvements<sup>4</sup> rather than mode shifts<sup>5</sup>.

**C172-9** Page 2.1-21: “Each of the nine Bay Area counties has a Congestion Management Agency (CMA) designated to manage traffic congestion through implementation of multimodal transportation projects.” While this sounds reasonable, the intent of Plan Bay Area is to offer longer, less convenient trips by investing heavily in transit. How does heavy investment in transit mitigate congestion given a track record of failure to deliver?

**C172-10** Page 2.1-22: “This EIR does not explicitly identify localized traffic issues that might be the focus of a city’s general plan; rather, it will deal with issues of overall system performance from a regional perspective.” Given the size of the 9-county area one may safely assume that there were several dozen intersections operating at or near LOS=F in 2010. The plan adds significantly to the number of LOS=F intersections, but this impact is largely absent in the EIR. The type of modeling involved may not control for overly congested intersections. For example, by 2020 a critical intersection in the area becomes overly congested, i.e., its average delay is about two minutes per vehicle. However, the models may continue to route traffic and transit through this intersection to 2040, although real world motorists will likely be avoiding the route.

**C172-11** Page 2.1-23: The plan includes a criterion that makes transit look busy and in need for more funding: For roads it uses a criterion that demand is well over 100% of the capacity, but the transit criterion is that demand is barely over 80% of capacity. This is contrary to the typical operation of large metro systems which are designed for and allowed to operate at the so called “crash load.” This allows for the loading of trains with very little personal space for each rider and is necessary because of the disproportionately high loads of passengers in the peak hours compared to the rest of the day. Defining transit capacity at 80% is quite odd. By doing so, this criterion provides estimates of “very busy transit conditions” when the actual conditions are roughly half of the crash load conditions.

**C172-12** Page 2.1-25 and Table 2.1-11: “This investment strategy reflects the relatively mature state of the Bay Area’s roadway and transit systems. The proposed Plan also includes a set of major transit capital improvements, including BART to San José, Caltrain electrification, and bus rapid transit lines in the region’s urban core. These transit investments were identified as a result of a rigorous performance assessment process and align closely with the proposed land use pattern

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<sup>4</sup> Many technological changes were observed since the turn of the century such as the demise of guzzling SUVs, common rail and direct fuel injection for gasoline engines, hybrids and plug-in hybrids, EVs, diesel hypermilers, etc. The very recent headline that *Consumer Reports* believes that the EV Tesla S may be the best vehicle they ever tested may have significant impacts in the future popularity of vehicles of this type.

<sup>5</sup> MTC’s regional statistics indicate that unlinked passenger trips changed from 504,442,000 in 2000 to 484,202,000 in 2010, a decline of 4%.

emphasizing focused growth in the region's locally-identified Priority Development Areas. Finally, the proposed Plan includes a limited amount of funding for targeted roadway capacity increases, including bottleneck relief at congested interchanges and the development of a Regional Express Lane Network."

Clearly this is a biased pro-transit plan to expend billions on the mode of transportation used by 10% of the commuters. On page 4, I provided estimations that in terms of trips the road-to-transit ratio is 17 to 1. The proposed investment strategy improves "17" by 3% and "1" by 27%. In other words, the Plan provides generous funding to Transit (that serves 1 out of 18 trips) and a disproportionately low funding allocation to Road (that serves 17 out of 18 trips.) As a result: "Overall, total vehicle hours of delay are forecasted to increase through year 2040 under the proposed Plan. Arterials and expressways will experience a larger increase in recurrent vehicle hours of delay relative to freeways (79 percent increase compared to a 48 percent increase). Non-recurrent delay on freeways will increase by 36 percent over existing conditions assuming implementation of the proposed Plan." ([Page 2.1-27](#))

**C172-13**

The plan's data in [Table 2.1-16](#) allow me to estimate that congestion on the area's roadways will worsen by 20%. I based this by looking at all trips in a day conducted under LOS=D,E,F which may be expressed as road conditions ranging from "very busy to very congested." Roads do most of the transportation work in the Bay Area but receive only 38% of the funding, so they will operate poorly, and worsen over time.

**C172-14**

[Page 2.1-28](#), [Table 2.1-12](#) is a quantified manifestation of the plan's both pro-transit bias and wishful expectations:

- For 2010 the vehicle trips are 16.9 million and the transit boardings are 1.6 million. When converted to person trips they have a ratio of 17:1.
- For 2040 the vehicle trips are 20.7 million and the transit boardings are 3.05 million. When converted to person trips they have a ratio of 11:1.
- [Table 2.1-6](#) indicates that transit trips to work increased from 294,000 in 1990 to 333,000 in 2010, a 13.3% gain over 20 years or less than 7% per decade. This is a historical fact. This also agrees with the trend for transit usage in the LA metropolitan area. Based on 2011 to 2013 statistics, LA's projected growth of transit usage over a decade is 8.8%.<sup>6</sup>
- [Table 2.1-12](#) indicates that transit boardings will increase by 93% in the 30 years from 2010 to 2040, or 31% per decade. This is clearly a pro-transit exaggeration.
- This expectation for transit substitution is behaviorally and historically unsupportable.
- The fantasy of transit ridership continues in [Table 2.1-18](#). Heavy rail utilization: 40% in 2010, 57% in 2040. Light rail utilization: 35% in 2010, also 57% in 2040.

<sup>6</sup> <http://www.metro.net/news/ridership-statistics/>

- Are these science-based estimations or faith-based guesses? Is there any evidence that any large metro area in the US had any appreciable increase in transit mode share? Is there any evidence that any large metro area in the US had a decadal increase in transit mode ridership of over 10% in the last 20 years, let alone 31%?

The result of the transit bias of the Plan is predictable, as follows.

Page 2.1-29: “Of the five significance criteria considered, **significant impacts are only forecast for one criterion: per capita vehicle miles traveled in extremely congested conditions.** The four other criteria—commute travel times, non-commute travel times, per capita vehicle miles traveled, and transit utilization—all have impacts that are forecasted to be less than significant.” Clearly the plan fails to add transportation capacity to the roadway system where it is needed the most.

Despite the plan’s best intentions for transit and providing it with a 62% share of the transportation funds, transit fails to deliver competitive travel times, as follows.

C172-15

Page 2.1-31, Table 2.1-14: Drive alone time per trip changes from 18.7 minutes in 2010 to 18.0 minutes in 2040. Carpool time per trip changes from 14.2 minutes in 2010 to 13.7 minutes in 2040. Both largely due to the HOT lanes. Bike and walk trips remain largely the same at 13 and 19 minutes, respectively. However, transit travel time remains stagnant at an uncompetitive 44 minutes. Despite being disproportionately over-funded, transit delivers double the travel time of any other mode, or worse during commute times when roadways are congested. Table 2.1-15 displays the non-commute travel times. According to those, transit delivers triple the travel time of any mode other than walking.

C172-16

Page 2.1-31: “Cleaner fuels and improved emission controls have substantially reduced emissions from mobile sources in recent decades. However, growth in motor vehicle use (as measured in VMT on both a per capita and an absolute basis) has offset some of the benefit of the improved emission controls.”

The authors have ignored the fact that national VMT has been flat since 2005 and gasoline consumption was down 8% in 2012 from the high of 2005 as shown clearly in this EIA trend.<sup>7</sup> EPA’s 2012 report Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2012<sup>8</sup> states “Highlight #1: CO<sub>2</sub> emission rates and fuel economy values reflect a very favorable multi-year trend, beginning with MY 2005.” And “Using a 5-year timeframe (2006 and 2007 are good base years since there was little market volatility), CO<sub>2</sub> emission rates have decreased by 10% and fuel economy values have increased by 11% from MY 2006-2011. Based on preliminary estimates, CO<sub>2</sub> emission rates have decreased by

<sup>7</sup> <http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=C100000001&f=M>

<sup>8</sup> <http://www.epa.gov/otaq/fetrends.htm>

13% and fuel economy values have increased by 16% from MY 2007-2012. The improvements have been even greater since the ‘inflection point’ year in 2004.”

There is little reason to believe that this trend is not applicable in California which is well known for its high fuel pricing, heavy taxation and debt, all of which weigh heavily on VMT growth. Therefore one may argue that strict future targets for emissions will be easily attained in 2040 with technological innovation and fleet renewal alone. All of section 2.5 on air quality reads like much ado about very little indeed.

C172-17 Section 2.6 on noise leaves a lot to be desired. It has a somewhat detailed but flawed analysis of highway noise and no analysis whatsoever of Fixed Guideway transit. The EIR gives FG transit a pass card because most of it is “electrified.” This is contrary to local evidence as this quote from the Sept. 8, 2010 San Francisco Chronicle article suggests: “The Chronicle surveyed the BART system, sending a reporter on all 208 miles of rails - 104 in each direction - accompanied by a handheld sound-level meter. The survey found that noise levels can reach 100 decibels - the equivalent of a jackhammer - at points in the Transbay Tube. But the tube is not the only noisy part of the system, as many riders can attest. Trains produced noise levels of 90 decibels - as loud as a diesel truck - or higher at 23 locations.”<sup>9</sup>

C172-18 Page 2.6-13 and 14: “Figure 2.6-6 is a graphical representation of the FTA noise impact criteria. Please note that Categories 1 and 3 apply the  $L_{eq}$  for the noisiest hour of transit-related activity during hours of noise sensitivity. Category 2 applies the  $L_{dn}$  since these receivers may be impacted by nighttime (10 p.m.-7 a.m.) transit related events.” The text and the actual figure are not in agreement regarding the metrics used for categories 1, 2 and 3.

C172-19 Page 2.6-20: “Where such barriers exist, a **6 dB noise level reduction** can be assumed at receivers along those roadway segments.” If the TNM software was actually used to model roadway segments, why weren’t existing barriers with the correct height inserted to receive the correct noise level estimates? As the author of the State of Hawaii’s current FHWA-compliant Highway Noise Policy I can attest to the fact that a 10 ft. concrete noise barrier at an expressway cross-section that produces 77 dB(A) without the barrier will reduce the noise level to about 66 dB(A); a 12 ft. barrier will reduce the noise level to 64 dB(A). The 6 dB(A) noise reduction assumed in the EIR is low and produces results that overstate the noise impact of expressways with noise barriers.

C172-20 Section 3.1 is the Alternatives Analysis. It is quite clear that (1) the Plan was favored with special treatment, (2) Alt. 4 is superior to the Plan, in my view, (3) alternatives 3, 4 and 5 are penalized with a \$8 toll on the Bay Bridge but the Plan is not, and (4) given the large uncertainty of model forecasts even for a 10 year horizon, let alone a 30 year horizon, largely no outcome

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<sup>9</sup> <http://www.sfgate.com/bayarea/article/Noise-on-BART-How-bad-is-it-and-is-it-harmful-3175757.php>

of any of the examined alternatives is significantly superior or inferior to the Plan. Also, none of the alternatives address mobility challenges and traffic congestion head-on.

For example statements like "... Alternative 3 would have approximately **0.2 to 0.3 percent fewer vehicles in use**, VMT and engine starts compared to the proposed Plan" are scientifically absurd because in 2040 the variance of these estimates for each of these alternatives is at least one order of magnitude larger than the differences stated in the quoted text.

I assumed that business people who favor Alt. 4 know more about jobs and employment than planners, so I focused on Alt. 4 to develop some comparisons with the EIR's preferred Alt.

**C172-21** I observed that Alt. 4 was marginally inferior only on outputs that come with large forecasting uncertainties such as congestion, emissions and noise. When it comes to more controllable factors such as future land allocations, many of which were made at the present time, Alt. 4 does better than the chosen alternative, as summarized in Appendix B.

**C172-22** Furthermore, the list of limitations of UrbanSim as applied to the Plan includes this: "Boundary effects are ignored. Interactions with adjacent metropolitan areas are ignored." It is unclear how this limitation affects Alt. 4 which has interactions with the counties surrounding the 9-county area of the Plan.

**C172-23** The Plan provides a detailed breakdown of utilization of Transit (10% share) by Technology in 2040, Table 3.1-13; local bus, express bus, heavy rail, light rail, commuter rail, etc. However, the much needed table of highway transportation (over 70% share) for 2040 technology is absent. The missing table would include motorcycles, electric mopeds, light duty diesel vehicles, hybrids, EVs, plug-in hybrids, hypermilers (over 100 mpg vehicles), Euro 6<sup>10</sup> or lower truck emissions, etc. Projections of these technologies in the fleet are also critical for emissions and noise estimates. The 2040 plan is deficient in the important realm of highway vehicle technology and largely ignores the substantial changes that are likely by 2040.

**C172-24** On page 3.1-62 the EIR points the finger at the EMFAC emissions estimation model and says that it does not account for 2017-2025 manufacturer efficiency standards dictated by the EPA. The EIR needs to be updated and include technology forecasts for 2040 and emission estimates with EPA's MOVES emissions estimation program. This modeling limitation generates an additional penalty for Alt. 4 because it has a higher population and employment thus higher cumulative VMT.

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<sup>10</sup> [http://www.mantruckandbus.com/com/en/products\\_\\_solutions/current\\_topics/euro\\_6/EURO\\_6.html](http://www.mantruckandbus.com/com/en/products__solutions/current_topics/euro_6/EURO_6.html)

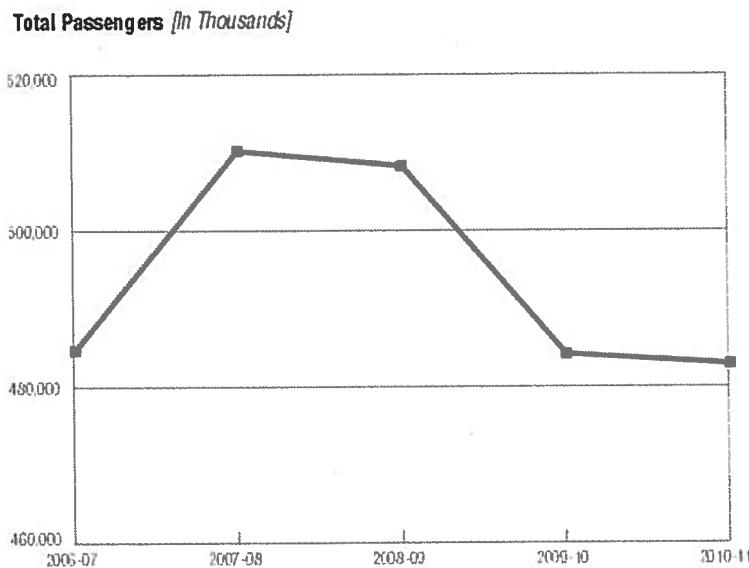
C172-25

Overall, it is worth repeating that this EIR appears to be ignorant of momentous negative (-) and some positive (+) underlying trends such as:

- (-) persistent high unemployment
- (-) lower birth rate
- (-) increasingly expensive food and energy
- (-) higher state and federal taxes, and poised to grow more to cover debts and liabilities
- (-) higher health care cost, and poised to grow due to baby boomers and Obamacare
- (-) forced spending in infrastructure which is now too far from a state of good repair
- (+) low cost of capital
- (+) growing share of work-at-home and car-sharing schemes

Most of the trends listed above were absent in 1990 and 2000. So, this time around, truly “the future isn’t what it used to be” (Yogi Berra.)

The transit ridership predictions of the Plan are in conflict with recent system performance as indicated in the figure below; the figure was extracted from the most recent report of the MTC.<sup>11</sup> Downturns in economy combined with high fuel prices are allegedly incentives for switching to transit. Clearly this was not the case in the Bay Area during the 2008-2009 recession. Annual transit trips are at a 500 million plateau.



<sup>11</sup> [http://www.mtc.ca.gov/library/statsum/StatSumm\\_2011.pdf](http://www.mtc.ca.gov/library/statsum/StatSumm_2011.pdf)

This plan ignores that transit is not cost effective and provides only marginal relief to traffic congestion and pollution because of the small portion of the population that chooses it. The plan allocates over 60% of future transportation resources to transit to boost its capacity by 27% whereas roads used by over 80% of the commuters, including bus riders, are granted only a 3% capacity improvement. This plan assumes that past trends will continue into the future and its budget is boundless in terms of subsidies for TODs and other preferential development.

Both of these are fatal errors that ably represent both the disconnect of planning from reality and the mission of transit and planning agencies as government arms for effecting political priorities that have little intention to materially improve the quality of life of the citizens that they represent. None of the alternatives examined address mobility challenges and traffic congestion head-on, therefore none are acceptable.

C172-26 | Sincerely,



**Panos D. Prevedouros, PhD**  
Professor of Civil Engineering



TO: JPC, ABAG and MTC May 16, 2013

EIR and Draft Plan Comments

C173-1

**I. Problem:** the plan requires greater #s of in-commuters from outside the region:**A. How:**

1. By assuming same ratio of in-commuters, a # that will be larger in absolute #s than now (source: query of authority in MTC);
2. By using Cal HCD 'housing need' that derives from Existing Households but not from the Missing Households that for years have been exported to San Benito, Stanislaus, San Joaquin and Santa Cruz;
3. OneBayArea to spend land for jobs but not for housing that will be supplied outside the region

**B. Consequences:**

1. Housing will be more unaffordable than now because prices will be bid up by workers whose demand by design of OneBayArea exceeds housing and land supply;
2. Planning for increased #s of into-region commuters congests roads & contaminates air;
3. Long-distance commuters across air basins may avoid regulatory monitoring that is predicated on individual regions for both air quality and transportation

**C. Remedy**

Voluntarily raise OneBayArea's in-region Housing Need Total to include that share of housing currently exported outside the region:: Best would be to plan for that housing already exported, plus its future Cohort needs; Minimum would be to plan at least for that Future Need for the existing export

**II. Problem:** HCD Under-determined ABAG Regional Housing Need because it makes reasoning and market errors.**A. How:**

1. Vacant Unit Need miscalculated:
  - a. HCD admits role of Vacant-Other housing stock but fails to plan for future such need in the housing stock: see its Adjustment #9 in its RHND letter of 2-24-12 corrects for Vacant Other for current
  - b. Furthermore, all categories of Vacancy must be planned in future housing needs because Seasonal & 2<sup>nd</sup> Home stock has proven robust in strong & weak housing markets (study I did for HCD for SanDag)
2. HCD claims 'natural' a 1.5 vacancy rate for owners, a rate untenable in all markets. Instead use vacancy rate correlating to 0 change in CPI-Shelter, Owner for this region.
3. HCD calculates 'need' from existing households, not from those households whose need is NOT being met, those who must commute from outside.

**B. Consequences:** Price inflation, long commutes.**C. Remedies:** in II 1. B and in I.C**III. Jobs-Housing Balance is Worsened in many counties and for the Region overall: were house prices the target of policy, this ratio would be lessened, not aggravated:****Ratio of Jobs-to-Housing, planned to change by 2040**

Source: Jobs-Housing Connection Strategy, Revised May 16, 2012 Bay Area Plan (note: #s from these pages incorrectly summed in those pages)  
Page 49

	<b>2010</b>	<b>2040</b>	
Alameda	1.19	1.30	more jobs/hsg
contra costa	0.86	0.97	more jobs/hsg
marin	1.00	1.09	more jobs/hsg
napa	1.29	1.47	more jobs/hsg
san francisco	1.51	1.62	more jobs/hsg
san mateo	1.27	1.39	more jobs/housing
santa clara	1.47	1.46	fewer jobs/hsg barely
solano	0.87	1.02	more jobs/hsg
sonoma	0.94	1.09	more jobs/hsg
REGION	1.22	1.31	more jobs/hsg

IV. The Housing Distribution by Income within each county should go beyond what recent law changes require to instead distribute to the Regional Median not each county's median; done the way you have, you've allowed Marin to maintain its high-income privilege.

**From:** Beverly Wood <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/16/2013 3:21 PM  
**Subject:** Plan Bay Area DEIR

**C174-1** I am a resident of the Los Ranchitos area in San Rafael and am very concerned about the speed with which the DEIR is being handled. I am writing to request an extension on the deadline for comments so that cogent, thoughtful responses can be made and the assumptions upon which the plan rests can be evaluated. There are serious, significant environmental changes and impacts of this plan on what is really a rural neighborhood.

Thank you for your consideration,

Beverly Kleinbrodt

Plan Bay Area 2040 Final Environmental Impact Report

**From:** Carol Brandt <[REDACTED]>  
**To:** <ljackson@tam.ca.gov>, <kathleenc@abag.ca.gov>, <kroselius@baaqmd.gov>, <andrewc@bcdc.ca.gov>, <info@onebayarea.org>, <anguyen@mtc.ca.gov>  
**Date:** 3/4/2013 8:26 AM  
**Subject:** Concerned about the time of the Plan Bay Area DEIR Hearing - San Rafael April 16 10am

To: Linda Jackson, TAM

Kathleen Cha - ABAG

Kristine Roselius - BAAQMD

Andrew Chin - BCDC

Ellen Griffin - MTC

Ashley Nguyen - MTC; EIR Project Mgr.

From: Carol Brandt - San Rafael Resident

Date: March 4, 2013

Re: Public Hearings for Plan Bay Area DEIR scheduled for April 2013

**C175-1** I am writing to request that the Public Hearing scheduled for April 16, 2013 in San Rafael, CA be rescheduled to an evening time. It is not a fair public process to hold hearings as important as this one, during the work day when most of the public is working and can't take time off for a 10AM meeting. I also do not think it is fair that you are allowing the hearing scheduled in Oakland to be in the evening but the one in San Rafael during the morning hours.

If you have some rationale as to why you are holding a day time meeting instead of an evening one, please let me know but this is ridiculous and will exclude a lot of people who wish to attend. I understand we can email or snail mail comments on the DEIR but the most important thing in the EIR process is to get full public participation and show the public that you really do want to listen to their comments and it is also important for us to feel like we are being included and for a lot of people, especially regarding this issue, that means attending public hearings , not just emailing or mailing in comments.

Thank you.

**From:** Margery Entwistle <[REDACTED]>  
**To:** <info@onebayarea.org>  
**CC:** <krice@co.marin.ca.us>, <skinsey@marincounty.org>, <peklund@novato.org>  
**Date:** 5/13/2013 4:48 PM  
**Subject:** One Bay Area Plan

I've been reading about the One Bay Area Plan and attended the meeting at Dominican last Thursday evening. I admit to not reading all 1,300 pages of the EIR. However, I have two comments.

**C176-1** From what I've heard and read, it seems to me that this plan is not going to solve the problem that it purports to solve, green house gas emissions. Bob Silvestri had an excellent article in the Patch and I am sure you have all read it. If not, you can find it here: [http://millvalley.patch.com/blog\\_posts/plan-bay-areas-high-density-multifamily-transit-oriented-development-wont-reduce-greenhouse-gas-emissions](http://millvalley.patch.com/blog_posts/plan-bay-areas-high-density-multifamily-transit-oriented-development-wont-reduce-greenhouse-gas-emissions) For myself, I think that the planners are too optimistic regarding leaving cars at home no matter how close to services they put housing. The reality is, I live three blocks and two traffic lights from Whole Foods and I don't walk, I drive. I do try to accumulate my to dos so I cover many stops on one trip out in the car. And, I try to stop at Whole Foods on my way home from someplace else, though I don't need to live near Whole Foods to do this.

**C176-2** Last, I can not believe that planners are planning for greater density in an area where development should be limited due to the frequent scarcity of that critical resource, water. How quickly we forget when there are abundant water years about the pain of rationing. Is it too much to ask for a plan that maintains and supports a status quo that is often on the edge due to the vagaries of nature?

Sincerely,

Margery Entwistle  
[REDACTED]  
Mill Valley

Devilla Ervin

[REDACTED]  
Oakland 94607  
[REDACTED]



My name is Devilla Ervin and I have been working with New Voices are Rising, for a more sustainable and resilient Oakland, since I was 14 years old. I am now 23.

C177-1 As a young man looking to live on his own I am deeply troubled by the threat of displacement in my community and other areas slated as Priority Development Areas. By underestimating the impact of displacement I feel we are doing a disservice to the entire purpose of the Plan Bay Area. Displacement needs to be at the forefront of this conversation not swept under the table, because we cannot cut down VMT and/or Green House Gas Emissions without dealing with this threat.

Living in Oakland I have known many people who find themselves being forced to leave their homes and communities that holds a sense of

history and family to find housing that is less expensive.

One example of this is my foster mother. My junior year of High School she found a place that was affordable but it was in Sacramento. She was still working in Hayward. She was commuting up to 5 hours a day just to get to and from work.

This is what I fear for thousands of other low-income families with the adoption of this proposed plan in the absence of additional mitigation. By increasing investment in public transportation, affordable housing, and strategies to retain and build businesses that serve the existing

C177-2 community. The Equity Environment and Jobs Alternative (Alternative 5) will go a long way towards addressing these concerns and mitigating the impacts of displacement.

Without careful, conscious, and deliberate planning, more low-income residents will be pushed out to less attractive and more polluted parts of the city while attracting persons who have not historically found these areas attractive. Plan Bay Area should not add to the list of issues

C177-3 residents already have to deal with. Plan Bay Area should be providing solutions and incorporating the strategies in Alternative 5 that makes it the Environmentally Superior Alternative, thus leading to a more sustainable and Resilient Bay Area

**From:** [REDACTED]  
**To:** MTC info <info@mtc.ca.gov>  
**CC:** <library@mtc.ca.gov>, <bradp@abag.ca.gov>, <miriamc@abag.ca.gov>  
**Date:** 4/28/2013 12:56 PM  
**Subject:** Request Sue Hestor and DEIR on Plan Bay Area

IT HAS TAKEN A AWFUL LONG TIME TO GET A RESPONSE to my March 27 email on this.

Is there in between a flash-drive and 2 volumes of text? If there is, I think I want it. I have a sneaking suspicion that I have to have the printed version to have the graphics I need.

THIS IS A PROTEST:

**C178-1** You are putting the expense of printing out the DEIR index etc and relevant graphics onto people like myself. You are assuming that everyone has computers and printers able to do (assumed) color graphics at their home. It my assumption incorrect?

**C178-2** I already know what I am going to look for. Assumptions on sea level rise, areas which were dry land in 1850, marsh locations, filled areas (THE ENTIRE BAY WATERFRONT) and comparison to maps in SF on where you think growth should go. The illustrations I have seen thus far show extensive development proposed in SF where there were historic marshes. And death in Loma Prieta - although people were more concerned about buildings in the Marina than about deaths or low-income people.

MIRIAM CHIONG - please send this to whoever collects COMMENTS. Do not let it sit in email hell.

If I have to choose between a flash-drive lugging 2 volumes up 4 flights of stairs, please send the flash-drive. I ASSUME THAT IT IS TOTALLY INDEXED SO THAT I DON'T HAVE TO WAIT AN EXTREMELY LONG TIME FOR THE ENTIRE DOCUMENT TO DOWNLOAD.

My mailing address for your record is:

Sue Hestor

[REDACTED]  
SF 94102

Because of the extraordinary delay in answering my last email - PLEASE ACKNOWLEDGE THAT THIS WAS RECEIVED.

Sue Hestor

-----Original Message-----

>From: MTC info <info@mtc.ca.gov>

>Sent: Apr 26, 2013 5:47 PM

>To: [REDACTED]

>Subject: Re: Sue Hestor and DEIR on Plan Bay Area

>

>If you would like to receive a flash drive with the DEIR, or still need to request that the two-volume DEIR be shipped to you, please contact our library at library@mtc.ca.gov.

>

>MTC Public Information

>

>>> <[REDACTED]> 3/27/2013 1:36 PM >>>

>I am on the Planning Department (Env Rev) mailing list for ALL EIRs and have been so since CEQA started in SF. Am I on the mailing list to GET A COPY of your EIR?

>

>EIRs come to my office at [REDACTED] SF 94102

>

>Your SF meeting 4/11 counter-programs the SF Planning Commission. 4/11 is the day when both the REVISED CPMC hospitals PLUS the 706 Mission/Mexican Museum/increase shadow limit on Union Square issues are set. The meeting in SF is the ONLY Thursday meeting - Right up against the SF Planning Commission. Miriam Chiong knows that.

>

>The issues I want to raise are SAN FRANCISCO SPECIFIC and I have a feeling they will not be of interest to people in the other locations.

>

>

>Sue Hestor

[REDACTED]

>

>

>

> . .

**From:** <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**CC:** <peklund@novato.org>, <SKinsey@co.marin.ca.us>, [REDACTED]  
**Date:** 5/14/2013 1:37 PM  
**Subject:** Plan Bay Area Draft EIR Comments

**C179-1** Regarding projected future greenhouse gas emissions I believe it is artificial and unrealistic for you to ignore the adopted National Fuel Efficiency standards (see pages 2.5-23 and 3.1-62) for cars and light trucks beginning in 2017. According to the EPA and the White House, these requirements will result in about 50% lower greenhouse gas emissions from cars and light trucks in 2035 compared to 2005 (even with expected increase in car population and vehicle miles travelled). This reduction will far exceed relatively small GHG decrease from changes in land use and transit patterns in the proposed plan.

**C179-2** In contrast I note that you take credit for the impact of new automotive technology in projecting that most emissions which impact air quality will decrease by 2040 (see page 2.2-26).

For the sake of your credibility and the acceptance of Plan Bay Area, I hope you will recalculate GHG emissions taking into account the adopted standards.

Bill Long

[REDACTED]  
Novato, CA 94949

**From:** <JLucas1099@onebayarea.org>  
**To:** <info@onebayarea.org>  
**Date:** 5/14/2013 12:24 PM  
**Subject:** Draft EIR Plan Bay Area April 2013 - comments - SCH #2012062029

Association of Bay Area Governments  
May 14, 2013

Metropolitan Transportation Commission  
Joseph P. Bort MetroCenter  
101 Eighth Street, Oakland, CA 94607

RE: SCH #2012062029 Plan Bay Area DEIR

Dear Sirs and Mesdames,

It is with some hesitation that I submit comment on your Draft EIR Plan Bay Area of April 2013 as with only a few days time for review, have not begun to properly read the fine print or understand all that is proposed.

**C180-1** Initially, it would seem that Alternative 4, Enhanced Network of Communities, contains the most promise for addressing the full spectrum of local land use protocols that distinguish various Bay Area towns and cities.

In consideration of State Assembly Bill 32 which Act, I believe, urges communities to seek climate change and global warming solutions, each city and town council has plans as to how best to accomplish this end. To lessen dependence on cars they hope to ensure safe walking and cycling access for children to schools, and for residents to neighborhood coffee houses, restaurants and stores. It is a simpler sustainable life style.

Along with reducing the community's carbon footprint there needs also be maximization of vegetation, tree canopy, parks and open fields and grasslands to sequester carbons in a natural, functional manner. Each community is responsible to endeavor to accomplish this with a formula suitable to their citizenry and locale.

**C180-2** With this basic premise, it is important that regional government regulatory agencies as ABAG and MTC do devise land use plans or impose a highway network that divide neighborhoods or overload a region with traffic to a degree which makes it impossible for that community to reach a sustainable balance of carbon footprint.

Likewise, in the democratic concept of responsible civic action it is essential that there be schools, libraries, police, fire and resource elements available in the existing and attainable infrastructure, before high density populations be allocated to a town or city. Water supply and sewer capacity rank foremost in this concern.

In short, I believe that there is a threshold that should not be exceeded in density of development, not only because it outstrips both available and conceivable resources, but it so drives up the cost of living in a region as to outclass many of its older residents who then have no place to go. In this regard please reference latest US Census for San Mateo County which shows rise of up to 12 percent from 2011 of people living in streets, vehicles or encampments. Think if you check Santa Clara County you will find conditions similar if not worse, to a degree which makes recreation trails and facilities unsafe from human health and safety standpoint.

But on to my intended comment on your Plan Bay Area DEIR and the base data that it references.

**C180-3** ~ P. 2.8-38 cites an absence of any history of tsunamis in San Francisco Bay but neglects to mention the San Francisco District, US Corps of Engineers' "San Francisco Bay Tidal Stage vs. Frequency Study of October 1984" which computes wave ride-up from the Golden Gate to South Bay as being 2 1/2 feet. As this is added to a 24 inch rise in Bay levels anticipated with global warming, believe you have a more significant high water condition threatening highway infrastructure of South Bay, as well as low lying communities.

**C180-4** ~ In implementation of AB 375 streamlining of public works projects I had

hoped MTC would have placed simple padding up of highways that run along San Francisco Bay as a top priority. This would include #101 especially near airport, and in Palo Alto where portions of bay were filled to accommodate roadway, #237, #37 in Marin/Sonoma and #12 in Napa, and #580/#80 along Berkeley shoreline. This is a deficiency in DEIR.

- C180-5** ~ Extensive proposed highway projects cited in document are growth inducing without appropriate support documentation regarding sustainability or capability to reduce carbon footprint. As latest reports that levels of carbon dioxide have reached an average daily level above 400 parts per million, an amount of gas in air that has not been this high for at least 3 million years, do not think this 'business as usual' plan is acceptable. The Bay Area has to entirely rethink its lifestyle and all modes of transportation not only for its own survival, above water, but as responsible member of the international community where millions of people are at risk. MTC needs to be looking at canals rather than highway overpasses, and extended marshes not clover leafs. Think all must go back to drawing board. What acreage of marsh is needed to satisfy carbon sequestration?
- C180-6** ~ Liquefaction needs to be more closely evaluated in baylands, in delta sediments between Guadalupe River and Coyote Creek, and particularly in Redwood City and at #92/#280 interchange which USGS rated high.
- C180-7** ~ Earthquake faults seem not sufficiently addressed with conservative design criteria. Have I missed this?
- C180-8** ~ FEMA has unaccountably not updated its old 100 year floodplain maps with global warming, high intensity storm criteria and for this not to be available for your Bay Area Plan documentation is a critical deficiency. In Santa Clara County there are at least 14 tributaries along #85 in South Bay that can impact stream levee freeboard and adjacent roadways. Mt. Umunhum and Mount Hamilton add a definite dynamic to storm flows.
- C180-9** ~ Please note that the Santa Clara County HCP did not include fisheries or Peninsula habitat conservation so your species lists are not as inclusive as they need to be. To project species and their habitat for the next forty years is a flawed concept in consideration of shifts in populations due to climate change. Also survival of certain species may be critically altered.
- C180-10** ~ Wildlife corridors need to be addressed in regards accommodation by highways. When #37 and #12 are padded up they should include undercrossings for wildlife and as #101 extends in south Santa Clara County to #192 it intercepts Diablo, Santa Cruz and Gabilan Mountain Ranges so needs elevated wildlife crossing. In this DEIR gene pool sustainability throughout Bay Area must be reviewed for flora, fauna and fisheries.
- C180-11** ~ In evaluation of highway upgrade impacts, air quality nitrogen deposition is paramount consideration in that it induces non-natives to intrude on serpentine grasslands and this impact is accounted for in your DEIR in regards integrity of habitat for local species of Bay Checkerspot Butterfly. However, do not believe increase in fuel load is addressed as fire hazard on open space lands and it needs inclusion as management concern.
- C180-12** ~ Chemical alteration in plants and creation of invasive hybrids due to automobile pollutants is exacerbated by road expansion in and adjacent to wetlands and marshes with phragmites and spartina high on list. This needs to be assessed in DEIR with recommended width for vegetated buffer lands management protocols. Highway earth moving equipment has contributed to transmittal of invasives, such as arundo, into stream ecosystems and this should be avoided if appropriate maintenance is specified.
- C180-13** ~ In assessing impacts on wetlands DEIR documentation does not specify as to linear impacts on riparian corridors, canopy and stream bank wetlands vegetation except to roughly mention overall mileage. Acreage seems to be criteria for marsh impacts but on that am unclear. Would like to get back to you later on this.

At this time will submit these comments of a more general nature. However, would appreciate an opportunity to comment with more substantive detail later in week. There is a great deal to absorb in this Plan Bay Area.

**Plan Bay Area 2040 Final Environmental Impact Report**

Thank you for your kind consideration in forwarding this document and reviewing my comments.

Sincerely,

Libby Lucas

[REDACTED],  
Los Altos, CA 94022

**From:** <JLucas1099 [REDACTED]>  
**To:** <info@onebayarea.org>  
**Date:** 5/21/2013 4:23 PM  
**Subject:** Draft EIR Plan Bay Area SCH #2012062029

Association of Bay Area Governments  
Metropolitan Transportation Commission

Dear Commissioners and Staff,

Herewith is my last submittal on One Bay Area Plan, and hope these charts of collateral damage by project number are somewhat legible.

**C181-1** Have pleaded this extension due to lack of DEIR availability in neighborhood libraries - Palo Alto - Los Gatos as assured in public relations releases. Your staff kindly did mail me hard copy which received a week ago but it is sufficiently complex that still feel somewhat vague on future implications.

**C181-2** Major DEIR deficiency is in regards impacts to habitat of federally listed species and special status species in Santa Clara County is that only approved HCP did not cover north third of county or fisheries throughout county. In particular this DEIR neglects red-legged frog, tiger salamander and western pond turtle colonies and is light on cold water fishery streams.

**C181-3** Wetlands impacts are extremely hard to assess at this level as depth of riparian corridor or width of stream are not detailed, and they are critical factor especially in consideration of SRA needed for viable cold water fishery. Summation of impacts in acreage or miles seems underestimated and not sufficiently site specific..

**C181-4** Had thought that State policy was that wetlands impacts needed to be mitigated to level of 'no net loss' and as do not find this in main body of text or in Appendices, feel this too is a major deficiency in DEIR.

Thank you for consideration of my continuing concerns.

Libby Lucas

[REDACTED]  
Los Altos, CA 94022

**From:** Deirdre Obrien <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:21 PM  
**Subject:** Remove Marinwood/Lucas Valley as a PDA designation.

May 15, 2013

C182

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov  
Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,  
My name is Deirdre O'Brien, I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR). I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley communityI ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area. Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)  
Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are

many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources

and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them. This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Deirdre O'Brien  
[REDACTED]

San Rafael, CA 94903

Chri

Greg Schmid  
  
 Palo Alto CA 94303

May 9, 2013

Mr. Mark Luce, President  
 Association of Bay Area Governments  
 Joseph P. Bort Metro Center  
 P.O. Box 2050  
 Oakland, CA 94607-4756

**RECEIVED**  
**MAY 14 2013**

**EXECUTIVE DIRECTOR'S OFFICE**

Re: Comment on Final Draft Plan Bay Area

Dear Mr. Luce:

C183-1

The ABAG Mission Statement states:

*ABAG is committed to enhancing the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research, and member services.*

As local officials, we need to be able to think and talk through options that deal with the very real problems we face. California is in the midst of a sometimes troubling demographic transition and we look to ABAG to help local communities explore the consequences of these changes. As presented to us, Plan Bay Area does not allow us to discuss the most important of these issues.

The stated goal of the Plan is to help local communities chart a course to accommodate change while “fostering an innovative, prosperous and competitive economy; preserving a healthy and safe environment; and allowing all Bay Area residents to share the benefits of vibrant, sustainable communities.” (Draft Plan Bay Area, March 2013, Page 1). But the Plan presents and imposes on us only a single long-term demographic projection. This severely limits our ability to plan effectively for a changing future.

Plan Bay Area asserts a single demographic view of the future, a view that it calls the “the best picture we have of what the Bay Area may look like in 2040” (Page 5). It projects a population growth of 2.1 million people in the Bay Area in the period 2010-2040 (Page 6). This demographic assertion is the starting point for each and every public discussion of the Plan. But this ‘best picture’ projection is some 60% higher than the forecast of the State Department of Finance’s Demographic Research Unit—a group set up “to serve as the single official source of demographic data for state planning and budgeting” (California Department of Finance website). That group projects a Bay Area population increase of only 1.3 million by 2040. (Population Projection P-1, Demographic Research Unit, California Department of Finance, January 2013).

Up until 2012, ABAG had relied on the Department of Finance’s population projections as the basis of their own forecast. But ABAG moved away from that long-standing relationship when the 2010 Census showed a rather dramatic slowdown in California’s, and the Bay Area’s, population growth. In early 2012, a detailed analysis of California’s population slowdown during the 2000’s led the Department of Finance to revise its longer term projections in the areas of births, domestic migration and international migration. Instead of leading a public discussion of

the implications of these important demographic shifts, ABAG turned to an entirely new model based on a US Department of Labor forecast. The selected Labor Department forecast not only didn't show a decrease in projected population following the official Census Report, they instead posited a substantial increase (see the articles detailing the Department's long-term population and labor projections in US Department of Labor, *Monthly Labor Review*, November 2006 and October 2012). This was not just a phenomenon of ABAG's taking a national perspective rather than a local one. The US Census Bureau (which carries the federal responsibility for population estimates) made the same adjustments on birth rates and migration rates that California's Department of Finance did (reducing their national population projections for 2040 by some 34%). In fact, the Census Bureau actually published a short paper explaining why their longer term projection had changed so dramatically between 2008 and 2012, "What a Difference Four Years Make: US Population Projected to Grow at a Slower Pace" (US Census Bureau Blog, December 12, 2012)

In fact, most professional demographers are projecting a slower pace of population growth in coming decades at both the national and state level as they re-examine birth rates, domestic migration and international migration. Yet ABAG is ignoring the possibility of a downward change. While there is room for disagreement and alternate scenarios, it would certainly be helpful for ABAG in their role of fostering excellence in local planning to help local communities explore some of the reasoning behind those changed projections and the consequences for decisions local officials make.

Let me mention a few of the most important of those shifting trends that might have significant impact on the longer-term decisions local governments make:

- Over the last ten years, California has averaged a net domestic out-migration of over 150,000 people per year. That adds up to a loss of over a million and a half California residents over the decade. Who are these migrants? According to the Department of Finance, the largest outflows are those aged between 30 and 45; the next largest group is young kids under 10 years of age. These are young families leaving the state. About two-thirds of the adults leaving have gone to California colleges. These are middle class young families.
- Because of the dramatic loss of young families, California is the only state west of the Mississippi that has a declining number of children under the age of 10.
- San Francisco is a special case with the share of children between the ages of 5 and 17 the fastest declining age group.
- The high cost of property in California is certainly one key factor in these changes. It has not only contributed to the out-migration of young families but it has sharply curtailed international immigration to the state over the last decade. Demographers have noted that net migration from Mexico to California is now close to zero.
- The absolute number of California residents admitted to the UC system has been falling for the last two years.

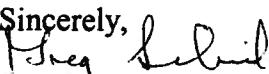
As elected officials, we are confronted with these indicators that point to a state that faces a shrinking young middle class. These are our kids, our grandkids, who are leaving.

Responding to demographic changes requires investment by local communities. We would like to create affordable housing and jobs that keep our young middle class families in the community. We need to invest in schools and day care centers and parks and recreation programs and libraries that form an affordable and attractive community. At the same time we have to maintain streets and sidewalks and our aging public buildings. Yet you are asking us to invest more of our funds in building homes in Priority Development Areas to meet a possible influx of new residents and jobs. While it makes sense to assure that our communities remain diverse and vibrant, speculating on possible rapid growth rates is expensive. Each 'affordable' house, for example, carries a substantial subsidy in our high priced communities. As an example, each new low income housing unit in Palo Alto carries a public subsidy of between \$100,000 and \$400,000. And this is without the additional public funds needed for infrastructure support for things like schools and parks and roads and security.

As Council Members we are facing severe demands on our existing budgets. We are willing to spend to build affordable housing. But we are struggling to pay rising benefits and pensions to our workers who provide basic services and it is difficult to find new funds to invest in our existing schools and child care facilities. At the same time we are confronted with a constrained tax system. Our main source of local revenue, property tax, grows slower than the California economy under Prop 13. A key element of that slower growth is the fact that each year businesses share of property tax payments declines because of a special Prop 13 exemption.

When we draw the 'best picture' of our demographic future, it is imperative that we make sure that we include the best thinking of the many professional demographers available to help us sort through our options and choices. It doesn't help us to be presented with only the most aggressive growth scenario and to hear at the beginning of each public meeting "By statute, the Regional Housing Needs Determination cannot be changed".

If existing statutes stand in the way of exploring realistic demographic change, please help us change the statutes. If Prop 13 constrains all the choices we have, identify it as a problem for us. Help us explore the full range of demographic changes we face and what options we have to use our scarce resources so that we can truly excel in "planning, research and services" to our constituents.

Sincerely,  


Greg Schmid  
Palo Alto Council Member  
[gregschmid@sbcglobal.net](mailto:gregschmid@sbcglobal.net)

Cc: Ezra Rapport, Association of Bay Area Governments  
William Schooling, Chief, Demographic Research Unit, Department of Finance  
Walter Schwarm, Demographic Research Unit, Department of Finance



My name is Pamela Tapia.

C184-1 I'm a student at the Peralta Colleges. I write to urge you to modify the Proposed Plan to increase the level of funding for transit and for affordable housing to levels included in Alternative 5, and to also adopt the other anti-displacement measures in Alternative 5. Without more investment in affordable housing and other anti-displacement policies, displacement will occur, forcing longer, more expensive and more polluting commutes on low-income residents

In September of 2011, my mother lost her minimum-wage job. Her factory decided to pack up and move to South Carolina. As a single parent raising two kids, my mom depended on that \$280 a week to pay the \$700 rent on our apartment on the West Oakland-Emeryville border. She spent most of her check on housing and transportation.

She decided to move our family to the Central Valley where an apartment was half the price of our former home. But there are no jobs in the Central Valley—well, not any place where she was qualified to do the work. She had no option. She had to go back to do the same thing she had always been doing. After almost four months of desperate job-hunting, my mother found a job in a factory in Union City's industrial park.

My mom now lives in Manteca but has to commute to Union City for work. What used to be a 30-minute ride from our apartment near MacArthur BART turned into a 4-hour commute. Since she doesn't have a car, she must take the bus from Manteca to Stockton, from Stockton she must take a \$20 Amtrak train to Richmond, from Richmond must pay \$5 to get on BART to Union City, from Union City BART she must catch another bus to her workplace -- bringing the total to almost \$60 a day to just travel for work.

At a rate of \$8 an hour, working 8 hour shifts, she would make an approximate of \$64 a day, but would spend \$60 just on transportation A DAY.

She literally could not afford to get to work. To avoid spending so much money traveling, she determined that she would have to stop traveling. During weekdays, she would sleep in the BART trains, riding the train until the end of the line, getting off and riding it back on the opposite direction, even sleeping on her job's cafeteria floor or on someone's couch.

I felt awkward when I first wrote this. I am not asking for your pity. That is not my goal but these are the facts. This happens.

C184-2

The proposed Plan assumes that displacement will not result in increased rates of in commuting from outside the Bay Area or cross commuting between counties. This assumption is not supported by historical trends and does not agree with my own experience.

I urge you to increase funding for affordable housing and transit, and support other anti-displacement measures, to avoid placing more Bay Area residents in my mother's current position.

**From:** Athena McEwan <[REDACTED]>  
**To:** "ksears@marincounty.org" <ksears@marincounty.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "jarnold@marincounty.org" <jarnold@marincounty.org>, "krice@marincounty.org" <krice@marincounty.org>, "info@OneBayArea.org" <info@OneBayArea.org>, "eircComments@mtc.ca.gov" <eircComments@mtc.ca.gov>  
**Date:** 5/8/2013 9:00 PM  
**Subject:** Planning For Reality: Plan Bay Area – A Recipe for Transit Disaster

Esteemed Representatives, planners, politicians and bureaucrats,

The analyses below show that Plan Bay Area holds less water than a sieve. It is a travesty. I realize none if you is really interested in anything but pushing it through. At this stage, however, I suspect - and very much hope - you will fail because this Plan is fundamentally flawed and people are becoming more and more committed to making sure it does not go forward. And when all the facts are put on the table publicly, I would not like to be in your position of looking foolish, at best.

Cheers, A. McEwan

**C185-1**  
 Mill Valley Patch  
 - Richard Hall | May 7, 2013

#### PLANNING FOR REALITY: PLAN BAY AREA – A RECIPE FOR TRANSIT DISASTER

Plan Bay Area proposes laudable goals such as reducing CO2 and improving transportation across the entire region. However it places a great emphasis on switching people to using transit and makes leaps of logic that dissolve under scrutiny exposing that the plan may in fact increase greenhouse gas emissions.

False Goals: Reducing CO2 Emissions, But Only for Cars & Light Trucks

Climate change is happening, it's bad and we need to do something about it. As a former European I was dismayed that the Bush took no part in Kyoto, but thanks to Obama the US is board and no longer in a state of denial. But the execution to achieve greenhouse gas reduction is being broken by distorted goals.

The real goal should be to reduce CO2 emissions, period. But somehow the state of California, through Senate Bill 375, and as a consequence Plan Bay Area has instead focused only on the goal reducing CO2 emissions for cars and light trucks. Transit gets a free pass - based seemingly on the assumption that switching people from transit to cars will reduce CO2. This assumption does not stand up to scrutiny...

Spending Billions to Make Tiny Impacts (Even if Assumptions are Valid)

Assuming that this goal is valid here is how Plan Bay Area lines up:

CO2 Emissions (Metric tons)	Existing Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
2010						
No Project						
Alternative 2						
Plan Bay Area						
Alternative 5						
"Equity, Environment and Jobs"						
Passenger Vehicle Emissions	19,383,000	14,970,000	14,631,000	14,427,000		
%CO2 reduction from 2010	-23%	-25%	-26%			

Remember transit and other CO2 emissions are not included in the stated goal. So even focusing on cars and light trucks Plan Bay Area achieves just a 2% reduction beyond inaction, and the so-called "Equity, Environment and Jobs" achieves only 3% reduction.

The reason for such tiny reductions is that cars have become increasingly greener, and Obama mandated mpg targets (which directly correlate to CO2 emissions) are making the vehicle fleet greener every year.

A Tiny Reduction in CO2 at Massive Cost

But what does this small incremental reduction of Plan Bay Area and Environment really cost:  
 a massive program of investment in transit costing billions of dollars

extensive development of high density housing near freeways and railway lines that assume that people will live there, or subsidies will be spent to make them sufficiently attractive (which will be very high in Marin due to cost of land)

significant increases in asthma and autism (including potentially deaths) cause by proximity of "sensitive receptors" (families) to diesel particulates, ozone and other pollutants

increases in property taxes to support the additional populations' needs around police, fire, water (in Marin this is likely to mean desalination plants) and schools

OR decreases in services levels

urbanizing swathes of Marin with 4-5 story buildings that turn otherwise suburban neighborhoods of single family homes into dark alleys overlooked by tall buildings

What disappoints the author the most is that so much effort is made to suggest that Plan Bay Area, or more so the "Equity, Environment and Jobs" alternative is best for the low income groups, when precisely the opposite seems to be the reality.

A quick Google reveals dozens of studies linking proximity to freeways (where the plan will place so many new high density homes) to adverse

health risks.

Here is one such study by the LA County and Southern California Medical Center, University of Southern California Keck School of Medicine: "Residential Proximity to Freeways is Associated with Uncontrolled Asthma in Inner-City Hispanic Children and Adolescents"

Myth: High Density Residents Will Take Transit

Then there is the other major leap of faith of Plan Bay Area: the residents of the new high density housing near transit will actually be more likely to take transit.

Only looking back in history a short amount of time and to nearby Portland exposes this as a myth.

The city of Portland has conducted just the same kind of highly aggressive "compact infill development" policies as Plan Bay Area, combined with significant transit investment. The transit cost \$3bn and the subsidies required to encourage building and habitation of this housing was another \$2bn (guess who paid for that). The results were that in downtown Portland the share of weekday commuting on transit actually fell from 46% of trips to 36% during the past decade (according to annual surveys done by the city auditor).

Review of Plan Bay Area presents no valid evidence of a causal link, or to use the technical term "sensitivity analysis".

Myth: Transit Produces Less CO2 than Cars

Despite what people would like to believe, transit, especially trains such as the SMART train, does not use less energy or produce less CO2 emissions than current generation automobiles, let alone the upcoming improved automobiles that are the more valid comparison. For instance a train bought today is likely to have a 30 year lifespan before replacement, so it must be compared to the likely emissions of a car or light truck of 15 years in the future.

Many of the myths around transit being "greener" than cars are built on misleading or false assumptions. For instance a full bus may well emit less CO2 per passenger mile than a car, but in the US in 2006 the average passenger load of a conventional bus was 9.2 passengers. Meanwhile while there may be many single occupant cars the average load of a car was 1.58 in 2006 (and HOV lanes since 2006 have encouraged this number to go up).

Another key consideration is that buses must drive from the depot to the start of the route and also return at the end of the route. Whereas car journeys do not have the same overhead – people drive from A to B.

Ultimately transit consultant Thomas Rubin concludes in his paper "Does Bus Transit Reduce Greenhouse Gas Emissions" that buses emit more CO2 per passenger mile than cars and light trucks.

Rail is even worse. Railway lines require sizable efforts around construction; they require feeder buses that tend to have low ridership. As a result Randal O'Toole of the think tank the Cato Institute concludes in his paper that most rail transit lines generate more greenhouse gases than the average passenger automobile.

Neglect of Highways will Cause Increased Congestion and CO2 Emissions

Finally Plan Bay Area places such a great emphasis on transit, and de-emphasizes highway investments that it will encourage congestion - and cars are at their worst emitting greenhouse gases in congestion. And it must not be forgotten that all the thousands of new residents that the plan anticipates will be adding cars to the freeway and not taking transit (see the Portland evidence referenced above).

So What is the Solution?

Living in the high tech Bay Area the visible strides in car technology are becoming self-evident. Cars can now park themselves, they keep you in lane when you drive on a freeway. Google has cars that have safely driven themselves over 700,000 miles (more than most people drive).

The answer is that we are fast approaching the day when you can drive onto a freeway, hit cruise, and your car can "chain up" to other cars that are being computer driven.

The consequences of chained, computer driven cars is that freeway capacities increase four-fold. So once again - is the massive cost of Bay Area, even if it achieves the stated benefits truly worthwhile?

Comments (11)

Stephen Nestel

C185-2  
10:03 am on Tuesday, May 7, 2013

Do planners understand that low income people need to get to work on time like everybody else? They often don't have the luxury of commuting to a dense commercial hub. The may be restaurant workers, landscapers and cleaners that need to arrive early on the job and at locations not easily served by public transit. This is the reality. Planners need to get real. The car is here to stay. With cleaner vehicles, it is far more "carbon neutral" and efficient than mass transit.

Rico

10:27 am on Tuesday, May 7, 2013

The more I read about the Plan Bay Area, the more I get the feeling that the Plan is more about a "Plan to Equalize Marin" with the rest of the bay area.

And , how does cramming in more high density apartment buildings into an already built out section of Marin in the urban corridor help Marin ? I totally believe all the statistics in this article, especially about the medical problems associated with living near freeways and busy downtown streets.

That is a way of life in most of the bay area now, but most of Marin is different and will always remain to be.

To me, this Plan is nothing more than a scam to build more apartments in the urban corridor of Marin. What will happen if it is implemented is the existing people who live far away from the urban corridor will simply avoid the new mess. That will hurt the existing already struggling businesses in the urban corridor, but may be a boon to all the other locally owned shops and stores located away from the shopping centers, like in downtown Mill Valley. They can't do to downtown Mill Valley like what they did to San Rafael.

I do question the experimental Google computer driven cars though, they will only work in a very small part of Marin in the very distant future (if

ever).

I don't think that cybercars will ever become reality for the masses. To me it's just a science fiction pipedream, just like some science fiction writers predicted that someday SmartMeters will control all devices, not going to happen.

Bob Silvestri

10:44 am on Tuesday, May 7, 2013

Good points, Richard. And the reality about greenhouse gas emissions (GHG) reduction claims for Plan Bay Area, noted in its Draft Environmental Impact Report (DEIR), is even worse than what you have noted.

The DEIR fails to acknowledge that in counties like Marin, Sonoma and Napa, almost 90 percent of the car and light truck use will not be effected by anything in the Plan (for a detailed explanation, please see <http://millvalley.patch.com/articles/op-ed-the-truth-about-sb375-and-the-one-bay-area-plan>). So in Marin, those numbers are reduced by one decimal point, meaning they become -2.3%, -2.5% and -2.6%.

However, it gets worse. The data that the DEIR used was from an old study that ended in 2005. So the Plan's projections of GHGs after that date, which showed dramatic increases from cars, have already been proven false because GHGs from cars have been dropping since 2007. So their "savings" are compared against false assumptions about future GHG increases, not actual data.

Still worse, the DEIR by its own admission says that the data used to justify the benefits from the Plan (-23%, -25%, etc.) does not include the impacts of the newly passed CAFE standards of 54.5 mpg for all U.S. cars and light trucks. If you factor that in, or look at what the EPA says the impact of that will be going forward, the emissions reductions from cars and light trucks will greater than the Plan projects even if we do nothing at all! The truth is that our GHG problems lie elsewhere.

John Parulis

10:56 am on Tuesday, May 7, 2013

Question. What is the true story behind 30 North San Pedro, a supposedly grand sample of transport aligned multi unit development? The 80 unit monster went bankrupt. Without a performance bond, the bankruptcy hurt many of the contractors who worked on it. Mechanics Liens don't really help contractors recover the full amount owed. (Though disgraced and bankrupt, the developer is now proposing yet another big box housing project in downtown San Rafael) The 80 unit complex passed without a traffic analysis, this thanks to San Rafael traffic engineer, Nader Mansourian who admitted in a public meeting that the oversight was intentional in order to advance the project along. If rented, you can be assured that the units will provide the current owners with high rental income. Is this the vision of "affordable" housing? High rent? Is it ethical to locate such housing next to a busy freeway? You'd think in "enlightened" Marin we'd know better. So who's agenda then really runs things?

Kevin Moore

1:06 pm on Wednesday, May 8, 2013

33 North San Pedro... Luxury Apartments.

<http://www.33north.com/>

33 North San Pedro... of 82 units, 16 must be "affordable housing" (20%)

[http://www.marinj.com/business/ci\\_20912160/san-rafael-condo-project-33-north-sold-units](http://www.marinj.com/business/ci_20912160/san-rafael-condo-project-33-north-sold-units)

One Bay Area Plan, "By 2020" page 57

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For Marin, the highest income level will get 40% more housing units than the lowest income level. (887 vs 617, round to 900 v 600 to easily see the numbers are close to 2:1)

Like "The Producers" many people are being sold the same "affordable housing" units. The poor, the working poor and the seniors.

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I left out the children who grew up in Marin, those who commute to Marin for work, people who never lived in Marin and want to live in Marin.

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Everyone talks about "balancing" Marin with the Bay Area. But Marin is different than the rest of the Bay Area - and that is a good thing. The east and south bays are overcrowded. Traffic is a mess. The peninsula isn't much better. Ever since Stanford (who owns a ton of land down there) decided to give up some land and develop it for the university and housing, the whole place has gotten really uncomfortable.

I can see wanting to live in the South Bay and Peninsula for the job opportunities and proximity to Stanford. They have more than their share of multi-billion dollar innovative corporations - and it shows. But Marin is not like that. We are small, still look like California (not suburban New Jersey!) and just don't see the draw making us into anything that is different. Why don't we leave Marin alone. If you want the overcrowded, high tech environment - move to Sunnyvale. All your neighbors can talk microchips and are packed in like sardines. And it is a very rare thing to get up to the 280 corridor - the only remaining part of that area.

To top that, Marin has less of a public infrastructure than all those areas. If the GG bridge went down in a quake, people would be swimming to work. Lets get real here!

Eleanor Sluis

7:19 pm on Tuesday, May 7, 2013

A tapeworm analogy.

It appears that Marin County supervisors and cities with the exception of Larkspur agree to accept the tapeworm transformation of tackling traffic by eating as many federal dollars as possible in order to tear at the rural body of Marin.

The antidote to this tapeworm eating rural air, land and water is to say that One Bay Area Alternative 1(a no plan) is best for our body of Marin and Sonoma.

The other alternatives are similar to an unwanted technical tapeworm being mistaken as beneficial to residents and determining politically the health of our county and cities.

This proposal of a no plan as an alternative is an antidote to get rid of eating federal funds for useless bus stations in Novato and wasteful engineering of streets and highways.

Voting no rids this tapeworm Plan Bay Area from the local systems of healthy living. Plan Bay Area as a tapeworm is intent on destruction of a rural, workable, healthy, agricultural, watershed, and balanced equitable use of density and funds.

Metropolitan areas of Richmond, San Jose, and Oakland need federal monies for educating their youth. Even Sonoma State needs more funding for classes for graduating seniors on time.

Our supervisors and cities can send a message to the One Bay Area commission saying no to this plan as an antidote to a telemarketing tapeworm of trauma to the bodies of Marin and Sonoma if they are aware of the consequences of this terrible plan.

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Sent from my iPad

Chester E. Martine, Jr., [REDACTED]  
Orinda, CA 94563,  
May 16, 2013

To: MTC & ABAG, Plan Bay Area Public  
Comment, 101 8<sup>th</sup> Street, Oakland, CA  
94607

Re: Public Comment on Draft Plan Bay  
Area and Draft Bay Area Plan Draft  
Environmental Impact Report

This letter is submitted as public comment  
on the Draft Plan Bay Area and Draft Bay  
Area Plan Draft Environmental Impact  
Report (State Clearinghouse No.  
2012062029).

The undersigned submitter of these public  
comments identifies himself as follows:  
1958 BME degree from Rensselaer  
Polytechnic Institute, 1962 LLB degree from  
George Washington University Law School,  
& retired member of the Virginia &  
Colorado Bar Associations & The United  
States Patent & Trademark Office  
(registration 19,711 dated 1962). Resident  
of Orinda, CA since the year 2000.  
Employment experience is as a patent and  
technology licensing attorney for 46 years,  
including for corporations & law firms in  
the fields of telephone, medical devices,  
mainframe computers, solid state devices,  
Java technology, fiber optic com-

**Chester E. Martine, Jr., Public Comment on Draft Plan Bay Area and Environmental Impact Report Plan Bay Area Draft, page**2

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munications, aircraft navigation devices, semiconductor device manufacturing equipment, water purification equipment, & long-distance sensing of gases such as methane. Also taught physical science & physics at St. Paul's School for two years (1969-1971). Lastly, commuted by Prius car to & from Sunnyvale, CA for ten years working as a patent attorney. Retired in 2008, then for three years volunteered in two San Francisco Middle Schools, including mentoring 8<sup>th</sup> grade students in mock trials relating to Anthony Burns, a fugitive slave who was tried under the Fugitive Slave Act of 1850, & teaching small groups about the school desegregation cases: Brown vs. Board of Education. Interrupting such school volunteering, for the last two years have been a Trustee of a Trust for two settlors (deceased friends), including managing a Fremont, CA company owned by one of the deceased & selling its assets, managing medical care for one of the settlors, & distributing millions of dollars of Trust assets to nine beneficiaries. From the standpoints of legal, technical & complex document analysis, among other things, this legal education & work is pertinent to both the Draft Plan Bay Area and Draft Bay Area Plan Draft Environmental Impact Report, as well as to the hundreds of other documents that are cited in these Drafts or are attached as appendices.

**Comments on the Environmental Impact  
Report Plan Bay Area Draft (“DEIR”) of  
Draft Plan Bay Area (“DPBA”)**

C186-1

**Comment 1: This Comment identifies what CEQA Section 15126.6 (e) (2) defines, in terms of what the DEIR shall include for the No Project alternative 1 (referred to as “No Project”).**

**The required inclusions are an analysis that discusses:**

- (i)     **“existing conditions at the time the notice of preparation is published...”,**
- (ii)    **as well as: “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infra-structure and community services”.**

**(see CEQA Section 15126.6 (e) (2) which is attached as Item 1-1 of Appendix I).**

**Fact 1-1: Considering the initial aspect of that analysis, CEQA Section 15126.6 (e) (2) first refers to the analysis that discusses:**

**“the existing conditions at the time the notice of preparation is published....”.**

**Fact 1-2:** The notice of preparation (“NOP”) was published on June 11, 2012.

(see NOP pages 1-4, 10, & 11 which are attached as Item 1-2 of Appendix I).

**Fact 1-3:** Because the notice of preparation was published on June 11, 2012, June 11, 2012 is the reference date for those regulations that exist and are to be implemented by the No Project alternative if the Plan Bay Area is not approved.

**Query 1-1:** Having the date of the notice of preparation, does the DEIR discuss any conditions that were existing as of June 11, 2012?

C186-2

**Fact 1-4:** At page 3.1-3, in a DEIR Section entitled “Approach to Assessing Alternatives”, a review of Mitigation Measures expressly states:

“The No Project alternative is assumed to implement existing regulations”.

(see DEIR pages 3.1-3 through 3.1-5 which are attached as Item 1-4 of Appendix I).

**Query 1-2:** Given this “assumption”, does the DEIR discuss what it means to “implement” regulations that were existing as of June 11, 2012?

**Fact 1-5:** At DEIR page 3.1-4, a Section is entitled “Alternatives Analyzed in this EIR” (see attached Item 1-4 of Appendix I). Under

the “Alternatives Analyzed in this EIR” heading,  
on page 3.1-5 in Item 1-4, another heading  
entitled:

**“ALTERNATIVE 1: NO PROJECT”**

identifies the No Project alternative as the first  
alternative analyzed.

**Query 1-3: What does the DEIR say on pages 3.1-4  
and 3.1-5 about what it means to “implement”  
regulations that were existing as of June 11, 2012?**

**Fact 1-6: Under the above “ALTERNATIVE  
1: NO PROJECT” heading, that Section on DEIR  
page 3.1-5 starts with a statement of what is *not* to  
be done by the No Project. That starting statement  
does not discuss what it means to “implement”  
regulations that were existing as of June 11, 2012.  
Rather, with respect to an introduction stating:**

“The No Project alternative represents  
the potential scenario of Plan bay Area  
is not implemented”,

that starting statement says:

“...no new regional policies would be  
implemented...and no uncommitted  
transportation investments would be made”.

C186-3

**Query 1-4:** Does the DEIR say anything about what it means to “implement” regulations that were existing as of June 11, 2012?

**Fact 1-7:** Under that “ALTERNATIVE 1: NO PROJECT” heading, that same Section on DEIR page 3.1-5 continues by stating a new subheading entitled “Land Use Policies:”

The “Land Use Policies” section states:

“...Urban growth boundaries would be assumed to expand at historic rates, allowing for additional development potential in greenfield locations.”

**Query 1-5:** In this “Land Use Policies” section does the DEIR discuss why urban growth boundaries are assumed to expand at historic rates in the implementation of regulations that were existing as of June 11, 2012?

**Fact 1-8:** No, this “Land Use Policies” section does not discuss why urban growth boundaries are assumed to expand at historic rates in the implementation of regulations that were existing as of June 11, 2012.

**Fact 1-9:** Rather, this section states more of what is not to be done by the No Project in the future, namely:

**“Land Use Policies: No new regional land use plan would be developed and no new policies would be implemented to influence the locations of housing and employment centers in the region. No new fees, subsidies, or land development incentives would be provided on the regional level.”**

C186-4

**Fact 1-10: Immediately after this next-above quoted text, the text refers to those “urban growth boundaries” made, which is not explained.**

**Query 1-6: Recognizing that the above assumption about urban growth boundaries expanding at historic rates is not explained or discussed, the question is:**

**other than the above introduction stating that the No Project alternative represents the potential scenario if Plan Bay Area is not implemented, does the DEIR include any discussion of what it means to “implement” regulations that were existing as of June 11, 2012?**

**Fact 1-11: None has been found. Rather, at pages 3.1-8 to 3.1-10 of the DEIR, Table 3.1-1 charts various policy measures of the various alternatives. Instead of such a discussion of the required “existing conditions”, that Table with this chart includes one-line items, such as “Existing General Plans” that are identified with the No Project. These one-line items omit a discussion of the required “existing conditions”.**

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(see DEIR pages 3.1-8 to 3.1-10 attached as Item 1-11 of Appendix I).

**Fact 1-12:** The same omission of a discussion of existing regulations of the required “existing conditions” applies to Table 3.1-2 (page 3.1-11 of the DEIR), which only lists 2010 population & other 2010 data.

(see DEIR page 3.1-11 attached as Item 1-11 of Appendix I).

**Query 1-7:** Apart from the DEIR, but relating directly to the DEIR, is there a reference to what it means to “implement” regulations that were existing as of June 11, 2012?

**Fact 1-13:** The Notice of Preparation for the DEIR includes a document called “Attachment A, Project Description & Scope Of Environmental Analysis”.

(see pages 4, 10, & 11 of attachment A, which are attached as part of Item 1-12 of Appendix I)

**Fact 1-14:** At pages 10 & 11 of that Attachment A it is noted that “more precise definition of the alternatives, or new alternatives, will likely emerge as the EIR scoping and preparation process evolves”.

**Fact 1-15:** At page 11, Attachment A of the NOP states:

**“For purposes of this EIR, the No Project alternative consists of two elements:**

- (a) the existing land uses plus continuation of existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region and
- (b) the existing 2010 transportation network plus a set of highway, transit, local roadway, bicycle and pedestrian projects that have either already received funding or are scheduled for funding and have received environmental clearance by May 1, 2011.”

C186-5

**Query 1-8:** Does the NOP describe or discuss the existing land uses or the continuation of existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region?

**Fact 1-16:** No such description or discussion has been found in Attachment A of the NOP.

C186-6

**Query 1-9:** Does the NOP describe or discuss which “existing land uses” or which continued “existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region” provide, or foster, the assumption noted above in Fact 1.7, that:

“...Urban growth boundaries would ...expand at historic rates, allowing for additional development potential in greenfield locations.”

**Fact 1-17:** No such description or discussion has been found in Attachment A of the NOP.

C186-7

**Query 1-10:** Other than in the “ALTERNATIVE 1: NO PROJECT” section noted above in Facts 1-5 & 1-6, does the DEIR include any discussion of existing land use policy as defined in general plans, zoning ordinances from any jurisdictions in the region?

**Fact 1-18:** No such description or discussion has been found in the DEIR in terms of what it means to “implement” regulations that were existing as of June 11, 2012.

C186-8

**Query 1-11:** Does the DEIR refer to any regulation impacting existing land use policy as defined in general plans, zoning ordinances in any jurisdictions in the region, and if so, is that reference included in the subheading entitled “Land Use Policies:” under the description of the “ALTERNATIVE 1: NO PROJECT” heading?

**Fact 1-19:** Yes, the DEIR recognizes that the CA Clean Air Act existed as of June 11, 2012. However, that reference is not included in the subheading entitled “Land Use Policies:” under the description of the “ALTERNATIVE 1: NO PROJECT” heading. In detail, on page 2.2-1 the DEIR includes a main section “2.2” entitled “Air Quality”. In that main section, on page 2.2-12 under a heading entitled: “State Regulations”, the DEIR refers to that Clean Air Act. Also, the most recent update to that Clean Air Act is there called “*The Bay Area*

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**2010 Clean Air Program” (herein 2010 CAP). See Item 1-19 of Appendix I, which is DEIR pages 2.2-1 & 2.2-12. The context of this reference to 2010 CAP related to duties of nonattainment areas and local air districts under the 2010 CAP.**

**Fact 1-20: In terms of an “Impact” 2.2-1(a) described on DEIR page 2.2-27, the DEIR noted that the 2010 CAP:**

**“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.”**

Also, the DEIR there stated that:

**“Key themes embedded in the 2010 CAP include:**

**...**

**“Ensuring that focused growth in priority areas is planned and designed so as to protect people from both existing sources and new sources of emissions.”**

**(see Item I-20 of Appendix I, which is DEIR page 2.2-27).**

**Query 1-12: In that page 2.2-27 reference to 2010 CAP, did the DEIR note that any existing land use regulation or existing land use policy (e.g., as defined in general plans, zoning ordinances in any**

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jurisdictions in the region) was consistent with 2010 CAP?

**Fact 1-21:** No, there the DEIR only stated that:

**“Consistent with the 2010 CAP, the proposed Plan is based on the goals of ...focusing growth in areas that are well-served by transit and existing infrastructure.”**

C186-9

**Query 1-13:** As of June 11, 2012, other than 2012 CAP, were there any existing land use regulations or existing land use policies (e.g., as defined in general plans, zoning ordinances in any jurisdictions in the region, or any other land use regulations) having an effect on land use?

**Fact 1-22:** Yes, the State Housing Element Law (the SHEL) is a regulation existing as of June 11, 2012. This existing regulation is summarized in a document entitled “State Housing Element Law”, which is attached Item 1-22 of Appendix I. In essence, under SHEL each California city & county must adopt a General Plan (GP). A mandatory element of every GP is a housing element (HE). (see pages 1-3 of the SHEL attached as Item 1-22 of Appendix I)

**Query 1-14:** In re June 11, 2012, what is the effect of the State Housing Element Law existing as of June 11, 2012 on whether the DEIR must discuss the SHEL and the HE as part of the CEQA-required discussion of “the existing conditions at the time the

**notice of preparation was published” with respect to the No Project?**

**Fact 1-23: Because the existing SHEL is a regulation existing as of June 11, 2012, the DEIR must discuss the SHEL and the HE as part of the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project.**

**Query 1-15: Are there other parts of SHEL or the HE having a bearing on the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project?**

**Fact 1-24: Yes.**

**Fact 1-25: See page 1 of 2 of a document entitled “Final Regional Housing Need Allocation to be Released Summer 2013”, attached as Item 1-25 of Appendix I. In view of the mandate in the SHEL that cities must revise their respective HE’s every eight years, this SHEL regulation, and the resulting currently-effective Housing Elements mandated under SHEL, are part of the “existing conditions at the time the notice of preparation was published” and are part of the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project.**

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C186-10

**Query 1-16:** Are there other regulations as of June 11, 2012, having a bearing on the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project?

**Fact 1-26:** Yes, the next Facts 1- 27 through 1-44 discuss other existing regulations related to No Project (which the DEIR assumes are to be implemented by No Project). This discussion sets forth results of years of implementing all such other existing regulations. These Facts 1-27 through 1-44 both:

(i) define “existing conditions at the time the environmental analysis is published...”, & assist in determining

(ii) assist in determining “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure”.

**Fact 1-27:** The State Housing Element Law existing as of June 11, 2012, as summarized in that document entitled “State Housing Element Law” (see Item 1-22, Appendix I), refers to what each Council of Governments must do, which is to prepare a Regional Housing Need Plan (RHNP). The RHNP is to promote many objectives, including:

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**“Increase the housing supply and the mix of housing types, tenure, and affordability in all cities...in an equitable manner”; & “Promote infill development and socioeconomic equity...”.**

C186-11

**Fact 1-28: As noted in Fact 1-19, the DEIR recognizes that the 2010 CAP:**

**“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.” .”**

**Fact 1-29: Referring to (DEIR page 3.1-3, Item 1-4 of Appendix I), the “Alternatives Analyzed in this EIR” section for the No Project alternative is the appropriate place for the CEQA discussion based on Section 15126.6 (e) (2). That section omitted those above details of the 2010 CAP. Thus, that section omitted the details above about the 2010 CAP recognizing:**

**“... the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.”**

C186-12

**Fact 1-30: An October 2002 Smart Growth Strategy is an “existing condition” as of June**

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**11, 2012.** This Strategy shows the 2010 CAP was preceded by one of numerous existing Bay Area regulations that encourage future population and job growth in areas that are well-served by and were in close proximity to Transit. The movement toward such regulations started by ABAG as early as October 2002 with the Smart Growth Strategy which may be found at:

**[www.abag.ca.gov/planning/smartgrowth/Publications/Final%20Report](http://www.abag.ca.gov/planning/smartgrowth/Publications/Final%20Report)**

herein referred to as “SG2002”.

**See SG2002 pages 2, 5, 6, 14-18, & 20-31 of Item 1-30 of Appendix I.**

**Fact 1-31:** SG2002 included a section entitled “Creating Vision”, & at pages 2, 5, 6, 14-18, & 20-31 this SG2002 Report referred to actions in late 1999 by five Bay Area agencies (including ABAG & MTC) which initiated discussion of smart growth in the region. Discussions over the next two years resulted in “The Smart Growth Alternatives” shown on page 5, which were described as follows:

**“Each of these three alternatives represented a departure from the ‘current trends base case’, a term coined to describe the region’s future growth if nothing is done to chart a new course. The base case fails to provide sufficient housing for an increased population and workforce, resulting in continued rapid growth**

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**in outlying areas, increased long-distance commuting and further environmental degradation. It envisions development focused in edge communities, with residential areas largely segregated from other uses and continued reliance on the automobile as the primary mode of travel.”**

**Fact 1-32: Page 6 of this section of SG2002 notes a Spring 2002 Alternatives Report that describes the three smart growth strategies. Under a heading “NEXT STEPS”, these were said to be set to be considered, and if adopted by the ABAG Executive Board would be the backbone of the MTC 2004 Regional Transportation Plan.**

[note: printed PDF omitted some words]

**Fact 1-33: In SG2002, pages 14-18 of a “Making Vision Reality” section of SG2002 descri**

be an  
Regulatory  
the ‘carrot and  
decisions by localities,  
private developers”. At page  
“Innovative Bay Area  
Programs” states:

extensive set of “Incentives and  
Change”, proposed to “change  
sticks’ that shape land use  
neighborhoods and  
18, a chart Entitled  
Affordable Housing

**“Already, Bay Area communities have created programs to spur affordable housing development. Here are some examples:”.**

**Page 18 of the “Making Vision Reality” section describes eight such existing programs.**

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**Fact 1-34:** SG2002 pages 20-31 are of a section entitled: “The Vision Up Close: An Analysis of One Smart Growth Scenario”. This section describes contrasts between the adverse “base case” noted above and the favorable aspects of a specific smart growth land-use scenario developed in workshops in 2001 and 2002.

**Fact 1-35:** The “Vision Up Close...” section describes many adverse results of the “current trends base case”, which was current in 2002, eleven years ago, not on June 11, 2012. SB2002 relates to a discussion of existing conditions as of June 11, 2012. As one example, such discussion of SB2002 would inform the details of conditions leading to the PDAs described at DEIR page D-4 of Appendix D, “Scoping Comments on Alternatives”, Topic “Role of PDAs” (see page D-4 of Item 1-35 of Appendix 1). There, the “Response” indicates that the No Project “...is based on currently adopted general plans...”. Also, the Response refers to PDAs that are *de facto* In No Project. The discussions on SB2002 pages 20-31 include further details leading to the events of 2007 noted in Fact 1-36.

**Fact 1-36:** Five years after SG2002, the proposed Plan Bay Area had still not been published for public comment. Adoption of Plan Bay Area was left to the future, as the proposed Plan Bay Area PBA was not so published until March 28, 2013. In the absence of such publication, in 2007 ABAG published a

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**report entitled “A Place To Call Home: Housing in the San Francisco Bay Area” (herein called “AP2007”, see Item 1-36 in Appendix I, which includes pages “cover”, Table of Contents page 1, & pages 3, 8 through 28, & 34. At pages 15 to 28, AP2007 describes some significant events that occurred in the five years after the “current trends base case” was described in SG2002.**

C186-13

**Fact 1-37: In view of AP2007, without the Plan Bay Area that was not published for review until 2013, and by implementing the regulations that were effective from 2002 to 2007, the Bay Area region has made that 2002 “current trends base case” obsolete. This is shown by AP2007 at page 15, where it is noted that:**

**“...many local governments throughout the region are already finding solutions and achieving success. Some of the strategies they have used to expand housing choices in their communities are outlined in the following sections”.**

**Fact 1-38: These solutions and successes include a long list of events, which are identified in AP2007 at pages 8-12 (re RHNA). Also subregions are noted at page 12, & it is noted that local governments have specifically identified where growth can best be accommodated (page 13).**

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**Fact 1-39:** Also, twenty-one housing projects are shown on AP2007 pages 13-26. The apparent completion of these projects indicates success of these events that took place six years before Plan Bay Area was published for comment. Samples of that success are shown in Appendix A of AP2007, see reports on Bay Area RHNA Performance, 1999-2006. Appendix A shows apparent averages of permits issued vs. the RHNA allocation for new Bay Area housing for various low income levels.

(see Item 1-39 of Appendix I)

**Fact 1-40:** The totality of the permitting activity shown by AP2007 Appendix A with respect to all nine Bay Area counties is a clear indication of action implementing regulations that existed over the period of about 2002 to 2007, all in the absence of the proposed Plan Bay Area. Much of this activity stands completed as of June 11, 2012, and as such informs what are the “existing conditions” mandated by CEQA Section 15126.6 (e) (2) to be discussed in respect to No Project. Such activity includes confirmation that the Bay Area communities have created programs to spur affordable housing development, and all seem to have been opposite to the early and obsolete “current trends base case”.

**Query 1-17:** What evidence is there that there was a continuation past 2007 of that action implementing regulations that existed over the period of about 2002 to 2007, all in the absence of the proposed Plan Bay Area?

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**Fact 1-41:** Such evidence is that the above history of focused housing growth extended forward to at least June 11, 2012. Such focused growth has been based on regulations existing over the period of about 2002 to 2010 (all without the proposed Plan Bay Area). To show such evidence, reference is made to a Final Report published March 29, 2013 by Economic & Planning Systems, Inc., & entitled “PDA Readiness Assessment (herein called “RA2013”). See RA2013 which is Item 1-41 of Appendix I for pages 1-43 and Figure 3 (pages 1-4) of Appendix A to RA2013).

C186-14

**Fact 1-42:** RA2013 is an independent indication of further events in the Bay Area after 2007 & up to the time at which the proposed Plan Bay Area was published for comment. By “independent” it is meant that the contributors to the Report, Economic & Planning Systems, Inc. (“EPS”) & its subcontractor Community Design + Architecture (“CD+A”), were not only independent of ABAG & MTC who asked for the Report, but independent of the undersigned.

**Fact 1-43:** The stated purpose of RA2013 is (page 1) to:

“...provide a deeper understanding and independent assessment of the readiness and feasibility of PDAs to accommodate the number of housing units envisioned by Plan Bay Area.”

**The statement that RA2013 was needed to provide a deeper understanding and independent assessment of the readiness and feasibility of PDAs reflects not only on the vast number of pages of the Plan Bay Area & the DEIR, but on the apparent fact that a deep understanding of these two documents is not readily obtained only from reading those documents.**

**Fact 1-44: It appears that RA2013 is one of the few reports that independently assesses the additional regulations enacted since 2007, including local housing elements and zoning laws, for example. In this regard, RA2013 provides an independent definitive update to 2012 of the existing regulations that the DEIR says No Project is assumed to implement.**

**Fact 1-45: The reported results of RA2013 are consistent with the showings in AP2007 (e.g., on AP2007 pages 13-26, Item 39, Appendix I) indicating success of the enumerated events that took place many years before Plan Bay Area was published for comment.**

**Fact 1-46: RA2013, taken alone, and AP2007 taken alone, & RA2013 and AP2007 taken together, provide evidence of what should be a proper base point for defining what No Project is. For example, the successes identified by RA2013 (on pages 19 through 27) are clear, indicating that EPS estimated an average “base” readiness of 62% for twenty sampled PDAs.**

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**Each of AP2007 & RA2012 separately, and both taken together, indicate that existing regulations, housing elements, zoning, etc., existing in the time frame either up to or close to June 11, 2012, have had a substantial degree of success. EPS estimated such success to continue to 62% of those goals without the proposed Plan Bay Area. In terms of the ongoing RHNAs, this success means to:**

**“Increase the housing supply and the mix of housing types, tenure, and affordability in all cities...in an equitable manner”; &  
“Promote infill development and socioeconomic equity...”.**

**RA2013 appears to be the most recent evidence of readiness events of Bay Area development projects. These events took place during the years before, and up to the date on which the proposed Plan Bay Area was published for comment. Also, the depictions and descriptions of the resulting new housing results show a wide range of housing types & affordability in infill development.**

C186-15

**Comment 2: This Comment cites Facts from Comment 1 and asserts that the DEIR inconsistently defines the No Project alternative. The DEIR does this by:**

- (1) defining the No Project in terms of urban growth boundaries assumed to expand at historic rates,
- (2) and at the same time:

expressly stating that The No Project alternative is “assumed to implement existing regulations”.

C186-16

**Query 2-1: How is the discussion of Facts 1-35 through 1-46 related to Fact 1-7 in which the “ALTERNATIVE 1: NO PROJECT” heading, and new subheading entitled “Land Use Policies:” stated:**

“...Urban growth boundaries would be assumed to expand at historic rates, allowing for additional development potential in greenfield locations.”?

**Fact 2-47: Such discussion is directly related to Fact 1-7 because such Facts 1-35 to 1-46 show that the DEIR is the DEIR is inconsistently defining the No Project alternative.**

- (1) defining the No Project in terms of such urban growth boundaries assumed to expand at historic rates (Fact 1-7), and at the same time:
- (2) expressly stating as in Fact 1-4 (page 3.1-3, in DEIR Section “Approach to Assessing Alternatives”, “Mitigation Measures”) that:
- “The No Project alternative is assumed to implement existing regulations”,

**Assertion 2-1:** The inconsistency is this. Facts 1-35 to 1-46 show that the existing regulations (e.g., RHNA, 2002 CAP & AP2007) promote implementing the RHNA allocations. The ways of promotion include local identification of PDAs, and other measures to facilitate “infill development” (AP2007 page 14). That facilitation of infill development is the opposite of the urban growth boundaries assumed to expand at historic rates, which is central to No Project (Fact 1-7) as indicated By no reference in Fact 1-7 to the evidence in Facts 1-35 to 1-46.

Certainly, in the No Project case, the same existing regulations as are identified in Facts 1-35 to 1-44 will not both encourage urban growth boundaries expanding at historic rates and facilitate infill development at transit sites by way of multi-use development for a range of income levels. The main regional regulation (e.g., RHNA) has a focus on facilitating infill development at transit sites by way of multi-use development with housing for a range

of income levels (see AP2007, page 15, as to local efforts to promote housing) The local zoning noted on pages 15 & 16 of AP2007 is to a significant degree responsive to RHNA, for example. This is evidenced by the readiness assessments in RA2013.

The DEIR simply fails to discuss this inconsistency, does not discuss what % of growth is to be of the urban type (with urban growth boundaries expanding at historic rates), and does not even mention the infill-type of growth in the definition of No Project in Fact 1-4.

CEQA Section 15126.6 (e) (2) requires analysis that discusses “existing conditions at the time environmental analysis is published”. It is submitted that the DEIR does not meet this CEQA requirement in that the statements in Fact 1-7 do not rise to the required level of “analysis” because they:

- (1) Only state one aspect of the No Project alternative (an assumption of urban growth boundaries expanding at historic rates).
- (2) Do not recognize, analyze or discuss the ongoing other type infill development at transit sites by way of multi-use development with housing for a range of income levels, as induced by the main existing regional regulation ( RHNA).
- (3) Do not recognize the extensive existing

array of local housing elements and zoning laws which were assessed in RA2013, for example.

Therefore, the DEIR does not comply with CEQA and must be amended to overcome this deficiency, which is respectfully requested according to the terms of Request 2-1:

C186-17

**Request R2-1 For Editing of The DEIR:** It is requested that the DEIR be amended at page 3.1-5 to change the section entitled “ALTERNATIVE 1: NO PROJECT” to read as follows:

**“ALTERNATIVE 1: NO PROJECT:**  
The No Project alternative represents the potential scenario if Plan Bay Area is not implemented. Given the above assumption in “MITIGATION MEASURES” that the No Project will implement existing regulations, land use policies, transportation investments & transportation policies will implement such regulations as the following:

2010 CAP, the Transportation 2035 Plan (adopted in 2009), and regulations requiring each jurisdiction to plan for housing at all income levels (see California Housing Element Law, Article 10.6), & the Regional Housing Need Allocation (RHNA), which is the state-mandated process to identify the share of the state’s housing need for which each jurisdiction must plan over an eight year period.

**With such implemented regulations, under this No Project alternative, no new regional policies will be required in order to influence local land use patterns and no uncommitted transportation investments would be made.**

**The key elements of the No Project alternative that vary from the proposed Plan include the following:**

**\* Land Use Policies: Without One Bay Area Government (OBAG) funding, land use plans and policies based on the implemented existing regulations would influence the locations of housing and employment centers in the region. Such influence would include promoting land use patterns, policies, and infrastructure investments that support mixed-use, residential, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.**

**Such land use plans would include currently adopted general plans of Bay Area jurisdictions reflecting the local government's plan to see growth in a PDA once the zoning by such government permits such PDAs. Such land use plans would also include newly- adopted general plans of Bay Area jurisdictions reflecting the local government's plan to see growth in mixed-use, residential, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use, whether prompted by 2010 CAP or in response to market demand or factors other than the Plan. No new fees, subsidies, or land development incentives would be provided on the regional level.**

**\*Transportation Investments: Included in this alternate are:**

**\*\* the Transportation 2035 Plan that was adopted in 2009,**  
**\*\* the Control Measures under 2010 CAP, e.g., TCM D-3 & Express Lanes (TCM B-3).**  
**\*\* projects and programs that are identified as “committed” in MTC Resolution 4006 Committed Projects and Programs Policy (these committed projects and programs include transportation projects/programs that were sufficiently through the environmental review process as of June 11, 2012 and had full funding in place, with regional programs with executed contracts or funding already secured being considered committed), &**  
**\*\* other specific projects identified in 2010 CAP Control measures Table 2-1.**

**\*Transportation Policies: Included in this alternate are:**

**\*\* 2010 CAP would also guide tolls, Parking prices, and localized parking minimums. For example, the 2010 CAP includes PCM # TCM B-3 as the “Bay Area Express Lane Network”, which will “Introduce roadway pricing on Bay Area highways through the implementation of an express lane network, also known as a High Occupancy Toll (HOT) lane network.” ” (end of requested edit)**

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C186-18

**Comment 3:** This Comment cites Facts relating to the series of Tables starting at pages 3.1-8 to 3.1-10 of the DEIR (see attached Item 3-1 of Appendix I), and asserts that these tables do not overcome the deficiencies of the DEIR asserted in Comment 2.

**Fact 3-1:** At pages 3.1-8 to 3.1-10 of the DEIR (see attached Item 3-1 of Appendix I), Table 3.1-1 compares land use policies, transportation investments, and transportation policies of the various alternatives. Instead of a discussion of the required “existing conditions”, the chart of Table 3.1-1 has one line references to such items as “Existing General Plans” (page 3.1-8), and omits a discussion of the required “existing conditions”.

**Assertion 3-1:** In view of Assertion 2-1 above, the above reference in Table 3.1-1 to “Existing General Plans” does not meet the requirements of CEQA, and must be amended to overcome this deficiency, which is respectfully requested.

C186-19

**Fact 3-2:** Forecasts of the future start with Table 3.1-2 (page 3.1-11 of the DEIR, see Item 3-2 in Appendix I), which forecasts are compared to 2010 population data. There is no discussion of the required “existing conditions” of the No Project. The forecasts of No Project are based on the Fact 1-7 stated assumption.

**Assertion 3-2:** In view of the assertion in Comment 2-1, Table 3.1-2 does not meet the requirements of CEQA, and must be amended to overcome this deficiency, which is respectfully requested.

C186-20

**Fact 3-3:** The reference on DEIR page 3.1-16 to transportation in regard to existing conditions relates only to committed transportation projects, not to existing regulations of the required “existing conditions”. Moreover, reference is made to the existing condition in the form of regulation 2010 CAP, which includes 2010 CAP page 2-7 in re Control Measure TCM B-3. TCM B-3 shows that the reference on DEIR page 3.1-16 to No Project not having Regional Express Lanes is simply incorrect. (see Item 3-3 in Appendix III)

**Request 3-1:** In view of Fact 3-3, amendment to DEIR page 3.1-16 is requested to correct the statement in re “Alternate 1 – No Project. As corrected, consistent with 2010 CAP, this entry should state No Project having a Regional Express Lane.

C186-21

**Fact 3-4:** In re Item 1-20 of Appendix I, on DEIR page 2.2-27 the DEIR acknowledges that the 2010 CAP:

“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-

**use communities provide jobs, housing, and retail in close proximity.”**

Consistent with this recognition, 2010 CAP includes Table 2-1, entitled “BAAQMD 2010 Clean Air Plan Control Measures” (“PCM”). Please see exemplary Control Measures of 2010 CAP on pages 2-7, 2-8, 2-19 & 2-20, attached as Items 3-4 in Appendix III.

C186-22

**Fact 3-5: Control Measure # TCM D-3 is named “Support Local Land Use Strategies” and is described as:**

**“Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.”**

**Assertion 3-3: It is submitted that Control Measure # TCM D-3 directed to encouraging essentially the opposite development as the DEIR attributes to No Project in Fact 1-7, , namely opposite to:**

**“Urban growth boundaries would be assumed to expand at historic rates, allowing for additional development potential in greenfield locations.”**

C186-23

**Request 3-2: In view of Fact 3-5 and Fact 1-7, amendment to DEIR page 3.1-16, first bullet,**

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**is requested to reduce the number of new acres of urbanized land according a new run of the applicable Model, in which the new run includes a factor appropriate for the amount of infill housing to result from implementing such existing regulations as RHNA, 2010CAP, as noted above for example in Facts 1-35 to 1-46.**

C186-24

**Request 3-3:** Further in view of Facts 1-35 to 1-46 supporting the No Project alternative implementing existing regulations such as are identified in Facts 1-35 to 1-46, it is requested that the remainder of the Tables in the comparative part of the DEIR be amended with respect to the No Project to reflect the quantitative factors by which there will be a reduction in the acres of new assumed urban growth boundaries expanding from historic rates and an increase in the density of infill development at transit sites by way of multi-use development for a range of income levels. These amendments should properly reflect the impact of main existing regional regulations (e.g., RHNA) having a focus on facilitating infill development at transit sites by way of multi-use development with housing for a range of income levels (see Item 1-36 of Appendix I, AP2007, page 15, as to local efforts to promote housing, and local zoning noted on pages 15 & 16 of AP2007 which is to a significant degree responsive to RHNA, for example).

Such amendments should be consistent with the CEQA second requirement: (ii) “what would be reasonably expected to occur in the foreseeable

**future if the project were not approved, based on current plans and consistent with available infrastructure”.**

**Fact 3-6: Further supporting Request 3-3, in view of all of the facts in Facts 1-35 to 1-46 above, & the above requirement that each Council of Governments must, on an ongoing basis, prepare Regional Housing Need Allocations, those RHNA would be reasonably expected to occur in the foreseeable future if the Plan Bay Area were not approved. Therefore, if the Plan Bay Area were not approved it would be reasonably expected that in the foreseeable future beyond June 11, 2012 RHNA would continue to be prepared, and that in such foreseeable future the objects of each RHNA would promote the above many objectives of increasing the housing supply and the mix of housing types, tenure, and affordability in all cities in an equitable manner, & would promote infill development and socioeconomic equity. This in turn would reduce the acres of new assumed urban growth boundaries expanding from historic rates, Further supporting Request 3-3.**

**Fact 3-7: Further supporting Request 3-3, in a Special Meeting of the Orinda, CA City Council on May 13, 2013 the Planning Director acknowledged that the City’s Housing Element was non-compliant. Notwithstanding such non-compliance, it was also noted that Orinda had made significant strides toward meeting its goals for more affordable housing in places near the Orinda BART station.**

Examples were a Senior Housing complex under construction with 67 low income units, & eight moderate income units in a large single-family housing project (Orinda Grove), all done under the present Housing Element that responded to RHNA allocations for a mix of housing incomes and types. (minutes of meeting not yet available). Such development consistent with many goals of RHNA, for example, in turn would reduce the acres of new urban growth boundaries expanding from historic rates, which expansion is assumed in Fact 1-7. This discussion of the complex and housing project did not identify any non-existing infrastructure or community services that were required to complete these programs.

**Fact 3-8:** Further supporting Request 3-3, the requested amendment must explain how the history of SB2002 is a strong indicator of “what would be reasonably expected to occur in the foreseeable future if the...” Plan Bay Area were not approved, which would be that in the absence of the Plan efforts including SB2002 have over time lead to the PDAs noted in the Responses in the DEIR Appendix D: “Scoping Comments Received on Alternatives”, page D-4, Topic “Role of PDAs”. The Response to this Topic stated that some PDAs will *de facto* be in No Project, which PDAs in and of themselves reduce expansion of urban growth boundaries relative to historic rates, minimizing additional development potential in greenfield locations.

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**End of comment 3. [Note: documents cited above in  
Comment 3 are included in Appendix 3]**

**Concluding Comments:**

**It is respectfully requested that a written response to these public comments be sent to the undersigned by a prompt delivery method, e.g., email to [nomorepatents@gmail.com](mailto:nomorepatents@gmail.com).**

**It is further respectfully requested that the written response to these public comments be responsive in a substantive manner to the requests made herein, & include a detailed explanation giving reasons for decisions made in response to the Comments herein. Also, it is respectfully requested that the response include an indication of amendments to be made to the DEIR or PBA in response to one or more of the Comments herein.**

C186-25

**Time does not permit identification of all typos in the PDA or DEIR. One is noted in the DEIR, which is that the page in Section 3, identified as “2.1-32” is believed to be in error, and is page 3.1-32.**

Respectfully submitted,

*Chester E. Martine, Jr.* May 16, 2013

**Attachments: See following list of each Appendix.**

**List of each enclosed Appendix.**

**Appendix I**

- 1. Item 1-1 of Appendix I, CEQA Section 15126.6 (e) (2), Pages 1/17, 9/17, 10/17, & 11/17**
- 2. Item 1-2 of Appendix I, Notice of Preparation (NOP): pages 1-3, plus pages 4, 10 & 11 of Attachment A to NOP**
- 3. Item 1-4 of Appendix I, DEIR pages i through iii, & pages 3.1-3 through 3.1-5**
- 4. Item 1-11 of Appendix I, DEIR pages 3.1-8 through 3.1-10**
- 5. Item 1-12 of Appendix I, DEIR page 3.1-11**
- 6. Item 1-19 of Appendix I, DEIR pages 2.2-1 & 2.2-12**
- 7. Item 1-20 of Appendix I, DEIR page 2.2-27**
- 8. Item 1-22 of Appendix I, Pages 1 through 3 of State Housing Element Law**

- 9. Item 1-25 of Appendix I, Page 1 of 2 of  
Final Regional Housing Need  
Allocation to be released Summer 2013**
- 10. Item 1-30 of Appendix I, Table of  
Contents, plus pages 2, 5, 6, 14 through  
18, & 20 through 31 of Smart Growth  
Strategy, October 2002.**
- 11. Item 1-35 of Appendix I, Appendix  
D to DEIR, Cover page, & pages D-1 &  
D-4**
- 12. Item 1-36 of Appendix I, A Place to  
Call Home, Cover page, & pages 1, 3, 8  
through 28, & 34**
- 13. Item 1-39 of Appendix I, Appendix  
A to Item 1-36 (A Place to Call Home),  
Bay Area RHNA Performance, 1999 to  
2006, Pages 35 through 40**
- 14. Item 1-41 of Appendix I, PDA  
Readiness Assessment, March 29, 2013,  
Pages 1 through 43, plus pages A-6  
through A-9 of Appendix A “PDA  
Readiness Criteria”**

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**Appendix III**

- 1. Item 3-1 of Appendix III, DEIR  
pages 3.1-8 through 3.1-10**
- 2. Item 3-2 of Appendix III, DEIR  
page 3.1-11**
- 3. Item 3-3 of Appendix III, DEIR  
page 3.1-16**
- 4. Item 3-4 of Appendix III, Bay Area  
2010 Clean Air Plan, Final Program  
Environmental Impact Report,  
August 18, 2010, Table of Contents,  
& Pages 2-7, 2-8, 2-19 & 2-20**

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

*Peter Singleton, Director  
Bay Area Citizens*

*[REDACTED]  
Lafayette, CA 95459*

May 16, 2013

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607

*re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report*

Dear Metropolitan Transportation Commission,

This letter is submitted as public comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am a lifelong resident of the Bay Area, and have deep roots in California, the Bay Area, and my local community. I was born at the Stanford Hospital in Palo Alto, and have lived in and around the Menlo Park area virtually all my life. I am a graduate of local public schools, and have an undergraduate degree from Brown University in Providence, Rhode Island, an MBA from the University of California at Berkeley, and a law degree, summa cum laude, from Hastings College of the Law in San Francisco.

I am currently the Director of Bay Area Citizens, serving in a voluntary capacity. Bay Area Citizens is a nonprofit corporation that supports and protects the interests of the citizens of California in matters including land use regulation, property rights, local community control, and the environment.

Some of my most important early childhood memories are of my parents' activism in the civil rights movement in the Bay Area and nationally in the early 1960s, and I am deeply committed to a community that provides

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justice for all, rather than favoring a few. I am also deeply committed to preserving and protecting our natural ecosystem. And, last, I believe in preserving and protecting a healthy, vital human ecosystem that protects our fundamental liberties and enables individuals to flourish in organically organized and naturally developing communities.

Based on the above, I am profoundly opposed to central planning that dramatically impairs individual citizens' rights to live where and how they wish and dramatically undermines local decision making on how a city will grow and change. I am similarly opposed to governmental or social structures that serve powerful political and financial interests alone rather than those of the citizens themselves.

I also have a deep and abiding personal faith, and am an ordained deacon and elder in my local church, Menlo Park Presbyterian Church.

All of the above have informed my comments on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Report (EIR) that follow below.

C187-1 It is my considered opinion that (1) the comment period allowed has been inadequate, and must be extended, and that (2) Plan Bay Area, at its core, is based on models, assumptions, forecasts, and omissions that are gravely deficient and intellectually dishonest.

## I. Plan Bay Area's inadequate process

C187-2 My colleagues and I have faced significant obstacles in securing public records from MTC that were necessary to understand the analysis that underlies the draft Plan and its draft EIR. Hence, I hereby request a 30-day extension of the deadline for submission of comments, until June 15, 2013 or from the date the extension is granted, if the extension is granted after May 16, 2013. The information we requested of MTC on March 13, 2013 and did not receive access to until April 19, 2013, should have been publicly accessible all along—let alone made available in a timely fashion in response to a Public Records Act Request—as this information was essential for the public to understand MTC and ABAG's analysis of the draft Plan and draft EIR and thus to be able to submit informed comments.

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In addition, I endorse those requests by citizens and cities that are requesting an overall suspension of the process and that no vote on the Plan occur for at least six months, so that adequate, informed public debate on the Plan can take place. Further, this Plan must not move forward until the substantive, and material concerns that citizens have raised about the Plan, the draft EIR, and the process, have been addressed.

#### A. March 13, 2013 California Public Records Act request

C187-3

In early March of 2013, my colleagues and I realized we needed to have information about MTC's models in order to understand the analysis that MTC and ABAG performed in evaluating the alternatives in the draft EIR, as this information had not been made publicly accessible by MTC. We also understood that the modeling information should be easily and quickly available by filing a California Public Records Act request with MTC.

I considered filing a Public Records Act request with MTC as an individual citizen, similar to the way I had filed requests recently with several cities and the state Department of Housing and Community Development<sup>1</sup> for public records regarding Regional Housing Needs Assessments (RHNA). Pursuant to those requests, I had almost invariably received those records in a timely fashion from those agencies.

However, I had had conversations with citizens who had filed Public Records Act requests in late 2012 and early 2013 with MTC and ABAG, and their requests had faced extraordinary levels of stonewalling and obstruction. I had reviewed the correspondence between MTC and ABAG and these citizens. MTC and ABAG could never seem to understand the plain language of these requests<sup>2</sup> and it was months before any records were furnished--and it was breathtaking for me to read statements in emails from ABAG or MTC that were express violations of the law. Consider the following exchange between a citizen and ABAG, where ABAG asserted

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<sup>1</sup> Please see Appendix A for examples of those Public Records Act requests that I filed with other public agencies at about the same time.

<sup>2</sup> Because of this, we specified in careful detail the records we were looking for in our March 13, 2013 Public Records Act request, having become aware of the seemingly calculated ability of ABAG and MTC to repeatedly fail to understand the plain language of Public Records Act requests from individual citizens.

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that it had a right (not permitted to it by the California Public Records Act) to charge the citizen for searching ABAG's files for records responsive to the citizen's request:

On January 24, 2013, the citizen had sent an email to ABAG requesting:

pursuant to the California Public Records Act, all documents,  
including but not limited to all emails, memorandum, reports,  
correspondence, meeting agenda and minutes, etc, related to  
any of the following:

Bay Area Alliance for Sustainable Communities (or any known  
or reasonable variant of that name)  
Compact for a Sustainable Bay Area

Then the citizen received a reply from Joanna Bullock of ABAG on January 28, 2013 that stated:

A search for the documents you request that refer to . . . the Bay Area Alliance . . . during the time period 1995 through 2000 would amount to a significant cost that would be charged to you.

Faced with this evidence of consistent obstruction and months of delays to requests submitted by individual citizens, my colleagues and I asked Judicial Watch to file our Public Records Act request with MTC for data related to its modeling analyzing the Plan and the draft EIR. We surmised that receiving a Public Records Act request from a respected national public interest law firm that specializes in these sorts of requests would more likely get a response from MTC than an individual citizen would, and we turned out to be right in that.

However, we weren't prepared for nor did we expect the level of obstruction that even a request from Judicial Watch received. Our request for modeling data filed March 13, 2013,<sup>3</sup> was responded to by MTC at the last possible day on March 25, 2013,<sup>4</sup> saying that the agency needed additional time.

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<sup>3</sup> Appendix B.

<sup>4</sup> Appendix C.

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MTC waited until the maximum allowable 14 days until April 8, 2013,<sup>5</sup> before responding to say they had identified responsive records. Even then it took an additional 11 days, until April 19, 2013, before MTC made those records available to us.

### B. First access to records, April 19, 2013

On the morning of April 19, 2013, my colleague Tom Rubin and I requested the assistance of two additional people, one an MBA with a corporate planning background, and the other a retired attorney—both intimately familiar with Plan Bay Area and able to help us review what we expected to be boxes of records made available to us in response to our request. We expected boxes of records because of the week after week in delays in making these records available to us.

What we weren't prepared for was what we were presented with when we arrived at MTC's offices at 9:00am in the morning on Friday, April 19, 2013. The four of us were ushered into a conference room, where we were presented with a single laptop computer. The records included several hundred documents contained in about 30 folders and subfolders on the laptop. All were records that were retained by MTC in electronic form.

In addition, MTC told us that morning, in direct violation of the express terms of the Public Records Act,<sup>6</sup> that we would be required to pay \$0.25 per electronic page for each record we wanted electronic copies of. Since there were thousands of pages in the electronic documents we were granted access to, the total cost to us would have been in the thousands of dollars. And one of the most important sets of data we were looking for, the spreadsheets, would only be provided to us in .pdf format—a format that wouldn't let us see the formulas in the spreadsheet cells, and wouldn't let us evaluate the analysis performed by MTC and ABAG.

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<sup>5</sup> Appendix D.

<sup>6</sup> These were records retained by MTC in electronic form. A public agency is not permitted to charge a per page fee for each electronic page of document it retains in electronic form. It is only permitted to charge a fee for the direct costs of copying the electronic record to electronic media. Government Code §6253(b). For electronic documents, this would generally be a nominal fee as most if not all of that fee would be for the media itself (e.g., the CD).

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Needless to say, we were stunned and deeply troubled at this further evidence of obstruction of our Public Records Act request. We called the attorney that we had been working with at Judicial Watch, Julie Axelrod. Ms. Axelrod shared with Ms. Pam Grove, MTC's Public Information Officer, that we considered MTC's response to be deficient and in direct violation of the law.

I shared with Ms. Grove our grave concerns over the repeated pattern of obstruction. We had requested the records on March 13, 2013, and were entitled to them within 10 days, or by March 23, 2013. This would have been in time for us to review them at the March 22, 2013 beginning of the 55 day comment period allowed for Plan Bay Area, and before the April 2, 2013 beginning of the 45 day comment period allowed for the draft Plan Bay Area. Yet it was now April 19, 2013--five full weeks after our March 13, 2013 Public Records Act request, a full month into the eight week comment period for the Plan itself, and two and a half weeks into the six and a half week comment period for the draft EIR. And here we were faced here with further unreasonable and unnecessary obstruction.

I also shared with Ms. Grove what she assuredly knew, that MTC's obstruction of our request was preventing us from being able to understand the analysis MTC and ABAG had performed on the Plan and the draft EIR, and was preventing us from being able to submit informed comments on the Plan and draft EIR. Finally, I shared with Ms. Grove (and did so courteously and respectfully), that at this point, MTC's obstructing our ability to comment on the Plan and the draft EIR was becoming MTC's problem, and not ours.

To MTC's credit, and to Ms. Grove's, after being presented with our objections to MTC's continuing pattern of obstruction, MTC relented and provided us with the records on a CD, charging us the statutorily allowed amount of \$8.60 for copying electronic records to electronic media—what they should have done in the first place, and should have done weeks before.

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### C. Request for Extension

C187-4

We lost an unrecoverable four weeks in our ability to understand MTC and ABAG's analysis of the draft Plan and draft EIR and thus to our ability to submit informed comments on the draft Plan and draft EIR, due solely to MTC's obstruction of our request. Hence, as mentioned above, we hereby request an additional 30 days to file comments on the draft Plan and draft EIR, either until June 15, 2013 if the request is granted immediately, or for 30 days after the request is granted. We also hereby state that we consider the comment period, if it is not extended for an additional 30 days, to have been inadequate as a matter of law.

### D. The Two MTCs – the First Responsive, the Other Obstructive

C187-5

What's deeply ironic about MTC's pattern of stonewalling and obstruction is as we faced week after week of delay and obstruction, trying to review the documents that were provided on Plan Bay Area's website without essential information on MTC and ABAG's analysis and models, we learned that MTC and ABAG were passing out their entire software models themselves, together with additional model related data, immediately upon request to organizations that were closely aligned with MTC and ABAG. That is, insider, "stakeholder" organizations only needed to request the models themselves, and to those insider organizations, MTC and ABAG were passing out their software models and associated data like Halloween candy.

So, based on the information we learned from one of these organizations that had so easily secured MTC and ABAG's models and associated data, we contacted MTC's chief modeler notifying him we'd heard that the models and associated data were being made available to requesting organizations, and asked for the data.<sup>7</sup> Within a few days, MTC and ABAG's modeling professionals provided me with ABAG and MTC's software models and associated data on a 1 terabyte hard drive that I had dropped off at their offices.<sup>8</sup> What a stunning contrast in response to our request. At exactly at the same time, MTC and ABAG's modeling professionals were offering us

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<sup>7</sup> Email correspondence attached as Appendix E.

<sup>8</sup> Id.

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timely access to the modeling data in their possession when we approached them through the referral of an organization that is closely aligned with MTC and ABAG,<sup>9</sup> while MTC's executives and lawyers were continuing their week after week obstruction of our simple request for similar and related data when they considered us a citizen or an organization that was not closely aligned with them.

#### **E. Violation of the RTAC Report Mandates**

MTC's consistent pattern of obstruction was, and remains, deeply troubling to us because we were aware then, and aware now, that not only is the modeling data absolutely essential for the public to have an understanding of the analysis performed by MTC and ABAG of Plan Bay Area and its draft EIR, and essential to the public's ability to submit informed comments on both, but the state of California has issued strict guidelines mandating full access to and disclosure of modeling data used to analyze a sustainable communities strategy like Plan Bay Area, through the California Air Resource's Board's Regional Targets Advisory Board (RTAC). The formation of the RTAC was mandated in SB 375 itself, Government Code § 65080 (b)(2)(A)(i),<sup>10</sup> and the RTAC's final report discusses the importance

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<sup>9</sup> We have great respect for Mr. Ory and his courtesy and his helpful responses to questions that we had about MTC's modeling efforts, and we don't mean to suggest that his actions with respect to our inquiries were anything but professional. See, for example, the email exchange in Appendix F where Mr. Ory provided us with helpful, and timely information. Based on his statements to us, Mr. Ory appears to have been equally helpful with other organizations, who generally appear to have been closely aligned with MTC, perhaps because those were the only organizations who appear to have known to call the modeling professionals for questions (we found out from one of those organizations).

The obstruction that we faced we attribute to MTC's executives and counsel. To the extent Mr. Ory was not responsive when we began to ask questions that centered around how MTC and ABAG were handling state MPG regulations, we attribute that to MTC executive decisions, as evidenced by the fact that our inquiries to Mr. Ory were responded to by his supervisor, and not him.

<sup>10</sup> Government Code § 65080 (b)(2)(A)(i) reads, in relevant part:

No later than January 31, 2009, the state board shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. . . . The

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of transparency and public accessibility in modeling of the sustainable communities strategy, in great detail.

For example, from the RTAC's 2009 final report:

## 2. Use of Modeling

This section of the report summarizes Committee discussions on the use of travel demand models and other modeling methods for SB 375 target setting and implementation. In our recommendations, we emphasize the need for MPOs to make modeling data and information regarding greenhouse gas emissions available to the public in a clear and transparent manner. [emphasis added] A network-based travel demand forecasting model allows for simulation of complex interaction among demographics, land use, development patterns, transportation, and other policy factors. A rigorously tested and validated travel demand model with well documented expert peer review will add to the credibility of greenhouse gas estimates.

In this section, “travel demand models” refers to the computer models currently in use at MPO’s for travel forecasting, ranging from relatively simple “four-step” models to more complex “four-step” models, to more sophisticated, activity-based simulation models. “Other modeling methods” refer in general to tools which either augment or replace travel demand models, and are likely to be spreadsheet-based tools.<sup>11</sup>

And also from the RTAC report:

Throughout its discussion, the Committee came to appreciate how complex modeling systems can be, and as a result, we recognize the vital importance of transparency in the modeling process. [emphasis added] Within the context of improved transparency, the Committee

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advisory committee shall transmit a report with its recommendations to the state board no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques . . .

<sup>11</sup> *Recommendations of the Regional Targets Advisory Committee (RTAC) Pursuant to Senate Bill 375*, p. 16. Appendix L.

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recommends that use of travel demand models and other modeling methods for SB 375 implementation include . . . assessment and documentation of existing travel demand model capability and sensitivity. . . .

When applying models in target setting and/or demonstration of meeting the target, inherent modeling uncertainties due to input data quality, assumptions, existing modeling capability, and sensitivity need to be well documented.<sup>12</sup>

The Committee could not have stressed more strenuously the importance of making full and open disclosures to the general public, and in a form that was accessible to the general public, in order for the public to understand the modeling that was done to analyze the sustainable communities strategy:

SB 375 requires that MPOs "...disseminate the methodology, results, and key assumptions of whichever travel demand models it uses in a way that would be useable and understandable to the public." Cal. Govt. Code § 14522.2(a).

...

If the documentation is highly technical in nature, a summary of the assessments and sensitivity testing should be prepared which would be more generally understandable by a non-technical audience.<sup>13</sup>

## F. The Two MTCs – A Question of Intent

In fact, our experiences with MTC, with similar requests, at exactly the same time, couldn't have been more different with respect to the mandates of the RTAC report. At least initially, MTC's modeling professionals, including especially Mr. David Ory, couldn't have acted more consistently with the mandates of the RTAC report. He was helpful, and responsive, and appeared to understand our need to have access to the software models themselves to understand the analysis that MTC and ABAG had done, and to

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<sup>12</sup> Id. at 18.

<sup>13</sup> Id.

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be able to submit informed comments. He made it clear that he was equally responsive in providing information to other organizations (albeit all of these organizations appear to have been ones closely aligned with MTC and ABAG).

On the other hand, MTC's executives and counsel, couldn't have been more obstructive, in making it hard for us, and delaying as long as possible, our receiving access to the modeling data, and, as a result, making it hard for us to understand MTC and ABAG's analysis of the draft Plan and the draft EIR, and making it hard to submit informed comments.

The only plausible explanation for this otherwise inexplicable difference between two sets of personnel in the same organization responding to related requests for similar data at exactly the same time, is that both sets of personnel were fully aware of our critical need for the information to understand MTC and ABAG's analysis and submit informed comments, and were aware of the fact that the comment period was well underway. For the software modeling professionals, their initial responsiveness and willingness to provide us with information in a timely fashion was indicia of their desire to make sure that we understood the analysis that had been performed<sup>14</sup> and were able to submit informed comments.

The MTC executives and counsel who so determinedly obstructed our requests for similar data at the same time, also appear to have been doing so because they knew of our critical need for the data to understand MTC and ABAG's analysis, and of our need to have the data as soon as possible to be able to submit informed comments. That they understood our need for the data and wanted to prevent our ability to submit informed comments, is the only plausible and reasonable explanation why they obstructed and delayed our request for week after week, as the clock ticked away the 55 day period for submitting comments on the Plan itself, and the 45 day period for submitting comments on the draft EIR.

## G. MTC's Obstruction and Evasion – It Never Stopped

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<sup>14</sup> That is, until we began to ask questions about how MTC and ABAG handled the California MPG regulations—those questions were not responded to by MTC's modeler, rather they were immediately referred to his supervisor. Again, I don't fault the modeling professionals for this, rather, MTC and ABAG's senior executives and counsel.

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As we began to review the documents on MTC's modeling that were disclosed to us on April 19, 2013, and as it slowly dawned on us the sheer magnitude and extent of the irregularities in MTC and ABAG's assumptions and analysis, we began to ask questions seeking clarification of the EIR team and MTC and ABAG's modeling professionals. And, alas, but perhaps understandably, the same professionals that we had earlier come to respect and appreciate for their courtesy and responsiveness in answering questions, either stopped responding entirely, as did Mr. David Ory, or the EIR Coordinator, Ms. Carolyn Clevenger, who as we came closer and closer to the truth of what MTC and ABAG were doing with their models, became more and more evasive and elusive in her responses to my questions which became more and more simple and direct. I don't fault either Mr. Ory for not responding our latter inquiries, nor Ms. Clevenger for her astonishingly evasive and elusive answers to what eventually from me were simple and direct questions. For whatever reasons, Mr. Ory referred my questions about MTC and ABAG's handling of MPG regulations directly over to his supervisor rather than responding, and in the case of Ms. Clevenger's most artfully worded evasive communications, I suspect those communications were drafted by counsel for her.<sup>15</sup>

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<sup>15</sup> Note that the more we looked at the data we had received from MTC, the more confident we were in our interpretation of that data, and thus our requests for clarification from MTC were simply acknowledgements from MTC of what the data itself said. Thus, there is no possibility that MTC misunderstood what we were asking for—acknowledgement in writing from them of indisputable facts about how they were modeling California's Clean Car Standards (Pavley 1) and how they were incorporating those results in their analysis. MTC's evasive and seeming obtuseness in response to a direct request for an admission of what unquestionably what MTC and ABAG were in fact doing, appears to be itself a further admission that MTC and ABAG know what they are doing is wrong.

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## II. The Smoking Gun

C187-6 So, was there a smoking gun in the data that MTC withheld for week after week, a reason why MTC delayed so long and fought so hard to keep us from understanding what they were doing to analyze the Plan? Indeed there appears to have been, but not just a smoking gun—there was an entire battery of smoking howitzers arrayed along the ridgeline as far as the eye can see.

Throughout this comment I will discuss the importance of the data that was withheld so long then finally disclosed to us on April 19, 2013. And, given the collapsed timeframe, there is much more in these several hundred documents that we have found that warrant—in fact demand—further research and inquiry. Also, there are also many additional issues that we had planned to comment on and have done preliminary research on. However, the delays in receiving the modeling data from MTC, together with the limited time allowed in the comment period overall, have prevented us from doing so. There's also the sheer number, and the gravity, of the deficiencies that we have found in the Plan and its analysis.

But with all that, one simple table may illustrate why MTC was so determined, and fought so hard, to delay disclosing information related to MTC and ABAG's models and analysis, and hence may explain why they fought so hard against disclosing to the public essential facts about their analysis of the Plan and draft EIR.

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### Passenger Vehicles

The Mythical Model (what they are telling us)		2010	2035	Difference	Difference per VMT
Exhaust Particulate Matter 10	Tons/day	0.75	0.54	-28.00%	-37.76%
Wintertime NOx	Tons/day	75.35	16.10	-78.63%	-81.53%
Vehicle Miles Traveled (VMT)	Thousands /miles	155.668	180.077	15.68%	
MPG	Miles per gallon	20.10	20.44	1.69%	
CO2	1000s tons/day	70.09	80.69	15.12%	-0.48%

= Using real number for MPG. Clever! Makes Preferred Alternative and its high density housing mandates look better!

= Using fake number for MPG. Shhhh . . . don't tell anyone! Makes Preferred Alternative and its high density housing mandates look better!

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What this table<sup>16</sup> tells us is that MTC and ABAG are treating the identical regulations—California’s Clean Car Standards—differently in their analysis of the Plan and the draft EIR, depending upon whether considering the impact of those regulations will help or hurt their argument that the Preferred Alternative must be selected.

California’s Clean Car Standards were promulgated by the California Air Resources Board (CARB) in 2004, pursuant to AB 1493 (2002, Pavley), and became fully effective in 2009. The Plan and draft EIR call California’s Clean Car Standards “Pavley 1.” Pavley 1 governs the average miles per gallon (MPG) of the new passenger vehicle fleet sold in California from 2009 through 2016, and in the following years.

Pavley 1 will have a significant impact on the average MPG of the passenger vehicle fleet in use in California over the next 25 years.<sup>17</sup> We don’t have to

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<sup>16</sup> The data in this table is derived entirely from the file, *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, September 11, 2012*, received in MTC’s Public Record Act disclosures, attached as Appendix G. This data contains vitally important information that was not disclosed to the public as part of the public disclosures accompanying the release of the draft Plan, the draft EIR, and accompanying documents—information that was essential for the public’s ability to understand the analysis performed by MTC and ABAG, and to submit informed comments.

This data represents the results of a model run of MTC’s software that looks at emissions from vehicles—which appear to generate the core analysis that MTC and ABAG used to evaluate the four Alternatives and No Project in the draft EIR. All tables of model runs that we received in response to our Public Records Act request were similar to the reported data in the attached file noted above, with only minor variations in the reported results between model runs, and between the alternatives, including between No Project and the four alternatives considered (and these variations between No Project and the four alternatives considered were assuredly within the margin of error of these models—a fact that does not appear to have been disclosed to the public).

<sup>17</sup> Please note that the results ABAG and MTC’s undisclosed models show for the MPG impact of Pavely 1 are included in their results shown for Pavley 1 + LCFS. However, CARB’s Low Carbon Fuel Standard (LCFS) is a set of standards for formulation of gasoline and other motor fuels, and as such, LCFS reduces CO<sub>2</sub> emissions when burned in the vehicle’s engine, but should have little or no impact on the vehicle’s MPG.

Pavley 1, on the other hand, regulates the minimum MPG of the passenger vehicles sold in the state during a given year. Therefore, it is a reasonable assumption to make that all

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guess at that—MTC and ABAG modeled that impact,<sup>18</sup> though they have not disclosed to the public that they in fact did so nor have they disclosed to the public their results, presumably because they did not want the public to know the results of that analysis. And this may have been precisely why MTC fought so hard to keep this information from the public in delaying and obstructing our March 13, 2013 Public Records Act request<sup>19</sup>—because this information would need to be provided to us in response to our request.

MTC and ABAG's undisclosed models show that the Pavley 1 regulations will increase fleetwide MPG of California's passenger vehicles by more than 59% between 2010 and 2035.<sup>20</sup> And, since the amount of gasoline burned per vehicle mile traveled (VMT) is reciprocal to the MPG that a vehicle gets, we know that Pavley 1 will have the following inevitable and certain impacts between 2010 and 2035:

- Pavley 1 MPG regulations will reduce passenger vehicle emission-related particulate matter and pollutants per VMT by 37% (and adjusting for the forecasted 15.68% increase in VMT, 31.98% overall)
- Pavley 1 MPG regulations will reduce passenger vehicle emission-related CO<sub>2</sub> per VMT by 37% (and 31.98% overall)

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or virtually all of the MPG increases attributed to Pavley 1 + LCFS in ABAG and MTC's undisclosed models are attributable solely to the impact of Pavley 1.

<sup>18</sup> See, for example, the table of data with model run results discussed in footnote 16 above (Appendix G). All model runs included the undisclosed results from running a post processor that evaluated the impact of Pavley 1 and Low Carbon Fuel Standard (LCFS) on CO<sub>2</sub> (User Guide to the post processor that assesses the impact of Pavley 1 and LCFS attached as Appendix H).

<sup>19</sup> Or, actually, among the reasons. The irregularities in the models, the analysis, and the assumptions, are simply breathtaking. I am only detailing several of them here, but there are many others.

<sup>20</sup> This is a simple calculation from the modeling results disclosed to us on April 19, 2013 (but withheld from us for week after week after our request on March 13—and also withheld from the public as a whole, who should have had access to this data). The calculation is simply the increase in fleetwide MPG for passenger vehicles from 20.18 in 2010 to 32.02 MPG in 2035 (for Preferred Alternative; other Alternatives including No Project appear to virtually the same).

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- Pavley 1 MPG regulations will reduce gallons of gasoline used by passenger vehicles—and hence available to be taxed—per VMT by 37% (and 31.98% overall)

It is facially obvious from the above that Pavley 1 MPG regulations have an immense impact on the required analysis of the Plan and its draft EIR, and on the decisions that should be made about the Plan by MTC and ABAG, and by the public. But these impacts affect the Plan's Preferred Alternative and its high density housing-heavy land use / mass transit-heavy transportation plan radically differently, depending on which impact we are looking at.

Pavley 1's 37% reduction per VMT in passenger vehicle emission-related particulate matter and pollutants (and 31.98% overall) appears to have been welcomed by MTC and ABAG, and in fact was a significant assistance to them in their justification of their Plan. The draft EIR was required to disclose serious and unmitigable health impacts to all of the new residents that MTC and ABAG are requiring to live in high density multistory multifamily units near mass transit in suburban and urban downtowns. Pavley 1's 37% reduction per VMT (and 31.98% overall) in these passenger vehicle emission-related particulate matter and pollutants by 2035 was a significant contributor in reducing, but not eliminating, those public health impacts. And, not surprisingly, MTC and ABAG included those impacts in their analysis of the Plan and the draft EIR.

However, they had a little problem to solve before doing so. As noted below, MTC and ABAG had already fabricated a mythical number for fleetwide MPG of passenger vehicles through 2035, which removed the 59% increase due to Pavley 1, and forecasting a number for MPG that was untethered and unrelated to any possible future scenario—an unchanging fleetwide MPG from 2010 through 2035. This appears to have been done to hide the impact of Pavley 1 regulations on reducing CO<sub>2</sub>. So, what to do to be able calculate the favorable impacts of Pavley 1's increased MPG on emissions related particulate matter and pollutants?

When fabricating data to produce the analysis that supports ones' objective of adopting the Preferred Alternative (or one of its variants based on the same models and analysis, Alternatives 3, 4, or 5, or some combination of the four), why stop now? And that appears to be exactly what MTC and

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ABAG did. They appear to have embedded, and hid, a second number for passenger vehicle fleetwide MPG,<sup>21</sup> one that incorporates the 59% increase in MPG and thus produced in the model a resulting decrease of 37% per VMT (31.98% overall) in passenger vehicle emission-related particulate matter and other criteria pollutants.

So in this profoundly deceptive exercise, MTC and ABAG were able to produce analysis—in the same model—that projected that passenger vehicles would emit a constant amount of CO<sub>2</sub> per VMT through 2035, through the mythical assumption that Pavley 1’s MPG regulations did not exist, and thus fabricating values for fleetwide MPG that were used in their models to generate those fabricated and grossly excessive forecasts of CO<sub>2</sub> emissions. And since their Plan was analyzed for its impact on reducing CO<sub>2</sub>, and the reduced CO<sub>2</sub> emissions from Pavley 1 MPG regulations were removed from the model by fabricating data to falsify the model’s results, the only means of reducing greenhouse gases (GHGs), e.g., CO<sub>2</sub>, that the Plan’s analysis recognized as existing were those due to land use and transit.

Since in another set of profoundly flawed assumptions and models, only those land use elements (high density housing and mixed use developments next to mass transit in suburban and urban downtowns) and transit elements (increased subsidies to mass transit) that MTC and ABAG appear to favor were defined as reducing CO<sub>2</sub> emissions, the Plan’s models and analysis were designed from the beginning to produce analysis that could only find the Preferred Alternative or some close variant (such as the other three alternatives or some combination of the four) the environmentally and economically superior choice.

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<sup>21</sup> There is simply no question that MTC’s models do this. I trust that MTC and ABAG will simply concede this point. There are two different numbers for MPG in the main model that MTC and ABAG used, or not. It’s a simple question with a yes-no answer, and the answer is yes. However, if MTC and ABAG choose to obfuscate and evasively avoid this obvious fact in their answer to this point in this comment in the Final EIR, I will file a comment to the Final EIR that details the evidence in as many ways as seems necessary. But I trust that at some point, MTC and ABAG will realize that misleading the public in the CEQA process is frowned upon, and that doing so grossly violates their responsibilities as public agencies as well.

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### **Plan Bay Area's Budget**

C187-7

But MTC and ABAG's disingenuous analysis and fabrication of results to support its desired outcomes did not stop there. Consider the decline in gasoline usage due to Pavley 1 regulations' 59% increase in fleetwide MPG for passenger vehicles in California from 2010 through 2035. MTC and ABAG's own undisclosed models compel the conclusion that gasoline usage by passenger vehicles will decline by 37% per VMT (and 31.98% overall) from 2010 through 2035 (as gasoline usage declines are simply the arithmetic reciprocal of the MPG increase).

If the retail price of gasoline keeps pace with inflation—an uncertain assumption since, as noted above, MTC and ABAG's MPG data compel a finding of an absolute decline of 31.98% in gallons of gasoline used in passenger vehicles by 2035--then total gas tax revenues to the Plan will be 31.98% less in real terms 2035 than they were in 2010.

Consider the position that MTC and ABAG found themselves in. A budget that forecasted total gas tax revenues to the Plan in 2035 31.98% less, in real terms, than in 2010, would not have allowed funding the massive multi-billion dollar mass transit projects that MTC and ABAG wanted to build. Not the \$4.5 billion dollar Trans Bay Terminal in San Francisco. Not the new rail lines that will carry passengers at a cost orders of magnitude greater than that of automobiles—rail lines that will require astronomical public subsidies per passenger mile. Nor would that budget have allowed all of the high density housing mandates that the Plan requires the cities and towns in the Bay Area to zone for, and incents them to build by withholding gas tax revenues designated for road and bridge maintenance from cities that don't actually get the housing built.

However, inconvenient facts are not an insurmountable problem—not ones that render impossible a budget that funds desired programs. New facts can be made up, or inconvenient facts can be assumed out of the models and out of the analysis—and none of this disclosed to the public.

Is this right? No, in fact it is profoundly wrong. But this appears to be exactly what MTC and ABAG have done with the analysis and justification for this Plan.

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Specifically with respect to the decline in gasoline usage due to the MPG impacts of Pavley 1, MTC and ABAG's financial models assume a 2.00% decrease in gasoline used per year through 2020.<sup>22</sup> However, MTC and ABAG's financial models then ignore the continuing impact of Pavley 1 on decreased gas sales due to increased fleetwide MPG through 2035.<sup>23</sup> And, presumably to "mitigate" the impact of declining gallons of gasoline sold through 2020, MTC and ABAG forecast an astounding 8.00% per year increase in the retail price of gasoline for those same years—3.5x the 2.2% rate of inflation<sup>24</sup> they assume in the Plan. These assumptions for extraordinary, and persistent price rises in the retail price of gasoline not only fully offset the impact on gas tax revenues of the reduction in gasoline used that their financial models forecast through 2020, but MTC and ABAG actually forecast increased gas tax revenues during those years.

Then, possibly to leave nothing to chance, MTC and ABAG forecast continuing gas price increases from 2020 through 2035 of 3.3% per year<sup>25</sup>—fully 50% higher than the 2.2% assumed rate of inflation<sup>26</sup> that the Plan is based on. In fact, including the 8% per year gas price increases through

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<sup>22</sup> See, for example, *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal) Final* attached as Appendix I. Please note that this data was not made available to the public in the disclosures provided to the public as part of the information provided to the public by MTC and ABAG for the public's review of the Plan and draft EIR, and was only provided to us after weeks of delay and obstruction in the Public Records Act response that we received on April 19, 2013. This information was not only important, but was essential to the public's ability to understand the financial models that underlie the Plan, and should have been available to the general public as part of the disclosures MTC and ABAG were required to make about the Plan and the draft EIR.

<sup>23</sup> According to MTC and ABAG's own undisclosed models of the impact of Pavley 1 on fleetwide MPG, fleetwide MPG for passenger vehicles will increase by 14.68% (from 27.92 MPG in 2020 to 32.02 MPG in 2035), and hence gasoline used per VMT will decline a further 12.80% over that same period, and even after adjusting for added VMT, by well over 10% in absolute terms.

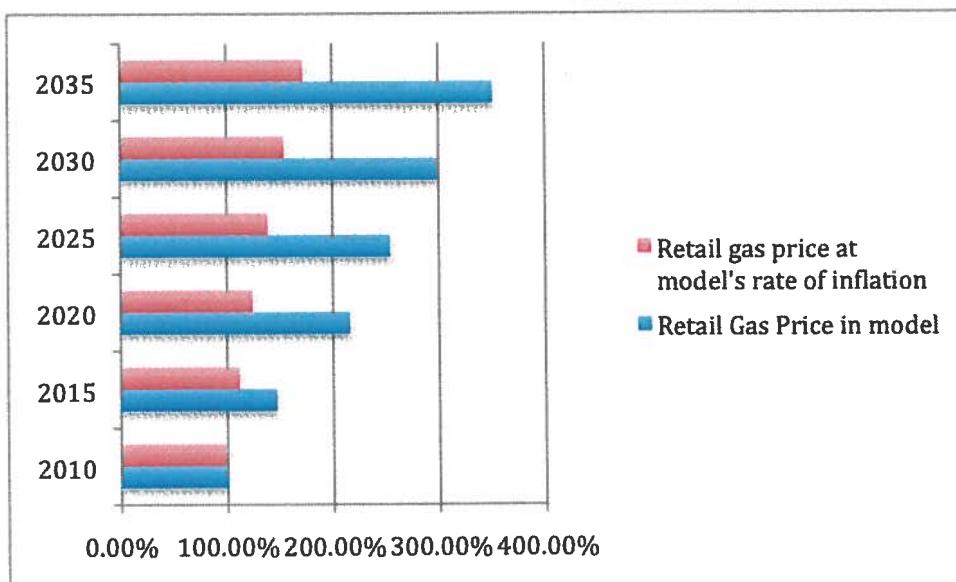
<sup>24</sup> See *Worksheet 2013 values - 2013 RTP Model (State and Federal) Final*, Appendix J. This was yet another assumption that was not disclosed as part of the Plan, the draft EIR, and their supporting documents, and was only identified by us in the disclosures we received after such long delay on April 19, 2013.

<sup>25</sup> Appendix I.

<sup>26</sup> Appendix J.

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2020, and the 3.3% per year gas price increases from 2020 through 2035, MTC and ABAG are forecasting a retail gas price in 2035 of 351% that of the retail gas price in 2010. That is, MTC and ABAG are forecasting a gas price that will increase by more than twice that the rate of inflation (171%) that their model forecasts over those same years. And, thus, the 31.98% decline in actual gallons of gasoline sold in 2035 over 2010, due to Pavley 1's MPG regulations, are more than offset by the model's assumed gas price increases. This is quite clever—constantly rising prices, far above the rate of inflation, and as far as the eye can see, while the actual number of gallons continues to fall, also as far as the eye can see. And thus the budget assumes that gas tax revenues go up and up and up while actual gallons of gas demanded at the gas pump go down and down.



Considering that MTC and ABAG appear to have an obvious incentive, as well as a seemingly well-honed track record for creating “facts” and thence forecasts that serve their objective of justifying Plan Bay Area and its policy elements, perhaps we should compare MTC and ABAG’s forecasts for gasoline price rises with the California state agency that is expert in these matters, the California Energy Commission (CEC). What we learn in doing so, leaves us in utter disbelief.

The CEC in 2011 produced a set of gasoline price forecasts from 2010 through 2030, projecting gas prices in 2010 dollars, coming up with a high price scenario, and a low price scenario. CEC appears to have considered the impact of Pavley 1 on gas prices (e.g., that Pavley 1 would reduce the

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total numbers of gasoline used by passenger cars), though it's unclear how much of Pavley's impact in reducing demand they incorporated in their model.<sup>27</sup> And of course they could not have considered the effect of Pavley 2, which had not yet been proposed in 2011 when the CEC prepared its projections. So, since Pavley 2 will lead to additional, sharp declines in gasoline used by passenger vehicles and these CEC numbers may not have accounted for the fully impact of the reductions in gasoline usage due to Pavley 1, these CEC are assuredly considerably higher than a forecast that would be made today, but they do reflect the CEC's views of future gas prices in 2011, and without consideration of the impact of Pavley 2. Their projections<sup>28</sup> are nothing short of astounding, when considered along side of MTC and ABAG's forecasts for gas price increases in Plan Bay Area.

CEC's low price scenario projects retail gasoline prices, in real terms, to be 1.23% lower in 2030, than in 2011 (see table below). And, since CEC's projections did not account for the additional, substantial declines in gasoline usage due to Pavley 2—declines in usage that will be national, since Pavley 2 simply adopts in California the federal 2025 CAFÉ standards—CEC 2011 gas price forecasts must be viewed as considerably higher than they would be if Pavley 2 was considered. CEC's high end gas price forecast, in real terms, and with the same qualification, is that gas prices in 2030 will be 28.07% higher in 2011.

What sayeth MTC and ABAG? Surely, as California public agencies, MTC and ABAG would use the gasoline price forecasts of the state's energy agency, as those forecasts would presumably be considered authoritative. In developing a regional plan like Plan Bay Area, wouldn't it be improper, possibly even unethical, to disregard those forecasts that were available to MTC and ABAG in 2011, a full year before the formal analysis of the Plan and its draft EIR began in late July, 2012? And, since Pavley 2 was announced in January of 2012, and became fully effective in December of 2012, fully four months before their analysis was complete and MTC and ABAG released the draft Plan and draft EIR to the public, MTC and ABAG

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<sup>27</sup> MTC and ABAG, on the other hand, were required to consider the full impact of Pavley 1 in reducing demand for gasoline from passenger vehicles, and their own undisclosed models compel a finding that total gas demand will drop by 31.98% by 2035, just due to Pavley 1.

<sup>28</sup> CA Energy Commission gasoline price forecast 2010-2030, Appendix K.

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surely would make appropriate adjustments downward if they used CEC's 2011 gasoline price assumptions to account for the significant impact of Pavley 2 on retail demand, and hence retail price, for gasoline. Wouldn't they?

Alas, we now know enough to predict that that won't be the case. And, sadly, MTC and ABAG act again consistently with their pattern. Their question appears to be, "what assumption do we need to make to enable us to justify the Plan we want to have" rather than "what assumption do we need to use to accurately reflect real world conditions" or "what assumption do we need to use to reflect the integrity and honesty that the public expects, and has a right to demand, from public agencies that are spending public funds"? We find that MTC and ABAG are projecting in their Plan, gasoline prices, in real terms, 85.30% higher in 2030 than in 2011.

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**Gas Price Forecasts, Difference, Real Terms, 2011-2030<sup>29</sup>**  
**(% of 2011 gas price)**

	<b>CEC 2011 – Low</b>	<b>CEC 2011 – High</b>	<b>MTC/ABAG</b>
2012	101.23%	106.54%	105.80%
2013	102.47%	110.08%	111.94%
2014	103.40%	113.90%	118.43%
2015	104.63%	116.62%	125.30%
2016	104.32%	117.44%	132.56%
2017	103.70%	117.98%	140.25%
2018	103.40%	118.80%	148.39%
2019	102.78%	118.80%	156.99%
2020	102.16%	119.07%	166.10%
2021	101.23%	119.35%	167.93%
2022	100.00%	119.35%	169.77%
2023	99.07%	119.62%	171.64%
2024	97.84%	120.44%	173.53%
2025	96.91%	121.53%	175.44%
2026	97.22%	122.34%	177.37%
2027	97.53%	123.71%	179.32%
2028	97.84%	125.34%	181.29%
2029	98.46%	126.16%	183.29%
2030	98.77%	128.07%	185.30%

**Notes:**

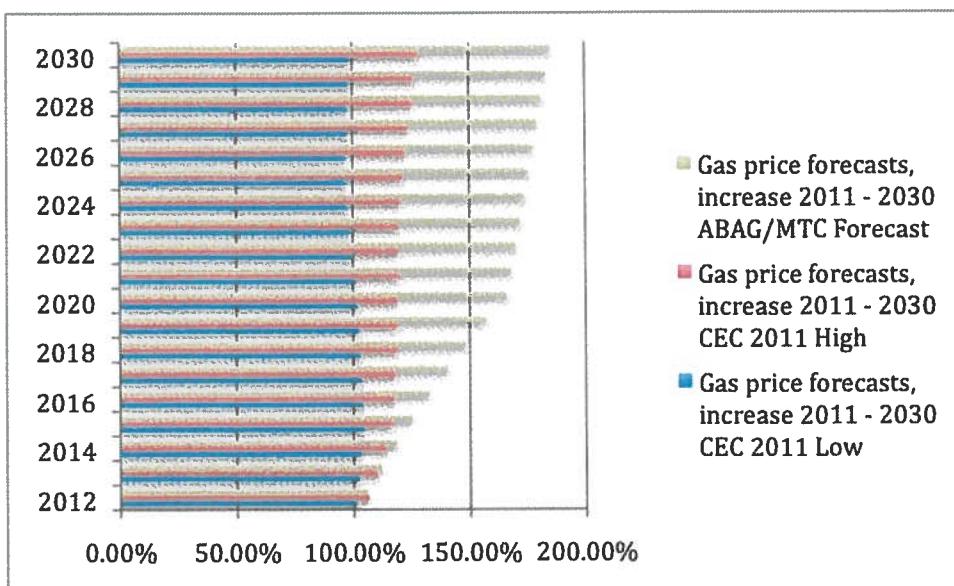
1. CEC 2011 forecasts do not consider the impact of Pavley 2 on retail gasoline prices. Pavley 2 will lead to sharp declines in gasoline prices due to sharp declines in gasoline usage by passenger cars.
2. MTC and ABAG were required to account for the impact of Pavley 2 on gasoline prices in their budget for Plan Bay Area.

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<sup>29</sup> Data for CEC are computed from yearly forecasted values in *CA Energy Commission gasoline price forecast 2010-2030*, Appendix K, and data for ABAG/MTC are computed from gas price increases per year in *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal) Final*, Appendix I.

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### Gas Price Forecasts, Difference, Real Terms, 2011-2030 (% of 2011 gas price)



**Notes:**

1. CEC 2011 forecasts do not consider the impact of Pavley 2 on retail gasoline prices. Pavley 2 will lead to sharp declines in gasoline prices due to sharp declines in gasoline usage by passenger cars.
2. MTC and ABAG were required to account for the impact of Pavley 2 on gasoline prices in their budget for Plan Bay Area.

It has oft been said that a picture can be worth a thousand words. But when it comes to MTC and ABAG—and the forecasts, assumptions, models, and omissions they fabricated and used to justify Plan Bay Area—a simple chart leaves one speechless.

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### California's Advanced Clean Car Standards ("Pavley 2")

C187-8 To summarize in a simple table what MTC and ABAG are doing here with respect to the impacts of Pavley 1 MPG regulations on emissions-related particulate matter and other criteria pollutants, CO<sub>2</sub>, and in their financial model:

#### Pavley 1 impacts:

	<b>Do the Impacts Benefit Preferred Alternative?</b>	<b>Did ABAG and MTC incorporate in results?</b>
<b>Particulates and pollutants</b>	YES	YES
<b>CO2</b>	NO	NO
<b>Gas tax revenues</b>	NO	"Mitigated" with high gas prices until 2020, ignored after 2020

And MTC and ABAG's profoundly disingenuous models and analysis go from bad to worse. California's Advanced Clean Car Standards ("Pavley 2") were announced January 27, 2012,<sup>30</sup> and went into full effect December 31, 2012.<sup>31</sup> So, 14 months before the release of the draft Plan on March 22, 2013, and 14 months before the release of the draft EIR on April 2, 2013, MTC and ABAG had full knowledge of the Advanced Clean Car standards.

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<sup>30</sup> *California Air Resources Board Approves Advanced Clean Car Rules, 20120127, Appendix M.*

<sup>31</sup> *California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012, Appendix N.*

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In fact these standards were announced fully six months before the analysis of the draft EIR and its alternatives formally began in late July of 2012.

California's Advanced Clean Car Standards simply adopt for California the federal CAFÉ standards that require an average fleetwide MPG for passenger vehicles sold in 2025 of 54.5 MPG. These already on-the-books and final regulations affect the passenger vehicles sold in California from 2017 through 2025 and forward from there.

As MTC and ABAG did not model the impact of Pavley 2 like they did in their undisclosed models of the impact of Pavley 1, we must engage in some informed estimates here (in the Table below). Pavley 2's MPG regulations begin to affect the passenger vehicle fleet sold in California beginning in 2017, and require the average MPG of the passenger vehicle fleet sold in California from 2025 and beyond to be at least 54.5 MPG. We also know from MTC and ABAG's undisclosed models that just from the impact of Pavley 1 alone, they are projecting the passenger vehicle fleet in use in 2035 to be 32.02 MPG—and we also know that the impact of Pavley 2 will additive to that of Pavley 1.

It defies all credulity to assume that the fleetwide MPG of the passenger vehicle fleet in 2035 would only be 40 MPG due to the added impact of Pavley 2, which requires all passenger vehicles sold from 2025 and forward to average at least 54.5 MPG, and whose much more stringent standards than Pavley 1 begin to be phased in for passenger vehicles sold from 2017 on. But let's assume, for the sake of argument, that that's our low estimate for the impact of Pavley 2 added to Pavley 1. However, a much more credible argument can be made that the impact of Pavley 2 added to Pavley 1 will lead to a fleetwide MPG of at least 45 MPG in 2035 (our "mid-range" estimate), and perhaps more likely closer to our high end estimate of 50 MPG in 2035.

Remember, Pavley 2's Advanced Clean Car Standards are on-the-books regulations that will govern the passenger vehicles sold in California from 2017 forward, hence for almost all of the Plan period. And yet the Plan and draft EIR completely ignore the impact of Pavley 2. This renders the Plan's analysis meaningless, and thus the Plan must be rejected.

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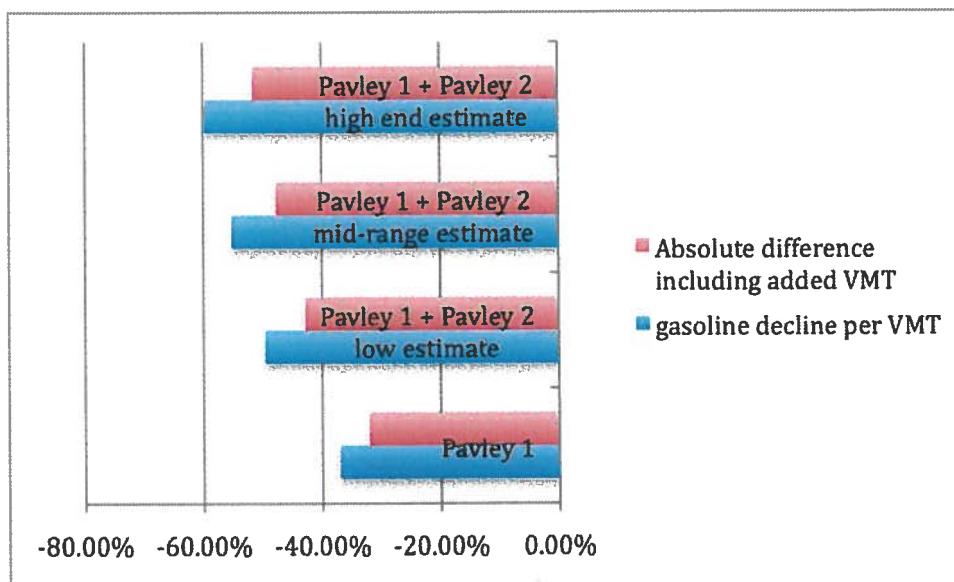
Consider the impact on emissions-related particulate matter and other criteria pollutants, CO<sub>2</sub>, and on the Plan's budget if the inevitable and certain impacts of Pavley 2 over the Plan period had been analyzed, considered in the Plan and its draft EIR, and disclosed to the public, as MTC and ABAG were required to do so:

Impact of Pavley 1 + Pavley 2:

	2010	2035	MPG increase	Gasoline decline per VMT	Absolute difference including added VMT
<b>Pavley 1</b>	20.18	32.02	58.67%	-36.98%	-31.98%
<b>Pavley 1 + Pavley 2 low estimate</b>	20.18	40.00	98.22%	-49.55%	-42.83%
<b>Pavley 1 + Pavley 2 mid range estimate</b>	20.18	45.00	122.99%	-55.16%	-47.68%
<b>Pavley 1 + Pavley 2 high end estimate</b>	20.18	50.00	147.77%	-59.64%	-51.56%

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**Impact of Pavley 1 + Pavley 2 on gasoline usage  
Absolute decline, and decline per VMT  
2010 - 2035**



To repeat myself, when it comes to MTC and ABAG—and the forecasts, assumptions, models, and omissions they fabricated and used to justify Plan Bay Area—a simple chart leaves one speechless.

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### **III. The Inevitable Response**

C187-9 MTC and ABAG will assuredly respond with indignation to the points raised in Section II above, and will likely make the following claims in response:

- SB 375 compels MTC and ABAG to ignore the impacts of state MPG regulations on CO<sub>2</sub>,
- MTC and ABAG reasonably relied on the modeling software that they used for emissions, EMFAC2011, and if there were any deficiencies in the EMFAC2011 modeling software it was the fault of the developers of the software (California Air Resources Board (CARB)),

I will comment here on each of these expected responses from MTC and ABAG, in the hopes that it will give the two lead agencies guidance in fully making their case with respect to each of these claims, and, in fact, specifically ask that they answer the following questions if they do make either or both of the above claims above.

#### **A. SB 375**

C187-10 From the draft EIR, page 2.5-43:

The analysis conducted for Criterion 1 focuses on carbon dioxide (CO<sub>2</sub>) emissions related to the operation of passenger vehicles and light duty trucks. Emissions for Criterion 1 are considered to be conservative estimates because they are presented without accounting for reductions in mobile source emissions that would be expected to result from ongoing implementation of Pavley 1 and the LCFS; per SB 375 the impact assessment does not include the emissions reductions from these legislative requirements. (emphasis added).

Simple enough. However, I've read the statute, and the plain language of the statute does not support this reading. As an attorney and as a former law clerk to a state supreme court justice, I have some experience in close and careful reading of statutes. So, rather than a blanket denial, I hereby request that any such claim by MTC and ABAG in the Final EIR include:

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1. The express provision(s) of SB 375 that MTC and ABAG are relying on for this interpretation,
2. How the plain language of this provision (these provisions) supports your interpretation, or if you are conceding that the plain language does not support this interpretation, what specific legal authority you are relying on to support an interpretation of the statute that is not supported by its plain language,
3. Do you believe the statute, or whatever legal authority you are relying on, compels, or simply permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub> emissions, and if it simply permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub> emissions, what was the reasoning relied upon by MTC and ABAG in deciding to ignore that impact,
- C187-11 4. Assuming, for the sake of argument only, that the statute permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub>, how does that further permit MTC and ABAG to:
  - a. Use models that fabricate data and produce model results that are known to be false,
  - b. Use models that have multiple values for a single variable that must be consistent in its use throughout the model (e.g., fleetwide MPG for passenger vehicles) for the model to be logically consistent and produce valid results,
  - c. Fail to disclose to the public the full results of the modeling that MTC and ABAG performed but did not disclose, of Pavley 1's impact on MPG, emission-related particulate matter and other criteria pollutants, and CO<sub>2</sub>,
- C187-12 5. How does any of the above accord with MTC and ABAG's duties and responsibilities as lead agencies in the environmental review process where full and thorough analysis of relevant factors and impacts is required, and full disclosure of both the analysis and all significant impacts is mandated—whether or not that analysis and those impacts support the conclusions the lead agency or agencies would like to reach?

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And, doesn't your failure analyze and disclose all impacts make a mockery of CEQA, which is supposed to inform the public of anticipated actual, not constructive, reality?

6. How does the level (and lack) of disclosure to the public accord with the RTAC report's mandates with respect to full public disclosure of all modeling results?

7. Please also comment on how the disclosures made by MTC and ABAG in the draft Plan, draft EIR, and in the supplemental documents that were released with the draft Plan and draft EIR address the RTAC reports mandate on p. 19 that “[t]he assessment and documentation should identify areas where the model lacks capacity for analysis of a factor or policy, and any factors or policy for which the model sensitivities fall outside the range of results documented in research literature.”<sup>32</sup>

## B. EMFAC2011

C187-13 According to the draft EIR, and my email correspondence with MTC, MTC and ABAG used the CARB-supplied software modeling program EMFAC2011 to model impacts such as MPG, emissions-related particulate matter and other criteria pollutants, and CO<sub>2</sub>. And, while MTC's email correspondence with me was unnecessarily evasive and vague on this issue, it is unquestionable and indisputable that MTC and ABAG used the CARB-supplied postprocessor<sup>33</sup> that takes EMFAC2011 data and evaluates the impact of Pavley 1 (and LCFS) on CO<sub>2</sub>, and only on CO<sub>2</sub>—with all other impacts of Pavley 1 (and LCFS) on emission-related particulate matter and other criteria pollutants performed in the main EMFAC2011 model itself.

As noted above, I anticipate the following response from MTC and ABAG in their Final EIR:

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<sup>32</sup> *Regional Targets Advisory Committee Final Report*, pp. 16-19, Appendix L.

<sup>33</sup> *Pavley I + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide*, Appendix H.

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MTC and ABAG reasonably relied on the modeling software that they used for emissions, EMFAC2011, and if there were any deficiencies in the EMFAC2011 modeling software it was the fault of the developers of the software (California Air Resources Board (CARB))

If so, I would appreciate answers to the following questions in the Final EIR to fully understand any such claim or contention by MTC and ABAG:

C187-14 1. Do MTC and ABAG thereby claim that their analysis of the Plan and draft EIR cannot be challenged even if the modeling software they used was deficient, and even though they are lead agencies? How does this accord with MTC and ABAG's responsibilities as lead agencies, and what legal arguments do MTC and ABAG use to contend that software models supplied by third parties can be used by lead agencies, with all deficiencies in the analysis produced by that third party software totally insulated from attribution to the lead agencies themselves,

C187-15 2. It's clear that MTC and ABAG (executives, counsel, and modeling professionals) are fully aware of the deficiencies in the modeling software used in analyzing the Plan and its draft EIR that are outlined in Section II above. Please admit or deny that MTC and ABAG were, and are, aware of these deficiencies.<sup>34</sup>

C187-16 3. Do MTC and ABAG claim that they were required by statutory or regulatory mandate to use EMFAC2011 for their analysis of the Plan and its draft EIR, and if so, please provide specific citation to that statutory or regulatory mandate.

4. If MTC and ABAG claim that if they were required, or alternatively, were permitted to rely on a software program for part of their analysis that had known, and material limitations or deficiencies, such as those outlined in Section II above, do MTC and ABAG further claim that they have no duty or responsibility as lead agencies to remedy or correct these shortcomings,

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<sup>34</sup> Please also note that Question 7, under SB 375 above, is also relevant to this question—please address in your answer how the draft Plan, draft EIR, and supporting documents released at the same time accord with the RTAC report's mandate on p. 19 that “[t]he assessment and documentation should identify areas where the model lacks capacity for analysis of a factor or policy, and any factors or policy for which the model sensitivities fall outside the range of results documented in research literature.”

Appendix L.

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limitations, or flaws in the software program that they relied on in their analysis, such as through the “other modeling methods” described in the RTAC report on page 16<sup>35</sup>:

‘Other modeling methods’ refer in general to tools which either augment or replace travel demand models, and are likely to be spreadsheet-based tools.

and also as described on p. 17<sup>36</sup>:

[T]he Committee concluded there was a need to augment travel demand models with other methods to achieve reasonable levels of sensitivity for SB 375 implementation purposes. These other methods include:

...

“Post processor tool”, wherein MPOs would apply the tool to adjust outputs of their travel demand model such that they account for areas where the model lacks capability, or is insensitive to a particular policy or factor.

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<sup>35</sup> Id.

<sup>36</sup> Id.

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#### **IV. Plan Bay Area, at its core, is based on models, assumptions, forecasts, and omissions that are gravely deficient and profoundly dishonest**

Because of the extent and nature of the deficiencies in the Plan and its draft EIR, I will limit my comments here to several key issues.<sup>37</sup> I offer here not only my own analysis, but also refer to two submitted comments on the Plan and its draft EIR that are important in their own right, and are illustrative of a number of other comments that I have read in draft form or am otherwise familiar with.

The following, together with these additional comment letters, provides unassailable and indisputable facts and analysis that establish conclusively that the Plan will not and cannot work, even according to its own premises, which are in and of themselves deeply flawed.

Please note that given the short time allowed for analyzing and responding to this Plan and its draft EIR, there are many other deficiencies that will simply not get noted by me or by any member of the public, because we have not been given enough time to review and comment on the Plan and its draft EIR.

The points I raise herein not only discredit the Plan, the agencies promulgating it, and the process—they de-legitimize them. Together they paint a devastating picture of two unaccountable agencies and a process that has gone terribly awry.

C187-17 **A. The Plan's transit elements will not increase ridership, will not reduce greenhouse gases (GHGs), and will do nothing to help lower income citizens who are dependent on transit for their personal mobility**

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<sup>37</sup> Because of the importance of detailing in Section II the critical importance of the information that was unreasonably withheld from me and my colleagues for week after week by MTC—information that should have been available to all of the public during the entire comment period on the Plan and its draft EIR—some of the information in Section II of this comment will necessarily need to be repeated in this section of the comment as well.

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I am attaching here<sup>38</sup> the comment letter submitted by Tom Rubin on Plan Bay Area's conformity analysis on Friday, May 3, 2013. Conformity analysis is a federal Clean Air Act requirement--essentially it requires that the transit elements of the Plan be reasonable and achievable. I have not included the appendices in the interests of space.

Mr. Rubin is one of the nation's leading experts in transportation. He built and led the leading transportation and land use consulting practice for a then-Big 8 firm in the 1980s, then served as chief financial officer for the nation's then third largest public transit agency (in the Los Angeles area) from the late 1980s through mid-1990s. He's been a highly respected independent consultant since then.

Mr. Rubin is also a long time Bay Area resident, and is deeply committed to honest government and effective public policy. Mr. Rubin cares deeply about transit that works and serves the interests of transit dependent folks that need it (largely lower income residents who rely on bus routes for personal mobility).

Mr. Rubin concludes, based on indisputable data and analysis:

- Plan Bay Area ignores the one form of transportation subsidies that are proven to increase transit usage, benefit the environment, and benefit lower income, transit-dependent residents (lowering fares and increasing service quality on existing routes, especially bus lines),
- The Plan continues the same transit strategies that have been deployed for the past 30 years in the Bay Area that have led to massive increases in the cost of transit while ridership has declined in absolute numbers (not just per capita usage),
- MTC and the Bay Area transportation and transit agencies have an appalling record of cost overruns for its transit projects, and
- MTC and ABAG are substantially overestimating expected revenues by willfully and intentionally ignoring the full impact of already on-the-books regulations regarding average mileage per gallon of the vehicle fleet

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<sup>38</sup> Tom Rubin conformity comment, Appendix O.

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sold in California that will dramatically reduce gasoline tax revenues available to this Plan (a point made at length in this comment as well).

I have read a number of other comments in draft form that will be submitted by other persons that offer similarly devastating, factual and analytically unassailable critiques of the transit elements of the Plan. Any one of them individually discredits and invalidates the transit elements of the Plan—and each offers complementary and essential facts and analysis in doing so.

**C187-18** **B. The Plan's mandate requiring that 80% of all new housing in the Bay Area be built in high density, multistory, multifamily attached units near mass transit in suburban and urban downtowns will not reduce GHGs**

I am also attaching here<sup>39</sup> the letter, in draft form, that has been submitted by Bob Silvestri as his comments on draft Plan Bay Area and its draft EIR.

Mr. Silvestri is an architect, an affordable housing developer, an environmental activist, and a respected expert on land use issues. Mr. Silvestri is a longtime resident of Marin County who is frequently quoted in the local press, and he has authored a book on Plan Bay Area called *The Best Laid Plans*.

Mr. Silvestri's report not only establishes that the Plan's draft EIR fails to provide "proof of the efficacy of the proposed Plan or the Alternatives in reducing per capita or overall greenhouse gas emissions (GHGs), to meet SCS goals," pp. 1-2, but it concludes "that Plan Bay Area and the Alternatives will increase overall and per capita GHGs rather than decrease them." Id. at p. 2.

I am familiar with at least a dozen other comment letters that raise profound and material questions about the Plan's land use elements, or about the forecasts, assumptions, models, and omissions that underlie the Plan and its draft EIR. Each of them discredits and invalidates the foundations of the Plan, and does so based on analytically-sound and empirically-based assessments of the Plan.

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<sup>39</sup> *Bob Silvestri comment*, Appendix P.

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Plan Bay Area is a transportation plan, and a land use plan. Mr. Rubin's report and others establish that the transportation elements of the Plan will not reduce GHGs, will not increase ridership, and will not help lower income residents who are dependent on public transit for personal mobility. These reports show that the Plan leaves the Bay Area's local roads and bridges dangerously underfunded in order to fund massive mass transit projects that will have limited or no efficacy in leading to gains in transit ridership and will have no beneficial environmental effects. Mr. Silvestri's report together with more than a dozen others, in turn, establish that the land use elements of the Plan will similarly not meet their stated objectives (reducing GHGs), and in fact will be counterproductive.

If the transportation plan and the land use plan won't work and cannot work, and in fact are counterproductive, what then are we left with? A Plan that is bereft of public benefits, that limits our ability to live where and how we wish as well as how we can travel, and that dramatically limits our ability to make our own decisions as individual residents, and as cities and counties. And we are left with a Plan that imposes massive and undisclosed unfunded mandates on the cities and counties in the Bay Area.

Could it get any worse than this? Yes, unfortunately it can. A Plan this fatally flawed and lacking in integrity could only have been fabricated and sold to the public through misleading representations and profoundly dishonest analysis. And it has been.

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C187-19

### C. The Plan and its draft EIR consider the impact of emission and mileage standards in ways that are misleading and profoundly dishonest

The following chart<sup>40</sup> summarizes the discussion that follows:

California Air Resources Board (CARB) MPG regulation	Particulates and pollutants other than CO2	CO2	Reduction in gasoline use and gas tax revenues
<u>Pavley 1</u>  <u>Clean Car Standard</u> , governing passenger vehicles sold 2009 – 2016 and beyond. Finalized 2009, announced 2004.	EMFAC2011 appears to consider the significant impacts of Pavley 1 in reducing particulates and pollutants and thus those reductions appear to be reflected in the Plan analysis. This substantially reduces the health risks of forcing people to live in high density housing near transit in suburban and urban downtowns, but doesn't eliminate them.	EMFAC2011 doesn't consider in its main model, but considers in a separate postprocessor. MTC ran the postprocessor on every model run. It ignores everything other than CO2 impact of Pavley 1 and LCFS (Low Carbon Fuel Standard). Those impacts are massive, <u>and were undisclosed</u> .	ABAG and MTC modeled a 2.00% decline in gasoline demand per year through 2020 due to Pavley 1, but considered no impact of Pavley 1 on gasoline demand after 2020, despite their models of Pavley 1 showing continued Pavley 1 related gains in fleetwide MPG until at least 2035.  ABAG and MTC also appear to have "mitigated" the budgetary impact of the modeled 2.00% decline in gasoline demand per year until 2020 by also, "coincidentally," modeling an 8.00% per year gasoline price increase through 2020.

<sup>40</sup> Please note that EMFAC2011 is the modeling software that ABAG and MTC used to model particulate matter, other criteria pollutants, CO2, and miles per gallon (MPG) of the vehicle fleet in use during the Plan period.

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<b>California Air Resources Board (CARB) MPG regulation</b>	<b>Particulates and pollutants other than CO2</b>	<b>CO2</b>	<b>Reduction in gasoline use and gas tax revenues</b>
<u>Pavley 2</u> <u>Advanced Clean Car Standard</u> , governing passenger vehicles sold 2017 – 2025 and beyond. Finalized December 31, 2012, announced January 27, 2012 (CARB simply adopted for California the federal 2025 CAFÉ standard requiring average 54.5 MPG for fleet sold in 2025).	EMFAC2011 does not consider, CARB does not have a postprocessor, and MTC did not consider in their analysis, despite the regulations having been announced 15 months before their analysis was completed on the draft Plan and draft EIR, and having been finalized three months before the draft Plan was released March 22, 2013, and the draft EIR was released April 2, 2013	EMFAC2011 does not consider, CARB does not have a postprocessor, and MTC did not consider in their analysis, despite the regulations having been announced 15 months before their analysis was completed on the draft Plan and draft EIR, and having been finalized three months before the draft Plan was released March 22, 2013, and the draft EIR was released April 2, 2013.  The impact of Pavley 2, alone, on CO2 should be at least as great as 2/3 the impact of Pavley 1 and LCFS together (likely reduction of CO2 of more than 19 thousand tons per day, versus Pavley 1 and LCFS reduction of 30 thousand tons per day, for a total reduction by 2035 of more than 49 thousand tons of CO2 per day).	Completely ignored the <u>very substantial budgetary impact</u> of Pavley 2 on reductions in gasoline demand hence reductions in gas tax revenues.

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## **1. California's Clean Car Standard ("Pavley 1") and Advanced Clean Car Standard ("Pavley 2")**

California has two major sets of regulations that set mandates for the average miles per gallon (MPG) of the new passenger vehicle fleet sold in the state in a given year. Both have been promulgated by the California Air Resources Board (CARB) pursuant to the authority granted it by Assembly Bill 1493 (2002, Pavley).

### Pavley 1:

California's Clean Car Standard ("Pavley 1") governs the passenger vehicle fleet sold in the years 2009 through 2016 (and beyond). Pavley 1 regulations became effective and final in 2009.

Pavley 1 became effective before MTC and ABAG's analysis of Plan Bay Area's draft EIR began formally in July of 2012. Thus, all impacts attributable to Pavley 1 were required to be fully analyzed by ABAG and MTC and fully disclosed to the public.

### Pavley 2:

California's Advanced Clean Car Standard ("Pavley 2") was announced by CARB on January 27, 2012<sup>41</sup>, and these regulations became final on December 31, 2012.<sup>42</sup> Pavley 2 adopts in California the federal CAFÉ MPG standard that requires the passenger vehicle fleet sold in 2025 and later to average 54.5 MPG. Pavley 2 governs new vehicles sold between 2017 through 2025 (and beyond).

Pavley 2 became effective during the period of time that MTC and ABAG performed their analysis of the draft Plan and its draft EIR—in fact, it became fully effective almost three months before the draft Plan was released on March 22, 2013, and more than three months before the draft EIR was released on April 2, 2013. Thus, all impacts attributable to Pavley

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<sup>41</sup> *California Air Resources Board Approves Advanced Clean Car Rules, 20120127*, Appendix M.

<sup>42</sup> *California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012*, Appendix N.

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2 were required to be fully analyzed by ABAG and MTC, and fully disclosed to the public.

The draft Plan and draft EIR mention both Pavley 1 and Pavley 2 in several locations.<sup>43</sup> However, the impacts of Pavley 1 were analyzed differently according to whether they were favorable to the Preferred Alternative. The impacts that were favorable to the Plan were incorporated in the analysis and results. The impacts that were not favorable to the Plan were either analyzed but not incorporated into the results, or were minimized by the use of improper and unjustifiable assumptions. The impacts of Pavley 2--which would have been devastating on the Plan's analysis of CO<sub>2</sub> and on the Plan's budget--were ignored entirely.

Pavley 1 and Pavley 2 each lead to substantial increases in the average MPG of the passenger vehicle fleet sold in California--and over time, in the average MPG of the passenger vehicle fleet in use in the state. ABAG and MTC's own, undisclosed models<sup>44</sup> show that Pavley 1 increases the average MPG of the passenger vehicle fleet in use in the Bay Area by almost 60% (from 20.18 MPG in 2010 to 32.02 MPG in 2035 in their analysis of the Preferred Alternative, with almost identical results projected for the other alternatives including No Project).<sup>45</sup>

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<sup>43</sup> See, for example, draft EIR, p. 2.5-43; Financial Assumptions, p. 4.

<sup>44</sup> The data source for the charts below is from MTC's own model run results, attached here as Appendix G, *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, September 11, 2012.pdf*.

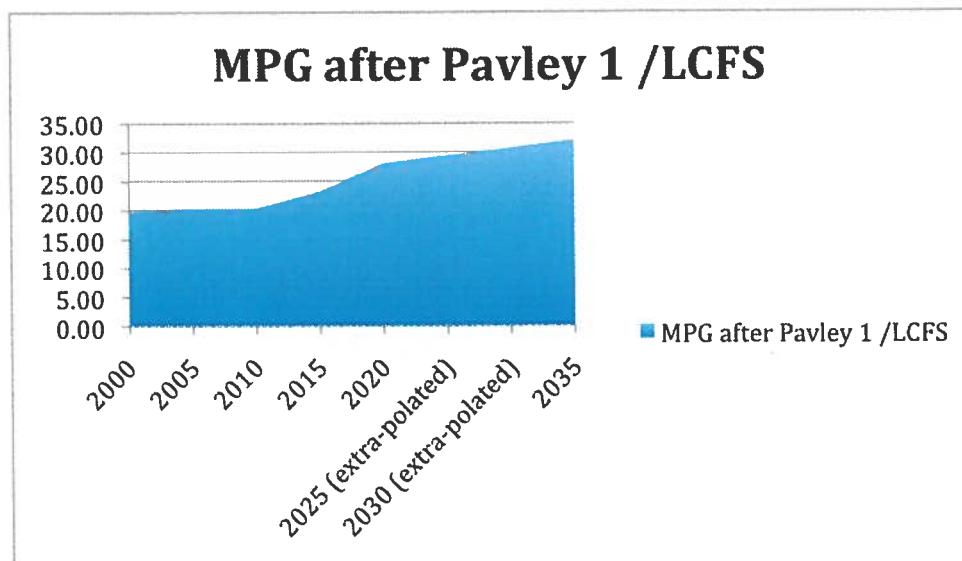
<sup>45</sup> Please note that the results that ABAG and MTC's undisclosed models show for the MPG impact of Pavley 1 are included in their results shown for Pavley 1 + LCFS. However, CARB's Low Carbon Fuel Standard (LCFS) is a set of standards for formulation of gasoline and other motor fuels, and as such, LCFS reduces CO<sub>2</sub> emissions when burned in the vehicle's engine, but should have little or no impact on the vehicle's MPG.

Pavley 1, on the other hand, regulates the minimum MPG of the passenger vehicles sold in the state during a given year. Therefore, it is a reasonable assumption to make that all or virtually all of the MPG increases attributed to Pavley 1 + LCFS in ABAG and MTC's undisclosed models are attributable solely to the impact of Pavley 1.

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### Miles Per Gallon of Passenger Vehicle Fleet after Pavley 1 / LCFS

	2000	2005	2010	2015	2020	2025 (extra- polated)	2030 (extra- polated)	2035
MPG after Pavley 1 /LCFS	19.69	20.09	20.18	23.09	27.92	29.29	30.65	32.02
% increase		2.03%	0.45%	14.42%	20.92%	4.89%	4.67%	4.46%



A reasonable assumption would be that by the end of the Plan Bay Area planning period in 2040, the percentagewise increase in average fleetwide MPG due to Pavley 2 will be approximately the same as that of Pavley 1, and those impacts will be additive, leading to an average MPG for the vehicle fleet in use in California of at least 45 MPG and more likely close to 50 MPG.<sup>46</sup>

<sup>46</sup> ABAG and MTC's undisclosed models show that from Pavley 1's second year in 2010 until 2035, fleetwide MPG gains attributable to Pavley 1 will be more than 59% (from 20.18 MPG in 2010 to 32.02 MPG in 2035). Pavley 2 requires the average new passenger vehicle sold from 2025 and later in California to average at least 54.5 MPG. A

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Why is this important? Because of the massive impact of these vehicle fleet MPG gains on three of the most important considerations in the Plan: CO<sub>2</sub> emissions; emission-related particulate matter and other pollutants; and the budget.

To restate the above, we know from ABAG and MTC's own, undisclosed models, that Pavley 1 alone will increase average fleetwide MPG by almost 60% between 2010 and 2035. As gallons of gasoline burned are reciprocal to MPG, we know as a matter of simple arithmetic that Pavley 1 will reduce gallons of gas burned by passenger vehicles by more than 37% per vehicle mile traveled (VMT) (and after adjusting for the 15.68% increase in VMT, by 31.98% overall) between 2010 and 2035.

This means that according to MTC and ABAG's own, undisclosed models, as a matter of simple arithmetic, that the Pavley 1 MPG regulations will:

- reduce emission-related particulate matter and pollutants from passenger vehicles (the dominant source of these emissions) by more than 37% per VMT (and 31.98% overall) by 2035,
- reduce CO<sub>2</sub> from passenger vehicles by more than 37% per VMT (and 31.98% overall) by 2035 , and
- reduce gallons of gasoline sold per VMT by more than 37% (and by 31.98% overall) by 2035.

ABAG and MTC were required to account for these effects and to faithfully incorporate these effects into the results of their analysis. But this is precisely what ABAG and MTC did not do.

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reasonable assumption would be that 23 years after Pavley 2 regulations begin to first affect the passenger vehicle fleet sold in California (2017)—that is by 2040—that the impact of Pavley 2, added to the impact of Pavley 1 (which appears to cap out at just over 32 MPG in 2035), will lead to a further increase of close to 60% in the fleetwide MPG by 2040, or to a fleetwide average of just over 51 MPG.

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Pavley 1 impacts:

	<b>Do the Impacts Benefit Preferred Alternative?</b>	<b>Did ABAG and MTC incorporate in results?</b>
<b>Particulates and pollutants</b>	YES	YES
<b>CO2</b>	NO	NO
<b>Gas tax revenues</b>	NO	“Mitigated” with high gas prices until 2020, ignored after 2020

When the impact of Pavley 1 MPG regulations benefits their Plan--as it does with emission-related particulate matter and pollutants—MTC and ABAG incorporate those impacts in their analysis and in the results they report to the public. Where the impact of Pavley 1 MPG regulations doesn't benefit their Plan, when in fact it renders their Plan utterly unnecessary—as it does with CO<sub>2</sub> emissions—MTC and ABAG ignore those impacts in their analysis. Nor do they disclose to the public the results of the analysis they actually ran but didn't incorporate in their assessment of the Plan.<sup>47</sup>

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<sup>47</sup> MTC and ABAG attempt to deflect this objection by saying on p. 2.5-43 of the draft EIR,

Emissions for Criterion 1 are considered to be conservative estimates because they are presented without accounting for reductions in mobile source emissions that would be expected to result from ongoing implementation of Pavley 1 and the LCFS; per SB 375 the impact assessment does not include the emissions reductions from these legislative requirements." (emphasis added).

First, no reasonable reading of the text of the statute supports such an interpretation. Second, the CO<sub>2</sub> reductions attributable to the Pavley 1 regulations alone by 2035, according to ABAG and MTC's own, undisclosed models, will be

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And, last, when the impact of Pavley 1 MPG regulations requires ABAG and MTC to accommodate them in the budget, as fewer gallons of gasoline sold equals lower gas tax revenues for the Plan's projects and initiatives, ABAG and MTC appear to have "mitigated" the impact of those declining gallons of gasoline sold by assuming strikingly high increases in the price of gasoline each of those years. Thus, ABAG and MTC models show decreases of 2.00% per year through 2020 in gallons of gas sold, but "mitigate" those decreases in the gallons of gasoline sold by assuming that the retail price of gasoline will increase by 8.00% per year through those same years.<sup>48</sup> Was it a simple matter of adjusting the financial model's assumption regarding the price per gallon of gas sold to make the problem of Pavley 1's impact of reducing the number of gallons sold per year through 2020 go away? If so, problem solved.

What about after 2020? ABAG and MTC's own undisclosed models show that fleetwide MPG continues to rise substantially due to the impact of Pavley 1's MPG regulations, past 2020 and at least until 2035.<sup>49</sup> Yet ABAG and MTC ignore this impact entirely on the budget. Could it be because they could only "mitigate" the impact of the gasoline usage declines on their budget with an offsetting assumption of a 8.00% per year increase in the

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10-12x the amount that their models show will be the difference between their Preferred Alternative and No Project that same year. When one considers the impact of both Pavley 1 and Pavley 2 in the last year of the Plan, 2040, those MPG regulations, which are already on the books now and fully effective, will lead to more than 16x the CO<sub>2</sub> reductions than the CO reductions from choosing the Preferred Alternative over No Project—even assuming the rest of the Plan's models and assumptions are correct.

ABAG and MTC are like a doctor who insists that the patient (the public) take an immensely costly and risky regimen of treatment that has no possibility of curing the patient and has serious side potential side effects that may kill the patient, while failing to tell the patient that the treatment is entirely unnecessary because the patient is sure to get better anyway.

<sup>48</sup> *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final*, Appendix I.

<sup>49</sup> MTC and ABAG's models show fleetwide passenger vehicle MPG increasing an additional 14.68% between 2020 and 2035 due to the impact of Pavley 1, leading to an additional decline in gasoline used per VMT by the passenger vehicle fleet of 12.80%.

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retail price of gasoline only for 7 years until 2020, but doing so for additional years beyond that would draw too much attention?

The Plan already uses the astonishing device of a plug number. Their expenditure plans, assuming their programs come in on budget--which Mr. Rubin's report shows is not even plausible--are underfunded by 5%. Do ABAG and MTC dial back their expenditure plans by 5% to keep their budget in balance? Of course they don't. They insert a plug number of 5% of the budget for "unanticipated," "anticipated" revenues. Yes, they really call it that.<sup>50</sup>

#### Pavley 2 impacts:

	<b>Do the Impacts Benefit Preferred Alternative?</b>	<b>Did ABAG and MTC analyze and incorporate in results?</b>
<b>Particulates and pollutants</b>	YES	NO
<b>CO<sub>2</sub></b>	NO	NO
<b>Gas tax revenues</b>	NO	NO

And what of California's Advanced Clean Car Standards ("Pavley 2")? Those regulations governing the passenger vehicle fleet sold in California from 2017 through 2025 and beyond, will have at least as great an effect on fleetwide MPG as Pavley 1, and Pavley 2's impact will be additive—in addition to—that of Pavley 1. And all completely unanalyzed and ignored in the Plan and its draft EIR.

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<sup>50</sup> Plan, p. 64.

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## **2. The benefits to the Preferred Alternative of incorporating Pavley 1 impacts on emission-related particulate matter and pollutants**

The Preferred Alternative mandates that 80% of all new housing units be in high density, multifamily, multistory projects near mass transit in suburban or urban downtowns. The Plan was required to disclose what it described as significant and unmitigable impacts on human health to the residents who will live in those units.

The draft EIR discusses in section 2.2(d) on page 2.2-81,<sup>51</sup> the mitigations it recommends to reduce those health risks to people who will live in these new high density housing units. Those include air filtration units for each living unit, and presumably may mean, at least in some locations, windows that don't open. Of course, in a suburban home, "air conditioning" means open two windows, and let the breeze blowing through the trees flow through your house.

The draft EIR further suggests keeping housing units at least 500 feet from freeways, and as far from trucks, buses, and rail as possible, and recommends planting as much vegetation as possible. The Plan's mitigations sound like recreating the living conditions in a single family home in a suburban town, but alas, the Plan mandates that 80% of all new housing units be in these high density dwelling units near transit in suburban and urban downtowns.

Given these significant and unmitigable health risks posed by the Plan's mandates that 80% of all new housing units be built in these conditions, it makes great sense that ABAG and MTC would want their analysis of the Plan to incorporate the significant reductions in emission-related particulates and pollutants that will result from Pavley 1, and that's exactly what they've done. While there are a number of other regulations<sup>52</sup> that contribute to the significant, and persistent declines in these particulates and pollutants during

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<sup>51</sup> DEIR section 2.2(d) Mitigation measures, Appendix Q.

<sup>52</sup> Especially CARB's Low Emission Vehicle (LEV) and Low Emission Vehicle II (LEV II) regulations.

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the Plan period which can be seen in the Plan's model results,<sup>53</sup> the estimated 37% per VMT (and after considering the 15.68% increase in VMT, 31.98% overall) reduction in these particulates and pollutants due to the passenger vehicle fleet and attributable solely to Pavley 1's increase in fleetwide MPG by 2035 were a major factor in the Plan's analysis, and in the reduced, but nowhere near eliminated, health risks to the residents in the mandated 80% of all new housing units that must be high density units near transit in suburban and urban downtowns.

## **2. The benefits to the Preferred Alternative of ignoring Pavley 1 impacts on CO<sub>2</sub>**

Reporting the CO<sub>2</sub> results of Pavley 1 would have required ABAG and MTC to disclose that the Pavley 1 regulations, together with CARB's Low Carbon Fuel Standards (LCFS) will lead to ten to twelve times (10 to 12 times) the reduction in CO<sub>2</sub> than the reductions in CO<sub>2</sub> that their land use and transportation plan elements would produce, even if their models were to be believed and were believable.<sup>54</sup> We don't need to guess at this difference. ABAG and MTC's own models show us this, though none of this has been disclosed to the public.

MTC's own model run on November 6, 2012<sup>55</sup> shows that even assuming ABAG and MTC's high density housing mandates and additional mass transit subsidies produce all of the GHG gains that ABAG and MTC believe they will, the difference between No Project and ABAG and MTC's Preferred Alternative is only 3.01 thousand tons per day of CO<sub>2</sub> out of more than 100 tons per day for either No Project or the Preferred Alternative. That is, assuredly within the margin of error, even assuming ABAG and MTC's models are correct. And at an appalling cost—not only those borne by individual members of the public and in public sector spending at all levels and through the massive new unfunded mandates, but also upon Bay

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<sup>53</sup> For example, see model results in *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, September 11, 2012*, Appendix G, but all model runs were similar to these results.

<sup>54</sup> Of course as discussed elsewhere, those models are not believable.

<sup>55</sup> *MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, November 6, 2012*, Appendix R.

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Area residents' ability to live where and how they choose, travel the way they wish to, and upon their ability to make their own decisions within their own communities.

It's instructive to display the data in ABAG and MTC's own models, in a few simple charts, to see the misleading story that they are telling the public about their Plan, and compare that story with what their own data actual shows.

*ABAG and MTC's narrative—“there’s a massive difference between No Project and our Preferred Alternative”*

ABAG and MTC tell the public, in effect, that their analysis shows a massive difference between No Project and their Preferred Alternative, and thus that the immense costs, and risks, and the Plan's sharp limits on the ability of citizens to live where and how they wish, and to make decisions in their own communities as to how those communities will grow and change, are somehow justified.<sup>56</sup>

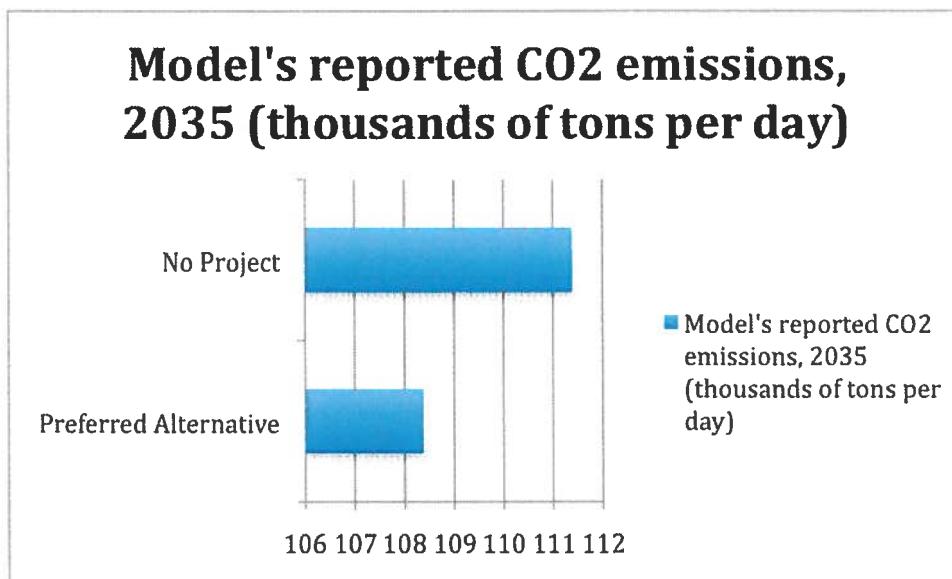
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<sup>56</sup> These costs, and risks, and the limits on individual liberties and local decision making are not justifiable, but this is ABAG and MTC's underlying rationale.

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### **Preferred Alternative and No Project – As MTC and ABAG Portray Them**

	<b>Preferred Alternative</b>	<b>No Project</b>
Model's reported CO <sub>2</sub> emissions, 2035 (thousands of tons per day)	108.38	111.39



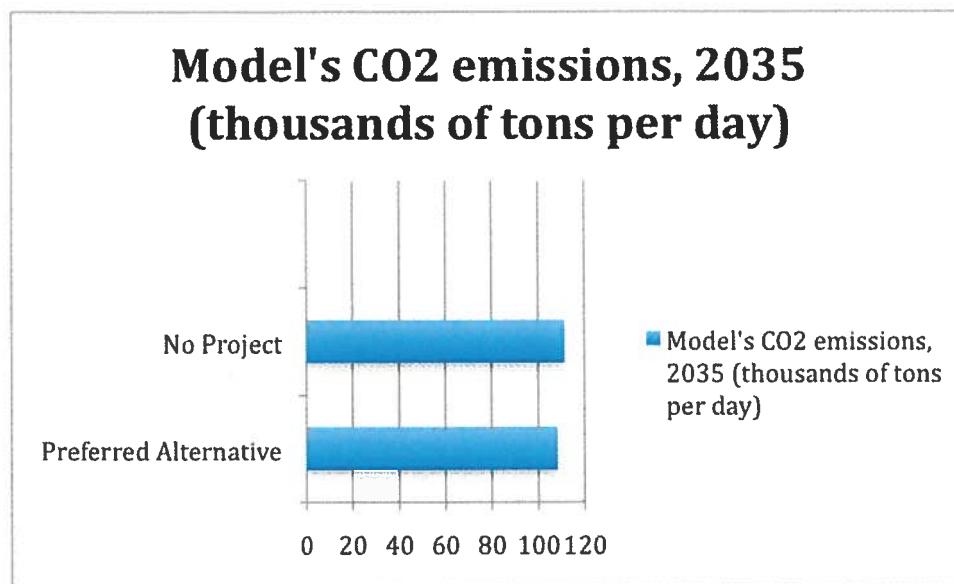
The above chart is based ABAG and MTC's own data from one of their own Model runs,<sup>57</sup> and is representative of the sorts of data that their model runs produced. This is not a chart used by ABAG and MTC to sell their Plan to the public--rather it is shown here as an illustration of the image left in the public' perception after ABAG and MTC describe the difference between their Preferred Alternative and No Project—suggesting a massive difference between the two.

<sup>57</sup> MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, November 6, 2012, Appendix R.

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What their model results really show

However, changing the scale on the chart to their true values on ABAG and MTC's model run here (and all of their model runs were very similar) shows the true difference between No Project and their Preferred Alternative—less than a 3.00% difference, assuredly within the margin of error in their calculations here.



But their model results reported in their analysis describe a mythical future that will not and cannot exist—and they know that, but don't tell the public

Even more problematic, though, is that the future Bay Area portrayed in these charts above, which are directly sourced from ABAG and MTC's own model runs, is a myth which appears to have been created by ABAG and MTC to convince the public that GHG (e.g., CO<sub>2</sub>) emissions in California and the Bay Area are a dire problem that has no solution other than dramatic changes in our lifestyles, and dramatic limitations on our choices. Their implied narrative is that the only way to reduce GHGs is to reduce automobile use, or, to use their term, to reduce vehicle miles traveled (VMT). And the only way to reduce VMT is to change the way Bay Area residents live and the way Bay Area residents travel. Whether Bay Area residents want to change the way they live and travel, or not.

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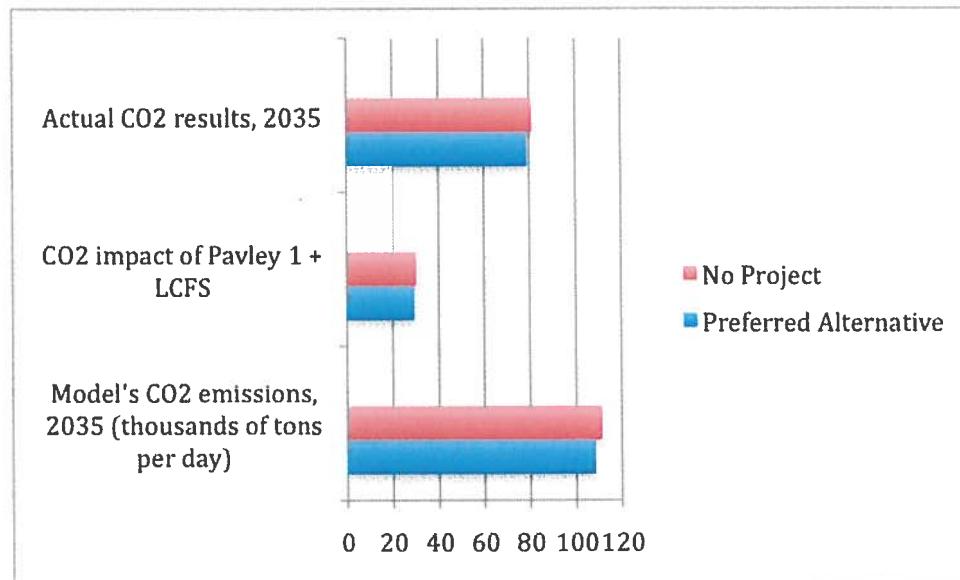
However, ABAG and MTC's implied narrative assumes there is only one way to reduce GHGs from automobiles—and that is to reduce automobile use (e.g., reduce VMT). But, as a simple matter of logic, there is another way to reduce GHGs from automobiles, and that is to reduce the amount of GHGs that automobiles emit (e.g., reduce GHG per VMT). And it turns out that doing the latter is vastly easier and less expensive, and vastly less restrictive of individual choice in how Bay Area residents live and travel. And, doing so doesn't incur the extraordinary risks and uncertainties that Plan Bay Area poses to the Bay Area economy, and to Bay Area communities.

And, the regulations are already on the books. In fact, the outcomes of the Pavley 1 regulations on GHG emissions in the Bay Area have already been modeled by ABAG and MTC. However, they didn't consider the impacts of those GHG reductions in their analysis of Plan Bay Area and the draft EIR, and they haven't disclosed the results of their modeling of the GHG reductions from Pavley 1 to the public. For obvious reasons, which will become clear upon looking at a chart of the models that ABAG and MTC ran that reflected the future Bay Area as it will be, not the mythical future with no GHG reductions due to MPG regulations:

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*ABAG and MTC's model runs incorporating Pavley 1 and LCFS, that weren't incorporated in their analysis of the Plan and its alternatives, and haven't been disclosed, reflect the reality of the Bay Area's future (rather than the mythical future used to analyze the Plan)*

	Preferred Alternative	No Project
<b>Model's CO<sub>2</sub> emissions, 2035 (thousands of tons per day)</b>	108.38	111.39
<b>CO<sub>2</sub> impact of Pavley 1+ LCFS</b>	29.42	30.25
<b>Actual CO<sub>2</sub> results, 2035</b>	78.96	81.14



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There is no future world contemplated by ABAG and MTC that does not include the Pavley 1 regulations and LCFS.<sup>58</sup> So the truthful analysis that should have been presented to the public in the draft Plan and its draft EIR—  
and should have been used to evaluate the Plan and its alternatives—is the chart and data above, not the fabricated and mythical data that ABAG and MTC actually did present to the public.<sup>59</sup>

What the above chart shows, again, sourced solely from ABAG and MTC's model runs,<sup>60</sup> is that for ABAG and MTC's immensely expensive, immensely risky Preferred Alternative<sup>61</sup>—even assuming their models showing GHG reductions from their housing mandates and transit subsidies are accurate—the difference between No Project, and the Preferred Alternative is minuscule overall, and infinitesimal compared to the certain-to-occur CO<sub>2</sub> reductions from California regulations that are already on the books, and that ABAG and MTC have modeled the impact of.<sup>62</sup>

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<sup>58</sup> Pavley 1, again, affects the overall MPG of the vehicle fleet sold in California from 2009 through 2016 (and forward from 2016), and the Low Carbon Fuel Regulations affect the formulation of gasoline sold in California.

<sup>59</sup> The data in the chart above, and the data in the previous charts, were all source from the same model run, *MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, November 6, 2012*, Appendix R, though the data that reflects the impact of Pavley 1 in increasing MPG (and thus reducing CO<sub>2</sub>) was performed by a postprocessor application. This postprocessor application appears to have been applied to every model run.

<sup>60</sup> All model runs appear to have been roughly consistent to the one disclosed above with only minor differences in results.

<sup>61</sup> Note that all of the three other alternatives that ABAG and MTC considered in their analyses were only minor variants of the Preferred Alternative, and thus the assessment here applies to Alternatives 3, 4, and 5 as well.

<sup>62</sup> It's also worth noting in the table of data that underlies the above chart—that table immediately above the chart—that ABAG and MTC's own models show that including the impact of Pavley 1 and LCFS on CO<sub>2</sub> emissions also reduces the absolute gap that their models show between No Project and their Preferred Alternative (by almost 1/3 from a gap of 3.01 thousand tons per day in their mythical world of the future with no Pavley 1 and LCFS to 2.18 thousand tons per day in the actual world that does include Pavley 1 and LCFS).

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Reporting the CO<sub>2</sub> results of Pavley 2 would show further, vast decreases in CO<sub>2</sub> from passenger vehicles that need to be added to the impact of Pavley 1 and LCFS.<sup>63</sup>

So, if we do nothing, already on-the-books, mandatory regulations for MPG, with the full impacts already modeled by ABAG and MTC for the first set of regulations (Pavley 1 + LCFS) and the added impacts of the second set of regulations (Pavley 2) easily estimable, reductions in CO<sub>2</sub> by the end of the Plan's period will likely be more than 49 thousand tons of CO<sub>2</sub> per day, more than 16x the reductions claimed that will occur as a result of the Plan's housing mandates and additional transit subsidies, over No Project.<sup>64</sup>

C187-20 *Why No Project is the Superior, in fact, Only, Alternative of the Five Considered*

Adopting No Project is not “doing nothing.” It’s just not doing the fantastically expensive, unworkable policy elements that not only characterize the Preferred Alternative, but also all three other alternatives as well (as they are just minor variants of the Preferred Alternative that contain all of the Preferred Alternative’s foundational deficiencies).

Adopting No Project is simply letting people live where they want, how they want. It’s letting local cities decide how to zone as they wish. It doesn’t require the massive new regional redevelopment agencies that the Plan tells us are essential to its success. Essential to the success of the Plan, of course, because the Plan’s housing mandates will require the vast majority of all of the new high density housing units be heavily subsidized. The only high

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<sup>63</sup> Assuming that Pavley 2 increases fleetwide MPG by the same 60% that Pavley 1 does, hence that Pavley 2 decreases gallons of gasoline burned per VMT as much as Pavley 1 does (the reduction in gallons of gas burned are simply a reciprocal of the increase in MPG), then just from the impact of Pavley 2 alone in 2035 would lead to another 19.34 thousand tons in CO<sub>2</sub> reductions, on top of the 30 thousand tons in CO<sub>2</sub> reductions, from the 51.92 thousand tons per day due to passenger vehicles in 2035 (Preferred Alternative calculations).

<sup>64</sup> And, since as noted in footnote 62, since the gap between the Preferred Alternative and No Project’s modeled CO<sub>2</sub> emissions narrowed by almost a third when the correct models were used, including the impacts of Pavley 1 + LCFS, also including the impact of Pavley 2 will presumably narrow the difference between the Preferred Alternative and No Project’s modeled CO<sub>2</sub> emissions even further, perhaps to 1.5 thousand tons per day.

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density housing projects that won't require substantial public subsidies are in those locations such as in the larger cities where there is already existing, market demand for high rise, high density multi family housing in downtown locations—a fact impliedly admitted to by the Plan's insistence on redevelopment agencies as necessary to subsidize its housing mandates.

C187-21 Plan Bay Area requires regional redevelopment agencies also because its high density housing mandates require large projects in suburban downtowns where much of that land already has existing uses—often small businesses serving the local community. Many of those small landowners will not want to sell and those small businesses will not want to move—so Plan Bay Area insists that it needs to have eminent domain powers to force all those landowners to sell, and all those small businesses to move, in order to build all the high density housing that ABAG and MTC insist must be built.

C187-22 The report on PDA Readiness by Economic Planning + Systems (EPS), prepared for MTC and ABAG to assess the viability of the Plan's mandate that 80% of all new housing units be built as multistory, multifamily units near mass transit in suburban and urban downtowns<sup>65</sup> unwittingly gives the public an extraordinarily illustrative and powerful window into the thinking behind Plan Bay Area. It posits a parcel of land with a small shopping center with a happy landowner who doesn't want to sell and happy tenants of that shopping center—tenants who are thriving, productive, and providing services to the local community. The value of the cash flows to the shopping center make the parcel worth \$4 million dollars—precisely because these are local businesses that are thriving, and providing services to the local community that wants those services.

Yet in MTC and ABAG's relentless drive to force unwanted housing mandates on cities, and housing in high density form for which there is only

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<sup>65</sup> The EPS report, and the whole issue of the Plan's models, assumptions, and forecasts for market demand, are ones that I have long planned to write on in my comments. However, given the loss of time due to the inability to secure modeling related data from MTC for many weeks and the difficulties that caused in my ability to understand the Plan's analysis in those areas, I was unable to complete my work on the Plan's models, assumptions, and forecasts for high density housing in Priority Development Areas. This is one of the areas that I intend to complete work on and submit in my supplemental comments during the 30 day extension to the comment period that I am requesting in the comment letter.

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limited market demand, the EPS report posits a world under Plan Bay Area where unaccountable regional redevelopment agencies will be able to forcibly acquire that parcel of land from that happy landowner who is unwilling to sell, forcibly evict those thriving small businesses that are profitably providing products services desired and used by the local community—all in order to turn that parcel of land over to a developer that will develop housing units that will have an economic value of \$2 million. The sheer and appalling economic waste of that forced transaction, the \$2 million difference between the value of the parcel with the shopping center on it (\$4 million) and the \$2 million value of the cash flows from the housing, would be borne by the public through the subsidies provided by the regional redevelopment agency.

In most PDAs, the majority of the new development envisioned will be built within an existing urban framework, including on existing developed sites that will need to be assembled and redeveloped. This process is challenging and comparatively expensive, because the new development must yield sufficient revenue to cover not only the cost of the development but also the “opportunity cost” of retaining a use that typically is generating a positive cash flow for the existing property owner. For example, a parcel may be worth \$2 million for a new multifamily development (based on achievable building values less development costs and developer returns), and have an existing shopping center that is worth \$4 million (based on capitalized net income from the shopping center). Unless the multifamily development receives some financial assistance to make up the difference, the site is likely to remain a shopping center rather than converting to a more intensive use.

This problem is one of the key reasons the state authorized local governments to establish redevelopment agencies with broad powers to assemble land and incentivize development. The elimination of this authority in California as a means to address the state’s fiscal problems was a major blow to local government capacity to financially incentivize desired development. Without reinstatement of this authority and resources, local governments will be severely disadvantaged in tackling the problems associated with redevelopment of existing urban areas.

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EPS PDA Readiness Report, p. 38.

C187-23 *The Bay Area Citizens Transportation and Housing Alternative—the Alternative that should have been Considered and Selected*

I strongly recommend that an additional alternative be studied as part of the Plan and draft EIR, a Bay Area Citizens Transportation and Housing alternative that respects and supports the wishes and needs of Bay Area citizens in all their infinite variety and creativity, and respects their individual decision-making and desire for personal freedoms, and allows them to participate in natural, decentralized, and organically-developing human ecosystems. The Bay Area Citizens Transportation and Housing alternative consists of:

1. Expansion and improvement of existing transit systems, strongly emphasizing those modes that can be implemented quickly and with relatively low capital cost, including improvement of motor bus and vanpool services as outlined above—such as adding bus routes to make transit more accessible to lower-income residents, and adding bus capacity on heavily traveled routes. Please note that the Bay Area Citizens Transportation and Housing alternative does not consider Bay Area citizens who have lower incomes as a special interest group, but simply as valued members of our community whose personal mobility needs can be greatly enhanced, not by additional transit expenditures, but by simply redirecting existing and planned expenditures to where they have the greatest benefit to the community as a whole.
2. Major fare reductions, particularly for those types of services utilized primarily by residents with lower incomes who are dependent on public transit for their personal mobility. Consider use of transit vouchers so that fare reductions do not become a form of subsidy for inefficient public transit providers, with transit vouchers allowing the resident to select the transit provider that offers the best service for the price, thus empowering the resident, and bringing a measure of market discipline to the transit agencies.

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3. De-emphasis of expansion of expensive and low cost-effective rail transit and ferry service, using the funding saved for the other elements of this alternative, and insisting that future major transit projects provide peer reviewed analysis of environmental benefits and cost per passenger mile benefits to the project before funding proceeds, to avoid funding major projects that will not produce any public or environmental benefits at an astronomical cost to the public.
4. Studying how casual carpooling through real-time matching through portable electronic devices can be advanced to both reduce vehicle miles traveled by increasing average passenger load and provide additional transportation opportunities for the transportation-disadvantaged. It should be understood that the government role in this should be largely one of ensuring that a proper legal and regulatory structure is in place to allow innovation, while providing for safe and secure usage, is the goal – and that, to a large extent, the role of government is to get out of the way and watch it happen.
5. Encourage flexibility in local zoning so that Regional Housing Mandate Assessment allocations are able to be met in a manner that is compatible with the wishes of the local officeholders and residents of that city, takes advantage of their knowledge of and creativity in finding solutions for their own community and provides them maximum flexibility to preserve the quality and character of their town.
6. Encourage housing in all parts of the nine county Bay Area, including in the suburban and rural areas, to the extent that that housing is consistent with the local general plans and wishes of the local officials and residents in those communities. Rather than clustering people in densely packed urban and suburban downtowns, against people's expressed wishes for more disbursed and organic community growth, foster the development of local robust human and economic ecosystems throughout the Bay Area, all developed organically and naturally by the wishes and decisions of the residents themselves.

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7. Encourage expanded use of telecommuting both within the nine county Bay Area and from locations outside of the nine county Bay Area, including especially from other locations in the state that would be mutually beneficial to the cities, towns and businesses in the Bay Area, and to the Bay Area's sister cities in other counties, especially in the rural counties where many Bay Area residents would wish to live and work from if their job permitted them to telecommute from that location. Explore sister city and area locations in northern and central California's rural and exurban counties where jobs can be co-located in both the Bay Area's job center and technology and service hub, but local employment ecosystems can be established to greatly facilitate working and living in the rural or exurban area desired by the resident, while staying connected to the job center in the Bay Area. Also, establish better statistics on the currently widespread use of telecommuting by person's with jobs in the Bay Area, to understand the full benefits to those employed persons of being able to be employed in a major job center, while living somewhere else in the Bay Area, or elsewhere in California, or elsewhere in the United States.
8. Insist that before RHNA allocations are assigned to a city that the full public subsidy costs of those housing mandates are made fully transparent and require that the extent of those public subsidy costs be made a part of the decision process whether the allocation shall be permitted to placed on that city.
9. Insist that before RHNA allocations are assigned to a city that all unfunded mandates and associated costs, including the costs of subsidies, incentives, concessions, required city and school services, and property tax exemptions be fully transparent and require that the extent of those costs be made part of the decision process whether the allocation shall be permitted to be placed on that city.
10. Actions in Sacramento and Washington, DC to advocate for flexibility in transportation funding to emphasize the objective of cost-effective and productive transportation outcomes, rather than

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designated funding sources that can only be used for specified types of capital projections.

11. Actions in Sacramento to reform those aspects of California's housing laws that have proven to be unworkable, difficult, and expensive to cities while offering limited or no benefits to the general public, while providing substantial benefits to special interests and only limited benefits to small numbers of lower income residents at an astronomical cost.
12. Focus the transportation plan and land use plan on measurable outputs such as ridership, or rider satisfaction, or cost per passenger mile (and compare different modalities) rather than on the cost of the inputs (where the measure of success is the greater the cost of the input). Do not decide, define, or describe policies in intangible terms selected for their affective response such as "smart," "sustainable," "fair share," "affordable," as these obscure and defeat open and fair public debate on important policy issues to all citizens.

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C187-24

#### **D. The Plan's Models Use Unreasonable and Unrealistic Assumptions that Could Only have been Selected by ABAG and MTC to Assure the Preferred Alternative Performs Better than No Project**

And, what of that paltry difference projected between No Project and the Preferred Alternative in 2040, the 3 thousand tons per day difference in CO<sub>2</sub> emitted between the two alternatives that the ABAG and MTC's models project, out of more than 100 thousand tons per day in the mythical world that ABAG and MTC appear to have created to sell the public on Plan Bay Area<sup>66</sup>? How was that difference between the Preferred Alternative and No Project actually arrived at in the Plan's models?

We know from the reports of Mr. Rubin and Mr. Silvestri, and many other comment letters that will be submitted, that none of the GHG gains from the Plan's Preferred Alternative will materialize. But assuming, for the sake of argument, that the Plan's models for the Preferred Alternative are correct, and ignoring Plan Bay Area's appalling cost and dramatic limits on Bay Area residents ability to live as they chose and travel as they wish, what about the analysis comparing the Preferred Alternative and No Project? Should we expect honest analysis here based on the practices noted above? Of course not, and that's exactly what we don't find. We find the same thumb on the scales and gearing of the results here that we find elsewhere.

The Plan itself waxes poetic about the coming dramatic shift in demand by Bay Area residents away from single family homes and toward apartments and condos in densely packed suburban downtowns. Despite the lack of empirical and analytical support for these models, easily falsifiable by the Plan's data and the data in its supporting documents, let's assume, as does the Plan's analysis, that there will be a substantial increase in market demand for high density housing in suburban and urban downtowns. And, further, let's assume that high density housing will reduce GHG emissions, and that high density housing is the only kind of housing to reduce GHG emissions—as, for the sake of argument here, we must make these assumptions because the Plan's models make these assumptions, and ABAG and MTC used their models to analyze the difference between No Project and the Preferred Alternative.

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<sup>66</sup> Or the likely true difference of 1.5 thousand tons per day out of a total of 60 thousand tons of CO<sub>2</sub> per day in the actual world that will exist where the impacts of Pavley 1, LCFS, and Pavley 2 are considered

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Under no project in the world as it exists, by definition, the cities can zone as they wish within the limits of state law, and landowners and developers can build where cities allow them to build and in the ways cities allow them to build—as long as they can make a profit doing so (e.g., as long as there is a market so those housing units can be sold at a higher price than their cost). But under “No Project,” an artificial construct created by ABAG and MTC to guarantee that their Preferred Alternative performs well in the analysis and No Project performs poorly, the models analyzing No Project disallow any new zoning changes in any of the 101 cities and towns in the Bay Area and in the unincorporated areas of the nine counties. Not even a variance is accommodated for in the modeling for No Project. Only housing units that could be built today under today’s zoning codes are allowed, and no changes in zoning are allowed for the next 30 years. Ponder, if you will, how astonishingly untethered from reality this assumption is—but the assumption appears to have served its purpose in the analysis, that of impairing the results of the analysis for No Project.

Remember, Plan Bay Area’s models assume a vast new demand for high density housing in suburban and urban downtowns. However, the mythical construct of No Project will not allow any of this to be built unless it is already zoned for today. Thus, despite this vast new demand—which is not here now, but is assumed to appear at some time in the future—these units will not get built. And, because the Plan’s models also assume that only high density housing will reduce GHG emissions, then the mythical construct of No Project, by definition, cannot reduce GHG.

C187-25 On the other hand, the Preferred Alternative is defined as allowing unlimited upzoning for cities and towns to accommodate this assumed vast new demand for high density housing in suburban and urban downtowns. And since by definition—that is, according to the Plan’s models—these high density housing units are the only housing units that reduce GHGs, and the Preferred Alternative is defined as allowing unlimited upzoning to get these units built, and No Project is defined as barring any upzoning to increase the capacity for cities to build these, by these assumptions and these assumptions alone, the Preferred Alternative will be an environmentally superior alternative and No Project will be an environmentally inferior alternative.

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C187-26

Not because one is superior or inferior to the other in fact. It's simply by definition. Before the analysis began, ABAG and MTC appear to have made sure that their Preferred Alternative would perform better on their analysis than No Project.

This gearing of the outcome by the definition of the models analyzing the alternatives was so egregious that two of the modeling professionals attending the October 2, 2012 Regional Modeling Working Group meeting (minutes attached here as Appendix S<sup>67</sup>) where ABAG and MTC's handiwork was reviewed, complained about this:

Chris and George asked about the implementation of existing general plans in UrbanSim and why zoning was changed in the Project alternative; Michael responded that the maximum zoning in city plans was used for the No Project, while upzoning was performed in the Project to support focused growth in PDAs.

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<sup>67</sup> This was another document, and set of facts, that was were clearly disclosed in the records that MTC furnished to my colleagues and me on April 19, 2013. However, though even a cursory read of the meeting minutes caused this disclosure to jump out as troubling and material, I don't characterize this a "smoking gun" disclosure as a close and careful reading of the draft EIR enables one to puzzle out this pairing of assumptions and their impact, as well.

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## V. Other Problems with the Plan's Models and Assumptions

C187-27

The Plan's land use and transit plans are offered by ABAG and MTC with the rationale that these plans will solve the presumed problem of climate change and GHG emissions. ABAG and MTC also suggest that their plans will foster economic growth, and is a response to the desires and needs of the cities, residents, and businesses in the Bay Area.

There are a number of problems with this narrative.

First, the Plan's models that assume locating housing next to commercial space and both next to transit stations will lead to those residents taking jobs in those businesses and both the residents and employees taking transit rather than using cars, are wrong. The Plan and the draft EIR proffer no empirical evidence to suggest that this will take place--and there is no such empirical evidence available—rather, all the available empirical evidence suggests that it will not take place.

C187-28

Second, the Plan's policy mandate that 80% of all new housing units must be built in high density, attached multi-family units in suburban and urban downtowns near mass transit is proven to be infeasible and unworkable by ABAG and MTC's own consulting study,<sup>68</sup> that concluded that only 62% of the targeted housing units planned by Plan in these PDAs was possible during the Plan period. And this given the study's favorable study design. There appears to have been a high degree of selection bias in the 20 PDAs that were studied out of total of 169 PDAs—as these PDAs, on average, appeared to offer much more data on readiness than the other PDAs, and thus must have been more ready for development than the others.<sup>69</sup> Also,

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<sup>68</sup> EPS Report, *PDA Readiness Assessment*.

<sup>69</sup> While EPS on the one hand appears to suggest that the 20 PDAs were representative of the entire universe of 169 PDAs,

Twenty PDAs were selected as a representative sample of the total, including a substantial proportion of the allocated housing growth but also reflecting the diversity of market and physical conditions present among the region's PDAs

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the study did not examine the actual results (occupancy, financial returns, tax revenues) versus projections for any of the dozens of similar projects that were built with public subsidies through redevelopment agencies over the past dozen years in the Bay Area.

C187-29

Third, the Plan's assumptions that market demand will dramatically shift in the Bay Area toward high density multifamily housing from historic preferences for single family housing are without a sound analytical or empirical basis. The Plan's supporting documents themselves admit that even now 80% or more of all people who are surveyed for their preference for housing express a preference for single family housing, and one of the

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EPS Study, p. 9, the study's conclusions back away from that implication in expressly limiting their findings to just the 20 studied, and not generalizing their findings to the universe of all 169 PDAs,

In sum, EPS has estimated that the 20 PDAs are “ready” to accommodate 62 percent of the housing growth allocated to them in *Plan Bay Area*.

*Id.* at 29. But any self-validating claim by the Study itself, without any data to support an inference of generalizability of its findings, would be falsified by the attached list (*PDA-List, January, 2010*, Appendix T) of Priority Development Areas by County from January 2010, more than three years ago (remembering that many of the PDAs have only been designated in the past year or two, and thus are by definition, less ready to be developed per Plan Bay Area’s high density housing mandates). This January 2010 list has 114 PDAs on it, 71 of which are designated as “Planned PDAs”—presumably the more advanced and far along of the then PDAs in January of 2010. It appears as if at least fifteen of the 20 PDAs that were selected for the EPS study were among the 71 Planned PDAs in January, 2010, and at least 19 of the 20 were among the total 114 at that time—thus indicating that by definition the 20 PDAs selected for the EPS study are much more advanced and thus far more ready for high density housing development than the average PDA.

In the absence more thorough data and analysis, I would estimate that if the EPS study is correct (not a certain conclusion) that the 20 PDAs is studied can actually reasonably build 62% of the high density housing units the Plan is targeting for those 20 PDAs, that the universe of 169 PDAs overall, including the 20 studied PDAs, could only accommodate 50% or 60% of that number. Or, otherwise put, the universe of 169 PDAs, if the EPS study was generalizable and the selection bias accounted for, could accommodate 31% to 37% of the total high density housing units the Plan expects will be built in those 169 PDAs.

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Plan's own consultants on market demand, Karen Chapple admits that the Plan's assumptions for market demand are unrealistic and impractical.<sup>70</sup>

Yet, the Plan completely ignores the empirical data and admissions of its consultants in appearing to argue that while Bay Area residents believe they prefer single family homes, in actuality, they prefer to live in attached multifamily units—that is they would if they only understood how desirable these high density housing units really are. Who are we to believe? The residents themselves, who tell us what they want and need? Or ABAG and MTC who tell us something entirely different about what Bay Area residents want and need.

And, the Plan tells us that market demand will shift markedly away from single family homes towards high density attached multifamily housing due to demographic shifts, in any event. The Plan bases this on several subsidiary assumptions, including, most importantly:

- The population of senior citizens is increasing. Despite the admission of the Plan's supporting documents that senior citizens are the most likely population group to live in single family homes, the Plan nonetheless concludes that seniors will increasingly prefer to sell their single family homes and move into condominiums or apartments downtown. Is this why ABAG and MTC senior staffers have gone on the record, publicly, in stating that they believe that repeal of Proposition 13 is necessary to the success of their plan?<sup>71</sup>

Proposition 13 of course was enacted by California residents in large part to enable seniors who have lived in their homes for a long time to stay in their homes. Certainly raising property taxes by substantial amounts on seniors, many of whom have fixed incomes and who have been faced with almost no interest income on their savings accounts for many years now, will force many of them to sell their single family homes and move into apartments. Could this be the source of ABAG and MTC's confidence that in the future,

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<sup>70</sup> "This is really a great idea, but it's just basically possible to implement," Karen Chapple, associate professor of city and regional planning at the University of California at Berkeley, *Cities Resist Regional Plan to Limit Sprawl*, SF Public Press, June 13, 2012, found at Appendix U.

<sup>71</sup> See, for example, transcript of the March 8, 2013 Joint MTC Planning and ABAG Administrative Committee meeting, attached here as Appendix V.

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seniors will increasingly sell their single family homes and move into apartments?

- The Plan posits that because the population is becoming more Asian and Hispanic, demand for high density multifamily attached housing will skyrocket because Asian and Hispanic Americans “prefer” multifamily housing over single family homes. But ABAG and MTC proffer no credible evidence to support this astonishing statement that marginalizes and purports to speak for the wishes of members of these two incredibly diverse groups of Americans—with the only possible data to support such a claim the fact that recent immigrants, who presumably are just getting established vocationally and financially in their communities, may be more likely to live in apartments rather than single family homes out of necessity. The Plan proffers no data or analysis that is controlled for length of time a resident has lived in the Bay Area, or for incomes, which would undoubtedly show that all persons of all ethnic groups have a strong preference for single family homes, if they can afford to live in one.

C187-30 And, last, the Plan’s statements about the policy prescriptions that it believes must be enacted are particularly illuminating. The Plan, and ABAG and MTC senior staffers,<sup>72</sup> state categorically that a new regional redevelopment agency capacity is essential for the success of the Plan.

Regional redevelopment agencies will not be under the control of local cities and towns, though they will likely be funded in whole or in part by those local cities and towns and their residents. So, local land use decisions will be in great measure or wholly lost, as these new regional redevelopment agencies will make decisions about where to build new high density housing projects. This admission, alone, belies the Plan’s repeated statement that its high density housing agenda is desired and has been asked for by the cities and towns and residents themselves.

But in an even more troubling admission, the Plan and ABAG and MTC senior staffers repeatedly state that they need the government subsidies and eminent domain powers of these proposed new regional redevelopment agencies in order for the Plan to succeed. The demand for public subsidies is an express admission by the Plan that the housing and commercial developments are uneconomic, there is no market demand for the numbers

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<sup>72</sup> Id.

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of high density housing units the Plan mandates be built, and the only way these will be built is if the public through various subsidies becomes not only the developer of last resort, but the developer of first resort. And further, the Plan expressly admits through its demand for “special tools for parcel assembly,” e.g., eminent domain powers, that the Plan will require the displacement of vast numbers of small landowners, businesses, and residents, many of whom will not want to sell their property to support the Plan’s massive development projects, and thus the Plan requires government powers to force them to sell.

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C187-31

## VI. Equal Protection and Proposition 209

Plan Bay Area relies upon assumptions about minority, ethnic populations to drive policy. We have grave concerns over whether this ethnicity-centric approach accords with the law of the state as expressed in Proposition 209, and whether it accords with the law of the land as expressed in the equal protection clause of the 14th Amendment of the United States Constitution. This Plan balkanizes and marginalizes Bay Area residents by race, when it should treat all equally.

According to the Plan, approximately one fifth of the total Bay Area population resides in “communities of concern.” Communities of concern are defined as neighborhoods with notably high concentrations of four or more of the following: minority persons; low-income individuals; persons who are Limited English Proficient; seniors age 75 and over; persons with disabilities; households without cars; single-parent households; and renters paying more than 50 percent of household income on rent. Detailed assessments of populations by ethnicity are provided in Tables B-2 and B-3 in the Equity Analysis Appendix.

Hispanic and Asian residents are characterized culturally as having greater propensities for multi-family housing, and less propensity for single-family housing.<sup>73</sup> The Plan asserts that Hispanic and Asian residents prefer living in multigenerational arrangements which supports their demand for clustered housing units. Additionally, Hispanic and Asian residents are characterized as having larger families. Indeed, average Bay Area household size increases over the course of the Plan.

The Plan doesn’t recognize the interest in, or desire for, more private living space, such as that found in a single family home, or the desire of residents for personal, private transportation such as a passenger vehicle. In other

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<sup>73</sup> On behalf of all citizens in the Bay Area, of all races, I am deeply offended and outraged at these assumptions embedded in Plan Bay Area. And, in addition, I am deeply incensed as the proud grandfather of a six-year-old grandson who happens to be Hispanic, the uncle of a niece and two nephews who are Hispanic as well, and the uncle of three nephews who are Asian. None of these wonderful, creative, unique human beings deserve to be marginalized and balkanized by MTC and ABAG, nor do they deserve to have their choices and decisions limited by this Plan that purports to know what these incredible young people will desire for themselves when they grow up and choose—as they will—their own destiny.

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words, the Plan infers that Hispanic and Asian residents will not assimilate into the American fabric similarly to the way other ethnic groups historically have, and yet it offers no evidence to support this astonishing claim.

The Plan also ties Environmental Justice to minority status to support policies ensure that such populations aren't subject to negative environmental conditions. Finally, in general, the Plan embodies the three principles of environment, economy and equity. These principles are not consistent with the constitutional rights that all Bay Area residents enjoy as Californians, and as Americans.

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## VI. Summary

*[Brutus] is an honourable man.  
I speak not to disprove what Brutus spoke,  
But here I am to speak what I do know.*

-- Marc Antony's Funeral Oration, *Julius Caesar* by William Shakespeare, Act 3, Scene 2, ll. 99-101

What are we to make of the above analysis which establishes conclusively that:

- C187-32 • The Plan's transit elements will not increase ridership, will not reduce GHGs, and do not include the only known transit subsidies known to increase ridership and help low income residents who depend on mass transit for personal mobility (lower fares plus service quality improvements, especially of buses).
- C187-33 • The Plan's land use elements will not decrease GHGs.
- C187-34 • According to MTC's internal model runs that haven't been disclosed to the public, the difference in GHG between their Preferred Alternative and No Project is 3.01 thousand tons per day in 2035:

	Preferred Alternative	No Project
Model's reported CO <sub>2</sub> emissions, 2035 (thousands of tons per day)	108.38	111.39

This is an infinitesimal difference of less than 3%, well within the margin of error for a forecast for 22 years from now with massive numbers of variables considered each with uncertainties involved.

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But the model above assumes that the Plan's transit elements decrease GHG's and the model above assumes that the Plan's land use elements decrease GHG's—and both of these assumptions are falsifiable and are incorrect.

- In addition, the model runs above are based on a completely fictitious scenario that MTC and ABAG know will not and cannot happen. That is a scenario where California's Clean Car Standard regulations ("Pavley 1") do not exist. However, the Pavley 1 regulations were promulgated in 2004 pursuant to AB 1493 (2002, Pavley). The Pavley 1 regulations became effective in 2009, and govern MPG of the new passenger vehicle fleet sold in CA from 2009 through 2016 and beyond. According to MTC's own model runs, which it did not disclose to the public and did not incorporate in its analysis of CO<sub>2</sub>, Pavley 1 will increase fleetwide MPG from 20 MPG in 2010 to 32 MPG in 2035. This 60% increase in fleetwide MPG will lead, by simple arithmetic, to (1) a 37% per VMT decrease in CO<sub>2</sub> and 31.98% decrease overall factoring in increases in VMT, (2) a 37% per VMT decrease (and 31.98% overall) in particulates, and (3) a 37% decrease in gasoline burned per VMT (and 31.98% overall), which will reduce gasoline tax revenues by 31.98% in real terms by 2035, if the real, inflation adjusted price of gasoline stays the same as it is today.

However, the Plan's modeling shows a constant fleetwide MPG between 2010 and 2035 (about 20 MPG). This is how ABAG and MTC are able to forecast constant rises in CO<sub>2</sub> and hence argue that their land use plan and transit plan must be adopted to reduce CO<sub>2</sub> emissions. But ABAG and MTC know that their justification of their land use plan and transit plan is based on a mythical scenario—a scenario that they have had to fabricate in order to justify their analysis that purports to support the necessity of their land use plan and transit plan. However, since ABAG and MTC appear to want to claim credit for Pavley 1's decreases in particulates and pollutants to mitigate the adverse health impacts of their mandate that 80% of all new housing be built in congested downtowns near transit, they use a second, undisclosed, and hidden value for fleetwide MPG in their modeling to generate the desired declines in particulates and pollutants.

That is, the same model has two values for fleetwide MPG for the relevant period (from 2010 to 2035)--one for calculating CO<sub>2</sub> (20 MPG in 2010, 20

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MPG in 2035), the disclosed MPG number—and then a second, hidden MPG number (20 MPG in 2010, 32 MPG in 2035) used to calculate particulates and pollutants. Very clever, indeed.

Here are the real CO<sub>2</sub> numbers, not the mythical ones used in the Plan's analysis:

	<b>Preferred Alternative</b>	<b>No Project</b>
<b>Model's CO<sub>2</sub> emissions, 2035 (thousands of tons per day)</b>	108.38	111.39
<b>CO<sub>2</sub> reductions due to Pavley 1+ LCFS</b>	29.42	30.25
<b>Actual CO<sub>2</sub> results, 2035</b>	78.96	81.14

And, the reality of what ABAG and MTC have done in analyzing their Plan is actually much worse than the above would indicate.

C187-35

ABAG and MTC defined No Project so that, by definition, it would fail compared to Preferred Alternative. The Plan assumes, against all the empirical and analytical data, vast new market demand for high density, multistory, multifamily housing in suburban and urban downtowns next to mass transit. And, the Plan assumes for the Preferred Alternative—and presumably for the other three alternatives, 3, 4, and 5 which are variants of the Preferred Alternative that assume all of its premises and are based on all the same assumptions, and thus share the Preferred Alternative's fatal flaws—unlimited upzoning by cities in their general plans. But it freezes in place current zoning in all 101 cities for No Project, in fact it doesn't even allow for the possibility of variances.

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So, since their model assumes vast unmet future market demand for high density housing next to mass transit in crowded city centers, and their models assume that this kind of housing is the only housing that decreases GHG emissions, their arbitrary and unreasonable assumption that there will not be a single change to city zoning over the next 30 years to accommodate the demand for high density housing in suburban downtowns, inevitably results in a No Project alternative that cannot reduce GHGs because it has been defined with no possibility of upzoning. Yet, the Preferred Alternative has been defined as allowing for unlimited upzoning. Even the modelers complained about this, see attached October 2, 2013 meeting of the Regional Modeling Working Group<sup>74</sup>:

Chris and George asked about the implementation of existing general plans in UrbanSim and why zoning was changed in the Project alternative; Michael responded that the maximum zoning in city plans was used for the No Project, while upzoning was performed in the Project to support focused growth in PDAs.

- C187-36
- The Plan's financial analysis first "mitigates" then ignores the budget impact of Pavley 1. Since Pavley 1's fleetwide increases in MPG from 20 MPG in 2010 to 32 MPG in 2035 will lead to a 37% decrease in gasoline burned per VMT (hence a 37% decrease in gallons of gas used, and, adjusting for increases in VMT, a 31.98% decrease in gallons of gas used by passenger vehicles in 2035 over 2010), the model's assumptions of gas tax revenue are wildly over stated. The Plan's financial model assumes that gallons of gasoline sold will decline by 2.00% per year until 2020, but ignores all impact of the fleetwide MPG increases from 2020 through 2035, which will be substantial. According to MTC and ABAG's own undisclosed models, Pavley 1 will increase fleetwide MPG of passenger vehicles from 2020 through 2035 from 27.92 MPG to 32.02 MPG, a 14.68% increase that will lead to a further 12.80% decline in gallons of gasoline used per VMT by passenger vehicles during those years.

The financial model also "mitigates" the financial impact of those 2.00% per year declines in gallons of gasoline sold through 2020 by also assuming that

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<sup>74</sup> Appendix S.

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the retail price of gasoline will go up 8.00% per year through 2020.<sup>75</sup> By this device, rather than seeing gas tax revenues decrease, the Plan's gas tax revenues actually increase even though actual gallons of gasoline sold decline by 2.00% per year.

In fact, the Plan's financial model assumes that the retail price of gasoline will increase by more than twice the rate of inflation over the entire Plan period (8.00% per year from 2010 through 2020, 3.3% per year from 2021 through 2035—more than twice the rate of 2.2% average annual rate of inflation overall that the Plan is based on<sup>76</sup>). This assumption is facially implausible on its face, made doubly so because MTC and ABAG's undisclosed models of the MPG impact of Pavley 1 also compelled them to model a 31.98% decline overall from 2010 to 2035 in gallons of gasoline used by passenger vehicles. However, despite their own data requiring MTC and ABAG to model this decline, MTC and ABAG have not done so, apparently because doing so would have had too adverse an impact on their budget—so they appear to have ignored it.

- The Plan's analysis completely ignores the CO<sub>2</sub> and budget impact of California's Advanced Clean Car standards ("Pavley 2"), which became fully effective in December of 2012, and govern MPG of the new passenger vehicle fleet sold from 2017 through 2025 and thereafter. While ABAG and MTC didn't model the MPG impact of Pavley 2 like they did Pavley 1 in their undisclosed models, we can reasonably assume that Pavley 2 will have approximately the same impact on MPG, hence an additional 60% increase in fleetwide MPG on top of Pavley 1's impact (so bringing fleetwide MPG up to close to 50 MPG by 2040).

Hence, Pavley 2 will lead to (1) another 37% per VMT decrease in particulates and pollutants (which would help in ABAG and MTC's justification for forcing 80% of new housing to be high density units in congested city centers), (2) another 37% per VMT decrease in CO<sub>2</sub> (which would further discredit their analysis arguing for the Preferred Alternative

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<sup>75</sup> Appendix I.

<sup>76</sup> The Plan's underlying inflation estimate doesn't appear to be anywhere to be found in the Plan, the draft EIR, or in the supporting documents provided to the public, but was found by us in our review of documents provided pursuant to our March 13, 2013 California Public Records Act request with MTC. Appendix J.

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(or for Alternatives 3, 4 and 5 for that matter, which are simply minor variants that assume all major premises of Alternative 2), and (3) Pavley 2's additional 37% reduction in gasoline burned will have an absolutely devastating impact on the gas tax revenues that the Plan counts on for the bulk of its discretionary expenditures. Pavley 1 and Pavley 2 will obliterate the Plan's budget--which is presumably why ABAG and MTC's financial models "mitigated" part of Pavley 1's impact with assumptions about offsetting gasoline price increases, then ignored the rest of Pavley 1's impact, and ignored Pavley 2's budgetary impact entirely.

The Plan's financial model has all the integrity of reporting to the SEC or the IRS a financial statement that includes all expenditures but omits all revenues. Alternatively, it has all the integrity of seeking investment capital from equity investors or a loan from a bank by providing a financial model that has all the revenues and none of the expenditures.

What MTC and ABAG are doing here by using one MPG number in their model to produce their CO<sub>2</sub> numbers--this is the disclosed MPG number, in order to report high CO<sub>2</sub> numbers--then an entirely different MPG number, hidden deep inside the model and not disclosed, in the same model to produce their particulate and pollutant results in order to report declines in those particulates and pollutants, is the same as if the same entity was reporting to the SEC and IRS as per above, while at the same time seeking investment capital or bank loans as per above.

C187-37 This is all before considering the Plan's vast underfunding of maintenance of local streets and roads and another dozen or two egregious and disingenuous elements in the Plan and its analysis.

ABAG and MTC, and their closely aligned non-governmental organizations (NGOs) and powerful political and financial supporters assure us that ABAG and MTC are honourable agencies, and their actions only seek to do good. But if an individual citizen, or a business organization or nonprofit were to engage in the above manipulation of analysis and results, the individual, or the organization's principals, would more likely be looking at a 20 year residency in one of state of California's high density housing facilities—those where residents are not permitted to leave for the duration of their sentence—for their actions, rather than receiving the huzzahs and praise of supporters.

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What are we to make of all this? How should we characterize ABAG and MTC's manipulation of the models and the results in order to get their Preferred Alternative adopted?

Let's first look at how ABAG and MTC characterize their analysis, and their Plan. They call it "smart" and "sustainable." How does the dictionary define these terms?

According to dictionary.com,<sup>77</sup> "smart" is defined as, alternatively:

2. to be the cause of a sharp, stinging pain, as an irritating application, a blow, etc.
  3. to feel a sharp, stinging pain, as in a wound.  
...
  6. to cause a sharp pain to or in.
- or,
7. quick or prompt in action, as persons.
  8. having or showing quick intelligence or ready mental capability

The term "smart" is actually a marvelously clever use of language. It impliedly discloses to the public on the one hand, how the public will experience the mandates and impacts of the Plan's policy elements, in the primary definition noted above, "to be the cause of a sharp, stinging pain, as an irritating application, a blow," and this describes the impact of the Plan on the public to a "t." But the language used also cleverly imports the alternative meaning of the term "smart"—that being "having or showing quick intelligence or ready mental capacity." This alternative meaning of the term "smart" elicits in the listener a positive emotional affect, as in, "I don't know what 'smart growth' is, but I know that I like it because the way it makes me feel when I hear the term. I'm sure I don't want what 'smart growth' is not, because that must be 'dumb growth.'"

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<sup>77</sup> smart definition, dictionary.com, Appendix W.

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But though “smart” is used often to describe the Plan, the flagship characterization used by ABAG and MTC is indisputably “sustainable.” Thus, it is the definition of “sustainable” that we must look to, to understand how ABAG and MTC themselves characterize their Plan, and their analysis.

The dictionary does not disappoint. According to dictionary.com,<sup>78</sup> “sustainable” is defined as:

1. capable of being supported or upheld, as by having its weight borne from below.
2. pertaining to a system that maintains its own viability by using techniques that allow for continual reuse: sustainable agriculture. . . .
3. able to be maintained or kept going, as an action or process: . . .
4. able to be confirmed or upheld: a sustainable decision.
5. able to be supported as with the basic necessities or sufficient funds: a sustainable life.

This is exactly what ABAG and MTC are asking the public to believe about their Plan and their analysis. That it is “capable of being supported or upheld,” it represents “a system that maintains its own viability,” “is able to be maintained or kept going,” “is able to be supported as with . . . sufficient funds.”

However, are these definitions of “sustainable” a fair characterization of the Plan and its analysis? As we’ve noted above, the Plan is a land use plan that does not reduce GHGs, and it is a transit plan that will not reduce GHGs. Nor will the transit plan increase ridership, nor does it adopt the only known strategies that will actually increase ridership and help lower income residents who are dependent on mass transit for personal mobility (and will do so cost effectively). Thus, the Plan will not do anything that it says it will do, and yet its policy elements come at an astronomical cost, tremendous risks, leads to significant limitations on the choices of individual residents and businesses to live or locate where and how they wish, and dramatically

<sup>78</sup> *sustainable definition*, dictionary.com, Appendix X.

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erodes the ability of local jurisdictions to decide for themselves how they will change and grow.

Further, the Plan has been justified to the public with models that incorporate the impacts of California MPG regulations to show dramatically decreased particulates and pollutants in order to show that the Plan's mandate that 80% of all new housing be built in high density multistory multifamily units near mass transit in suburban and urban downtowns looks better, because the adverse health impacts of those housing mandates are substantially lessened by the declining amounts of particulates and pollutants due to those increases in fleetwide MPG. But at the same time, the Plan completely ignores the impact of those same MPG regulations on that same exhaust stream from that same vehicle, on reducing CO<sub>2</sub> emissions. And the Plan ignores that impact because incorporating those inevitable and certain CO<sub>2</sub> reductions, which are many orders of magnitude greater than the speculative and uncertain<sup>79</sup> reductions in CO<sub>2</sub> from the Plan's transit and land use elements would render the Plan's justifications completely untenable, and make obvious that the Plan's costs and limitations on individuals, businesses, and cities are unnecessary and tragic. Which appears to be precisely why ABAG and MTC, though they performed this analysis of these regulations on CO<sub>2</sub> in their modeling work, nonetheless declined to disclose the results of that analysis to the public.

This is also a Plan that has been justified by arbitrarily defining No Project as disallowing any local zoning changes over the next 30 years, in order that No Project, by definition, performs more poorly than the Preferred Alternative, which is defined as allowing unlimited upzoning in local general plans. Is this analysis "sustainable" in the sense that it is fairly characterizes "a system that maintains its own viability," or "is able to be maintained or kept going"?

And does a Plan whose budgetary justification relies solely on its decision to ignore the massive budgetary impact of two sets of California regulations governing MPG that will, successively, reduce gallons of gas sold by first 31.98%, then by another 32% or so on top of the first reduction—a Plan that when in those first few years where the impact cannot be completely ignored, "mitigates" the impact of lowered gallons of gasoline sold by assuming exceptionally high annual increases in the retail price per gallon of

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<sup>79</sup> Actually, certain not to occur.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

gasoline for those years? Is this “sustainable” in the sense that it “is able to be supported as with . . . sufficient funds”?

Finding ABAG and MTC’s own characterization of its Plan and its analysis justifying the Plan as lacking support as noted above, we must continue to look through the dictionary to see if there is a more apt or accurate characterization for the Plan, and for the analysis that ABAG and MTC have proffered to the public in justification for its stated firm intention to certify the final EIR and adopt this Plan on July 18, 2013.<sup>80</sup>

I offer the following terms, and definitions, in this comment letter as a possible alternative characterization of the Plan and the analysis that ABAG and MTC have used to justify their intended and certain certification of the final EIR and adoption of the Plan on July 18. These certainly aren’t the only possible alternative characterizations—I simply offer them here for the purposes of discussion and to contribute to the public debate.

C187-39 However, I do request here, as this is a comment submitted regarding the draft Plan and draft EIR, that ABAG and MTC respond with specifics as to why they consider that their characterization of the Plan and their analysis used to justify the Plan as “sustainable” accords with the dictionary definitions of that term in the light of the undisputed data and the

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<sup>80</sup> Note that ABAG and MTC’s stated intention to certify the final EIR and adopt the Plan on July 18, 2013 is further confirmation, if we needed any, that the entire public input process, and CEQA review, has been a sham. ABAG and MTC have left no time in the process to make substantive modifications to the Plan to respond to the public’s comments. This is an implied, though certain, admission that ABAG and MTC do not intend, and have never intended to consider any substantive comments that require the Plan or its analysis to be modified in any meaningful manner.

Yet it is precisely the possibility that the Plan or its analysis will need to be modified in a meaningful manner that the legislature established the CEQA review process in the first place, and that other state and federal statutes require public input and review of the Plan itself. Lead agencies stating, in effect, that there is no possibility and there are no circumstances under which they will modify their Plan or its analysis in a meaningful manner—e.g., in a manner that would require a delay in their schedule--in responding to public comment on the Plan and the draft EIR makes a mockery of the legislative intent behind these mandated public input processes.

unassailable analysis offered in this comment letter and in its attachments.<sup>81</sup> I also, specifically request ABAG and MTC to respond with specifics why the following alternative possible characterizations are not a more accurate description of the Plan and of ABAG and MTC's analysis used to justify the Plan. And, actually, perhaps the most honest and honourable action that ABAG and MTC can take in response would be simply to acknowledge that their Plan and the analysis they have used to justify it are not "sustainable," and rather, have significant deficiencies that are more accurately characterized with terms more similar to those below.

Returning again to the dictionary, I considered the following definition of "fraudulent":<sup>82</sup>

1. characterized by, involving, or proceeding from fraud, as actions, enterprise, methods, or gains: a fraudulent scheme to evade taxes.
2. given to or using fraud, as a person; cheating; dishonest.

Clearly, the term "fraudulent" is much more apt and accurate in characterizing the Plan and ABAG and MTC's analysis used to justify the Plan than the term "sustainable" that ABAG and MTC have used. However, we need a bit more information. The meaning of "fraudulent" depends on the meaning of "fraud." How does the dictionary define "fraud"?

And, here, we appear to hit pay dirt. According to dictionary.com,<sup>83</sup> "fraud" is defined as:

1. deceit, trickery, sharp practice, or breach of confidence, perpetrated for profit or to gain some unfair or dishonest advantage.
2. a particular instance of such deceit or trickery: mail fraud; election frauds.

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<sup>81</sup> And in other comment letters that provide similarly compelling data and analysis regarding the flaws of the Plan and of ABAG and MTC's analysis.

<sup>82</sup> *fraudulent definition*, *dictionary.com*, Appendix Y.

<sup>83</sup> *fraud definition*, *dictionary.com*, Appendix Y.

3. any deception, trickery, or humbug: That diet book is a fraud and a waste of time.

And what about synonyms of the term “fraud” such as “deceit”?<sup>84</sup>

1. the act or practice of deceiving; concealment or distortion of the truth for the purpose of misleading; duplicity; fraud; cheating: Once she exposed their deceit, no one ever trusted them again.

2. an act or device intended to deceive; trick; stratagem.

Again, a much closer fit here as well, than ABAG and MTC’s own characterization of “sustainable.”

ABAG and MTC are honourable agencies—at least they assure us that they are, and their closely aligned NGOs and powerful political and financial supporters claim they are as well. However, given the radical disconnect between ABAG and MTC’s own characterization of their Plan and their analysis used to justify the Plan—a more inapt or more inaccurate characterization cannot be found than “sustainable.” Given the seemingly close fit of the above suggested characterizations, “fraudulent,” “fraud,” and “deceit,” I hereby request in this comment a response by ABAG and MTC that either

- C187-40
- (1) purports to show, despite the above, that their characterization of “sustainable” is nonetheless accurate and apt, and purports to show, despite the above, that an alternative characterization of “fraudulent,” “fraud,” or “deceit” is not accurate and apt, or
  - (2) does the honourable thing and admits that “sustainable” is not an accurate or apt characterization of their Plan and the analysis they have used to justify the Plan, and that an alternative characterization such as “fraudulent,” “fraud,” or “deceit” would be a more accurate and apt characterization.

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<sup>84</sup> *deceit definition, dictionary.com*, Appendix AA.

## Appendix

- Appendix A: CA PRA requests, January, 2013
- Appendix B: Judicial Watch PRA to MTC, March 13, 2013
- Appendix C: MTC PRA response March 25, 2013
- Appendix D: MTC PRA response April 8, 2013
- Appendix E: Requests for modeling data from modeling staff, April, 2013
- Appendix F: MTC's modeler, Dave Ory, response to question, May 2, 2013
- Appendix G: MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, September 11, 2012
- Appendix H: Pavley I + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide
- Appendix I: Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final
- Appendix J: Worksheet 2013 values - 2013 RTP Model (State and Federal)\_Final
- Appendix K: CA Energy Commission gasoline price forecast 2010-2030
- Appendix L: Regional Targets Advisory Committee Final Report pp. 16-19
- Appendix M: California Air Resources Board Approves Advanced Clean Car Rules, 20120127
- Appendix N: California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012

- Appendix O: Tom Rubin conformity comment
- Appendix P: Bob Silvestri comment
- Appendix Q: DEIR section 2.2(d) Mitigation measures
- Appendix R: Appendix R - MTC Model Run 2040\_03\_78, 91, 2013  
RTP/SCS CO2 and Criteria Pollutant Summary Results, November 6, 2012
- Appendix S: October 3, 2012 Regional Modeling Working Group  
meeting minutes
- Appendix T: PDA-List, January, 2010
- Appendix U: Cities Resist Regional Plan to Limit Sprawl, SF Public  
Press, June 13, 2012
- Appendix V: ABAG-MTC meeting transcript, 20130308
- Appendix W: smart definition, dictionary.com
- Appendix X: sustainable definition, dictionary.com
- Appendix Y: fraudulent definition, dictionary.com
- Appendix Z: fraud definition, dictionary.com
- Appendix AA: deceit definition, dictionary.com

MAY16 11:34AM

*Rebecca LaPedus*

[REDACTED]  
Orinda, CA 94563

May 15, 2013

Amy Rein Worth, Chair  
Metropolitan Transportation Commission  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

President Mark Luce, Chair  
Association of Bay Area Governments  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

**RE: Comments on Plan Bay Area / Draft Environmental Report**

Ms. Worth and Mr. Luce:

This letter accompanies my comments on the Plan Bay Area and the Draft Environmental Impact Report. In the short period allotted for public comment, I limited my comments predominantly to the DEIR chapter/section 2.5 "Climate Change and Greenhouse Gases", albeit there is also commentary on a few issues outside that particular chapter/section. Exhibits are referenced within my document and are to be found at the end of the document text.

Since I have gone to some length to describe where and why I have found the DEIR and Plan's assertions and policies to be sometimes deficient, often inaccurate and disturbingly misleading, I request that full review be given to the content presented herewith and hold an expectation that the material will be responded to substantively.

Sincerely,

*JS/Rebecca LaPedus*  
Rebecca LaPedus

RAB

1 Original, 1 Copy to Ms. Amy Worth (MTC) ✓  
1 Copy to Mr. Luce (ABAG)

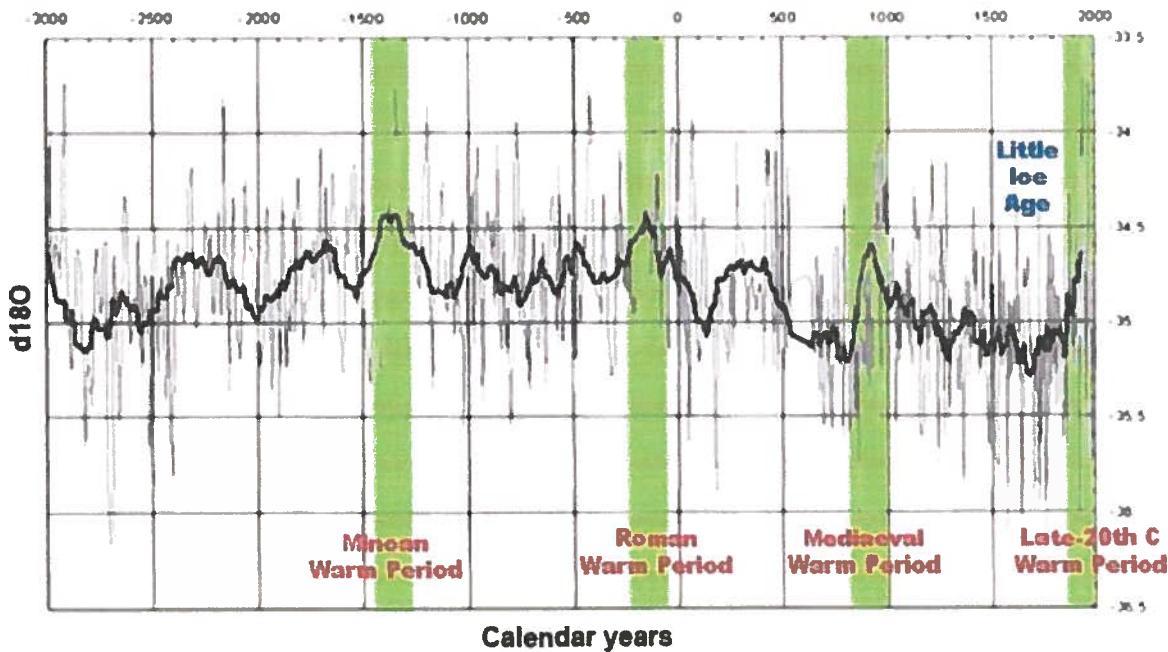
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C188-1

1           **Comments on April 2013 Draft Environmental Report (DEIR)**  
 2           **for Plan Bay Area**

3           **State Clearing House Number 2012062029**

- 4       Page 423, Part Two, 2.5 section title, "Climate Change and Greenhouse  
 5       Gases", is the subject upon which my comments herein will largely but  
 6       not entirely focus. There are a number of stated assumptions within this  
 7       section that run contrary to scientific *research* and, importantly, relevant  
 8       scientific *data* is curiously missing from this section's content. Such  
 9       errors and *discrepancies* render misleading and deficient conclusions.
- 10      The third paragraph of very first sentence asserts, "Global climate  
  11     change (GCC) poses an *immediate* threat to the Bay Area's economy,  
  12     environment, and public health" (italics added). I can find no evidence  
  13     that GCC - in whatever that change may consist - has happened in an  
  14     instantaneous fashion. Indeed, further down the same page, the Report  
  15     states, "Over the last 10,000 years, the rate of temperature change has  
  16     typically been incremental, with warming and cooling occurring over the  
  17     course of thousands of years". The graph below indicates precisely  
  18     that.



19

20

1 The sentence following then selectively refers to the past 150 years to  
2 indicate that an increase in warming is *unprecedented*.<sup>1</sup> Using a small  
3 data set to prove a theory is not sound science and must only be used  
4 in context with larger data sets to reveal patterns. Exhibit A shows both  
5 short & long term graphs that provide a perspective on temperature  
6 fluctuations within different periods to demonstrate reoccurring  
7 oscillations.

8 But even if one chose to use the small data set of the past 150 years,  
9 the claims for that data must reflect correct information. Section 2.5 -1,  
10 page 423 asserts that an unprecedented increase in the rate of warming  
11 occurred over the past 150 years, roughly coinciding with the global  
12 industrial revolution . . ." (Underscoring added) But industrial  
13 production in the early decades of the 20<sup>th</sup> century was still in its infancy  
14 and restricted to a few European countries. And these countries were  
15 handicapped by war and economic depression. It wasn't until the time  
16 *following* the second world war that consumer goods began to be  
17 massed produced for an international market. If one examines the  
18 temperature records with the industrial timeline, from the mid-19<sup>th</sup>  
19 century forward, the earth's temperature was rising. But most of the  
20 temperature rise took place before the 1940's when industrial  
21 production was relatively insignificant. Following the war, GDP rose  
22 and demand for products grew. There was rapid industrial development  
23 and cars took the road and planes to the sky in increasing numbers.  
24 Just when one might expect a temperature rise for the increase in  
25 manufacturing, commercial farming, garment factories, etc.,  
26 temperatures fell for four decades. It is during this period. that

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<sup>1</sup> ~ 150 years is what is available to us in instrumental temperature records kept in weather stations and aboard ships. But these records, while useful in conjunction with other records, contain inconsistencies and were never intended to provide a climatic record.

1 environmental extremists began predicting a coming ice age. It wasn't  
2 until the 1970s, during an economic recession, that temperatures again  
3 saw a temperature rise.

4

C188-2

5 Multiple perspectives on the causes of GCC would demonstrate the  
6 most reliable direction or trends of GCC, provided those contributions  
7 are not generalized into biased conclusions. The DEIR heavily depends  
8 for its GCC computer data upon the United Nations Intergovernmental  
9 Panel on Climate Change (IPCC),<sup>2</sup> which has received substantial  
10 criticism for its paradigmatic approach to explanations for climate  
11 change. There is some good science around the peripheries of the  
12 IPCC reports, but largely, the IPCC uses computer models to  
13 synthesize input and its consequent forecasting trends, trends in global  
14 warming that have already proved inaccurate against actual  
15 declinations in global temperatures. Political influence on the IPCC has  
16 been documented, and the UK House of Lords Select Committee on  
17 Economic Affairs stated: "We have some concerns about the objectivity  
18 of the IPCC process, with some of its emissions scenarios and  
19 summary documentation apparently influenced by political  
20 considerations. There are significant doubts about some aspects of the  
21 IPCC's emissions scenario exercise, in particular, the high emissions  
22 scenarios."<sup>3</sup> And quoting from the same Committee, "The Government  
23 should press the IPCC for better estimates of the monetary costs of  
24 global warming damage and for explicit monetary comparisons between

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<sup>2</sup> Such is also the case with the ARB and the EPA, frequently cited in other sections of the DEIR. The ARB also uses the IPCC for the California Greenhouse Gas Inventories for global warming potentials.

<sup>3</sup> The DEIR uses 3 of the IPCC scenarios on Page 430, Section 2.5-8

1 the costs of measures to control warming and their benefits.”<sup>4</sup> In  
 2 February 2010, in response to mounting controversies regarding claims  
 3 in the IPCC’s 2007 Fourth Assessment Report, scientists who had  
 4 actually contributed to IPCC reports called for changes to the IPCC.  
 5 The following March, the InterAcademy Council (IAC) made a number of  
 6 recommendations, including:  
 7 “[E]ncourage review editors to ensure that all reviewer comments are  
 8 adequately considered and genuine controversies are adequately  
 9 reflected in the assessment reports”; and “Quantitative probabilities (as  
 10 in the *likelihood* scale) should be used to describe the probability of  
 11 well-defined outcomes only when there is sufficient evidence”.<sup>5</sup> and<sup>6</sup>  
 12 (italics added) These recommendations are not unlike Section 15151 of  
 13 the CEQA Guidelines, which governs the Standards for Adequacy of an  
 14 EIR.

15 “. . . the EIR should summarize the main points of disagreement  
 16 among the experts. The courts have looked not for perfection but for  
 17 adequacy, completeness, and a good faith effort at full disclosure.”  
 18

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19 On 2.5-3 page 426, the DEIR identifies six GHGs that the EPA listed as  
 20 the most threatening due to their *global warming* potential (GWP) and  
 21 on the following page, it states:

22       “Gases with a higher [global warming potential] (GWP) absorb  
 23 more energy per pound than gases with a lower GWP, and  
 24 thus contribute more to *warming* Earth.” and

C188-3

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<sup>4</sup> I could find no cost/benefit analysis in the DEIR within the time framed allowed for public comment. Review of the March Financial Assumptions only listed estimated Revenues. Coincidentally, the Grand Total for those revenues exactly match the Plan’s estimated total cost of the Plan, the latter of which is not detailed. This tests the credibility of the numbers when listed revenues and total cost both balance perfectly.

<sup>5</sup> See DEIR, Page 424, 2.5-2 for usage of IPCC’s “likely” bullet points.

<sup>6</sup> The next (5<sup>th</sup>) IPCC Report is scheduled for release in 2014. Wikipedia

1        "GWP is alternatively described as 'carbon dioxide  
2        equivalents', or CO<sub>2e</sub>" (Italics added)

3        The DEIR shows that CO<sub>2</sub> has the GWP of 1 vs. much higher GWPs for  
4        other GHGs. Therefore, CO<sub>2</sub> is clearly not a potent greenhouse gas by  
5        comparison. One can only assume the DEIR focuses on CO<sub>2</sub>, on the  
6        basis of its percentage when compared to the other GHGs listed, which  
7        will be treated later in this commentary on page 10. Nonetheless, the  
8        science of CO<sub>2</sub>'s GWP and, hence, its actual threat to the public's  
9        welfare is not as verifiable as we are led to believe in the DEIR, and any  
10      reading of studies on this subject demonstrates that there certainly is  
11      not "consensus" by scientists as the DEIR so assuredly quotes the  
12      IPCC in 2.5-2 on page 424. Nonetheless, it is CO<sub>2</sub> (and/or CO<sub>2e</sub>)  
13      emission reduction that drives the Plan and the DEIR per AB 32.

14      \_\_\_\_\_

15      One of the ignored influences on climate change is the Pacific Decadal  
16      and Atlantic Multidecadal Oscillation cycles (PDO & AMO respectively).  
17      This 25-30 year cycle indicates a sinking and rising movement with cold  
18      ocean waters below replacing warm ocean waters above and then  
19      reversing that flow. The PDO (and similarly the AMO) was, not  
20      coincidentally, in tandem with the change in temperatures in the 1940's  
21      to the late 1970s, when temperatures dropped steadily. However, when  
22      the warmth of the PDO and AMO coincide, the atmosphere warms.  
23      This explains the rise in temperature beginning in 1970. In 2000, the  
24      IPCC forecasted a rise by 1°C by 2010, ignoring the fact that in 1999,  
25      the PDO had turned cold causing instead a drop greater than 1 degree  
26      in global temperatures. This is what comes of using computer models  
27      that assume that a current or previous condition, e.g. a period of  
28      warming, is the effect of some sole agency, e.g. CO<sub>2</sub>, rather than  
29      warming being the very cause of an increase in CO<sub>2</sub>. Howard Hayden,

C188-4

1 Professor of Physics (Emeritus) at the University of Connecticut<sup>7</sup>,  
2 states in his 2009 letter to the EPA - another governmental body, which  
3 the DEIR frequently references - that "The first principle of causality is  
4 that the cause has to come before the effect. The historical record  
5 shows that climate changes precede CO<sub>2</sub> changes." The complete  
6 letter is contained in Exhibit B. Supporting this principle, Canadian  
7 Astrophysicist and climate analyst, Joseph E. Postma<sup>8</sup> posits:  
8 "Thousands of years of proxy data proving increases in levels of  
9 atmospheric carbon dioxide are proven to *follow*, not cause, all prior  
10 increases in global temperatures." (Italics added) During the cycles of  
11 the last four glacial periods, temperature changes *always preceded*  
12 changes in atmospheric CO<sub>2</sub> levels. Likewise, CO<sub>2</sub> level decline begins  
13 after temperature has dropped. 700,000 years of this pattern cannot be  
14 discounted. That is not to suggest that this pattern is perfectly smooth.  
15 The Medieval period experienced a 300-year period of warming;  
16 however, that period cannot possibly constitute anthropogenically  
17 caused CO<sub>2</sub> levels,  
18

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19 Attending to the possible multiple causes that may influence GCC  
20 cannot be limited to those factors that best support the DEIR's adopted  
21 IPCC & EPA positions on GCC. Sound climate science demands that a  
22 postulation of anthropogenic influences on GCC must, *pari passu*,  
23 include whatever data might unseat the theory. Exemptions of those  
24 studies that contradict that anthropogenic CO<sub>2</sub> is the driving factor that

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<sup>7</sup> Howard Hayden's research interests include ionic and atomic collisions, charge transfer, ionization, energy loss, energy-level crossings, ion-surface collisions, ion implantation, relativity considerations and energy for society (fossil fuels, nuclear, hydro, wind, biomass, photovoltaics, solar heating). He is the author of *A Primer on CO<sub>2</sub> and Climate*, among other publications.

<sup>8</sup> Joseph Postma: M.Sc. astrophysics. Played a central role in the design, management & coordination of the development of a space-based instrument package (Ultra Violet Imaging Telescope).

1 is causing an “irrevocable shift”<sup>9</sup> in weather related patterns is not  
2 sound scientific analysis. The IPCC and EPA seem plagued with an  
3 inability to consider the distinction between what their models observe  
4 (the “what”) from the controlling agent (the “why”). The debate cannot  
5 be based entirely on whether warming/cooling and up/down of CO<sub>2</sub> are  
6 correlative but rather which is driving which. There is no compelling  
7 evidence that CO<sub>2</sub> has ever driven the climate in the past or is doing so  
8 now. According to global warming theory, if increased CO<sub>2</sub> results in a  
9 rise of GHGs and hence, warming, then the rate of temperature rise  
10 should be greatest in that part of the earth’s atmosphere known as the  
11 troposphere (tropics).<sup>10</sup> Nevertheless, satellites show the contrary.  
  
12 If we return to the earlier discussion of the PDO/AMO oscillations, study  
13 after study confirms that the oceans are the dominant source and sink  
14 for CO<sub>2</sub>. Water - as a gas, not a condensate or cloud - is the major  
15 radiative absorbing-emitting gas in the atmosphere, not CO<sub>2</sub>. As with  
16 the *oscillations* of the PDO/AMO, the tripping point of temperature  
17 extremes coincides with the opening and closing oscillations of the ice  
18 cap in northern polar regions. It is important to note that the ice cap  
19 developed and then expanded because the Arctic Ocean supplies the  
20 cap’s moisture (not a conjecture). The cap’s expansion or shrinkage  
21 depends upon whether the Arctic Ocean is frozen over or not. It  
22 currently is frozen over, meaning that it does not provide the moisture  
23 necessary for the cap’s expansion and hence, its shrinkage. And  
24 consequently, the earth’s absorption of radiation from the sun increases  
25 and voila! warming. At this time, oceanographic reporting shows that  
26 with this warming of temperature, the Arctic Ocean thaws (not  
27 completely, of course) and once again supplies moisture to the cap for

<sup>9</sup> DEIR page 423, 2.5, Paragraph 3

<sup>10</sup> John R. Christy: “Tropospheric Temperature Change Since 1979 from Tropical Radiosonde and Satellite Measurements” Journal of Geophysical Research, Vol 109

1 its expansion. Recent oceanographic reports suggest that such  
2 reversal has begun and we can expect a gradual cooling period, some  
3 of which we are already experiencing.

4 To remain in the icecap subject a bit longer, the arctic icecap ice melt is  
5 the most frequently referenced in claims for the detrimental effects of  
6 greenhouse gases (GHG). But the antarctic icecap contains about 90%  
7 of the earth's ice. While the arctic icecap reached 30-year lows in 2007  
8 and again in 2012, satellite images indicate that antarctic sea ice has  
9 been expanding for the last 30 years. (Could this be partly due to the  
10 shift in the earth's magnetic field?)

11 Greenland holds about 8% - 9% of earth's ice. Data shows Greenland's  
12 surface temperature was warmer in the 1930's and 1940's than the  
13 present day. Many are familiar with the story of the "Glacier Girl"  
14 squadron that crashed in Greenland in 1942. The crew was eventually  
15 rescued, but the Allies were forced to abandon the wrecked planes,  
16 unable to retrieve them as they slowly disappeared under drifting snow.  
17 In 1988, exploration for the crashed planes began. Forty-six years  
18 since the planes had crash-landed, "an astonishing 268 feet of ice had  
19 accumulated over them". In 1992 a rig called the "Super Gopher" finally  
20 retrieved pieces of a P-38. It took the better part of a month for the  
21 gopher to chew its way to the bounty.<sup>11</sup> One wonders where so-called  
22 "... scientists have observed an unprecedented increase of warming  
23 over the past 150 years".<sup>12</sup> (Italics added)

24 Swimming in ocean waters for just a bit longer, Argo is a global array of  
25 3,500 floating robot sensors that descend to 6,562 feet and then rise to  
26 the surface. They record up to 1,000 measurements of temperature,  
27 salinity and other key parameters. When the probes resurface, they

---

<sup>11</sup> "Exhuming the Glacier Girl" by Alan Bellows

<sup>12</sup> DEIR, Page 423, Section 2.5

1 beam the data up to satellites.<sup>13</sup> Since full deployment of the system,  
2 the ocean heat content has declined, irrespective of any rise in GHGs.  
3 While radiation from the sun does penetrate the surface of ocean  
4 waters causing heat, this is a relatively stable process and not  
5 (obviously) anthropogenically caused. However, the long-wave infrared  
6 radiation (LWIR) from GHG's can only penetrate a few microns past the  
7 water's surface, causing evaporation and consequently cooling. Roy  
8 Clark, PhD explains that "It is impossible for a 1.7 W.m<sup>2</sup> increase  
9 [predicted by the IPCC due to man-made greenhouse gases] in  
10 downward 'clear sky' atmospheric LWIR flux to heat the oceans." This,  
11 of course, goes back to the earlier question this comment paper raised  
12 re *what drives what*. The probes indicate that GHGs cause increased  
13 evaporation and ocean surface cooling, and the sequence of global  
14 temperature change is from the ocean surface to land to the lower  
15 troposphere.<sup>14</sup>

16 There are a number of studies and stubborn scientific facts that  
17 contradict the stance taken by the Plan and DEIR, not the least of which  
18 is that, as mentioned heretofore, the IPCC computer models are  
19 meeting with failure in IPCC forecasts. Another fact is that global  
20 cooling has taken over for sixteen years now, and less warming than

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<sup>13</sup> From NOPP article by Will Ramos, February 20, 2013

<sup>14</sup> "An important new paper published in Global and Planetary Change finds that changes in CO<sub>2</sub> follow rather than lead global air surface temperature and that CO<sub>2</sub> released from use of fossil fuels have little influence on the observed changes in the amount of atmospheric CO<sub>2</sub>. The paper finds the overall global temperature change sequence of events appears to be from 1) the ocean surface to 2) the land surface to 3) the lower troposphere; in other words, the opposite of claims by global warming alarmists that CO<sub>2</sub> in the atmosphere drives land and ocean temperatures. Instead, just as in the ice cores, CO<sub>2</sub> levels are found to have a lagging effect in ocean warming and not significantly related to man-made emissions, and not the driver of warming. Prior research has shown only shortwave radiation from the Sun is capable of penetrating and heating the oceans and thereby driving global surface temperatures." Anthony Watts, August 30, 2012 WUWT

1    the forecasted warming of the IPCC has occurred over the last 22  
2    years, with 30,000 stations around the world finding that the earth  
3    stopped warming in 1997. It is a source of much confusion in reading  
4    the DEIR whether its reduction in GHGs is driven by *warming* or *climate*  
5    *change* - cool or warm - since the content refers to both  
6    interchangeably. Is it warming or the asserted prevalence of "extreme  
7    weather" in certain regions that demands reduction of CO<sub>2</sub>?

8 \_\_\_\_\_

9    Water vapor, a GHG that the Plan & DEIR inexplicably dismisses from  
10   discussion, comprises approximately 90% - 95% of the greenhouse  
11   gases. CO<sub>2</sub> is no more than 4%. Of that 4%, a little more than 3% is  
12   anthropogenic. 3% of 4% = 0.12% of GHGs in the atmosphere.

C188-5

13   Exhibit C displays a chart that provides a perspective of the relationship  
14   of CO<sub>2</sub>, including man-made CO<sub>2</sub>, to other GHGs.

15  
16       The bulk = water vapor ~95% (green dots);  
17       Nitrous oxide, methane, misc. make up 1.4% (yellow);  
18       Carbon dioxide divided into natural 3.48% (grey) and  
19       anthropogenic .0.12% (black).

20  
21   Other GHGs, excluding CFCs, HCFCs PFCs and SF6, are also mostly  
22   of natural origin. Human activities, as the DEIR points out, contribute to  
23   GHGs through farming, manufacturing power generation, and  
24   transportation. However, these emissions are so dwarfed in  
25   comparison to those from natural sources, that costly efforts at  
26   reduction would have an infinitesimal effect on climate.

27 \_\_\_\_\_  
28   The ARB's GHG reduction targets (by years 2020 and 2035) that  
29   SB 375 authorized and which the MTC & ABAG incorporated into the

C188-6

1 Plan & DEIR for CO<sub>2</sub> vehicle emissions are stated as being 7% and  
2 15% respectively. A 15% reduction in man-made CO<sub>2</sub> results in a  
3 0.00018 reduction (.0012 x .15) of CO<sub>2</sub> in the atmosphere. How can the  
4 Plan's overly ambitious strategies to comply with AB 32 be justified by  
5 this insignificant reduction?

6 AB 32's first page states:

7 "The bill would require the state board to adopt rules and  
8 regulations in an open public process to achieve the maximum  
9 technologically feasible and cost-effective greenhouse gas  
10 emission reductions, as specified." (underscoring added)

11 Even the Contra Costa Transportation Authority balked at Plan Bay  
12 Area estimates, citing very little reduction on GHGs from land-use  
13 strategies. That was further supported by ABAG President, Mark Luce,  
14 who stated, "We're not going to move the greenhouse gas numbers  
15 substantially with this Plan . . . anyone who says that we are is  
16 dreaming."<sup>15</sup>

17 \_\_\_\_\_

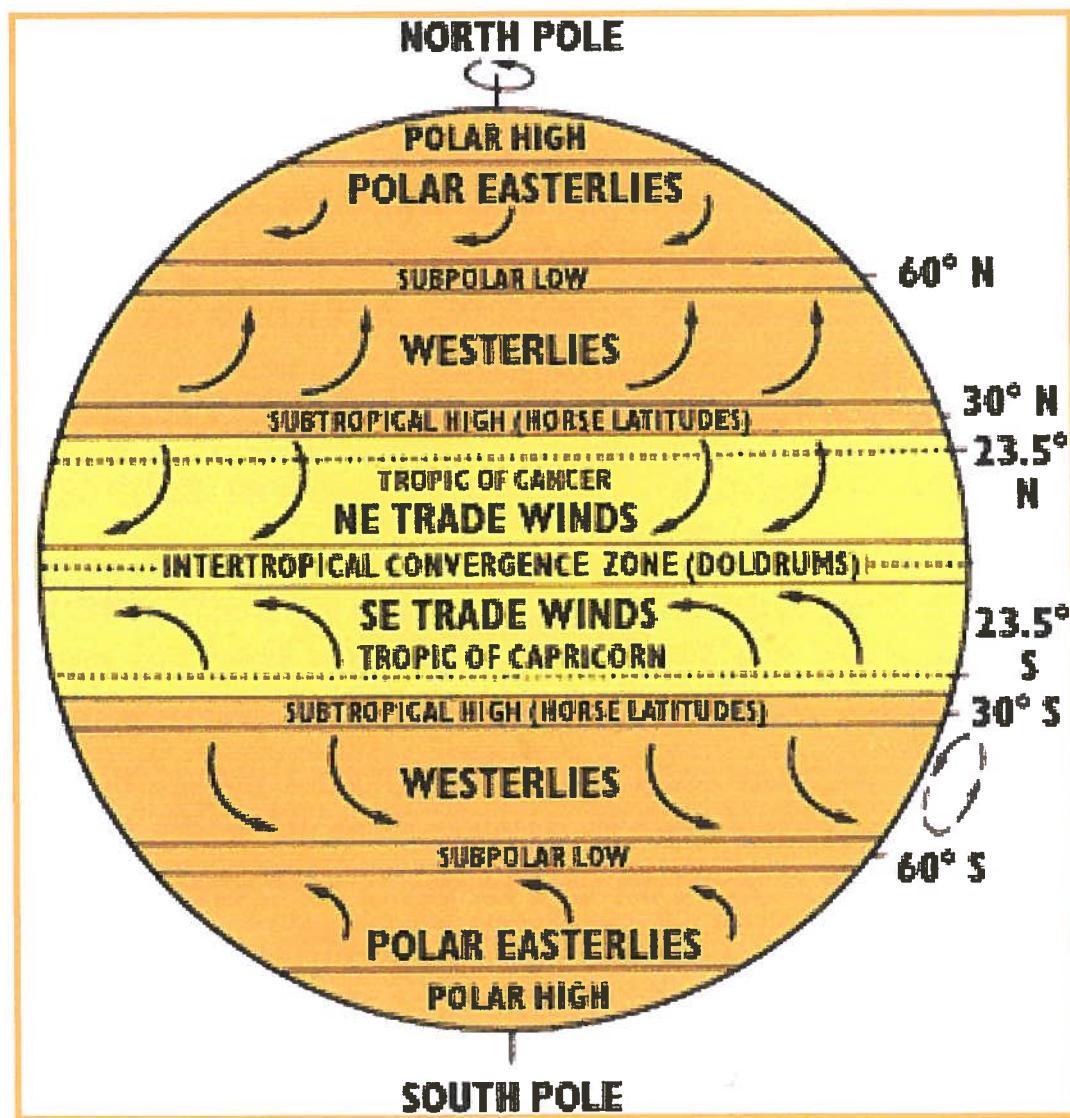
18 Another aspect of temperature change is consideration of the equator to  
19 pole temperature gradient (EPTG) because major climate changes in  
20 the past correlate with large changes in equator to pole temperature  
21 differences and relatively constant equatorial temperature. Changes in  
22 the mean temperature of the earth appear to have been a by-product of  
23 these changes rather than a cause.<sup>16</sup> There is an absence of empirical  
24 data contesting this proposition. What controls the equator to pole  
25 temperature distribution of the earth's surface is a very efficient system  
26 to transfer energy from the equator to the north pole causing it to warm.  
27 This has large implications for CO<sub>2</sub> and temperature rise theories. The

C188-7

<sup>15</sup> Video of ABAG Board meeting: March 9, 2012 available upon request

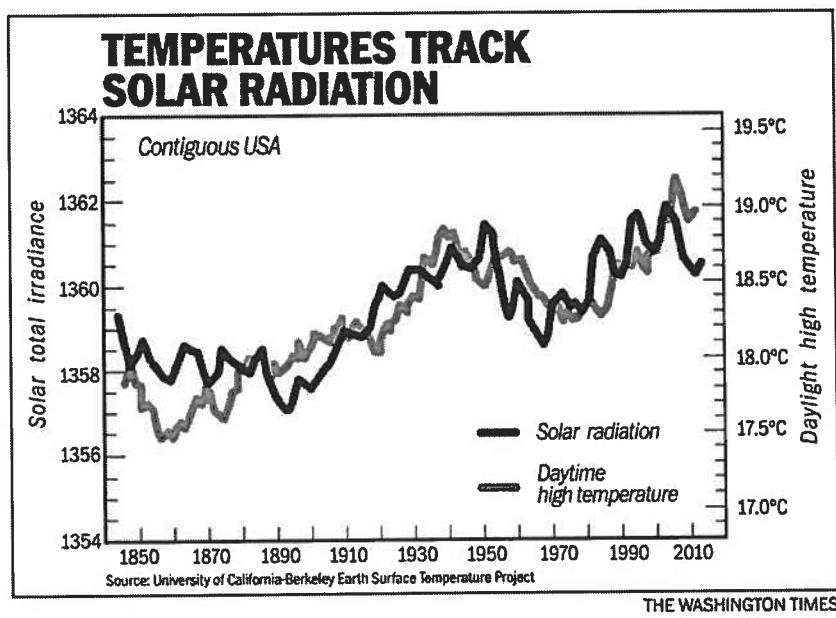
<sup>16</sup> Richard Lindzen: Annual Review of Fluid Mechanics

- 1 image on the next page better lends a quick view of how this complex
- 2 mechanism works than would a lengthy description in text.
- 3 (Remainder of this page intentionally left blank.)



1 EPTG cannot be divorced from the influence of the sun on temperature  
2 fluctuations. Why the activity of the sun and its impact on climate  
3 change is so infrequently addressed (as is the case with the DEIR) is a  
4 curiosity. Scientists have been exploring and keeping detailed records  
5 of the influence of the sun on climate for centuries. The chart on the  
6 following page shows the relationship between solar radiation and  
7 daytime high temperatures. This relationship suggests that the way sun  
8 cools and warms the earth is through the penetration of incoming solar  
9 radiation. Recent work by the National Center for Atmospheric  
10 Research's Gerald Meehl and Harry van Loon stated that even small  
11 changes in solar radiation can seriously effect earth's temperature.  
12 "The close relationships between the abrupt ups and downs of solar  
13 activity and of temperature that we have identified occur locally in  
14 coastal Greenland, regionally in the Arctic Pacific and North Atlantic,  
15 and hemispherically for the whole circum-Arctic, suggesting that  
16 changes in solar radiation drive temperature variations in at least many  
17 areas." And "Pictures like these cannot be drawn for temperature and  
18 CO<sub>2</sub> concentration. There just is no such *close match* between the  
19 steady rise in atmospheric CO<sub>2</sub> concentration and the often dramatic  
20 ups and downs of surface temperatures in and around the Arctic, China  
21 and the United States." (italics added)

22



- 1  
2  
3 The sun and climate correlations that were studied also demonstrated  
4 the ETPG link to total solar irradiance, as briefly touched upon  
5 heretofore, and validates that the Plan's & DEIR premise that CO<sub>2</sub>  
6 drives climate change is a distortion. At the moment, we are in a phase  
7 of low sunspot activity, which parallels with colder temperatures. This  
8 pattern was seen during a period called the Dalton Minimum (1790 -  
9 1830). A period known as the Maunder Minimum (1645 - 1715) saw  
10 ~50 sunspots during a thirty year period within that cycle. Typical range  
11 of sunspots is 40,000 to 50,000 during modern periods. The Maunder  
12 Minimum coincided with the coldest part of the little Ice Age.  
  
13 Linked into solar and equatorial-to-pole gradients, one must also  
14 include cosmic ray flux. An image by Nir Shaviv.<sup>17</sup> is provided

<sup>17</sup> Nir Joseph Shaviv is an physics professor, carrying out research in the fields of astrophysics and climate science. He is currently an associate professor at the Racah Institute of Physics of the Hebrew University of Jerusalem. He is most well known for his solar and cosmic rays hypothesis of climate change. In 2002, Shaviv hypothesized that passages through the Milky Way's spiral arms appear to have been the cause behind the major ice-ages over the past billion years. In his later work, co-authored by Jan Veizer,, a low upper limit was placed on the climatic effect of CO<sub>2</sub> (Wikipedia)

1 in Exhibit D. Increased galactic cosmic ray (GCR) flux theory suggests  
2 association with a cooler climate and a weakening of monsoon rainfalls,  
3 and vice versa. Dr. Shaviv argues that in contrast to a carbon-based  
4 scenario, the model **and** proxy based estimates of atmospheric CO<sub>2</sub>  
5 levels - especially for the early Phanerozoic period - do not show  
6 correlation with the Paleozoic climate picture that emerged from  
7 geological criteria, while cosmic ray flux does.

8 There is a large contingent of contributors to climate science that  
9 acknowledges that the sun dominates earth's climate. The earth's orbit  
10 around the sun, the earth's axial tilt, the earth's fluctuating albedo,  
11 cosmic radiation, and the earth's water cover all influence warming and  
12 cooling.

13

---

14 **Conclusion to Section 2.5 Climate Change and Greenhouse Gases**

C188-8

15 The time allotted for commentary on the Plan/DEIR is insufficient to  
16 address comprehensively still more unsupported assertions contained in  
17 DEIR section 2.5 "Climate Change and Greenhouse Gases". Briefly then,  
18 the forecasted events that the Plan/DEIR portends - such as rising sea  
19 levels, heat, wildfires from "climate change" - apparently warm or cool<sup>18</sup> -  
20 public health and, last but not least, detrimental GHGs from a proliferation  
21 of single family homes - carries no hard evidence that CO<sub>2</sub> is the throttle  
22 that drives such ill effects. Nor does the Plan/DEIR provide evidence for  
23 the harmful effect-threshold-level of anthropogenic CO<sub>2</sub>.

24 "Given the importance of CO<sub>2</sub> to life on this planet; the large naturally  
25 occurring CO<sub>2</sub> exchanges between land masses, oceans and atmosphere,  
26 and the lack of conclusive proof that anthropogenic CO<sub>2</sub> can cause

---

<sup>18</sup> DEIR 2.5-19, page

1 significant detrimental global warming . . ." <sup>19</sup> demands that the DEIR  
2 jettison the section/chapter 2.5 in the interests of the communities the MTC  
3 and ABAG are meant to serve. The Plan's cost to curtail CO<sub>2</sub> emissions is  
4 excessive and robs cities of funds essential to maintaining thriving  
5 communities.

6 The influences on climate brought into play in this commentary are to  
7 demonstrate the complexities of climate change and to underscore that  
8 legitimate scientific analysis *objectively* assesses *all* data available in order  
9 to arrive at conclusions that can be validated for purposes of scientific  
10 progress. The Plan/DEIR is essentially a policy-driven document that uses  
11 corrupted climate simulation models to obtain validation for its "social  
12 equity" agenda.

13 (Remainder of page intentionally left blank)

14

---

<sup>19</sup> Anthropogenic Global Warming Science Assessment Report, April 2013, Right Climate Stuff Research Team

1  
2  
3  
4  
5  
6  
7  
8  
9



Image by Greg Groesch

10 The environmental leg of the Plan Bay Area's three Es<sup>20</sup> cannot provide  
11 any "incontrovertible evidence", to steal 2 words from the IPPC, to  
12 support the DEIR's claim that increasing amounts of GHGs are  
13 endangering public health and welfare or will cause catastrophic  
14 ecological disruptions. Nor does there exist scientific evidence for  
15 anthropogenic global warming.

16

### 17 Three Comments apart from DEIR Section/Chapter 2.5

C188-9

18 • SB 375 mandates that each metropolitan planning organization and  
19 the agencies within those organizations have outreach efforts to inform  
20 the public (including landowners) and to encourage participation in the  
21 planning of any sustainable communities strategy. Those few citizens  
22 in Contra Costa County who had heard of Plan Bay Area through  
23 means other than the MTC and ABAG, such as unaffiliated newspaper  
24 editorial writers and radio programs, thought the policies being created  
25 by the Plan warranted public awareness. To that end, these few

---

<sup>20</sup> Economy, Equity, Environment

18

1 citizens sponsored and promoted a Lamorinda 2013 Town Hall  
 2 informational meeting. Seventy-seven percent of those who completed  
 3 the provided survey form indicated that they were completely unaware  
 4 of the policies proposed in Plan Bay Area. Of that seventy-seven  
 5 percent%, few had even heard of "Plan Bay Area". Only two  
 6 conclusions can account for this revelation:

- 7 - Lamorinda is atypical of the San Francisco Bay Area population; or
- 8 - The mandate of SB 375 was not met.

9 • ABAG posits that the Bay Area has an advantage over the rest of the  
 10 U.S. because the tech industry dominates here. Thus the Bay Area  
 11 share of national jobs will increase and, *pari passu*, population will  
 12 increase. Ergo, a population increase is cause for housing  
 13 development to accommodate that increase. Two factors contradict this  
 14 premise:

15 - The assumed comparative advantage in the 1990's and 2,000's  
 16 was the same but the Bay Area still experienced sluggish job  
 17 growth and actually lost share of national jobs during those  
 18 2 decades. .

19 - From 2001 - 2012, the San Jose-Sunnyvale-Santa Clara STEM<sup>21</sup>  
 20 occupations dropped to minus 12.6%<sup>22</sup> compared to a positive  
 21 growth during the same period in :

22 21.1% Washington-Arlington-Alexandria, DC-VA-MD-WV  
 23 18.3% San Antonio-New Braunfels, Texas;  
 24 17.9% Raleigh-Cary, North Carolina  
 25 16.3% Salt Lake City, Utah

C188-10

<sup>21</sup> Science, Technology, Engineering, Math

<sup>22</sup> Praxis Strategy Group

1           12.2% Austin-Round Rock-San Marcos, Texas  
2           11.3% San Diego-Carlsbad-San Marcos, California  
3

4       The only major metropolitan areas below San Jose-Sunnyvale-Santa  
5       Clara during that same period were New Orleans-Matairie-Kenner,  
6       Louisiana at minus 16.0% and Detroit-Warren-Livonia, Michigan at  
7       minus 17.7% Perhaps a lesson here is an old one: never put all your  
8       eggs in one basket.

9       • In order to justify that more housing is required, ABAG uses for its  
10      number of employed persons per household the 1.2 person per  
11      household figure from 2010, which was the peak year for  
12      unemployment, the peak of the recession. (10.6 % Bay Area  
13      unemployment)

14      If employment rebounds, some of the unemployed in existing  
15      households regain jobs and the ratio of employed persons per  
16      household necessarily rebounds to a higher level than 1.2 persons per  
17      household. But ABAG doesn't factor that into its calculations. Thus the  
18      lower the number of employed persons per household, the more  
19      households that are required with any increase in employment. Not  
20      incidentally, 2010 was the year of the U.S. Census.

21       • The Plan states on Page 3 that Plan Bay Area derives from  
22      SB 375. However, anyone familiar with the Bay Area Alliance for  
23      Sustainable Communities established in 1997 knows that it developed  
24      the "Compact for a Sustainable Bay Area", finalized in 2003. SB 375  
25      was passed in 2008 and was preceded by AB 32 in 2006. This timeline  
26      is crucial to understanding "what drives what". The Bay Area Alliance  
27      for Sustainable Communities was composed of special interest & non-  
28      profit groups and ABAG & MTC representatives. It was funded by  
29      corporations and foundations with a partisan agenda. Exhibit E. The

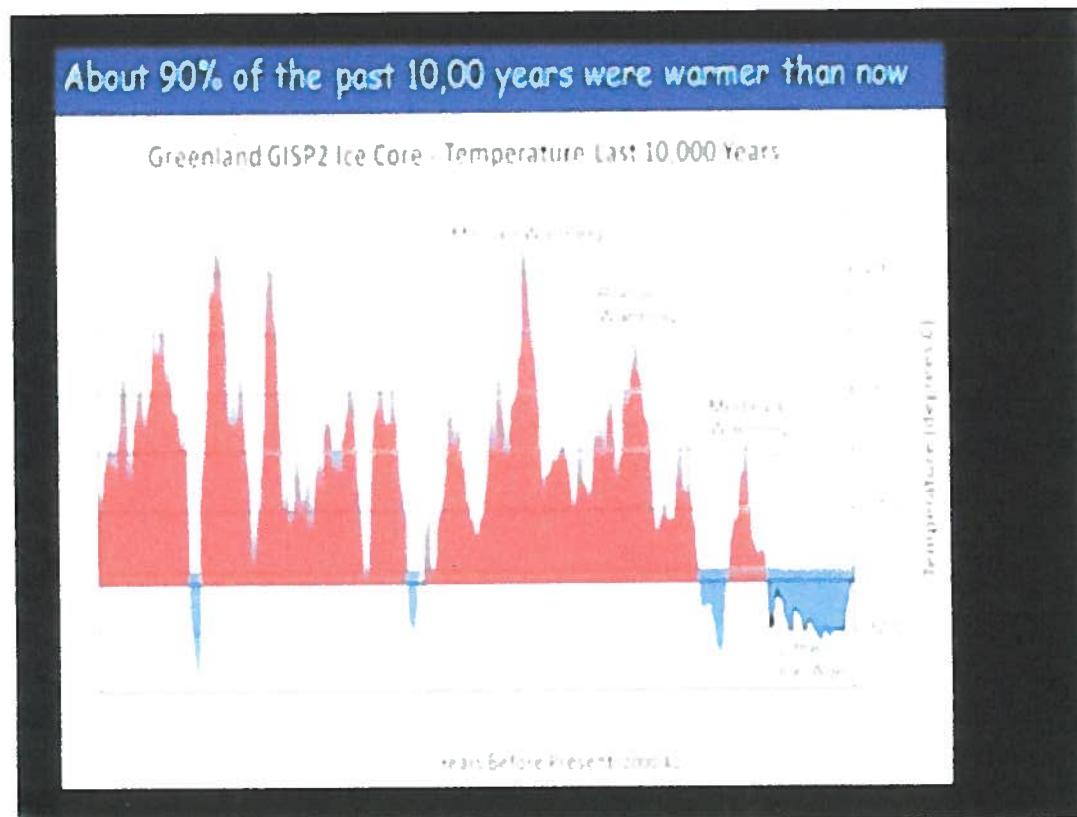
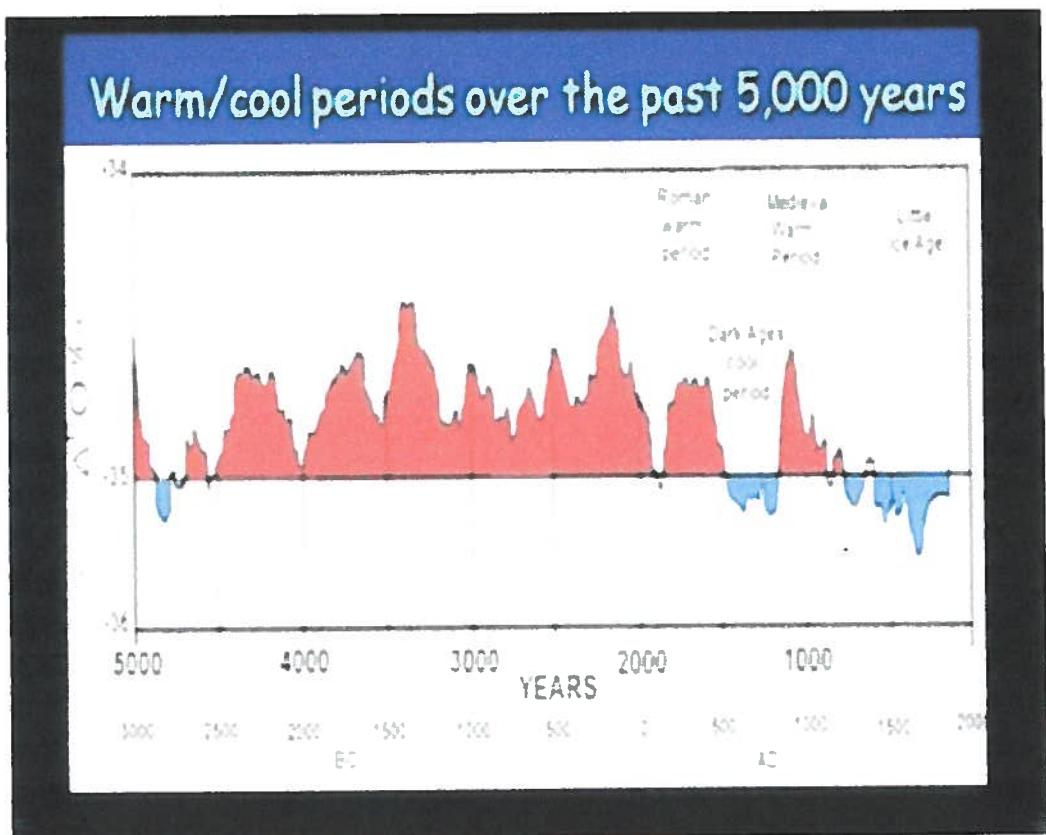
C188-11

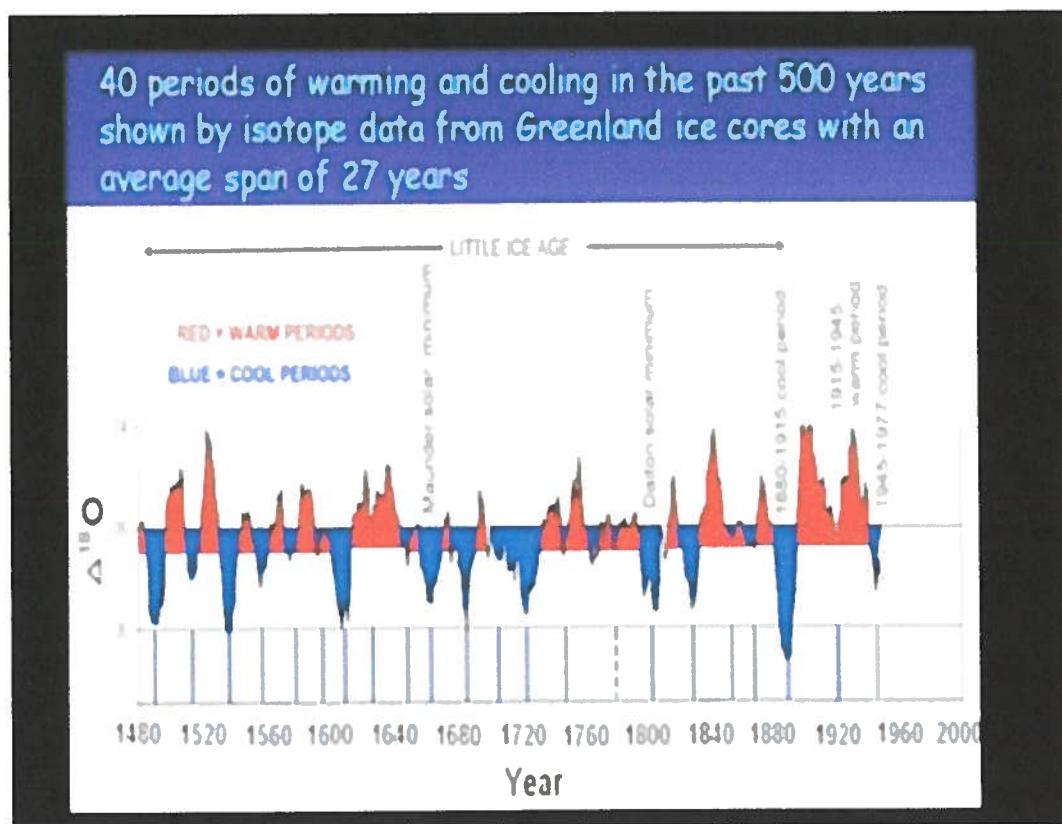
C188-12

1 policies of Plan Bay Area are essentially in lock step with the action  
2 items of the Compact for a Sustainable Bay Area. MTC and ABAG  
3 have created a regulatory scheme through Plan Bay Area for which  
4 there is no actual basis in law. If the legislature does not exercise its  
5 oversight function and authority, the courts must reign in these two  
6 lawless bureaucracies, the MTC and ABAG. Plan Bay Area is a perfect  
7 example of “mission creep” by these two agencies.

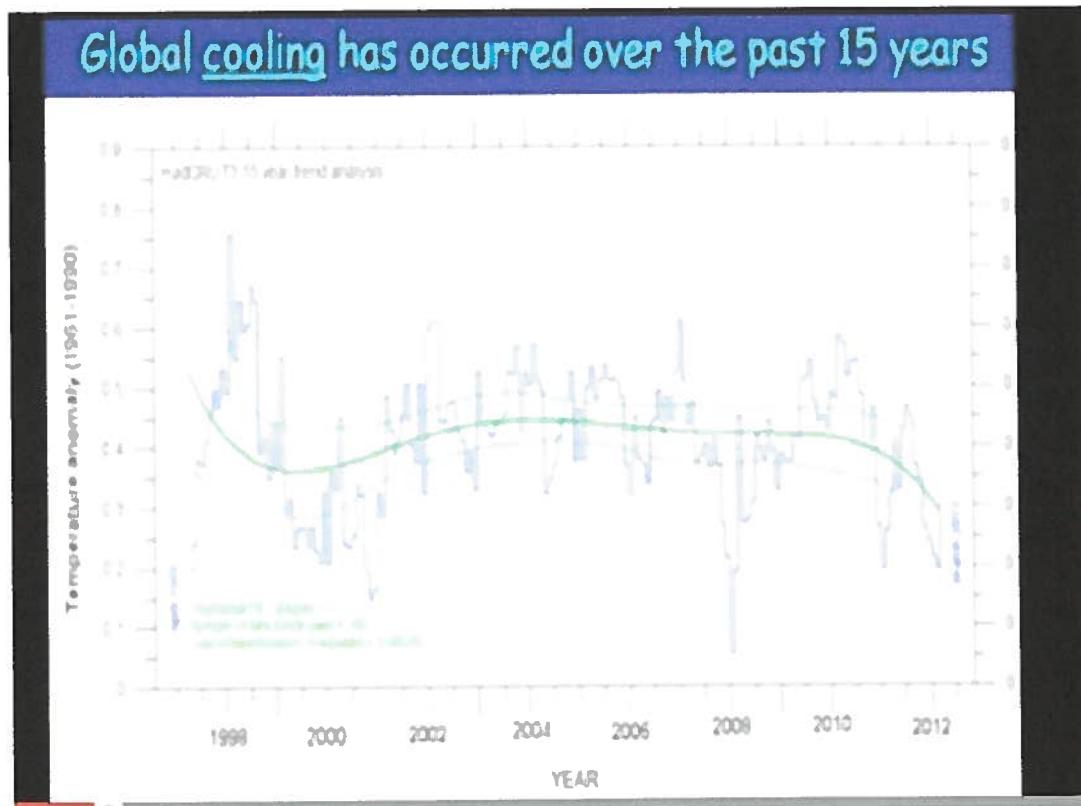
8

9





20 year period showing temperature fluctuations



October 27, 2009

The Honorable Lisa P. Jackson, Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW Washington, DC 20460

Dear Administrator Jackson:

I write in regard to the *Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, Proposed Rule*, 74 Fed. Reg. 18,886 (Apr. 24, 2009), the so-called “Endangerment Finding.”

It has been often said that the “science is settled” on the issue of CO<sub>2</sub> and climate. Let me put this claim to rest with a simple one-letter proof that it is false.

The letter is *s*, the one that changes *model* into *models*. If the science were settled, there would be precisely one model, and it would be in agreement with measurements.

Alternatively, one may ask which one of the twenty-some models settled the science so that all the rest could be discarded along with the research funds that have kept those models alive.

We can take this further. Not a single climate model predicted the current cooling phase. If the science were settled, *the model* (singular) would have predicted it.

Let me next address the horror story that we are approaching (or have passed) a “tipping point.” Anybody who has worked with amplifiers knows about tipping points. The output “goes to the rail.” Not only that, but *it stays there*. That’s the official worry coming from the likes of James Hansen (of NASA-GISS) and Al Gore.

But therein lies the proof that we are nowhere near a tipping point. The earth, it seems, has seen times when the CO<sub>2</sub> concentration was up to 8,000 ppm, and *that did not lead to a tipping point. If it did, we would not be here talking about it.* In fact, seen on the long scale, the CO<sub>2</sub> concentration in the present cycle of glacials (ca. 200 ppm) and

interglacials (ca. 300-400 ppm) is lower than it has been for the last 300 million years.

Global-warming alarmists tell us that the rising CO<sub>2</sub> concentration is (A) anthropogenic and (B) leading to global warming.

(A) CO<sub>2</sub> concentration has risen and fallen in the past with no help from mankind. The present rise began in the 1700s, long before humans could have made a meaningful contribution. Alarmists have failed to ask, let alone answer, what the CO<sub>2</sub> level would be today if we had never burned any fuels. They simply *assume* that it would be the “pre-industrial” value.

- The solubility of CO<sub>2</sub> in water decreases as water warms, and increases as water cools. The warming of the earth since the Little Ice Age has thus caused the oceans to emit CO<sub>2</sub> into the atmosphere.

(B) The first principle of causality is that the cause has to come before the effect. The historical record shows that climate changes precede CO<sub>2</sub> changes. How, then, can one conclude that CO<sub>2</sub> is responsible for the current warming? Nobody doubts that CO<sub>2</sub> has *some* greenhouse effect, and nobody doubts that CO<sub>2</sub> concentration is increasing. But what would we have to fear if CO<sub>2</sub> and temperature actually increased?

- A warmer world is a better world. Look at weather-related death rates in winter and in summer, and the case is overwhelming that warmer is better.
- The higher the CO<sub>2</sub> levels, the more vibrant is the biosphere, as numerous experiments in greenhouses have shown. But a quick trip to the museum can make that case in spades. Those huge dinosaurs could not exist anywhere on the earth today because the land is not productive enough. CO<sub>2</sub> is plant food, pure and simple.
- CO<sub>2</sub> is *not* pollution by any reasonable definition.
- A warmer world begets more precipitation.
- All computer models predict a smaller temperature gradient between the poles and the equator. Necessarily, this would mean fewer and less violent storms.
- The melting point of ice is 0 °C in Antarctica, just as it is everywhere else. The highest recorded temperature at the South Pole is -14 °C, and the lowest is -117 °C. How, pray, will a putative few degrees of warming melt all the ice and inundate Florida, as is claimed by the warming alarmists?

Consider the change in vocabulary that has occurred. The term *global warming* has given way to the term *climate change*, because the former is not supported by the data. The latter term, *climate change*, admits of all kinds of illogical attributions. If it warms up, that's climate change. If it cools down, ditto. Any change whatsoever can be said by alarmists to be proof of climate change.

In a way, we have been here before. Lord Kelvin "proved" that the earth could not possibly be as old as the geologists said. He "proved" it using the conservation of energy. What he didn't know was that nuclear energy, not gravitation, provides the internal heat of the sun and the earth.

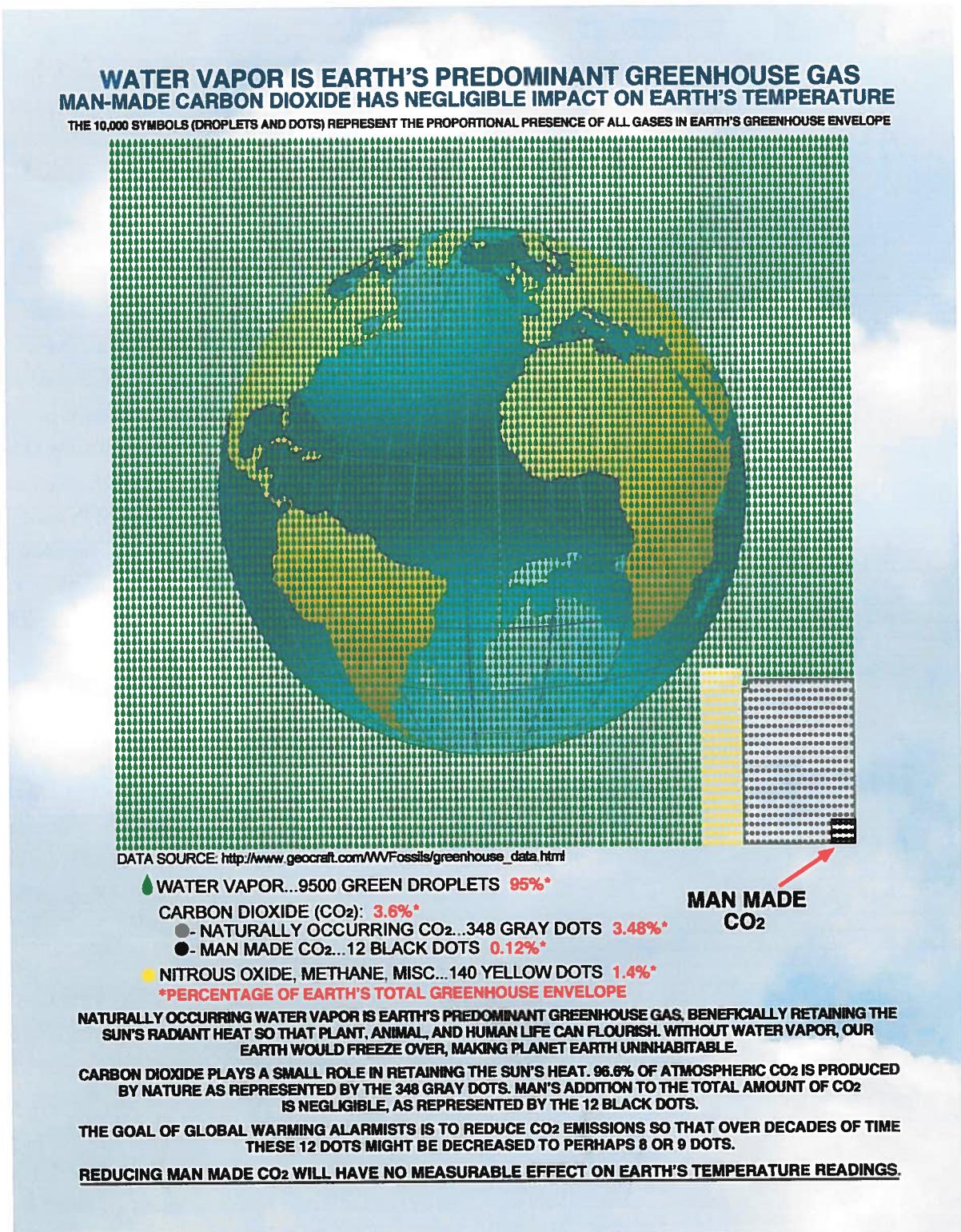
Similarly, the global-warming alarmists have "proved" that CO<sub>2</sub> causes global warming.

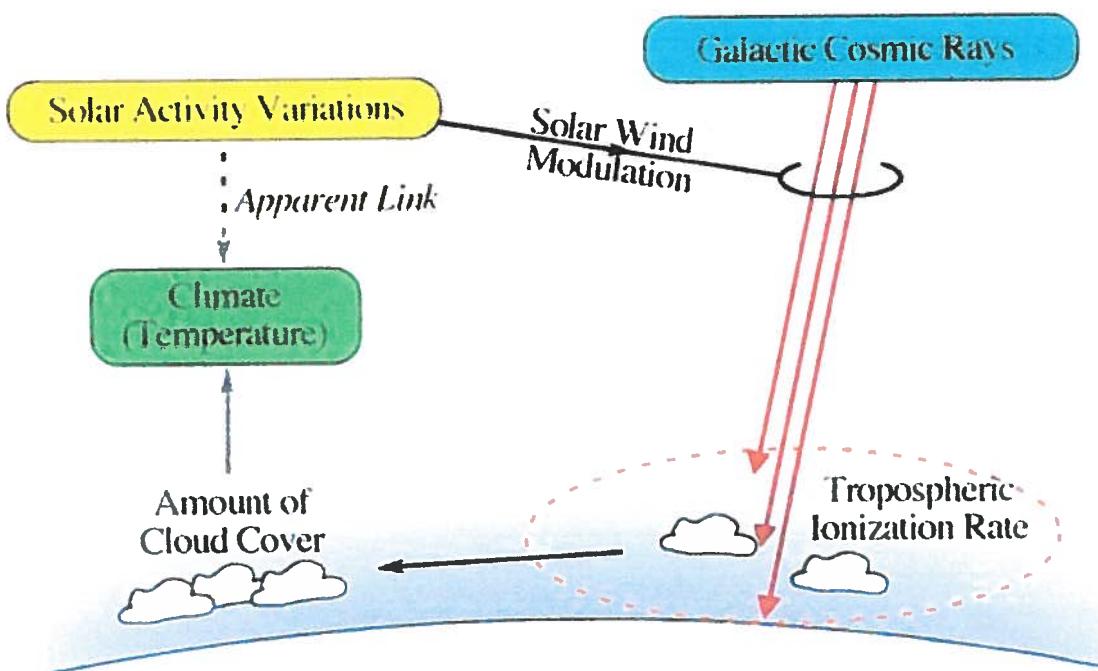
Except when it doesn't.

To put it fairly but bluntly, the global-warming alarmists have relied on a pathetic version of science in which computer models take precedence over data, and numerical averages of computer outputs are believed to be able to predict the future climate. It would be a travesty if the EPA were to countenance such nonsense.

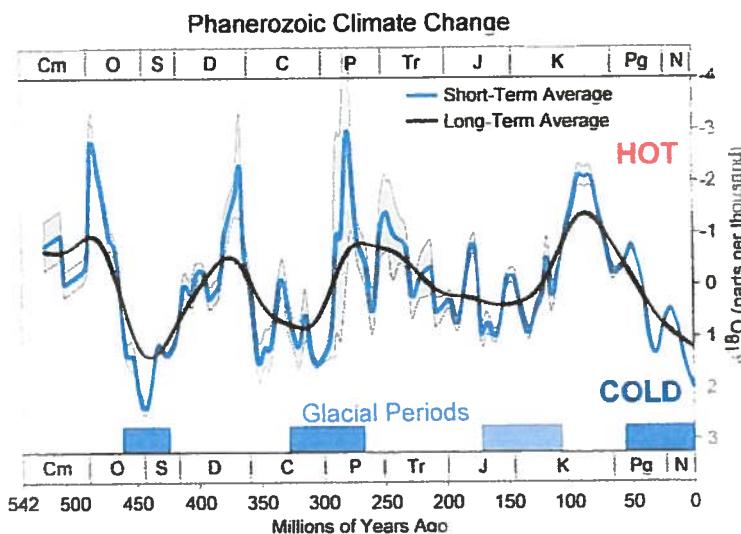
Best Regards,

Howard C. Hayden  
Professor Emeritus of Physics, UConn





The image above shows the cosmic ray link between solar activity and the terrestrial climate. The changing solar activity is responsible for a varying solar wind strength. A stronger wind will reduce the flux of cosmic ray reaching Earth, since a larger amount of energy is lost as they propagate up the solar wind. The cosmic rays themselves come from outside the solar system (cosmic rays with energies below the "knee" at  $10^{15}$ eV, are most likely accelerated by supernova remnants). Since cosmic rays dominate the tropospheric ionization, an increased solar activity will translate into a reduced ionization, and empirically (as shown below), also to a reduced low altitude cloud cover. Since low altitude clouds have a net cooling effect (their "whiteness" is more important than their "blanket" effect), increased solar activity implies a warmer climate. Intrinsic cosmic ray flux variations will have a similar effect, one however, which is unrelated to solar activity variations.



## e-vision the future: environment, equity, economy

"We envision a Bay Area where the natural environment is vibrant, healthy and safe, where the economy is robust and globally competitive, and where everyone has equitable opportunities to share in the benefits of a quality environment and prosperous economy."

**Bay Area Alliance for Sustainable Communities, 1997**

### Steering Committee

Juliet Ellis, Executive Director of Urban Habitat  
 Robert L. Harris, Vice President Environmental Affairs of Pacific Gas and Electric Company  
 Sunne Wright McPeak, President and CEO of the Bay Area Council  
 Michele Perrault, International Vice President of the Sierra Club  
 Gwen Regalia, President of the Association of Bay Area Governments

### Staff

Peter Melhus, Bay Area Alliance  
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### Member Organizations

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 Architects, Designers and Planners for Social Responsibility  
 Association of Bay Area Governments  
 Bank of America  
 Bay Area Air Quality Management District  
 Bay Area Council  
 Bay Area Economic Forum  
 Bay Conservation and Development Commission  
 Bay Planning Coalition  
 Building Opportunities for Self Sufficiency  
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 San Jose/Silicon Valley Chamber of Commerce  
 Sierra Club  
 Silicon Valley Manufacturing Group  
 Urban Ecology  
 Urban Habitat  
 Urban Strategies Council  
 Youth in Focus

\*This organization has affirmed the final Compact and has submitted additional comments to advance the work of the Bay Area Alliance, which can be viewed at <http://www.BayAreaAlliance.org/comments.html>

### **Contributors**

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**Pacific Gas and Electric Company**

**San Francisco Foundation**

**U.S. Environmental Protection Agency**

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This letter is submitted as a public comment on the draft Plan Bay Area and the draft Plan Bay Area Environmental Impact Report (state clearinghouse 2012062029).

John A. Charles, Jr.  
President & CEO, Cascade Policy Institute  
Portland OR, May 15, 2013

## Introduction

The fundamental GHG reduction strategy embedded within the *Plan Bay Area* and the accompanying DIR emulates the land-use/transportation philosophy that has been in effect for over three decades in Portland, Oregon. The assumption behind this concept is that individual travel patterns can be significantly and permanently altered through a combination of regulatory interventions in the market: strict limits on new roadway construction, massive expenditures on new transit service (especially light rail), and land-use mandates that both require and subsidize mixed-use, high-density development in transit corridors while simultaneously prohibiting lower-density growth. A partial list of plans and policies (state, regional and local) demonstrating this commitment includes the following:

- Creation of a regional public transit district (TriMet) for the Portland metro area in 1969. This agency has a **dedicated source of non-farebox revenue** – a regional payroll tax -- that provides TriMet with stable and growing general fund revenues that are **70% higher than peer agencies**.<sup>i</sup>
- Cancellation of a planned urban freeway for east Portland in 1975, with the federal funds for that project transferred to TriMet to allow construction of one of North America's first light rail lines, which opened in 1986;<sup>ii</sup>
- Adoption of a regional Urban Growth Boundary in 1979, which prohibits most forms of land development outside of existing built-up neighborhoods;
- Cancellation of a new highway on the west side of Portland in 1991, replaced with light rail expansion and mandated TOD in the light rail corridor as a means of reducing VMT;
- Enactment of a state Transportation Planning Rule in 1992, requiring the four largest cities in Oregon to reduce per-capita VMT by 20% over 30 years and to reduce total parking spaces by 10%;
- Adoption of the Metro 2040 Plan in 1995, committing the Portland region to a regulatory plan to densify the region, build out an extensive rail transit network, and accommodate most future jobs and housing in a limited number of transit-oriented “regional centers” and “town centers”;

- Adoption of the Portland Central City Management Plan in 1995, establishing a goal of 60% transit mode share for commuting in the central city by 2010;
- Opening of new light rail lines in 1998, 2001, 2004, and 2009, with additional extensions scheduled for service in 2015 and 2019; and
- Opening of a 16-mile suburb-to-suburb commuter rail line in 2009, in lieu of roadway expansions in the same corridor.

Because of these and many other policies, the Portland region has become an international leader in the application of New Urbanist development principles and Smart Growth regulatory policies.

This author has been conducting field research since 1996 to determine if such policies actually work once they are applied. A particular research focus has been on the functioning of high-density, mixed-use transit-oriented developments (TODs) at light rail and streetcar stations. Unlike much of the literature on this subject, which attempts to measure travel patterns based on self-reported survey data, modeling exercises, or pneumatic tubes placed at curb cuts of TODs, the methodology of the Cascade Policy research has been to place observers out in the field and count every passenger-trip in and out of TODs by all modes, for selected hours. These observations have been done mostly on good weather weekdays at the morning peak period of 6:30 a.m. – 8:30 a.m., but have also included mid-day counts, afternoon peak period counts, and weekend observations at TODs deemed worthy of such effort.

The research has included observations at over 30 rail transit stations in downtown Portland as well as suburban locations, covering thousands of residential units and hundreds of employers. The results have been presented at academic conferences at the state, regional and national levels during the past four years. This research informs the following critique.

### **Assessing the *Plan Bay Area***

The draft *Plan* mimics the Portland strategy in most respects. It includes a much larger geographical region, a larger population base, and various heavy rail lines that Portland does not have, but the fundamental approach is the same: funnel most future development into a limited number of centers served by transit; spend most transportation dollars on maintenance of the existing system with capacity expansions focused on transit, not highways; and assume that transit use will increase substantially, resulting in improved air quality and reduced GHGs.

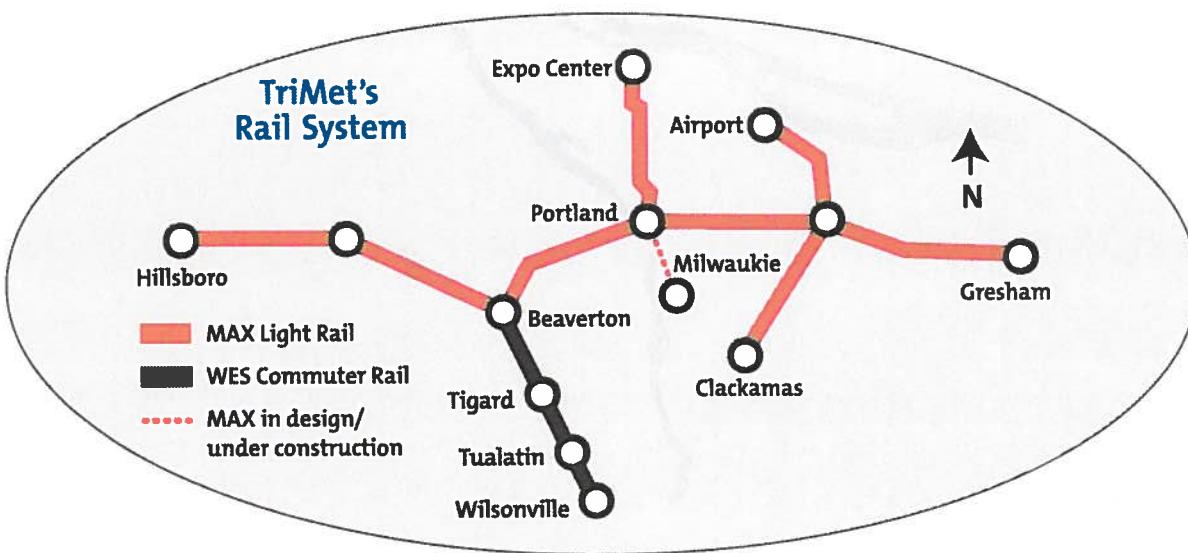
However, before Bay Area officials adopt such a plan, they should consider the results from the Portland regional experience. Virtually every assumption about changing travel behavior has proven to be wrong.

C189-1

**Failed Assumption #1:** Transit market share can be substantially increased through integration of land-use and transportation planning with a heavy emphasis on TOD.

**Reality:** Peak-hour transit use is flat or declining in every major Portland market, despite a moratorium on new highways since 1982, billions of dollars in additional transit subsidies, and mandatory TOD throughout the region.

The graphic below displays the crown jewel of TriMet's transit system, the light rail network along with the sole commuter rail line. Although buses carry 67% of daily boardings, rubber-tired service is not considered glamorous by local officials so it receives little in the way of investment capital or publicity.



#### Trends in Transit Market Share for Various Geographic Markets in the Portland Region

##### Transit Mode Share for Weekday Commuting Portland metropolitan region, 1970-2010

1970	1980	1990	2000	2010
7.0%	9.8%	6.7%	7.7%	6.1%

Source: US Census

**Transit Mode Share for Weekday Commuting  
Portland Citywide, 1997-2011**

Mode	1997	2000	2004	2008	2010	2011
Auto	80%	77%	80%	73%	69%	69%
Transit	10%	12%	11%	11%	12%	12%
Drive/transit	2%	2%	2%	4%	--	--
Bike	3%	3%	4%	8%	7%	7%
Walk	5%	5%	4%	4%	6%	6%

*Source: Portland Auditor, Annual Survey*

**Transit Mode Share for Weekday Commuting  
Downtown Workers, 2001-2011**

Mode	2001	2003	2005	2009	2010	2011
Auto	49%	52%	52%	41%	47%	48%
Bus/MAX	45%	40%	37%	44%	38%	34%
Bike	3%	4%	6%	10%	9%	11%
Walk	2%	3%	4%	4%	5%	5%
Streetcar	1%	1%	1%	1%	1%	2%

*Source: Annual Downtown Employer Census, Portland Business Alliance*

The most natural market for transit use is in the downtown core. Here, ***transit market share has plummeted over the past decade***, from 46% of commute trips via transit to 36% (including the streetcar), while auto commuting has only dropped from 49% to 48%. The big gains have been in biking and walking, but those modes have taken market share from transit, not auto commuting.

In 1995, the Portland City Council adopted a land-use/transportation plan called the Central City Management Plan. This plan established a goal of 60% transit mode share for peak-hour commuting by 2010. The actual number turned out to be 39%.

However, this has not stopped Portland planners from continuing to make absurd predictions. When the City Council adopted its latest sweeping vision for the future – the **Portland Plan**, adopted in April 2012 – it doubled down on Smart Growth, approving a goal of ***reducing SOV commuting in Portland from 69% in 2011 to 30% by 2035***. There is no reason to believe that this projection will be met.

The plan also predicts that average daily VMT per capita in Portland will drop from 18.7 miles to 11 miles, despite the fact that daily per capita VMT has only dropped by .1 since 1990 in Portland.

In essence, Portland politicians continue to believe that if they simply predict less driving in the future, it will happen. Bay Area officials should be more realistic.

**Failed Assumption #2:** Requiring and/or subsidizing transit-oriented development (TOD) should be the centerpiece of any urban planning strategy to reduce GHGs and VMT.

**Reality:** TOD can marginally increase transit mode share compared to low-density neighborhoods, but auto travel remains the dominant mode. The following case studies are illustrative.

**Case Study: Gresham Civic Station TOD  
TriMet Blue Light Rail Line (MAX)**

Gresham Civic Station has been intensively planned for more than 25 years, with expectations that this would be a showcase for suburban TOD. The entire 100-acre site was bare dirt when the Blue MAX line opened in 1986, and offered the possibility of a “blank slate” for planners to create high-density, mixed-use developments focused around light rail.



*Gresham Civic Station. Light rail bisects the site running east-west from Gresham to Portland.*

Unfortunately, the land was sold several times and various development concepts were conceived but never built into the 1990s. A major north-south road, Civic Drive, was built to link Burnside with Division (two east-west arterials), but for years no other construction took place. Eventually much of the site was built-out (with various local, state and federal subsidies), featuring a shopping center, a medical complex, and several hundred units of housing.

Initially the neighborhood did not have its own dedicated light rail station, so anyone who wanted to get to the site had to walk a short distance east to the Gresham City Hall station. However, on December 1, 2010, TriMet celebrated the opening of the Gresham Civic light rail station.



*In 1995, Gresham Civic Station was just a dream. The MAX light rail line bisected the large site, but only a road had been built. Multiple developers bought and sold the site before a profitable formula could be found.*

Since this TOD has both a large housing component and a shopping center, traffic counting was done for two different peak periods on a mid-week day in December 2010. For work commuting, observations were made from 7:00 a.m. to 9:00 a.m., focusing especially on the four east portals where many of the on-site residents would leave from. For the shopping peak period, monitoring was done from 10:30 a.m. to 12:30 p.m.

**Gresham Civic Station  
Summary of Observations for Peak-Hour Commuting  
7:00 a.m. – 9:00 a.m.**

	All trips, in/out	Avg. Vehicle Occupancy	Total pass.- trips	Mode share, pass.-trips
Light rail	24	n/a	24	<b>2.2%</b>
Auto	953	1.12	1,070	<b>96.3%</b>
Bicycle	2	n/a	2	<b>0.18%</b>
Pedestrian	15	1.0	15	<b>1.4%</b>
Total	994	n/a	1,111	<b>100%</b>

**10:30 a.m. – 12:30 p.m.**  
**Peak shopping hours during Christmas Season**

	All trips, in/out	Average vehicle occupancy	Total passenger-trips	Mode Share, pass.-trips
Light Rail	96	n/a	96	<b>2.30%</b>
Auto	3,181	1.27	4,031	<b>96.8%</b>
Pedestrian	37	n/a	37	<b>0.9%</b>
Bicycle	1	1	1	<b>0.02%</b>
Total	3,315			<b>100%</b>



*Today, Gresham Civic Station offers a mix of office, retail, educational and housing products.*



***The “Crossings” at Gresham Civic is a high-density, mixed-use building with ground-floor retail and residential on top, across the street from the light rail station. The cost premiums related to TOD design totaled \$3.2 million; Metro contributed \$950,000 in public funds to help offset those costs.<sup>iii</sup>***

As a TOD, Gresham Civic Center offers all the amenities that TriMet/Metro planners originally hoped for: a mixture of high-density housing products (apartments, condos, townhomes and single family houses), numerous retail shopping choices, and office space. The site also offers a mixture of transportation modes.

However, parking is reasonably available in all areas, and for some of the housing projects there are even gated parking lots. Private auto use is the dominant mode choice for most trips to and from the site. The TOD probably has a higher than normal percentage of people walking from their homes to retail sites (*intra*-site trips as opposed to the *inter*-site trips we were monitoring) at certain times and days, but overall more than 96% of passenger-trips are taken via the private automobile.

The light rail station itself has not proven to be a “catalyst for mixed-use development”, as Portland planners commonly assume. In fact, for most development concepts, proximity to a light rail station is a nuisance, not an amenity. Thus despite commercial success building out other parts of the TOD, land closest to the LRT station remains undeveloped. The regional government, Metro, bought up 13 acres of land adjacent to light rail to land-bank for future development, and most of that remains in public ownership.



*Twelve years after the successful build-out of Gresham Civic Station, the light rail station remains isolated.*

**Case Study: Russellville TOD, Portland  
Blue light rail line**

Russellville is an 11-acre, PDC-sponsored project built to a density of 52 units per acre, located immediately south of the 102<sup>nd</sup> street MAX station. Despite the density and location, light rail ridership during the morning peak is only 13% of all trips, while auto use (mostly SOV) accounts for 79% of all person-trips (both in and out).



*Russellville TOD at the intersection of E. Burnside and 102<sup>nd</sup>. The light rail station is in the foreground.*



*Internal street parking at Russellville is usually near capacity due to inadequate off-street parking. The parking restrictions are based on the assumption that many trips will be taken on nearby light rail.*

#### Transit Use at AM Peak Period, 6:15 a.m. – 8:30 a.m.

Russellville Commons TOD

Density: 52 units/acre

Observation points	Auto Passenger-trips	MAX	Pedestrian	Bike
102 <sup>nd</sup> & Ankeny	89	27	2	1
102 <sup>nd</sup> & Pine	67	5	9	0
105 & Stark	120	0	7	2
105 <sup>th</sup> & Burnside	55	23	7	4
TOTAL:	331	55	25	7
Mode split in %	79%	13%	6%	1%

Russellville was built from the ground up as a high-density TOD because the land was vacant and publicly owned at the time the light rail line opened. Thus, it was a “boutique” project that was subsidized (at least \$325,000 in cash grants plus a 10-year property tax abatement) and did not face many of the traditional market barriers for development. Across the street to the north of the light rail station, a traditional Portland neighborhood already existed in 1986, built-out to a much lower density of five units per acre. Since this neighborhood has never densified after 27 years of light rail, it offers an interesting “control” group to compare with Russellville, since both have equal access to light rail. Monitoring of this neighborhood was done in June 2010.



*Across the street from Russellville (north of Burnside) is an older Portland neighborhood that never densified after MAX was built. The mode split for that neighborhood is below.*

**Transit use at peak commuter period, 6:15 a.m. – 8:30 a.m.  
Glisan-Burnside Neighborhood  
Density: 5 units/acre  
June 29, 2011**

Observation points	Auto Passenger-trips	MAX	Pedestrian	Bike
104 <sup>th</sup> /103 <sup>rd</sup> & Glisan	31	0	2	0
105 <sup>th</sup> /106 <sup>th</sup> & Glisan	27	0	0	1
102 <sup>nd</sup> /Davis St path	0	5	0	2
TOTAL:	58			
Mode split in %	<b>85%</b>	<b>7%</b>	<b>3%</b>	<b>4%</b>

The transit use at Russellville is 86% higher, but the density at Russellville is **10 times** that of the Burnside-Glisan neighborhood. This suggests that simply increasing density and providing transit service is not enough to offset the vast increase in driving and parking associated with TOD. Moreover, the 13% light rail usage observed at Russellville is not high in absolute terms, and is near the citywide average for transit use.

### **Case Study: Portland's South Waterfront District Streetcar, aerial tram, bus, bikeway, and future Orange light rail line**

Portland's South Waterfront urban renewal project is one of the most audacious brownfields redevelopment schemes ever planned in the country. Located on the west bank of the Willamette River in downtown Portland, the South Waterfront was long dominated by low-rise manufacturing and machining facilities, serviced by gravel roads. The 133-acre district is highly constrained for transportation infrastructure: there are no outlets to the east or south, and the roads leading in from the west and north are narrow and congested.

In the late 1980's, the Portland City Council adopted a series of land-use/transportation plans committing hundreds of millions of dollars in public subsidies to transform the district into a neighborhood of high-rises, with a large employment cluster provided by Oregon Health and Sciences University (OHSU), which planned to move much of its existing and future campus operations down from a nearby hilltop location.



*Portland's South Waterfront district has very high densities, limited roads, and very low parking ratios.*

In order to facilitate the redevelopment as a walkable, transit-oriented district, the Council prohibited any significant new road infrastructure. Instead, the City opted for a suite of transit and non-auto options including an aerial tram connecting the OHSU hilltop campus to the waterfront, a streetcar extension, an elevated pedestrian walkway connecting the district to adjacent residential neighborhoods, the widest bikeway in Portland, and access to a new light rail line.



*The South Waterfront features a streetcar, aerial tram (considered part of the transit network), a new elevated pedestrian walkway (right, just below the support tower for the tram), bus service, a huge bikeway (far right), and will soon have a new light rail station.*

As part of the light rail project, a new bridge is being constructed across the Willamette River to service the South Waterfront, but **no cars or trucks will be allowed** – only light rail, streetcar, bikes and pedestrians.

In addition, when fully built out, the district will allow no surface parking lots, and parking ratios for commercial and office properties will be the lowest in Portland – 2.0 per 1,000 square feet of space. This is being imposed as part of the city's goal of achieving 50% non-auto mode split for commuting and 40% for all travel.

Much of the district has been redeveloped, and additional construction by OHSU is underway. Just prior to groundbreaking for the light rail project, Cascade Policy Institute conducted a thorough traffic observational study of the entire district to obtain baseline data that will be used to compare travel patterns after light rail opens in late 2015. The research team counted every trip into and out of the district by all modes, from 6:00 a.m. to 10:00 p.m. The results show that despite the heroic efforts to encourage non-auto travel, private motor vehicles remain the dominant mode in the South Waterfront.

**Bi-directional person-trips to/from the South Waterfront District**  
**Average Weekday, all portals**  
**6:00 a.m. – 10:00 p.m.**

	All passenger-trips	Market share of trips by mode
Auto/truck	17,023	79%
Streetcar	1,832	9%
Bicycle	1,076	5%
Bus	926	4%
Pedestrian	642	3%

*Note: Research was conducted on various good-weather weekdays during the months of May-January, 2010-2011. Excludes aerial tram ridership, which is primarily internal trips to/from the OHSU campuses.*

It is clear that the city's goal of 40% non-auto mode share for all trips to/from the district will be difficult or impossible to achieve, despite extensive subsidies and regulatory interventions. Moreover, even if the mode split goals could be achieved, the types of non-auto options that have been provided in the district could never be replicated anywhere else in the city.

**Case Study: Cascade Station at Portland International Airport**  
**Red light rail line**

Cascade Station is a new shopping mall built just to the east of the Portland International Airport on the south side of Airport Way. It was originally envisioned as a TOD centered around the Red MAX line, which opened for revenue operation in September 2001. In fact, TOD was put forward by planners at the time as *the primary* justification for building the 5.5 mile light rail extension.

Cascade Station was considered an ideal site for TOD because it was flat, easily served by infrastructure, and completely vacant. Total acreage of the site is 120 acres. Bechtel Co. partnered with Trammel Crow development to build the MAX line in a public-private partnership, in exchange for an exclusive, 99-year lease to develop the site. However, for the first five years after MAX opened, no development took place. The primary reason was that the Portland City Council placed a 60,000 square foot limit on the size of any new retail establishments, in order to avoid "big box" development that would be in conflict with TOD principles. The market rejected this concept.

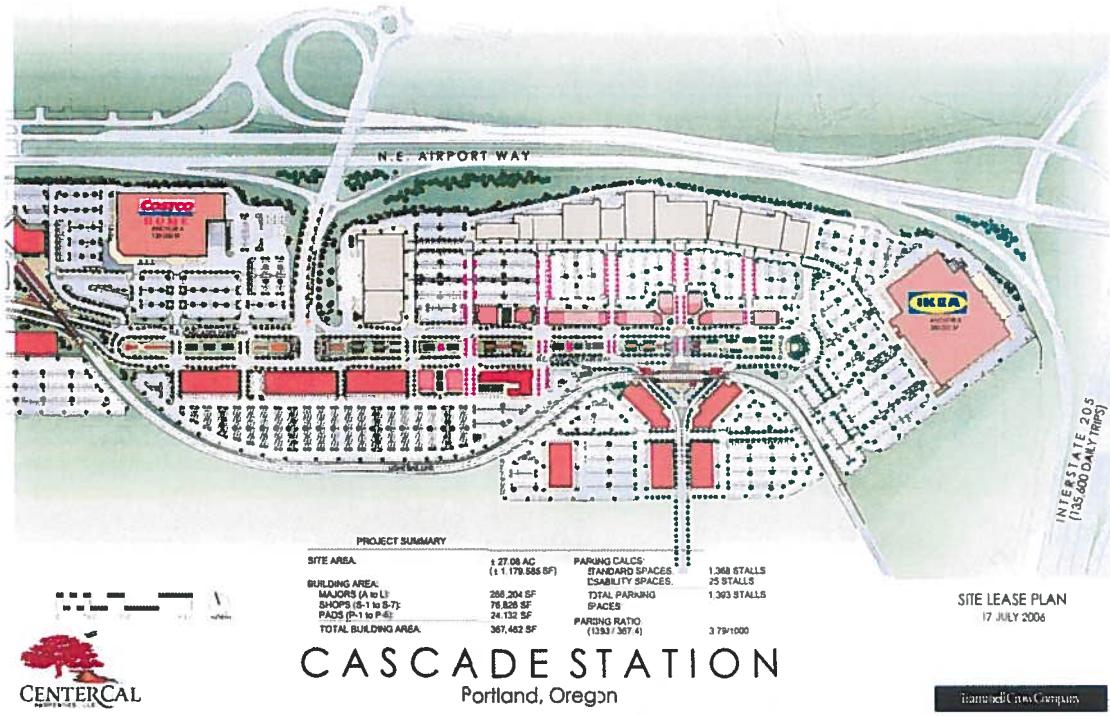
In February 2005, in a rare admission of a planning mistake, the City Council began the process to re-zoned Cascade Station to allow one large-format store of over 200,000 square feet, and one over 150,000 square feet. The anchor tenant turned out to be IKEA, which takes up 280,000 square feet.



***Cascade Station TOD located at Portland International Airport. The large area to the south of light rail remains vacant 12 years after the opening of light rail. The anchor tenant – IKEA – is located at the Northeast corner.***



***Three years after the opening of the Red Line, Cascade Station remained just a dream.***



*In 2006, after the City Council changed the zoning code to allow large-format stores and parking, the market finally responded. Ground-breaking for IKEA (below) occurred in July 2006.*





*One of the many large-format stores now dominating Cascade Station.*



*IKEA is a short walk from the light rail station, but the train is irrelevant to most customers.*

**Travel behavior at Cascade Station during the peak shopping period**  
**Friday, November 26, 2010**  
**1:00 p.m. – 3:00 p.m.**

	All trips, in and out	Avg. vehicle occupancy	Total passenger-trips	Mode share
Light rail	120	N/A	120	<b>2.2%</b>
Auto	4,803	1.725	8,286	<b>98.5%</b>
Bicycle	2	N/A	2	<b>0.2%</b>
Pedestrian	2	N/A	2	<b>0.2%</b>
Total	4,927		8,410	<b>100%</b>

**Saturday, November 27, 2010**  
**2:00 p.m. – 4:00 p.m.**

	All trips	Avg. vehicle occupancy	Total passenger-trips	Mode share
Light rail	213	N/A	213	<b>2.2%</b>
Auto	5,087	1.825	9,284	<b>97.7%</b>
Bicycle	1	N/A	1	<b>0.01%</b>
Pedestrian	0	N/A	N/a	<b>0%</b>
Total	5,300		9,497	<b>100%</b>

The observations for this study were limited to the east end of Cascade Station, which is clearly delineated by a traffic light at the entrance to the project near the Airport Way overpass. The east end is substantially built out, it has its own dedicated light rail station, and it is dominated by retail stores that would be of interest to shoppers on Black Friday. Also, the access is entirely controlled; there are only two entrances for automobiles/cyclists/pedestrians, and one light rail station. Thus, every trip in and out of the project can easily be observed.

The observations show that notwithstanding the availability of light rail, the *travel patterns at Cascade Station are indistinguishable from those at any suburban mall.*

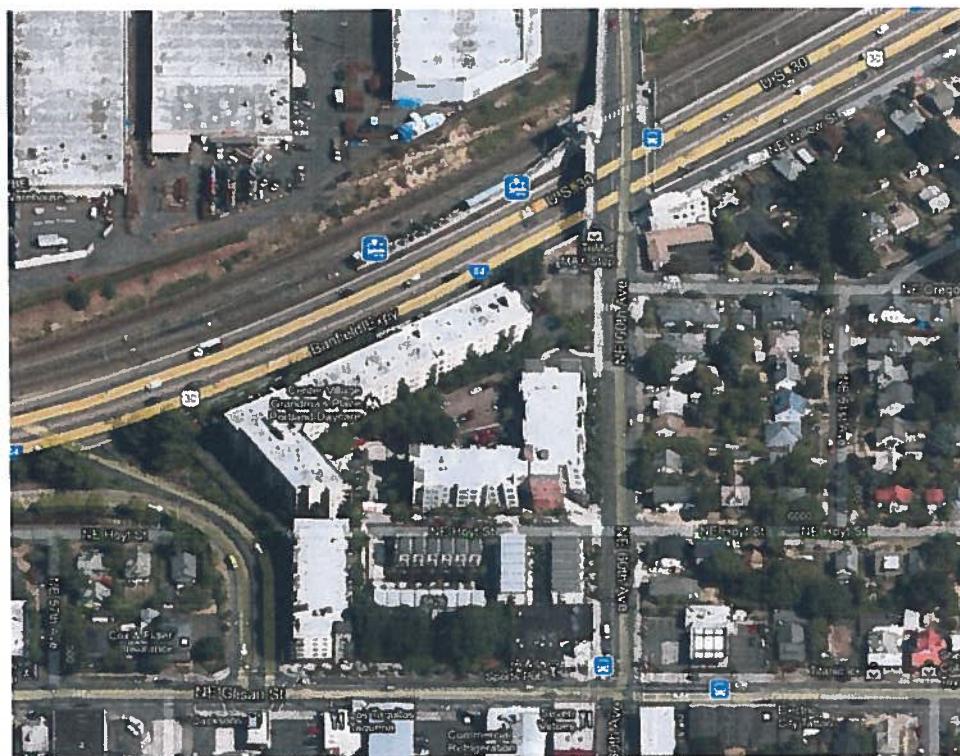
**Failed Assumption #3:** If we artificially constrain parking through regulation and density mandates, drivers will be incentivized to drive less and/or get rid of their vehicles.

**Reality:** While it is certainly true that the shortage of parking in dense, geographically constrained urban centers such as Manhattan and San Francisco encourages higher rates of non-auto travel, the same strategy is likely to fare poorly when applied across a large region. The Portland experience shows that limiting parking at TODs leads to a number of undesirable effects: illegal parking, refusal by

investors to build on parking-limited sites, lack of investment in retail, and risks to public health and safety due to inadequate access for fire and other emergency service vehicles.

**Case Study: Center Commons, NE Portland  
Blue, Red and Green MAX lines, bus service**

Center Commons is a mixed-use, mixed-income TOD sponsored by Portland's urban renewal agency, Portland Development Commission. The project is located next to a light rail station close to downtown Portland. It has a parking ratio of 0.6 spaces per unit and residential density of 65 units/acre. Due to the inadequate parking, dozens of cars are parked illegally on a daily basis, and additional vehicles regularly park in adjacent neighborhoods, despite high levels of transit service.



*Center Commons, located at NE 60<sup>th</sup> and Glisan, is adjacent to a MAX stop on the south side of I-84.*



*In 1997, ODOT owned this under-utilized 5-acre site on the south side of the Banfield Expressway (I-84), adjacent to a light rail station. It was sold to PDC in cooperation with Metro, to be re-sold to a private developer in accordance with TOD mandates.*



*The former DMV site became Center Commons, which opened in 2000.*



***Sidewalks are routinely blocked by cars (above and below) inside Center Commons due to the designed shortage of parking.***





***Parking is prohibited by city code on this 20' internal street, but Center Commons management has allowed parking for over a decade due to chronic shortages. This creates a fire hazard.***

C189-2

**Failed Assumption #4:** TOD development will work on a vast scale if we plan it in green fields where the lack of existing development will create a “blank slate” for the vision of planners.

***Reality: Even when TOD neighborhoods can be built as new neighborhoods, individual reliance on the automobile does not go away.***

**Case Study:  
Westside Light Rail**

The Portland to Hillsboro light rail line opened on September 12, 1998. Westside MAX was unlike any light rail line previously built in America: it was deliberately routed through vacant land in Washington County with the expectation that it would be a catalyst for TOD. The Federal Transit Administration (FTA) recommended against full federal funding for the project, on the grounds that the population density along the planned route was so light that the line would not attract sufficient ridership to justify federal funds.

In desperation, TriMet offered to make a binding legal agreement to force all local jurisdictions along the corridor to re-zone neighborhoods near rail stations at urban densities to generate future riders – much as the *Plan Bay Area* seeks to do across the Bay region. The agreement also required Metro to

adopt the “2040 plan”, approved by Metro in 1995, which limits urban growth boundary expansion, constrains the supply of new roads, and mandates high densities along rail lines.

In agreeing to these conditions, TriMet was stating that the Westside MAX would not be just a people-mover; it would change the nature of development in Washington County. A leading promoter of this vision said at the time, ***“MAX is more than a transportation investment. MAX is part of a conscious strategy to shape regional growth by coordinating transportation investments with land use policies.”<sup>iv</sup>***

As such, evaluation of the project would be different than with the Eastside line. TriMet planners admitted: ***“The success or failure of the public’s nearly \$1 billion investment in the Westside [MAX] will be determined in large part by what happens around its 20 stations. Unlike the East side MAX line, a substantial amount of land around the Westside is primed for development.”***

The agency boldly promoted this vision, garnering national attention. For example, *Newsweek* magazine gushed in May 1995: Portland is ***“building transit first, literally in fields, in the hope development will follow.”***

What did it mean to create transit-oriented neighborhoods from cow pastures? According to agency commitments in 1996, ***“TriMet is asking local governments along the rail corridor to take action to make development physically more dependent on transit by limiting parking, constraining automobile access, widening sidewalks, improving pedestrian access, allowing a mix of uses, and higher density development.”<sup>v</sup>***

#### LUTRAQ

At roughly the same time Westside MAX was being planned, debate raged in transportation and land-use circles about long-standing plans to expand highway capacity on HW 26, and to build the Western by-pass. Both HW 26 and HW 217 were already experiencing congestion problems, and ODOT managers felt that more capacity was needed on HW 26 from Portland to Hillsboro, and that an entirely new alternative was needed to HW 217. The southern portion of the Western by-pass was planned to run through mostly farmland from the Hillsboro region down to Wilsonville.

The local land-use advocacy group 1000 Friends of Oregon strongly opposed highway expansion. In order to generate more intellectual ammunition, 1000 Friends designed a modeling exercise to test the hypothesis that extensive use of “New Urbanist” principles in Washington County would reduce driving so much that it would obviate the need for new highway investments. They raised substantial funds for the analysis, and retained consultants such as Peter Calthorpe and Parsons Brinckerhoff to calculate the transportation effects of high-density zoning on a county-wide scale. The project was named LUTRAQ, which stood for Land Use, Transportation, and Air Quality.

The analysis concluded that Westside TODs along light rail could achieve 28% transit use by commuters in the weekday morning peak period (if the use of modest highway pricing was also implemented), and that overall vehicle use would be reduced sufficiently that new highway capacity would not be needed.

The study received substantial attention in international planning circles, and plans for new highway capacity were terminated by Oregon political officials.

### Fifteen Years Later

Westside MAX is now in its 15th year of operation. The evidence shows that TOD has failed to meet the criteria laid out by its promoters in the early 1990s.

Perhaps the prime example is Beaverton Creek light rail station. This was considered by TriMet planners to be the *single best TOD site* on the entire MAX line, east or west. Planners predicted that the development potential of the 134 acre Beaverton Creek site included 2,000 multi-family dwelling units, a 200 room hotel, 1.1 million square feet of retail, office and campus industrial, and 6,000 parking spaces.<sup>vi</sup>

Unfortunately, reality intruded. Little of that development actually occurred. Planners neglected to factor basic market forces into their vision. NIKE bought up the 74 acres of forestland immediately north of the LRT line in 1995 to land-bank for future campus expansion, and that land remains undeveloped.

The six acres immediately southwest of the LRT station, owned by Specht Development, remain vacant. This is not because the owners are opposed to TOD; it's primarily the result of unrealistic zoning by Beaverton related to parking and density. According to a representative of the landowners,



*Beaverton Creek light rail station – which TriMet planners believed would be the most successful TOD on the Westside light rail line – in construction, 1997. This project was designed with multi-story residential over retail with limited parking, a daring concept for suburban Portland.*



*Fifteen years after the opening of light rail, the ground-floor retail continues to go unleased. A lack of foot traffic and limited parking doomed the concept. Note that the land closest to light rail has never attracted any developers.*



*The mandated retail space at Beaverton Creek has had various tenants since 1998, including a pizza shop, a convenience store, and a computer service center, but none lasted more than a few years.*



***This six-acre site adjacent to Beaverton Creek light rail station should be ideal for a TOD, but stringent requirements for high density and limited parking has stifled investment.***

***"The primary reason it's never been developed is the mandated lack of parking. The Beaverton zoning ratio is 2.7 spaces per thousand square feet of office space; the market rate is 4. We think light rail is an amenity but it doesn't take the place of parking in the suburbs. Lenders aren't going to go for a project like that. Moreover, the high-density requirements are going to be expensive."***<sup>vii</sup>

The residential complex to the south, LaSalle Apartments, was built as hoped for, and quite a few of its residents (13%) take light rail on a regular basis. But the ground-floor retail, always part of the TOD vision, was poorly thought-out. It was mandated by planners who had no financial stake in its eventual implementation, and as a result the plan ignored market realities.

The retail spaces fronting the LRT station have been consistently vacant for at least the past nine years. The reasons are simple. According to the leasing agent in 2002: "*It's been tough, to say the least; it's not one of those 'field of dreams' things where you just open the door and people come through. If I had to summarize the problem in one word, it would be parking. When I show prospective tenants around, they say, 'where will my customers park?', especially on the spaces fronting light rail. It would be nice to get Starbucks there, to become an anchor tenant of sorts, but they aren't remotely interested.*"<sup>viii</sup>

According to the current leasing agent, the retail spaces continue to be a challenge, and rents are available at a discount. They hope to attract service-type tenants such as lawyers or CPAs, people who don't rely on foot traffic, because there isn't any.<sup>ix</sup>



***The Beaverton Round, one stop east of Beaverton Creek station, is one of TriMet's most celebrated TODs, but it has never fulfilled expectations for it by planners.***



***Architectural renderings for TODs are notoriously misleading. In this sketch for the Beaverton Round, light rail is featured, along with a pedestrian plaza and high density housing – but no parking. The actual project today is entirely dominated by parking.***



*The first two developers for The Round went bankrupt, as the concept was financially infeasible.*



*The partially-built Round in 1999. The Westside light rail line opened in 1998.*



***Contrary to early promises, parking proved to be necessary at the Round, as it is at all development projects.***



***Not only does the Round have substantial surface parking, it has the largest structured parking facility in Beaverton.***



*Water damage to the residential structure during the first bankruptcy required extensive repairs later. Unlike the predictions seen in architectural drawings, it occasionally rains in Portland.*



*The Round has had chronic problems attracting and keeping retail tenants.*

**Peak-Hour Counts at Westside MAX TODs**  
**All passenger-trips in/out, 6:30 – 8:30 a.m., Weekdays**  
*Midweek days, various months during 2008*

	Total Passenger-Trips	Auto	Ped	MAX	Bike
Beaverton Creek station	4,510	93%	2.2%	4.0%	0.7%
Millikan Way station	1,542	88.9%	4.0%	6.0%	1.1%
Elmonica station	785	91.3%	4.2%	3.5%	1.0%
Quatama station	1,050	88.6	3.1%	7.8%	0.4%
Hawthorn Farm (Intel)	650	94.9%	1.5%	3.4%	0.3%
Orenco Gardens	689	86.2%	3.0%	8.5%	2.3%

Promoters of the Westside MAX hoped to fundamentally change the development patterns of Washington County, and thereby change travel behavior as well. While reduced auto use has been observed at many Westside TODs during peak commuting hours, reliance on private transport is not significantly different from more traditional neighborhoods. The LUTRAQ projection of 28% rail use for morning commute trips proved to be a fantasy; there are no Westside TODs where light rail use exceeds 9% in the morning peak, and at the largest employment centers such as NIKE and Intel, the use is below 4%.

C189-3 **Failed Assumption #5:** Politically-imposed high-density mandates of TOD will have no adverse effects on the livability of neighborhoods.

**Reality:** Portland planners have long used the power of zoning to limit development on the urban fringe (“stopping sprawl”), which means they have had to concurrently ***mandate higher densities within the Urban Growth Boundaries***. As a consequence, large private yards for new homes anywhere in the Portland region have essentially been outlawed.

Moreover, even older homes are at risk of losing their private open space. Under Portland’s extensive urban renewal program, hundreds of acres of neighborhoods have been declared Urban Renewal Districts (thus by definition they are “blighted”) and upzoned for higher density. This process pits neighbor against neighbor, as individual homeowners on relatively large lots sell out to developers who tear down the one-story bungalows and build five-story apartment bunkers right up to the lot line, blocking sunlight to adjacent properties and invading their privacy.

As the photo below demonstrate, Portland developers are also incentivized through SDC waivers and property tax abatements.



*Portland planners consider large private yards near light rail to be a form of "urban blight" that must be filled in for the greater good. They are willing to subsidize high-density development in order to generate small increases in transit ridership.*



*It is doubtful that many Portland residents would consider this back yard to be a "problem" that needs solved with a 56-unit apartment building. These family-friendly yards are not available in new homes and are increasingly being lost in older neighborhoods due to Smart Growth mandates.*

C189-4 **Failed Assumption #6:** Transit-oriented development on a mass scale is financially sustainable.

**Reality:** TOD requires substantial subsidies for both the high-density land development and the accompanying transit infrastructure, and no region in the country has the capacity to pay for these expenditures. Contrary to popular mythology, **density costs money.**

Urban growth restrictions make the cost of raw dirt far more expensive in Portland than in areas such as Texas where land development is relatively unconstrained. In addition, in highly regulated regions, the soft costs of lawyers, lobbyists, traffic consultants, and various exactions will make many forms of development infeasible without subsidies.

If a high-density, mixed-use project does get built, everything in the construction process will be more costly than a low-density project on the urban fringe. Any project requiring crane operators and iron workers will necessitate some of the highest unionized labor costs in America; the construction materials will be more expensive; safety/fire codes for residential on top of retail are complex and costly; and parking will be vastly more expensive if it requires going below-grade.

The chart below reflects the results of a Portland construction survey. Elsewhere in the country the costs would vary, but the basic correlation between density and price would not.

#### Cost of New Housing in Portland

	SFH	Plexes	Multi-Fam.	Mixed Use
Per person	\$17,961	\$20,407	\$28,377	\$31,488
Per Sq.Ft.	\$74	\$74	\$91	\$96

#### Building Cost by Density

Units per acre	Cost per sq.ft.
0-20	\$62
21-50	\$81
51-200	\$104
200+	\$125

*Source: Portland Housing Cost Study, 1997*

In addition to development costs, it is virtually impossible to pay for the transit service the many TOD projects being required by planners in Portland. The *Plan Bay Area* draft indicates that there will be financial challenges, and in Portland those challenges are already so severe that TriMet is likely to be insolvent by 2020.

As seen in the chart below, despite an all-funds budget increase of 125% since 2005, TriMet's service levels have dropped by 14%. Even with a dedicated (and growing) revenue source, TriMet's expenditures have risen so fast due to labor costs and rail transit construction that the agency has had to cut service five times in the past four years.

**TriMet Financial Resources, 2004-2013 (000s)**

	FY 04/05	FY 08/09	FY 10/11	FY 11/12 (est)	FY 12/13 (budget)	% Change 04/05-12/13
Passenger fares	\$ 59,487	\$ 90,016	\$ 96,889	\$ 104,032	\$117,166	+97%
Payroll tax revenue	\$171,227	\$209,089	\$224,858	\$232,832	244,457	+43%
Total operating resources	\$308,766	397,240	\$399,641	\$476,364	\$465,056	+51%
Total Resources	\$493,722	\$888,346	\$920,044	\$971,613	\$1,111,384	+125%

**Annual Fixed Route Service Trends, 2004-2012**

	FY 04	FY 06	FY 08	FY 10	FY 12	Change
Veh. revenue hours	1,698,492	1,653,180	1,712,724	1,682,180	1,561,242	-8.1%
Veh. revenue miles	27,548,927	26,830,124	26,448,873	25,781,480	23,625,960	-14.2
Average veh. speed - bus	15.8	15.8	14.9	14.7	14.6	-7.6%
Average veh. speed - L. Rail	20.1	19.4	19.3	19.4	18.4	-11.5%

Source: TriMet annual service and ridership report; TriMet budget documents and audited financial statements, various years.

## C189-5 Conclusion

The draft *Plan Bay Area* attempts to reduce VMT-related emissions through regional land-use regulation, parking restrictions, minimal roadway expansion, and large transit subsidies. It is largely modeled on a Portland regional plan that has already been in effect for over 30 years and has failed.

One of the most important metrics for such plans is daily VMT per person, yet VMT has barely declined in Portland since 1990 (from 18.8 VMT per capital to 18.7 in 2011). Since 2000, VMT has dropped more significantly across the Columbia River in Vancouver, WA, yet Vancouver has no light rail and relatively modest growth containment policies. If Smart Growth policies are actually effective at changing travel behavior, these trends would be reversed.

**Daily VMT per person  
Portland and Vancouver since 2000**

	<b>2000</b>	<b>2011</b>	<b>% change</b>
Portland	20.0	18.8	-6%
Vancouver	21.8	17.6	-19%

*Source: Metro, <http://library.oregonmetro.gov/files//dailymet-1990-2011-portland-vancouver-us.pdf>*

In other key metrics, such as transit use, TriMet is losing mode share even in its most natural market, downtown Portland, despite growing levels of subsidies.

The Bay Area market share for SOV travel has been 68% for 20 straight years, while transit share has stagnated at 10% for the same period. There is little reason to think that the types of interventions contemplated in the *Plan Bay Area* will nudge those numbers to any great degree.

C189-6 On a more optimistic note, perhaps the most interesting shift over the past twenty years has been the increase in working at home: from 3% to 6% in the Bay Area region. Given the explosion in high-speed wireless communication technologies in recent years, and the declining real costs of telecommuting, Bay Area officials should consider dropping the costly planning emphasis on land-use controls and transit, and embrace a strategy of encouraging remote employment. Significant VMT reductions could be achieved simply by employees working from home one or two days per week, at very little public cost.

<sup>i</sup> TriMet, Long Term Fiscal Sustainability Plan, p.7, December 2012.

<sup>ii</sup> G.B. Arrington and Sheldon Edner, *Urban Decision Making for Transportation Investments: Portland's Light Rail Transit System*, Portland State University and TriMet.

<sup>iii</sup> Andrew Cotugno, Metro, presentation to *RailVolution* conference, 2007, <http://library.oregonmetro.gov/files/railvolution06.pdf>.

<sup>iv</sup> G.B. Arrington, *Beyond the Field of Dreams: Light Rail and Growth Management in Portland*, 1996

<sup>v</sup> IBID

<sup>vi</sup> IBID

<sup>vii</sup> Todd Schaefer, Specht Development, interview with author, April 2002.

<sup>viii</sup> Andy Sisavec, Norris, Beggs and Simpson, personal communication with author, April 2002.

<sup>ix</sup> Representative of Norris and Simpson, interview with author, September 2008.

***Curriculum Vitae***

***John A. Charles, Jr.***

**Employment**

- 2004-present – President and CEO, Cascade Policy Institute
- 1997-2004 – Environmental Policy Director, Cascade Policy Institute
- 1980-1996 – Executive Director, Oregon Environmental Council
- 1977-1979 – Executive Assistant, Environmental Defense Fund, New York, NY

**Education**

- 1990 – MPA, Portland State University
- 1977 – BA, University of Pittsburgh

**Selected papers and presentations**

***Portland's Eastside Light Rail Line: A 25-year Retrospective***, presentation to the NW Transportation Conference, Corvallis OR, February 2012.

***Transit-Oriented Development in Portland: Comparing the Vision with Reality***, presentation to the TRB Transportation, Planning, Land Use, Air Quality conference, San Antonio, May 2011.

***Portland's Westside MAX: Comparing the Vision with Reality***, keynote presentation to the NW Transportation Conference, Corvallis, OR, February 2010.

***Mandatory Markets vs. Voluntary Markets: What's the Difference?***, presentation to the Carbon Credits CLE seminar, March 9, 2009, Seattle.

***Economic Impacts of Cap-and-Trade***, presentation to *The Business of Forest Carbon* seminar, Stoel Rives LLP, Tacoma, WA, October 2008.

***Money for Nothing: Carbon Cartels and the Rise of a Phantom Industry***, Brainstorm NW, April 2008.

***Environmental Benefits of Market-Based Road Pricing***, plenary presentation to the International Bridge, Tunnel and Turnpike Association, Orlando, April 2008.

***The Mythical World of Transit Oriented Development: Orenco Station*** (with Michael Barton, Ph.D.), Cascade Policy Institute, 2003.

**Ditching the Doctrine: The Church of Urban Planning, Oregonian, December 8, 2002.**

**Daydream Believers: Portland's Plan for North Macadam, Brainstorm NW, September 2002.**

**Congestion Pricing is Inevitable**, guest editorial, *Innovation Briefs*, March 2001.

**Lessons from the Portland Experience**, in *A Guide to Smart Growth*, Utt and Shaw, Ed., Heritage Foundation and PERC, 2000, pp. 119-134.

May 16, 2013

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607

*re:* Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Dear Metropolitan Transportation Commission,  
*Southern*

This letter plus attachments from University of California Professor Peter Gordon are submitted as public comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

MTC-ABAG  
Plan Bay Area Public Comment 101 8<sup>th</sup> Street  
Oakland, California 94607

May 16<sup>th</sup>, 2013

*re:* Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

The *Bay Area Plan – Strategy for a Sustainable Region* (hereinafter Plan) suggests ways in which the Bay Area can meet mandated emissions targets. Specifically, it asserts that the decentralization of jobs in the region has fostered high levels of traffic congestion and suggests land use and transportation policies that will restrain auto use (“Preferred Scenario”).

But to assess the plausibility of all this, three questions must be addressed. (i) What do we know about modern American cities (actually U.S. metropolitan and urbanized areas; differences noted below)? (ii) How does what we know impact the efforts of Bay Area planners and their affiliates as they address air quality issues? (iii) Are the identified long-term trends durable and likely to continue? I will show that substantial available evidence suggests that the Plan’s efforts to funnel job growth to designated areas within the region are (a) unnecessary; and (b) unlikely to have beneficial effects.

## U.S URBAN DEVELOPMENT

Urban growth data are best understood using the Census Bureau’s urbanized areas (UZAs) [http://www.census.gov/geo/maps-data/maps/thematic\\_2010ua.html](http://www.census.gov/geo/maps-data/maps/thematic_2010ua.html). Unlike “metropolitan areas” (Metropolitan Statistical Areas, MSAs) which rely on fixed boundaries (usually clusters of counties), the UZAs define the actual footprint of development in any year. Table 1 shows population density data for the largest UZAs for each decennial census year since 1950. We see that average population densities fall in most places in most years. Suburbanization has been

the dominant trend for many years and is likely to continue. Cities everywhere are auto-oriented developments. The only exceptions are the surviving pre-auto downtowns and the relatively few walking districts scattered through various suburban areas across America. But these are not representative of the urbanized areas surrounding them.

## BAY AREA DEVELOPMENT TRENDS

The conventional two-way central city-suburb classification is misleading because there is variability in settlement patterns and residential densities and job availabilities within any major metropolitan area. The nine-county Bay Area is best understood if studied in terms of smaller-than-county geographic units. A useful source is the U.S. Census Public Use Microdata Sample (PUMS [http://www.census.gov/acs/www/data\\_documentation/public\\_use\\_microdata\\_sample/](http://www.census.gov/acs/www/data_documentation/public_use_microdata_sample/)) which reports data for areas designated as PUMAs. The nine-county Bay Area includes 54 PUMAs. Selected data for these PUMAs are in Table 2. In 2009, the Bay Area's PUMAs had an average population of 131,783 (standard deviation 23,403), an average area of 331 square kilometers (standard deviation 634) and average population density of 2,220 (standard deviation 2,468).

The Census chooses area boundaries to keep population counts roughly similar. Coefficients of variation (CV) are normalized standard deviations, e.g., the standard deviation divided by the mean. For example, the CV of Bay Area PUMA population is 0.18 (below 1.0, considered low) while that of areas is 1.92 and population densities is 1.11. Over the 54 areas, an array of densities and neighborhood types is included. But note that average journey-to-work travel time (all modes, one-way) was 27.2 minutes in 2009, with a standard deviation of 3.5 and coefficient of variation of just 0.13. The correlation between PUMA population density and PUMA average trip times was 0.004, zero for all practical purposes. By these measures, commuting durations were remarkably even throughout the Bay Area.

The PUMA data also include local jobs available. We see that the mean value was 71.6 jobs per local resident (aged 16-64 in the previous year), with a minimum value of 59.8 and a maximum of 81.5. It would be hard to label areas “job rich” or

“job poor.” There is substantial jobs-housing “balance.” But we have to dig deeper. Many of us drive past plenty of jobs on our way to work. We don’t stop until we reach the job that (all things considered) is the one that is right for us.

## COMMUTING AND DEVELOPMENT

Planners interested in air quality improvements focus on journey-to-work and see it as amenable to policy-based modifications. But when choosing locations, workers as well as employers consider a large number of trade-offs; workers understandably want to avoid costly commutes (mostly assessed in terms of time costs), but they have many other accessibilities and interactions to consider. The quality of local schools is a dominant consideration for families with school-age children, but there are also many other attractions that matter (including shopping, recreation, friends and family, etc.). This is why Professors Genvieve Giuliano and Ken Small (“Is the Journey to Work Explained by Urban Structure?” *Urban Studies*, 30:9, p 1485-1500) wrote “... we conclude that attempts to alter the metropolitan-wide structure of urban land use via policy intervention are likely to have disappointing impact on commuting patterns, even if successful in changing the degree of jobs-housing balance.” One of the reasons for this finding, they argue, is that most people’s commute is not that onerous and also some people prefer some buffer between home and work.

The dominant U.S. urban growth pattern has been one of substantial co-location of employers and employees because it is in the interest of each to avoid great distances between them.<sup>1</sup> Writing about the Bay Area, Robert Cervero (“Jobs-Housing Balance Revisited: Trends and Impacts in the San Francisco Bay Area” *Journal of the American Planning Association*, 62:4, p 492-511) concludes, “Changes in ratios of jobs to employed residents in the Bay Area during the 1980s suggest a general trend toward balance, lending some credibility to the co-location hypothesis. However, this was primarily attributable to jobs moving to labor markets ....” This pattern has evidently persisted.

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<sup>1</sup> The phenomenon has been documented many times. See, for example, Edward L. Glaeser and Matthew E. Kahn, “Decentralized Employment and the Transformation of the American City” (Feb. 2001) National Bureau of Economic Research Working Paper # 8117.

Bumsoo Lee (2007)<sup>2</sup> examined the 79 largest U.S. metropolitan areas and compared commute times by drive-alone mode with job location in each area. He placed all commuters as either working in the traditional central business district, the various subcenters or outside of either, e.g. “dispersed.” The proportions of each for the largest (3-million or more population) metropolitan areas were 18, 14 and 68 percent, respectively. Plotting commute time vs. metropolitan area population, he found that steepest slope was for the CBD commuters while the least steep slope describes the dispersed workplace commuters; average trip times increase the least for those commuting to the dispersed workplaces. This is the spontaneous co-location tendency which explains the avoidance of the “traffic doomsday” that so many fear (and predict). Attempts to channel job growth to specific areas cannot reach this level of spontaneous worker-job matching. In the cases of establishing “greenbelts”, the experience has been that workers leapfrog the restricted areas in order to find the housing they want. This results in longer commutes.<sup>3</sup> People’s preferences usually assert themselves.

But this tendency, when unhampered, has been beneficial. Co-location explains the fact that travel times in the U.S. have been remarkably stable for many years. This also explains the conclusion by Prof Alex Anas (2012) that, “The data on the largest U.S. MSAs show that commute times increase only slightly with city size: the elasticity of the average commute with respect to the number of workers is about 0.1 in 1990 and 2000” (p. 146).<sup>4</sup>

Figure 1 shows the *distribution* of Bay Area commuting durations from the 2009 National Household Travel Survey <http://nhts.ornl.gov/> (solo-auto trips only shown here). This source includes data for individual trips reported and allows the nature of the distribution of trip characteristics to be studied.<sup>5</sup> The mean trip time (one-way) was 24.9 minutes. The important finding is that most trips were of shorter-than-average duration; the mean is pushed up by the outlier lengthy trips.

---

<sup>2</sup> Lee, Bumsoo "Edge" or "edgeless" cities? Urban spatial structure in U.S. metropolitan areas, 1980 to 2000. *Journal of Regional Science* 47 (3):479-515.

<sup>3</sup> Vyn, Richard J. (2012) “Examining for Evidence of the Leapfrog Effect in the Context of Strict Agricultural Zoning” *Land Economics*, 88:3. <http://le.uwpress.org/content/88/3/457.abstract>

<sup>4</sup> Anas, Alex (2012) “Discovering the Efficiency of Urban Sprawl” Ch 6 in Nancy Brooks, et al. *The Oxford Handbook of Urban Economics and Planning*. New York: Oxford University Press.

<sup>5</sup> Unfortunately, only a three-county area (San Francisco, Oakland and San Jose) was studied.

A recent University of Minnesota study ranks the San Francisco area as #2 in generalized accessibility in the U.S. <http://www.cts.umn.edu/access-study/acrossamerica/>. Unlike the other sources cited, this study employed a weighting scheme; not all accessibilities are equal.<sup>6</sup> To be sure, there are always pockets of congestion, but these are most likely to occur in the absence of rationing by pricing and/or the inability of planners to keep up via capacity expansion.

## POLICIES VS. TRENDS

C190-1

Coincident with the documented benign unfolding of events have been the dashed hopes that people's housing and commuting preferences could be altered, that shorter commutes, less congestion, less auto-induced air pollution could be achieved from various land use regulations or policies. A recent Brookings Institution study ("From Traditional to Reformed: A Review of Land Use Regulations in the Nation's 50 largest Metropolitan Areas")<sup>7</sup> itemizes the many types of measures that have been adopted. But an analysis of recent urbanized area settlement trends (for 2000-2010) reveals no connection between policy regimes and outcomes. The last column of our Table 1 indicates thirteen UZAs which experienced increased population densities in the most recent decade, the period during which the policies studied should have had an effect. There is no observable connection between increased population densities and regulatory approach as discovered via the Brookings typology (Table 3 and Appendix table of their study). The 1,800 jurisdictions that were surveyed reported their efforts in six areas of land use regulation (zoning, comprehensive planning, containment, infrastructure regulation, growth control, and affordable housing programs and funding). These were detailed in terms of twelve measures. Factor analysis was then applied to classify metropolitan areas in terms of their dominant regulatory approach, e.g. twelve "clusters" of policies. The authors then arrayed the clusters into four "typologies of land use regulations" ("Traditional," "Exclusion," "Wild West

<sup>6</sup> "To generate the rankings for this study, Levinson created a weighted average of accessibility, giving a higher weight to closer jobs. Jobs reachable within 10 minutes are weighted most heavily, and jobs are given decreasing weight as travel time increases up to 60 minutes. Based on this measure, the 10 metro areas that provide the greatest average accessibility to jobs are Los Angeles, San Francisco, New York, Chicago, Minneapolis, San Jose, Washington, Dallas, Boston, and Houston."

<sup>7</sup>[http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802\\_pendall.pdf](http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802_pendall.pdf)

Texas,” “Reform”). There were very few increased average density UZAs and they were scattered *across* these groups.

But there is also an ominous well documented outcome. The intuition that reduced supply (or less responsive, e.g. less elastic supply) pushes up prices has been corroborated many times.<sup>8</sup> While sensitive areas should be protected, efforts to restrict development to fixed urban “footprints” have had the effect of raising land and housing costs. The extent to which people’s preferences can be altered by restricting choices is dubious. It is much more likely that people will search, settle and travel further to find a bundle of housing characteristics they like.

These results undermine the Plan’s stated interest shorter trips as well as in equity and improved housing affordability. In terms of recent events, the 1996-2006 house price bubble was most severe in the supply-constrained cities. Glaeser and Gyourko (2002) report that, “the price of housing is significantly higher than construction costs only in a limited number of areas, such as California and some eastern cities … our evidence suggests that zoning and other land use controls … play the dominant role in making housing expensive.”

<http://www.nber.org/papers/w8835>

## CONCLUSIONS

What is it most safe to say about the future of U.S. cities, including the Bay Area? (i) The cars we drive will continue to get cleaner; more of us will choose hybrids and the like as they continue their technological evolution; (ii) Telecommuting will make inroads on traditional commuting habits.<sup>9</sup> These are some of the bright spots that will augment policy efforts to safeguard our environment.

The best plans are the ones that are evidence-based. The weight of the evidence with respect to what we know about U.S. metropolitan areas points to various powerful (and benign) trends, including the co-location of workers and jobs, which

<sup>8</sup> E.J. Glaeser, J. Gyourko, R E Saks (2006) “Urban Growth and Housing Supply” *Journal of Economic Geography* 6:1, <http://joeg.oxfordjournals.org/content/6/1/71.abstract>. Also Theo S. Either (2008) “Municipal and Statewide Land Use Regulations and Housing Prices Across 250 Major US Cities.”

[http://depts.washington.edu/teclass/landuse/housing\\_020408.pdf](http://depts.washington.edu/teclass/landuse/housing_020408.pdf)

<sup>9</sup> Pengyu Zhu (2012) “Are telecommuting and personal travel complements or substitutes?” *Annals of Regional Science* 48:2.

serves to mitigate the traffic effects of growth. Plans that recognize and exploit these trends are the most promising. Plans that do not incorporate what we have learned about cities will fail and will even defeat their stated goals.

## Attachments

1   **Submitted to Orinda City Council on May 13, 2013 for submission to**  
2   **MTC and ABAG by May 16, 2013**

3  
4   May 13, 2013  
5  
6

7   Amy Rein Worth, Chair  
8   Metropolitan Transportation Commission (MTC)  
9   Joseph P. Bort MetroCenter  
10   101 Eighth Street  
11   Oakland, California 94607  
12

13   **RE: Comment on Draft Plan Bay Area and DEIR 2013 Clearinghouse**  
14   **No. 2012062029.**

15  
16   Dear Ms. Worth:

17  
18   California is in the greatest regulatory expansion in its history. These  
19   regulations effectively eat into the profits of existing industries, causing  
20   a necessary reduction in employees and job loss. The new jobs that  
21   will see an increase with the implementation of Plan Bay Area and the  
22   Bay Area Jobs Connection Strategy will be for regulators and  
23   compliance officers. This is hardly a prescription for a productive  
24   thriving California economy.

25  
26   In the Financial Assumptions of Plan Bay Area, under "Local Funding",  
27   it is stated that "The majority of funds that support Plan Bay Area come  
28   from local funding sources, primarily dedicated sales tax programs,  
29   revenues dedicated to local street and road maintenance and  
30   operations, transit fares and other transit revenues, and other local  
31   pricing initiatives." This amounts to stealing a city's funds, e.g.  
32   Orinda's, that are marked for specific and targeted uses (such as road  
33   maintenance and repair) for the development projects of Plan Bay Area.  
34   This is essentially taxation without representation.

35   Under State Funding in this same "Financial Assumptions" report, the  
36   3<sup>rd</sup> paragraph refers to the Emission Factors forecasting software and

C191-1

C191-2

1 the MTC travel demand model, but does not provide either the software  
2 or the MTC model runs for public analysis. Further, in that same  
3 paragraph, it states that "Fuel consumption estimates reflect an assumption  
4 that the state gasoline consumption will decline at an increasing rate until  
5 2020 and then grow slowly at a constant long-term rate. The decline in the  
6 initial years for consumption is attributable to the improvements in the fuel  
7 efficiency of the fleet as brought about by AB 1493 (Pavley), Phase 1."<sup>1</sup>  
8 (Footnote added) First, what forecast prevails that Pavley 1 and its  
9 consequent decrease in MPG has an expiration date of 2020? Secondly,  
10 the MTC modeling indicates that because of Pavley 1, a 32 MPG by  
11 2035 is indicated. But that contradicts both the content above and the  
12 Plan's MPG statistic for 2010 - 2035 at ~20 MPG. How are these  
13 numbers reconciled?

14

15 Sincerely,

16

17

18 Herbert L. Brown  
19 Orinda, CA 94563

---

<sup>1</sup> California's Clean Car Standard regulations

1   **Submitted to Orinda City Council on May 13, 2013 for submission to**  
2   **MTC and ABAG by May 16, 2013**

3  
4   **May 13, 2013**

5  
6   **Supervisor Mark Luce**

7   **Association of Bay Area Governments (ABAG)**

8   **Joseph P. Bort MetroCenter**

9   **101 Eighth Street**

10   **Oakland, California 94607**

11  
12  
13   **RE: Comment on Draft Plan Bay Area and DEIR 2013 Clearinghouse**  
14   **No. 2012062029.**

15  
16   **Dear Mr. Luce:**

17  
18   California is in the greatest regulatory expansion in its history. These  
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Page 1

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15 Sincerely,

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18 Herbert L. Brown  
19 Orinda, CA 94563

---

<sup>1</sup> California's Clean Car Standard regulations

3/11/15  
MAY15

From: Debbie Coffey [REDACTED]  
Subject: public comment/Draft Plan Bay Area  
To: [eircomment@mtc.ca.gov](mailto:eircomment@mtc.ca.gov)  
Cc: [REDACTED]  
Date: Tuesday, May 14, 2013, 11:25 PM

May 14, 2013

Metropolitan Transportation Commission/Association of Bay Area Governments

Joseph P. Bort MetroCenter  
101 Eighth St.  
Oakland, CA 94607

RE: Public Comment/Objections

Draft Plan Bay Area: Strategy for a Sustainable Region

March 2013

C192-1

I urge Alternative 1: No Project.

C192-2

This Program EIR is fraudulent because, admittedly, it bases cumulative planning and cumulative regional planning on **ASSUMPTIONS**. Very few varied data sources were used for such an encompassing Program EIR, and some data (1.2-8) was even sourced by ABAG, instead of other outside sources.

C192-3

The public is aware that billions of dollars will be spent to grease the way for any new transportation and land use plans. Of concern, per the Executive Summary, what "**Incentives**" does MTC and ABAG plan for the implementation of changes to land use policy?

C192-4

What corporations, non-governmental organizations (NGOs) or government agencies will be "**project sponsors**?" Does MTC and ABAG have any sponsors in mind? If so, names of possible sponsors should have been revealed to the public in this Program EIR.

**C192-5** While overly broad and restrictive in regard to some development issues, other issues are completely omitted. For instance, it is my opinion that this Program EIR did not fully consider or analyze *all* of the ramifications and impacts of a **major earthquake** with the proposed (and more centralized) development of housing and transportation.

**C192-6** Neither MTC nor ABAG have jurisdiction over land use regulations, *but yet*, this Program EIR is a manifesto for extreme land use regulations. This Program EIR *discriminates* against private property owners and favors corporate developers. Specifying that development can be done in one location but not another is not about saving the environment, it is about *controlling* the location of *development*.

**C192-7** This Program EIR should have no jurisdiction over public lands, and unless concurrent Environmental Impact Statements are done by both Department of Interior and USDA agencies (for example, the Bureau of Land Management and the Forest Service). MTC and ABAG may be overstepping its authority and jurisdiction.

**C192-8** Many aspects of this Program EIR go far beyond ground transportation planning and seem unconstitutional. For example, on page 1.2-25 it states "Priority Development Areas (PDAs) are nominated by local jurisdictions as appropriate places to concentrate future growth." Exactly *WHO* in the "local jurisdictions" is going to "nominate" the PDAs? Who decides what is "appropriate?" Will the decisions be made by an appointed committee? Will there be public meetings and agendas to notify the public? Will PDAs be voted on in an election by the people?

**C192-9** The Plan also states "using options along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment." What if the "amenities" the local people want are private property rights for Americans in rural areas? What if the "amenities" the local people want are what is aesthetic to them, like seeing older, historical parts of a town? Why do vaguely referenced "jurisdictions" get to "nominate" development and/or specific types of development?

**C192-10** This Program EIR makes one cookie cutter plan for diverse geographical and cultural areas. For example, Vacaville, CA, is very different in many ways from San Francisco CA.

**C192-11** ES-40 mentions Integrated Pest Management. Specifically, what is this "integrated" with?

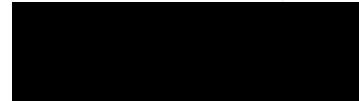
**C192-12** On page 1.2-11, it is stated: "RTPs must reflect the most recent assumptions for population, travel, land use, congestion, employment, and economic activity..." Again, the word "ASSUMPTIONS" indicates this Program EIR is *subjective* (not science-based) and biased by interpretation, including that of various laws and regulations, seemingly "cherry picking" certain phrases for a desired outcome that favors

corporate developers and special interests.

**C192-13** While world leaders worry about food security, this Program EIR plan puts an undue burden on rural areas and agriculture with restrictions to infrastructure “development.” This Plan will restrict agricultural economic growth.

**C192-14** I urge Alternative 1: No Project.

Debbie  
Coffey



Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607

May 16<sup>th</sup>, 2013

*re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report*

Submitted by: Bruce R. London

[REDACTED]  
Orinda, CA 94563

*Bruce R. London*

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 1

1. This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).
2. I lived in San Francisco from 1977 to 1984. My wife and I decided that, for us, the suburbs offered the best surroundings in which to raise a family, and so we made the difficult work-related choices and financial sacrifices necessary to achieve our goal of purchasing an expensive single family home in a nice neighborhood. Orinda certainly met our needs, and we have enjoyed living in this city for the past twenty-nine years. Our personalities are such that we love the beauty of this semi-rural community. We agree with the description cited on the City of Orinda web-site, namely, a "serene setting in contrast to the more urban existence of the surrounding area."<sup>1</sup>
3. Environmental concerns are important to my family. Our home contains a multitude of environmentally-friendly and extremely energy-efficient installations, many of which were quite expensive. We also own three hybrid vehicles. We have chosen this lifestyle as a matter of personal preference.

### ***ADVERSE VISUAL IMPACT ON ORINDA***

- C193-1
4. The Draft Bay Area Plan Draft Environmental Impact Report (DEIR) states in the section titled AREAS OF KNOWN CONTROVERSY, "Concerns about whether the degree and scale of growth proposed within existing communities would alter their appearance, quality of life..."<sup>2</sup> The report reiterates this problem in Table ES-2: SUMMARY OF IMPACTS AND MITIGATION, # 2.10-3, under Impact: "Implementation of the Proposed Plan could affect visual resources by creating significant contrasts with the scale, form, line, color, and/ or overall visual character of the existing community." This Table states that the Significance After Mitigation is ***Significant and Unavoidable.***<sup>3</sup>

1 [Http://www.cityoforinda.org/](http://www.cityoforinda.org/)

2 DEIR, page ES-11, paragraph 8

3 DEIR, page ES-55, Table ES-2

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 2

C193-2 5. The DEIR restates this impact in TABLE ES-2: SUMMARY OF IMPACTS AND MITIGATION #2.10-4, this time in terms that will resonate with every resident of Orinda: “Implementation of the proposed Plan could affect visual resources by adding a visual element of urban character to an existing rural or open space area...” The Significance After Mitigation is again designated by the DEIR as ***Significant and Unavoidable.***<sup>4</sup>

C193-3 6. Later, the DEIR accentuates this concept : “development could impact local visual resources by disrupting local character... While local standards and design guidelines would ultimately be the primary tools in shaping neighborhood character, changes in density would also play an important role.”<sup>5</sup> ***Local character*** is what brought all of us to Orinda in the first place.

C193-4 7. This theme continues: “...development and transportation projects both have the potential to produce significant impacts. However, even when they are not significant, impacts could aggregate to produce potentially significant (PS) permanent impacts to visual resources.”<sup>6</sup>

C193-5 8. Aesthetics aren't the only issue. According to the DEIR, “High density residential and high intensity commercial development, in particular, could have potentially significant (PS) light and glare elements at the local level. Overall, local impacts are less significant (LS) in urbanized areas and potentially significant in rural areas.”<sup>7</sup>

C193-6 9. Question: Has your Plan for semi-rural Orinda studied the likelihood of light and glare problems?

4 DEIR, page ES-56, Table ES-2

5 DEIR, page 2.10-25

6 DEIR, page 2.10-29

7 DEIR, page 2.10-31

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 3

10. According to *The Lamorinda Weekly* published on February 15<sup>th</sup>, 2012, Orinda's then-mayor, Victoria Smith, stated in a letter sent to the chairs of ABAG and MTC on June 9, 2011, which was discussed in the Orinda City Council meeting on January 31, 2012: "...approximately 40% of the land area within ½ mile of the Orinda BART station is regional open space (primarily EBMUD watershed)..." The article continues, "She [Victoria Smith] strongly urged ABAG and MTC to expand their public hearings beyond Dublin and Richmond to ensure that area residents will have their voices heard at programs presented at Lamorinda locations."<sup>8</sup>

11. Questions:

C193-7

a. Why have there been no programs at Lamorinda locations as requested by then-Mayor Smith?

C193-8

b. Why has the public been kept in the dark about a plan which will so adversely affect Orinda?

C193-9

c. How do you justify not allowing the citizens of Orinda to vote on this significant issue, when your own Draft Environmental Impact Report *repeatedly* describes the likelihood of re-shaping the character of this semi-rural city.

(CONTINUED ON PAGE 4)

<sup>8</sup> [Http://www.lamorindaweekly.com/archive/issue0525/Fighting-for-Paradise.html](http://www.lamorindaweekly.com/archive/issue0525/Fighting-for-Paradise.html)

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 4

## ***FINANCIAL HARM TO ORINDA HOMEOWNERS***

C193-10

12. DEIR TABLE ES-2: SUMMARY OF IMPACTS AND MITIGATION, #2.14-1 states: "Implementation of the proposed Plan could result in the need for expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services." The table states that the Significance After Mitigation is *Significant and Unavoidable.*<sup>9</sup>

C193-11

13. United States Census Bureau data shows that between the years 2000 and 2010, the population of Orinda only grew from 17,599 to 17,643.<sup>10</sup> That is correct: an increase of only 44 people in a ten year period. The Draft Regional Housing Need Allocation for Orinda mandates 226 new units between 2014 and 2022.<sup>11</sup> Using ABAG's very conservative estimate of 2.75 occupants per unit, the Plan calls for at least 621 new Orindans in that short time span, with many more in subsequent years.

C193-12

14. The DEIR states: "To meet increased demand for these facilities, existing facilities would likely need additional personnel and equipment to maintain adequate service levels as the number of residents and jobs increases. In some cases, depending on the pattern of development, it will be necessary to construct new facilities to maintain adequate capital capacity, equipment, and personnel."<sup>12</sup>

15. Question: Who will pay for the required additional services and facilities?

9 DEIR, page ES-75, Table ES-2

10 [Http://censusviewer.com/city/CA/Orinda](http://censusviewer.com/city/CA/Orinda)

11 [Http://www.abag.ca.gov/planning/housingneeds/pdfs/methodology/RHNA\\_Update\\_Le](http://www.abag.ca.gov/planning/housingneeds/pdfs/methodology/RHNA_Update_Le)

12 DEIR, page 2.14-12

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 5

C193-13 16. The DEIR assigns no responsibility to the Plan for these expenditures. Instead, it offers generalized remarks, such as: "...the California Department of Education relies on local control for the management of school districts. School district governing boards and district administrators allocate resources among the schools of the district."<sup>13</sup>

C193-14 17. The DEIR mentions four state regulations regarding fees levied on developers for school impacts, but does not specify whether these fees will be sufficient. In fact, the DEIR states that Senate Bill 50 (Leroy Green School Facilities Act of 1998) "eliminated the ability of cities and counties to require full mitigation of school impacts."<sup>14</sup>

18. Question: Will developer fees be adequate to cover the required additional teachers and school facilities?

C193-15 19. The DEIR does mention Proposition 1A, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998, which "allowed for eligible school districts to obtain state bond funds for the construction and modernization of educational facilities and accommodate for growth and overcrowding in educational facilities."<sup>15</sup> That was 1998. The state budget situation is quite different today. The media is replete with stories such as "California Retreats On Class-size Reduction" from *The Sacramento Bee*, 1/20/2013.<sup>16</sup>

13 DEIR, page 2.14

14 DEIR, page 2.14-7

15 DEIR, page 2.14-7

16 [Http://sacbee.com/2013/01/20/5126801/california-retreats-on-class-size.html](http://sacbee.com/2013/01/20/5126801/california-retreats-on-class-size.html)

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 6

20. Question: If the Plan is enacted in Orinda, should we expect additional parcel taxes to support our schools?

C193-16 22. The DEIR is just as vague regarding fire protection, stating, "Fire protection services are managed at the local level... Each fire protection agency is responsible for protecting its own prescribed area."<sup>17</sup>

C193-17 23. Similarly, for police services: "...each incorporated city and town has a police department responsible for police protection within its own jurisdiction... Cities and towns may also contract with the county sheriff department to provide law enforcement services."<sup>18</sup>

C193-18 24. Question: If Orindans will need to pay for additional required school, fire, and police services, isn't it only reasonable for us to vote on whether or not to accept the Plan?

## END OF COMMENTS

17 DEIR, page 2.14-3

18 DEIR, page 2.14-4

Plan Bay Area 2040 Final Environmental Impact Report

**From:** [REDACTED]  
**To:** <info@OneBayArea.org>  
**Date:** 5/14/2013 2:51 PM  
**Subject:** Deadline for comments on One Bay Area Plan and associated EIR

Dear Sir or Madam:

**C194-1** Given the magnitude of the documents released to the public in late March and early April, the period of time allotted for public review and comment (with a deadline of 16 May) seems far too short. Kindly extend this deadline by at least 60 days to permit the public the opportunity to review the analyses and proposals more thoroughly.

Yours faithfully

Piers Whitehead

Lafayette, California

C195  
**From:** Allen Appell [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/12/2013 12:41 PM  
**Subject:** One Bay Area in Marin

The One Bay Area proposal to urbanize Marin county is a social, environmental and economic disaster for Marin County. Marin county needs to be left alone and free of the soviet style central planners who want to destroy its unique character. There are plenty of urban areas in the Bay Area with problems, such as Richmond and Oakland, where these officious intermeddlers can ply their trade. Leave us alone.

--  
Allen L Appell, Ph.D.  
[REDACTED]  
Kentfield, CA 94904  
[REDACTED]

C196  
**From:** Louisa Arndt <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**CC:** Neigh Berries <[REDACTED]>  
**Date:** 5/16/2013 4:40 PM  
**Subject:** Draft Plan Bay Area

Gentlepeople:

As a long-time Marinwood resident — since 1969 — I can vouch for the fact that OUR COMMUNITY IS NOT BROKEN — SO PLEASE DO NOT TRY TO FIX IT!

We DO NOT NEED OR WANT OUR COMMUNITY TO "GROW"!

WE DO NOT WANT TO LOSE OUR PRECIOUS OPEN SPACE THAT WE TAXED OURSELVES TO BUY MANY YEARS BACK!

WE HUMANS LIVE ON A FINITE PLANET, the only one in our solar system that supports life!

Why would we muck it up through over-population, the results of which include over-use in all areas of human activity?? The abuse of farmland through corporate farming, pollution of rivers, lakes, and streams, the draining of aquifers, continual increase in air pollution, decimation of forests, decimation of fish stocks through over-fishing..... this is a LOSE-LOSE proposition, and it is not good for any community nor for the continued health and vitality of the human species!

L.M. Arndt

[REDACTED]  
San Rafael CA 94903



C197 Hi. My name is Brenda Barron.

I urge you to invest in public transit operations to improve transit service.

I am currently a freshman in college at San Francisco State University. I was born and raised in Oakland California.

I've been taking public transportation since I was five years old when I started riding the bus to my mom's work. Public transit has changed a lot since I was five. Bus stops have moved farther from my house. There are fewer buses and I have to wait longer most of the time. Night service has been reduced; the bus I take stops at 10:00 pm. In the last few years, bus lines have been cut and changed, so that people get confused about which lines go to which place.

People want to see more bus routes and more frequent buses.

Many people take buses because they cost less than BART, but BART takes you farther and goes faster. I would like to see the BART and buses be less expensive, especially for young people who go to school. Most younger students don't have jobs, so they can't afford current transit fares, especially for BART.

There are other problems with current service levels. BART does not have enough trains so that people can sit down. I often have to stand when I catch BART to go to school. BART has been having some issues lately with the tracks. I would also like to see cleaner buses and BART cars and stations.

Those are the transportation investments that matter to me, and matter to other younger people just like me.

Thank you.

**From:** bert bartsch <[REDACTED]>  
**To:** <info@OneBayArea.org>, <eirccomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:45 PM  
**Subject:** Comments on the Draft EIR for the One Bay Area Plan

Comments about the One Bay Area Plan

Problems with the One Bay Area Plan:

- It mandates growth but does not help pay for the infrastructure to support growth: A) roads B) Sewer C) Schools D) Water E) Transportation that low income people can afford- instead GG Transit is cutting bus lines
- The so- called 'One Bay Area Plan' subverts local control. It is being foisted on us by ABAG, MTC and local officials and is yet another giveaway to big developers.
- So-called affordable housing does not remain affordable because after a number of years it is allowed to be sold at market value.
- At this time Fairfax is at gridlock several times/day, yet we are slated under this plan for 280 new 'units' -how many people/with cars/unit unknown.
- According to a study the MBC, 50 % of the traffic coming through Fairfax at commute times is from Novato- I am assuming that that traffic diversion will only increase as you increase housing density San Rafael, north.
- I support increasing workforce housing but oppose giveaways to developers who will make huge profits, while local communities can only look on as local rights are eroded. In 4 years, ABAG- an unelected body, will 'revisit' these numbers- and so far, they have always demanded increase of numbers. ABAG reminds me of a greedy ravenous monster, whose belly is never full.
- Fairfax, has been compared to the Oakland Hills in terms of fire danger-narrow windy roads with a fire load that increases by the year. If a fire were to start, during a traffic standstill, how would people get out of town? We cannot provide safe exits to people at the current population density. Locally, we are worried about them getting out at ANY time!
- \* I know that CALTRANS has had plans on the books for a 4 lane highway from San Rafael to Point Reyes. When we reach total gridlock, which this housing infill plan will bring us to, we will have no choice but to destroy yet another facet of our small town life. I speak about Fairfax, but every town is slated for more housing in Marin.
- \* 25 % of housing is slated to be built in toxic sites.
- \* Why locate marginalized communities in areas that are more polluted and toxic when they have fewer health resources?
- \* There is a massive push towards geoengineering to meet our water needs at the national level, and, on top of this insanity, this plan will open the floodgates locally for MMWD's multi-million dollar desal plant (with intake next to a sewer outlet, a bay so polluted with pesticides, herbicides, toxic metals, pharmaceuticals etc. that fisherman are advised not to fish out of it, nor people to swim in it- a project which our struggling residents, towns and infrastructure can ill afford in a failing economy.
- \* We cannot accept the parameters offered by this 'plan'. There needs to be more public meetings and a mechanism for public debate- the way Kinsey handled the one at the civic center was atrocious- his pro- plan people were lined up and allowed 3 minutes/speaker- not much time, granted, but when it came to those who opposed the plan, we were limited to 1-2 minutes. That is NOT public input.
- \* Kinsey needs to back off from accusing those who oppose the plan of racism.
- \* I do not believe that it is a plan to afford 'affordable' housing- I believe that it is a backdoor to subvert local governments deciding how and where they allow new housing.
- \* We do need workforce housing -let's find a way to subsidize it and cut out the middlemen- let's make local policy- town by town to meet local needs, and-if we are going to spend millions, let's have a public discussion. Many of them.
- \* This plan should go to the electorate for a vote. But the 'One Bay Area' planners must not be allowed to control the ballot language. It must be put together by a group from all sides.

**From:** James G Bitter <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 4:30 PM  
**Subject:** PLAN ONE BAY AREA

C199 MTC-ABAG  
5-16-2013

The Draft Plan bay area is another BIG GOVERNMENT program that is being forced on the people of the Bay Area by a very clever government vehicle called REGIONAL GOVERNMENT.

Our elected city council members, board of supervisors were not elected to inflict this kind of punishment on the public.

Corporations, special interest groups, City Planners, and consultants across the US have written these laws and regulations to serve their own interests and to line their pockets.

IT IS VERY SAD ! WHAT HAS HAPPENED TO OUR COUNTRY.

Sincerely,

James Bitter

Marin County

**From:** linda <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/26/2013 6:44 PM  
**Subject:** Re developement Marin County...

C200  
Unfortunately Marin County chose to block BART and so we have a major issue with traffic, to continue to develop Southern Marin is a nightmare...Yes Tiburon has room however Sausalito does not...Why can't we consider traffic issue's versus development issue's, other countries manage to have outstanding public transportation, our huge ferry's could stop like a bus south end of town north end of town, then keep it going until midnight and run every 30 minutes that makes more sense than what we have going with ferries right now....plus smaller ferry's (less fuel) built here so they can be repaired here. Thank You Linda Christopoulos a long long time resident of Marin County I have lived up & down 101 from Sausalito to San Rafael....

# Cities21



May 13, 2013

**C201** To: [info@OneBayArea.org](mailto:info@OneBayArea.org), [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

**Subject: Recommendations for 2040 Plan Bay Area**  
[\(http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area\\_3-22-13.pdf\)](http://onebayarea.org/pdf/Draft_Plan_Bay_Area_3-22-13.pdf)

In regards to Plan Bay Area Chapter 6, page 121:

*"In some cases, new legislation, updated regulations or additional resources will be needed to fully realize the Plan Bay Area vision and implement the plan's policies and programs. This chapter identifies the most important of these challenges, and proposes steps to address them."*

Please consider adding a new Chapter 6 section on Driving Pricing Measures that are outside of the direct influence of the One Bay Area Team, but help achieve the plan's Performance Targets 1, 7, 9A, 9B, and 10C. Driving Pricing Measures encompass both Plan Bay Area "Pricing Strategies" and "Climate Policy Initiatives." Regional advocacy of such policies within RTPs can influence development of statewide legislation and regulation.

As background, OneBayArea's 2010 PPT (<http://www.arb.ca.gov/cc/sb375/meetings/052510/mtcpresentation.pdf>) presented a driving pricing scenario to achieve large GHG reductions. The slide entitled "Auto Operating Costs Increase 4-fold" depicted a combination of {parking charges, congestion charging, and carbon/VMT tax}, raising auto operating cost from \$0.25 to \$1.20 per mile. OneBayArea indicated that "new legislation must be developed" to achieve this scenario. A 2010 memo ("Preliminary Report on Metropolitan Planning Organization (MPO)/Air Resources Board (ARB) Senate Bill 375 (SB 375) Target Setting Analysis" - <http://www.arb.ca.gov/cc/sb375/mpo/prelimreport.mtc.sacog.sacag.pdf>) from CA's four largest MPOs to CARB, similarly discussed implementing pricing measures to meet GHG reduction targets. In 2010, the 100-member MTC/ABAG SB375 Sustainable Communities Strategy Advisory Panel reached a strong consensus that driving pricing measures were needed.

Within the discussion of Driving Pricing Measures, three policies should be highlighted, the first two being of interest for having higher political popularity and viability compared to the policies that were described by OneBayArea in 2010.

## DRIVING PRICING MEASURE 1:

### TITLE: Parking Charges + Incentives: Reduce Commuting VMT/GHG by 23%

This measure helps with Performance Targets 1, 7, 9A, 9B, and 10C.

This pricing measure is related to Plan Bay Area's "commuter benefits ordinance" item, but brings about higher VMT/GHG reduction.

A 23% commuting reduction will produce 400,000 new green Bay Area commuters, saving 2B Bay Area VMT per year and 1M Bay Area tons of GHG/year. Transit ridership will more than double. Currently-struggling smartphone mobility services would thrive. HOV lanes will fill up. Traffic will go down. Lonely Bay Area workplace parking spaces encompassing 2,608 acres will be in-filled for higher and better use.

91% of US commuters are provided with free parking – this policy changes this with carrots and sticks. Each employee is charged \$0.25/day for SOV (single occupancy vehicle) commutes. This revenue is used to reward carpool/transit users with \$0.50 per day. Every 3 months, the charge and reward goes up, until the charge is \$2 and the reward is \$3. This cuts SOV from 77% to 54%.

To further increase political viability, the solution is zero-cost to employers. Employees report their commute mode (transit, carpool, SOV) in an on-line commute calendar. Smartphone LBS apps figure out the commute mode and auto-fill the calendar.

The policy has drawn supporting letters from MTC, Sierra Club, SVLG, VTA, samTrans, Transform, and Association for Commuter Transportation. The cost per ton of GHG removed is \$0.

From MTC's supporting letter, "There is no question that the provision of free parking is a huge incentive for people to drive to work. A 2000 survey of Bay Area commuters found that while 77 percent of commuters drove alone when free parking was available, only 39 percent drove alone when they had to pay to park. Additionally, among commuters with free parking, only 4.8 percent commuted by transit. By contrast, among commuters without free parking, 42 percent commute by transit." From the set of US employers with free workplace parking, there are four virtuous outliers: Google Mountain View at 52% SOV, Genentech South SF at 58%, Facebook Menlo Park at 59%, and Microsoft Redmond at 62% SOV. All four outliers spend much more on commute benefits than can be expected from marginally profitable firms. Traditional free-parked corporate commute trip reduction programs are comprised only of incentives without a driving price increase for SOV. These programs are disappointingly ineffective, often yielding only 1% commute shift.

From the Findings and Declarations of the stalled bill SB518 (California Senator Lowenthal's parking bill), "Eliminating subsidies for parking has enormous potential to reduce traffic congestion and greenhouse gas and other vehicle emissions by reducing vehicle miles traveled. If drivers must pay the true cost of parking, it will affect their choices on whether or not to drive. In the short term, changes to parking policy can reduce traffic congestion and greenhouse gas emissions more than all other strategies combined, and they are usually the most cost-effective." Free suburban office parking paid for by employers and provided freely to employees represents a perverse \$7.58 per day incentive for SOV commuting: employers pay for valuable parking space land that they give away to SOV commuters - transit commuters receive no such free land.

Similar parking charges + incentives policies were implemented twice in the late 1980's, at Twentieth Century Corporation in Los Angeles and at CH2M Hill in Bellevue Washington. SOV mode share decreased from 89% to 64% as a result of these policies.

- 10 min youtube + 3 page description with policy insights:  
<http://www.cities21.org/cms/index.php?page=we-solve-for-x-submission>
- Notes from policy discussions with Don Shoup, FHWA, CARB, MTC, SCAG:  
<http://www.cities21.org/dpwg/parkingPolicy.htm>
- CA Legislative Counsel has helped to develop draft CA bill language.

#### Plan Bay Area Performance Targets

Policy increases GHG saved, so assists Target 1.

Policy helps with "falling short" Target #7 (reduce low-income budget necessary for transportation & housing - page 101). Compared to a gas tax increase, this policy is economically "progressive," meaning "a transfer of wealth from higher-income workers to lower-income workers." This is because higher income workers are more likely to commute by solo driving than lower income workers. The policy will not penalize low-income graveyard shift grocery/hospital workers and other low-income workers who have few alternatives to driving. The draft CA bill envisions developing "exception rules" to handle such cases. The Environmental Defense Fund has studied social equity impacts of policies to increase driving costs/pain. Their report concluded that exceptions have to be carved out of such policies to ensure social equity. The draft bill envisions fair, compassionate exceptions developed via a transparent process.

Policy helps with "falling short" Target 9A – increase non-auto mode share - page 103.

Policy helps with "falling short" Target 9B – reduce per capita VMT by 10% - page 103.

The policy generates \$750M per year in new revenue for public transit and other commute alternatives. This may help with Performance Target #10C (transit maintenance) and will provide much-needed transit agency budget improvement. The issue of developing increased Bay Area transportation funding is mentioned in the funding examples in Chapter 6.

#### **DRIVING PRICING MEASURE 2:**

**TITLE: Prop 103-compatible Pay-As-You-Drive (PAYD) Auto Insurance**

This measure helps with Performance Targets 1, 7, 9A, and 9B.

With PAYD auto insurance, drivers who drive less (and emit less GHG) save money. If humans lived in a rational world that was serious about reducing GHG, PAYD would be one of the first policies to be adopted. PAYD can be characterized as a "no-brainer" climate protection policy. Cost per GHG ton reduced is essentially \$0 - demand reduction policies tend to be extremely cost-effective. 13 states have included PAYD in their Climate Action Plans

California's auto insurance market is constrained by Proposition 103. Other states can implement a larger range of insurance policies, whereas CA pursues public policy consumer fairness objectives such as limiting redlining. CA Department of Insurance allows insurers to offer PAYD policies, but GHG reduction from such policies to date has been small.

For other states, PAYD can cut personal auto driving GHG and VMT (vehicle miles traveled) by 8%. Under Proposition 103, CA PAYD can cut GHG and VMT by 3.2%, providing the equivalent motivation to drive less as a \$0.70/gallon gas tax increase. State Farm's CA "Drive Safe and Save" PAYD policy achieves this 3.2% GHG reduction. The State Farm policy can be characterized as "modest flavor" PAYD. AAA (Auto Club of SoCal) has a "weak flavor" CA PAYD-like policy that produces minimal GHG reduction. 3.2% CA personal auto driving reduction calculates to 3.7 billion less VMT per year and 1.8 million CO2 tons reduced.

While CA PAYD cannot reduce GHG as much as other states, CA is one of the more aggressive states in adopting climate regulation, providing an opportunity to increase PAYD market penetration ahead of other states. CA Insurance Commissioner Jones is pro-climate and has "sought ideas on how to work with the industry to help protect the environment, diminish climate change, and properly evaluate environmental risks." Jones understands the benefits of PAYD and understands the difference between State Farm (3.2%) and AAA (0%) flavors. It is possible that Jones will advance measures to increase the adoption of modest flavor PAYD.

#### Implementation Details for Modest-Flavor, Proposition-103-compatible CA PAYD:

1. A high mandatory miles rating factor level of 31%, based on a strong actuarial case that a) miles are more correlated to losses than current policies. For example: 32% driver safety record, 31% number of miles driven, with the final 37% distributed between "years driving experience" and the optional factors. 31% provides equivalent driving reduction motivation of a \$0.70 per gallon gas tax increase.

Weak-flavor PAYD, such as offered by the Auto Club, should not be allowed. If a driver reduces annual driving mileage from 12,000 miles to 500 miles, they only save a few dollars.

Modest-flavor PAYD, such as State Farm's CA PAYD, saves drivers \$400 when they reduce annual mileage from 12,000 to 500. Spreadsheet analysis (<http://www.cities21.org/cms/StateFarmPAYD.xls>) shows that State Farm provides driving reduction motivation that would produce between 3.2% and 3.9% CA statewide VMT reduction (equivalent of \$0.70 per gallon gas tax increase).

2. Billing a minimum of 3 times per year. This would be based on a "miles correlation" finding: loss is highly correlated to miles driven, and hence, miles driven must be made more visible to drivers in order to increase safety. While some insurers believe frequent billing is burdensome, other industries bill efficiently 12 times per year. US DOT Connected Vehicle, GM OnStar, and Microsoft/Ford Sync are enabling technologies. Automakers might even testify in favor of the policy.

3. Mandate "verified miles," eliminating estimated miles, based also on the "miles correlation" finding.

4. Require a maximum mileage band of 100 miles (necessary given frequent billing), based also on the "miles correlation" finding.

#### Economic Benefits of PAYD - References

- Brookings Institution's The Hamilton Project, "Pay-As-You-Drive Auto Insurance: A Simple Way to Reduce Driving-Related Harms and Increase Equity." Significant net economic gains ensue from PAYD.  
[http://www.brookings.edu/~media/Files/rc/papers/2008/07\\_payd\\_bordoffnoel/07\\_payd\\_bordoffnoel.pdf](http://www.brookings.edu/~media/Files/rc/papers/2008/07_payd_bordoffnoel/07_payd_bordoffnoel.pdf)
- "Safe Travels: Evaluating Mobility Management Traffic Safety Impacts" ([www.vtpi.org/safetrav.pdf](http://www.vtpi.org/safetrav.pdf)). This report investigates the safety impacts of mobility management strategies that change how and the

amount people travel. It evaluates the safety impacts of various types of strategies including improvements to alternative modes, pricing reforms and smart growth land use policies. Evidence summarized in this report indicates that per capita traffic crash rates tend to increase with per capita vehicle travel, and mobility management strategies can provide significant safety benefits. This analysis indicates that mobility management is a cost effective traffic safety strategy, and increased safety is one of the largest benefits of mobility management.

**DRIVING PRICING MEASURE 3:**

**TITLE: The 2015 extension of California Cap and Trade to cover “combustion of transportation fuel”**  
This measure helps with Performance Targets 1, 9A, and 9B.

Best regards,

- Steve Raney, Cites21, Palo Alto, CA

**C202**

This letter is submitted as public comment on the Draft Bay Area Plan (State Clearinghouse No. 2012062029).

My name is Daniel G. DeBusschere. I reside in Orinda, CA.

The Draft Bay Area Plan (“PLAN”) which is designed to reduce Green House Gas (“GHG”) emissions completely ignores the requirement for additional BART parking (“PARKING”) and BART Bicycle lockers (“LOCKERS”). ABAG and MTC should run a joint survey of potential BART patrons to find out if additional PARKING and/or LOCKERS would increase the use of BART for transit (in lieu of other means) which would decrease Vehicle Miles Traveled (“VMT”).

Stack and Pack LOCKERS would allow significant leverage in the amount of land used to accommodate a BART patron. A suitable LOCKER would have a bright LED light that signals whether or not the LOCKER is empty or used. An electronic lock that reads CLIPPER cards would allow a person to check in the bicycle along with any weather resistant gear that would be used during inclement weather. ONLY the CLIPPER card that was used to check in the items could be used to open the LOCKER for retrieval and posting an appropriate charge to the CLIPPER account. It would be necessary to provide sheltered cover for the LOCKER as well as the access path to the BART station so that patrons could be sheltered from the weather during transit from the LOCKER to the BART station. Use of the CLIPPER card would allow multiple day rentals for those patrons who might choose BART for airport access and return. Use of the CLIPPER charge would allow electronic accounting of who uses the LOCKER and who is responsible for its contents.

I believe that PARKING and LOCKERS are important to reducing VMT and GHG. Why is such an important area not included in the PLAN? I am including this comment to insure that there is an appropriate placeholder for possible future litigation if ABAG and/or MTC continue to ignore these requirements in any approved PLAN.

Respectfully submitted,

Daniel G. DeBusschere

[REDACTED]  
Orinda, CA 94563

May 16, 2013

C203

Carolyn Clevenger  
MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

## **RE: Recommendations on Local and Regional Sustainable Transportation Systems**

Dear Mrs. Clevenger,

Thank you for administering the Sustainable Community Strategy and considering my comments on the Draft Plan Bay Area and its Environmental Impact Report. As a native to the East Bay and educated in Southern California in environmental science and urban planning, my recommendations represent the potential of sustainable regional transportation plan based on a California-wide experience.

There are three strategies working at complementary levels to promote more efficient modes of mobility than single-occupancy car driving that receive little or no attention in Plan Bay Area.

- 1) Complete regional bicycle networks**
- 2) Official casual carpool systems**
- 3) Highway bus rapid transit (BRT) system**

Combined with existing efforts outlined in Plan Bay Area, implementing the following recommendations will help achieve the region's long-term emission reduction targets and other important goals.

### **Complete Regional Bicycle Network**

The Plan falls short in expressing a coordinated strategy for creating a region-wide bicycle network. The benefits of bicycling go beyond reducing the amount of transportation-related green house gas emissions for short-distance trips, but can also be seen in supporting local economies, healthier populations, and lower costs for road improvements.

The Plan must identify a suite of strategies to assist cities and counties in planning, prioritizing and funding bicycle lane development. These strategies should conform to a regional bicycle master plan that identifies primary bicycle routes that effectively connect neighborhoods, retail, transit and job centers. Maps of these primary bicycle routes should be highlighted in Plan Bay Area. The San Francisco Bay Trail is a specific example that highlights this effort, though more coordinated planning is necessary between cities and counties to create a 9-county primary bicycle network. Plan Bay Area should set forward this coordinated bicycle network implementation.



## **Official Casual Carpool System**

Carpooling remains a low-cost approach to the efficient use of limited highway space with minimal infrastructure investment. For decades, the Bay Area has utilized informal casual carpool locations to pick up individuals headed in a common direction, downtown San Francisco.

With the advent of High Occupancy or Toll (HOT) Lanes, the casual carpool system holds the promise to expand its efficient use of automobile space with proper regional coordination. The

requirement for HOT lane access should require both a minimum number of carpoolers as well as toll for cars falling below the minimum number of riders. As these tolls and carpool requirements vary with congestion levels, it can provide incentive for drivers to pick up passengers heading in the same direction for faster travel along congested HOT Lane routes. Strategically located, these casual carpool locations can be placed adjacent to public transit facilities to offer travellers a choice between carpooling or public transportation. Through examining common commuter and traveller routes, the casual carpool system can move beyond a strictly San Francisco focused model and include other common travel routes.

### **HOT Lane Access**

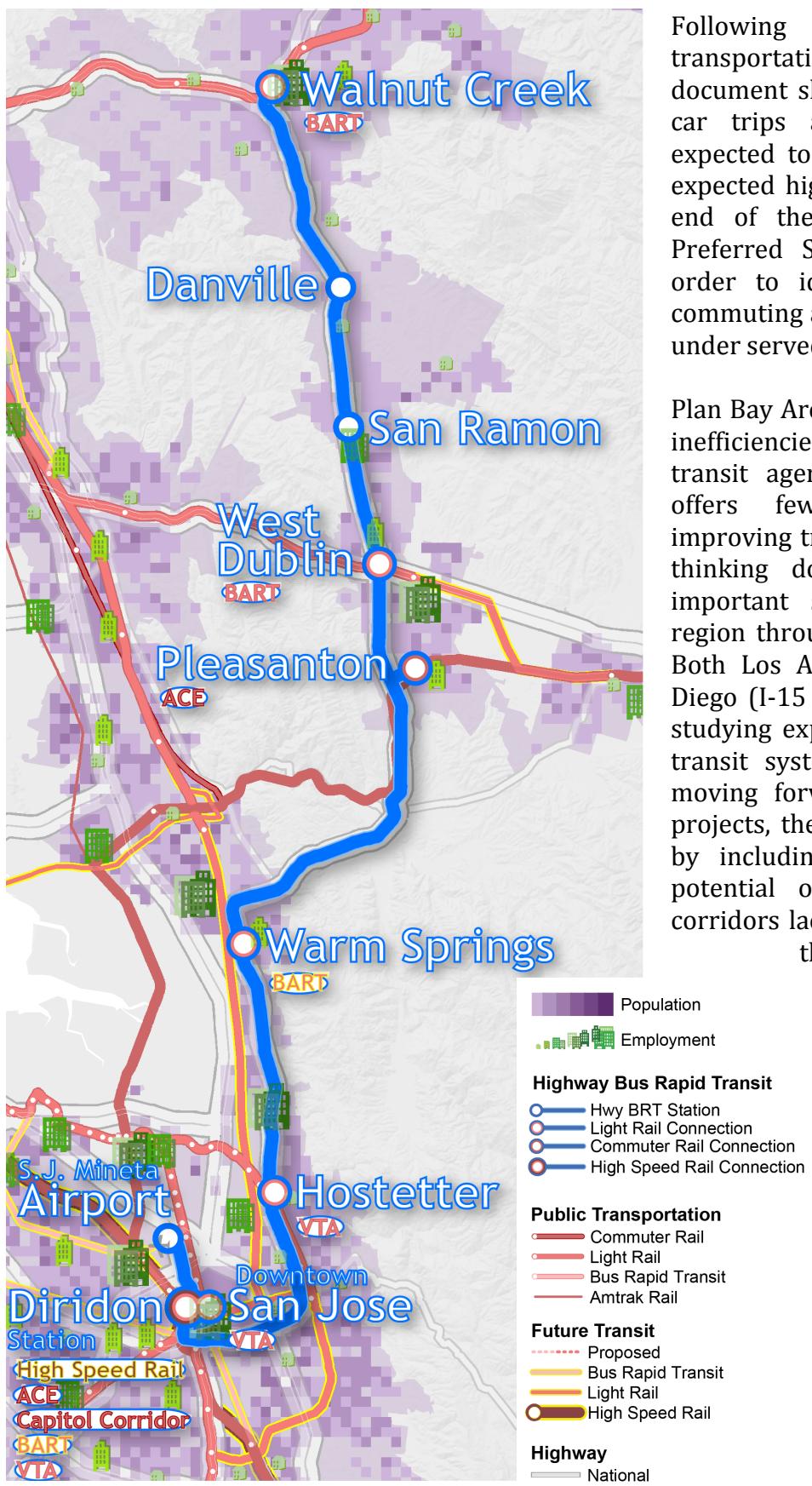
<b>4</b>	<b>Persons</b>	(or max capacity)
	<b>Vehicle</b>	
<b>\$ 5</b>	<b>for solo drivers</b>	

Plan Bay Area should outline a program to expand the Casual Carpool system in coordination with the expanding HOT lane development. This recommendation could be included in the section Alternative Transportation Suggestions.

## **Highway Bus Rapid Transit**

The Plan Bay Area requires a more robust analysis of the commuting and travel patterns for people moving within and from outside of the Bay Area. Forward thinking strategies that can help the region meet its targets for green house gas reduction should accompany this analysis.

## I-680 Highway Bus Rapid Transit



Following an assessment of existing transportation investment resources, this document should estimate the number of car trips a public transit project is expected to reduce on the highway. The expected highway congestion rates at the end of the projects completed in the Preferred Scenario should be listed in order to identify those most common commuting and travelling routes currently under served by public transit.

Plan Bay Area falls short in addressing the inefficiencies of operating thirty-three transit agencies within the region and offers few policy suggestions for improving transit ridership. This forward-thinking document should include an important strategy for connecting the region through its vast highway network. Both Los Angeles (Silver Line) and San Diego (I-15 Corridor) are running and or studying expansion of highway bus rapid transit systems. While the Bay Area is moving forward with local-serving BRT projects, the region would greatly benefit by including a proposal to study the potential of a BRT system in travel corridors lacking public transit, as well as the possibility of linking such a system to connect all 9 Bay Area Counties.

This study proposal should be included in the section Alternative Transportation Suggestions. Its evaluation would incorporate underserved public transit corridors with high congestion levels, identify major job centers and neighborhoods underserved by regional transportation, as well as potential rapid

transit connections. An initial study corridor could be implemented where HOT Lane development is already in place, along the I-680 corridor from San Jose to Walnut Creek, and potentially to Napa. Such a bus line would run along the center lane of I-680 giving priority to buses at peak commute hour and include stations integrated in-line with and elevated above the highway. This I-680 BRT corridor could connect travellers with Diridon Station, intersecting BART and ACE lines as well as job and destination centers in San Ramon and other cities along the route (see Appendix or [www.thehotexpress.com](http://www.thehotexpress.com)). If proven safe and successful, such a model could expand throughout the Bay Area to create a single transit system connecting all corners of the region.

## **Missed Targets**

The following targets of Plan Bay Area are either missed or move in the opposite direction of the Plan's stated goals. These goals could potentially be met by expanding on the suggestions listed above.

**Target #4: Reduce by 50 percent the number of injuries and fatalities from all collisions (including bike and pedestrian).** *Plan moves in opposite direction from target; injury and fatality collisions are projected to increase during plan period by 18 percent.*

A coordinated regional bicycle network plan could bring greater safety and awareness to drivers, bicyclists and pedestrians through clearly marked and protected bicycle lanes.

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**Target #5: Increase the average daily time walking or biking per person for transportation by 70 percent (for an average of 15 minutes per person per day).** *Plan boosts per-person active transportation by 17 percent, but falls short of target.*

Providing safe bicycle paths to and from neighborhoods, jobs, retail and transit stops can help increase the average biking time for a wide variety of users. A coordinated regional effort would go further to create connections rather than individual city and county plans.

---

**Target #7: Decrease by 10 percentage points (to 56 percent, from 66 percent) the share of low-income and lower-middle income residents' household income consumed by transportation and housing.** *Plan moves in wrong direction; the share of household income needed to cover transportation and housing costs is projected to rise by 3 percentage points to 69 percent for low-income and lower-middle income residents during the Plan Bay Area period.*

Expanding highway bus rapid transit to new communities can help provide greater public transit connections that would reduce automobile use, while casual carpooling can also reduce the costs of car ownership and operation.

---

**Target #9a: Increase non-auto mode share by 10 percentage points (to 26 percent of trips).** *Plan boosts non-auto mode share to 20 percent of trips, but falls short of target.*

**Target #9b: Decrease automobile vehicle miles traveled (VMT) per capita by 10 percent.** *Plan reduces VMT per capita by 9 percent, but falls short of target.*

Advancing alternatives to single occupancy driving should be more ambitious than the listed targets. Combining strategies for an expanded bicycle network, casual carpool opportunities and new public rapid transit routes will help bring down non-auto mode and VMT per capita beyond the existing plans.

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**Target #10a: Increase local road pavement condition index (PCI) to 75 or better.** *Plan improves pavement condition of local roads to a PCI of 68, but falls short of target.*

**Target #10b: Decrease distressed lane-miles of state highways to less than 10 percent of total lane-miles.** *Plan moves in opposite direction from target; the percentage of distressed state highway lane-miles in the region will rise to 44 percent of the regional highway system by year 2040.*

Moving people from their own cars to bicycles, trains, buses and other people's cars will have an overall reduced rate of impact on the road pavement and highways. Combining strategies for an expanded bicycle network, casual carpool opportunities and new public rapid transit routes will help bring down impact of single occupant vehicles on road pavement beyond the existing plans.

Thank you for considering these recommendations for a sustainable Bay Area.

Sincerely,

Adam Garcia



B.S. Environmental Studies, UCSB  
M.S. Urban Planning, UCLA

**From:** doreen gleason <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**CC:** <peklund@novato.org>  
**Date:** 5/15/2013 10:00 AM  
**Subject:** DEIR

>  
>  
> From: doreen gleason <[REDACTED]>  
> Subject: DEIR  
> Date: May 15, 2013 9:52:51 AM PDT  
> To: <info@OneBayArea.org>  
> Cc: <skinsey@marinco.org>, <Krice@co.marin.us>, <pelkund@novato.org>  
>  
>  
> Hello,  
>  
C204-1 > After attending several meetings I am writing to you to express my concerns regarding OBA Marin. My primary concern is local control.  
>  
> Marin County is an outlier in the Bay Area. We enter through the Rainbow Tunnel on Waldo Grade. Vast open spaces are our trademark.  
>  
> The residents and elected officials of Marin know best how to preserve and maintain our culture, not an agency of 9 counties. Since Marin will only  
> have 3 representatives on the board, which is not a majority, we are risking our independence. What is good for San Jose may not be for Marin, and vice-versa.  
>  
> If there are aspects of OBA that you feel are needed for Marin lets address them individually, get independent reporting, and put it to a vote.  
>  
> Grand schemes and one size fits all plans, even though created with the best intentions, have a history of failing!  
>  
> Lets not jeopardize our beautiful and unique Marin!  
>  
> One more thing: SMART has yet to be built, let alone funded. So it seems to me that it would be prudent to wait for its construction first before building retail and housing along its proposed path.  
>  
> Please explain why this is such a good deal for us?  
>  
> Doreen Gleason  
>  
>  
>  
>

From Valeri Hood

Fairfax, Ca 94930

### Comments about the One Bay Area Plan

C205-1

- It mandates growth but does not help pay for the infrastructure to support growth: A) roads B) Sewer C) Schools D) Water E) Transportation that low income people can afford- instead GG Transit is cutting bus lines
- The so- called 'One Bay Area Plan' subverts local control. It is being foisted on us by ABAG, MTC and local officials and is yet another giveaway to big developers.
- So-called affordable housing does not remain affordable because after a number of years it is allowed to be sold at market value.
- At this time Fairfax is at gridlock several times/day, yet we are slated under this plan for 280 new 'units' -how many people/with cars/unit unknown.
- According to a study the MBC, 50 % of the traffic coming through Fairfax at commute times is from Novato- I am assuming that that traffic diversion will only increase as you increase housing density San Rafael, north.
- I support increasing workforce housing but oppose giveaways to developers who will make huge profits, while local communities can only look on as local rights are eroded. In 4 years, ABAG- an unelected body, will 'revisit' these numbers- and so far, they have always demanded increase of numbers. ABAG reminds me of a greedy ravenous monster, whose belly is never full.

• Fairfax, has been compared to the Oakland Hills in terms of fire danger- narrow windy roads with a fire load that increases by the year. If a fire were to start, during a traffic standstill, how would people get out of town? We cannot provide safe exits to people at the current population density.

Locally, we are worried about them getting out at ANY time!

- I know that CALTRANS has had plans on the books for a 4 lane highway from San Rafael to Point Reyes. When we reach total gridlock, which this housing infill plan will bring us to, we will have no choice but to destroy yet another facet of our small town life. I speak about Fairfax, but every town is slated for more housing in Marin.

C205-1.5

- 25 % of housing is slated to be built in toxic sites.
- Why locate marginalized communities in areas that are more polluted and toxic when they have fewer health resources?

C205-2

- There is a massive push towards geoengineering to meet our water needs at the national level, and, on top of this insanity, this plan will open the floodgates locally for MMWD's multi-million dollar desal plant (with intake next to a sewer outlet, a bay so polluted with pesticides, herbicides, toxic metals, pharmaceuticals etc. that fisherman are advised not to fish out of it, nor people to swim in it- a project which our struggling residents, towns and infrastructure can ill afford in a failing economy.

C205-3

- We cannot accept the parameters offered by this 'plan'. There needs to be more public meetings and a mechanism for public debate- the way Kinsey handled the one at the civic center was atrocious- his pro- plan people were lined up and allowed 3 minutes/speaker- not much time, granted, but when it came to those who opposed the plan, we were limited to 1-2 minutes. That is NOT public input.
- Kinsey needs to back off from accusing those who oppose the plan of racism.
- I do not believe that it is a plan to afford 'affordable' housing- I believe that it is a backdoor to subvert local governments deciding how and where they allow new housing.

- We do need workforce housing -let's find a way to subsidize it and cut out the middlemen- let's make local policy- town by town to meet local needs, and-if we are going to spend millions, let's have a public discussion. Many of them.
- C205-4 This plan should go to the electorate for a vote. But the 'One Bay Area' planners must not be allowed to control the ballot language. It must be put together by a group from all sides.

Ms. Carolyn Clevenger; MTC EIR Project Manager  
101 Eighth St.  
Oakland, CA 94607

May 11, 2013

**C206** Dear Metropolitan Transportation Commission:

As a long time resident and property owner, I am greatly concerned with the recent expansion and developments in Marin County.

I read the article in the Marin IJ Sunday May 5 and the expressed desire to identify PDA's near the SMART train hubs.

I am in support of the SMART train project if it can be done within reasonable economic parameters. I am surprised to learn the county is considering large numbers of additional housing near the planned hubs. The SMART train is supposed to reduce traffic; increasing housing by the numbers published in the Sunday May 5 Independent Journal Article defeats that intention. Walk routes, Biking and bus transit to the proposed hubs is the way to go.

I encourage you not to develop these few areas; they represent what distinguishes Marin county from many other bay area counties. The urban sprawl needs to stop, Marin has resisted it for many years and needs to maintain "green zones" of no development, and cluster housing elsewhere, where there is current development which could be demolished. I would suggest there are lots of small shopping locations which could be utilized more efficiently.

Please do not develop the Marinwood, Tamalpais Valley, Strawberry/marin City area. These are part of the splendor of the county, and serve to maintain our economic & green values well. WE are not in San Jose with its urban sprawl, and live in Marin by choice.

Please preserve the county and refuse housing developments in these areas.

Respectfully submitted,

Jane Hook

Sausalito, CA 94965

C207

**From:** "Judy Karau" [REDACTED]  
**To:** <info@OneBayArea.org>, <dstratton@marincounty.org>, <eircomments@mtc.ca.gov>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/12/2013 12:26 PM  
**Subject:** TAM Valley is not appropriate for housing expansion

I am a resident of Tam Valley. For the many compelling reasons that have already been expressed to the Planning Commission, please remove all of the sites in Tam Valley from the housing inventory.

Judy Karau

C208  
**From:** Adina Levin [REDACTED]  
**To:** <info@onebayarea.org>  
**Date:** 5/10/2013 10:45 PM  
**Subject:** Draft Plan Bay Area EIR Comments

Dear Commissioners,

Friends of Caltrain is a grassroots advocacy group supporting environmentally and economically sustainable transit in the Peninsula Corridor. We are very glad to see the region work to coordinate transit and land use in the interest of reducing greenhouse gas emissions.

In the proposed plan, we are concerned about the proposed Express Lane Network. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

To address this concern, the MTC should

- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices.
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – including transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Substantially increase funding for transit operations.

Transportation produces a major share of the region's greenhouse gas emissions. Therefore we encourage you to adopt these strategies that will provide better climate protection results.

Sincerely,

Adina Levin  
Friends of Caltrain  
<http://friendsofcaltrain.com>

Plan Bay Area 2040 Final Environmental Impact Report

**From:** Elizabeth Manning <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>, Elizabeth Manning <[REDACTED]>  
**Date:** 5/16/2013 10:53 AM  
**Subject:** comment 5/16/'13

I am informed and want Plan Bay Area stopped.

**C209-1** There must be a VOTE by the public. The stealth, undemocratic development of the PBA infrastructure tentacles is appalling to those who have happened to discover what has already been developed under the guise of 375/32 compliance.

One problem is the number of young "green graduates" with fake "degrees" who must make the false premise of their "expertise" believable. Another is the social re-engineering goal. It has never worked & will not now.

This PBA nonsense is "UN-SUSTAINABLE". We will not let you ruin our great country. Get into honorable work before your jobs disappear as more citizens become aware of your sneaky endeavor.

Regionalism sucks.

Mill Valley resident,  
E. Manning

**C210** **From:** Kim <[REDACTED]>  
**To:** <envplanning@marincounty.org>, <eircomments@mtc.ca.gov>, <info@onebayarea.org>  
**Date:** 4/29/2013 12:33 PM  
**Subject:** Zoning Changes

Please do not change the existing zoning for Marinwood/Lucas Valley. We are a suburban community adjacent to rural/open space areas. Increased zoning allows for urban development that simply doesn't make sense for our community.

High density multi story buildings in the middle of suburban open space tracts would not only be unsightly, but also there is no infrastructure in place to support these types of developments. The community is already experiencing excessive traffic congestion during commute times. The schools are already overcrowded and the community services district struggles with funding.

Thank you,Kim Mollenauer

Plan Bay Area 2040 Final Environmental Impact Report

C211  
**From:** Kim [REDACTED]  
**To:** <eircomments@mtc.ca.gov>, <envplanning@marincounty.org>, <info@onebayarea.org>  
**Date:** 4/29/2013 12:35 PM  
**Subject:** Fw: Marinwood/Lucas Valley Developments

I'm not sure who to send my comments to, so I am sending them to all three components.  
Thank you,Kim Mollenauer

--- On Mon, 4/29/13, Kim [REDACTED] wrote:

From: Kim [REDACTED]  
Subject: Marinwood/Lucas Valley Developments  
To: envplanning@marincounty.org  
Date: Monday, April 29, 2013, 11:54 AM

My biggest concern over any future development in our area is that new housing contribute toward ALL property taxes, not just the parcel taxes. The base tax contributions are necessary to support the Dixie School District and the Marinwood Community Services District. To give developers 55 year tax exemption status is unconscionable because it places undue burden on existing homeowners, many of whom are already stretched with exorbitant property taxes. A one time impact assessment is not sufficient to cover costs to the community over the next 55 years.  
Please consider only development for Marinwood Plaza that fully contributes to our tax base.  
Thank you,Kim Mollenauer

**From:** "Ransenbergs, Dan" <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/29/2013 2:00 PM  
**Subject:** "Plan Bay Area" (PBA) in Marin

Hello - I'll be the first to admit that I know very little about the "Plan Bay Area" (PBA). From what I read below my thoughts are:

- [C212-1] 1. More transparency is needed on the initiative  
2. Sausalito may already have higher density than other parts of Marin and this should be accounted for when making decision

Regards,  
Dan

~~~~~  
Daniel J. Ransenbergs, FSA  
Director  
BlackRock Solutions  
400 Howard Street  
San Francisco, CA 94105  
[REDACTED]  
[REDACTED]

From: Councilmember Pfeifer [mailto:linda@lindaforsausalito.ccsend.com] On Behalf Of Councilmember Pfeifer  
Sent: Friday, April 26, 2013 2:56 PM  
To: Ransenbergs, Dan  
Subject: Pfeifer: Sunshine on Development April 23 2013

[sunshine logo]

Questions: Councilmember Linda Pfeifer, [REDACTED] [REDACTED]

[sausalito urban growth]  
Proposed High Density Growth

The new "Plan Bay Area" (PBA) state initiative is proposing increased high density housing throughout Marin County.

A large amount of this growth would be targeted in Marin City and Strawberry. There appear to be a few tiny pockets within Sausalito as well, given the small black dots on the map at left. However, I am unclear as to its extent. The transparency for this has been abysmal.

If implemented, Plan Bay Area would greatly impact Sausalito's fragile eco-system and wild life. Marin City and Sausalito both border the Golden Gate National Recreation Area, home to several Endangered Species.

"Plan Bay Area" (PBA) says it is "eco-friendly" urban growth that stops suburban sprawl by redirecting high density housing developments along major transportation corridors.

But Sausalito has no "suburban" sprawl. We have one of the highest densities in Marin County. I believe Plan Bay Area's "one-size-fits-all" planning is wrong and hurts the environment by placing yet more unacceptable strain on our sewers and roads.

Sausalito, Marin City and [marin city growth] Tam Junction border sensitive eco-habitats. High density in these areas would seriously impact

## Plan Bay Area 2040 Final Environmental Impact Report

wildlife, increase pollution, and generate unacceptable traffic bottlenecks for Sausalito and throughout Southern Marin.

The map to your right illustrates the "Priority Development Area" (PDA) geographies targeted, colored in blue. I would hate to live in Northern Sausalito when Plan Bay Area is implemented, as the congestion in Marin City will greatly impact our northern areas.

### Sausalito's Housing Element

Plan Bay Area (the implementation of SB375) was the reason Sausalito's Housing Element placed high density housing along our main transportation corridor, e.g., Bridgeway (Northern Sausalito) and Second Street (Hurricane Gulch). It is a main reason I voted against Sausalito's Housing Element. The inadequate Neg Dec that replaced what should have been a full EIR (Environmental Impact Report) for Sausalito's Housing Element was a sorry legacy. Now, an inadequate EIR is being presented for Plan Bay Area as well.

### No Transparency

I am appalled at the lack of transparency that Plan Bay Area has received. Most residents know nothing about these pending plans for explosive future growth. The whole process reminds me of the pension crisis, where past decisions have left us with a major financial crisis. Plan Bay Area, in my opinion, lays the foundation for a future high density crisis in our area. In my opinion, it is forced urbanization wrapped in an eco-spin.

### Resident Options

Whether you like or dislike Plan Bay Area, please participate in the democratic process. I cannot stress enough the importance of your comments on the EIR, because the State MUST consider your input in their decision.

#### 1) Attend Monday's Public Hearing:

- \* What: Plan Bay Area Public Hearing for Marin
- \* When: THIS Monday, April 29
- \* Where: Marin Center, 10 Avenue of the Flags, San Rafael (map)
- \* Details: The open house will run from 6 p.m. to 7:30 p.m. The public hearing will run from 7 p.m. to 9 p.m.

#### 2) Write a letter to: MTC-ABAG Public Comment, Draft EIR - Plan Bay Area, 101 8th Street, Oakland, CA 94607

#### 3) Email your comments to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)<<mailto:eircomments@mtc.ca.gov>>

View Draft EIR at this link: <http://onebayarea.org/regional-initiatives/plan-bay-area/plan-elements/environmental-impact-report.html>

### More Parking Spaces Removed Downtown for More Bicycle Racks

My comments opposing the removal of more parking spaces and closing a street downtown for more bike racks. (Video below, 4.23.2013)  
[Councilmember Pfeifer opposes removing parking and closing Tracy Way for bike racks]<[http://r20.rs6.net/tn.jsp?e=0017hcvWxIGP2A0JjvyZkexCfC\\_wtZQrzK6FVjhOazsvqXtofIUyDxjMxlXd3DY5\\_1xV\\_J1rfwmdNLb0\\_l6kEYPLEAII2O\\_PHXz4WT7fkTA9EhIApsbDp0GJA==>](http://r20.rs6.net/tn.jsp?e=0017hcvWxIGP2A0JjvyZkexCfC_wtZQrzK6FVjhOazsvqXtofIUyDxjMxlXd3DY5_1xV_J1rfwmdNLb0_l6kEYPLEAII2O_PHXz4WT7fkTA9EhIApsbDp0GJA==>)

Councilmember Pfeifer opposes removing parking and closing Tracy Way for bike racks

### Council Priority-Setting Continues 5/7/13

#### What are your top priorities in Sausalito?

Most residents don't know that every year the Council votes on a list of "top priority" topics that then receive staff time during the year. On April 23 the Council began this process, creating a list of items to prioritize later. This discussion continues May 7. If you have any input, please send

an email to the City Manager ([apolitzer@ci.sausalito.ca.us](mailto:apolitzer@ci.sausalito.ca.us)<mailto:[apolitzer@ci.sausalito.ca.us](mailto:apolitzer@ci.sausalito.ca.us)>)

[[http://img.constantcontact.com/letters/images/1101116784221/PM\\_EN\\_Divider.png](http://img.constantcontact.com/letters/images/1101116784221/PM_EN_Divider.png)]

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[pfeiferlj@hotmail.com](mailto:pfeiferlj@hotmail.com)<mailto:[pfeiferlj@hotmail.com](mailto:pfeiferlj@hotmail.com)> |

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SafeUnsubscribe<<http://visitor.constantcontact.com/do?p=un&mse=001bAhAGGXw8y93-ae2KtsOsOW5ne1GQkMJ&t=001QYPCqnVqOiP3LHZVWMxeqA%3D%3D&llr=k96bttcab>(tm) | Privacy Policy<<http://ui.constantcontact.com/roving/CCPrivacyPolicy.jsp>>.

Councilmember Linda Pfeifer | South Street | Sausalito | CA | 94965

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Plan Bay Area 2040 Final Environmental Impact Report

[C213] **From:** Hank Rose [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/27/2013 10:04 AM  
**Subject:** PBA

The Plan Bay Area proposal is unjust! Sausalito is one of the most densely populated areas in the county, so why would we want to be burdened with this unfair proposal?

LEAVE US OUT OF IT!!!!

Sincerely,  
Henry D. Rose  
Sausalito



QUIET & SAFE  
SAN RAFAEL



Richard Hall

C/O Quiet and Safe San Rafael

May 3, 2013

MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607

**Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report**

I write on behalf of Quiet and Safe San Rafael and myself to comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

Quiet and Safe San Rafael is a group of residents in North San Rafael from 10 neighborhoods which number over 4,700 households and 9,000 residents. We have come together out of concerns arising from the planning of the North San Rafael / Civic Center Primary Development Area. After hundreds of conversations and dozens of meetings that have occurred since September 2012, it is clear that this plan does not reflect the views of hundreds, if not thousands of residents.

We hope that you consider this letter very carefully. This letter identifies potentially serious issues that now documented and on the record, if left unaddressed by the plan may present liability and legal issues. Given the number and severity of the issues it seems unrealistic that the plan timetable of certifying a final valid EIR and adoption of a plan can occur by June as stated in the schedule update published November 9<sup>th</sup> 2012 and an extension of this timeline by six months at a minimum should occur.

**1. Plan Fails to Present Valid, Substantiated and Measurable Rationale**

To ensure accountability and defensibility the plan must be based on the following rational process, such as developed by the Bureau of Public Roads in 1963. The analysis on page 122 of the Draft Bay Area Plan lines up as follows with such a rational process:

- C214-1.5** a) **Requirement:** Quantitative output criteria by which the plan, and alternatives can be judged  
**Issue with Plan:** Multiple goals are invalid (detailed below)
- C214-2** b) **Requirement:** Accurate presentation of travel needs, preferences and behaviors  
**Issue with Plan:** The plan, and its proposed allocation of discretionary transportation

expenditures<sup>1</sup>, does not reflect that car and light truck are the preferred methods of transit of most residents

**c) Requirement:** Project rankings in terms of cost per each criteria-related benefit

**Issue with Plan:** Scores are based on flawed assumptions where causality is not accurately substantiated (land use and transit preference, subsidization of specific housing types and development and rental or sale of that housing type), and peer-reviewed reports are not considered (e.g. impact of proximity to freeways and transit on health<sup>2</sup>).

Furthermore the plan does not weight the scores of specific targets, or if it does so clearly identify the weighting given (Table 4 on page 116). If no weighting was deemed necessary this is not explained. It seems unrealistic that all targets are given equal weightings.

**d) Requirement:** Alternatives that consist of collections of potential projects

**Issue with Plan:** Alternatives are not presented that adequately reflect that car and light truck are the preferred methods of transit of most residents<sup>3</sup>. For instance, there is no alternative that has a highway emphasis. There is no transparency into additional alternatives considered (if any were considered).

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles (presumed to mean cars and light trucks) CO2 emissions by 23% over the existing condition in 2010. The preferred alternative which is costly and intrusive into basic economic and personal freedoms is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth all of the costs.<sup>4</sup>

| MTCO2E Comparative Emissions     | Existing Condition<br>2010 | Alternative 1 - No<br>Project | Alternative 2 -<br>Proposed Plan |
|----------------------------------|----------------------------|-------------------------------|----------------------------------|
| Pass Vehicles                    | 19,383,000                 | 14,970,000                    | 14,631,000                       |
| %Change from Existing            |                            | -23%                          | -25%                             |
| Difference Between Plans 1 and 2 |                            |                               | -2%                              |

**C214-5** The plan also presents an apparent inconsistency where Table 3.1.29 in the Draft EIR shows marked differences when compared to Draft Plan Bay Area. In the Draft Plan Bay Area the reductions in per capita CO2 emissions appear to reflect exaggerated benefits for the proposed plan, when compared to the MTCO2 emissions from the equivalent table in the Draft EIR (Table 3.1-29).

| MTCO2E Comparative Emissions               | Existing Condition<br>2010 | Alternative 1 - No<br>Project | Alternative 2 -<br>Proposed Plan |
|--------------------------------------------|----------------------------|-------------------------------|----------------------------------|
| Pass Vehicles (Draft EIR Table 3.1-<br>29) | 19,383,000                 | 14,970,000                    | 14,631,000                       |

<sup>1</sup> Draft Plan Bay Area, Page 12, Figure 2 “Plan Bay Area – Discretionary Investment Summary”

<sup>2</sup> Environmental Health Perspectives, a peer-reviewed journal:

[http://www.huffingtonpost.com/2013/03/12/autism-pollution-study\\_n\\_2853542.html](http://www.huffingtonpost.com/2013/03/12/autism-pollution-study_n_2853542.html)

<sup>3</sup> Draft plan page 21, “Alternatives to Visioning Scenarios”

<sup>4</sup> Draft EIR, Table 3.1-29, Comparative Annual Land Use GHG Emissions

|                                                                          |      |      |
|--------------------------------------------------------------------------|------|------|
| %Change from Existing (Draft EIR<br>Table 3.1-29)                        | -23% | -25% |
| %Change from Target Analysis,<br>Page 116, row 1, Draft Plan Bay<br>Area | -8%  | -18% |

The plan makes no effort to measure these costs, and address this question.

- C214-6** e) **Requirement:** Estimates of financial costs and the transportation, environmental and other benefits of each alternative

**Issue with Plan:** Transit CO<sub>2</sub> and diesel particulate emissions known to exceed car and light truck emissions<sup>5</sup> per passenger mile are not accurately considered<sup>6</sup>.

- C214-7** f) **Requirement:** A preferred alternative that proposes a list of projects in an attempt to balance the various criteria

**Issue with Plan:** While a preferred alternative is proposed, the criteria by which this is identified flawed (see below).

- C214-8** g) **Requirement:** Monitoring to ensure the plan is working as intended with feedback mechanisms that add or subtract projects if more money becomes available or if certain assumptions prove wrong.

**Issue with Plan:** Insufficient evidence of historic causality and sensitivity analysis demonstrating indications that such monitoring is unlikely.

**C214-9** The lack of adherence to a rational approach, and consequent lack of defensibility means the EIR is inadequate.

**C214-10** Furthermore it means that the public, elected officials and ABAG and MTC representatives voting on the plan do not have the information to make an informed decision or provide effective feedback.

<sup>5</sup> Based on Obama's fuel-efficiency standards:

<http://www.whitehouse.gov/blog/2011/07/29/president-obama-announces-new-fuel-economy-standards>

...the average car on the road in 2025 will use about two-thirds as much energy per vehicle mile as the average car today. This is based on the assumptions that new cars in 2025 will get the prescribed average 54.5 mpg; they will improve on a straight line between now and then; and the U.S. vehicle fleet will turn over at the rate of one-eighteenth every year, which is about the historic rate.

<sup>6</sup> Critique by Mass Transit Consultant Tom Rubin on "Public Transit Buses: A Green Choice Gets Greener"

<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

"Environmental assessment of passenger transportation should include infrastructure and supply chains" by researchers at UC Berkeley:

[http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326\\_4\\_2\\_024008.pdf](http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf)

This report concludes that the complete life-cycle energy costs of rail transit are 255 percent of the operating costs, while highway transportation is only 163 percent of the operating costs.

Randal O'Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?* Cato Institute, Policy Analysis 615, April 14, 2008:[http://www.cato.org/pub\\_display.php?pub\\_id=9325](http://www.cato.org/pub_display.php?pub_id=9325)

**C214-11** The plan follows requirements set by Senate Bill 375<sup>7</sup> which set targets of reducing CO2 emissions for cars and light trucks but not for transit. Instead of following SB375 at great cost, without question, and potentially with little or no effect the plan should serve as a shining example of leadership progressing reform of SB375.

**Questions:**

**C214-12** Q1: How does the plan adhere to a rational planning process?

**C214-13** Q2: Why do the MTCO2 emissions figures in table 3.1-29 of the Draft EIR for passenger vehicles which show alternative 1- no project would reduce emissions by 23% and alternative 2- proposed plan reduce emissions by 25%, when table 4 in Draft Bay Area Plan page 116 show that alternative 1 would reduce emissions by 8% and alternative 2 by 18%?

- C214-14** 2. **Plan Invalidly Proposes Goal of “Increase Non-Auto Mode Share by 10 Percentage Points” and “Decrease Automobile Miles Traveled (VMT) Per Capita”<sup>8</sup> (Transportation System Effectiveness, Goal #9a and 9b)**

The plan incorrectly represents these potential strategies as goals. Reducing total CO2 emissions (regardless of transit mode) is a valid and noble goal to help prevent climate change. However by imposing a bias towards transit the plan potentially increases total CO2 emissions, but this is masked from consideration leading to invalid conclusions. All alternatives include disproportionately high transit investments and low highway investments, there is no alternative presented with higher discretionary spending in highway investments.

Furthermore the model, and the alternatives presented, do not incorporate consideration that cars and light trucks emit more CO2 in congestion. This underscores the value of a strategy of reducing congestion not considered by the plan.

Trains in Austin, San Diego, and other cities – which have operational lifespans of 30 years - produce as much or more CO2 emissions per passenger mile than the average car in 2025<sup>9</sup>. Golden Gate Ferry's CO2 is three times worse than cars, and Marin and Sonoma county buses

<sup>7</sup> Draft Plan Bay Area, Page 2, A Legacy of Leadership “Among the new challenges are the requirements of California’s landmark 2008 climate law (SB 375, Steinberg): to decrease greenhouse gas emissions from cars and light trucks”. Page 3 “California Senate Bill 375: Linking Regional Plans to State Greenhouse Gas Reduction Costs”

<sup>8</sup> Draft Plan Bay Area, Page 19, Table 1: “Adopted Plan Bay Area Performance Targets”

<sup>9</sup> Critique by Mass Transit Consultant Tom Rubin on “Public Transit Buses: A Green Choice Gets Greener” to trains instead of buses:

<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

Randal O'Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?*” Cato Institute, Policy Analysis 615, April 14, 2008:[http://www.cato.org/pub\\_display.php?pub\\_id=9325](http://www.cato.org/pub_display.php?pub_id=9325)

“Environmental assessment of passenger transportation should include infrastructure and supply chains” by researchers at UC Berkeley:

[http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326\\_4\\_2\\_024008.pdf](http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf)

This report concludes that the complete life-cycle energy costs of rail transit are 255 percent of the operating costs, while highway transportation is only 163 percent of the operating costs.

are also as bad as or worse than cars.

Such a goal causes an over-emphasis on modes of transport that are not practical for many residents. For instance, many Moms and Dads (of which I am one) need to drop off their kids at schools over 1 mile away on their way to work. It is unrealistic for them to switch modes to walk, bike or take transit which may make their school drop off and commute time prohibitive. It is not reasonable to expect these residents to sell their homes (costing 7% sales commission, after a potential drop in property value) and move to smaller homes without yards near transit.

Furthermore this invalid goal serves to needlessly increase transit time per mile travelled, and reduce commute radiiuses which has other significant adverse impacts covered elsewhere in this letter.

**Questions:**

**C214-15** Q3: Why does the plan not specify that “Increase Non-Auto Mode Share by 10 Percentage Points” and “Decrease Automobile Miles Traveled (VMT) Per Capita” are targets and not strategies to achieve targets?

**C214-16** Q4: Does the plan identify CO2 emissions of transit based on actual/current ridership levels?

**C214-17** Q5: Why doesn’t the plan assess and state CO2 emissions per passenger mile of BART, Golden Gate Transit buses and ferries, MUNI buses, VTA light rail?

**C214-18** Q6: Why does the plan not recognize that many residents cannot practically commute via transit, walking or biking? (E.g. dropping kids at school, picking up groceries)

**C214-19** Q7: Why does the plan not recognize that many non-commute trips cannot be performed via transit, walking or biking? (E.g. buying furniture, heavy goods, conducting a journey with many stop-off points, residents who are disabled/older unable to walk long distances, connection times and commute times make travel time prohibitively long)

**C214-20** 3. Plan Excludes a Critical Target of Reducing or Minimizing Reduction of Travel Time

The plan under-represents a critical aspect of transit planning – reducing average travel time (regardless of mode of transit). Travel time is critical for a number of reasons:

a) It directly affects commute radius. This particularly hurts low income residents who are less able to find jobs.

b) It affects the available talent pool for businesses

c) If cities on the periphery fall out of the commute radius they may go into economic decline; for instance Novato, Salinas, Saratoga, Fairfield and Vallejo are all on the periphery. Many have stretched commute and budget to afford single family homes in these locations. If out of practical commute range for cars (and for many dropping off kids this may be the only practical mode) these communities will have a drop in quality of life and property values.

d) It makes the Bay Area enjoyable and attractive to live in for existing and new residents

Instead the plan over-emphasizes goals that are prescriptive strategies such as requiring and encouraging particular modes of transit and land use. This focus on strategies and omission of a

key goal is a major plan oversight.

The plan does not appear to place a value (money, time wasted, employment, talent pool availability), or a score relating to reducing congestion and reducing travel time.

Had congestion relief, and travel time been taken into consideration (together with additional pertinent alternatives) the plan would not have arrived at the same conclusion.

**Questions:**

- C214-21 Q8: Why is reducing average travel time, regardless of mode of transit, not a goal with appropriate weighting?
- C214-22 Q9: Why does the plan not take into consideration commute radiiuses, where this recognizes that there are many cases where commutes rely through preference or constraints on car or light truck transit?
- C214-23 Q10: Why does the plan not provide adequate consideration of the impact of reduced commute radiiuses? (E.g. if a town is removed from effective car and light truck commute radius this may have significant economic effects)
- C214-24 Q11: Why does the plan discriminate between different transit modes? (E.g. why not focus on commute or travel time?)
- C214-25 Q12: Why does the plan not take into consideration the importance of reducing congestion for the reasons stated above (pollution, reduced commute radius, wasted money...)?

**4. Plan Invalidly Defines Increasing Average Daily Time Walking or Biking per Person by 70 Percent As a Goal, When It Should Be a Strategy  
(Healthy and Safe Communities, Goal #5)**

The actual goal should be minimizing transit time. This invalid goal needlessly skews scoring and resulting investments away from cars and light trucks.

**Questions:**

- Q13: Why is increasing average daily time walking or biking a goal, when it should be a strategy?

**5. Plan Invalidly Defines Reducing Per-Capita CO2 Emissions from Cars and Light Duty Trucks by 15 Percent  
(Climate Protection, Goal #1)**

The plan is based on California Senate Bill 375 which requires a reduction of greenhouse gas emissions only from cars and light trucks, excluding transit from consideration. However both the Plan, and the Senate Bill are questionable and the assumptions behind this should be questioned and reviewed.

The goal that is set is invalid and likely to result in a net increase in CO2 as when correctly

calculated car emissions<sup>10</sup> are below that of transit<sup>11</sup>. Alternatively significant public expenditure may be performed that does not reduce CO2, or that achieves a small reduction of CO2 when the same expenditures could achieve an exponentially greater reduction via other methods—such alternatives were not considered by the plan, such as:

- subsidization of building insulation to reduce electricity generation for HVAC
- focusing on expenditures reducing vehicle congestion and CO2 emissions
- encouraging development of lighter weight vehicles

These are just three of many other possible ways of reducing CO2 at far less cost, with much higher likelihood of success than the plan.

**Questions:**

C214-28

**Q14:** Why does the plan not set a leadership role and propose reducing all CO2 emissions for transportation, as the plan over-emphasizes CO2 emissions by transit costing significant amounts yet not achieving the intended true goal?

C214-29

**Q15:** Why did the plan, and ABAG staff and MTC, not question and evaluate the logic of Senate Bill 375's over-emphasis on CO2 emissions by cars and light trucks?

C214-30

**6. Plan Invalidly Defines Multi-Modal Transit as a Goal**

Multi-modal transit is not a goal but a tactic of achieving a goal such as CO2 reduction. It presumes that users want to have options and needlessly diverts billions of dollars to present choices that may not be adopted (and in many cases history has proven out will not be adopted). There is no assessment of causality that simply providing these other modes, at not inconsiderable expense, will cause them to be adopted, and adopted sufficiently to justify the investment and reduce passenger mile emissions. There is no sensitivity analysis in the plan to back up this causality. This target or goal is invalid.

**Questions:**

**Q16:** Why does the plan set multi-modal transit as a goal when it should be a strategy?

**Q17:** How does the plan assess that if multi-modal transit is provided users will switch to taking it, what sensitivity analysis is conducted or referenced to validate that the expenditures on multi-modal transit will lead to usage and desired benefits?

---

<sup>10</sup> Based on Obama's fuel-efficiency standards, the average car on the road in 2025 will use about two-thirds as much energy per vehicle mile as the average car today. This is based on the assumptions that new cars in 2025 will get the prescribed average 54.5 mpg; they will improve on a straight line between now and then; and the U.S. vehicle fleet will turn over at the rate of one-eighteenth every year, which is about the historic rate.

<sup>11</sup> Randal O'Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?*" Cato Institute, Policy Analysis 615, April 14, 2008:[http://www.cato.org/pub\\_display.php?pub\\_id=9325](http://www.cato.org/pub_display.php?pub_id=9325)

Reason.org: Does Bus Transit Reduce Greenhouse Gas Emissions, April 5, 2010  
<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

C214-31

## **7. Plan Does Not Sufficiently Consider that Traffic Congestion Adds to CO2, Reduces Commute Radius**

The plan does not present adequate consideration that the lack of investment and expansion of the road network will cause an increase in traffic congestion – instead the methodology results in an over-emphasis on transit. As a consequence congestion needlessly increases, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit – cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion in a number of ways:

- a) A reduction in the distance that most residents (most residents do not use transit) can effectively commute. This in turn means that people are less able to find employment. This hurts low income groups the hardest.
- b) The reduction in commute distance for this majority that use cars and light trucks means that employers cannot draw from such a large talent pool, reducing the Bay Area's competitiveness
- c) Inconvenience and frustration

### **Questions:**

**Q18:** How does the plan effectively assess proportionate investment in maintenance and expansion of highways and freeways?

**Q19:** How does the plan assess CO2 emissions caused by congestion?

**Q20:** How does the plan assess that congestion reduces commute radius, especially given that cars and light trucks are the preferred and often only practical mode of transportation?

C214-32

## **8. Plan Does Not Accurately Represent that Cars and Light Trucks are Residents Preferred Form of Transit (Based on Activity Not Survey Preference)**

In 2011, 15.6% of San Francisco Metropolitan Statistical Area commuters used transit. The plan does not invest discretionary funds proportionate to the populations preferred mode of transit and over-commits discretionary funding to transit.

Of the \$57bn<sup>12</sup> discretionary funding<sup>13</sup> 26% is committed to “maintain existing system” (of which some may not be car and light truck mode) and 7% is further split to “boost freeway and transit efficiency”. Restated – while less than 9.6% of commuters use transit, a disproportionately low amount of funding is allocated to users’ preferred form of transit – cars and light trucks.

ABAG and MTC appear not to have taken note of the comments made in 2007 by the Federal Highway Administration in response to Portland’s Metropolitan Planning Organizations which stated (amongst other critical comments in the same regard):

<sup>12</sup> Draft Plan Bay Area, Page 12 “Transportation Investments”, paragraph 2.

<sup>13</sup> Draft Plan Bay Area, Page 12, Figure 2 “Plan Bay Area – Discretionary Investment Summary”

*"The plan should acknowledge that automobiles are the preferred mode of transport by the citizens of Portland – they vote with their cars everyday".*

**Questions:**

**Q21:** Why does the plan not acknowledge and use as a basis that only 15.6% of SF Metro Statistical Area commuters use transit?

**Q22:** Given that cars and light trucks are residents preferred mode of transportation how does the plan arrive at such large discretionary expenditures on transit and land use to encourage transit use?

**9. Plan Fails to Consider Impact of Concentrating Development in Locations With Disproportionately High Particulate Emissions, Ozone and Noise Levels That Are Near Transit**

The plan encourages through expenditure of grants and land use policy, that new housing be located near transit such as train tracks, freeways and highways. Goal #2 –adequate housing encourages such housing to ensure representation of all income levels .

As a consequence the plan causes low income groups, which may be disproportionately made up of ethnic minorities, to be encouraged to live in locations that are less healthy due to particulate emissions, high ozone levels, noise (e.g. railroad crossings and traffic). There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer.

**References:**

i) LA County and Southern California Medical Center, University of Southern California Keck School of Medicine: ***"Residential Proximity to Freeways is Associated with Uncontrolled Asthma in Inner-City Hispanic Children and Adolescents"***

<http://www.ncbi.nlm.nih.gov/pubmed/20948882>

i) UCLA 2013 Study Published March 1<sup>st</sup>,

ii) Environmental Health Perspectives, a peer-reviewed journal:

[http://www.huffingtonpost.com/2013/03/12/autism-pollution-study\\_n\\_2853542.html](http://www.huffingtonpost.com/2013/03/12/autism-pollution-study_n_2853542.html)

iii) Keck School of Medicine, University of Southern California, 2005:

<http://www.usc.edu/uscnews/stories/11614.html>

This represents just a small sample - the number of reports similar to this are too numerous to list but may be easily found using Google.

Residents, press and elected officials who praise and support the plan for providing more low-income housing, if they were properly informed, may instead have objected had disclosure occurred revealing that the plan consigned low income and ethnic minorities to such known, unhealthy locations.

**Questions:**

C214-34

**Q23:** Why does the plan not recognize that the compact infill development proposed will adversely impact low income and ethnic minorities by placing them in areas of higher diesel particulate and ozone emissions causing known negative health effects such as asthma, autism and other diseases?

C214-35

**Q24:** Why does the plan not disclose that many studies exist relating proximity to freeways has adverse health impacts?

C214-36

**10. Plan States that “Compact Infill Development Can Reduce Vehicle Use” Without Adequate Substantiation (page 123, Draft\_Plan\_Bay\_Area.pdf)**

The plan provides insufficient evidence that encouraging residents to live in compact infill development will *cause* those residents to switch from using vehicles to transit. Published studies exist that dispute such a causal effect, or state that significance is too low to be meaningful. For instance the 2008 study by David Brownstone of the University of California, Irvine on “Driving and the Built Environment”<sup>14</sup>.

No sensitivity analysis is included in the plan to provide adequate proof of such a linkage that such development will reduce vehicle use. Figure 2 on page 123 of Draft Plan Bay Area is misleading as it only considers transit use based on where residents currently live. It does not prove that by encouraging through subsidization, land use policy, or otherwise that residents who move to infill development near transit will have *a higher likelihood of switching* to using transit.

Furthermore sufficient evidence exists that proves that there is no such causality. For instance the city of Portland has conducted highly aggressive “compact infill development” policies combined with significant transit investment yet the historic results disprove such causality. In downtown Portland the share of weekday commuting on transit actually fell from 46% of trips to 36% during the past decade (according to annual surveys done by the city auditor), despite substantial expansion of the city’s Max light rail and streetcar system<sup>15</sup>.

**Questions:**

**Q25:** Where does the plan provide documented evidence of a causal effect that provision of compact infill housing will first cause residents to move to this housing and second cause residents who move to switch from using cars and light trucks to transit (and that they did not already use transit or plan to switch to transit)?

<sup>14</sup> Also reference Randal O’Toole, Smart Growth Plans are a Failure in Portland:

<http://www.cato.org/publications/commentary/smartgrowth-plans-are-failure-portland>

<sup>15</sup> Sustainable Planning is Not So Sustainable: <http://www.cato.org/publications/commentary/sustainable-planning-is-not-so-sustainable>

C214-37

## **11. Plan Fails to Disclose Subsidization Required to Encourage Residents to Switch to Compact Infill Development Near Transit**

The plan fails to identify through historic patterns, known by other regions and cities and a matter of public record, the true amount of subsidization required to encourage builders to develop such housing, and for residents to move to the new housing.

A survey by the National Association of Realtors in 2011<sup>16</sup> backed up by actual experience reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards. Plan Bay Area is likely to produce a surplus of multi-family housing, which means developers will need large subsidies to persuade them to build such high density projects.

Evidence exists that subsidies are required in order to encourage people to move to high density housing<sup>17</sup>. There is no sensitivity analysis published to ascertain and validate the amount of subsidization required to encourage a given number of residents to switch to this type of residence, or to cause developers to initiate and complete such projects.

This lack of specificity means that an unreasonable (in fact undefined) amount of public money – state, county or city - may be spent to achieve the stated goals. Readers are in no way alerted by the plan to rising property taxes, sales taxes or needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient (if any) consideration that existing services such as police, fire and schools will be reduced in quality.

Furthermore there is no evidence that the expenditures covered by the plan will achieve the stated goals. This unsubstantiated logic is used to propose land use policy and allocation of resources in various places throughout the plan. This logic and presumed causality appears to be a fundamental tenet of the plan.

### **Questions:**

**Q26:** Where does the plan provide documented evidence of the causal effect, such as sensitivity analysis , to identify how much subsidization will be required to cause residents to choose to move to compact infill locations?

<sup>16</sup> National Association of Realtors Community Preference Survey 2011. . Sample size 2,071 American Adults.

See page 17: <http://www.realtor.org/reports/2011-community-preference-survey>

Page 17. Strong preference for single family detached house (80%), single family attached house or townhouse (7%) in response to the question “Right now, if you could choose, which of the following would you prefer to live in?”

Page 19 , important community characteristics “Privacy from neighbors: 87% important, 45% very important).

<sup>17</sup> The Folly of “Smart Growth”, Randal O’Toole:

<http://www.cato.org/sites/cato.org/files/serials/files/regulation/2001/10/otoole.pdf>

Page 23: “Yet despite the shortage of single-family housing, Portland residents have failed to embrace Metro’s high-density developments. In 1999, apartment vacancy rates were at seven percent, the highest in the decade, and reached 11 percent for apartments built in the 1990s. In a market where single-family home prices have nearly doubled, apartment rents have failed to keep up with inflation

C214-38

**Q27:** Where does the plan identify the impact on taxes or local services (E.g. fire, police, ambulance, schools...) of the increased compact infill development?

C214-39

## 12. Plan Fails to Consider and Identify Causality, Preventing Effective Feedback & Decision Making

The plan fails to provide effective substantiation of causality, or normally required sensitivity analysis. For instance (and not limited to the items stated below):

- a) When residents move to infill locations near transit this causes them to increasingly take transit
- b) The amount of subsidies required to encourage a resident to move into an infill location near transit
- c) The reduction of CO2 caused by switching passengers from cars and light trucks to transit. E.g there is strong evidence that trains, ferries and many bus services have higher CO2 emissions per passenger mile than cars and light trucks in the appropriate timeframe (e.g. a train operational from 2015-2045 should be compared to car and light truck CO2 emissions at the midpoint of the train's lifespan - 2030).

The Plan Bay Area documents , and the inaccurately represented causality provides insufficient and/or potentially erroneous information whereby the public, elected representatives, and ABAG and MTC committee members base decisions such as support or opposition to the plan, or selection the alternatives presented.

Restated, decision makers and public have not be provided with reasonable due diligence to prepare the information needed to make far reaching decisions, and may select the wrong alternative, or a valid alternative may not have been identified, considered and presented.

### **Questions:**

C214-40

**Q28:** How does the plan provide complete and accurate facts, with substantiating logic such as sensitivity analysis that ensures policy makers, elected representatives and ABAG and MTC committee members can make accurate decisions?

C214-41

**Q29:** How did the plan arrive at the alternatives presented? Why are there no alternatives that seek to reduce congestion and increase commute radius?

C214-42

**Q30:** Do the alternatives considered and presented account for transit CO2 emissions, lowering car and light truck emissions, residents' transportation mode preference and on many occasions dependence on cars and light trucks as the only practical mode of transit? (E.g. elderly and disabled residents who cannot walk or bike).

C214-43

**Q31:** Do the alternatives considered and presented take into consideration that CO2 emissions for short car and light truck journeys (e.g. driving to transit) are disproportionately higher than long journeys? (E.g. catalytic convertors take time to become effective)

## CONCLUSION

C214-44 | The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this Comment Letter. ABAG must prepare an EIR that adequately analyzes the Project's Impact and meets CEQA guidelines.

Sincerely,



Richard Hall  
Quiet and Safe San Rafael

Metropolitan Transportation Commissioner

Dear Commissioner,

**C215-1** I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

**C215-2** I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- C215-3** - Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- C215-4**
- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
  - Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
  - Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

**From:** Thomas Ayres [REDACTED]  
**To:** <info@mtc.ca.gov>  
**Date:** 5/8/2013 3:50 PM  
**Subject:** Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

We need to work together to get people out of private cars and into alternative transportation - transit, bicycles, walking - for the health of all.

I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.

- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Thomas Ayres, PhD  
Board Vice President  
East Bay Bicycle Coalition

Thomas Ayres

[REDACTED]  
Kensington, CA 94707

**From:** <a1deco [REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/16/2013 12:11 AM  
**Subject:** My Opposition to Plan Bay Area and the EIR for Plan Bay Area

MTC and ABAG  
May 15, 2013  
101 8th Street  
Oakland, CA

- [C217-1] I strongly oppose Plan Bay Area, including, but not limited to, any and all low income and very low income, high density, stack and pack housing projects. Organizations such as Democrats against Agenda 21, OrindaWatch.org, and Pleasant Hill Citizens for Responsible Growth, have identified a plethora of community, population growth, overcrowding, crime, police, educational, land use, vehicle use, tax, funding, and environmental issues which are not adequately addressed by Plan Bay Area.
- [C217-2] I strongly oppose Plan Bay Area because local control of planning decisions is taken away and given to unaccountable regional government bureaucrats at ABAG and MTC who have an agenda to urbanize and destroy as many Bay Area suburbs as possible.
- [C217-3] I strongly oppose the EIR for Plan Bay Area because citizens were not given enough time by MTC/ABAG to read 1300 or more pages.
- [C217-4] I strongly oppose the EIR for Plan Bay Area because it may supercede or be in conflict with local and other government environmental laws, codes, and restrictions protecting the environment and Bay Area citizens.
- [C217-5] I strongly oppose Plan Bay Area and the EIR for Plan Bay Area because it is not being presented to registered voters in the Bay Area for their vote.
- I strongly oppose Plan Bay Area and the EIR because strong opposition by citizens and taxpayers to Plan Bay Area at local city councils and at regional MTC/ABAG meetings and have been either ignored or rejected by city councils and MTC/ABAG representatives.
- [C217-6] During the April ABAG/MTC meeting on Plan Bay Area at the Walnut Creek Marriott the following 9 questions were submitted in writing to ABAG/MTC representatives. I oppose Plan Bay Area and the EIR for Plan Bay Area because I have not received any answers to the following questions, even though an Email address was provided and an ABAG/MTC representative told the group gathered at the Marriott that all questions submitted in writing would be answered:
- [C217-8] 1. Why is Plan Bay Area, a plan of such great magnitude, not being presented to the citizens of the Bay Area, including Contra Costa County, for their vote?

- C217-9 2. Plan Bay Area requires 80% of all new houses to be stack and pack. Where is the empirical, peer-reviewed evidence that 80% of Bay Area citizens want to live in high density, stack and pack housing?
- C217-10 3. Plan Bay Area includes a massive series of unfunded mandates. SB 375 requires unfunded mandates on counties and cities to be identified. Where is the analysis in the Plan and the draft EIR of the cost to counties and cities of these unfunded mandates, and the impact of this cost on the likelihood of Plan Bay Area being effective?
- C217-11 4. Why doesn't the Plan Bay Area ratification process include a process whereby all cities submit their own economic and environmental impact analysis?
- C217-12 5. Why isn't there a third party official audit process of the assumptions of Plan Bay Area impacts and of the economic and environmental analysis used in Plan Bay Area to make sure that all data and procedures are fair and unbiased?
- C217-13 6. Why is there zero funding in Plan Bay Area for more schools, police and fire protection needed for the population growth identified in the plan?
- C217-14 7. Where in Plan Bay Area is the analysis of the impact of low income, high density, stack and pack housing on the property values of surrounding properties and the crime rates of applicable Bay Area communities?
- C217-15 8. Since the Plan impacts all 9 Bay Area Counties and all 101 cities of the Bay Area, why doesn't Plan Bay Area include city by city as well as county by county economic and environmental impact analysis?
- C217-16 9. Many of the PDAs targeted for new housing and commercial development are in low lying areas and or are on landfill. Given the dependence of the Plan on these sites, why hasn't there been any assessment of the additional risks this Plan creates in the event of sea level rise or a major earthquake?
- C217-17 My perception was that most public speakers at the MTC/ABAG Walnut Creek Marriott meeting expressed their strong opposition to Plan Bay Area. I oppose Plan Bay Area and the EIR because MTC/ABAG representatives at the Walnut Creek Marriott meeting did not answer most questions presented by public speakers, who were limited by MTC/ABAG to only 2 minutes each.

A concerned citizen and Contra Costa Taxpayer

**From:** Elizabeth Appell [REDACTED] >  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/14/2013 9:50 AM  
**Subject:** One Bay Area

Hello,

I recently attended the One Bay Area “discussion” at Dominican College. Clearly your minds are made up. From Sacramento down to the Marin County Board of Supervisors and a myriad of public servants think you all know better than the people. You say, “You elected us to take care of you and that’s exactly what we’re doing.” On the surface, who wouldn’t agree with you? Who doesn’t want clean air, clean water, a non-rising sea, and close ties to neighbors? We all do, but we want to bring it about on our agendas, not the government’s. This is America made up of strong, individualists, and doers! If want to make something happen, we will make it happen. We don’t need a government centrally planning our lives. We don’t want to be stuffed into “corridors” of people, living so close to where we work cars won’t be needed. That’s totally unrealistic. We don’t want “smart” trains ferrying us around. If we do, we will build them. If we’re old, we don’t need to be relieved of the burden of our big homes. If we do, we’ll make that decision. You’re right on one point. Marin is one of the most beautiful areas in the United States. Do you think bringing in hundreds of low income units will make this county more beautiful? And of course the elephant in the room: who is going to pay for all of this? I know, grants, transportation funds, etc. Well that money comes from the people in this county who PAY TAXES. Many of the people you’re lobbying to bring in don’t!

Some of the weaknesses in your projections:

- C218-1 | Unrealistic job and housing numbers
  - Inadequate evidence that high density housing near transit reduces green house gases (GHG)
  - Inadequate evidence that the transportation plan reduces GHG
- C218-2 | Evidence that this plan increases costs for housing and transportation among low-income households
- C218-3 | Inadequate information re: water supply, sea level rise, and support for infrastructure
- C218-4 | Significant, irreversible environmental changes and 39 significant unavoidable impacts of the plan, identified in the EIR, should not be dismissed with findings of “overriding consideration.”
- C218-5 | I’m sure you’re well intended, but your reasoning is flawed. I suggest you put off any decisions regarding One Bay Area until the present financial ills of the State of California have been cured. Then let’s examine the future.

Regards,  
 Elizabeth Appell

Elizabeth Appell  
 Author of: Lessons from the Gypsy Camp  
[www.readelizabeth.com](http://www.readelizabeth.com)  
 Writer, Producer, Director

**From:** Ashley Eagle-Gibbs <[REDACTED]>  
**To:**  
**Date:** 5/13/2013 2:13 PM  
**Subject:** Fwd: We need more \$ for Affordable Housing and Transit!

>>> Ashley Eagle-Gibbs <[REDACTED]> 5/13/2013 2:13 PM >>>

May 13, 1012

**Steve Heminger**, Executive Director  
Metropolitan Transportation Commission •  
101 Eighth Street,  
Oakland, California 94607  
sheminger@mtc.ca.gov  
510.817.5810 ( tel:510.817.5810 )

**Ezra Rapport**, Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604-2050  
ezrar@abag.ca.gov  
(510) 464-79267

Dear Sirs:

I appreciate the conscientious effort that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area, the Bay Area's regional sustainable communities strategies plan. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to allow all of us to drive less. However, that important goal is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which your analysts found to be the environmentally superior alternative.

I urge you to:

**C219-1** Increase funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents.

**C219-2** Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Thank you for your attention.

Sincerely,

Ashley Eagle-Gibbs  
[REDACTED]

Larkspur, CA 94939  
[REDACTED]

C220

**From:** [REDACTED]  
**To:** [REDACTED]  
**Date:** 5/13/2013 4:21 PM  
**Subject:** Fwd: Letter Supporting MTC Action

>>> Eric Irelan [REDACTED] > 5/13/2013 4:21 PM >>>  
May 13, 1012

**Steve Heminger**, Executive Director  
Metropolitan Transportation Commission  
101 Eighth Street,  
Oakland, California 94607

**Ezra Rapport**, Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604-2050  
ezrar@abag.ca.gov  
(510) 464-79267

Dear Sirs:

As a former Bay area resident, career regional transportation planner, and currents grants administrator working in the Puget Sound Region, I appreciate the efforts that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to reduce vehicle miles travelled. As on the ground developments within the Bay area and other major US city demonstrate, progress is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which our analysts have found to be the environmentally superior alternative.

So I urge you to support:

Increased funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents; and

Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Thank you for your leadership,

Sincerely,  
Eric Irelan

[REDACTED] Mount Vernon, WA 98273  
[REDACTED]

C221

**From:** Marshall Sanders <[REDACTED]>  
**To:** <info@mtc.ca.gov>  
**Date:** 5/1/2013 10:11 PM  
**Subject:** Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

As an avid bike commuter family we urge you to support the EEJ Scenario for the Bay Area Transportation future.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.

- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Marshall Sanders

[REDACTED]  
Oakland, CA 94607

C222

**From:** Shannon Tracey <[REDACTED]>  
**To:** <info@mtc.ca.gov>  
**Date:** 5/16/2013 4:08 PM  
**Subject:** Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

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- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Public Transportation: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill

locations with access to jobs or transit.

- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Shannon Tracey

[REDACTED]  
Oakland, CA 94608

C223  
From: Elizabeth Wampler <[REDACTED]>  
To: <info@mtc.ca.gov>  
Date: 5/9/2013 2:45 PM  
Subject: Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

I am writing to say, first, that I think a lot of really great work has been done with Plan Bay Area! If done well, Plan Bay Area could bring more affordable, walkable communities to the Bay Area while reducing greenhouse gas pollution and meeting our region's equity, health, and safety targets.

I am also writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

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- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Plan Bay Area is a huge opportunity for our region to protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Elizabeth Wampler  
[REDACTED]

**From:** betty winholtz <[REDACTED]>  
**To:** <sheminger@mtc.ca.gov>, <ezrar@abag.ca.gov>  
**Date:** 5/13/2013 10:15 PM  
**Subject:** mass transit

May 13, 1013

Steve Heminger, Executive Director  
Metropolitan Transportation Commission •  
101 Eighth Street,  
Oakland, California 94607  
sheminger@mtc.ca.gov  
510.817.5810

Ezra Rapport, Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604-2050  
ezrar@abag.ca.gov  
(510) 464-79267

Dear Sirs:

I appreciate the conscientious effort that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area, the Bay Area's regional sustainable communities strategies plan. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to allow all of us to drive less. However, that important goal is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which your analysts found to be the environmentally superior alternative.

I urge you to:

C224-1 \* Increase funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents

C224-2 \* Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Sincerely,

Betty Winholtz  
[REDACTED]

**From:** [REDACTED]  
**To:** <info@OneBayArea.org>  
**Date:** 5/16/2013 3:37 PM  
**Subject:** Plan Bay Area

C225-1 | Please choose "Alternative 1: No Project" and stop this goon squad from destroying our beloved Bay Area.

Sincerely,

Kim Bowman

**From:** Joyce Britt <[REDACTED]>  
**To:** <info@onebayarea.org>  
**CC:** [REDACTED]>  
**Date:** 4/25/2013 10:50 AM  
**Subject:** comment on plan Marin resident

In order to receive the most recent information upon which to comment, I found pages at your site which appear inconsistent with respect to the alternatives. In any event, since CEQA requires a "No Project" alternative, I must assume that anything inconsistent with this, must be incorrect.

C226-1 I do support No Project, based upon the fact that Marin county, where I live, is not metropolitan, has rudimentary transportation, and at a population of about 250,000, fewer than 100,000 of whom are taxpayers, will most likely never have the transportation system to support the housing envisioned by this plan. Moreover, since the plan essentially views from behind, rather than forward, it will be obsolete by the time it could ever be implemented.

For our world, changing because of many things, including the technological revolution, we need the flexibility that local control affords us. It goes without saying that this is also the democratic way. Top-down government manifestos seldom work.

Joyce Britt  
[REDACTED]  
Mill Valley 94941

**From:** Jon Campo <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/5/2013 6:41 AM  
**Subject:** alternative #1

[C227-1] I wanted to take a moment to urge you to please consider voting for Alternative #1, No Project in regards to Plan Bay Area.

Me and my family recently moved to Marinwood to get away from the hustle & bustle of SF. I never imagined I would live in the 2nd densest city in the country (SF) and it was simply too much for me. Moving our Asian/Caucasian family to Marinwood was the best decision we ever made. Living a quieter simpler life where our kids can safely play in the street without the density of urban life.

I hear often advocates of Plan Bay Area speak about racial/socio-economic nimbysim, but that's not the issue, simply put it's human density. People that have invested in these communities do not want to live with density, period. The goal of Plan Bay Area is to promote the thing that people that already live here do not want.

Thank you for reading

Jon Campo

--  
~ Jon

**From:** June Mee Kim [REDACTED] >  
**To:** <info@OneBayArea.org>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/9/2013 4:08 PM  
**Subject:** Opposition to the Draft Plan Bay Area

Dear Marin County Supervisors,

**C228-1** We urge the Marin County Board of Supervisors to work with ABAG & MTC to remove Tam Valley and Almonte from the Hwy 101 Corridor Priority Development Area of Plan Bay Area.

**C228-2** We also urge Marin County's Representatives to demand a minimum of six more months before making a decision regarding the Draft Plan Bay Area in order to educate Marin residents about the plan and in order to thoroughly evaluate the plan.

**C228-3** ABAG and MTC and Marin County's Representatives should recognize that there is an ultimate limit to growth and reduce the total projected build-out of any Bay Area Sustainable Communities Strategy to a level that is sustainable. ABAG and MTC and Marin County's Representatives should also preserve the environment and protect public health and safety and prevent any Bay Area Sustainable Communities Strategy from mandating development in hazardous areas.

**C228-4** Please vote for the "NO PROJECT" Alternative.

Concerned Tam Valley Residents,

June & Steve Kim

[REDACTED]  
Mill Valley, CA 94941

**From:** Mark Schoenbaum <[REDACTED]>  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/16/2013 4:13 PM  
**Subject:** Plan Bay Area

C229-1 | Alternative 1: No Project

Sent from my iPad

**From:** Sebastian Ziegler <>  
**To:** <info@OneBayArea.org>  
**Date:** 4/8/2013 11:49 AM  
**Subject:** Government and Community Subsidized Housing in Orinda

\*April 8, 2013\*

\*Dear ABAG Representatives,\*

I am a long time resident, voter and property owner in the Bay Area. I have recently become aware of the One Bay Area Plan and the sweeping changes proposed for the Bay Area by ABAG and MTC to implement California State Senate Bill 375 and the State's housing element laws.

I am outraged that the locally elected officials we have sent to represent us in this process have selected for adoption, an ABAG plan alternative (Option 2) that threatens our way of life, our property, our sacred values and our right to self-determination. I support the no plan alternative (Option 1) which leaves planning to the local city and county authorities where it legally belongs.

This One Bay Area Plan sacrifices our future transportation and housing needs in favor of reducing carbon emissions and addressing climate change. Truthfully, it achieves neither, while locking the 7 million people in the Bay Area into an expensive and ineffective one-size fits all "Solution" for the next 25 years, not taking into account the dynamic nature of technology and societal changes that make this type of planning obsolete before the ink is dry.

This One Bay Area Plan is not our choice. It is a mandate to ruin our cities so they can be densified and then rebuilt as "livable". My city is very livable right now and we don't want this draconian regional approach to planning foisted upon us.

The Association of Bay Area Governments is a joint powers authority, created as a vehicle for regional coordination of inter-county issues. County and City membership in ABAG is voluntary. If you adopt this One Bay Area Plan you are voluntarily giving up your county's and city's rights to determine how best to address the future needs of your unique community. Please provide your community with the necessary leadership to stand up for your residents and say 'No!' to the One Bay Area Plan in its current form.

ABAG and MTC have received repeated, strong objections to the forecasts underlying its planning process from numerous stakeholders over the past several years. The counties and cities in the Bay Area need to determine their own independent sustainable communities strategies with ABAG and MTC acting solely in a coordination role.

I am looking forward to your response on how you will represent your constituents on this issue and on regional issues in the future.

Sincerely,

Sebastian Ziegler

**From:** Victor Goodrum <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 4/2/2013 4:31 PM  
**Subject:** Draft Environmental Impact Report (EIR) Released

Hello,

I am writing you regarding On Bay Area. You people need to reconsider your process and timing for making decisions on this misguided idea. Here are some ideas to start with...

- C231-1
1. More time is needs to be allowed from release of EIR documents to hearing...I recommend a minimum of 6 to 8 weeks for review.

C231-2

  2. Meeting must be held in the evening to allow the working taxpaying public to attend. WE fund this city and demand you hear our voice.
  3. At a minimum there must be multiple meetings in each county so ALL citizen can have a thorough voice in this highly controversial activity.

You people have done enough damage to our economy.

Thanks,  
Victor

ccc 4-22-13

I have many concerns about Plan Bay Area and below are just a few of many of them.

- [C232-1] 1. The plan is 160 pages, the draft EIR is 1300 pages and there are thousands of pages of additional documents to accompany it. I would ask that you extend the deadline for the Public to submit comments well beyond the May 16, 2013 4PM deadline. I would suggest 6 to 12 months extension.
- [C232-2] 2. Since past and current preference surveys indicate 60-80% of residents prefer single family homes, why is the plan requiring that 80% of all new homes be stack and pack? Who wants to live over a restaurant or Bart tracks if you can have a single family home with the privacy of a yard?
- [C232-3] 3. Why has there been little analysis of the impact high density housing will have on property values of existing properties in a community?
- [C232-4] 4. There is no funding for more schools, police or fire protection in the plan. Why? Who will pay for these additional needs?
- [C232-5] 5. Plan Bay Area will adversely affect our way of life. With such a wide-reaching and dramatic change to life as we now know it, I believe this plan should be presented to the citizens of the Bay Area for a vote.

Barbara Hagen

Orinda, CA

**Regarding The Proposed “PLAN BAY AREA”**

Monday, April 22, 2013

- C233-1 1. The “Plan” and the draft “EIR” assume there is going to be Bay Area population expansion. There is nothing to substantiate that. We have a replication ratio of less than 2.0 and we have a net migration exodus. There is no need for housing expansion in the foreseeable future. There is no need for your housing proposals.
- C233-2 2. It appears that this plan is being executed by non elected public agencies. If you’re going to dictate what a county and a city can do you must be elected to do so. An “elected ABAG” would have control over the bay area counties, and the cities within each county. This “Sub State” would be subservient to the State of California. You cannot create a “substate” as you seem to have done. You can’t do this by appointing voting members. You can’t quasi elect people to serve in something this important.
- C233-3 3. The 160 page “Plan” and the 1336 page draft EIR is too long to understand. There’s no way we can adequately understand what’s in the Plan in the time we’ve been given to evaluate it. We must have more time.
4. As a member of the group Save Orinda, I have discussed this with many. A very strong majority of Orindans I have discussed this with are opposed to it.

I've been an Orinda resident since 1977

  
Kent Hagen

**From:** susan k [REDACTED]>  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/2/2013 9:33 PM  
**Subject:** Open space

C234-1 How does "No project" negatively impact open space when open space cannot be developed?

No Project alternative lags the other alternatives when it comes to reducing GHGs (Target 1) or protecting open space (Target 6)

Susan

**From:** John Parnell <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>, "krice@co.marin.ca.us" <krice@co.marin.ca.us>, "skinsey@co.marin.ca.us" <skinsey@co.marin.ca.us>, [REDACTED] <[REDACTED]>, "ljackson@tam.ca.gov" <ljackson@tam.ca.gov>  
**Date:** 5/16/2013 3:41 PM  
**Subject:** Please vote "Alternative 1: No Project" for Plan Bay Area

[C235-1] Please opt-out of Plan Bay Area and go with the "Alternative 1: No Project". Plan Bay Area pursues laudable goals, but the implementation is sorely lacking. Please do not urbanize our suburbs under the false hope that it will decrease auto pollution. You have used incorrect growth assumptions to justify this plan. There are many inadequacies that have not been addressed by MTC or ABAG.

[C235-2] 1. This T.O.D. housing is going to cause an asthma epidemic & we need a plan to mitigate the long-term health consequences of this Plan.

[C235-3] 2. We have neither the water nor the sewage capacity to handle this growth. This development would necessitate the need for a desalination plant, which has been a very unpopular issue.

[C235-4] 3. Sea-level rise is going to be occurring in many of these planned PDA's in this century.

[C235-5] 4. It will destroy the beauty of Marin. We do not need big apartment buildings up & down 101 in the hopes that more people will take public transit.

[C235-6] 5. Your proposed Vehicle Miles Travelled Tax with a GPS in every car is downright creepy & a bit too Big Brother. Other states have vehicle inspections at the DMV, where they check the license & insurance of the owner, as well as operability of the vehicle. I know that around here, that would be considered intrusive, but the GPS is worse. It also isn't replacing our DMV fees or fuel taxes, but is just another tax. I know that your \$200 million Taj Mahal is going over-budget, but our tolls should be enough.

[C235-7] 6. You are unelected regional agencies, and should not have the authority to dictate this policy upon us. Unless your boards are modified to become directly-electable by the people, then you should not be allowed to force this down everybody's throats.

I wish that all of Marin would follow Corte Madera's lead, and get out of ABAG until the board is made directly-electable.

John Parnell

[REDACTED]  
Novato CA 94949

**From:** "vangertz@aol.com" <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/15/2013 10:20 PM  
**Subject:** To whom it may concern,

[C236-1] I would like to register my disagreement with the 'plan bay area' both the PDAs & the PCAs. Most of Marin county's PDA are located along the Bay were threaten species and wetlands are. Since we are in the time of rising ocean levels, why would this even have been considered as a way to more forward in the future. There seems to be no addressing of the profound negative impact on our native and endangered species, the ecosystems, our beautiful vistas. Why would you think of increasing buildings on the Bay is a positive move forward for our community.

[C236-2] You must go back to the drawing board, be more inventive and creative. Your solution will only bring more blight and destruction to our beloved Marin. WERE THINK THIS PLAN IT IS WRONG! You need to talk to more of the residents and not to people who will profit from this plan.

a very concerned citizens and Mill Valley resident

Valorie Van Dahl

[REDACTED]  
Mill Valley, CA 94941  
[REDACTED]

Sent from Windows Mail

Ms. Byrne Mathisen

[REDACTED]  
Lafayette, CA

**RECEIVED**  
**MAY 15 2013**  
**MTC**

May 14, 2013

Ms. Amy Worth, Chair  
 Metropolitan Transportation Commission  
 Joseph Bort Metro center  
 101 Eighth Street  
 Oakland, CA 94607-4770

Mr. Mark Luce, President  
 Association of Bay Area Governments  
 P.O. Box 2050  
 Oakland, CA 94607-4756

Subject: Plan Bay Area Public Review Period

Dear Chair Worth and President Luce:

C237-1 I respectfully request the public review process of the Plan Bay Area Plan be extended by ninety (90) days beyond the May 16, 2013 deadline. If you refuse to do so it will only increase the public mistrust in your respective Commissions.

The plan as now presented is full of assumptions on almost every topic so far divorced from reality. Your commissions have immersed yourselves out of the public view over a long period of time unconnected to reality of the diverse communities you purport to represent.

C237-2 The Bay Area is composed of five (5) mini climates, each with their own topographical features, unstable soils conditions and seismic fault lines, creeks and streams above and underground. It is absolutely necessary planning continue to be done on a local level, by local planners and residents aware of these constraints.

In the case of Lafayette our neighborhoods outside of the downtown were designed and developed in the valleys to the north and south of the downtown. We have narrow winding roads many with only one way in and out.

Your Plan envisions the housing of the future to be compact apartments instead of single family homes with a yard for children to play. Whatever makes you think this is the environment families wish to raise their children. My husband and I met, courted and married in New York City. We both enjoyed living there before we started a family, however it is not where we chose to live once we had children. How fortunate we were to have the where with all to start a successful business in the Bay Area and chose Lafayette as our ideal family friendly community.

Attached comments from April 22, 2013

Thank you for your consideration.

Sincerely,

*MBW Mathisen*  
3.6-988

April 22, 2013 comments ABAG/MTC meeting Walnut Creek Marriot

Byrne Mathisen, Lafayette resident 34 yrs. Currently VP Happy Valley Improvement Association and the HVIA rep. to the Lafayette Homeowners Council. The HVIA has been in existence for over 65 years representing the 1100 households north of the Lafayette BART Station.

We meet 9 times during a calendar year with an additional Annual Meeting to discuss issues of the day we send out Newsletter in advance of the Annual meeting.

One year we had the fire chief come and go over what we could do to make our area in the city of Lafayette safer. We are a neighborhood of older, narrow, winding roads in a hilly environment with few Ingress and egress points. What you could call a fire trap.

Actually all of Lafayette neighborhoods are within valleys; Acalanes Valley, Burton Valley, Reliez Valley and Happy Valley. All of which have the same constraints.

C237-3 Plan Bay Area will change our way of life, irreversibly. We vote for relatively minor changes to our life like a ¼ percent sales tax. Whether or not a vote is statutorily mandated, why on earth is this Plan of such magnitude not being presented to the citizens of the Bay Area for a vote?

The city of Lafayette has a General Plan (I served on the citizens advisory Committee) We also have a Downtown Specific Plan more than 5 years in the making I attended 80 % of the meeting. We have a second unit ordinance which I covered for our association and presented our Associations recommendations.

The city has a newsletter Vistas published four times a year. VISTAS are what we have all over our city. The residents put a very High value on these and wish to keep them.

C237-4 Given that the plan is so heavily dependent on housing units being built near BART why hasn't there been more analysis of the impact on the physical and emotional health of residents living so close to such high noise sources?

C237-5 Why has there been little analysis on the impact of high density will have on property values of surrounding properties?

C237-6 Why is there zero funding for more schools, police, and fire protection? How are these going to be paid for and why was funding for these critical elements of land-use and transportation planning not included in the plan?

C237-7 Plan Bay Area's premise suggests CEQA waivers for eligible projects, with reduced parking spot requirements for such projects. At a minimum, the automobile is a necessity of life for long trips outside the region and to enjoy the beauty of the Bay Area, and for transporting oversized and heavier items. How will this plan prevent or limit people from using their automobiles at all?

C237-8

Innumerable examples of vacant retail locations below residential facilities dot the map of the Bay Area and other locations. Why are there few studies of the performance of mixed-use residential/retail buildings?

C237-9

Since this plan impacts all 9 Bay Area Counties and all 101 cities of the Bay Area, why doesn't this plan include individual city-by-city and county-by-county economic and environmental impact analysis? Why doesn't the Plan Bay Area ratification process include a process whereby all cities submit their own economic and environmental impact analysis?

C237-10

Why isn't there a 3rd-party official audit process of the assumptions of Plan Bay Area's Impacts and of the economic & environmental analysis used in Plan Bay Area to ensure that all data & procedures were fair and unbiased?

C237-11

The Energy Information Agency's data shows that the United States energy-related impact on CO<sub>2</sub> inventories is approaching 1990 levels already without the implementation of Plan Bay Area and shows that CO<sub>2</sub> has been declining every year since AB32 passed except for 2010. Reasons cited include lower economic activity, the shift from coal to natural gas, and the adoption of improved efficiencies in automobile emissions standards.

C237-12

**The Plan does not include the expected impact of CAFE-2050 automobile standards on Greenhouse Gases. Why are these key data and premises not included in the analysis on whether or not Plan Bay Area is even required at this point?**

C237-13

I request that the Plan Bay Area be suspended until these key data be reviewed and included in the analysis.



**From:** Kevin M [REDACTED]  
**To:** "Info@OneBayArea.org" <info@onebayarea.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "krice@co.marin.ca.us" <krice@co.marin.ca.us>, "peklund@novato.org" <peklund@novato.org>  
**Date:** 5/16/2013 3:49 PM  
**Subject:** Plan Bay Area - Vote "No Plan"

Dear Honorable Officials,

**Vote No Plan or Six Month Extension**

C238-1 I urge all to vote "No Plan" or a six month extention to further review the long EIR documentation. I will breifly explain my reasoning below.

**Build Now, Worry Later**

We just came through a "housing boom" that nearly bankrupted the nation. Homes were built without reguard for having jobs to support the mortgages. The "Plan Bay Area" included projections of job growth to cover this obvious flaw in unplanned the "build out" of the nation.

C238-2 However, there is nothing in the "Plan Bay Area" to request a review of the local infrastructure when "Priority Development Areas" are submitted or housing quotas are agreed upon.

We all know if the area is overbuilt for the local infrastructure, it will be the tax payers who are on the hook for the infrastructure build out. In areas where adding infrastruture is inexpensive and resources are plentiful, there is little problem. In areas where resources are scares housing booms can turn into "ghost towns". Areas with abundant natures resources endure economic downturns. Areas with low resources or high costs turn into ghost towns during economic downturns.

Virginia City was once one of the largest cities in the west, but when the jobs went away, it never recovered. San Francisco has endured losing most of the shipping business to Oakland, however, San Francisco has endured due to the resouces in place and the ability to take on new businesses.

If all you have is a Hammer, everything looks like a NailPlan Bay Area is authored by a transportation group, an air quality group, and a water quality group. There is no group looking C238-3 into the infrastructure requirements for each city or county. Why are the "County Planners" not involved as a top level group? It takes more than housing and transportation to create a city or village. When submissions are made for "Priority Development Areas", there should be an C238-4 assessment of resources, the current excess capacity, how much will be used creating housing according to the "housing build out", and high level estimations of the cost to build out the infrastructure. We all know adding to the local infrastructure can vary greatly location to location. Take schools for example. If an area closed down schools, adding classrooms is easy. However, if an area has no additional classrooms and no land to build new classrooms, adding classrooms is extremely expensive.

C238-5 The following should be addressed in every submitted PDA. Assessments of capacity, needed capacity due to additional building, cost to expand for: Water, sewer treatment, sewer lines, solid waste, electric grid, gas pipes, schools, parks, police, fire and first aid.

It is important to know the capacity and the cost. Dubia has shown you can build a city in the desert if you have enough money. This country is currently borrowing trillions of dollars. We can't spend money like we have an oil well in the backyard.

C238-6 Water - "Historically, land use planning has been undertaken with little regard for the availability of water supplies" This is a quote out of the Marin 2007 County Plan. The need for water is not in "Plan Bay Area". The need for water is not evaluated in the PDA's. This is a huge lack of planning. We know if Marin over commits to building, the result will be having to add Desalination Plants, which are huge consumers of electricity. How is this a GHG friendly plan?

"You can have any color you want, as long as it is black" - Henry Ford

C238-7 Numerous time I have been told, "Don't worry we still have local control". If the "Plan Bay Area" has no impact, then why bother passing it? We will have local control; however, it will be after we make the required zoning changes and other changes. This reminds me of that famous Henry Ford quote. Sure will will have local control, but first we need to diminish our local control.

#### Sea Level Rise

C238-8 If you believe in Global Warming and Green House Gas issues, how can this plan not address sea level rise? The plan lists over 100 acres in Marin that are subject to "Liquification" and "Flooding". Add in Sea Level rise and I worry about the plan.

#### Green House Gas and Driving

C238-9 On average in Marin, accounting for round trips: 114,000 vehicles cross the Golden Gate Bridge. 72,000 vehicles cross the Richmond San Rafael Bridge. 38,000 vehicles cross into or out of Marin from Vallejo. 83,000 vehicles cross into or out of Marin from Sonoma. 192,000 vehicles pass the Civic Center in a day.

More vehicles pass into and out of Marin than the entire population. Assuming 1.5 people per vehicle, that is a huge number of people. Plan Bay Area's solution is to add the SMART train, with 156 seat trains leaving twice an hour. This truly is a "1% solution". Then add more people around the SMART stations, assuming they will only use the train. I feel this solution is much like the "Paperless Office" concept that used more paper than it saved.

#### Population and Job Projections

C238-10 I find the population and job projections far to the high side. Marin has been growing at the rate of 2-3% over the last 10 years. Most of the areas are built out. Many people are assuming "clean tech jobs" will add to the Marin economy. Having been laid off from a major tech firm in Marin twice, I can state, "If the same job can be done somewhere for cheaper labor, the job will go there." If the job is not tied to a local resource, it can vanish at the whim of accounting.

#### Additional Housing

C238-11 There is a need to add more housing. However, I don't want to do a reply of the Housing Boom where an area is "over built" without looking at the full picture and impact.

#### Summation

C238-12 Please vote "No Plan" until the plan requires adequate planning of proposed build out sites.

Thank you,  
Kevin Moore  
[REDACTED]

San Rafael, CA94903

Kevin

Holmes, James

May 10, 2013

Mr. Steve Hemminger, and  
Planning Staff  
One Bay Area Plan Comments  
Metropolitan Transportation Comm.  
101 8th St.,  
Oakland, CA 94607

RECEIVED  
MAY 13 2013  
MTC

SUBJECT: Comments on Plan Bay Area EIR and merits

Dear Mr. Heminger and MTC Planning Staff:

Please consider the following points regarding the proposed "Plan Bay Area" (Plan) and its EIR. As disclosure, I serve on two "Citizens' Advisory Committees" regarding the City of Larkspur's General Plan update and its Station Area Plan, but these comments are solely my own, and not presented on behalf of either CAC, or in any other official Larkspur capacity. Additionally, while the focus of these comments is unavoidably on concerns with the Plan, I acknowledge and appreciate the hard work and good intentions of MTC, ABAG and other regional agencies involved in developing the Plan, especially given arguably-unrealistic state legislative goals.

Many of these points are primarily directed to the project-merits, but I would ask that they inform the planners' thoughts on the scope and content of the EIR as well, to the extent possible. The points also focus mainly on the reasons that the Plan's proposed "densification" (to use a term which MTC staff used, when meeting with the Larkspur General Plan CAC) would appear to be especially unfair and unreasonable to Larkspur, where I live.

#### A. General

By now agency staff developing the Plan are very familiar with the general concerns often expressed regarding the Plan. Just three that seem especially pertinent are highlighted here before turning to the impact on Larkspur.

1. Much of the basis for the Plan's densification initiative as respects Marin appears to be the mistaken classification of Larkspur and other similar small Marin cities as urban rather than suburban. Clearly, a classification that fails to distinguish between Larkspur and Oakland or San Francisco is unreasonably overbroad, and fundamentally flawed. Please reconsider the classifications on which the Plan is premised, at least as regards suburban areas of Marin such as Larkspur.

C239-1

2. A significant portion of the proposed densification would appear to be in low-lying areas susceptible to rising water-levels, and thus potentially requiring levees in the foreseeable future. (In fact the Marin Independent Journal quoted you as saying to someone at a public meeting who questioned putting projects in harm's way: "I think we'll protect them.") The potential need for levees to protect projects from rising

C239-2

waters should raise a red flag. From New Orleans to Novato, levees have proved to be unreliable 'money pits,' liability tangles, and potential safety-hazards. I'd be pleased to share resource-materials on this issue. This aspect has tremendous environmental and fiscal implications. The EIR should specifically identify and discuss the extent and cost of levees to protect Plan-proposed development from rising waters.

3. Public policy should not disregard considerations of ethics and morality. The Plan, arguably, would rely on means of implementation which many might consider, candidly, to be somewhat morally-suspect -- money for cities that densify; none for those that don't. The carrot and the stick. Or, some might say, bribery and blackmail. Besides smacking of bullying, this "money talks" mode of implementation, especially coming at a time of great fiscal constraint for local communities, would effectively negate the requirement in the Plan's enabling legislation that the Plan not over-ride local land-use prerogatives.

Larkspur's experience regarding the Station Area Plan could be a case in point. Larkspur's Council and planners conscientiously sought a small grant of several thousand dollars for circulation planning in advance of the SMART station. However, regional agencies rejected that modest effort, requiring instead that Larkspur apply for and accept *several hundred thousand dollars* of agency funding for a *land-use* study (thus making 'the tail wag the dog'), which was guided by a consultant who was paid largely by regional-agency dollars and who produced a plan for up to 940 units in an already-congested area. The result of this process was thus something completely different than originally envisioned, but one which Larkspur officials, I surmise, believe they must accept if they ever want any more grant dollars for needed infrastructure improvements, in areas heavily affected by traffic from elsewhere in Marin.

#### B. Effect on Larkspur

The Plan is widely viewed as flawed because it neither considers the individual circumstances of cities nor provide a procedure to do so during implementation. Thus, its impact would be unfairly uneven and disproportionate. But its densification demands would appear to be especially unfair to Larkspur, for at least nine reasons, summarized below. Some may be familiar to you already; some are not unique to Larkspur; but taken together, they would make the Plan especially problematic for Larkspur.

1. No avoidable 'sprawl.' A key Plan purpose is to encourage compact development instead of suburban sprawl over farmland. Larkspur doesn't face that choice.

a. We are built-out. Thus, the Plan would force radical change to *existing* developed areas, rather than offer a reasonable alternative for *newly*-developed areas.

b. We are wedged between undevelopable marshes, and public open-space hills. This would make the squeeze especially tight.

2. Traffic-choked now. Larkspur's circulation is tightly and permanently constricted by the "iron triangle" of Highway 101, Sir Francis Drake Blvd., and Magnolia Ave. All are already traffic-choked. A Larkspur Landing PDA, which some predict that regional agencies desire, would be at *Marin's most-congested crossroads* -- and would likely make it worse.

3. Traffic "mitigations" inadequate. Densification advocates exhibit great optimism that increased traffic can be "mitigated," but the "mitigations" typically have serious flaws.

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- a. They are unrealistic, in their reliance on alternative modes of transportation -- "let them ride bikes" (shades of "let them eat cake"?).
- b. They are autocratic -- coerced 'behavior modification,' essentially. The Larkspur Station Area Plan consultants' own oft-used term, "mode-shift strategy," betrays what it entails -- forcing people to act differently, whether they like it or not, and whether it is practical for them or not.
- c. They are unfair -- 'pain compliance,' in effect; to make driving and parking even more expensive and unpleasant than it already is.

The EIR should realistically evaluate the efficacy and reasonableness of the proposed traffic mitigations, especially for situations where traffic is already often at or near capacity and added density would make a bad situation worse.

4. Land-use not in sync with transit. Different agencies and revenue-sources control them, at least in Marin. Marin's bus transit has withered -- especially for Larkspur -- despite continued development. Moreover, historically in urban development, housing followed transit (trolleys or roads). The Plan reverses that pattern, in Larkspur at least. It would densify first, then hope transit followed -- a huge gamble. A more likely result would be *both* more urbanization and more cars -- and lesser quality of life. (Sadly, some partisans debating the Plan trade claims of "crime" and "racism." But the real quality-of-life concerns are simply *congestion* and *urbanization* -- more buildings and people and vehicles, squeezed together, in stressful, un-suburban fashion, in spaces never intended to hold so many.)

I'd also add that the "support transit" policy which underlies densification is debateable, especially in Marin. First, this policy seems to reflect reversed priorities: Transit should serve the public, not vice versa. Second, of specific concern in Marin, we *already* support transit, with hefty taxes for SMART and local transit. Voters were never told that in addition to the tax, SMART would require extensive high-density development. The after-the-fact revelation of this additional requirement raises questions of fairness and procedural transparency.

5. SMART's timing not in sync with Plan. Densification now at Larkspur Landing is urged, but SMART will not come to Larkspur for years, if ever. And if it ever came, many CAC members and others predict that the gap between station and ferry terminal will greatly reduce its use. Thus, the Landing's purported status as a "transit corridor" and its suitability for dense "transit-centered development" could be speculative, if not chimerical.

6. Key objective unrealistic. The Plan also aims to reduce commuting, especially by service-workers. (The "Downton Abbey" approach -- have them live on the premises.) While this concept seems appealing, especially regarding an affluent area, reality raises obstacles.

- a. Larkspur's high real-estate prices make substantial amounts of truly "affordable" housing mostly infeasible, unfortunately. Even-higher "bonus" densities, which developers want as "incentives," would be needed in order to make cheaper units profitable. And nonprofit-built housing contributes less to the tax base.
- b. Service workers will continue to commute from elsewhere as long as they can get better housing deals elsewhere.

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c. To work on a large scale, the Downton Abbey approach to reduced driving requires SF or East Bay-style density, where people can get to almost everything by walking or transit.

7. Infrastructure inadequate, costly. Larkspur's infrastructure and layout date mostly from the 1890s to mid-20th Century. New infrastructure for high-density development is unaffordable -- especially when combined with the cost of other needed repairs. Just fixing our roads -- Marin's worst -- will cost \$20M, a consultant reports. Our century-old City Hall needs retrofitting, to stave off collapse in an earthquake. High density at Larkspur Landing would cost another \$20M in infrastructure, a Station Area Plan consultant reports. We can't afford it all. Moreover, the school districts also repeatedly seek revenue to expand outgrown space, because our schools are already as jammed as our roads.

8. Larkspur didn't cause the problem. To Larkspur's credit, it never pursued "revenue planning" -- policies that caused jobs-housing imbalance, by favoring commercial development to boost revenues, while discouraging housing.

9. Larkspur "already gave." It authorized suburban high-density housing long before doing so became 'fashionable': high-density apartments (Greenbrae, 1950-60s; Skylark, 1960s, Tamalpais, 1960s); high-density mixed-use master plan (Larkspur Landing, 1970s-80s). Some might say we should get a 'break.'

The Plan's apparent densification designs on Larkspur Landing seem especially ironic, because they effectively penalize Larkspur for having already done what densifiers desire. When Larkspur Landing was laid out as an entirely-new neighborhood, in the 1970s, on largely-vacant land (previously noted primarily as the site of the last scene in *Dirty Harry*), it was a rare, almost visionary master plan with an integrated balance of office, retail, hotel, and high-density housing. But instead of now giving Larkspur credit and a pass for arriving early, densifiers demand, "more, more!" Yet if Larkspur had originally implemented standard suburban low and medium densities at the Landing, probably the Plan's ultimate effect would be to make the area look the way it does now. Because the Landing is already dense, the bar is being raised higher still -- to almost urban-style density, not suburban-style density with ample spacing between buildings, generous parking, and extensive greenery. In short, the Plan's effect would sadly seem to bear out the old saying, "no good deed goes unpunished."

Thank you for considering these comments. Please make every effort to ensure that the Plan EIR considers carefully all legally-cognizable life-quality issues, and avoids 'rosy scenarios,' result-oriented analyses, and what sometimes seems to be cultural bias against suburbia. A comprehensive and careful EIR, hopefully followed by thoughtful reconsideration of densification designs for old suburbs like Larkspur, will be especially productive because, to this longtime observer, the current upwelling of resistance to the Plan's potentially over-reaching aspects resembles nothing so much as the wave of citizen opposition which washed away the plans for massive, dense development of the Headlands and West Marin in the 1960s, along with their promoters and proponents.

C239-8

Sincerely,



James W. Holmes

Larkspur, CA 94939-1912

**FROM: Debra England**

Sent via info@onebayarea.org

5/16/2013 1:33:25 PM

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## **COMMENT: Draft Plan Bay Area**

### **My Note: The Way to Boil a Frog**

The Draft Plan Bay Area reads unlike any US government document I have ever seen. The words *Orwellian, Kafkaesque* and *bizarre* repeatedly came to mind as I waded through the report. It has much in common with government communiqués published by the former Soviet Union, Maoist China, and other Statist or totalitarian enterprises. *It is an authoritarian/statist document that empowers radical environmentalism & social justice through legislative/regulatory targets and goals, which will:*

- *Radically transform the development of the region*
- *Undermine our republican political heritage, and*
- *Ensure the progressive diminution of individual civil liberties & free market economic vitality*

*It works to achieve this while proclaiming to do the opposite.*

To the legislatively mandated goals of SB 375 (outlined below), the authors of Draft Plan Bay Area zealously add additional “voluntary” targets and accompanying performance metrics based on marxist-derived concepts of social justice (which, they note, enhances “**Plan Bay Area’s objective to advance equity in the region.**”)

Most un-bureaucratically, the authors explicitly reference how they “tackled this assignment with enthusiasm”, and applaud themselves for their own “open, inclusive attitude” and their “commitment to analytical rigor.” Tactically, this is propaganda; but it is also the unmitigated glee of the beneficiaries of a statist power grab that, they understand clearly, furthers their own political agenda.

“Equity”, for example – the socially engineered redistribution of Bay Area citizens’ wealth and resources to achieve equalitarian leveling through the coercive power of the State – is understood to be an indisputable social good and merely presented as a given. Your permission, as the hardworking taxpayer who must fund all of this, is not at issue. *They kindly “outreached” and allowed a minuscule handful of you to offer “input” via carefully stage-managed political theatre events and now your role is simply to pony up. They drive this process; they have legislative & regulatory power (or are aligned with them in public-private partnerships), and your role as democratic window-dressing is now fulfilled.*

In this way, swathed in Mom-&-Apple-Pie verbiage of “economic efficiency”, “future growth” and “equity”, *Draft Plan Bay Area quietly introduces at a regional level the fundamental transformation the current federal administration works to achieve at a national level.*

If this Draft Plan Bay Area is read superficially, as intended, one barely feels the knife as it slips in.

## **Making Sense of a Highly-Crafted Piece of Propaganda**

Our Founding Fathers designed a *model of competing interests* to ensure no group (particularly no majority faction or coalition) could dominate consistently within a *divided governance structure of checks and balances*.

The elite planner model of the Draft Plan Bay Area, **by contrast**, repeatedly stresses *cooperation, collaboration & consensus* regarding their *planning processes employed to reach legislatively pre-determined outcomes (both statutory and regulatory)*. Orwellian language is used throughout the document to obscure the coercive and totalitarian collectivist nature of what is essentially a power-grab by Statist social engineers.

This plays out in Soviet-style (or Maoist-style, if you prefer) political theatre stressing **community “participation” – a meaningless fiction that provides a diversionary fig leaf to manipulate compliance while moving towards pre-determined & pre-ordained ends**. In the Draft Plan Bay Area socially-engineered outcomes replace the rough & tumble of competing interests & electoral politics – and its inconvenient accountability to voters – substituting, instead, **carefully choreographed political theatre of stakeholder “outreach” & “public participation”**. This begs the question:

- When did “outreach” by unelected bureaucrats, regulators and NGOs become the mechanism by which free Americans govern themselves?
- By what authority do these extra-Constitutional “regional authorities” embodied in regional Councils of Government (COGs) play any role at all?
- Have we chosen to cede our rights as citizens to these unaccountable overseers?

Nowhere amidst the enthusiastic references to a process of “participation”, “collaboration” & “consensus” is there any reference to “voting” or “referenda” by the taxpaying citizens & private property owners (pursuing legitimately diverse private interests) on whose ostensible behalf all this mandatory governmental planning is taking place. **Thus shielded by effusive feel-good rhetoric of harmonious diversity & selflessly omniscient 30-year plans, governance power is quietly transferred from independent citizens to Statist bureaucrats & planners and their allies.**

## **The Legal & Regulatory Foundation of Draft Plan Bay Area: Global Warming Legislation**

Draft Plan Bay Area, and the processes and authority behind it, is based upon and empowered by CA Senate Bill 375. It is therefore crucial to understand this piece of legislation (which is presented only briefly on page 3 of the Plan.) Given that global climate has remained flat for the past 15 years during which time carbon dioxide emissions have increased, it is evident that the massive government intrusion on personal autonomy, civil liberties, private property rights & economic freedom which Draft Plan Bay Area represents is driven by legislation based on dubious (possibly fraudulent) science. **On this shaky foundation rests a wholesale shift to institutionalized central planning by unaccountable California government bureaucrats & rapidly emerging “regional authorities” (and their legislative, elected & non-profit allies) with enforcement powers.** The US Constitution & Bill of Rights appear to crumble before radical-environmentalism-by-legislative-fiat attacking the twin American traditions of individual liberty & free market economics.

## California Senate Bill 375

CA SB 375 was signed into law on September 30, 2008 by Republican Governor Arnold Schwarzenegger. The Bill implements a portion of the Global Warming Solutions Act of 2006 (CA Assembly Bill 32):

- AB 32 requires **the reduction of greenhouse gas emissions to 1990 levels by 2020**
  - *Note the central-planning-style diktat, as well as the likely resultant contraction of economic activity – despite deceptive verbiage in Draft Plan Bay Area that ensures this is intended to promote economic growth & governance efficiency.*

SB 375 has 3 major components:

1. Uses the existing regional transportation planning process to achieve reductions in greenhouse gas emissions consistent with AB 32's goals
2. Has a built-in “carrot & stick” approach offering California Environmental Quality Act financial incentives (e.g. waivers, funding, etc.) to create local planning alignment & to ensure projects that do not work to achieve state-mandated goals find it difficult to get funding
3. Marries the regional housing needs allocation process with the regional transportation process, working to achieve full alignment with mandated State targets – or risk funding – while maintaining the (largely hollow) rhetoric of “local authority over land use decisions”

CA SB 375:

- Mandates the reduction of greenhouse gas emissions by:
  1. **Directing general federal transportation funds to projects that reduce the number of vehicle miles traveled per person**
  2. **Assigning specific greenhouse gas reduction targets for each of the 18 designated CA Metropolitan Areas for the years 2020 & 2035**
    - The legislation appoints the *un-elected* California Air Resources Board to determine these mandatory regional targets (see CA Govt. Code § 65080 etc.)
      - The Bay Area's mandated goal for 2020: 7% reduction in miles driven per person
      - The Bay Area's mandated goal for 2035: 15% reduction in miles driven per person
    - *Note again the central planning diktat encroaching upon individual liberty and economic freedom of action*
- Ties *regional transportation planning* to *land-use planning* specifically to achieve mandated:
  - Reduction in the number of vehicle miles traveled per person via
    - Reduction in greenhouse gas emissions from automobiles and light trucks

## SB 375: The Basics

SB 375 synchronizes the Regional Housing Need Allocation Process (adopted in the 1980s) with the Regional Transportation Planning Process.

According to Bay Area transportation officials:

- “**SB 375 puts climate protection at the center of land use** and environmental planning in California, combining **accountability for climate impacts of planning decisions** with incentives to build and grow in climate-friendly ways.”
- “**The new law fights global warming** by providing the guidelines for California cities to curb urban sprawl and build communities around transit stations like BART.”
  - *Translation: Personal liberty, economic freedom and local self-governance are being legislated away based on spurious, possibly fake, highly politicized science*
- Transportation accounts for 50% of the Bay Area greenhouse gas emissions
- Studies show people who live in “transit villages” drive 50% less than those who live farther out
- Thus, the most efficient way to reduce greenhouse gas emission is to get people out of their cars

*NB: [The most recent research](#) shows that global temperatures have not risen since 1995 during which time global carbon dioxide has risen measurably, undercutting the global warming rationale for AB 32 & SB 375. Even while defending the Manmade Global Warming theories, advocates must concede:*

- “The mismatch between rising greenhouse-gas emissions and not-rising temperatures is among the biggest puzzles in climate science just now.” ([The Economist](#), 3/30/2013)

To achieve its mandated goals, SB 375 utilizes the current Metropolitan Planning Organization (MPO) system already in place throughout the state.

- An MPO is a transportation policy-making agency made up of representatives from local government
  - *Note that in Draft Plan Bay Area, SB 375 is referred to as “bottom-up”, and that MPOs engage in “policy-making” controlled by independent “local government officials”*
  - *This is intentionally deceptive, manipulative use of language that obscures the command & control, top-down nature of SB 375. Independent local decision-making that is not in full alignment with SB 375 results in non-funding.*
  - ***There is no meaningful independent “policy making” authority where policy goals & targets – as well as funding – are pre-determined from above. Consistent with the duplicitous verbiage intended to camouflage this fact, local “policy makers” are able to “contribute” and “participate” only in the “bottom up” process of aligning their local plans to meet the demands of bureaucrat planners.***
    - *SB 375 says to local governments, in effect: “You may have any color of phone you like -- so long as it is black.”*
- The MPO exists to ensure that expenditures of federal transportation funds are distributed to local agencies based on a “continuing, cooperative and comprehensive planning process”. In other words, alignment with stated targets is required by the statute in order to receive funding.
  - *Note the coercive punitive power of State funding that will be used to deny funds to regions that display independence from central planning*
- Each MPO is required to meet its emission reduction target by developing a:
  - Regional Sustainable Communities Strategy
    - High-density, mixed-use commercial & residential developments located close to transit corridors
    - *There is nothing inherently wrong with such development but note that little else can be developed if State-mandated reductions in greenhouse gas emissions & vehicle miles per person are to be achieved over the next 25 years*
  - Regional Growth Plan
  - Regional Transportation Plan
    - Designed to reduce vehicle miles traveled per person

- Required to meet federal & state mandates in order to receive transportation funding
- Note the Statist creation of regional entities that have no precedence or voter base. Note also that SB 375 empowers politicians, bureaucrats & planners to deny local citizens federal transportation funds if locally preferred transportation projects are inconsistent with the Regional Sustainable Communities Strategy & its State-mandated goals.
- To entice local submission to the goals of SB 375 (i.e. sufficient density & proximity to transit corridors) local transportation projects may be prioritized to receive funding if they can achieve designated “Transit Priority Project” status. This requires local projects to meet the following criteria:
  - Minimum 50% of square footage must be designated for residential use
  - Minimum 20 units per acre
  - Located within a half-mile of a major transit stop or a high quality transit corridor
  - The floor/area ratio must be no less than .75
- Note that if the local Transit Priority Project meets all the above criteria and is consistent with the Regional Sustainable Communities Strategy, the powers that be may bestow Statist benefits:
  - Prioritize it to receive funding, and
  - Waive or reduce CA Environmental Quality Act requirements

## **DRAFT PLAN BAY AREA: The Basics**

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have driven the development of this Plan for the Bay Area. The pre-determined mandated statutory & regulatory targets were in place before the multi-year planning process, thus reducing public “input”, “collaboration” and “participation” to contributing to the deceptive fiction that this was somehow a “bottom up” exercise in independent self-determination & self-governance. **But the outcomes are fixed from the start – and the government carrot & stick compel alignment: the legal and regulatory framework ties funding to the development of high-density housing & commercial activity clustered around public transit corridors** well within existing developed areas, leaving the remaining land to be “open space” or “agricultural” land.

### **The “implementing framework” for Plan Bay Area consists of:**

1. **Priority Development Areas (PDAs):**
  - “Areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit”
2. **Priority Conservation Areas (PCAs):**
  - “Regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure”

Unsurprisingly, Plan Bay Area tells us that as a result of extensive public “outreach” and “input”, we the people have expressed a cooperative and consensual preference for a Land Use Pattern manifested through a Jobs-Housing Connection Strategy that:

- Directs 80% of new housing & 66% of new jobs inside Priority Development Areas (PDAs)
- Limits growth outside the region’s core (i.e. we desire no new growth or development beyond existing developed areas – no new housing or businesses)
- Preserves natural resources and open space
- Reduces greenhouse gas emissions

It may be noted how well this converges upon AB 32 & SB 375 goals as well as Agenda 21/ICLEI plans and objectives, the Sustainability movement, and radical environmentalism in general. All of this is based on the purported need to radically diminish personal liberties to address global warming in the coming 25 years, despite the fact that emerging science increasingly discredits this politicized agenda-driven concept which – like radical environmentalism in general – is internationally wielded as a tool to hamper free-market capitalism.

Personal liberty, the ability to purchase/develop/dispose of private property, free-market economic activity & responsiveness to identified needs, and local citizen sovereignty etc. are all highly constrained for the common good in the world of Plan Bay Area. This is the direct result of central planning more redolent of the FSU than traditional American governing frameworks.

**In reality, much of what is planned and projected out 3 decades into the future here would be much better served by reducing government regulation & intervention to allow a flexible, unimpeded free market to respond privately to clear social need (e.g. for housing stock at various price points, etc.) But nowhere in this Plan, which is the culmination of a multi-year region-wide planning process, is the creative & entrepreneurial private free-market – which characterizes the dynamic history & wealth creation of the Bay Area – ever suggested as a potential solution to future Californian social needs or legislated goals.**

Some of the stated Plan objectives might be readily embraced by citizens of all political outlooks (e.g. diminution of industrial particulates, or promotion of efficient public transport, and pedestrian-friendly areas are arguably desirable concepts citizens of a free society might to choose to pursue) **but it is the coercive, socially-engineered, centrally planned and authoritarian processes that are deeply troubling. Traditional private property rights – one of the most crucial underlying foundations of our republic, critical to the promotion of individual liberty & freedom from tyranny – virtually disappear for vast numbers of people under Plan Bay Area’s dystopian vision of the future.**

Equally troubling, is the obvious importation of manipulative propaganda techniques familiar to anyone who has studied the Orwellian communication styles of totalitarian societies:

- Based in deception, linguistic framing is employed to influence and direct thought
- Language is used throughout where reality is actually the opposite of what is stated
- Language is not used to extend, but to diminish the readers’ ability to understand, discern or analyze the true strategic objectives
- The plan is peppered with moral language designed to induce agreement even as personal choice is being restricted and channeled through central planning

**How does one argue against “collaboration and consensus” without sounding like the Grinch who stole Christmas? And yet it is the competitive process of virtuous private citizens pursuing their own self-interest with the personal liberty to do so that is precisely the system that has protected our freedoms and civil liberties, and maintained our system of self-governance so effectively for more than two centuries.**

**America is a Republic – one with intentionally and constitutionally limited powers granted to government.** Manipulative appeals to sentiment, ostensibly charitable “compassion”, moral sanctimony and/or strongly-held collectivist ideals do not over-ride this. Most troubling of all is the fact that this entire process is predicated upon extra-constitutional entities of “regional governance” that have empowered bureaucrat planners at the expense of citizens and our republican form of government. How did ABAG & MTC – and the myriad regional Councils of Government (COGs) nationwide – take unaccountable ownership of our rights of self-governance?

Many of the goals, processes, and techniques embodied in the Draft Plan Bay Area appear to obscure fairly “un-American” agendas appearing more socialist, trans-nationalist, anti-capitalist, anti-private property, and anti-civil rights. **Despite the pretty language, this is an old Progressive model that offers linguistic window-dressing to obscure a well-managed process with a pre-determined outcome and an inverted governance model: Our governing, legislative and regulatory bodies in SB 375 and Plan Bay Area do not exist primarily to serve us, rather we exist to serve (and finance) the government, its elite planners and their social engineering agenda.**

| PLAN BAY AREA PERFORMANCE TARGETS                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GOAL/OUTCOME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ADOPTED TARGET                                                                                                                                                                                                                                                                                                                         | PROJECTED ACHIEVEMENT                                                                                                                                            |
| <b>Required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |
| 1) Climate Protection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Per SB 375: Reduce CO2 emissions from cars/light trucks by 15% per-capita by 2035                                                                                                                                                                                                                                                      | Plan exceeds target. 40% reduction by 2040                                                                                                                       |
| 2) Adequate Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Per SB 375: House 100% of projected population, by income level, w/o displacing low-income residents                                                                                                                                                                                                                                   | Plan meets target                                                                                                                                                |
| <b>Voluntary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |
| 3) Health & Safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reduce premature deaths from exposure to particulate emissions: <ul style="list-style-type: none"> <li>• 3A: By a 10% reduction in fine particulates (PM2.5)</li> <li>• 3B: By a 30% reduction in coarse particulates (PM10)</li> <li>• 3C: Achieve greater reductions in highly impacted areas</li> </ul>                             | <ul style="list-style-type: none"> <li>• 3A Exceeds target (71%)</li> <li>• 3B Won't meet target (17%)</li> <li>• 3C Meets target</li> </ul>                     |
| 4) Health & Safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Reduce collision injuries/fatalities (cars, bikes, pedestrians) by 50%                                                                                                                                                                                                                                                                 | Projected 18% increase                                                                                                                                           |
| 5) Health & Safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Increase avg per person daily walking/biking transportation time by 70% (= avg 15 minutes per person per day)                                                                                                                                                                                                                          | Projected 17% increase                                                                                                                                           |
| 6) Open Space & Agricultural Preservation                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Contain all non-agricultural development within existing urban boundaries for the next 28 years (using 2010 as baseline)                                                                                                                                                                                                               | Plan meets target                                                                                                                                                |
| 7) Equitable Access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Decrease avg % of income devoted to housing/transportation among low/lower-middle income HHs (to 56% from 66%)                                                                                                                                                                                                                         | Avg expected to rise to 69% for target population                                                                                                                |
| 8) Economic Vitality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Increase Gross Regional Product (GRP) by 110%                                                                                                                                                                                                                                                                                          | 119% GRP projected by 2035                                                                                                                                       |
| 9) Transportation System Effectiveness                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>• Decrease per capita vehicle miles by 10%</li> <li>• Increase per capita non-vehicle travel (to 26% from 16%)</li> </ul>                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Projected 9% decrease</li> <li>• Projected increase to 20%</li> </ul>                                                   |
| 10) Transportation System Effectiveness                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Maintain existing transport system in good repair: <ul style="list-style-type: none"> <li>• 10A: Increase road Pavement Condition Index (PCI) to 75</li> <li>• 10B: Decrease distressed state highway lane-miles to less than 10% of total lane-miles</li> <li>• 10C: Reduce share of post-useful-life transit assets to 0%</li> </ul> | <ul style="list-style-type: none"> <li>• 10A: Projected PCI of 68</li> <li>• 10B: Projected rise to 44% by 2040</li> <li>• 10C: Projected rise to 24%</li> </ul> |
| NB: MTC & ABAG pro-actively further invented “Equity Measures” targeting “communities of concern”.<br>The Planners noted: “Indeed, a commitment to achieving equity in the long-range planning process is a key element of the Plan.” TRANSLATION: Above & beyond SB 375, our political agenda -- to socially engineer the achievement of our definition of equalitarian Social Justice through redistribution of the private & public wealth & resources of Bay Area citizens -- is a key element of the Plan |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |
| 11) Housing & Transportation Affordability                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | % of income spent on housing & transportation by low-income HHs                                                                                                                                                                                                                                                                        | No significant change projected on any of these metrics (see Draft Plan Bay Area p. 109 for details)                                                             |
| 12) Potential for Displacement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | % of rent-burdened HHs in high-growth areas                                                                                                                                                                                                                                                                                            |                                                                                                                                                                  |
| 13) Healthy Communities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Avg daily vehicle miles traveled per populated square mile within 1,000 feet of heavily used roadways                                                                                                                                                                                                                                  |                                                                                                                                                                  |
| 14) Access to Jobs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Avg commute travel time (in minutes)                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                  |
| 15) Equitable Mobility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Avg non-work travel time (in minutes)                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |
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## **DRAFT PLAN BAY AREA: Tactical Approaches to Larger Strategic Goals**

Legislation such as SB 375 & AB 32, together with State-issued regulations mandating specific performance targets, appear to be harnessed by the State/Regional/Local planners to:

- **Direct massive wealth redistribution *without accountability* to the taxpaying citizens at the local/state/federal levels who must fund their schemes**
- **Push for changes to the California State Constitution to ensure *permanent* (and thus unaccountable to taxpayers) ongoing funding**
- Undermine the sovereignty, personal liberty & self-determination of free citizens
- Erode private property rights & free-markets
- Over-ride traditional citizen-empowered republican model of representative self-governance
- Transfer power:
  - From bottom-up to top-down
  - Away from increasingly dis-empowered private citizens/taxpayers/voters
  - Toward increasingly empowered State/unaccountable bureaucrats/elite planners
  - Inverting the alignment of government with the interests of citizens to the alignment of citizens with the interests of The State
- Oversee the expanding process of turning Citizens into Subjects (of the State)
- Bring to bear the coercive & punitive powers of the State apparatus to pre-determine, dictate and prosecute the acceptable range of human choices & behaviors:
  - Across a Planner-defined set of Performance Metrics
  - In the areas of:
    - Land Use
    - Transportation
    - Housing
    - Economic growth and/or contraction
    - “Equity” (i.e. redistribution of wealth & resources to achieve equalitarian leveling)
    - “Environmental Justice” & “Sustainability”
    - Global Warming

**From:** [Carolyn Lenert](#)  
**To:** [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)  
**Subject:** Plan Bay Area  
**Date:** Thursday, June 13, 2013 10:52:28 AM

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June 13, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

My name is Stephen Nestel.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related

plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to

maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential

effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions. The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure. There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

#### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Stephen Nestel  
[REDACTED]

San Rafael, CA 94903  
Marinwood Resident

I, Carolyn Lenert, support and adopt the aforementioned letter:

Signature \_/s/ Carolyn S. Lenert\_\_\_\_\_

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